

**MINUTES of the Planning Committee of Melksham Without Parish Council held on Monday 3<sup>rd</sup> April 2017 at Crown Chambers, 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) and Jo Eccleston (Parish Officer)

431/16 **Apologies:** John Glover (Council Vice-Chair) as he was on holiday. This was accepted.

**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) **Woodrow Road Application (16/05644/OUT):** It was noted that this application had been refused as it was outside of the Settlement Boundary and had not been brought forward via a Site Allocations DPD or a Neighbourhood Plan. This was supported by the fact that there was no presumption of favour to allow approval as Wiltshire Council now had a 5.73 year housing land supply in the North and West Wiltshire HMA Housing Market Area. No mention had been made in the Decision Notice regarding highways issues. (*See Min 438/16c*)

ii) **Terri Welch, Town Council Chairman:** Cllr Wood informed that Terri had been involved in a road traffic collision, but that she was okay. It was agreed to send a get well card to her.

iii) **16/11951/FUL – Land Between 215 and 78-81 Corsham Road, Whitley, SN12 8QE:** Erection of 1 self build 3 bedroom dwelling: It was noted that this application was being considered by the Western Area Planning Committee on Weds 5<sup>th</sup> April. The Planning Officer had recommended refusal as the proposal was outside of the Settlement Boundary.

432/16 **Declarations of Interest:** Cllr. Wood declared an interest in any items relating to Semington Road.

433/16 **Invited Visitor – Wiltshire Council Public Art Officer, Meril Morgan:**  
Ms. Morgan gave an explanation about what public art is and a presentation of other art installations in the County. She stated that it was not a statutory obligation for developers to provide a contribution towards public art.

i) **Report on Public Art Installation for East of Melksham Development:** Ms. Morgan explained that any projects under £40-£60K were managed by Wiltshire Council. Any projects above that amount were managed by the developer and as such at a contribution of £110K, the East of Melksham Art Installation was developer led. The Committee said that they were unhappy as Melksham Without Parish Council had never been consulted about this Art Installation and did not feel involved. A film had been produced as part of the project but had never been shown to the Parish Council, despite their requests, and the “Art” had just appeared with no information or explanation. From the s106 agreement, it could be seen that out of the £110K arts contribution, £20K could be spent on consultation fees. The art exhibits/walking trail extends way beyond the East of Melksham and into the town. The Committee questioned Ms. Morgan’s statement that this project was developer led as they did not consider that the developer

would have been interested in installing art in the town. It was therefore felt that Wiltshire Council must have been involved. There is a walking route with 10 pieces of art along the route, however, part of the route bypassed two of the art pieces. The two “Christmas baubles” (item 9 on the map) are located on Forest Forest Road, however the walking route only goes a part way on PROW61 for a very short distance on Forest Road and then goes into Murray Walk, completely missing this art installation. Additionally, the mounting brackets are bigger than the two “baubles” and thus throws into question their effectiveness as pieces of art. It was considered that some of art contribution should have been spent on works to eliminate the four steps on PROW 61 between Craybourne Road and Forest Road which makes this route inaccessible for users of wheel chairs and mobility scooters. It was felt that the art and the walking route should be DDA compliant. The Committee felt that despite Ms. Morgan reporting that much consultation was under taken for the project, very few people actually knew about it. The committee were only aware of the route as they had requested the information, there were still no signs in place or a press release for the wider public. In response Ms. Morgan stated that the S106 agreement was signed in 2008 and that the consultants had found it a difficult and elongated process working with the Consortium of developers, and that it had not been an easy project. It was noted that the process of engagement and consultation had not worked and that lessons needed to be learnt. Ms. Meril accepted and acknowledged this.

