

MINUTES of the Planning Committee of Melksham Without Parish Council held on Monday 19th February 2018 at Crown Chambers, Melksham 7.00 p.m.

Present: Cllrs. Richard Wood (Council & Committee Chair), Alan Baines, Mary Pile and David Pafford as nominated substitute for Cllr. Greg Coombes.

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

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

436/17 **Apologies:** Cllrs. Paul Carter (Committee Vice-Chair) and John Glover (Council Vice-Chair) who were both on holiday. Cllrs. Greg Coombes and Kaylum House had given apologies as they were unwell. The Committee accepted these apologies.

It was noted with thanks that Cllr David Pafford had agreed to be Cllr Coombes substitute at very short notice to enable the meeting to be held as quorate, acknowledging that it was Cllr Pafford's first meeting since being elected.

437/17 **Not Present:** Cllr. Terry Chivers.

438/17 **Declarations of Interest:** None.

439/17 **Dispensation Requests for this Meeting:** None.

440/17 **Public Participation:** There were no members of the public present.

441/17 **Planning Applications:** The Council considered the following applications and made the following comments:

- a) **18/00900/FUL Land Opposite Outmarsh Farm Semington Road Melksham BA14 6JX:** Erection of a new sculpture to the front of the new Wiltshire Air Ambulance Headquarters. Applicant: Mr. Kevin Reed.
Comments: *The Parish Council have no objections.*
- b) **18/00972/FUL 213B Corsham Road, Whitley, Melksham, SN12 8QF:** Extension and alterations. Applicant: Mrs. Kirsty Jamieson.
Comments: *The Parish Council wish to express their concerns about the possible loss of privacy to neighbours arising from the side windows and the balcony.*
- c) **18/00883/FUL 84 Berryfield Park, Melksham, SN12 6EE:** Two storey extension and alterations. Applicant: Mr Ben Poole.
Comments: *The Parish Council have no objections. They wish to note for the record that they have the lease for the play area and village hall on the adjacent land.*
- d) **18/01132/DEM Woolmore Farm Buildings, Bath Road, Bowerhill, Melksham, SN12 6QZ:** Prior notification of proposed demolition of small two storey structure previously used as a diary block. Applicant: Wiltshire Council.

The members noted Wiltshire Council correspondence that this building had suffered partial collapse and posed a health and safety risk. Permission for demolition had therefore already been granted as permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015, SCHEDULE 2, Part 11, Class B and that condition B.2(a) has hereby been satisfied in order to allow the works to proceed.

- e) **18/00696/TPO 64 Shaw Hill, Shaw, SN12 8EX:** Hornbeam Tree – crown tin 30%, crown reduce by 4m and shape. Applicant: Mr. Paul Drage.
Comments: *The Parish Council have no objections.*

442/17 **Report following Meeting with Developers on Wednesday, 7th February, 2018: 17/12514/REM Land East of Semington Road, Melksham, SN12 6DR:** The Clerk

reported that Cllrs. Wood, Glover, Baines and Carter, as members of the Planning Committee, she and the Parish Officer had met with Chris Cox from Pegasus Planning Group Ltd, and Dan Holland and Rhian Powell from Bellway Homes South West Ltd, to discuss the details of the Reserved Matters application and community benefit being provided by this development. The following issues were discussed:

- POS (Public Open Space): To the south of the site is a landscaped area of POS and the plans show a footpath which extends the length of this POS, but then stops. The Parish Council requested that this footpath continued round to the east and north of the site to create a circular walking route, as feedback from residents in other new developments in the Parish was that this was something that they wanted for recreational purposes. This was evidenced to the developers, as the Parish Council had just applied to the Area Board for match funding to install a new footway at the Hornchurch Area of POS, to connect existing pathways to create a circular route which had been requested by residents and BRAG (Bowerhill Residents Action Group).
- Housing Types: Following a request from Wiltshire Council, the siting of the 3 bungalows being provided on this development had been located at the entrance of the development to allow easy access for residents of these dwellings to the main highways and bus route. The Parish Council welcomed this. The Council had asked whether 1 bedroom privately rented apartments, not just social housing, could be part of the development. The developers had explained that they had undertaken research prior to drawing up the Reserved Matters plans which indicated that those people interested in 1-bedroom apartments wanted these in locations closer to the town. However, they stated that this development would provide fifteen 2-bedroom houses for private purchase. The developers confirmed that the properties would all be freehold and not leasehold.
- Hedgerows and Landscaping: The developers stated that they intended to leave some of the field hedgerows in place within the development. In particular they were going to retain the north to south hedgerow which was on the line of the route of the old Wilts and Berks canal, and to make this a walking trail and feature. They suggested that this area could be enhanced further with log features and information boards explaining about the history of the canal.
- Play Area: The equipped play area provision was discussed. The plans show that the play area will be a LEAP (Local Equipped Area of Play) for children 4 to 8 years of age, with 5 pieces of equipment. The Parish Council had

