

MINUTES of the Planning Committee of Melksham Without Parish Council held on Monday 11th June 2018 at Crown Chambers, Melksham 7.00 p.m.

Present: Cllr. Richard Wood (Council Chair) Paul Carter, Alan Baines, Mary Pile and David Pafford.

Officers: Teresa Strange (Clerk) and Marianne Rossi (Assistant Parish Officer).

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

066/18 **Apologies:** Cllr. John Glover (Council Vice- Chair) had given his apologies because he was on holiday; this was accepted.

067/18 **Declarations of Interest:** The committee declared an interest in agenda item 5e, because it relates to the council's own planning application. The committee declared an interest in agenda item 5d, because this planning application includes a new play area that is due to be transferred to the Parish Council.

068/18 **Dispensation Requests for this Meeting:** None

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

069/18 **Items to be Held in Committee: Resolved:** *Agenda item 5c is to be held in Committee under the Public Bodies (Admission to Meetings) Act 1960 "That the public and representatives of the press and broadcast media be excluded from the meeting during the consideration of the following items of business as publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted". This is in line with Standing Order 3d: "That in the view of the special/confidential nature of the business about to be transacted, it is advisable in the public interest that the public be temporarily excluded and they are instructed to withdraw". Reason: (b) terms of tenders and proposals and counter-proposals in negotiations for contracts; (c) preparation of cases in legal proceedings; (d) the early stages of any dispute.*

070/18 **Public Participation:** There were 8 members of the public present. Five members of the public were from Birch Grove and wished to speak about agenda item 5d, planning application 18/04477/REM erection of 213 Dwellings and Associated Works at Land South of Western Way, Bowerhill, Melksham (*known colloquially as "Pathfinder Way"*).

The Chairman reported that Taylor Wimpey had been in touch as the council had asked to see if they could produce a visual showing what the street scene would look like from Birch Grove, but they were unable to produce in the very short timescale. In addition, no one was available to attend the meeting tonight from Taylor Wimpey,

Residents from Birch Grove expressed the following concerns:

- That there were two storey dwellings backing on to their properties that would overlook their bungalows. They queried if the Parish Council could ask the developer if they would consider swapping the two storey properties with the proposed 1.5 storey dwellings from the North East side of the development so that their properties would not be overlooked.
- The proposed footpath giving access to the existing housing at Birch Grove was on the path of a 45-year-old silver birch tree which was the only birch tree in the close. Cllr Baines noted that on the proposed plans the existing tree was to be retained and the Chairman explained that there were NPPF (National Planning Policy Framework) guidelines ensuring new developments were connected to existing developments via connecting footpaths.
- Over the future of the hedgerow between their properties and the new development in terms of future maintenance and fears that it may be removed by the new landowners on the other side of the boundary. Councillors did comment that shared boundaries exist on most existing developments, new and old, and that this was for neighbours to negotiate themselves.

Mike Booth, Chairman of CAWS (Community Action: Whitley & Shaw) spoke on the Toast Office Premises Licence variation. CAWS support the Toast Office and is happy that it is thriving in the community. CAWS do however have concerns over the late-night music until 24:00 and extended opening hours from 06:00 until 24:00 and feel that it would bring noise to the local area at night and bring more traffic into the residential area. It was reported that the Toast Office does not have any parking which means that cars would have to park on the side of an already busy road, which could mean that it congests the area. The Toast Office had approached the public house on the other side of the road to see if they could come to an arrangement with their car park, but this had not been progressed as a competitive business. There were two other CAWS members present who agreed with the comments made by the CAWS Chair.

The Committee reconvened.

Agenda Items 5d and 6 were brought forward.

071/18 **Planning Applications (1):** The Council considered the following application and made the following comments:

18/04477/REM- Land South of Western Way, Melksham, Wiltshire, SN12 6TJ: Reserved Matters Application Pursuant to 16/1123/OUT and 17/06285/REM (Access). Erection of 213 Dwellings and Associated Works at Land South of Western Way, Bowerhill, Melksham. Applicant: Mr. Ian Drew.

Members supported the residents' request for the style of properties to be rearranged within the site, so that properties to the rear of Birch Grove could be swapped with those at the North East of the site as they are 1.5 storey.

This was because the rear gardens of the Birch Grove properties were shorter than Elm Close (as orientated widthways on the bungalow plots) and therefore would be less of an impact to Elm Close residents. Members welcomed the changes that have been made to the final application following the productive meeting with representatives of Taylor Wimpey.

