

**MINUTES of the Special Planning Committee of Melksham Without Parish Council held on Monday 23<sup>rd</sup> June 2014 at 7.00pm at Christie Miller Sports Centre, Bowerhill**

**Present:** Cllr. Richard Wood (Chair), Cllr. John Glover (Vice-chair), Cllrs. Alan Baines, Rolf Brindle, Mike Sankey, Steve Petty, Mike Sankey, Paul Carter, Jan Chivers.

Cllrs. Terry Chivers and Mike Mills as observers.

**Apologies:** Gregory Coombes

- 102/14 **Declarations of Interest:** Cllrs. Wood & Petty declared an interest in all items relating to Berryfield Village Hall and proposed Berryfield Development. Cllr Glover in items relating to Wellington Road. Cllr Carter in items relating to the proposed Berryfield Development.

*The Council agreed to suspend Standing Orders for a period of public participation*

- 103/14 **Visit from RPS Consultancy, re W14/04846/OUT Residential development at Pathfinder Way:** The Chair welcomed Vanessa Clipstone and Rachel Bird of RPS Consultancy, the Planning Consultants acting on behalf of the landowners Mr. and Mrs. Doel and developers Mactaggart and Mickel.

Ms. Clipstone explained that this was an outline planning application and that all matters were reserved except for access plans; the plans with proposed housing were an illustration of what possibly could go on the site. The proposal was for 105 dwellings on the left hand side of the proposed site and 105 dwellings on the right, with a density of 35 dwellings per hectare. There would be a lower density of dwellings on the edges of the development next to existing residential areas, with a higher density in the centre with some dwellings there up to 2 ½ storeys high. The proposed dwellings would be mostly 2, 3 & 4 bed semi-detached and detached properties with several vehicular access points off Pathfinder Way to disperse the flow of traffic. There would be on site drainage at the top area of the proposed site and parking would be provided by garages, parking spaces and parking courtyards. There would be a package of S106 financial contributions towards education, transport, health & libraries, but this has not all been decided.

Cllr T Chivers stated that these plans were against Wiltshire Council Policy. Should this Outline Planning Application be given permission could Ms Clipstone give assurance that there will just be 255 homes, will some of these be social housing and what retail premises are being proposed.

Ms. Clipstone replied that the number of dwellings would not exceed 255 and that 30% would be tenant blind social housing (ie. not identifiable as social housing). The retail unit could be a large supermarket chain with a local or express style smaller supermarket. This would probably be 1 retail unit, but could possibly be two, with the second unit being much smaller.

Cllr Petty asked about the result of the pre-application public consultation.

Ms. Clipstone replied that this produced a typical mixed reaction of both negative and positive responses.

Cllr Glover asked what proportion of the consultation was for and against this proposed development.

Ms. Clipstone did not have those figures but said that she would find out.

Cllr Carter asked what proportion would be social housing.

Ms. Clipstone replied that this would be in line with the Strategic Housing Market Assessment and would probably be mostly 2 and 3 bed dwellings with maybe some 4 bed.

Cllr Wood asked about the access points on the very busy Pathfinder Way, and what research had been done on the roads at commuter times. Had Wiltshire Council been consulted with regard to traffic?

Ms Clipstone replied that there had been a pre-application consultation with Wiltshire Council Highways Department for advice and that RPS had a transport consultant on board. Pathfinder Way was assessed on highway capacity and found that access was capable.

Cllr Wood felt that the response from the traffic consultant was somewhat glib and would like to see more consultation and investigation into access from Pathfinder Way, and that this should take place at varying times of the day, but in particular at rush hour.

Cllr Mills asked about the local schools and their capacity.

Ms Clipstone responded that there would be a financial contribution to both the primary and secondary school and that she was awaiting feedback and a report with regard to the capacity at Bowerhill primary school.

Cllr Mills reported that Bowerhill Primary was currently full and they were turning children away for the coming academic year in September. In addition the school had no room to extend.

Cllr Glover said that proposing a left and right handed access onto Pathfinder Way was “disgusting”.