expressed their concern that the S106 Agreement stated that the location of the LEAP was to be agreed in writing between the Owners and the Parish Council prior to the Reserved Matters application being submitted, and this had not happened. The Developers apologised, stating that this was an oversight and that they had not realised that this was in the S106 Agreement. The Council however acknowledge that the location of the play area created a welcome green open space in the centre of the site. It was explained to the developer that BASRAG (Berryfield and Semington Road Action Group), the local community group, wanted the play area to be located next to the village hall. The existing Berryfield village hall was located next to the play area, and this was used by organisations as an outside space for events, such as Easter egg hunts. The developers stated that the village hall was located next to the area of POS to the south of the site, so there was the potential for such activities to still take place. Additionally, they stated that they would install a couple of picnic benches on this land to facilitate this area for such uses. Members noted that the proposal included a basket swing, but did not include a standard swing set and ask that one was included. It also requested that the pedestrian gates to the play area were painted red; this would be in conformity with the other play areas in the Parish, which have red gates on the recommendation of ROSPA, so that those with sight impairments can easily see the exits, this is also an anti-bullying initiative. The Parish Council also requested that the safety surface of the play area extended to just beyond the fence line, explaining to the developers that experience had shown them that this makes grass cutting and maintenance easier. If the safety surfacing finishes short of the fence line then this creates areas where the rubbish can accumulate in the longer grass, additionally the natural expansion and shrinkage of the surfacing due to weather conditions can create trip hazards.

- Public Waste Bins: The developers confirmed that all bins provided would be emptied by the nominated management company, including the bins within the fenced play area.
- Village Hall: The S106 Agreement stated the following: “a sum of up to five hundred thousand pounds (£500,000) to be used by the Parish Council or the Council’s nominee for the construction of a village hall on the Village Hall Land in the event that the Owners do not elect to construct the Village Hall”. The developers had stated that it was their initial intention to pay the sum of £500,000 to the Parish Council rather than build the village hall themselves, as they had concerns that if numerous community groups and residents were involved that it could cause time delays to the project and they did not want to still be on site constructing a village hall after all the houses had been built. The Parish Council would prefer not to build the village hall themselves as they felt that they did not have the expertise to do so and there were obvious economies of scale and lower cost implications if the developers built the hall whilst already on site building the houses. The developers stated that they would consider building the village hall if the Parish Council acted as the single point of contact and engaged with the local community, and if they could suggest a simple building design. The Clerk advised the developers that she would ask Community First, who support communities with fundraising and building village halls, if they could assist and provide some details of recently built, well designed halls in the area that could provide further details.

The Parish Council suggested that the Public Art Contribution could be used to enhance the hall or its surroundings.

