

MINUTES of the Planning Committee of Melksham Without Parish Council held on Monday 4th April 2016 at Crown Chambers, Melksham at 7.00 p.m.

Present: Cllrs. Richard Wood (Council Chair), Mike Sankey, Alan Baines and Rolf Brindle.

Officers: Teresa Strange (Clerk) and Jo Eccleston (Assistant Parish Officer).

Not present: Cllr Gregory Coombes

Apologies: Cllr. John Glover (Council Vice-Chair), and Paul Carter.

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

582/15 **Declarations of Interest:** There were no declarations of interest.

583/15 **Public Participation:** Wiltshire Councillor Roy While was present but did not wish to make comment.

584/15 **Planning Applications:** The Council considered the following applications and made the following comments:

a) 16/01457/FUL – Eddie’s Dinner, Lysander Road, Bowerhill, Melksham,

Wiltshire, SN12 6SP: Retention of takeaway trailer and rear extension, timber decking and timber roof enclosure (W/12/00880/FUL) for temporary period of 3 years. Applicant: Mr. A Bishop (C/O Agent)

Comments: *The Council wishes to reiterate its previous comments made on 17th July 2012, in that it has no objection to this business in principle, but OBJECTS that temporary planning permission is again being sought for this particular location. A verge on the main industrial road is unsuitable as a permanent site since the associated parking tends to spread out along both sides of the road affecting visibility and safety as well as the overall appearance of the road. The Diner has been in existence for some considerable time, and is no longer just a burger van; it is now more of a cafe. This business should consider a permanent home in one of the empty units on the Industrial Estate in a location that does not compromise traffic flow and has off road parking for both staff and customers.*

b) 16/01634/ADV – Unit 1, Verbena Court, Cranesbill Road, Melksham,

Wiltshire, SN12 7GS: 1 externally illuminated fascia, 1 non illuminated interally applied window vinyl. Applicant : Food Programme Delivery Orchid Group.

Comments: *The Council have no objections.*

c) 16/02236/FUL & 16/02346/LBC – Blackmore House, Sandridge road, Northeast to Sandridge Hill, Sandridge Common, Melksham, Wiltshire, SN12

7QS: Retrospective planning permission for timber framed double glazed conservatory to rear of Grade II listed building. Applicant: Mr. & Mrs. Rob Poulson.

Comments: *The Council do not object, however, they do not like to see retrospective planning applications and wish to encourage planning applications to be submitted prior to any commencement of work.*

d) 16/02431/FUL – 337, Snarlton Lane, Melksham, Wiltshire, SN12 7QP:

Proposed Single Storey Rear Conservatory (Resubmission of 15/11927/FUL – Proposed Single story Rear Extension). Applicant: Mr. Michael Melville.

Comments: *The Council have no objections.*

e) 16/02566/FUL – 12, Harvard Close, Bowerhill, Wiltshire, SN12 6FB: Proposed Replacement Garage with Ancillary accommodation above.

Applicant: Mr. Graham Minshaw.

Comments: *The Council do not object to the location or concept of this application, however, the ancillary accommodation appears to be additional living accommodation as the cavity wall construction would appear to be more than is necessary for a garage. The Council wishes to see a condition that ensures that the ancillary accommodation remains part of the principle dwelling and is not separated to create two separate dwellings.*

f) 16/02681/FUL – 8, Fulmar Close, Bowerhill, Wiltshire, SN12 6XU: Proposed new roof to detached garage with ancillary accommodation.

Applicant: Mr. Omar Abdulshakour.

Comments: *The Council have no objections.*

585/15

Revised New Premises Licence Application: Melksham RFC, Melksham Rugby Club, Eastern Way, Melksham, SN12 7GU: The Committee considered a revised Licence Application and correspondence from the Licencing Officer which outlined deregulatory changes to the Licencing Act 2003. No licence is required for the following activities:

Live Music:

- A performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- A performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

Recorded Music:

- Any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

This means that any recorded music played at the premises between the hours of 08.00 and 23.00 to a maximum audience of 500 people is exempt from requiring a licence. Following the Parish Council's previous objections and comments and on this application, the applicant had offered the following amended options:

1. Change the hours on the application for **Recorded Music Outdoors** to 18.00 -23.00 hrs on Friday and Saturday only, removing the application for all other days – leaving indoors as per the original application.
2. Remove the application for **Recorded Music Outdoors** totally and make a temporary application as and when required – leaving indoors as per the original application.

