

MINUTES of a Planning Committee Meeting of Melksham Without Parish Council held at 7.00pm on Monday 28th April 2014 at Crown Chambers, Market Place, Melksham

Present: Cllr Richard Wood (Chair), Cllr Alan Baines, Cllr Gregory Coombes
Cllr Rolf Brindle, Cllr Paul Carter, Cllr Stephen Petty.

Cllr Terry Chivers attended as an observer and took no part in voting.

Apologies: Cllr John Glover (Vice Chair)

617/13 **Declarations of Interest:** Cllr Petty declared in interest in planning application W14/03464/FUL, Garage Site, Holbrook Vale, Berryfield, Melksham.

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

618/13 **Public Participation:**

a) W14/03652/OUT – 303, Sandridge Road, Melksham, Wiltshire, SN12 7QR,
Demolition of existing detached dwelling and the erection of up to 24 No. dwellings on the site. Outline planning permission with details of “access” is sought, with all other matters reserved for subsequent determination:

Mr. Ian Potter of 303, Sandridge Road stated that he would have liked to have stayed in his current property, however, due to all the development that has take place on the East of Melksham site he feels that he is living in a “goldfish bowl” and has no choice other than to sell his property to a housing developer. He reported that the 2metre hedge and established trees on land behind his property had been cut down and that now his property is overlooked by houses in the new development. He has also been advised that the remaining hedge could be cut down after 5 years as after this period of time the owners of the news properties can do as they wish. He asked that the parish council support this application. Cllr Wood asked Mr. Potter about vehicular access onto the A3102. Mr. Potter confirmed that there will be no vehicular access onto the A3102 only pedestrian access; all vehicular access will be via Fieldfare Way.

b) W14/03464/FUL Garage Site, Holbrook Vale, Berryfield, Melksham, Wiltshire, SN12 6EJ.
Demolition of 14 garages and construction of two 3 bed houses with associated road and parking:

Mr. Mick Latham representing Selwood Housing reported that Selwood had conducted a 6/7 year review of its garages and their use and found that 50% were either unused or used for other purposes. From this a list of garages used for parking cars was generated and only 1 tenant living in Holbrook Vale used their garage for parking. He stated that Selwood was a non-profit organisation and that they needed to build affordable housing; Holbrook Vale had been identified as being suitable for this purpose.

Mr. James McGee of 3 Holbrook Vale said that he objected to the application as there was not enough parking for the tenants already. He added that the reason that the survey

had identified that the garages were not being used was that they were in such a poor state of repair that no one wanted to rent them.

Mr. Terry Vines of 8 Holbrook Vale said that the garages back onto his garden, once they are removed and houses are built that this will block all the light to his garden. He stated that he has spent £300 making a driveway on his property due to the lack of parking.

Mr. D George of 1 Holbrook Vale reported that he was the last garage tenant. Selwood Housing had offered him another garage, but Mr. George stated that he had a specialised car and did not want to move it; he would prefer a garage in his own garden.

Mr. Kevin Gale of 9 Holbrook Vale objected to the application as he felt that he would have a lack of privacy as the proposed new houses will overlook his garden. He has concerns as the roof height of the new build will be higher than the existing properties and feels that this will be imposing. He also stated that Selwood had offered to drop the kerb too, for access to help alleviate parking issues.

In response Mr Latham stated that he had spoken to the occupier of No. 8 Holbrook Vale as Selwood would relocate the drive at their expense and would put up an 8ft fence once the garages were removed to ensure privacy. He also said that he would speak to Wiltshire Council Highways to find out if the grass verge could be reduce in order to increase parking space.

Mr. McGee reported that he struggled to get out of his drive due to all the parking in the street and was concerned about how an emergency vehicle would gain access.

Photographs taken by the residents of the parking issues were distributed.

Cllr Baines asked Mr. Latham why the decision had been made to only apply for two 3 bed houses rather than more 1 or 2 bed properties, as there seemed to be a greater shortage of this type of property. Mr. Latham responded that there were 18,000 people in Wilshire on the housing waiting list and that there was a shortage of all types of property. In this case the shape of the land available dictated what could be built there.

The council re-convened and brought Agenda item 4d forward.

Although not on the planning committee Cllr Chivers declared an interest as his wife works for Selwood Housing.

619/13

Planning Applications: Resolved: *The following [planning applications were reviewed and comments made:*

W14/03464/FUL Garage Site, Holbrook Vale, Berryfield, Melksham, Wiltshire. SN12 6EJ. Demolition of 14 garages and construction of two 3 bed houses with associated road and parking.

