

MINUTES of the Planning Committee of Melksham Without Parish Council held on Monday 17th October 2016 at Crown Chambers, Melksham at 7.00 p.m.

Present: Cllrs. Richard Wood (Council Chair), John Glover (Council Vice-Chair), Alan Baines, Rolf Brindle, Gregory Coombes, Mike Sankey and Paul Carter.
Officers: Teresa Strange (Clerk) and Jo Eccleston (Parish Officer).

Apologies: None.

Housekeeping: Cllr. Wood welcomed all to the meeting and explained the evacuation procedure in the event of a fire.

- 213/16 **Declarations of Interest:** Cllr. Coombes declared an interest in agenda item 4c, 16/08649/FUL as a neighbour of the applicant.

The Council suspended Standing Orders for a period of public participation.

- 214/16 **Public Participation:** There were 4 members of the public present.

The Applicants of **16/08205/FUL, Ivy Stables, Lower Woodrow**, wished to give some background information in support of their application. They stated that there were 3 prongs to the application as it would provide stables for full livery, stables for DIY livery and 2 rehabilitation stables as they wished to work closely with vets and horses with injuries that were well enough to be moved from an animal hospital. They reported that the three year temporary manager's house would be a wooden structure and the proposal was for a slightly bigger than average building in order to accommodate a disabled family member. This proposal would provide 1.5 full time equivalent jobs.

Two representatives from Broughton Gifford Parish Council were in attendance to give their objections to the planning application **16/08547/FUL for 11 standby generators at Roundponds Farm, Shurnhold**. This application is on land in the parish which abuts the parish of Broughton Gifford. They had extreme concerns over the fact that this latest application had doubled the number of generators previously proposed from an earlier application, 15/08809/FUL, and the amount of diesel pollution that these would potentially produce. They gave a detailed report regarding the specification of the generators and the different pollutant chemicals that their use would emit, and sought the Parish Council's support in objecting to this application.

The Council re-convened.

- 215/16 **Planning Applications:** The Council considered the following applications and made the following comments:

a) **16/05416/08205/FUL – Ivy Stables, Lower Woodrow, Melksham:** Erection of replacement equestrian stable block and temporary manager accommodation on existing equestrian use site. Applicant: Ms. Ayliffe.

Comments: *No objections*

- b) **16/08547/FUL – Roundponds Farm, Shurnhold, Melksham:** Standby generator compound. Applicant: Mr. Warren Cann.
Comments: *The Council previously commented on a proposal by Roundponds Energy Ltd on 20th October 2015, planning application 15/08809/FUL, where it had no objections, however it wished to see existing hedgerows maintained and a planting scheme put in place to screen the acoustic attenuation fencing and further enhance the acoustic barrier; this application was for 5no generators. This latest application has addressed issues of hedgerows, planting schemes and acoustic attenuation fencing, however it now proposes 11no generators on the same site. The Council now OBJECTS in view of the fact that the scale of the proposal has more than doubled. They feel very strongly that the diesel generated air pollution created by 11no. generators, which will remain static in this location is unacceptable and needs to be robustly investigated, with expert advice sought over potential pollution levels.*
Resolved: *The Parish Council ask for this application to be “called in” for a Wiltshire Council Planning Committee decision.*
- c) **16/08649/FUL – 89, Corsham Road, Whitley, Wiltshire. SN12 8QF:** Proposed single storey side and rear extension. Applicant: Mr. Nathan Hall.
Comments: *No objections*
- d) **16/08895/FUL – 157c, West Hill, Whitley, Wiltshire. SN12 8RD:** Remove pergola and replace with canopy to front, retile all roof in new material, additional rear extension, alterations/replacement windows as plans. Applicant: Mr. & Mrs. P Grogan.
Comments: *No objections*
- e) **16/09600/TPO – 46, Belvedere Road, Bowerhill, Melksham, Wiltshire. SN12 6AJ:** T1 – Oak – 3-4 metre reduction all over. Applicant: Mr. Peter Kenny.
Comments: *The Council do not object on the proviso that this reduction is approved by the Wiltshire Council Tree Officer and that the viability and visual amenity of the tree is not affected.*

The members of the public left the meeting at 7.45pm.

