

MINUTES of the Planning Committee of Melksham Without Parish Council held on Monday 24th April 2017 at Crown Chambers, Melksham 7.00 p.m.

Present: Cllrs. Richard Wood (Council Chair), John Glover (Council Vice-Chair), Alan Baines, Rolf Brindle, Gregory Coombes, Mike Sankey and Paul Carter.
Officers: Teresa Strange (Clerk) and Jo Eccleston (Parish Officer)

461/16 **Apologies:** None.

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.

Announcements:

- i) **Pre-Application meeting with Developer – Land in Whitley:** The Committee were reminded that there was a pre-application meeting with developers interested in land in Whitley at 2.00pm on Wednesday 26th April, 2017 at Crown Chambers
- ii) **Cutting of Turf for the new Wiltshire Air Ambulance HQ:** The Clerk reported that the cutting of the first sod for the new Wiltshire Air Ambulance was taking place at 10.30am on Friday 28th April, 2017 on site at Outmarsh Farm. Cllr. Wood would be attending in his capacity as Chairman of the Parish Council and the Clerk asked if any other members wished to attend. Cllrs. Carter, Baines, Brindle and Coombes said they also wished to attend.
- iii) **Neighbourhood Plan Meeting – Wednesday 26th April, 2017:** Cllr. Glover had given his apologies for this meeting and Cllr. Carter who was the substitute was also unable to attend. The Clerk asked if any other member would stand in as a substitute, however no one was able to attend in Cllr. Glover's absence.

462/16 **Declarations of Interest:** Cllr. Coombes declared an interest in agenda item 6d) as his son is an employee of the applicant.

The Council suspended standing orders for a period of public participation.

463/16 **Public Participation:** There was one member of the public present who wished to object to planning application 17/02477/OUT – erection of 10 residential dwellings on Land at Snarlton Lane. The resident stated that the red line boundary plans of this application were incorrect as it showed a hedge which belonged to him as part of the site. He showed the title deeds of his property which indicated that the hedge and land in question formed part of his boundary and not that of the applicant. He also stated that abutting the hedge that the application sought to remove was an open ditch and the resident had concerns that if this was potentially closed in to create a footway that this could cause future flooding issues. He stated that this was an ancient protected hedge that should not be removed He additionally considered that Snarlton Lane was not wide enough at this point to accommodate a footway.

The council reconvened.

464/16 **Community Governance Review (CGR) Arrangements:** The Committee noted correspondence from Wiltshire Council which stated that they would treat both the Parish Council and the Town Council as consultees on any planning applications

affected by the boundary changes under the CGR until after 8th May, when residents were no longer represented by Melksham Without Parish Councillors. following the elections on 4th May, 2017.

465/16 **Planning Applications:** Agenda Item 6c was brought forward. The Council considered the following applications and made the following comments:

a) **17/02477/OUT Land at Snarlton Lane, Melksham, Wiltshire-** Erection of 10 residential dwellings and associated access. (Resubmission of 14/11315/OUT) Applicant: Mr Michael Merret.

Comments: *The Council wish to re-iterate the comments it made on the previous application, 14/11315/OUT, on 18th February 2015 and 21st July 2015 (please see attached documents). Additionally, it wishes to make further comment as follows:*

1. Red Line Site Boundary:

The Council consider that the Red Line Site Boundary on the latest plans is incorrect. The hedge shown in the south west dog leg of the site plan is not in the ownership of the applicant. This hedgerow is in the ownership of the owner of 7, Nightingale Close and is shown on his title deeds under Land Registry Title Number WT299820. There are additional concerns that this is an ancient hedge that requires protecting, including the 3m buffer between the proposed site and Dauncey Gardens, and under no circumstances should it be removed and replaced.

2. Certificate of Ownership:

The Application only makes reference to Certificate B under certificate of ownership, which is listed as Wiltshire Council. There is no reference in the Application to Certificate A and the ownership of the land for the proposed development.

3. Provision of a Footway on Highways Land:

This latest set of plans indicates that there will be the provision of a footway on the south west boundary of the site. This Parish Council query whether there is enough highways verge for this provision, and the legalities of providing this on Wiltshire Council owned highways land. Additionally, there is an open ditch that abuts the existing hedge line at this point. There are concerns that should this ditch be filled in or a culvert under the proposed footway be created, that this could lead to the potential flooding of adjacent properties in Snarlton Lane.

b) **117/02578/FUL Oakley Farm Lower Woodrow Forest Wiltshire SN12 7RB-** Erection of tourist accommodation. Applicant: Mr. Turrell.

Comments: *The Council do not object, however, they have concerns that the access provision is not suitable for permanent dwellings, and wish to see a clause imposed which stipulates that this development remains as tourist holiday let accommodation only.*

c) **17/02425/FUL Unit 4, Verbena Court, Cranesbill Road, Melksham SN12 7GS-** Erection of LPG store with associated boundary treatment. Applicant: Guildhall Estates.

Comments: *The Council do not object on the proviso that the storage of the LPG is secure and that there is adequate access for associated delivery vehicles.*

- d) **17/02963/FUL - The Barn House, 7 Bath Road, Shaw, SN12 8EF.** Alterations to ground floor internal layout and first floor extension. Applicant: Mr. D Hayhoe.
Comments: *The Council have no objections.*

466/16 **Planning Decisions: 16/09712/FUL- 398A, The Spa, Melksham, SN12 6QL:**
Demolition of dwelling house and associated outbuildings and the erection of an apartment building (8 flats), erection of 11 no. detached dwelling houses with car parking, access and associated parking. The committee noted that Wiltshire Council had refused permission for this application. It was noteworthy that in the Notification of Refusal that point 2 gave the reason that *“the loss of the last agricultural gap between the built up area of Melksham and The Spa grade II listed buildings would significantly diminish the sense of openness and the apparent rural landscape around the listed buildings” and was contrary to Core Policy 58 of the Wiltshire Cores Strategy and paragraphs 128 and 134 of the National Policy Framework.* It was considered that this reason for refusal would not only apply to any development on the western side of Woolmore Farm, but also any potential future plans for land to the eastern side.

