

**MINUTES of the Planning Committee of Melksham Without Parish Council held on Monday 13<sup>th</sup> March 2017 at United Church, High Street, Melksham 7.00 p.m.**

**Present:** Cllrs. Richard Wood (Council Chair), Alan Baines, Rolf Brindle, Gregory Coombes, Mike Sankey and Paul Carter.

**Officers:** Teresa Strange (Clerk), Jo Eccleston (Parish Officer) and Marianne Rossi (Apprentice Parish Officer).

Cllrs. Terry Chivers as an observer.

390/16 **Apologies:** John Glover (Council Vice-Chair) as he was on holiday

**Housekeeping:** Cllr. Wood welcomed all to the meeting and explained the evacuation procedure in the event of a fire and the procedure for public participation.

391/16 **Declarations of Interest:** Cllr. Wood declared an interest in agenda items 5b and 5m as a resident of Semington Road, and Cllr. Carter declared an interest in agenda item 5b as a resident of the Mobile Home Park.

*The Council agreed to suspend standing orders for a period of public participation.*

392/16 **Public Participation:** There were 22 members of the public present who wished to comment on the following:

**1. 17/01096/REM– Land North of Sandridge Common, Melksham, Wiltshire,**

**SN12 7JR:** Reserved matters approval for the development of 100 dwellings with associated access, infrastructure, parking, landscaping and local area of play.

Applicant: Barratt Bristol Ltd.

Residents were unhappy for the following reasons:

- They had understood that all properties to the western side of the boundary, that abutted existing residential properties would be bungalows, as such they felt that the developers had not met the conditions of the approved outline application (15/12454/OUT) with regard to the height of the proposed dwellings.
- Plot 1 on the plans show a two storey dwelling abutting Burniston Close. The Decision Notice states that all the proposed dwellings on the western boundary should be garden to garden. They therefore felt that this dwelling should be a bungalow and that the orientation should be amended.
- Residents of Lansdown Close were still very unhappy over the proposal to create a pedestrian link from the new development to Lansdown Close and had concerns that this would lead to visitors of the new development parking in Lansdown Close. They stated that a section of the land for this footpath link did not belong to either the developer or Wiltshire Council and that it in fact belonged to the residents of Lansdown Close. They were pursuing this land ownership with Wiltshire Council.
- They had concerns that all the proposed dwellings on the western boundary were affordable units and felt that these units should be more evenly spread over the site.
- Plot 1 on the road frontage of Sandridge Road shows the gable end looking over the adjacent bungalows. A resident felt that this was a design fault and that it would be much better to have a hipped end facing towards the town, to

take the weight of a brick wall away from the bungalows and also to improve the view leaving town. This should be a similar design and aspect to that of plot 100 on the east end of the development.

- A resident of Lansdown Close had concerns that the plans were not accurate as they did not show an extension to his property and he felt that his privacy would be affected by this proposal.

**2. 17/01095/OUT– Land West of Semington Road, Melksham, Wiltshire:** Outline planning application for residential development- formation of access and associated works. Applicant: Terra Strategic.

Residents were opposed to this application for the following reasons:

- A resident of Townsend farm reported that the Semington Road roundabout was gridlocked from 8.00am every morning. She considered that the current layout would not be able to cope with the additional traffic created by this development, which could potentially be up to 360 vehicles.
- A resident queried the accuracy of the plans as his property which is adjacent to the site was not shown.

**3. 17/00892/OUT– Church Farm House, Bath Road, Shaw, SN12 8EF:** Outline Application for residential development (9 dwellings). Applicant: Mr Tim Wiltshire. Residents were opposed to this application for the following reasons:

- Concerns over the increased traffic that this development will create and the development's proximity to the junction and traffic lights, especially at peak times when this road is very busy.
- The proximity of this development to the adjacent listed building. Although the proposal indicates that the listed building will be screened from the development, there is no screening from the road (A365).
- This proposal is outside of the village settlement limit.
- The section of A365 adjacent to the site is prone to flooding, and therefore any increase in hardstanding will exacerbate this issue.
- Residents supported the objections that had been submitted to Wiltshire Council by CAWS (Community Action: Whitley & Shaw).

