

MINUTES of a Planning Committee of Melksham Without Parish Council held on Monday 7th April 2014 at Crown Chambers, Market Place, Melksham at 7.00pm

Present: Cllr Richard Wood (Chair), Cllr John Glover (Vice Chair), Cllrs. Alan Baines, Rolf Brindle, Paul Carter and Stephen Petty.

Apologies: Cllrs. Gregory Coombes and Terry Chivers.

574/13 **Declarations of Interest:** Cllr Brindle declared an interest in the Football and Rugby Stadium application (W13/06739/FUL) as a neighbour. Cllr Carter declared an interest in the item relating to Forest & Sandridge School as his grandson was a pupil and son was a Governor. Cllrs. Wood & Petty declared an interest as members of BASRAG and the Village Hall management committee when the item relating to a planning application for Berryfield Village Hall was discussed.

The Clerk reported advice from Paul Taylor in the legal department at Wiltshire Council re p/a W14/01138/DP3 Fence for the MUGA at Hornchurch Road. As a consultee, Melksham Without Parish Council could comment on their own planning application, however Wiltshire Council would take into account that it was the Council's own application.

***Resolved:** The Planning Committee agreed to suspend Standing Orders to allow for a period of public participation.*

575/13 **Public Participation:**

a) **W14/01138/DP3 – Erection of fence 26m x 14m x 3m high to enclose a Multi-Use Games Area:** The Chair welcomed 12 residents and asked them for their views on this application only, not other issues regarding the MUGA for which they would have the opportunity to comment at the next Full Council Meeting on 14th April, 2014.

Mr. Daniel Richards of 33, Kittyhawk Close objected to this application as he felt that the fence would create additional noise from balls hitting it and objected to the look and height of it, especially the height above the goal area. He considered that it would affect the privacy of residents and people using the footpath and increase the amount of litter and noise from shouting. He said that it was detrimental to the area as it was a removal of public open space and would not safeguard open spaces and wildlife. He considered that his view was echoed by a number of other residents who attended a recent site meeting. He added that he did not know how the Planning Committee could make a decision as the consultation period was open until the 18th April, 2014.

Mr. Shaun Cooper of 50, Kittyhawk Close does not live next to the proposed MUGA site but walked his dog there and objected to the number of people it could bring to the area, especially late at night.

Mr. Simon Sparks of 37, Kittyhawk Close said that he had young children and had difficulty getting them to sleep at night in the summer months with the windows open. He objected to the impact noise of balls hitting a fence and other noise, especially as there would be no control over how long this would go on for in the evening.

The Chair asked if anyone else had any views and several people stated that Mr. Richards had expressed the views of all.

b) **W14/06739/FUL Provision of new football and rugby facilities – Land East and North of Melksham Oak Community School.**

Mr. Bruce Sanders said that he wished to support the Rugby and Football Club application and to state that he was in favour of a Joint Neighbourhood Plan.

The council re-convened.

576/13

Site Meeting at Hornchurch Road Play Area (1st April 2014):

The Chair outlined the main issues raised by the residents that attended the site meeting, which were noise, parking (this should not be an issue as the MUGA is designed for children to walk to), too close to some properties, other sites within Bowerhill should be considered, height and colour of the fence.

The Chair stated that the Council were not unsympathetic to the views and concerns of the residents, however, it requires a full council meeting to discuss the MUGA itself and whether it should be relocated. He felt that the site meeting was useful as it gave ideas about any issues could potentially be looked at.

The Clerk reported that she had contacted Wiltshire Council, who are responsible for the existing children's play area, about the signage with regard to the upper age limit of children able to use the equipment. The age limit will be reduced to be more age appropriate for the equipment which Wiltshire Council had advised was designed for under 8s.

Cllr Glover stated that installation of this proposed MUGA was in direct response to complaints about older children on existing younger children's play equipment and had been discussed at length at BRAG (Bowerhill Resident Action Group) meetings and also advertised in both the Bowerhill Villager and the Melksham News.