- Access: The developer explained that they would be submitting a deed of variation for the S106 Agreement, which was a legal exercise due to the fact that they had sought a variation to the outline planning application to alter the access. This had been done so that it was not necessary to remove the boundary hedge. The revised access plans had been welcomed by the Wiltshire Council Highways Officer as this created a 3rd traffic calming feature on Semington Road. The Council stated that there were concerns raised by residents over the lack of priority signage on the existing road calming measures, and requested that the new road calming measures being provided by this application had priority road signs clearly indicating which direction of traffic had priority. The developers said that they would speak to the Highways Department about this.
- Site Speed Limit: The Council asked the developer what the speed limit on the development would be. The developer did not know and said that they would investigate this.
- Bus Shelters: It was noted that two bus shelters were being provided in Semington Road as part of this application, and that the Parish Council would speak to Wiltshire Council Highways directly with regard to the siting of these.
- Management Company: The developers did not know at this point who the development management company would be.
- Public Art Contribution: The Parish Council had expressed their view to the developer that they wished to see the Public Art Contribution spent on “practical public art”, and stated that they would liaise with the Wiltshire Council Public Arts Officer.
- Tree Management: The Council explained that a resident of the Mobile Home Park, whose property was on the northern boundary of the site, had attended several Parish Council meetings and had requested that the trees on that boundary were reduced and cut back to give his property more light. The developers stated they would assist if they could, but that they needed to investigate their ecology and habitat report as some of those trees may have been identified as potential bat roosts.
- Time Scales and Working Hours: The developers were hoping that this application would be considered by the Wiltshire Council Planning Committee in April. If approved, they hoped to be on site in June. They stated that their construction working hours would be Monday to Friday 8.00am – 6.00pm, Saturdays 8.30am – 1.00pm, with no Sunday or Bank Holiday working.

Recommended: **1.** The Parish Council liaise with the relevant Wiltshire Council Departments and Officers with regard to the siting of the two bus shelters in Semington Road, priority signage on the proposed new road traffic calming scheme and the public art contribution. **2.** The Officers investigate local village halls and build designs. **3.** Members of BASRAG and the local community to be consulted on the design and requirements for the new village hall and public art contribution.

The Officers had noted correspondence from the Wiltshire Council Tree and Woodland Officer with regard to issues from trees planted by developers in Belvedere Road, Bowerhill, where residents had raised complaints to Wiltshire

Council with regard to property damage due to tree roots. The Tree and Woodland Officer's response included the following:

“Vigorous and Tall Species

Sadly, this is a common problem where developers plant vegetation to screen developments in doing this the developers plant species that are quick to establish themselves and it would appear that they do not consider the zone of influence of the vegetation that they have planted or the proximity to properties or the foundation depth of the properties either. My department does not have any involvement with the planning process or trees that are planted as part of a development. In this situation by the time the vegetation has established the land is then owned by the council and therefore it is the council who is liable for the damage caused. This is the first case of subsidence within this development that I am aware of.”

Members considered that there was an opportunity at this stage of the planning process to request that the Wiltshire Council Tree and Woodland Officer is consulted on the most appropriate trees to be planted on this new development to prevent a reoccurrence of the situation in Belvedere Road. **Resolved:** *The Parish Council would like to make additional comments to Wiltshire Council on this application.*

They wish to see the Wiltshire Council Tree and Woodland Officer consulted over the landscaping and tree planting scheme for this development. This follows incidents in Belvedere Road, Bowerhill, where it is understood that residents have made claims against Wiltshire Council for property damage from the roots of trees planted by the developer, which are vigorous growing and tall species. Wiltshire Council contractors have now cut down these trees. The Parish Council considers that the Wiltshire Council Tree and Woodland Officer should advise the developer on the appropriate species to plant to prevent a reoccurrence of this issue.

443/17 **Strategic Planning Committee:**

- a) **17/09248/VAR – Land East of Spa Road, Melksham, Wiltshire:** It was noted that this planning application was approved. However, the Officer's report had referred to Wiltshire Cllr. Jon Hubbard as the local member, when the local member for the vast majority of the proposed development is in fact Wiltshire Cllr. Roy While, and had also referred to the Eastern Relief Road, which was named by Wiltshire Council as Eastern Way, as Thyme Road, which is a residential cul-de-sac. The latter error had been pointed out to Wiltshire Council on numerous occasions. **Recommended:** *The Clerk to yet again inform Wiltshire Council of the errors that they have made in public facing documents as this can be misleading.*

444/17 **Neighbourhood Plan:**

- a) **Melksham Neighbourhood Plan Steering Group Minutes, Wednesday 31st January, 2018:** These minutes were noted.

- 445/17 **SHELAA (Strategic Housing and Economic Land Availability Assessment):** The Clerk explained that the SHELAA replaced the SHLAA (Strategic Housing Land Availability Assessment) and that this document had appeared on Wiltshire Council's website in August with no notification. The SHELAA is a register of land that a landowner has stated is available for potential development and it now includes economic land, which the SHLAA did not. Each site is assessed for its potential

capacity for development and then published on the list; although this does not mean that the land is subject to any planning application, or that it would get planning permission.

