

**MINUTES of the Planning Committee of Melksham Without Parish Council held on Monday 30<sup>th</sup> January 2017 at Crown Chambers, Melksham at 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).

Cllrs. Terry Chivers and Jan Chivers as observers.

323/16 **Apologies:** None

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

324/16 **Declarations of Interest:** Cllr Wood declared an interest in agenda item 6i as a resident of Semington Road, Cllr Glover declared an interest in agenda item 6b as a resident of Wellington Drive and Cllr Coombes in agenda item 6h as a resident of Corsham Road.

325/16 **Forthcoming Planning Training:** The Wiltshire Community Land Trust (WCLT) are running free Planning for Communities workshops, which will cover four topics; The Planning Process, Community-Led Planning, Community-Led Housing and Engaging with the Local Community and Developers. The dates for these workshops are Tuesday 21<sup>st</sup> February in Devizes, 5.30pm – 8.00pm and Thursday 23<sup>rd</sup> February in Chippenham, 5.30pm – 8.00pm. The Clerk, Parish Officer and an officer from the Town Council were going to attend the session in Chippenham, and the Clerk asked if any of the councillors wished to attend. Cllr. Glover said that he would go to the session to be held in Devizes on the 21<sup>st</sup> February, and Cllr. Carter wished to attend the session in Chippenham on the 23<sup>rd</sup> February with the officers

326/16 **Visit from Wiltshire Air Ambulance Charitable Trust:** Kevin Reed, Head of Operations and Barbara Gray, Senior Marketing & Communications Manager, gave an update on the new Operation HQ building at Outmarsh Farm. They brought an illuminated 3D model of the proposal. Kevin Reed gave an update and timescales for the next steps as follows:

- The site is 15,000 sqm set on approximately 12.5 acres of land.
- The full planning application was approved by Wiltshire Council on Thursday 12<sup>th</sup> January 2017.
- The Trustees of the Charity have stated that they will not participate in any option to buy the land until the judicial review period of 6 weeks has expired; this will be at the end of February.
- The Trust will go out to tender to five local contractors.
- The Trustees will make their decision on the contractor at a meeting on 9<sup>th</sup> March.
- The land will then be procured and the contractor instructed to commence works.
- There is a provisional start date for the works of 21<sup>st</sup> April 2017.
- It is anticipated that there will be a 10-12 month development period.

- The project is due for completion on 1<sup>st</sup> March 2018.
- The new HQ is due for occupancy and operational flying as of 26<sup>th</sup> April 2018.

The Council asked the following questions:

1. How is the Finance and fundraising going?
2. What is the position with regard to access to the site from a road that is not available for vehicular public use?
3. Will there be a grand opening?

Mr. Reed and Ms. Gray responded as follows:

1. £2.5m has been pledged by an anonymous donor and the Trust have been awarded a £1m grant from the LIBOR Fund toward the cost of building the new HQ. There is still a further £1.25m to raise and since the launch last week of the fundraising appeal, £40,000 has been received. The operational running cost of the Air Ambulance is £3.25m per year. Their lottery scheme generates £1m per year and they have corporate partners that support the Air Ambulance each year. The general public, volunteers and family members and patients that have been affected by the need to use the Air Ambulance also raise the main bulk of funds and are very generous. There is a year's plan over how the balance of the required income will be raised. They will be launching a "100" club where they will be asking the larger companies in Wiltshire with 500 or more employees to raise £10K each.
2. The initial intention was to move the bus gate further south to allow vehicular access from the north of the site via the A350. When this aspiration was investigated further the costs escalated and were estimated to be between £130K and £140K; these costs could not be justified and were not in the best interests of the public who had raised the funds. The Consultants who had carried out scoping work and traffic surveys had reported that the traffic impact from vehicles using the new HQ would be negligible to the village of Semington. Therefore, the decision was made not to move the bus gates and the access arrangements are that post occupation all staff and visitors will access the site via the village of Semington. Two amendments to the traffic regulation order regarding the bus gate have been submitted to Wiltshire Council. The first seeks for an amendment in order that all construction traffic can access the site from the north via the A350, and the second is that post occupation any artic size vehicles, such as fuel deliveries, would be able to gain access via the bus gate. Wiltshire Council Highways have indicated that all emergency vehicles on blue light runs will be able to get access to the A350 via the bus gate.
3. There will be a grand opening, with the press, fundraisers, etc.