Cllr Sankey recommended that as a condition of the planning application that Selwood Housing should make provision for off street parking to mitigate the loss of on street

parking. Cllr Baines said that 2 parking spaces for each new property should be provided. Cllr Woods recommended that Selwood Housing submit a planning application for a garage in the garden of number 9 Holbrook Vale on behalf of the tenant and assist the resident in providing a garage within his property.

Comments: The Council have no objections to the application, but do recommend that 2 parking spaces are provided for each new property and that provision is made for off street parking to mitigate the loss of on street parking for the current residents.

W14/03652/OUT 303, Sandridge Road, Melksham, Wiltshire. SN12 7QR

Demolition of existing detached dwelling and the erection of up to 24 No. dwellings on the site. Outline permission with details of “access” is sought, with all other matters reserved for subsequent determination.

Cllr Brindle expressed concerns over the condition of footpath MW28 to the south of this application. Cllr Wood welcomed the news that the access to the proposed new development would not be from the A3102, Sandridge Road. Cllr Baines reported that in the past the Council had tried to get developers to acknowledge the ancient hedgerow and expressed the need to investigate the 5 year ruling reported by Mr. Potter.

Comments: The Council have no objections.

Recommendation: The Council investigate the ruling that existing hedges and trees can be removed once an owner/occupier has been in a property for 5 years.

W14/03560/FUL and W14/03793/LBC The Old Manor, Beanacre, Melksham

Wiltshire. SN12 7PT. Erection of a 1.5 metre high, dry stone wall along front boundary.

Comments: The Council have no objections.

W14/03579/FUL Field 9127, Land North of Dunch Lane, Melksham, Wiltshire, SN12. Proposed equestrian ménage for private use.

Comments: The Council have no objections but would like to see a condition that the ménage is restricted to domestic not commercial use and that the owners ensure that watercourses are not contaminated by animal waste.

W14/03791/FUL 14, Bader Park, Bowerhill, Melksham, Wiltshire. SN12 6UF. Single storey side extension.

Comments: The Council have no objections.

W14/03873/FUL 498, Semington Road, Melksham, Wiltshire. SN12 6DX. Single storey rear extension to replace existing conservatory.

Comments: The Council have no objections.

W14/03697/FUL 5, Market Place, Melksham, Wiltshire SN12 6ES. Change of use from A1 Retail to A3 Restaurant Unlicensed.

The Committee that this application was within the Town Boundary, and the Parish Council have been consulted as the neighbouring property to the application.

Comments: To note.

W13/06053/VAR 112 Beanacre, Melksham, Wiltshire. SN12 7PZ. Retrospective variation to garden wall and fences to the rear.

The Clerk reported that the planning officers were unable to proceed due to discrepancies in the plans and had now gone to the Land Registry to obtain copies of the title deeds.

W14/02389/VAR and W14/02390/VAR The Courtyard, Bath Road, Melksham Wiltshire. SN12 8EF. Correspondence had been received updating the council on previous usage, that this was an industrial premises and not a domestic dwelling.

Comments: To note.

620/13

Premises Licence Applications:

a) 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 refreshment).

Comments: The Council had concerns that there will be disruption to the residents when patrons of Marston's were leaving the premises in the early hours of the morning.

The Parish Council would like to see a condition requesting CCTV to be in operation outside the premises as a deterrent to anti social behaviour and to aid the police in case of incidents occurring.

The Council also had concerns of noise to local residents from live music and the piped recorded music being played externally and of people using the garden late at night. The orientation of the garden with seating, was facing residents on Cranesbill Road, who by nature of the housing design were likely to have young families. The Parish Council would like to see a condition that music is not played outdoors after 8pm.

Recommendation: The Council send a copy of their Comments to the NPT (Neighbourhood Police Team) consulted on this application.

b) Wm Morrisons PLC (M Local) at Snowberry lane (to retail off sales of alcohol daily 6.00am – midnight). *Comments: The Council feels that the opening hours for off sales are excessive and to prevent public nuisance would like to see a condition imposed restricting off sales after 10pm.*

621/13

Planning Decisions:

a) W13/06140 Sandridge Solar Farm

Cllr Chivers gave an update on the Western Area Planning Committee site meeting held in Seend; he reported that only a minute part of the proposed site could be seen from Seend. This had now gone to appeal and Cllr Chivers had asked for a detailed breakdown of any pre-planning discussions between Councillors under a Freedom of Information request. Cllr Carter pointed out the cumulative effect of clusters of Solar Farms as a planning consideration as the site could be seen from Sandridge and Seend. Cllr Petty reported that a similar sized site in Swindon had now gone to appeal and had been referred to the Secretary of State. Wiltshire Council were waiting to find out the outcome of that appeal before making further consideration on the Sandridge Site.

