

**MINUTES of the Planning Committee of Melksham Without Parish Council held on Monday 12<sup>th</sup> March 2018 at Crown Chambers, Melksham 7.00 p.m.**

**Present:** Cllrs. Richard Wood (Council & Committee Chair), Paul Carter (Committee Vice-Chair), John Glover (Council Vice-Chair), Alan Baines, Mary Pile and Greg Coombes.

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

Cllr. David Pafford as an Observer.

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

476/17 **Apologies:** Cllr. Kaylum House had given his apologies as he was visiting a relative; the Committee accepted his apologies. Cllr. Chivers had sent apologies, but with no reason for his absence; this was not accepted.

477/17 **Declarations of Interest:** None.

478/17 **Dispensation Requests for this Meeting:** The Clerk informed that the Parish Council had a registered dispensation to discuss the Land east of Semington Road application (17/12514/REM) due to the fact that the community benefit of a village hall was involved.

479/17 **Public Participation:** There were no members of the public present.

480/17 **Planning Applications:** The Council considered the following applications and made the following comments:

a) **18/01187/OHL Land South of Shurnhold, Melksham, Wiltshire, SN12 8DF:**  
To replace the existing 8.1m high pole supporting overhead powerlines and install a 9.3m high pole. Applicant: Southern Electric Power Distribution PLC.  
**Comments:** *The Parish Council have no objections.*

b) **18/00421/FUL New Era Fitness HQ, 14E Lysander Road, Enterprise Centre, Melksham, Wiltshire, SN12 6SP** Change of use of unit 14E to D2 for use as Personal Training Studio, indoor fitness facility and private gymnasium. Applicant: Mr DJ Hussey.  
**Comments:** *The Parish Council do not object, however, they have concerns over the adequacy of the parking provision, both now and in the future.*

c) **18/01666/TPO 6 Plane Tree Close, Whitley, Melksham, Wiltshire, SN12 8RN:**  
T1- Plane Tree- deadwood; reduce by 20% - 25% a number of overlong limbs & thin crown by 10% - 15% to rebalance shape. Applicant: Mr Ken Whibley.  
**Comments:** *The Parish Council have no objections.*

481/17 **Planning Appeals:**

a) **17/04649/FUL – Land South of 489A, Semington Road, Melksham:** Erection of 4no. terraced dwellings. It was noted that this appeal against refusal was dismissed by the Planning Inspector, with the main grounds being cited as lack

of provision of outdoor amenity space and light and the effect on the character and appearance of the area.

482/17 **Neighbourhood Plan:**

- a) **Melksham Neighbourhood Plan Steering Group Draft Minutes, Wednesday 28<sup>th</sup> February, 2018:** These draft minutes were noted.

483/17 **Media Article:**

- a) **Rural Services Network Article – “Loophole Scuppers Affordable Homes”:** This article highlighted the fact that some house builders are exploiting a legal loophole so that they do not have to build as many affordable homes in the countryside. Both homeless charity Shelter and the CPRE (Campaign to Protect Rural England) are calling on the government to use their current review of planning laws to close this loophole and give local communities the homes they require. **Recommended:** *The Parish Council express their support for this initiative, by adding this issue to the list of discussion points with Michelle Donelan, and also by putting this in writing to her and Communities Secretary, Sajid Javid MP.*

484/17 **S106 Agreements:**

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

- (i) **Meeting with BASRAG (Berryfield and Semington Road Action Group) to be held Tuesday, 27<sup>th</sup> March, 2018:** It was noted that members of BASRAG would be attending a meeting with the Parish Council and Meril Morgan, Wiltshire Council Public Art Officer. The meeting structure to be as follows:

- 9.30 BASRAG and MWPC meet to discuss the new village hall requirements under planning application 17/12514/REM.
- 10.30 Meril Morgan, Wiltshire Council public art officer joins the meeting to discuss the public art contribution for the same planning application.
- 11.00 BASRAG then depart, and MWPC discuss with Meril Morgan public art contributions for other large housing developments in the parish.

- (ii) **Open Letter to Potential Developers re Meeting at Pre-Application Stage:** As per Min.397/17d), the Parish Council had written an open letter to developers informing them that they wished to enter into discussions at pre-application stage, which had been passed to Wiltshire Council to distribute as and when they received enquiries. As a result of this the Council had been contacted by developer Taylor Wimpey Bristol with regard to the Pathfinder Way application (16/01123/OUT), and a meeting had been held with them on 8<sup>th</sup> March, prior to them submitting their reserved matters application which they were hoping to do in the next week or two. The developers explained that they had bought the site with outline planning permission for a residential development of up to 235 dwellings, primary school with early years nursery and open space provision in December 2017. They therefore had inherited the approved outline plans and access plans and S106 Agreement. The following points were discussed:

- Primary School: Wiltshire Council had led the developers to believe that the primary school would be built as there was a need for the places. They stated that they would be servicing the land and creating the

access for this, and providing their financial contribution towards this, but did not know where the rest of the funding would come from. The position of the school was now fixed.