Cllr Baines stated that the Planning Committee were there to consider all planning applications within the parish, including our own, and had the same opportunity to comment as residents. He reported that due to the pathway and orientation of the MUGA on Wiltshire Council land, as per the S106 funding, there were concerns that games within the hard area could cause a nuisance to users of the path and therefore it was desirable to fence it off. A planning application was then needed for the fence. The council did consider fencing just one side to prevent balls from going onto the path, but concluded that by fencing off all of the MUGA it would prevent balls from impacting on the rest of the green. The ends of the fencing will have to remain due to the needs for the basketball nets and possible overshoots; only the side fencing could potentially be removed.

Cllr Brindle said that he regularly cycled through Dorset Crescent where 3-4m from the path is a tall fence; invariably children kick a ball at the fence and make comments as he passes, however, he feels protected behind the fence.

The Chair thanked the residents who came and informed them if they wanted to make further comment they were welcome to attend the next Full Council Meeting on Monday 14th April, 2014, when the MUGA will be discussed.

577/13

Planning Applications:

W14/01138/DP3 - Erection of fence 26m x 14m x3m high to enclose a Multi-Use Games Area (MUGA) Hornchurch Road, Bowerhill. SN12 6QS.

The Clerk reported that the colour of the fence could be changed to dark green at no extra cost but would incur a two week time delay in manufacture. Other colours were available but she would have to go back to the supplier to find out cost and time implications.

Cllr Brindle queried the distance of the fence from the path; it was noted that this was between 1.5m and 2m. His view was that as soon as a fence is erected teenagers will kick a ball against it causing noise to residents and irritating passers-by.

Cllr Glover did not concur, as he felt that a fence will prevent children from kicking a ball at passers by. He also noted that the fence is at least 70 m from the nearest house and that the fence was proposed at a previous meeting in order to prevent balls from going into the recreation area.

It was noted that the planning application specified that the fence would be in a blue and silver colourway. Cllr Baines proposed that the Council change the proposed fence colour to green, this was seconded by Cllr Brindle and agreed unanimously.

Recommended: *The Council amend the colour of the fence to forest green rather than blue and as stated in the application.*

W14/02389/VAR - Removal of Condition 1 of Planning W91/00739/FUL

The Courtyard, Bath Road, Shaw, Melksham.SN12 8EF

Comment: *The Council expressed concerns that the removal of personal occupancy from a previously domestic property is a change of use to an industrial unit.*

W14/02390/VAR - Removal of Condition 1 of Planning W91/01344/FUL

The Courtyard, Bath Road, Shaw, Melksham.SN12 8EF

Comment: *The Council express concerns that the removal of personal occupancy from a previously domestic property is a change of use to an industrial unit.*

W14/03259/TPO – Crown Reduction to 1 Willow Tree by 30% and Lift Fronds to 3 Metres Above Ground Level. Fell 1 Acer.

2, Brampton Court, Bowerhill, Melksham. SN12 6TH

Comments: *The Council expressed doubt as to whether structural damage was being caused by these trees and would like to see some corroborative evidence before making any further comment. There are similar cracks to properties in the area where there are no trees.*

W14/06739/FUL Provision of new football and rugby facilities – Land East and North of Melksham Oak Community School.

The Committee considered whether any additional comments were to be submitted following receipt of the recent Ecology Statement and Archaeology Statement (Gradiometer Survey).

Cllr Brindle reported that the Ecology Statement maintained that there were no skylarks present, however on Saturday and Sunday he saw skylarks. Additionally the ponds were in a terrible state and had not been managed as in the management plan, with the hedgerow being cut back on the 31st March just hours before bird nesting season.

This is mitigation land for building the school and as such mitigation land cannot be mitigated.

Cllr Brindle raised concerns over the opportunity of residents to comment as the Council did not receive the revised plans until 21st March. 70 street lamps had appeared on the plans one week before the end of comments date. The proposal is for 190m of hedgerow removal, some of which may be ancient.

The Archaeology Statement reported pit features; these could be dew ponds as no sign of any dwellings or structures of any era were found, however, these could possibly be burials and recommended further excavation and investigation of the pits is carried out. Cllr Brindle considers that Natural England may have some comment to make.

He also reported that there could be potential difficulties with the sophisticated drainage system, and that the existing ponds provide a habitat for newts which form part of a metapopulation.

Cllr Petty proposed supporting the Planning Officer's comments that further exploration reports were made on the area.