N12/03594/FUL Octavian Wine, Gastard Proposed above ground specialist storage facility. The Clerk reported that the Northern Area Planning Committee (23rd April) had refused permission for this application.

622/13

Wiltshire Council – Core Strategy & Development Plan Documents:

a) Wiltshire Housing Site Allocations DPD & Call for Sites Submission

The Clerk reported that Wiltshire Council had requested comments on the legal soundness of the document only for the DPD however there was a separate exercise being run in tandem, with a Call for Sites Submission. Wiltshire Council were gathering information on potential land uses so that evidence was in place to address any current or future housing needs. These sites formed part of the SHLAA (Strategic Housing Land Availability Assessment).

Cllr Baines suggested that the Committee looked through the SHLAA document site by site for the Melksham Without area. He reported that, with the exception of one site, all the sites had a density 30 dwellings per hectare, providing too many 4 bed houses. If the density was increased to 45 this would provide more smaller affordable housing for which there is a greater need. Cllr Coombes stated that the Council should not decide what housing people lived in. Cllr Brindle concurred with Cllr Baines.

Cllr Wood left the meeting at 8.00pm to attend a pre-arranged meeting on Council business. Cllr Sankey proposed that Cllr Baines take the chair, this was seconded by Cllr Coombes and agreed unanimously.

Resolved: Cllr Baines chair the remainder of the meeting.

Recommendation: *The Council reviewed the SHLAA Sites within the Melksham Without Parish area and made the following comments to be submitted to Wiltshire Council:*

Site 1001 – Land rear of Woodrow

It was noted that this area is a flood plain. Both Woodrow Road and Forest Road were inadequate to cope with any increase in traffic created by any potential development on this land; a new access from Sandridge Road would need to be created. Access to the farm should remain and access to the farm holding would still need to go across this land.

Site 1002 – Land rear of 592 Semington Road

The Council had previously seen no reason for development not to be permitted on this land, and there were fewer constraints now that this was not a main road. It was noted that the capacity for this site was for 10 units and that this land was not considered appropriate for small units. No 592 is a listed building and it was noted that the listed building should be identified on this Site Assessment.

Site 1003 – Land rear of Semington Road

Part of this land is on a flood plain and also on the proposed canal route. This would expand the development of Berryfield to the south of the brook. This is grade 1 Agricultural land and the council would not wish to see development on high grade agricultural land.

Site 1004 – Land South of Hampton Park

The council would object to any development of this land. This is higher grade agricultural land and adjacent to the Kennet and Avon Canal. Any development would erode the buffer between Semington and Berryfield leading to a coalescence of both areas.

Site 1005 – Land South of the Sports Ground

The council would object to any development of this land. This would expand Bowerhill towards Seend, the Kennet and Avon Canal and the former railway. This land is designated as a wildlife corridor.

Site 1006 – Land South of Falcon Way

The council would object to any development of this land. This would expand Bowerhill towards Seend, the Kennet and Avon Canal and be very visible from Seend. This is higher grade agricultural land.

Site 1019 – Outmarsh Farm

This land will be the Marina Site in the canal plan and is not suitable for residential development as it will be required for canal activities and development. This land should be classed as employment land.

Site 1024 – Abattoir Site

The Abattoir was an industrial site and this land should remain so. It is more suited for commercial development related to that canal rather than residential development.

Site 1025 – Land South of Western Way

This site adjoins site 267 where there has been consultation for proposed development of 275 houses. There is concern that this will create coalescence between the Town and Bowerhill. The north part of this land should remain the rural buffer and any development of the south should be commercial as the land already backs onto the existing industrial area.

Site 1026 – Land West of Semington Road

This land forms part of the Canal planning application and any development should not prejudice the possible provision of a Melksham link.

Site 1027 – Land rear of Savernake Avenue

There are access issues to this site. The land on its own is not accessible from a highways point of view and has high voltage electricity transmission cables across it.

Site 1034 – Land adjacent to Woolmore Manor

Woolmore Manor is a Grade II listed building and strict controls of materials will be needed for any potential development. This land was previously shown on the school plan as a school orchard, but subsequently dropped. The SHLAA document should note that a Grade II* building is adjacent.*

Site 264 – Land at Shurnhold

When the National Trust wanted to build a warehouse here it was rejected on the grounds of flooding. There is not much usable land here.

Site 265 – Land North and East of the Spa

Some of this land is earmarked for the relocation of the football and rugby stadium. There is a flood risk to this land as there is a watercourse the southern side. A capacity of 392 is not feasible. This land is adjacent to Bowerhill Lodge, a listed building (this should be identified on the SHLAA). There is concern at the number of accesses to the road and an extension of the distributor road round to the Snowberry Lane roundabout would be needed.