Comments:

The Parish Council do not have any objections to this Reserved Matters application; however, they would like to see the following changes:

- 1. The style of properties to be re-arranged within the site so that the new properties to the rear of the bungalows at Birch Grove are exchanged with the 1.5 storey properties on the North East of the site because the existing rear gardens of those bungalows are considerably shorter than the properties on Elm Close therefore the impact of the new development is greater on those properties than it is on the properties on Elm Close.*
- 2. The Council would also like to clarify the position and future maintenance of the hedgerow between Birch Grove and the new development and confirm that it wishes to see the silver birch tree in close proximity to the proposed connecting footpath at Birch Grove preserved.*
- 3. The Parish Council would also like to reiterate their previous request to Taylor Wimpey regarding the proposal for mown grass around the public open space (POS) and request that this be some form of bound surface. It is felt that the grass surface would not be robust enough for a footpath especially in the Winter months. This is based on their experience elsewhere in the parish, including at Hornchurch Road POS where the parish council are now seeking quotes to install a connecting footpath to ensure a circular route to address this specific issue.*
- 4. The Council would like to seek clarification that all bins including the one in the play area will be emptied in perpetuity by the developer's eventual management company and not the parish council.*
- 5. The parish council welcome the changes in the plans following their meeting with Taylor Wimpey, with the LEAP in a more appropriate position and the welcome the addition of picnic benches, seats, bins and noticeboards.*

072/18 Premises Licence Variation:

The planning committee reviewed the Toast Office proposed application to vary their premises licence. The Chairman drew to the attention of members the guidance to making representation on licence applications, including the reasons for objections and that it has to be evidence based, and not the fear of what may happen in the future.

The application has been made to include the following:

- Live music (indoors and outdoors) Daily 09:00- 24:00

- Late Night Refreshments (indoors and outdoors) Daily 23:00- 24:00
- Sale of Alcohol (ON sales) Daily 06:00- 24:00
- Extension to opening hours daily 06:00- 24:00

There was a detailed discussion about the proposed live music at night, car parking issues and the affect this would have on residents in the area. Cllr. Pile reported that she had spoken to a few residents who were concerned about the live music until 24:00 and that the noise that residents would be hearing would go on beyond midnight whilst customers left the building and noted that noise travels at night. The WHO (World Health Organisation) defined night time noise as between 11pm and 7am and that it should be no louder than conversation.

There was also concerns that it would bring more cars into the area because people will be traveling from longer distances and would be parking on the road. Members agreed that there was already a problem with parking on Top Lane, Whitley and that outdoor live music in a residential area was unacceptable to have until 24:00 and a gross interruption of the daily lives of the residents nearby. Members acknowledged that they wanted to see this business thrive but did not want to see residents disturbed. **Recommended:** *The Parish Council make written representation against the licencing application that they feel that live music indoors and outdoors should finish at 11pm and that the outdoor music is acceptable as long as it is not amplified. Late night refreshments outside should only be served until 11pm. The sale of alcohol should only be served from 9am until 11pm. The opening hours outdoors should be from 6am-12pm with the last hour to be spent indoors only. These suggestions are related to the prevention of public nuisance as the proposals will exacerbate parking issues already experienced at this narrow section of Top Lane (now with the new D3 bus service there are 50 bus journeys each way per day) and the council feel it is inappropriate to have live music and entertainment until midnight in a residential area.*

5 members of the public left the meeting.

073/18 **Planning Applications (2):** The Council considered the following applications and made the following comments:

a) **18/04861/LBC – 1 Queenfield Farm, Woodrow Road, Forest, Melksham, SN12 7RA:** Restoration of farmhouse comprising of internal alterations, new lean- to roofs and conservation roof lights along with new roof to outbuilding. Applicant: Mr & Mrs Nicholas.

Comments: *The Parish Council have no objections and wish to welcome this planning application.*

b) **18/04415/FUL- 1 Queenfield Farm, Woodrow Road, Forest, Melksham, SN12 7RA:** Restoration of farmhouse comprising of internal alterations, new lean- to roofs and conservation roof lights along with new roof to outbuilding. Applicant: Mr & Mrs Nicholas.

Comments: *The Parish Council have no objections and wish to welcome this application.*

- c) **18/04356/FUL- Sports Pavilion, The Queen Elizabeth II, Diamond Jubilee Sports Field, Lancaster Road, Bowerhill, Wiltshire (NB: This is the Parish Council's own planning application):** Change of use to enable part of Sports Pavilion to be used as office space and to allow it to be hired out from 2021 onwards as a training/meeting facility. Applicant: Mrs. Teresa Strange.