Comments: The Council expressed concern that revised plans and reports were received on the 21st March 2014 and therefore residents and statutory consultees had not had sufficient time to look at the reports.

The Council supports the Planning Officer's comments that further exploration reports should be carried out on the area with regard to the Archeology.

W14/01792/FUL – First Floor Extension to Existing Garage and Family Room

Extension Mr. Sean Lawes, 8, Kingfisher Drive, Bowerhill. SN12 6FJ

Comment: The Council have no objections.

(Cllr Sankey joined the meeting at 7.75pm)

W14/01962/VAR– Proposed Access Track and Installation of CCTV

Norrington Solar Farm – Land West of Norrington Lane, Broughton Gifford.

Comment: This is a Broughton Gifford Parish Council Application, however, the proximity of the site directly affects residents of Melksham Without Parish Council. The Council have no objections to the installation of CCTV providing that there is no light intrusion to residents within our Parish. The Council have concerns over the proposed access which shows a splay to the south side which would appear to permit vehicular

access of HGVs from the south via Norrington Common. This access is contrary to the planning conditions of W12/02072/FUL, the splay should be on the North side for ease of access from the A365.

578/13

Licence Application:

New Premises Licence application for Marston's PLC for East of Melksham (to permit sale of alcohol, films, indoor sport events, live recorded music, performances of dance and late night refreshments). This was noted, but the council could not comment until details of the application have been received.

579/13

Planning Decisions:

- a) **W13/06053/VAR 112 Beanacre.** To note that no decision received yet.

- b) **W13/00542/FUL Redevelopment of existing school to provide 12 dwellings and associated access and infrastructure – Forest and Sandridge CofE School, Sandridge Road.** It was noted that permission for this application had been granted and the Committee noted the planning conditions and Section 106 agreement.

It was noted that the S106 agreement detailed a sum of £19,450 to be paid to Wiltshire Council towards the cost of providing off-site public open space within Melksham.

It was agreed that any off-site public space should be a reasonable distance from the site as there was no green site within the development that could be utilized.
***Recommendation:** The Council seek clarification of the definition of "Melksham" detailed in the Section 106 agreement between Wiltshire Council and Salisbury Diocesan.*

580/13

Planning Enforcement Issues:

- a) **W12/02072/FUL Solar Farm (land west of 198 Norrington Lane – Broughton Gifford Application).** The Clerk outlined some of the issues in the Parish with regard to this application; traffic jams, backed up lorries, mud on road, transfer station not being used properly, drivers ignoring this condition. There had been a need on several occasions to involve the police and Wiltshire Council. Andy Cadwallader (Area Highway Engineer) had informed that the company who had taken out the initial planning application had now sold it on and this had caused issues when trying to contact the owners. The Clerk also expressed concerns that this could potentially create issues with the community funding due. The site was trying to ensure connection by 31st March 2014 as their feed in tariff was lower if connected after that date. Cllr Glover commented that the Council should have the ability to take action such as imposing fines if planning conditions are not adhered to. Cllr Chivers had lodged a complaint to Wiltshire Council about the lack of planning conditions applied to the Application.

- b) **W12/01256/FUL Removal of hedgerow, Local Centre Land, Bowerhill.** It was agreed that the council had still not received an adequate answer to their questions about encroachment of this development onto Wiltshire Council land, with the

hedgerow previously on Wiltshire Council land now in the rear gardens of new houses. **Recommendation:** *The Council ask for further information and explanation.*

- c) **Snarlton Lane hedgerow.** The Committee noted that the hedgerow that had been removed was in accordance with approved drawings submitted under 04/01895/OUTES. The area of land now in question had some hedgerow removed in sections to open up the watercourse. Part of the hedgerow is to be retained and the area of land is to be managed as conservation low maintenance grassland.

581/13

Planning Correspondence:

- a) **Proposed Housing Site at land South of Western Way, Bowerhill).** Cllr Glover noted that the until superceded the Structure plan was still in place and that the Bowerhill Village limits still applied. Therefore this land should not be built upon. He did welcome the proposals for crossings on the A365. Cllr Baines concurred with Cllr Glover and added that this proposed development would be isolated from the existing village as it is in the industrial site and that the open aspect from the Spa needs to be protected due to the listed buildings.