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

A member of the public queried what safety measures were in place with regard to the flying of helicopters in an area where there is currently a big problem with the number of seagulls, particularly in Bowerhill.

Mr. Reed replied that they already have a similar problem in Devizes where the Air Ambulance is currently based. He reported that they have a bird scarer which helps to deter them. There is a perceived threat to flying, but birds generally do get out of the way.

327/16 **Public Participation:** There were 7 members of the public present. Four residents wished to object to planning application 16/11224/FUL for a change of use from a garage to a beauty room at 38, Belvedere Road, Bowerhill. They had concerns over the running of a business from this dwelling and the associated parking, as the width of the road outside of the property was only 3.5m wide. A resident stated that there was a restrictive covenant on the properties in Belvedere Road which stated that they should remain as private dwellings and that businesses should not be run from them. There were concerns that if permission was given that a precedence would be set for other such businesses to be set up. A resident stated that the alteration works on the garage had already commenced and that a window in the garage now directly looked into both his property and garden. The applicant of 16/11951/FUL, erection of a 3 bedroom self build dwelling on land in Corsham Road, wished to seek support for his proposal. He reported that he wished to build a traditional family home to reflect properties already in the area next to his family's business, and that the field in question was no longer suitable agricultural land. He was aware that the site currently fell outside of the settlement boundary, but that settlement boundaries were currently under review by Wiltshire Council, and hoped that this would be considered as an infill plot.

*The Council re-convened and agreed to bring forward agenda item 6h to be considered after agenda item 6a.*

32816 **Planning Applications:** The Council considered the following applications and made the following comments:

**a) 16/11224/FUL – 38, Belvedere Road, Melksham, Wiltshire, SN12 6AJ:**

Change of use of garage to beauty room. Applicant: Miss Nicola Brailey.

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

- *Concerns that there will be a loss of parking to the dwelling if this garage is converted.*
- *Concerns that any potential customer vehicles will exacerbate the existing parking issues in Belvedere Road.*
- *This will be a retail facility in a residential area, and could set a precedent for other such businesses.*
- *The restrictive covenant on this property should be adhered to.*

**b) 16/11951/FUL – Land Between 215 and 78-81 Corsham Road, Whitley, SN12**

**8QE:** Erection of 1 self build 3 bedroom dwelling. Applicant: Mr Tom Nicholas.

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

**c) 16/11735/FUL– 10 Wellington Drive, Bowerhill, Melksham, SN12 6QW:**

Partial conversion of existing garage, window and door alterations to rear elevation and new entrance porch. Applicant: Mr Paul Millard.

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

**d) 16/11840/FUL – Melksham FC, Woolmore Farm Site, Melksham, Wiltshire:**

Retrospective Application for a new stand for Melksham FC- amendment to application 13/06739/FUL- replacement of stand for 100 standing spectators with stand for 150 seated spectators. Applicant: Wiltshire Council.

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

**e) 16/11880/FUL – 421, Redstocks, Melksham, Wiltshire, SN12 6RF:** Erection of double garage with office space above. Applicant: Mr. Jay Stockton.

**Comments:** *The Council do not object to this planning application subject to the applicant securing a vehicular right of way over MELW20.*

**f) 16/12111/FUL – 2, Verbena Court, Melksham, Wiltshire, SN12 7GS:** Proposed installation of air condition/ heat pumps and extract fan louvres. Applicant: Garston Veterinary Group.