The Clerk reported that Wiltshire Council's Leisure & Play Strategy Officer had been in touch to say that they had no objections to the application from a Leisure Services perspective and queried if Fields in Trust (FiT) had been consulted. The Clerk had forwarded the permission for change of use from FiT to the officer for information.

Comments: *The Parish Council have no comment on this application due to it being the Councils own planning application.*

- d) **18/04618/FUL – 41, Lysander Road, Bowerhill, Wiltshire, SN12 6SP:** Side extension to existing B1/B8 unit. Applicant: Mr. Walden (Ashton Farms of Wiltshire).

Comments: *The Parish Council have no objection to this planning application however they have concerns over parking on Bowerhill and would like to see some designated parking for employees.*

- 074/18 **Neighbourhood Plan:** Members noted the draft minutes of the last Melksham Neighbourhood Plan Steering Group meeting held on Wednesday 30th May, 2018.

- 075/18 **Planning Correspondence:**

The committee noted the response that they have received from Wiltshire Council's planning department apologising for their technical difficulties and delays. **Recommended:** *The parish council reply to raise the issue that they can no longer see online which neighbouring properties had been consulted, and in the past the parish council had spotted omissions due to their local knowledge and this was also useful for dealing with resident's enquiries. In addition, there were anecdotal reports that the new Reserved Matters application for 450 houses to the East of Spa Road was still noted as being in Wilts Cllr Jon Hubbard's Ward when only the community centre area was, the housing was all in Wilts Cllr Roy While's ward and documents still referring to Eastern Way incorrectly as Thyme Road.*

8.00pm – The Assistant Parish Officer carried out a fire check of the building.

- 076/18 **S106 Agreements:**

a) **Ongoing and New S106 Agreements:** None.

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

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

d) **Contact with developers:**

i) **Stratera Energy Public Exhibition:** Members noted that Stratera Energy were holding a public exhibition at Shaw Village Hall on Mon 25th June between 5 and 8pm with revised plans for the already consented energy facilities adjacent to the Melksham substation at Westlands Lane, Beanacre.

- ii) **Notes from meeting with Taylor Wimpey:** Notes from the 2nd meeting with the Taylor Wimpey Engineer regarding Highways issues for the Pathfinder Way application were noted as follows:

Notes from Meeting with Developers Taylor Wimpey – re: Closure of Pathfinder Way for Highways Works being undertaken for Planning Application 16/01123/OUT & 17/06285 (reserved matters relating to access) – Wednesday 23rd May at 10.00am at Crown Chambers.

Present: Cllrs. Paul Carter (Planning Committee Vice-Chair), John Glover (Council Vice-Chair), Alan Baines, David Pafford and Nick Holder.

Officers: Teresa Strange (Clerk) and Jo Eccleston (Parish Officer).

Taylor Wimpey Representatives: Steve Baker (Engineering Manager -Taylor Wimpey) and Ian Powney TGS (Taylor Wimpey' Signage Contractor).

Mr. Powney explained his proposal for closing Pathfinder Way. He felt that residents of the Bowerhill area would not want all traffic diverted via Portal Road as this would cause them more inconvenience. He said that it would mostly be HGVs which would cause a problem if they were misdirected and stated that the majority of signage include notifications to HGV drivers, and that most drivers would follow diversion signs. Entrance to the Industrial Estate would be via Portal Road, as not only is this an easier route, a large proportion of HGV drivers already use this route. Their objective is to try to avoid any traffic issues in the residential area.

He expressed reservations about the Parish Council's previous request for Lancaster Road and Lysander Road to be made one way for the duration of the road closure. He said that from experience road signs indicating that these two roads were one-way would get blocked by parked lorries and then the one-way system wouldn't work which would cause more problems than it solved. Additionally, there are so many minor roads and business entrances off of these two roads that it would require too many road signs for it to be effective.

He reported that he had inspected Lancaster Road at 9.00am this morning and that there were approximately 50 car parking spaces along this road with about 35 cars parked. He stated that they could apply for restricted parking along this road but that this brought about two issues; alternative car parking would need to be found and where would this be as they wanted to avoid parking issues spilling into the residential area, and enforcement of any parking restrictions. There would be a similar problem on Lysander Road. It was noted that the worst road was Westinghouse Way with vehicles parked on both sides of the road for the entire stretch of road, however, Westinghouse Way does only provided access to two businesses and the Bowerhill Sports Pavilion.

Members drew attention to the fact that the old RAF hangers were not currently in use, but they were being refurbished and that this could bring about additional traffic to Lancaster Road. Also, Lancaster Road gets very busy on certain days with queuing traffic trying to access the Household Recycling Centre, which is closed when the skips are being changed over.

