

MINUTES of a Planning Committee Meeting of Melksham Without Parish Council held on Monday 3rd June 2013 at Crown Chambers, Market Place, Melksham at 7pm

Present: FULL COMMITTEE Cllr. Richard Wood (Chair), Cllrs. Rolf Brindle, Adam Nardell, Gregory Coombes, Stephen Petty, John Glover and Alan Baines

Cllr. Terry Chivers joined the meeting at 7.30pm and attended as an observer
Mr. Edward Lea (resident of Beanacre)

37/13 **Declaration of Interest:** None received.

38/13 **Introductory Comments:** The Chair welcomed everyone to the Meeting and welcomed Cllr. Adam Nardell to his first Meeting as a council member.
Mr. Lea explained he was attending to speak about PA W13 00649

The Committee resolved to suspend Standing Orders to allow a period for public participation

39/13 **Public Participation**
W/13/00649 112 Beanacre, for variation of condition on PA W11 00858 to facilitate balcony, extra buildings and roof light: Mr Lea explained as the adjacent neighbour living at 112b Beanacre, he wished to object to this planning application for the following reasons: a) It was a retrospective application for work that started on 13th December 2012; b) the balcony on the rear elevation was not in the original plans; and c) the balcony would cause a severe loss of his privacy and privacy for his neighbour on the other side at 11b Beanacre.

The Council reconvened.

40/13 **Planning applications:** The Committee considered the following planning applications:

W/13/00649/S73 Hazell, 112 Beanacre, Wiltshire, SN12 7PZ Proposed variation of condition of planning permission W/11/00858/ful. to facilitate a balcony on the rear elevation, additional plant and garden store outbuilding, lean-to shed/bin store and additional roof light to lower North roof.

Comments: *Melksham Without Parish Council wishes to OBJECT to the proposal to include a balcony on the rear elevation as this is considered to be a gross intrusion of privacy for other residents, especially the immediate neighbours at 11b Beanacre and 112b Beanacre. This dwelling is particularly high and so the balcony would allow the applicant complete oversight of neighbours. There is no objection to the sheds or skylights.*

There were no objections to the following planning applications:

W/13/00799/FUL Ramsay 16 Park Road, Bowerhill, Wiltshire, SN12 6WQ.
Proposed two storey rear extension

W/13/00916/FUL Chatfield, 3 De Havilland Place, Bowerhill, Wiltshire, SN12 6WQ.
Proposed first floor extension above existing garage to provide master bedroom and en suite bathroom lean-to enclosed entrance lobby.

W/13/00919/FUL Brooke, The Old Coach House, Shaw Hill, Shaw, Wiltshire, SN12 8EX
Proposed use of existing self contained annexe as a self contained independent dwelling.

41/13 **Planning Correspondence**

(i) **W11/ 00858 112 Beanacre - Enforcement Issues:** The Planning Committee noted a letter received from the neighbour Mr. Lea to explain his objections to the previous planning application and request enforcement action. The Clerk reported that enforcement action could be taken up to four years after the application was passed, even if it was a retrospective application. It was noted that the side high block wall was obtrusive and well in excess of the permitted height of two metres, especially as it had been constructed on a high bank. The wall also encroached upon the Right of Way 109 to the village spring.

Cllr Alan Baines commented that there was also the potential for drainage problems as the route of drainage was now impaired by earthworks.

Resolved: *The Council seek enforcement action for the high wall and request that a site meeting take place to see the full extent of its adverse effects.*

(ii) **Wilts and Swindon Aggregate Minerals Plan** .The Committee noted the adoption statement dated May 2013 for the Wilts and Swindon Aggregate Minerals Site Allocation Local Plan

(iii) **W13 00467 Planning Withdrawal:** It was noted that PA W/13/00467 for two dwellings at 188 Woodrow Road has again been withdrawn.

(iv) **W/12/01447 Appeal for change of use from agricultural land to domestic land Upper Beanacre House, Beanacre:** Notification that this Appeal had been dismissed

(v) **Rural Services Network paper re planning change:** The Planning Committee noted a document from Rural Services Network to explain the change in planning rules, to make it easier to bring redundant rural buildings back into use.

42/13 **Right of Way 109 to Old Spring, Beanacre:** The Chair reported that three members and the Clerk had attended the site meeting held on 29th May at 6.30 p.m. Mr Lea of 112b who owned the footpath land had offered £2,000 to the Parish Council, to safeguard the integrity of the well and maintain the right of way in perpetuity for village residents. As the gardens of both properties on either side were higher than the strip of land on which the right of way was sited, Mr Lea had obtained permission to fill in the land to the level of the gardens with extra soil. It was noted that soil works to create a bank for the high side wall at 112A had necessitated diverting the flow of the spring water from the boundary alignment to diagonally cross towards Mr. Lea's property and down to the brook. Cllr Adam Nardell questioned whether the Parish Council would need to draw up a legal agreement with Mr Lea. The Clerk replied that that any

changes and any Legal Agreement would need to be approved by Wiltshire Council Rights of Way department. During initial discussions, the Rights of Way officers had suggested at least 2 metres would need to be left for the right of way. A meeting would be held with the Rights of Way Warden the following day to seek advice re the project. Cllr. Petty emphasised the Council would need to check whether there were any legal covenants in place on the land and that the Council took no liability for soil works. Cllr Rolf Brindle questioned whether the sum of £2,000 would cover the work needing to be done. It was agreed to make the following provisional recommendations without prejudice and subject to future advice from Wiltshire Council Rights of Way Department.

Recommendations

- (i) *The Council agree in principle to support this project to ensure the historic Spring was preserved for the community*
- (ii) *The right of way would need to be at least 2 metres wide, as advised by Wiltshire Council*
- (iii) *Mr Lea's donation of £2,000 should be used for design work and to preserve and enhance the Spring, rather than for landscaping, fencing or planting works.*
- (iv) *The Council support Mr and Mrs Lea's wish to erect a 4 ft 6 ins chestnut palings fence on the footpath side and plant up the residue strip of land with trees and shrubs to encourage butterflies. The fence to be positioned at least 2 metres away from the high wall along 112~~7~~.*
- (v) *The original Spring should be preserved and enhanced in its original position, rather than being raised up to the level of additional soil*
- (vi) *There would need to be steps or a ramp down to the Spring in its original position with a safety rail alongside the steps*
- (vii) *Around the Spring itself a wider circular standing area around the Spring should be provided with a retaining wall on the outer boundary, so that footpath users would be able to view and enjoy seeing the Spring.*
- (viii) *The design should be professionally done to ensure the retaining wall and steps were sturdy enough to hold back soil.*
- (ix) *A Legal Agreement be drawn up between Mr Lea, the Parish Council and Wiltshire Council for this project.*

43/13

Potential Solar Farm East of Melksham: The Clerk reported that plans were being prepared for a large Solar Farm on the East of Melksham. Mr. Dick Stainer had shown her the site and a planning application would be received in due course.

Meeting closed at 7.48pm

Chairman 17th June 2013