

MINUTES of the Planning Committee of Melksham Without Parish Council held on Monday 30th March 2015 at Crown Chambers, Melksham at 7.00 p.m.

Present: Cllrs. Richard Wood (Chair), Gregory Coombes, Rolf Brindle, Paul Carter, Jan Chivers, Steve Petty.

Cllr. T. Chivers as an observer.

Apologies: Cllrs. John Glover (Vice Chair), Alan Baines.

Housekeeping: The Chairman welcomed all to the meeting and explained the evacuation procedures in the event of a fire.

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

450/14 **Declarations of Interest:** Cllr J. Chivers declared an interest in agenda item 5b, Berryfield Park, as an employee of Selwood Housing and Cllr T. Chivers declared an interest as her spouse. The Clerk declared an interest in agenda item 4a as she was personal friend of the applicant.

451/14 **Public Participation:**

a) **15/00085/FUL – 271, Sandridge Lane, Bromham. SN15 2JW:** Mr. Bowen, the applicant, explained that he had bought the property with a view to refurbishment and extension. However, once he had purchased the property and engaged an architect he realised that the property was in too bad a state of repair to refurbish, and therefore he had to demolish and rebuild. He stated that he had the full support of the adjoining neighbour as currently the two properties were semi-detached, and the proposed plans will make them both detached. The amended plans for a 3 bed house would follow all the original build lines and he would be reusing old stones and tiles to keep the same façade. The proposed plan to build a garage at the back of the property had been removed from the amended plans. Mr. Armstrong, the architect, stated that in terms of permitted development, the plans submitted for planning permission were actually less in square footage than what was actually allowed by permitted development. He stated that externally the proposed property would be the same height as the existing property and that it would blend in with the surrounding properties. He reported that the hard standing at the front of the property would be taken away and replaced by permeable paving which would assist with drainage.

b) **15/00420/FUL – 68, Berryfield Park, Melksham. SN12 6EE:** Wiltshire Cllr. Roy While reported that due to the high level of public interest in this application he had called it in and that it would be considered at the strategic planning meeting to be held Wednesday 8th April at 3.00pm at County Hall.

Hydrock Consultants Ltd had prepared a technical report on behalf of Selwood with regard to vehicle access, level of traffic and parking provision for the proposed site in response to resident's previous concerns. There were 5 residents in attendance who were unhappy over the fact that Wiltshire Council had not contacted them to inform them that amended plans had been submitted. Additionally they all shared concerns with regard to the impact that construction would have on noise, increased traffic and parking. The Parish Council had previously commented that they wished to see a traffic management plan scheme put in place to prevent construction traffic

using a circuitous route through Berryfield Park; the residents had opposing views as to which direction would be the best route as they considered that construction traffic emerging from the site access could compromise their visibility of road traffic when leaving parking spaces from outside of their individual properties. One resident had concerns about construction safety as there were overhead electricity cables at the site, and concerns about the location of underground gas mains pipes which he felt were in close proximity to the proposed road. Another resident queried the aesthetics of the development as the demolition of 68, Berryfield Park would create the only detached property on the estate.

Sally Hewins, BBA Architects reported that the main amendments were technical specifications, however the floor level of the proposed properties had been raised on the plans to address drainage issues, but this would not affect the external height of the buildings as the pitch of the roof had been altered in order that the building height remained the same.

Paul Walsh, Selwood Housing responded to the residents' queries stating that in terms of a site traffic layout plan that Selwood would rely upon Wiltshire Council Highways Officers for advice. He wanted to listen to residents concerns and would pass on their views to Wiltshire Council, but equally Selwood needed to act upon the professional advice of the Highways Officers. If planning permission was granted then there would be a detailed traffic management plan. Selwood had already commissioned a traffic survey by a private consultancy and the conclusion of the report was that the development would provide a safe highway and would not be detrimental to the existing residents. With regard to the concerns over existing utility services, Mr. Walsh reassured residents that any issues could be easily overcome. He stated that he appreciated the residents' concerns with regard to the impact on them during construction, but assured them that Selwood Housing had a good track record with regard to small developments and that if the application was successful then there would be a dedicated site manager and phone number that residents could call should they have any issues. Additionally, any contractors that they used would have to be signed up to the considerate contractors scheme. He added that the development was for 2 and 3 bedroom houses and smaller apartments and that Selwood Housing was a local not for profit association providing homes for those people who could not afford to buy their own.