**ii) Proposals for Public art installation for Approved Applications in the Parish:**

Ms. Morgan informed the Council on the potential art installations for approved applications in the Parish:

1. 14/06938/OUT – 450 dwellings East of Spa Road: Art contribution is a planning condition rather than a s106 Agreement and Ms. Morgan needs to negotiate this with the developer as there is no monetary value attributed to it. The Clerk informed Ms. Morgan that there was a community building associated with this application which could potentially be a focal point for any art installation.
2. 14/11295/REM- 261 dwellings on Former George Ward Site: Persimmon Homes are managing this project with consultant Diana Hatton.
3. 16/00497/OUT – 150 dwellings on land east of Semington Road: The s106 Arts Contribution will come to Ms. Morgan to manage. It was noted that the Parish Council would like to be involved in the consultation process of this project.
4. 15/12454/OUT – 100 dwellings on land to the North of Sandridge Common: The art contribution is a planning condition and Ms. Morgan reported that she felt that the developer was being very prescriptive over what they were proposing to offer.
5. 16/01123/OUT – 235 dwellings on land South of Western way, Bowerhill (Pathfinder Way): The art contribution is a planning condition, yet to be negotiated.

Cllr. Wood thanked Ms. Morgan for attending the meeting and for giving information on the East of Melksham Art Installation and the other pending installations. Ms. Morgan said she would feedback the Parish Council’s comments to the art consultants.

434/16 **Public Participation:** There were no members of the public present.

435/16 **Planning Applications:** The Council considered the following applications and made the following comments:

- a) **17/01699/FUL - Land North West of Melksham Oak School, Bowerhill:**  
Change of use of 7.9ha of agricultural land to public open space. Applicant: Wiltshire Council.  
**Comments:** *The Council welcomes this application, but seeks clarification on how Wiltshire Council intend to manage this land in the future and the maintenance of PROWs MELW18 & MELW19.*
- b) **17/01973/FUL Vale Cottage, 138 Top Lane, Whitley -** Proposed two storey extension. Applicant: Mr. Woods.  
**Comments:** *The Council have no objections.*
- c) **17/01107/OUT 406c The Spa, Bowerhill - REVISED APPLICATION.** Outline application for new single storey dwelling.  
Applicant: Mr Colin Barlow  
**Comments:** *The Council have no objections.*
- d) **17/02159/VAR Roundponds Farm, Shurnhold –** Variation of Condition 6 of 15/08809/FUL (*approved in March 2016*) in relation to layout and design of the site. Applicant: Roundponds Energy Ltd.  
**Comments:** *The Council do not object to this variation of the approved application 15/08809/FUL, and welcomes the change of fuel source from diesel to gas. They were also pleased to see that the previous application, 16/08547/FUL for 10 generators at Roundponds Farm, has been withdrawn.*
- e) **17/01095/OUT - Land West of Semington Road:** Outline planning application for residential development – formation of access and associated works.  
Applicant: Terra Strategic.  
**Comments:** *The Council wish to add further evidence to their OBJECTION to this application. In the Case Officer's report for another application in Berryfield, 16/11901/OUT, which was approved on 23<sup>rd</sup> March, 2017, under the Assessment of the Principle Development, the Officer states the following: "Appendix F of the Wiltshire Core Strategy sets out that Berryfield is a Small Village with no settlement boundary therefore a judgement has to be made as to whether the application site is "within the existing built area" of Berryfield. Berryfield is considered to form a large group of dwellings located mainly to the west of Semington Road leading to the A350. The application site is located on the northeast edge of the village forming part of a spur of residential development that extends north out of the village. Residential development is located to the south and north of the application site (489A Semington Road and 490 Semington Road) and opposite (west) is a public house. To the east lie open fields however this site has outline permission for 150 dwellings (16/00497/OUT). The application site is therefore bordered by development on three sides and proposed development on the fourth. Due to the location of the site between existing development it is considered that the application site lies within the existing built area of Berryfield. Due to the location of the application site between existing residential development it is also considered that the development would be considered infill development. The proposed development therefore complies with Core Policy 2 of the Wiltshire Core Strategy".*

*The Council therefore considers, taking into account the evidence for the approval of application 16/11901/OUT, that application 17/01095/OUT does not fall “within the existing built area” of Berryfield, having only a small area of development to the east of the application site, open fields to the south and west of the site and the A350 to the north; neither does it fall within the settlement boundary of Melksham Town. This application therefore does not comply with Core Policy 2 of the Wiltshire Core Strategy, in that it is outside of the defined limits of development and has not been brought forward through the Site Allocations DPD or the emerging Melksham Neighbourhood Plan.*