*The Chair invited questions from members of the public.*

Josephine Lister, 407A The Spa, was worried about the transport situation. She reported that she finds it impossible to get out of the Spa to join the A365, and if she wants to go to Melksham she has to turn left to go around the Bowerhill roundabout and come back on herself as it is impossible to turn right. It is now a very busy road due to the amount of traffic using Snowberry Lane and the distributor road.

Mr. Smith, 8 Elm Close, felt that these were the wrong fields to be building on, and that they were the last piece of agricultural land between Bowerhill and Melksham. He reported that these fields became flooded and boggy in the winter and that building on them would cause flooding in the Spa and the surrounding area. He frequently sees Roe Deer in these fields.

Bryan Colby, 26 Birch Grove, reported that since the Public Consultation the number of proposed houses overlooking the bungalows in Birch Grove had increased from 5 to 6. He was very unhappy about this as each bungalow will be looked over by several windows.

Terry Finley, 23 Elm Close, reported that the traffic survey carried out on the 24<sup>th</sup> October showed a maximum queue of 20 cars on Pathfinder Way and said this was unrealistic and that he didn't know where they had got their data from.

Michael Rooney, 15 Elm Close, reported that although the residents do not own the boundary hedge that they all keep it up together and well maintained. He said that he would be very upset if the developers dig up this hedgerow for another form of boundary.

Mrs. Rowena Barber, 9 Mallory Place, felt that there was already tremendous pressure on all the GP surgeries in Melksham due to lots of new residents in Melksham and that this proposed development would create too much pressure on these services.

Mr. Barber, 9 Mallory Place, stated that Pathfinder Way was always chock-a-block between 4.00- 5.00pm, and that with increased traffic the road will be chaos at commuter time. He reported that the proposed development land was impervious clay and that his garden gets very soggy due to poor drainage. He stated that bricks, buildings and hard surfaces will create a greater run off and as such drainage and foul waste must be addressed. He said that the capacity of the sewage works must be looked at.

Mr. Vidler, 22 Elm Close, asked about the primary school capacity and what did "contribution" mean. He stated that even if the developers gave financial contribution to provide 60 primary school places that this would not help Bowerhill Primary School as they did not have the room to build anymore classrooms to accommodate 60 children. If the proposed development went ahead, where would these children go? If they went to other schools in Melksham it would mean that the children would have to cross the very busy A365 to get to these schools, if they had the capacity to take them.

Tim Pearce, 28 Birch Grove, wanted to re-iterate the concerns and previous comments about the hedgerow and stated that there was a 40 year old Silver Birch tree in the middle of the proposed cycle route. He questioned why more houses were proposed on the left hand side of Pathfinder Way when the greater density would be better on the right side where they would back onto the industrial side of Bowerhill which would be less affected than the existing residents.

Julia Powell, 15 Mallory Place, stated that she had spoken to the developers about potential new properties overlooking her glass fronted property. The developers had said that they would increase the buffer by her property. She therefore questioned why the buffer could not be kept the same width around the entire proposed development.

Sharon Pearce, 1 Wellington Drive, asked why the developers were proposing another retail outlet. She stated that there were lots of retail outlets in Melksham that were empty and that this area would be better used for something for the community or youth.

Celia Jennings, 408 The Spa, said that it was difficult coming out of her drive across the cycle path during the times that the children were coming and going to school due to the amount of cycle/pedestrian traffic. She questioned what risk assessment would be carried out and what the proposed improvements to the existing crossing would be.

Mrs. Barber asked whether it was customary for Wiltshire Council to make site visits.

Cllr. T. Chivers explained the procedure for calling in a planning application and advised the resident to ask Wiltshire Councillor Roy While to call it in.

Mrs. Lister asked whether the developers would put in a new school.

Cllr Wood replied that there was not necessarily the land to build a new school.

Cllr T Chivers stated that with the housing planned for the old George Ward School site in Shurnhold that both schools and medical facilities were totally stretched. Melksham really needed another secondary school but there just wasn't the money available.

Ms. Clipstone gave her response to the issues raised by the residents. She reported that the developers would provide 60 school spaces, but was still awaiting feedback from Wiltshire Council Educational Department, so could answer no further questions. With regard to the hedge at the back of Elm Close, she stated that there would be a management of planting.

Cllr Wood said that the hedgerow should not form part of the residential development.