The Council re-convened. As members of the public were in attendance to discuss the two amended planning applications agenda item 5 was brought forward.

452/14

Amendments to Planning Applications: Melksham Without Parish Council considered the following amendments to applications and made the following comments:

a) 15/00085/FUL – 271, Sandridge Lane, Bromham. SN15 2JW

Proposed demolition of existing dwelling and erection of replacement dwelling together with replacement of 85.3sqm total outbuildings.

Applicant: Mr. E Bowen and Ms. L Bryant.

Comments: *The Council has no objections and wishes to re-iterate its previous comments made on the 18th February, 2015, in that it wishes to see "that provision is made for adequate storm drainage as there will be an increased run off due to the larger roof area".*

- b) **15/00420/FUL – 68, Berryfield Park, Melksham. SN12 6EE.** Demolition of number 68 Berryfield Park to provide access to create 8 dwellings to the rear of 65-72 Berryfield Park. Applicant: Mr. Mick Latham.

Comments: The Council noted that the Officer's report for the Western Area Planning Committee to be held 8th April, 2015, had been received that day. The Officer recommended approval with conditions, however there was no mention of working hours or traffic management as the Parish Council requested when originally consulted and therefore would like to see the following conditions reiterated at the Planning Committee Meeting next week.

The Council would like to see a condition imposed restricting construction to 8.30am to 5.30pm Monday to Friday, and Saturday 8.30am to 1.00pm only, as per its previous comments made on 18th February, 2015. Additionally, the Council consider that a traffic management plan is required and that this should be developed after consultation with local residents.

The Council wished to seek clarification from the Officer with regard to a statement in his report under point 5:

"Core Policy 15 requires the provision of at least 2370 new homes in the Melksham Community Area up to 2026, of which 130 homes will be provided in the surrounding community area and 51 still remain to be identified" and "Berryfield is considered separately and is identified as a small village". This is contrary to the Site Allocations DPD which includes Berryfield in the Melksham and Bowerhill Area under the Core Strategy Housing numbers.

453/14 **Planning Applications:** The Parish Council considered the following applications and made the following comments:

- a) **15/02020/FUL – 516, Semington Road, Melksham. SN12 6EA**
Proposed two storey rear extension & front porch.
Applicant: Mrs. Debbie Marchant.
Comment: The Council have no objections.
- b) **15/02071/FUL – Mount Pleasant Farm, Bath Road, Atworth Wiltshire. SN12 8HD .** Renovation & Extension to existing outbuildings.
Applicant: Mr. Charlie Fanshawe.
Comment: The Council noted that this was an Atworth Parish application, but was on the Melksham Without Parish boundary line. The Council has no objections.
- c) **15/02132/FUL – Knorr-Bremse Rail Systems UK Ltd., Westinghouse Way, Bowerhill, Wiltshire. SN12 6TL.** Extension to the additional car parking facility to allow a further 21 spaces. Applicant: Knorr Bremse
Comment: The Council has no objections and welcomes the provision of additional parking spaces.
- d) **15/02208/PNCOU – Holding No 45/176/0231, Land Off Shaw Hill, Shaw, Melksham, Wiltshire.** Conversion of agricultural building to provide 2 new dwellings. Applicant: Mr. D. Geddes.
Comments: The Council previously made comment on application 14/12162/PNCOU on 27th January, 2015, for the same proposed change of use under holding number 45/176/0231, where it had no objections provided that this

land was not outside of the settlement boundary. The Council now finds that this proposed change of use is outside of the settlement boundary and as such objects on these grounds. Additionally it supports the assessment in the Case Officer's Report and reasons for refusal.