446/17 **S106 Agreements:**

a) Ongoing and New S106 Agreements:

- (i) **Community Centre on p/a 14/10461/OUT:** The Clerk explained that on further review of the plans it had been identified that the new community centre being provided as part of the S106 Agreement for this application was actually within the Town boundary rather than within the Parish, as the proposed location was in the far south west corner of the site next to the Snowberry Lane GP Surgery. **Recommended:** *The Parish Council advise Melksham Town Council that the community building being provided as part of this application is in the Town Parish and suggest that they make contact with the developers direct to discuss further.*
- (ii) **Public Art Contributions:** It was noted that the Public Arts Officer had been contacted with regard to the arts contributions for the developments on land the north of Sandridge Road (15/12454/OUT – 100 dwellings) and land to the east of Semington Road (16/00497/OUT – 150 dwellings and village hall) and to ask if she would attend a meeting with the Parish Council to discuss these applications. She had responded to say that she could not attend a Monday evening meeting, but that she would be happy to meet the Parish Council in the daytime. In the meantime, she had responded to the consultation on the Semington Road application stating that the Parish Council had indicated that it was keen to see that public art was of a practical nature. **Recommended: 1.** *The Wiltshire Council Public Art Officer to be invited to attend a meeting with members of the Planning Committee on a Tuesday morning to discuss the public art contributions for 15/12454/OUT – 150 dwellings and village hall on land east of Semington Road, 16/00497 – 100 dwellings on land north of Sandridge Road and 14/10461/OUT – 450 dwellings on land east of Spa Road. 2.* *Members of BASRAG (Berryfield and Semington Road Action Group) to be invited to this meeting when the east of Semington Road arts contribution is discussed.*
- (iii) **Management plan for public open space 17/01699/FUL:** It was noted that this public open space had been provided as part of the S106 Agreement for 14/10461/OUT (450 dwellings on land to the east of Spa Road) and was to the rear of The Spa and Melksham Oak School. This land was now owned and due to be maintained by Wiltshire Council, and they had stated that their Countryside Team would write a Management Plan for this land. The Officers had chased the whereabouts of this plan, and had been informed that it was underway.
- (iv) **Community benefit from Norrington Solar Farm:** Officers had been chasing the outstanding community benefit from the Norrington Solar Farm application (W12/02072/FUL) now that the High Court proceedings had concluded and the “as built” variation (17/04730/VAR) plans had been approved. The original owners of the site, Sun Eddison had stated that they would provide a community defibrillator for Shaw Village Hall and had agreed to up to £7,000 of funding for other community projects following the disruption to residents of Shaw during the construction phase. It was noted that ownership of the site had changed several times and the current

owners Terraform Power had responded to say that they had provided community benefit to the parish of Broughton Gifford, as this is the parish where the Solar Farm is located, and that the significant costs incurred in the legal proceedings and the additional costs incurred in physically improving the as-built project has resulted in them being unable to fulfill the request made by the Parish Council. The members were very disappointed in this outcome, as they felt that it had been the residents of Shaw Hill who had been most adversely affected when the site was under construction.

- b) New S106 Queries:** The members noted correspondence from the Town Council following their Planning Training with Dr. Andrea Pellegram, where she had advised them to enter into pre-application discussions with developers of sites in the Parish of Melksham Without. She had stated that as these developments were skirting the edge of the Town that it was appropriate for the Town Council to negotiate potential community benefit from these applications, as in her opinion the Town provided a range of amenities and facilities which residents from any new development would be able to access. The Town Council did not wish to enter into such dialogue with developers of sites in Melksham Without without first discussing this with the Parish Council. Members felt that as with the pre-application meeting it had held with Bellway Homes, that any discussions were very site specific about play areas, benches, bins, etc, and that any S106 contributions were to mitigate any issues raised by the development, so were also site specific. It was noted that CIL contributions were a set calculation on the specific development and thus non-negotiable, however, the Parish Council acknowledged that a dialogue could be entered into with the Town Council with regard to CIL contributions. ***Recommended:*** *The Town Council are invited to send a representative to attend any future pre-application meetings with developers.*
- c) S106 Decisions made under Delegated Powers:** None.

Meeting closed at 8.15pm

Chairman, 26th February, 2018