The Licencing Officer advised that following the granting of a premises licence, any interested party may ask the Licencing Authority to review a premises licence

because of problems arising at the premises that are connected with any of the four licencing objectives, and enforcement action can then be taken if necessary. It was also noted that the Council previously objected to the Licence Application for “anything of a similar description” as this was undefined. The Licencing Officer clarified that this referred to Karaoke.

Comments: *The Council accept the revised proposal under option 1 and withdraw their objection to the application.*

586/15

Street Trading Licence Application: For Catering Van 10’ x 6’ selling hot and cold food at Hampton Park West (near police station) in front of G Plan. Trading times: 6am to 4pm Monday to Friday. Trading Name: Pawel Jaworski

Comments: *The Council welcomes the fact that this applicant has applied for Street Trading Consent via the correct channels, and does not object to the proposed location for trading during the day between the hours of 06.00am to 16.00pm Monday to Friday. However, it does OBJECT to the proposed catering van being left at this location overnight, under the criteria of Site Safety, and wishes to see it moved between the hours of 16.00pm and 06.00am. The Council has concerns over any impact that the parking of the catering van may have on traffic congestion, and when the Street Trading Consent is due for renewal in a year’s time the applicant must demonstrate that this van does not cause a traffic nuisance.*

587/15

Neighbourhood Plan Housing Task Group SHLAA Site Assessments (SHLAA: Strategic Housing Land Availability Assessment): The Committee considered the report from the Neighbourhood Plan Housing Task Group on their assessment of 47 SHLAA sites. The Clerk reported that the Parish Council had given their strategic view to the Housing Task Group, which was that they wished to see further development to the North East of Melksham to facilitate any future possible Eastern Bypass. The Town Council had not given a strategic view to steer the Housing Task Group, they wished the scoring of SHLAA sites to be complete first, which they felt would then give a strategic view. Following their scoring of the sites the Housing Task group has identified 3 options with the future canal project as a separate entity. Cllr. Baines gave an update on the scoring results, the lowest scoring sites equating to the best option according to the criteria, which had been adopted from the Malmesbury Plan. It was however acknowledged that this scoring system did not take into account the issue of coalescence, which was considered a problem with the criteria.

- **Option 1- East of Melksham:** Site 3103, North of Sandridge Road, now planning application 15/12454/OUT, scored the lowest and came out as the most favourable option. Site 265, land East of Spa Road also scored well; this has just been approved under planning application 14/06938/OUT, for 450 dwellings.
- **Option 2 – Beanacre:** Site 3243, land west of the A350, between Dunch Lane and Beanacre Manor, was the 7th lowest scoring site, and could potentially be achieved without coalescence between Melksham and Beanacre. The increased pressure to the A350 could give weight to a bypass for Beanacre by the extension of any Eastern bypass.
- **Option 3 – Bowerhill:** Favourable under this scoring criteria were sites 266 & 267, either side of Pathfinder Way, planning application 16/01123/OUT. The Berryfield site 648, planning application 16/00497/OUT (150 dwellings and

Village Hall), also scored well in terms of it's location and facilities. However, this site does not contribute to any road schemes.

- **Canal Sites** – These did not come in as the top ranking of sites as they are isolated development in the countryside only associated with the canal and a long way from any existing facilities.

Cllr. Baines stated that the Neighbourhood Plan was about looking at the most appropriate areas for Melksham to grow and continuing to look at sites to put forward past 2026. It was considered that Option 1 made the most sense.

Recommendation: *The Parish Council inform the Neighbourhood Plan Steering Group that their preferred option when sites are being considered against other criteria is Option 1 as identified by the Housing Task Group.*

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

Wiltshire Cllr. Roy While reported that he had been speaking to planning officers and that the Berryfield application (16/00497/OUT) was not in sight at the moment and was still being deliberated by the officer. The Pathfinder Way application (16/01123/OUT) will not be considered by Committee until at least June. His opinion was that the issues with this development would be the closeness to the Industrial development and that of access from the existing road system rather than coalescence. Additionally most of the representation against this application was from residents of Elm Close, rather than residents in general from Bowerhill.

Cllr. Baines reported that the Parish Council had previously expressed concerns over the location of a school on Site 267. If residential development was to take place at Pathfinder Way then Site 266 would be better placed, with Site 267 developed for industrial use.

The Council re-convened.