436/16 **Wiltshire Council Committee Call-in Procedure:** It was noted that recent applications which had been called in by Wiltshire Councillors, had not been considered by either of the planning committees if the Planning Officer had agreed with the call-in reason. For example, with the Woodrow Road application (16/05644/OUT), the Wiltshire Council member had requested that should the Planning Officer be minded to recommend approval that the application was called in for consideration by committee, however, as the Officer recommended refusal the application was determined solely by the Officer. A discussion took place and some councillors felt that if an application was requested to be called in that it should be considered by committee regardless of the Officer’s recommendation, and that the Parish Council should very clear on this when requesting that the Wiltshire Councillor call it in. **Recommended:** *If the Parish Council consider an application worthy of being called in, then it should request that the Wiltshire Councillor calls this in for consideration by either the Western or Strategic Planning committees, regardless of whether a Planning Officer is recommending refusal or permission.*

437/16 **Planning Consultations:**

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. The Clerk advised that she had picked out some key points from the paper, and that she could not find anything negative within it. Additionally, the CPRE (Campaign to Protect Rural England) also had positive comments about it, and its promises for the continued protection of the green belt and support for more brownfield development. It was noted that the consultation deadline date was the 2<sup>nd</sup> May, 2017, and that there were 38 questions posed. The Committee felt that these questions were more relevant to the Local Authority rather than the Parish Council, however, they did feel strongly about Question 3a, which was:  
“Do you agree with the proposals to:

- a) amend national policy so that local planning authorities are expected to have clear policies for addressing the housing requirements of groups with particular needs, such as older and disabled people?”

**Recommended:** *The Parish Council respond to question 3a of the consultation stating that they fully support and agree in general to the proposals.*

b) **Wiltshire Council Housing Strategy 2017-2022:** The Committee noted this paper and in particular the third point on page 7 which stated that:

- “The number of people over the age of 75 will increase from 45,400 in 2015 to 76,400 in 2025 (an increased 68%). This will require more properties with adaptations for those with disabilities.”

Currently developers are required to provide 30% of any development as affordable housing, and this paper states that there is a requirement for 40% of the housing to be affordable. It was considered that the proportion of rented

social housing should be higher, but welcomed the proposal to increase affordable and social housing provision. **Recommended:** *The Council respond to the consultation stating that they welcome the proposal to increase the percentage of affordable and social housing.*

- c) **Proposed changes to Wiltshire Council's Housing Allocations Policy:** It was noted that under point 4.13.2 of the document, Wiltshire Council had removed the criteria which allowed allocation of social housing to go to those with a family connection in the area. The Committee had serious concerns over the removal of this clause, as if people moved out of the area for education or employment, it meant that they had not lived in the area exclusively for two years and as such would be unable to move back as they would not meet the criteria. This was particularly relevant with regard to education as there are no universities in the county and therefore those wishing to study at higher education facilities had no choice but to move out of Wiltshire. It was considered that a key part of beginning to address the social housing shortage in Wiltshire was to ensure that people are living in the appropriate sized property, and that suitable accommodation was provided for single people in order that they could downsize and release larger properties for families. It was additionally felt that controls over private landlords should be tightened up, as there is a lack of stability in this area, and when people lose a private tenancy the knock-on effect is that they then end up on the social housing list. **Recommended:** *The Parish Council respond to the consultation stating that there should be a greater variety of social housing stock to allow movement between properties depending on family circumstances, for example single person properties to allow downsizing. Additionally, it expresses its concern over the removal of the clause in point 4.13.2, the criteria that allowed a connection with the Wiltshire Council area through family, as this would prevent those attending higher education facilities from returning, especially as there is no university in Wiltshire.*