- Primary School Land: The school land would be transferred to Wiltshire Council once the services and access provision were in place. The land originally was for the provision of a one form entry school; however, Wiltshire Council had requested that land was also made available for the school to be extended. This additional land would also be transferred to Wiltshire Council, with the caveat that if the school does not get extended within the specified timeframe (believed to be 10 years), then this land goes back into the ownership of the developers.
- Footpaths to School: The Parish Council expressed concern over safety issues for children walking to the new school, not only from this site, but also from the development of 150 dwellings on land east of Semington Road. Anecdotally, there were currently few primary places available at Aloeric School, pupils would need to walk along the busy A350 and A365 to access the new school, and a short section of footpath was required to link up the two developments and provide a safe walking route for children. The developers stated that footway upgrades formed part of the works and they were looking at detailed design work with Wiltshire Council at the moment.
- Pedestrian Access: The developers stated that there would be an increase in pedestrian permeability over the whole site and linkages to other areas and existing development. The Parish Council requested that a pedestrian link to Birch Grove (hammer head) was created to allow residents of the new site to access the shops and facilities in Bowerhill, and to integrate the old and the new developments to create a cohesive community. The Developers said that they could do this from their site but would need to make investigations into the ownership of the potential ransom strip land in Birch Grove. Whilst recognising that some residents of Birch Grove may have objections to this, the Clerk emphasised that the Parish Council understood that this was a condition of the NPPF (National Planning Policy Framework) from their experience with another application in the parish.
- Highways Work: The developers explained that there were significant highways works to be carried out on Pathfinder Way as part of the planning application. The Parish Council explained that this issue had been discussed at their last Highways Meeting under Min.428/17a)iii), where it had been noted that under Wiltshire Council's Major Maintenance List, Pathfinder Way was on the reserve list for future resurfacing of the section not affected by this planning application. The Parish Council requested that some collaborative working took place with regard to all the works being carried out at the same time, not only as a cost saving exercise, in terms of traffic management, but also to prevent residents from having two separate periods of road disruption. The developers agreed with this principle, as they wanted the access arrangements to their site to look good for potential homeowners and did not wish for their new road surfacing to be dug up. They stated that they were happy to have a conversation with Wiltshire Council over what possible arrangements could be made.

- Trees on Pathfinder Way: The developer reported that some of the mature trees on Pathfinder Way will be lost in order to create the access arrangements. They stated that they would try to retain some where possible as this gave a good Streetscene frontage to their site. Where trees did have to be removed they stated that they would replace with new ones. The Parish Council requested that they were replaced with established trees rather than saplings, which often died and did not look very good for quite some time. The developer stated that their Arboricultural consultant was meeting the Wiltshire Council Tree Officer to establish whether there was a way to retain some of the trees. The Parish Council requested that a wider discussion was had with regard to the landscaping of the whole site and suitable species to use, as residents of the parish in another recent development have had issues with tree roots causing problems to their properties and Wiltshire Council have cut down these trees and will not be carrying out any replacement planting. The developers stated that they would be very disappointed in their landscaping specialists if they suggested a planting scheme that would be invasive and cause property damage, and that they would expect appropriate planting to be carried out.
- Site Design: The developers explained that Wiltshire Council wished the division between the two settlements of Bowerhill and the Town to remain, and wished to see the design of this development reflect the entrance to Bowerhill. The attenuation and areas of public open space had been designed to be in the south of the site, to create a green buffer. Additionally, Wiltshire Council wished to see the various house styles on the existing Bowerhill development reflected in this new development, so that it felt part of the Bowerhill development and not an isolated site. The site would therefore have 4 different character areas, with different house styles to reflect the existing buildings in Bowerhill and the historic Spa Buildings. The Parish Council welcomed they felt that it supported some of the principles of dementia friendly housebuilding, by creating points of reference.
- Affordable Housing: The developers reported that the standard calculation for affordable and social housing had been applied, 30% of the development, with an 80/20 split between affordable and social housing. The total number of dwellings had been reduced from 235 to 213, this was due to the additional land being made for a possible school extension. However, there were 23 open market 2 bed houses being provided. The Parish Council queried the clustering of the affordable and social housing. The developers said that this fell within Wiltshire Council's criteria, explaining that social housing providers prefer to buy properties in small clusters as it made the future management of them and plot purchases easier for them.
- Building Heights: The developer stated that there were no bungalows being provided on the site, but that building heights and architectural design would be sympathetic to existing dwellings in Elm Close and Mallory Place, with the proposed dwellings being garden to garden.
- Street Names: The Parish Council explained that all the street names on the existing development of Bowerhill (with the exception of Elm Close & Birch Grove), had connections to the RAF, and that it would help to

integrate this new development with the rest of Bowerhill if street naming continued in the same vein. The Developers were happy for street names to reflect the RAF history of Bowerhill.