588/15 **Timetable for Wiltshire Council Site Allocations DPD (Development Plan Document):** It was noted that Wiltshire Council intended to submit their Draft Plan in June 2017 with an anticipated adoption date of December 2017. Comment from the Planning Inspector on the Chippenham Plan had been that ***“he hinted at Government Intervention in cases where no local plan had been produced by early 2017”***. It was noted that the first part of the consultation on the DPD had been undertaken in March 2015.

589/15 **Planning Consultations:** The Chairman explained that there were a number of current consultations relating to Planning that the Council may wish to comment on. The Clerk had read all the documents and had reviewed them with the Chair earlier in the day. It was noted that the SLCC (Society of Local Council Clerks) were also preparing their own response, and wished to be copied in on individual parish council replies for information.

- Government consultation on Implementation of planning changes:** This consultation was being run by the Planning Consultation Team in the DCLG (Department for Communities and Local Government) from 17th February and concludes on Friday 15th April. The consultation seeks views on the proposed approach to implementing the planning provisions in the Housing and Planning Bill, and some other planning measures and covers the following areas:

1. **Changes to planning application fees:** The Committee felt that the proposal to increase fees for planning applications linked to performance was counterintuitive as this did not assist the Local Authorities who required the most help and development as the proposal is to increase fees only to authorities that are performing well.
Recommendation: *The Council reply to questions 1.1 & 1.2 that they do not support the proposal to adjust planning fees in line with inflation but only in areas where the local planning authority is performing well.*

2. **Permission in principle:** The Planning Bill, currently being considered by Parliament, introduces a new 'permission in principle' route for obtaining planning permission. This is designed to separate decision making on 'in principle' issues (such as land use, location and amount of development) from matters of technical details (such as what the buildings look like). The Bill provides for permission in principle to be granted on sites in plans and registers, and for minor sites on application to the local planning authority. The Committee had concerns about the section on "Involvement of the community and others" and in particular ref. 2.35 Before an application for technical details consent is determined, we do not propose to require by secondary legislation that local planning authorities consult with the community and others before making a decision; this would be on the judgement of the local authority only and informed by the engagement that took place when the permission in principle was granted, and would not be a mandatory requirement. **Recommendation:** *The Council replies to Question 2.6 that they do not agree with the proposals for community and other involvement as parish and town councils, along with a whole host of (current) statutory bodies, have valuable knowledge to inform any mitigating conditions for a development. This includes such local knowledge as the route children would potentially take to schools and residents to other amenities, presence of wild flowers, newts, bats etc, contaminated land, potential archaeology, local transport issues, flooding, requests for retention of hedges and gives the local parish councils the forum to request s106 agreements that could mitigate such issues. The Council also comment on 2.37 as the proposal suggests that information provided by Local Authorities, parishes and neighbourhood planning groups already produce information as part of plan production and therefore provides a sound basis from which to make decisions about the "in principle matters" on allocation. The Council queries what happens to the those parishes that do not have a Parish or Neighbourhood Plan, especially as later in the documentation (5.1) the Government report that only 135 Neighbourhood Plan referendums have taken place (as of Jan 2016). It also ignores such constraints such as details on badger sets or colonies of great crested newts that are not detailed on Neighbourhood Plans.*

3. **Brownfield Register:** The Government is supporting the regeneration of brownfield land for housing through a range of measures which includes their commitment to introduce a statutory brownfield register, and ensure that 90% of suitable brownfield sites have planning permission for housing by 2020. It was noted (3.36) that the Government may introduce a measure so that if Local Authorities fail to make progress against this objective, they would be unable to claim the existence of a 5 year housing land supply when considering applications for brown field development and therefore the presumption in favour of sustainable development would apply.
Recommendation: *The Parish Council inform the Melksham*

Neighbourhood Plan Steering Group of the importance of ensuring that brown field sites that may be more suitable for other uses, (eg Christie Miller/hangars site as employment site) are designated as such, otherwise they will automatically be granted 'permission in principle' for housing if on the brown field register.