216/16 **Planning Decisions:**

- a) **16/01123/OUT (Pathfinder Way) Land South of Western Way, Bowerhill, Melksham Wiltshire** – Outline application for residential development of up to 235 dwellings, primary school with early years nursery and open space provision. Applicant: Mactaggart & Mickel & Mr. & Mrs. Doel. **APPROVED in principle by the Strategic Planning Committee on Wednesday 28th September, pending S106 Agreement.** The Committee noted this decision.
- b) **14/10461/OUT Land East of Spa Road, Melksham, Wiltshire** - Outline application for up to 450 dwellings with associated access and engineering operations, land for extension of medical facilities or community facility, and extension to Eastern Relief Road from Thyme Road to The Spa - Snowberry Lane. Applicant: c/o Savills: **Permission now APPROVED and s106 agreement signed.** The Committee noted this decision.
- c) **14/11919/OUT Land off A365, Shurnhold** – Outline application with all matters reserved except for access, for demolition of existing structures and construction

of up to 263 dwellings with access, open space, landscaping and associated works (Gladman). **Appeal Dismissed.** The Committee noted the Inspector's report and that the refusal for planning application by Wiltshire Council had been upheld. The Inspector had made positive comments about CAWS (Community Action: Whitley Shaw) point 17 of her report, and the emerging Melksham Neighbourhood Plan, point 18 of her report.

The Clerk drew attention to the recent refusal of the planning application for a residential development on land at Dunch Lane (16/06149/OUT). The Officer's report stated that Melksham did not have a Neighbourhood Plan. When the Clerk queried this the Officer replied that as the neighbourhood Plan had not reached consultation no weight could be attributed to it. The Clerk had referred her to the Inspector's comments which clearly acknowledged that there was an emerging Melksham Neighbourhood Plan. There were concerns that there was an inconsistency of approach within Wiltshire Council and that potential developers were being informed that Melksham did not have a Neighbourhood Plan, rather than being told that there was ongoing consultation in preparation for a draft plan. **Recommended:** *The Council respond to the Planning Department, highlighting their surprise over the statement in her report that Melksham do not have a Neighbourhood Plan, and asking that she seeks clarity from her colleague in Spatial Planning who attends the Neighbourhood Plan Steering Group meetings with regard to referring developers to the "Emerging Neighbourhood Plan" and the work carried out by the Steering Group so far.*

217/16 S106 Agreements:

a) Ongoing and New s106 Agreements:

i) 16/01123/OUT – Land South of Western Way, Bowerhill (Pathfinder Way): 235 dwellings and primary school with early years nursery:

Correspondence had been received from Wiltshire Council's solicitors asking whether the Parish Council wished to be a party or a nominee to the s106 Agreement in order to take on responsibility for the public open space within this development. The Clerk reported that she had already advised that the Parish Council had previously resolved that they were only interested in taking on equipped play areas. The Chair, Vice Chair and Clerk had already discussed this under their delegated powers to negotiate on s106 agreements and they considered that the best way forward was to seek legal advice. The Clerk had received a response from Wellers Hedleys, solicitors that specialised in representing councils, and they had stated that the cost for representing the Parish Council in any s106 agreement negotiations would be approximately £750 plus VAT. **Recommended:** *The Council appoint Wellers Hedleys to be their legal representatives, and consult them as to whether it would be more beneficial for the council to be party to the Agreement or be a nominee.*

ii) 14/10461/OUT – Land East of Spa Road, Melksham, Wiltshire: 450 dwellings and community building: The Clerk reported that the s106 Agreement gave a contribution to the future extension of Forest and Sandridge school, and as such had no involvement with any potential provision of the primary school associated with the Pathfinder Way application.