- Shared Surface/Speed Limit: There was a long straight spine road indicated on the plan that was a shared surface, and with no bends etc would be unlikely to be self-enforcing at a 20mph speed. The plans would be reviewed and if Wiltshire Council felt that speed reducing measures were required then they would look into this further. The Parish Council shared their experience on another new development where lack of understanding by both pedestrians and road users of shared space had caused concern, particularly when houses had no front garden which led out onto the shared surface. The drawing indicated that dwellings on this stretch of road had front gardens and/or drives.
- Public Art Contribution: The Parish Council expressed their desire for public art to be of a practical nature. They also would like to see any public art reflect the RAF history. The Developers liked the idea of the public art having a connection to the RAF and were happy for the Parish Council to discuss this further with the Wiltshire Council Arts Officer.
- Public Open Space (POS): The developers stated that there was a small unequipped LAP (Local Area of Play), in the centre of the development to the east of Pathfinder Way, and a LEAP (Local Equipped Area of Play) on the land to the west of Pathfinder Way. In the north of the land to the east of Pathfinder Way was the main area of POS, with attenuation pond. This will have a mown circular path around it for dog walkers. The Parish Council requested that bins and benches were placed in this area.
- LEAP: The Parish Council were very unhappy about the proposed location of the LEAP, to the north of the school site on the west of Pathfinder Way. The majority of the housing was on the east of Pathfinder Way, and as LEAPs were for the use of younger children, 4-8 years, it was felt that children would not be able to access this on their own due to the dangers of crossing the busy road. They requested that the LEAP was located in the POS by the attenuation pond. The developers said that they would look into the possibility of this and would speak to the Planning Officer.
- Automated Bus Stops: The Parish Council requested that the bus stops being provided were automated. The Developers stated that the Parish Council would need to speak to Wiltshire Council about this issue.
- Time Frame: The reserved matters application was due to be submitted very shortly, within the next week or so. The developers anticipated that they would commence the highways work in the Autumn of 2018, with the build starting in the second half of 2019.

The proposal for a mown grassed path around the POS was discussed and it was felt that this would not be robust enough as this area is wet all year, hence the attenuation pond in this area, and that some form of bound surface was required. **Recommended:** *The Council make further comment to the developer as follows, and copy in the Planning Officer and BRAG (Bowerhill Residents Action Group):*

*The Parish Council would like to request that rather than a mown path that a path with some form of bound surface is installed instead. Feedback from residents of new developments in the parish, both gathered from attendance at Parish Council meetings and gathered from public consultation events undertaken for the Neighbourhood Plan, is that residents do want circular paths, but they want them to be all weather. There is a concern that as this area is already wet underfoot, hence the attenuation pond, that in the winter months and in periods of heavy rainfall that a mown path will just become muddy and unusable. The Parish Council have recently requested a circular path which can be used in all weathers from the developers of 150 dwellings and village hall on land east of Semington Road (16/00497/OUT & 17/12514/REM). Additionally, the Parish Council have sought match funding to install a new section of footway on the public open space at Hornchurch Road, Bowerhill to connect existing footways to create a circular walk. The Parish Council feel that this is something that future residents of this development would want to see, and it would seem sensible to install this during the construction phase rather than retrospectively.*

**b) New S106 Queries:**

- (i) Draft Deed of Variation for S106 for 16/00497/OUT (150 dwellings and Village Hall on Land East of Semington Road):** When the developers, Bellway Homes, had met with the Parish Council, they explained that they were submitting a deed of variation to the S106 Agreement, as they had made amendments to the access provision to the site. They had sought planning permission for the change of access from the approved outline planning permission and the S106 had to be amended to conform with these changes. As the Parish Council were signatories of the original S106 Agreement, they also had to sign this deed of variation. **Resolved:** *The Parish Council reply to Wiltshire Council that they are happy to sign the deed of variation for the S106 Agreement.*
- (ii) HM Land Registry – Transfer of Hornchurch Road Play Area Land to the Parish Council:** Members noted that the HM Land Registry documents, transferring the Hornchurch Play Area land from Westbury Homes (Holdings) Ltd and Bloor (Swindon) Ltd to the Parish Council had been received from the Parish Council's solicitors for signing. This included a clearer map of the land to be transferred which was just the play area and not all of the public open space. The legal documentation refers to the "retained land" and seeking permission from the landowners of this land to cross it or undertake any works. The Clerk reported that Wiltshire Council owned all the public open space apart from the footpaths which were still owned by Bloor Ltd. **Recommended:** *The Parish Council sign the HM Land Registry transfer documentation for the Hornchurch Road Children's Play Area.*

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

Meeting closed at 7.52pm

Chairman, 26<sup>th</sup> March, 2018