**4. Planning Enforcement - Proposed hedgerow to rear of Snarlton Lane:**

Residents were extremely frustrated that Brookbanks Consulting Ltd. had instructed contractors to weed spray along the rear of properties in Snarlton Lane in preparation for hedge planting, which they did not want, killing the grass that residents had recently seeded. A resident stated that Brookbanks Consulting Ltd. were working to an old plan, which did not take account of the school fence and the new footpath from Ingram Road. She was unhappy that the developers had accused some residents of land grabbing to the rear of their properties, when in fact they had deeds of purchase from the farmer which had not been passed between solicitors when the consortium of developers had purchased the land from the farmer. Residents felt that any hedge planting should be along the school fence line, which would help to protect a newly planted hedge and also act as noise attenuation from the school playground. The residents felt that Brookbanks Consulting Ltd. and Wiltshire Council were both passing the issue backwards and forwards to each other and someone needed to make a decision in order that the issue could be resolved.

Wiltshire Councillor Roy While gave his views on the Semington Road application (17/01095/OUT). He reported that he had spoken to the Planning Officer and that this application did not accord with the Core Strategy, the village limits or the emerging Neighbourhood Plan. He stated that he agreed with the residents'

concerns and felt that it was an inappropriate site for development that he did not support. He advised that this application would be considered by the Western Area Planning Committee, and that residents should register their objections with Wiltshire Council and attend this meeting.

*The Council re-convened.*

393/16 **Planning Applications:** The Council considered the following applications and made the following comments:

a) **17/01096/REM– Land North of Sandridge Common, Melksham, Wiltshire, SN12 7JR:** Reserved matters approval for the development of 100 dwellings with associated access, infrastructure, parking, landscaping and local area of play. Applicant: Barratt Bristol Ltd.

The Committee noted that residents of Lansdown Close were unhappy about the proposed linking footpath, and the comments made by the Parish Council on 2<sup>nd</sup> February 2016, on the outline application, 15/12454/OUT, supported those views. However, it was now acknowledged that the connecting footpath was a requirement from the NPPF (National Planning Policy Framework) to ensure that new developments were not isolated communities. The Committee additionally noted that the Planning Officer's report on the outline application had recommended bungalows along the western boundary of the site, however, the Decision Notice, the legal planning consent to which the developers are required to adhere to, stated that dwellings to the western boundary should be garden to garden and no higher than 3 storey. **Comments:** *The Council do not object and welcome the crossing and central pedestrian refuge on the A3102. They do, however, have concerns with regard to the orientation and position of plot number 1, a 4 bed "Radleigh" design property, which does not comply with the outline planning decision notice.*

*Condition 6 of the decision notice for the outline planning application, 15/12454/OUT, dated 15<sup>th</sup> July, 2016 requires the following:*

- "To the western boundary development shall be garden to garden."

*Additionally, the council would like to see a mix of affordable housing within the development as they have concerns that the plans indicate that the affordable housing is in a concentrated area, particularly on the western and northern boundaries of the site.*

b) **17/01095/OUT– Land West of Semington Road, Melksham, Wiltshire:** Outline planning application for residential development- formation of access and associated works. Applicant: Terra Strategic.

**Comments:** *The Council OBJECTS for the following reasons:*

- *The proposal is outside of the settlement boundaries for both the village of Berryfield and Melksham Town, and as such would be development in the open countryside which would erode the rural buffer between these two settlements.*
- *This is an inappropriate site for development and could possibly prejudice some of the enabling development required for the Wilts and Berks Canal Link.*
- *The proposed site entrance is very close to the entrance to the Mobile Home Park, and that in addition to the road calming measures already in place this could lead to congestion and traffic issues, especially on the Semington*

Road roundabout on the A350. The A350 is a primary route with 20,000 vehicles a day using it.

- The site was considered to be inaccessible from Town, and there were concerns over how children would get to school, either Aloeric Primary School, St. Georges Primary School, any new school forming part of the Pathfinder Way application or Melksham Oak Secondary School.

Should Wiltshire Council be minded to approve this application the Parish Council would like to see the following conditions included in the Heads of Terms for the S106 Agreement:

- The development is tenant blind.
- There are practical art contributions.
- Seats and bins are put into the LEAP (Local Equipped Area of Play) and the POS (Public Open Space) and the regular emptying of bins to be reflected in any future maintenance contribution.
- The Parish Council wish to be the nominated party for the equipped play area indicated to be a LEAP on the plans, and the associated maintenance contribution.
- Bus shelters to be provided in Semington Road.
- The road layout is such that there are no dead ends in order that residents and refuse lorries do not need to reverse out of roads.
- There is a visible delineation between the pavement and the road.
- As no community facility is being provided from this application, that a contribution is made towards the new village hall being provided as part of planning application 16/00497/OUT.
- A contribution is made to public transport.