Cllr Baines explained about a similar problem with the developers of the East of Melksham site and a hedgerow in Snarlton Lane, where the owners of new properties have taken out the boundary hedge; re-iterating the point that the Council wanted to prevent this happening a second time.

Ms. Clipstone replied that she thought that this hedge could be outside of the private properties being proposed by the developers and become part of the 10 to 15 year landscape plan. She also stated that at the developer's request the buffer would be kept on Western Way. The balance between the density of dwellings on the left and right hand sides of the site were due to the constraints of the site. With regard to peak time traffic, she would feedback all comments to the developers and ask for further traffic surveys to be carried out. The issue of wet ground should be addressed by proposed underground piping to the open landscape area and shales on the boundary edges. She would also go back to the developers to find out whether a combined retail/community facility could be built.

Cllr Brindle asked about noise to the properties in The Spa and whether some sort of noise reduction plan (from traffic) could be put in place.

Cllr Glover queried whether the A350 could be bunded in preparation for a dual carriageway in order that there could be a second lane of traffic.

Ms. Clipstone said that she would go back to Wiltshire Council Traffic Management to ask for further information with regard to the road layout.

*The Council re-convened.*

104/14

**Planning Applications: Resolved:** *The Committee reviewed the following applications and made the following comments:*

- a) **W14/04846/OUT – Residential development of up to 255 dwellings, 700sq m of class A1 retail provision and vehicular access off Pathfinder Way.**  
(Outline application to determine access). Applicant: Mactaggart & Mickel and Mr. and Mrs. Doel.

**Comment:** *The Council OBJECTS on the following grounds:*

**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.*

*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. The emerging Core Strategy paragraph 5.80 states "it is recognised that both Berryfield and Bowerhill have functional relationships to Melksham and have important individual characteristics which should be protected, where practicable". The still current West Wiltshire District Plan 1<sup>st</sup> Alteration 2004, shows half of the proposed development site as R5 New Recreation Space (see page 41 item 3. See also page 55 H1d – Proposals for Housing Development within Towns will be permitted providing they do not result in the loss of an open space, visual gap, important for recreation and amenity reasons. Further housing development outside of the urban area as defined by Town Policy limits will not be permitted during the Plan period. The same condition applies to the Village Policy limit- See page 82 H17d – will not result in the loss of and important open space or visual gap).*

***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) 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.*

***d) 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.*

***e) 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. Although the developers will give a financial contribution to provide 60 primary school places, Bowerhill Primary School is already at capacity and has no land to build or site any new classrooms. Children will then have to attend other primary schools in Melksham (if they have capacity) and if walking to the new East of Melksham primary school would have to cross the very busy A365 to do so. In addition Melksham Oak Secondary School may well be full by next year and with further development proposed on the old George Ward school, Shurnhold site this could lead to children having to attend secondary schools outside of Melksham.*

**f) 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 welcomes the addition of a crossing but believe this is too close to the roundabout.*

*The Council feels that the Transport Survey conducted on 24<sup>th</sup> October is not sufficient and does not reflect the volume of traffic that regularly uses the A365 and therefore request a Metrocount survey to be carried out at varying times of the day and to be supplied by a full report of the entire data from these counts. The Council are also concerned about a proposed weight limit that may be imposed on Seend; this could have the potential to increase the flow of HGVs on the A365 via Bowerhill.*

**g) 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.*

**h) 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. The Council requests that English Heritage are therefore consulted on this application.*

**i) FOUL SEWAGE DRAINAGE:**

*The council has serious concerns about the ability of the current sewerage system to cope with a large new housing development. Wessex Water commented on 21<sup>st</sup> May, 2014 that “There is limited available spare capacity within the local foul sewerage system to accommodate predicted foul flows from the development (as proposed in the outline planning application W14/04846/OUT)”. Should this application be successful the Council wishes to endorse the foul water planning condition as requested by Wessex Water.*

**j) FLOOD RISK**

*The New East of Melksham Development had a flood risk assessment carried out pre-application and yet has recently been the subject of severe flooding. The Council wish to learn and take action from this negative experience and as such, should this planning application be successful, the Council would wish to see an extensive flood risk assessment carried out prior to the commencement of any development of the proposed site.*