438/16 **Planning Decisions:**

- a) **16/12469/WCM – Anaerobic Digester, Land at Snarlton Farm:** It was noted that this application has now been withdrawn.
- b) **14/11315/OUT – Snarlton Lane (10 dwellings):** It was noted that this application had been disposed due to lack of response from applicants.
- c) **16/05644/OUT (Revised Plans) – Land off Woodrow Road (77 residential units):** It was noted that this application had been refused, but that it was deplorable that the Highway's Officer had no objections. The same Highway's Officer had advised the applicant at the pre-planning stage, and it was felt that another Highway's Officer should have assessed the application to ensure an objective and independent view was given. This puts the Highway's Officer in a difficult position, especially if the applicant appeals against the decision. It was additionally noted that the decision notice made no mention of the fact that the Parish Council, Town Council or Lacock Parish Council all had major concerns over highways issues. **Recommended:** *The issue of the same Highways Officer giving pre-application advice and examining the application to be referred to the Wiltshire Council Scrutiny Committee and Ian Gibbons, Wiltshire Council Monitoring Officer.*

439/16 **Planning Enforcement:**

- a) **17/00175/ENF - Queries raised about the new Oakfields Football/Rugby Club facilities (13/06739/FUL):** It was noted that a response had been received with

regard to the query over the positioning and alignment of the floodlights. These had been installed as per the approved plans. The issue regarding a potential footpath from Oakfields to Melksham Oak had been discussed at the Highways and Streetscene Committee meeting on 27<sup>th</sup> March. It was reported that there was a requirement for £30,000 to be spent on drainage of the pitches as they were quite often waterlogged and unplayable.

- b) Proposed Hedgerow to the rear of Snarlton Lane:** A response had been received from the Enforcement Officer stating that Planning Enforcement had released the developer from the condition of the original planning application which sought to plant a hedge to the rear of properties in Snarlton Lane. The Enforcement Officer had advised the Consortium of developers that they should raise a planning application to secure this decision. The Clerk reported that unfortunately the grass to the rear of these properties was completely dead as a contractor had sprayed it with weed killer in preparation for hedge planting prior to the condition being lifted.
- c) Norrington Solar Farm (Broughton Gifford Parish):** It was noted that there had been no progress or response.

440/16 **Pre-application Meeting request – 18 houses in Whitley:** A request had been made from the agent of a landowner in Whitley for a pre-application meeting in order to outline their development proposal. It was agreed to hold a private meeting with the agent/developer in an information gathering exercise. It was noted that this was in line with other meetings with other developers at pre-application stage and that the Parish Council would make it clear to the agent/developer that any meeting did not imply that the Council were for or against any potential proposal, and a copy of the Parish Council's policy for meeting developers at pre-application stage would be sent. **Recommended:** *The Council to hold a private pre-application meeting with the developer/agent in an information gathering exercise only.*

441/16 **Community Benefit Funding – Proposed application for Enhanced Response Frequency Services at Westlands Lane Substation:** The Clerk had approached the applicant with regard to possible community benefit from this potential application, should it be approved. They had responded and offered £5K for Melksham North and £5K for Melksham South. **Recommended:** *The Clerk to explore with Wiltshire Council the legalities of accepting this offer before a planning application had been submitted.*

442/16 **S106 Agreements:**

**a) Ongoing and New S106 Agreements:**

- i) S106 for "Pathfinder Way", land South of Western Way, Bowerhill: This had now been signed by the Clerk, Chairman and Vice-Chair.
- ii) S106 for Land East of Semington Road: This is due to be signed imminently by the Clerk, Chairman and Vice-Chair who have delegated powers, however, the Vice-Chair is currently away on holiday.

**Recommended:** *Cllr. Baines to have delegated powers to sign the S106 Agreement in the absence of Cllr. Glover as Vice-Chair.*

**b) New S106 Queries:** None.

**c) S106 Decisions made under Delegated Powers:** None.

**d) Correspondence received about s106 funding from Herman Miller for Campus Playing Fields:** A response had finally been received from Wiltshire Council who confirmed that the s106 funding for the maintenance of playing fields had been spent at Woolmore Farm (now known as Oakfields). They

went on to state that although the s106 clause did not include the target site for the funds, it was clear from correspondence between the developer and Wiltshire Council at the time of the planning application that the contribution was always intended for use at the Woolmore Farm sports site. There had still be no answer to the Council's other query over whether these playing fields were open to the general public.

Meeting closed at 9.08pm

Chairman, 10<sup>th</sup> April, 2017