- e) **15/02244/FUL – Jumbly Cottage, 421 Redstocks Lane, Seend Cleeve, Melksham, Wiltshire. SN12 6RF.** Removal of existing single storey extension. Erection of a two storey side and rear extension and erection of front porch/canopy. Applicant: Mr. & Mrs. T. Webb.
Comments: The Council has no objections.
- f) **15/02316/FUL – 5, Valencia Court, Bowerhill, Melksham, Wiltshire. SN12 6FF.** Change of use of utility room to enable Hairdressing Business. Applicant: Mr. & Mrs. T. Webb.
Comments: The Council has no objections.

- 454/14 **Planning Decisions:**
W/13/00288/FUL – Shaw Pet Centre, Bath Road, Shaw, Wiltshire. SN12 8EF. New detached dwelling to replace existing accommodation block and new kennels to replace existing garage building. The Council noted that permission for this 2 year old application had been granted.
- 455/14 **Update from Neighbourhood Plan Launch held 27th and 28th March 2015:** Cllr Wood reported that there had been a steady flow of people attending the launch at the Assembly Rooms on the Friday and more on the Saturday morning. It was estimated that more than 100 people attended in total. It was a successful event and useful feedback was gathered. Interest Groups now need to be set up and chairs for these groups need to be found. It was noted that a high profile needed to be maintained in order to encourage volunteers to come forward for the Interest Groups. The next meeting of the Steering Group to be held on Wednesday 22nd April, 2015 at 6.00pm at Crown Chambers.
- 456/14 **Update from Wiltshire Council Briefing Session (26th March) on Wiltshire Housing Site Allocations Development Plan Document:** Cllr Petty had attended the briefing session and stated that there were 3 planning officers in attendance who had reported that negotiations were underway to ensure that the proposed canal development was viable. The officers were pleased to see that the Parish Council had taken the time to develop an option 3 in its response, and this option was well received. The Town council had responded to the consultation by stating that they supported option 2 as they felt this would be the best option to protect the proposed canal development. The Parish Council were disappointed by the Town Council response and felt that this could have a negative impact on the Housing Allocations DPD and the joint working on the Neighbourhood Plan.
- 457/14 **CIL (Community Infrastructure Levy):**
a) **Wiltshire Community Infrastructure Levy Charging Schedule –Report on the Examination into the Wiltshire CIL Charging Schedule:** The Council noted the CIL charging schedule and that the Planning Inspector agreed with the levy schedule.

- b) **Draft Planning Obligations Supplementary Planning Document, draft Community Infrastructure Regulation 123 List and CIL policies consultation document.** The Clerk reported on the consultation paper and the response deadline date of the 22nd April before the next Full Council meeting, which is why the Planning Committee had been given delegated powers by the Council to respond to the consultation before the deadline (*Min. 435/14 e*).

The Clerk referred the Councillors to useful details in the document that would assist in assessing large planning applications, and for the Neighbourhood Plan task groups.

Education provision

The likely number of pupils arising from a development will be calculated using pupil product figures, which have been derived from the number of children arriving in early years settings and schools over a 10 year period. These figures are:

- 0.04 per dwelling for 0-2 year olds (4 per 100 dwellings)
- 0.09 per dwelling for 3-4 year olds (9 per 100 dwellings)
- 0.31 per dwelling for primary aged pupils (31 per 100 dwellings)
- 0.22 per dwelling for secondary aged pupils (22 per 100 dwellings).

All one bed properties are considered unlikely to generate school age children and so are discounted entirely. A 30% discount is given on the social housing element of applications. This reflects pupils moving within the relevant designated areas (most relevant at secondary level) and so not needing to change their school place.

Development proposals for around 400 to 500 houses may require a significant expansion of existing primary and secondary schools (combined or individually). Proposals for more than around 700 houses may require new nursery and primary schools, as well as a significant expansion of existing secondary schools, to serve children generated by the development. In both instances, this will depend upon the extent of any surplus capacity within reasonable (defined) walking distance of the development.

A new secondary school is only likely to be required to serve a major urban expansion scheme.