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

**g) 16/11411/FUL – Land Opposite Outmarsh Farm, Outmarsh, Semington, Wiltshire, BA14 6JX:** New access to farmland for agricultural vehicles. Applicant: Mr. Stainer.

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

**h) 16/11512/FUL – Eddies Diner, Lysander Road, Bowerhill, SN12 6SP:** Permanent use of site as food service takeaway & diner. Applicant: Mr. Michael Henley.

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

- 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.*
- 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.*
- 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).

**i) 16/12453/FUL – 587 A, Semington Road, Melksham, Wiltshire, SN12 6DY:**

Single storey rear extension, new real roof dormer part garage conversion to utility and internal alterations. Applicant: Mr & Mrs M Parnell.

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

**j) 16/12511/FUL – 12, Winston Road, Melksham, Wiltshire, SN12 6EG:** Erection of two- storey side extension & single storey rear extension, including demolition of existing room & garage. Applicant Ms. Jayne Hurd.

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

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

**Comments:** *The Council do not object to this planning application subject to the applicant securing a vehicular right of way over MELW43.*

329/16 **Update on Planning Application 16/05644/OUT** – Outline application for up to 152 Dwellings on Land Off Woodrow Road: The Applicant had been carrying out some Trial Trench Archaeology works and have found more than they were expecting. As a result, this has significantly reduced the amount of land they are able to propose developing on. They have asked for an extension to submit revised plans reducing the number of proposed dwellings.

330/16 **Report following Pre-Application Meeting with Developers – Land to the West of Semington Road (behind Townsend Farm):** The Clerk reported following the meeting on Weds 18<sup>th</sup> January at 2pm at Crown Chambers with Tetlow King, the Planning Agents and Terra Strategic, the Developers with Cllrs. Wood, Coombes, Baines and Carter, the Clerk and the Parish Officer, with regard to a pre-application proposal for up to 160 dwellings on Land behind Townsend Farm. The issues discussed were as follows:

- Terra Strategic were previously house builders but are now looking at taking on development schemes.
- They are only looking at schemes that are feasible and deliverable.
- They have previously worked with Councils.

- They do not want to be classed in a bundle with other developers.
- This is an outline application with access only, reserved matters will follow. The outline application will be submitted at the end of January
- There were concerns raised over this application by residents at their public consultation.
- Following the public consultation, no one has approached the developer with regard to the potential canal.
- Cllr. Wood made it abundantly clear that just because the Parish Council were meeting with the developer as an information gathering exercise, that it did not mean that they were in support of the application.
- The Parish Council's previous comments on why they were against this proposal had been given to the developers, and these reasons were reiterated to them.
- The Parish Council highlighted their concerns over highways issues and the impact that this proposed development could have on the Semington Road Roundabout. The developers responded that the highways consultant that they had employed had looked at this issue and that if they had not felt comfortable with the access arrangements they would not have taken an option on the site.
- Cllr. Baines asked whether the developers considered the site to be in Melksham or the village of Berryfield. They felt very clearly that it was in Melksham. Cllr. Baines pointed out to them that residents would have to cross the A350 to get there and because the Eastern Bypass Business Case funding had just been turned down, the A350 would remain a primary route with 20,000 vehicles a day using it.
- The site was therefore felt to be inaccessible from town.
- Cllr. Coombes suggested an underpass or an overpass for pedestrians.
- The Parish Council commented that the proposal was not within the village limits.
- There were no facilities shown in the pre-application illustrative plans other than public open space.
- There was not enough infrastructure provided.
- The Parish Council pointed out that the 5 year housing Land supply was currently at 5.13 years and that this was good quality agricultural land.
- It was queried how children would get to school, either to Aloeric Primary School, St. Georges Primary School, any new school forming part of the Pathfinder Way application or Melksham Oak secondary school.
- The developers were asked how their development would enhance Berryfield, and they discussed house prices and people moving to the area as higher prices in Bath and Bristol drove people out.
- The Parish Council asked that should Wiltshire Council were minded to approve the application that they considered for the Heads of Terms for the S106 Agreement the following:
  1. That the development was tenant blind.
  2. That there were practical art contributions.
  3. That seats and bins were put in the play areas, both the LAPs (Local Area for Play) and LEAPs (Local Equipped Areas of Play).
  4. That bus shelters were put on Semington Road.
  5. That there were no dead ends in the layout so that residents and refuse lorries do not need to reverse out of roads.