Recommendation: *The Council submit the following comments to the developers:*

a) RURAL BUFFER

This is a grossly inappropriate site for development, since it would destroy the rural buffer between the separate communities of Bowerhill village and the town of Melksham, leading to the coalescence of the two settlements. This RURAL BUFFER has been safeguarded in successive local planning policies for 40 years and MUST BE RETAINED. There are other far more suitable sites for future housing provision at Melksham, particularly on the NE side to the north of A3102, where it could help facilitate further sections of an eastern bypass for the town and Beanacre which is a long-standing aspiration of the highway authority.

b) AGRICULTURAL LAND

Both pieces of land are productive, agricultural land where the farmers grow crops. There should be no house building on agricultural land.

c) JOINING UP

Building on these sites will mean Bowerhill and Melksham joining up which the Bowerhill residents do not want. Bowerhill is a village with its own community.

d) INDUSTRIAL ESTATE

Some of the houses on the plan will back onto the Bowerhill Industrial Estate onto a garage, a container storage facility, a brewery and Boomerang which is a play area for children and is also used by adults in the evening. It stays open late with flashing lights and loud music. There are concerns that in the future residents of the new housing will not be happy with the neighbouring businesses. The area is also not suitable for housing as isolated from the village.

e) PATHFINDER WAY

The creation of any new junctions on Pathfinder Way must not be allowed to create additional hazards, or impede pedestrians and cyclists. With the existing roundabouts at each end, a left-in, left-out arrangement would be the

safest option. Pathfinder Way is very busy at all times as the main access to the Industrial Estate, with some vehicles traveling at night.

f) SCHOOLS

Many local schools are full so where will the children from these houses go to school? 275 houses may produce a large number of children.

g) PEDESTRIAN AND CYCLE CROSSING

There is a requirement for a better and safer means of crossing the A365 for the existing footpath and cycleway from Bowerhill, along Pathfinder Way, into The Spa. The developers are planning a light controlled pedestrian and cycle crossing close to the roundabout at the top of Pathfinder Way. The Council welcome the addition of a crossing but believe this is too close to the roundabout.

h) HOUSING TYPE:

Bowerhill has a satisfactory mix of housing types, but Melksham needs additional affordable family housing for local people. The Melksham area generally DOES NOT require any more housing which is likely to encourage people who will commute out of the area.

i) SETTING OF THE SPA

The open aspect across the rural buffer land is an essential part of the setting of the historic Melksham Spa and must be protected from development.

j) CONCLUSION:

Only the southern half of the area east of Pathfinder Way should be considered at all suitable for possible development, in order to retain a meaningful separation from the urban area of Melksham town. Restricting the extent of any development to just that area would also limit the difficulty of the shortage of school places and the lack of scope for school expansion in the area. It would also allow better integration with the existing village community and only need a single access from Pathfinder Way, with a footpath link into Birch Grove.

j) PUBLIC CONSULTATION

At the consultation a Councillor spoke to some residents from Elm Close and Mallory Place and they confirmed that the residents whose properties back onto the development had not received a personal letter advising them of the plans, contrary to the advice of the developers who stated that letters had been sent. Many residents only found out about the plan because one of them saw the advertisement in the local newspaper.

The Council felt that the consultation was being rushed through with a deadline for comments being 15th April less than two weeks after the date of the public consultation event.

- b) W13/06140 Sandridge Solar Farm** It was noted that a request had been received from the developers asking the Parish Council to speak in support of this application at the Strategic Planning Committee site meeting on 16th April. Cllr Sankey stated that the Council had played their part within the planning process and this was not within their remit. **Recommendation:** *The Council do not speak at the Strategic Planning Committee on 16th April.*