- c) **17/00892/OUT– Church Farm House, Bath Road, Shaw, SN12 8EF:** Outline Application for residential development (9 dwellings). Applicant: Mr Tim Wiltshire. It was noted that a proposal for this site had been put forward some years ago and that it was refused on highways issues as vehicles turning right into the site would block the carriage way.

**Comments:** The Council OBJECTS on the following grounds:

- The proposal is outside of the settlement boundary of the village of Shaw.
- Surface water drainage is known to be very poor in this area with the highway prone to flooding at the proposed site access.
- The site access is considered to be dangerous and inadequate as it is so close to the three-way traffic lights at the junction of the B3353 with the A365 at the bottom of Shaw Hill. The Council consider that traffic approaching from an easterly direction from either of these roads would and should not be able to wait to turn right into the proposed site access as the impact on traffic at this junction and set of traffic lights would be too great.

The Council agreed to bring agenda item 8b forward for discussion.

- 394/16 **Planning Enforcement - Proposed hedgerow to rear of Snarlton Lane:** The Clerk reported that she had had lots of correspondence from residents about the planting of a hedgerow directly to the rear of properties in Snarlton Lane, which they did not want. The planting of this hedgerow was a condition from the original planning application obligations from the East of Melksham Development, to which the developers are bound to legally. It was acknowledged that since the original plans

were drawn up, Forest and Sandridge school had been built to bigger specifications on a larger footprint and a connecting footpath to Ingram Road had been installed, therefore the distances being used for the proposed planting scheme were no longer appropriate. The developers have requested to Wiltshire Council that this condition is released from the planning application, but despite chasing they have received no response. **Recommended:** *The Parish Council strongly urge Wiltshire Council to release the developer from the condition with regard to the hedge planting along the rear of properties in Snarlton Lane. The Town Council are included in this correspondence as Snarlton Lane and the east of Melksham Development will be in the Town parish as of 1<sup>st</sup> April, 2017.*

395/16 **Planning Applications:** The Council considered the following applications and made the following comments:

**a) 17/01177/FUL– 2A, Lancaster Road, Bowerhill, Wiltshire, SN12 6SS:** Change of use from retail to private member's club with associated parking. Applicant: Mr Stevens Rumens.

**Comments:** *The Council OBJECTS for the following reasons:*

- *This site is inappropriate for the hours and type of business proposed, as it is too close to existing residential development, Elm Close and Halifax Road, and to potential residential development on land to the west of Pathfinder approved under planning application 16/01123/OUT.*
- *There are concerns over potential noise and disturbance to existing residents and potential residents of the new development from customers leaving the premises in the early hours of the morning. In particular, the proposed car park is adjacent to proposed dwellings under approved planning application 16/01123/OUT.*
- *There are concerns over the security of the Industrial Estate from vehicles leaving this premises, potentially at 4.00am, and how this could compromise the effectiveness of the Industrial Estate security company and the police, identifying these vehicles from those that could potentially be undertaking criminal activity.*
- *It was considered that the Industrial Estate should provide accommodation for Industrial Businesses.*

**b) 17/00971/FUL– Longponds Cottage, 4B Bath Road, Shaw, Melksham, Wiltshire, SN12 8EF:** Rear extension & associated works. Applicant: Mr and Mrs Lewis.

**Comments:** *The Council have no objections.*

**c) 17/00011/FUL (Revised) – 430, Redstocks, Melksham, Wiltshire, SN12 6RF:** Demolition of existing two storey dwelling & Erection of new storey dwelling. Applicant Mrs. Joy Duckworth.