Site 266 – Land South of the Spa

This land is the rural buffer between Bowerhill and the Town. It would only be possible to have a very limited development on the Southern part as any development would affect the setting of the Spa Lodging Houses.

Site 267 – Not on List

This is shown as Wiltshire Council owned land and shown as New Recreation land until the DPD is accepted by Inspector. It is on the commercial side of Pathfinder Way and is not suitable for housing as stated to the potential developers in response to their recent consultation.

Site 280 – Land at Woolmore Farm

Most of this land is being used for the relocation of the Rugby and Football Stadium. It is mostly flood plain and also a skylark meadow. There is only capacity for 5 dwellings.

Site 3103 – Site North of Sandridge Common

The Parish Council considers this site as the next most suitable site for development in the Parish, and the logical next expansion of the East of Melksham development. It is accessible from the main road and close to amenities. The council have previously stated this position.

The description of this site should be amended to read Site North of Sandridge Common.

Site 3015 – Boundary Farm

This land is considered under the Wilts and Berks canal development and any other development should not be allowed to impede connection with the Kennet and Avon canal. It is higher grade agricultural land and should remain as a buffer between Berryfield and the Town.

Site 3106 – Outmarsh Farm

This land is on the edge of the proposed alignment of the canal and not suitable for residential development as it is next to a working farm. This land could be used for commercial development connected with the canal.

Site 3107 – Land North West of Woodrow Road

Access to this site is a problem. Forest Road is at capacity with current development, therefore a separate access from another direction would be needed. There are electric lines running across this land. This is on the historic line of the canal which should be preserved.

Site 648 – Land East of Semington Road

This land seems a suitable extension of Berryfield to the East. The western part of this land would be suitable for development, however the South East corner falls into the sewage works exclusion zone.

Site 699 – Land North of Shails Lane

This land is Southwest of Bowerhill treatment works (North of Shails Lane). There is already vehicular access, however this is a private road. This could be commercial land rather than residential as commercial land isn't limited by the sewage works exclusion zone. The sewage works could be converted to sealed tanks so that more development could take place (as done at the Countrywide Farmers site to accommodate the new Asda supermarket).

There is no site description on the SHLAA, it should read "Land north of Shails Lane".

Site 715 – Woodrow House Farm

This land is a potential flood risk, only 50% of the site is proposed for development. Electric lines go across the land. Access here is difficult and the land would only be useable if the eastern distribution road was extended northwards.

Cllr Sankey left the meeting at 8.45pm.

Site 720 – 303 Sandridge Common

An outline planning application has just been received for this site (W14/03652/OUT). Please note that the SHLAA document states that this land was previously industrial use – this land is currently occupied by one residential dwelling and equestrian use. The Site description should read 303 Sandridge Common.

Site 728 – Townsend Farm

This land is the rural buffer between Berryfield and the Town and should remain so to prevent coalescence. This land is higher grade agricultural land.

Site 312 – Corsham Road

There has been no development in Whitley for 54 years. There could be access problems with this site as this land is currently accessed across a private driveway. This land is on a flood plain and has been the subject of flooding issues although these have now been resolved. However, development on this land could create flooding issues further down stream to existing properties in Corsham Road. The site is identified for higher density housing than on other sites and it was felt that this would not be in keeping with the surrounding existing properties.

Site 3148 – Middle Farm, Corsham Road

This site was previously recommended for affordable housing and is considered suitable for an extension of the residential area of Whitley. This is more suitable for higher density housing than site 312.

- b) **Recommendation:** *The Council note the following consultation documents:*
 - i) **Draft Gypsy and Traveller DPD**
 - ii) **Draft Gypsy and Traveller DPD Draft Sustainability Appraisal Scoping Report Addendum.**
 - iii) **Core Strategy Consultation on proposed changes**
- c) **Recommendation:** *The Council note the following Open Spaces Information Sheet re: **Local Green Space Designation.***

623/13 **Existing Play area at Hornchurch Road:**

- a) **Reported ASB (Anti Social Behaviour):** The Committee noted the report provided by PC Barry Dalton, Community Beat Manager which gave the breakdown of ASB reported incidents over the last 2 years. Of the 19 complaints, 16 had been about youths playing football in the younger children's play area. Cllr Baines stated that this confirmed that older children needed somewhere of their own and showed the justification for a MUGA and the use of S106 funding for teenagers.
- b) **Return of Play Equipment:** The Clerk reported that the see-saw was due to be returned and installed the following week.
- c) **Change to age restriction:** The Clerk reported that Colin Brown at Wiltshire Council had informed that the play equipment was designed for under 8's. Colin Brown had requested a new sign for the Play Area with the correct age restriction for under 8's. In the interim period, Stuart Renfrew was arranging for the age restriction on the sign to be painted out and changed from 14 to 8 years old.