Flood alleviation and sustainable urban drainage schemes

- 8.3. All new development will need to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage), unless site or environmental conditions make these measures unsuitable.
- 8.4. Development will be expected to incorporate a sustainable urban drainage system (SUDs), such as rainwater harvesting, green roofs, permeable paving, ponds, wetlands and swales, wherever possible.
- 8.5. The provision of green infrastructure, including woodland, should also be considered as a measure to reduce surface water run-off. Any opportunities to reinstate or create additional, natural functional floodplain through the development process will be encouraged.

Healthcare:

- 9.5. Large residential developments or a cluster of neighbouring developments will lead to a local increase in population. This can create a need for specific local health facilities if there is no existing local capacity or likely to be in the near future. The average list size

for a whole time equivalent GP is 1,750 patients. New development that results in more than 7,000 new residents (a patient list of four whole time equivalent GPs) may require a new facility to be provided.

It was also agreed that the following elements could be used as evidence for issues the Parish Council had raised recently with Wiltshire Council:

1. As evidence for the proposed footpath from Ingram Road to join up at the rear of the new Forest & Sandridge School: Saved policy CR1 from West Wilts Leisure & Recreation DPD “Protects public rights of way network from development and, where appropriate, **seeks improvements as part of development proposals**”
2. **8.4 Due to the unpredictable nature of flood risk and drainage issues, later implementation of maintenance is unacceptable.**
As a response to Portfolio Holder for Highways, Philip Whitehead, who stated that an extra gully clean for vulnerable gulleys as preventative maintenance could not be done other than an annual clean as Wiltshire Council “operate on a reactive basis to gullies that are reported to us as blocked”
3. **9.2 Wiltshire Council Core Strategy Core Policy 49 “Protects existing services and community facilities”** As evidence for Berryfield village hall and play area which is on the route of the Melksham Link canal development.

***Resolved: Comments:** The Parish Council submit the following comments:*

6. Open space/green infrastructure:

6.3 Improvements to existing public open space and green infrastructure will generally be funded through CIL unless directly related to the proposed development, when new provision will be sought through planning obligations.

The Parish Council objects to this approach as the Council has recently used s106 funding to successfully improve existing public open space and would like to see this approach remain. The s106 funding from a new application for 13 dwellings was used to include the provision of a new MUGA (Multi Use Games Area) on public open space which was a direct result of requests from young people for a football playing surface as they currently used the play area designed for much younger children. This was not directly related to the proposed development although geographically very close. In another example, the Parish Council would like to see the refurbishment of an existing play area to be funded by s106 funding from an nearby proposed development (ex George Ward Site in Melksham).

6.6 *The Council welcomes and the requirement under the NPPF that “encourages access to **high quality** open spaces and opportunities for sport and recreation” but queries if high quality space was always provided.*

6.7 The Council notes that an “Open Spaces Study” is to be completed in 2015 which will inform the Wiltshire open space standards, the Council looks forward to receiving details on this Study.

6.9 “Onsite provision of open space and landscaping schemes may be offered to the council or its nominee (usually a town or parish council) by a developer for adoption as council owned and maintained provision. Where new publically accessible open space is proposed as part of a development the council will require these facilities to be **useable and of high quality**”

The Parish Council has found that in reality this does not happen, for example, the East of Melksham housing development (over 700 houses) has the open space remaining in the ownership of the developers and maintained by Green Square who are also maintaining the Linear Park owned by Wiltshire Council. The public open space at Manston Close, Bowerhill is being maintained by the residents of the 13 dwellings who have formed a management company to undertake the work. The Parish Council has several examples of open space facilities that it does not consider “high quality” for example, at Hornchurch Road, Bowerhill and Manston Close. There are already problems with the residents complaining about the sparse provision of play equipment at East of Melksham, and design features such as a green tunnel where the grass has already eroded and the maintenance company Green Square blaming a poor design.

“All new public open space must be secured and maintained in perpetuity for the benefit of the public” The Council queries how this is secured and maintained, for example in the case of Manston Close when this is maintained by the residents themselves. Who makes checks to ensure about security in perpetuity? Planning Enforcement?