**Comments:** *The Council wishes to reiterate the comments made on 31<sup>st</sup> January, 2017 with regard to the original planning application in that they do not object to this revised planning application subject to the applicant securing a vehicular right of way over MELW43.*

**d) 17/01064/FUL– Roundponds Farm, Shurnhold, Melksham, Wiltshire, SN12 8DF:** Change of use of land for the siting of 12 shipping containers for B8 Storage use. Applicant: Mr. Trevor Guley. **Comments:** *The Council have no objections.*

**e) 16/11512/FUL (Revised) – Eddies Diner, Lysander Road, Bowerhill, SN12**

**6SP:** Permanent use of site as food service takeaway & diner. Applicant: Mr. Michael Henley.

**Comments:** *The council noted that this latest application included Wiltshire Council Highways as a land owner, however they did not consider that this changed any of their previous objections to this application and they wish to reiterate their previous comments made both on this application on 31<sup>st</sup> January, 2017 and on the previous application on 5<sup>th</sup> April, 2016, which were:*

The Council **OBJECTS** and wishes to reiterate the comments made on the 5<sup>th</sup> April, 2016 against the previous application, 16/01457/FUL, in that:

- 1. A verge on the main industrial road is unsuitable as a permanent site since the associated parking tends to spread out along both sides of the road affecting visibility and safety as well as the overall appearance of the road.*
- 2. The Diner has been in existence for some considerable time, and is no longer just a burger van; it is now more of a café.*
- 3. This business should consider a permanent home in one of the empty units on the Industrial Estate in a location that does not compromise traffic flow and has off road parking for both staff and customers.*

Additionally, it supports the refusal by Wiltshire Council of the previous application, 16/01457/FUL, on the grounds that:

- The proposed take-away unit and its associated paraphernalia by reason of its temporary nature, materials build form and elevational design, fails to respond and integrate positively into the existing street scene resulting in an untidy site that also affects the character and appearance of the area. The proposal therefore fails to comply with Core Policy 57 of the Wiltshire Core Strategy.*
- The proposal fails to comply with Core Policy 60 of the Wiltshire Core Strategy as the parking area does not incorporate adequate turning facilities to enable a vehicle to enter and leave the highway in a forward gear. Furthermore, the development would encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic and prejudice the safety of all road users at this point.*

Furthermore:

- 1. The Parish Council objects to this permanent proposal, as with the temporary proposal, in that it presents a hazard to road users, particularly when exiting from the nearby T-junction onto Lysander Way (as per Core Policy 60).*
- 2. The Parish Council understand that only part of the land for this proposal is owned by Minton Group and that much of the proposal for both a permanent building and parking and turning area is on highways land (Please see attached map from Wiltshire Council Highways department, where the red hatched area is highways land).*
- 3. The Design & Access Plan states, with regard to highways issues, that traffic flow of the highway would not be interrupted by trade that visits the business as "Trade that visits the food establishment is quick passing trade, with the customers not staying long to order and collect food" (points 1.5 & 1.6), this is contrary to the actual plan which shows a covered and closed in seating area. Anecdotally, it is a well-known local establishment and customers do use the seating area to sit and eat.*

4. *This business has grown so much over the years that this site is no longer appropriate for such premises (as per Core Policy 57).*

- f) **17/01107/OUT– 406C, The Spa, Bowerhill, Melksham, Wiltshire, SN12 6QL:** Outline application for new single storey dwelling. Applicant: Mr Colin Barlow.  
**Comments:** *The Council have no objections and welcome the changes to the access.*
- g) **17/01476/FUL– 59, Locking Close, Bowerhill, SN12 6XS:** Proposed two storey rear, front porch & conservatory extensions. Applicant: Mr & Mrs Alsop  
**Comments:** *The Council do not object, however, they express concern that the amenity of the neighbour will be affected by the bulk of the proposed rear extension.*
- h) **17/00918/ADV– Melksham Football and Rugby Club, Eastern Way, Melksham, Wiltshire, SN12 7GU:** 3x Non- illuminated totem signs and 2x non-illuminated fascia signs. Applicant: Wiltshire Council.  
**Comments:** *The Council have no objections.*
- i) **17/01923/TPO– Mallard Close, Bowerhill, SN12 6TQ:** Willow- Crown reduce vertically by 2m and laterally on South side by 2m to reduce biomechanical forces acting upon union with split. Crown lift to 2m. Applicant: Mr Jim Mullholland.  
**Comments:** *The Council have no objections.*
- j) **16/11901/OUT (Revised) – Adjacent to 489A Semington Road, Melksham, SN12 6DR:** Outline applications for up to 2 dwellings. Applicant: Mr. & Mrs. Paul Williams  
**Comments:** *The Council welcomes the reduction in the number of proposed dwellings from the previous application, from 4 dwellings to 2 dwellings, but are still unhappy about the proposed right hand parking and the fact that this requires vehicles to reverse at a 90 degree angle onto the highway. The parking provision should not be perpendicular to the road, and any vehicle should be able to enter and exit in a forward moving gear.*