- c) **W12/02298/FUL – Herman Miller** The Clerk reported that work was due to start on site at the beginning of May. Willow trees on the land still owned by Wiltshire Council had been cut down in preparation of work commencing on site. It was noted that a licence was required by Herman Miller to enter the Parish Council land at Bowhill Sports Field to commence work but this had still not been provided, despite chasing from the Council’s solicitors. **Recommendation:** *The Council chase the solicitors for the licence for Herman Miller to enter Parish Council land.*
- d) **Proposed Solar Farm on land at Little Chalfield Farm (10MWp) on 20.2 hectares (49 acres).** The Committee noted a Public exhibition Tuesday 15th April, 2014 2.00pm – 7.00pm at Broughton Gifford Village Hall.
- e) **Western Area Planning Meetings:** The Committee noted that Wiltshire Council had decided to move the meeting times of these meetings from early evening to early afternoon.
- f) **W10/00317/OUT Berryfield Village Hall** A letter had been received from BASRAG (Berryfield & Semington Road Action Group) and Village Hall management committee re outline planning permission for the erection of a permanent village hall to replace the existing portacabin as the current planning permission expires at the end of May 2014. Cllr Wood and Cllr Petty declared an interest when this item was discussed as members of BASRAG. **Recommendation:** *The Council renew the outline planning permission for a new hall before the existing permission expires at the end of May 2014.*
- g) **Copy Letter from BASRAG to Selwood Housing.** The Committee noted a letter re the proposed development at Berryfield Park.

582/13

Wiltshire Housing Site Allocations DPD:

It was noted that a dedicated meeting was needed to discuss this as a primary item. Cllr Baines understood that there is a list of proposed sites and that the council should compose a list of “pros and cons” for each as part of its comments to be submitted. Deadline for comments if Monday 5th May.

Recommendation: *This item to be an agenda item at the next Planning Committee Meeting to be held 28th April, 2014.*

Cllr Glover gave his apologies for this date.

583/13

Wiltshire Core Strategy Update – March 2014: The Committee noted the Wiltshire Council update following their formal response to the Planning Inspector.

584/13

Joint Neighbourhood Plan:

a) **Town Council involvement:**

The Chair reported that a letter had been received from Melksham Town Council earlier in the day stating that as a financial arrangement for the full term of the

Neighbourhood Plan process had not been determined then the Town Council were unable to proceed at that stage.

Standing orders were suspended and Bruce Sanders was invited to give his views of the meeting that took place.

Mr. Sanders said that the Town Council understood the concerns of Melksham Without Parish Council, but the Town Council were concerned that if monies were committed and Melksham Without pulled out the Town Council would have to continue without the monies promised from Melksham Without. He considered that it would be good for the whole community if both councils worked together.

The council reconvened.

The Chair responded that the intention of Melksham Without was never to withdraw from the Neighbourhood Plan. If the council committed to a 45/55 split they wanted to be able to reassess the funding and have the certainty that it was an equitable arrangement if there were boundary changes. Cllr Baines noted that Steering Group meetings could still be held as long as no monies were spent.

Cllr Glover noted that the Council needed to ascertain what the council could legally do now for 6 months. Cllr Baines proposed seeking the advice of the Clerk on whether the council could rescind this decision.

Recommendation: *The Clerk to find out the legality of this matter before the next full council meeting to be held Monday 14th April, 2014.*

- b) **Advice from David Way:** An email from David Way, Wiltshire Council was noted. The joint neighbourhood plan area consultation ended on 18th March but the area has not yet been officially designated yet. If the Council decided to continue with a neighbourhood plan of its own then it would need to submit a new area application to be consulted on as the area would have substantially changed.

585/13

Solar Farm Policy:

Cllr Petty suggested that this should be a “Sustainable Energy Policy” rather than just a Solar Farm Policy and that it should encompass all eventualities and anything that is going to affect the countryside. As a Quality Council the Council needed to engage with the community more on this policy. Comments were made on the draft policy:

- a) 2.3: Grade 3 agricultural land can be sub-divided into several categories – this needs to be adjusted.
- b) A radius of 2.75km could be more localised to 1.75 or 2km if suitably screened.
- c) 4.4: The wording of this point needs to be clarified.
- d) 7.3: Define “working hours”.
- e) 8.3: Agree community benefits.

Recommendation: *The draft policy be amended as above, and be an agenda item at the next Planning Committee, 28th April.*

586/13 **Current solar farm planning applications:** The Committee considered if any additional comments be made on the current solar farm planning applications following the review of the solar farm policy. Cllr Sankey reiterated the point that as a council our comments are given at the planning stage, and that the council should make no further comments. Cllr Carter considered that the cummalitive effect of solar farm applications should be taken into account.

Meeting closed at 9.10 pm

Chairman, 14th April 2014