624/13 **W/14/01138/DP3 Erection of fence to enclose MUGA:** The Clerk reported on the discussion with Wiltshire Council's Planning Department about the Parish Council's

application for the fence. Kenny Green had confirmed that if the Parish Council withdrew their application, they could reapply within one calendar year without the need to pay another fee. It was also felt that the planning application for the fence was being clouded by the issue of some residents being against the MUGA and that it would be best for the two items to be considered separately. If the Council decided at their next Council meeting on 19th May to withdraw their planning application, this would be before the Western Area Planning Committee considered the application.

Based on this new advice from Wiltshire Council, the Committee discussed if they wished to rescind the Resolution about the planning application agreed at the last Full Council Meeting on 14th April. These minutes were yet to be approved by the Council but the Clerk provided the draft copy of the relevant Minute resolution 593/13. 593/13 Resolved: The Council allow the planning application for the MUGA to proceed. If approved, the requirement for the fence to be assessed before installation of the MUGA.

The Clerk also read out the relevant Standing Order to rescind a Resolution:

RESCISSION OF PREVIOUS RESOLUTION

34. (a) A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least 5 members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.
- (b) When a special resolution has been disposed of, no similar resolution may be moved within a further six months.

Cllr Baines proposed that the Council withdraw the planning application for the MUGA fence and reapply within the 12 month period if required, once the MUGA was installed. This was seconded by Cllr Coombes; the vote was 3 in favour and 2 against.

Recommended: *The council rescind their resolution Min. 593/13 and withdraw the planning application (W/14/01138/DP3) for the fence for the proposed MUGA in Hornchurch Road with the option of reapplying within 12 months.*

Cllr Baines reported that the specification for the fence had been received from HAGS for when the fence is next discussed.

Cllr Wood re-joined the meeting at 9.10pm and re-took the chair.

625/13

Joint Neighbourhood Plan:

The Clerk reported that she had had a meeting with Steve Gray, Clerk to the Town Council, and there appeared to have been a misunderstanding or misinterpretation with regards to the Parish Council's funding commitment to the Joint Neighbourhood Plan. The Parish Council's intention was to review the funding split between the two Councils after the 1st year; the Town Council had read this to mean that the Parish Council may wish to withdraw after the 1st year which is why they felt unable to proceed on that basis.

Cllr Baines commented that the Council never had any intention of pulling out as it too would have invested time and money in preparing the Plan.

Recommendation: *The Council write to the Town Council clarifying the Parish Council's resolution and emphasizing the point that it had no intention of pulling out of the Joint Neighbourhood Plan, but that it wished to have the option of renegotiating the terms of the cost split which was dependent on external factors.*

Cllr Brindle stated that the council needed to look at documentation from other Neighbourhood Plans in order to identify what needs to be done. The Clerk agreed to source some Neighbourhood Plans for Cllr Brindle to review.

626/13A **Solar Farm Policy:**

- a) **Community Energy Strategy.** The Committee noted the Government's new Strategy and deferred this item to the next Planning Committee meeting to give time to read further.
- b) **Solar Farm Policy:** Revisions had been made to the Solar Farm Policy in line with the comments from the last review and the Clerk had produced a new draft copy for approval. **Recommendation:** *The Council adopt the Solar Farm policy.*
- c) **Solar Farm applications:**
 - i) **Broughton Gifford planning application W13/06707/FUL Solar Farm (Roundponds)** The Committee noted that this application was to be determined at the Western Area Planning Committee on 30th April 2014. Cllr Chivers asked that the Council to endorse Broughton Gifford Parish Council comments with regard to highway safety in order to prevent a re-occurrence of the Norrington Solar Farm issues.
Resolved: *The Council endorse the comments of Broughton Gifford Council on this application for their request for adequate conditions to be put in place regarding delivery and construction of the solar farm to prevent nuisance to residents and to prevent highway danger.*
 - c)ii) **New owners of Norrington Solar Farm (W12/02072/FUL).**
Recommended: *The Council accept the invitation of the new owners SunEdison to meet with the Council and invite them to the next planning meeting on 2nd June to address the Council.*

626/13B **Allotment Request:**

A request had been received from the tenant of plot 16, Briansfield to erect a shed 6' x 4'.
Recommended: *The council approve this request.*

Meeting closed at 9.22 pm

Chairman, 19th May 2014