396/16 **Planning Consultations:** It was noted that the following consultation papers had been received in a timely fashion, however, as they were such large documents and important to review it was agreed to defer them to the next planning meeting.  
**Recommended:** *The consultation papers as per Min.396/16a), Min.396/16b) and Min.396/16c) to be deferred until the next planning meeting on 3<sup>rd</sup> April, 2017, and the Highways and Streetscene meeting due to follow that meeting to now be moved forward to 27<sup>th</sup> March, 2017.*

- a) **Housing White Paper** (“Fixing our broken housing market”) 7<sup>th</sup> Feb 2017, Consultation on changes to planning policy and legislation in relation to planning for housing, sustainable development and the environment.
- b) **Wiltshire Council Housing Strategy 2017-22**
- c) **Proposed changes to Wiltshire Council’s Housing Allocations Policy.**

397/16 **Planning Appeals:**  
**16/06149/OUT – Land at Poplar farm, Dunch Lane, Melksham, SN12 8DX:** Outline application for residential development. The following was noted:

**Appeal ref: APP/Y3940/W/16/3161089.** Appeal against the refusal for planning permission by Wiltshire Council. *Appeal dismissed.*

- 398/16 **Planning Enforcement: 17/00175/ENF - Queries raised about the new Oakfields Football/Rugby Club facilities (13/06739/FUL):** The Clerk reported that she had not had a reply to her query with regard to the floodlights, but the Enforcement Officer was looking into this. Several councillors had walked the public right of way from the Football/Rugby Club to the rear of Melksham Oak School, both in the dark and in daylight. It was noted that this route was only useable wearing wellington boots and that if it were to be considered as a possible footpath for the use of school children that it would require a hard surface and some lighting. It was additionally noted that the right of way took a convoluted route and it would be better to have a more direct route to encourage its potential use by school children.  
**Recommended:** The future use of a footpath for access to the school to be considered at a future meeting following further investigations.
- 399/16 **Community Benefit Funding from Potential Anaerobic Digester (16/12469/WCM):** **Recommended:** *The Clerk to make contact with the developer/agent to investigate the possibility of a financial contribution towards parish enhancements should the application be approved*
- 400/16 **S106 Agreements:**
- a) **Ongoing and New S106 Agreements:** None.
  - b) **New S106 Queries:** The Clerk reported that the solicitors negotiating the contribution towards the provision of a village hall at Berryfield had reached an impasse in terms of ensuring that it was written to ensure that there was still a contribution if the Canal application S106 contribution for a village hall came to fruition first. However, it was noticed that the 2012 Canal Application had still not been decided, therefore it was felt more prudent to proceed with the draft agreement. **Recommendation:** *The Parish Council proceed with the draft S106 Agreement which includes the provision of land and a financial contribution of £500k towards the construction of a village hall.*
  - c) **S106 Decisions made under Delegated Powers:** The Clerk reported that she had received information from the S106 Officer with regard to the amount of financial contribution that would be required to take on a play area from a developer. Wiltshire Council had a calculator sum within their Standard Specification for Adoption of Public Open Spaces. When this was applied to the LEAP provision on the Pathfinder Way application (16/01223/OUT), 415sqm and 5 pieces of equipment, this equated to a financial contribution of £58,540. The developers wished to have the S106 Agreement signed by the end of the week. The Clerk, Cllr. Wood and Cllr. Glover to sign this document.
  - d) **Correspondence received about s106 funding from Herman Miller for Campus Playing Fields:** The Clerk advised that Wiltshire Council had stated that they did not acknowledge the Freedom of Information request as the Parish Council were due a response on the 25<sup>th</sup> January, 2017. However, to date a response had still not been received from Wiltshire Council.  
**Recommended:** *The Parish Council refer this matter to Ian Gibbons, Wiltshire Council Monitoring Officer, in the first instance.*

Meeting closed at 9.08pm

Chairman, 20<sup>th</sup> March, 2017