6. That there was a visible delineation between the pavement and the road.
7. That a contribution was made towards the new village hall on the site behind the mobile home park.
8. There were contributions towards the cemetery.
9. There were contributions to health facilities, perhaps towards St. Damians surgery moving into the Campus.
10. That some of the dwellings provided were bungalows.

- 331/16 **Public Consultation by Statera Energy:** The Committee noted that there was a Public Consultation Event by Statera Energy on 20<sup>th</sup> February, 5.00pm-8.00pm at Shaw Village Hall for two proposed enhance frequency response services on land next to Westlands Lane substation.
- 332/16 **Joint Strategic Assessment (JSA) Report for Housing:** The Clerk reported that some really useful statistics and data had been produced for the JSA. Of note was the fact that there were 99 families on the waiting list for social housing in the Melksham Community Area.
- 333/16 **Public Art S106 Contributions:**
- a) The Committee noted that the reports from the Artist for the East of Melksham Public Art Installations, Verity-Jane Keefe, how now been received. It was considered frustrating and disappointing that when the Artist and the Wiltshire Council Arts Lead had made initial contact with the Town Council and a subsequent presentation to them over the proposed art installation and project, that the Town Council had not included or invited the Parish Council to that presentation.
  - b) It was noted that Meril Morgan, Arts Lead for Wiltshire Council Arts Service, will be attending the Planning Committee meeting on Monday 20<sup>th</sup> February to discuss S106 Public Art contributions for future projects.
- 334/16 **S106 Agreements:**
- a) **Ongoing and New S106 Agreements:** None.
  - b) **New S106 Queries:** The Clerk reported that she had received correspondence from the Solicitor representing the Parish Council in the s106 Agreement negotiations for the Semington Road application (16/00497/OUT), specifically for the Village Hall. He is concerned that the trigger for the contribution for the village hall is dependent upon the developer and occupation of properties rather than completion of the build. This could mean that the developer could postpone payment if the residential units were not sold. The solicitor wishes to see the Parish Council trigger the contribution for the village hall. It was noted that the covenants with Wiltshire Council within the S106 Agreement state that contributions or percentages of contributions should be paid prior to occupation. It was considered that the Parish Council should request the same. **Recommendation:** *The Parish Council ask the Solicitor if the s106 Agreement could have a provision similar to the triggers that Wiltshire Council have drafted for school provision so a % prior to commencement of development and that they cannot commence more development until the remainder payment is made and confirmed.*
  - c) **S106 Decisions made under Delegated Powers:** None.
  - d) **S106 Funding from Herman Miller for Campus Playing Fields:** The Clerk gave an update. She had queried with Wiltshire Council a financial contribution for the maintenance of playing fields from the Herman Miller application s106 Agreement. As no response had been received, as per Min.242/16, she had requested information on this issue under a Freedom of Information Request (FOI). Wiltshire Council had replied to say that it would not be issuing any

information under a FOI as Wiltshire Council's Legal Officer, Natasha Gumbrell had advised that the relevant officers were holding a meeting on Wednesday 25<sup>th</sup> January where they would be discussing the allocation of these funds and would advise accordingly. The Clerk received a response on Thursday 26<sup>th</sup> January from the s106 Officer stating that the funds had not yet been allocated and that she needed to investigate whether they had been committed and the process behind any decision. She further stated that she needed to fully look into the history of this contribution before responding further.

Meeting closed at 8.05pm

Chairman, 6<sup>th</sup> March, 2016