467/16 **Planning Appeals: Refusal of 16/06564/OUT – Land North of 554, Canal Bridge, Semington:** Erection of two dwellings and access. An appeal against refusal of this application had been submitted to the Planning Inspector. It was noted that the Parish Council’s comments on this application had also been sent to the Planning Inspector.

468/16 **Planning Correspondence:**

- a) **Melksham Canal Link:** The Committee noted an email trail between the Melksham Canal Link Project Team and developer Terra Strategic with regards to 17/01095/OUT, proposal for 160 dwellings on Land West of Semington Road, with the comments from the Canal team that this parcel of land cannot be seen as an exception site as it is not linked to the development of the canal.
- b) **Future Land Management of Proposed Public Open Space (POS): 17/01699/OUT - Land North West of Melksham Oak School, Bowerhill:** The Committee noted a response from Wiltshire Council’s Estate Officer with regard to its query over to the management of this future POS, as per Min.435/16a). This land will be managed by Wiltshire Councils Countryside Team funded by monies from the S106 Agreement from planning application 14/10461/OUT.
- c) **Call-In Procedures:** As per Min.436/16, the Clerk had queried with Wiltshire Council the procedure for calling in planning applications, as some recent applications had been called in by Wiltshire Councillors, but then an Officer had made the decision. The Committee noted that an option open to Unitary Council elected members is to state when submitting a call-in request that their call-in would only be triggered if an officer was minded to refuse or approve the application, dependent on why the application was being called in.
- d) **Community Funding at Pre-application Stage:** As per Min.441/16, the Clerk had sought clarification from Wiltshire Council with regard to accepting community benefit funding at Pre-Application stage. She explained that funding allocated from S106 Agreements was about mitigating any issues created by that particular development. Wiltshire Council had advised that as a formal application

had not been submitted, it was unknown what potential infrastructure requirements may be necessary to trigger a S106 developer obligation. As this offer was not linked to a S106 Agreement or CIL Regulation it would not be considered as a material consideration. Wiltshire Council also recommended that the Parish Council should be clear about what it wished to allocate the funds to.

Recommended: *The Parish Council accept the funding of £5K for Melksham North and £5K for Melksham South from a future application for Enhanced Response Services at the Westlands Lane Sub Station.*

- e) **Enforcement of Private Housing in Disrepair:** A report had been made to Wiltshire Council with regard to the state of disrepair of private rented housing in Beanacre. The Committee noted the response that Wiltshire Council Enforcement were able to take action and they welcomed some action, hoping that these properties could be let for social housing.
- f) **Local Government Association (LGA) – “Council Action to Tackle Empty Homes”:** The Committee noted this LGA guide. It was noted that there was also a bungalow in Berryfield Lane that had been in a state of neglect and empty for 6 or 7 years. **Recommended:** *The Council report the state of this property to Wiltshire Council Housing Operations.*

469/16 **Planning Consultations: Housing White Paper (“Fixing our broken housing market”) 7th Feb 2017:** The Committee considered the Rural Housing Solutions briefing note on the Government’s White Paper. It raised some concerns over the delivery of some of the policies with regard to future rural housing provision, in particular the preclusion of local councils being able to secure affordable housing from sites of less than 10 units. The Committee queried what “affordable” meant in real terms and felt that there was a need for more social housing. It was considered that Mobile Home Parks could potentially help to address the lack of affordable and social housing as they were cheaper to build than conventional houses.
Recommended: *The Parish Council responds to the Government’s White Paper and supports the draft response from the Rural Housing Solutions briefing note, adding that they wish to see more social housing, not just affordable housing.*

470/16 **CIL (Community Infrastructure Levy):**

- a) **Wiltshire Council Briefing Note – “Guidance for Parish and Town Councils on Receiving and the Use of CIL Funds”:** The Committee noted this briefing note.
- b) **First CIL Payment to the Parish Council:** The committee noted that the Parish Council’s first CIL payment was due in from a small development in Shaw. This would be an agenda item for the next Finance Committee meeting. It was noted that with an adopted Neighbourhood Plan that the percentage of CIL revenue due to Parish and Town Councils increased to 25% and that it was not capped with regard to what it could be spent on.

471/16 **S106 Agreements:**

- a) **Ongoing and New S106 Agreements: S106 for Land East of Semington Road:** This is due to be signed imminently by the Clerk, Chairman and Cllr. Baines who have delegated powers. It was noted that under Min.442/16, Cllr. Baines had been given delegated powers to sign the S106 Agreement in the absence of Cllr. Glover as Vice Chair. The Clerk reported that as there was to be an election in the Berryfield Ward, it would be prudent for another Councillor on the Planning Committee whose seat was uncontested to have delegated powers to also sign the S106 Agreement, should timings and the election mean that Cllr. Wood was unable to do so. **Recommended:** *Cllr. Coombes to have delegated*

powers to sign the S106 Agreement should Cllr. Wood as the current Council Chairman be unable to do so.

- b) New S106 Queries:** None.
- c) S106 Decisions made under Delegated Powers:** None.
- d) Correspondence about s106 funding from Herman Miller for Campus Playing Fields:** A response had still not been received from Wiltshire Council over whether these playing fields were open to the general public.

As this was the last meeting of this Council, Cllr. Wood thanked all for their time on the Council.

Meeting closed at 8.11pm

Chairman, 15th May, 2017