7. Transport/highways

7.4 & 7.5 The principle settlements in Wiltshire (ie: Chippenham, Salisbury and Trowbridge) are supported by transport strategies. These identify measures to mitigate the cumulative impacts of development.

How do towns that are not principle settlements let Wiltshire Council know of any transport requirements that are required for example, in the Melksham area the requirement for improvements to rail infrastructure; and on a more local level measures such as requirements for new or upgraded pedestrian or cycle facilities?

11. Negotiating planning obligations in Wiltshire

11.17. Parish and town councils are well placed to articulate the needs of the local community. They may identify necessary mitigation measures required from development proposals. In addition, neighbourhood plans may also play a key role in identifying and prioritising local infrastructure that could be delivered via planning obligations or CIL receipts.

How do Wiltshire Council intend to find out the needs of Parish and Town councils that it states are well placed to articulate the needs of the local community? Experience has shown that Melksham Without Parish Council have not been consulted in the past, and in fact major amendments to s106 agreements have been made with regard to provision on community benefits and the Parish Council have not even been informed let alone consulted.

This statement (11.17) is a direct contradiction to 11.3 & 11.4 which states that developers are encouraged to draw up draft legal documents with obligations detailed, but Parish and Town Councils are not even aware of pre-applications and not consulted on the actual application until later in the process where draft agreements are often usually in place. In experience, the only party that occasionally consults the Parish and Town Councils are the developers themselves. This means that heads of terms are drawn up at pre-app stage without any reference to the local representatives.

11.3. The council provides a pre-application advice service to anyone wanting help with a development proposal before the submission of a planning application. The aim is to provide responsive, consistent and timely advice. This de-risks the application process and reduces the

time taken to deal with applications at the formal decision making stage. The charge for pre-application advice is set out on the 'Planning' pages of the council website.

11.4. Pre-application advice will identify policies of the development plan which generate a need for planning obligations. Where possible, it will specify expected heads of terms for any legal agreement or unilateral undertaking. The advice will provide details and/ or calculations of expected contributions, where relevant and possible. Potentially, this will assist applicants with the drafting of agreements or undertakings to enable them to be submitted before the submission of formal planning applications. Applicants will be encouraged to prepare agreements and undertakings in cooperation with the council's solicitors, and, wherever possible, use the council's template legal documents.

12. Procedure and management

Post-decision monitoring and implementation

12.1. To ensure proper and effective management of planning obligations copies of every agreement and undertaking will be placed on the planning register with the planning decision notice. Thereafter the council will monitor development sites to ensure obligations are met as and when 'triggers' set out in the agreements and undertakings are reached. On the rare occasions when obligations are not fulfilled the council will take appropriate enforcement action.

The Parish Council welcomes this approach as this has not happened historically (eg Bowerhill Village Hall) and in the case of the East of Melksham housing development, a lot of triggers were removed in subsequent amendments to the agreement, meaning that community facilities have still not been provided (eg: communal football pitches started construction December 2013 but not further progress since the top soil removed and now in April 2015).

12.2. The council will publish reports setting out details of planning obligations negotiated, details of extant planning obligations where development has not yet commenced, details of works undertaken and/or expenditure from planning obligations where development has commenced, and details of expenditure planned in the future.

The Parish Council welcomes this approach as has had difficulty in the past trying to find copies of agreements agreed, especially subsequent amendments. Where will these be published?

Phasing of infrastructure and timing of payments

12.3. The phasing of infrastructure provision or the timing of the payment of financial contributions required within a planning obligation will be negotiated separately as part of the agreement or undertaking. The rate of delivery of infrastructure will be in line with the needs of the development.

The Parish Council welcomes this, as historically this has not happened. For example, over 700 homes occupied in the East of Melksham but still the new school has not been finished, or a NEAP commenced, or formal sports provision installed.

Recommendation: *The Clerk be given delegated powers to respond to the consultation by the deadline of 22nd April, 2015.*

Meeting closed at 8.23pm

Chairman, 27th April, 2015