It was queried whether Taylor Wimpey knew the current volume of traffic flow from HGVs on Pathfinder Way. Mr. Powney responded to say that he had only seen about 6 HGVs in the half hour that he was surveying the industrial roads this morning. It was noted that the Transport Assessment undertaken by McTaggart and Mickel Homes Ltd in January 2016 as part of their application for this site (16/0123/OUT) recorded the following:

Pathfinder Way Northbound – 36 HGVs in AM Peak Hour – 12 HGVs in PM Peak Hour

Pathfinder Way Southbound – 22 HGVs in AM Peak Hour – 9 HGVs in PM Peak Hour

(This data was collected via a manual count on Tuesday 1st December 2015 between the hours of 07:30 to 09:30 and 15:00 to 18:30)

Members queried whether Taylor Wimpey had spoken to the bus companies about the impact of the road closure on their service provision, which was now every half an hour through Bowerhill via Halifax Road and Pathfinder Way. They also advised that TransWilts were in negotiations with the bus companies about a route through the industrial area of Bowerhill, and that any diversion of bus routes would be ideal to test any new route for its feasibility. Mr. Powney responded that Wiltshire Council would speak to the bus companies once a road closure TRO (Traffic Regulation Order) was in place, as this liaison was part of the TRO fee.

Members felt that the signage being proposed to divert traffic was very comprehensive and well thought out. However, they still had concerns with regard to the volume of traffic which would be diverted via Lysander Road and Lancaster Road, and the issues of parked vehicles and HGVs being unable to pass each other. Members still felt that that a One-way system of these roads was the best way forward and easier to enforce than parking restrictions. Mr. Powney stated that he understood the concerns of the Parish Council, but that he considered a one-way system would also be difficult to enforce. It was agreed that Mr. Baker and Mr. Powney would give the issue of how to manage Lysander Road and Lancaster Road some more thought.

Mr. Baker reported that he hoped the road closure and groundworks would take place between mid-September and mid-December, but that was all pending the signing of the S278 agreement.

The Clerk advised that a resident had requested whether any mature trees removed from Pathfinder Way as part of the site access arrangements could be replanted on the public open space behind Kestrel Court and Beverly Close. Mr. Baker replied that he would investigate this as a possibility with their tree and landscaping consultant.

The Clerk informed that the Parish Council had agreed on RAF themed street names and that Mr. Baker's colleagues at Taylor Wimpey had been happy with this. She advised that the names put forward were of ex RAF personnel and that for some of them permission would need to be sought from relatives. She asked whether Mr. Baker was happy for the Parish Council to speak to Wiltshire Council about the proposed names at this stage as it would take time

for this research to be carried out. Mr. Baker confirmed that he was happy with this approach.

It was noted that BRAG (Bowerhill Residents Action Group) had their next meeting on 10th July, which would be a good opportunity for the developers to make a presentation of their proposal and seek the views of residents. Mr. Baker agreed and stated that he would attend this meeting. The next meeting with the Parish Council for a further update would be on Wednesday 4th July at 10.00am at Crown Chambers.

077/18 **Planning Committee meeting 2nd July**

The Clerk reported that the 2nd July planning committee meeting was due to be held at St Barnabas Church for a trial as the Parish Council's future meetings will be held there, however the Parish Council have received two large planning applications that could be of interest to members of the public. It was felt by the committee that they should seek an alternative venue for the meeting and that the best venue would be United Church as central for residents of both applications.

Members of the public were asked to leave the room whilst the following planning application was considered (as per with Min 069/18).

078/18 **Planning Applications (3):** The Council considered the following application and made the following comments:

18/02448/FUL (AMENDED PLANS) - 29 The Beeches, Shaw, SN12 8EP:

Two storey side extension. Applicant: Mr & Mrs C Davis

Members noted the draft Confidential Notes to accompany Min. 028/18C when this was last discussed and further correspondence received from the applicant following the action taken following that meeting.

The Clerk reported that the applicant had submitted revised plans with a reduced extension width from 4,300mm to 3,940mm which met the applicant's correspondence detailing that he believed a 3,940mm extension fitted within his boundary but he still wished to retain the additional land to ensure he could have side access for wheelie bins etc. Further correspondence was putting the onus back on the parish council to prove land ownership etc.

Recommended: *The parish council reply to the correspondence to say that any actions to undertake this land transfer formally and the accompanying legal work is the responsibility of the applicant and not the parish council, however, they will not obstruct this.*

The following Comments are submitted to the Planning Application:

Comments: *The Parish Council have no objections to this application as long as their boundary is respected.*

Meeting closed at 8.15pm

Chairman, 18th June 2018