**k) MEDICAL FACILITIES**

*The Council has serious concerns over the impact that 255 houses will have on the already overstretched GP surgeries in Melksham. The Council would prefer to see the land allocated to retail space on the proposed plan used for a community*

*facility such as a new GP surgery or medical centre as there is already a Tesco Express in the locality.*

**l) 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.*

**m) 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. Residents are concerned that should any development take place that boundary hedgerows will be lost. Should this planning application be successful the Council wishes to see a condition imposed that there is a larger buffer between new and existing housing and that the existing hedgerows that form part of a buffer between the existing houses and the proposed new development are outside of the boundaries of the new properties and as such can not be cut down by new homeowners. It was noted that there were several mature trees and the Council will be applying for a TPO for a 40 year old Silver Birch Tree.*

*In addition, 29 members of the public attended the Council's planning committee meeting on 23<sup>rd</sup> June and all were against this planning application. This is contrary to the response reported from the consultation held by RPS Consultancy in April, where Ms Clipstone quoted that resident feedback was "a mixed bag".*

**b) W14/05482/FUL – Single storey rear sun lounge extension 5 Skylark Road, Melksham. SN12 7FP. Applicant: Miss G Bodenham.**

*Comment: The Council does not object but does express concerns over the loss of light amenity to the neighbouring property, No. 3, Skylark Road and that this application will create a precedent for similar proposals. They also have serious concerns over the fact that no site notification was displayed and neighbours consulted.*

**c) W14/05493/FUL – Replacement pitched garage roof, 16 Bader Park, Bowerhill. SN12 6UF. Applicant: Mr. Brian Ellis.**

*Comments: The Council have no objections.*

- d) **W14/01791/FUL – Land at Woolmore Farmhouse, 413A Bowerhill. SN12 6QZ. Change of use from agricultural land to residential use, erection of triple garage, replace existing metal gate with 1.8m high electric wooden gates.** Applicant: Mr. John Murdoch.  
*Comments: The Council have no objections, but wish to see a condition imposed that the electric wooden gate is positioned a minimum of a car length's distance back from the public footpath to ensure that any vehicle waiting for the gate to open does not obstruct the footpath.*
- e) **W14/05720/PNCOU– Barn & Store, Upper Beanacre Farmyard, Beanacre. Change of use of agricultural building to dwelling house.** Applicant: Mr. Nicholas Keen.  
*Comment: The Council have no objections.*
- f) **W14/04004/ADV– The Milk Churn, Commerce Way, Melksham. 2 x fascia signs, 1 x gallow sign and 2 x direction sign with illumination.** Applicant: Hall & Woodhouse.  
*Comment: The Council have no objections.*
- g) **W14/05397/FUL– Unit 32, Evans Business Centre, Hampton Park West, Melksham. Retrospective change of use from B2 (general industrial) to D2 (assembly and leisure) for use as a gymnasium.** Applicant: Crossfit Civitas.N12 7QS  
*Comment: The Council have no objections.*
- h) **Planning permission: W/14/04687/FUL 188 Woodrow Road, Forest, Melksham. Demolition of unsound dweeeling and replacement with 2no. new houses (revised design for existing consent.** The Council noted that permission had been granted for this application.
- i) **Planning enforcement: W/13/00100/ENF-L Lot One, Oakley Farm, Lower Woodrow, Forest, Melksham:** The Council noted a notification of appeal against the planning enforcement notice for the material change of use of land from agricultural use to residential use and associated operational development, without planning permission. The planning enforcement notice had been issued on 1<sup>st</sup> April 2014.

105/14 **Berryfield Village Hall planning application:** The Clerk reported that the Parish Council were able to request a 5 year period for the new planning application if they could provide a justifiable reason. Wiltshire Council had been unable to confirm if and when the Melksham Canal Link would be built. **Resolved:** *The Council request a 5 year period on the planning application for temporary permission of the temporary portacabin as used as a village hall as they do not know when and if the new Melksham Canal Link will be built.*

106/14 **Proposed Gompels Warehouse extension:** The Committee noted an informal meeting had been held with Sam Gompels and awaited the formal planning application.