She expressed concerns with regard to the size of the main hall in the proposed community building that the developers intended to provide. This

was proposed to be 10.2m x 4.5m, a total of 46sqm. Wellers Hedleys had advised that if the Parish Council wished to make any amendments that they should do so at this point in the negotiations and suggested that it would be more prudent to have any discussions directly with the developer. **Resolved:** *The Council request that the developers increase the size of the main hall within the proposed community building to 10.2m x 6.3m, a total of 64.26sqm.*

iii) 14/00497/OUT – Land east of Semington Road: 150 dwellings and

Village Hall: Under delegated powers the Chair, Vice Chair and Clerk had considered the S106 Agreement and had concerns over some of the wording within the document. They advised that the council seek further advice from Wellers Hedleys. Wiltshire Council had suggested that the Parish Council should take legal advice. **Recommended: 1.** *The Council send their comments so far to Wellers Hedleys to seek their advice. 2. The Council respond to Wiltshire Council requesting additional time to reply in order to investigate the legal veracity of the document via their solicitors.*

iv) 15/12454/OUT – Land North of Sandridge Common: 100 dwellings: The Clerk reported that Mark Wiltshire, Major Projects Officer for Wiltshire Council Highways Department, did not agree with the Parish Council's view and previous request that a formal crossing, in the form of a light controlled or zebra crossing across the A3102 was required from the development as part of the s106 Agreement. He had stated that the S106 Agreement secured the provision of a pedestrian refuge on the site frontage together with improved street lighting over the frontage of the development which was commensurate with the level of development and pedestrian demand. He also stated that Eastern Way had now relieved the previously heavy flow of traffic on this particular stretch of the A3102. Cllr. Wood considered that a refuge would only be acceptable if it was substantial enough to accommodate pushchairs and bicycles and if it were fenced. It was noted that if there was not a suitably safe and adequate crossing for children then parents would not be discouraged from driving to the Forest and Sandridge school. **Recommended: 1.** *The Council seeks confirmation of the type and size of refuge proposed by the developers under the S38 Agreement, and feels that the refuge would only be effective in a centre position in the highway to accommodate pushchairs and cycles. 2. The Council re-iterated to Wiltshire Council its concerns over road safety and that they wish to see a zebra or puffin crossing installed by the developer.*

b) New S106 Queries: It was noted that there were no new s106 queries

c) S106 Decisions made under Delegated Powers: There were no decisions made under delegated powers.

d) Art Installation at East of Melksham Housing development: It was noted that on social media sites residents had been discussing the "Art Installations" on the East of Melksham development provided via the art contribution of the s106 Agreement. These had included tyre marks and miniature houses and milk bottles. The banality and cost of this was considered to be a wholly inappropriate use of these funds. The Clerk had asked for more information from the Arts Lead at Wiltshire Council who had put her in touch with Ginko Projects, the company managing the arts project. Their webpage stated that the Artist had carried out intensive research in Melksham and had produced a film which was screened in the town along with walking events between the 28th and 30th September. The Parish Council had not been informed and had seen no publicity regarding these launch activities. **Recommended:** *The Council ask the Artist and the Arts Lead*

for Wiltshire Council to attend a future Council meeting to explain the arts contribution.

218/16 **Planning Enforcement:**

a) Removal of hedge at Former George Ward development (14/11295/REM): As per Min.129/16a) from the 5th September Planning Committee meeting, a request had been made to Wiltshire Council Planning Department over what sanctions could be imposed upon the developer for breach of planning conditions. To date no reply had been received and it was considered that there would be an expectation from residents that the parish Council follow this up. ***Recommended:*** *The Council write to Alistair Cunningham, Associate Director Economy and Planning, querying the lack of any response to this question from Wiltshire Council.*

b) Concerns over hedge planting to rear of Snarlton Lane: The Clerk reported that planning enforcement had advised that the concerns of residents of Snarlton Lane over the siting of a hedgerow to the rear of land behind the Forest and Sandridge School was a civil dispute between the residents and the developers. There had been no breach of enforcement as a condition of the original planning application was hedge planting.

Cllr. Wood reported that the Forest and Sandridge school playing fields were now in use. The fencing around the informal sports pitches on the public open space had now been removed and groundworks had begun for the MUGA (Multi Use Games Area) and NEAP (Neighbourhood Equipped Area of Play).

219/16 **Planning Articles:** The Committee noted the following articles:

a) NALC Article on NPPF 5 year housing supply – advice on countering large planning developments in the countryside.

b) Wiltshire Gazette & Herald article about the Chippenham Site Allocation Plan.

Meeting closed at 8.50pm

Chairman, 14th November., 2016