107/14 **Proposed public consultation for development in Berryfield:**



The Committee noted the date of the consultation, Wednesday 2<sup>nd</sup> July from 4.00pm to 8pm. Residents of the Mobile Home Park had contacted the Council office expressing concern that they had not been made aware of the consultation. Cllr Carter offered to deliver letters to all the Mobile Home residents giving them details of the consultation.

108/14 **Planning Consultations:**

The Council noted the following consultations:

- a) **Licensing Act 2003** – Statement of licensing policy draft for consultation.
- b) **Wiltshire Council Gypsy and Traveller Needs Assessment 2014**. Grant money had recently been available to increase capacity at Thingley Junction.
- c) **NALC consultation on parishes receiving a share of business rates**. Cllr Petty declared an interest as a business owner. This item was deferred to the Full Council meeting on 1<sup>st</sup> July.
- d) **Submission of the Wiltshire Community Infrastructure Levy (CIL) Draft Charging Schedule and Consultation of Proposed Modifications**. This item was deferred to the Full Council meeting on 21<sup>st</sup> July.

109/14 **Planning Policy:**

- a) **Wiltshire Council Planning Policy**: Cllr T Chivers had suggested that the Parish Council adopt Wiltshire Council's Planning Policy. Cllr T Chivers said that he was not suggesting that the Council adopt this specific policy, but when considering planning there should be a Code of Conduct. Cllr Brindle suggested that the Committee defer this to have the opportunity to read the document.

*Recommended: To defer until October Planning Committee.*

- b) **Clarification of validity of comments re: preventing an annex being sold as a separate dwelling at a later date**: The Committee noted Wiltshire Council's response to Cllr Coombes enquiry that when a planning application is received for an annex to a main dwelling, a condition is normally imposed upon the planning permission which usually takes the form of:

"The property as a whole shall be occupied as one dwelling unit, with the accommodation hereby permitted occupied as part of, or an extension to, the main dwelling and it shall not be let or sold as separate accommodation.

REASON: Because the creation of a separate dwelling unit would be contrary to planning policy in this area.

POLICY: West Wiltshire District Plan - 1st Alteration - Policy H1".

Cllr Glover was interested to learn that the Planning Department were still quoting from the West Wiltshire District Plan 1<sup>st</sup> Alteration, as the Council's application for the Berryfield Village Hall quoted the emerging Core Strategy, Cllr Baines asked for clarification on whether the 1st Alteration still applied to village boundaries as this would have implications for the proposed Pathfinder Way and Berryfield housing developments.

110/14 **Department for Transport consultation on trains for "Great Western Area"**

*The Committee agreed to suspend Standing Orders for a period of public participation*

Graham Ellis reported that this current consultation would cut daily trains from 8 to 6 a day, however all the existing trains have carriages that currently have standing room only. The service is booming and it is ridiculous to cut services.

The Committee noted that the deadline for comments was 26<sup>th</sup> June.

**Recommended:** *The Council reiterate the response of the Trans Wilts Community Rail Partnership to the Dept of Transport “Great Western Area” rail consultation.*

*The Council re-convened.*

111/14 **MUGA at Hornchurch Road:**

a) Cllr Mills had received correspondence from residents in response to the Council’s decision to proceed with a MUGA. He had not responded to this as the residents needed to make comment to the Council not an individual councillor; and the Council needed to respond as a body.

b) **Order for MUGA:** The Clerk reported that she had requested a revised quotation for the MUGA, with the capacity to install a fence at a later date if required.

**Recommended:** *The Clerk be given delegated powers with two Council members, to approve the quotation to enable to order to be placed so that the MUGA can be installed quickly so that the children can have use over the Summer months.*

c) The Council noted a site meeting was being arranged with Colin Brown of Wiltshire Council to agree a suitable new site for the MUGA, further into the field away from footpath. Cllr Mills to and the Clerk to attend.

112/14 **Roundabout Sponsorship:**

The Committee noted expressions of interest for the sponsorship of two roundabouts in the Parish and were happy for the Clerk to commence initial discussions with the local companies and Wiltshire Council.

113/14 **Complaint re: Norrington Solar Farm planning application**

The Committee noted that there had been an official complaint raised against Wiltshire Council over the handling of the planning application W/12/02072 due to lack of consultation and adherence to conditions.

Meeting closed at 9.18pm

Chairman, 21<sup>st</sup> July, 2014