*The Parish Council reply on 3.5 that they agree with the proposals on publicity and consultation requirements, and that it should go further to say that Local Authorities **should** publicise their decisions on why brown field sites have or have not been granted permission in principle and not just **encourage** them.*

4. **Small Sites Register:** The Committee noted the proposals to introduce a small sites register, for sites of between 1 and 4 plot size, to encourage development particularly for self build and custom housebuilding; and had no comments.
5. **Neighbourhood Planning:** In this section, the Committee agreed with all the measures to speed up the decision making end of the Neighbourhood Plan process. **Recommendation:** *The Council reply on this Chapter that they support all the measures being introduced in the Housing and Planning Bill to give new powers for the Government to set time periods for various local planning authority decisions, and give a new power for the Secretary of State to intervene to send a plan or Order to referendum; namely 5.1-5.9.*
6. **Local Plans:** The Committee noted the Government's expectation that all local planning authorities should have a local plan in place and that they will intervene where no local plan has been produced by early 2017. This section deals with the criteria that will inform the Government's decision on whether to intervene and it was noted that this would not compromise effective community engagement. 6.19 explained that work on neighbourhood plans is more challenging in areas without a local plan with up to date policies.
7. **Expanding the planning performance regime:** The Committee noted the measures to be put in place if local planning authorities are designated as underperforming, which includes applicants for major developments having the choice of submitting their application direct to the Secretary of State instead of the authority. Local authorities will be deemed as underperforming if more than 10% of their major application decisions are overturned at appeal.
8. **Testing competition in the processing of planning applications:** The Committee noted these proposals for a pilot scheme.
9. **Information about financial benefits:** It was felt that this could be useful to put pressure on a local authority for mitigating schemes eg: if a request for a lorry park on an industrial estate was turned down due to lack of funding but the report showed the increase in business rates revenue that was being provided. **Recommendation:** *The Council support the proposals to place a duty on local planning authorities to ensure that public planning reports contain details of all financial benefits that may apply.*
10. **Section 106 dispute resolution:** The Committee stated an example of where this could have been very useful, when the adoption of the Hornchurch Road open space reached "stale mate" between the developer and Wiltshire Council, with the residents being the ones that missed out on services such as provision of bins in the intervening period. **Recommendation:** *The Council support the proposals in this section.*

- 11. Permitted development rights for state funded schools:** The Committee felt that it was useful to remove any delays to the expansion of schools that were needed to mitigate the provision of schooling for new developments.
Recommendation: *The Council support the proposals to increase current permitted development rights that support the delivery of new state-funded schools and the expansion of current schools.*
- 12. Changes to statutory consultation on planning applications:** The Committee had no comments on this section.
- b. Government consultation on Rural Planning Review:** The Committee noted the review which is seeking to review the rules for converting agricultural buildings to residential use and would have to bear in mind the current, and proposed, rules when considering applications of this nature as it differs to the standard material considerations. The consultation does not contain any proposals for review as is a call for evidence from interested parties. The current rules for change of use of agricultural buildings are as follows:
 Part 3 Class Q of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 allows for a change of use from a building last used for agriculture or in an agricultural use on 20 March 2013, or has been in agricultural use for at least 10 years, to change to residential use. The current thresholds limit change of use to a maximum of 450m² of floorspace and up to three additional dwellings across the farm. Operational works are also allowed. **Prior approval** is required from the Local Planning Authority so that they can consider transport and highway impacts, noise impacts, contamination risks, flood risks, location and siting, and design or external appearance of the building.
- c. Wiltshire Council consultation on Draft Revised Community Infrastructure (CIL) Regulation 123 List and Draft Revised Planning Obligations Supplementary Planning Document (SPD):** The Committee noted that Wiltshire Council have undertaken consultation (14th March to 25th April) on revisions to two documents that support the Wiltshire Council CIL Charging Schedule and clarify how the Council will seek infrastructure contributions from development. A series of information sessions are being held, the Clerk is attending the session on 5th April, with spaces available for Councillors who wished to attend a later session.
- i) Draft Revised Planning Obligations Supplementary Planning document (Feb 2016):** The Committee reviewed this document and were aware that only the revisions were being consulted on, however, it did note a number of policy statements that were useful.
Section 5: Education - informs both the Parish Council and the Education Task Group of the Neighbourhood Plan. In particular, 4.6 contradicts the information previously given to the Task Group by Clare Medland at Wiltshire Council that their policy is to support new schools of two form entry only. The current policy states “For primary schools there is a strong preference for schools which take in between one (210 places) and three forms of entry (630 places). Smaller schools will only be considered if it is not possible to expand existing schools and the additional demand does not require 7 classes”. Cllr Wood who chairs the Education Task Group offered to clarify this with Clare Medland.
 The Committee also felt that the following (4.8) NPPF policy was a useful reference for the Committee on commenting on future major applications involving education requirements. NPPF Paragraphs 38 & 72: Locate key facilities, such as primary schools, within walking distance of most properties, where practical, and provide a sufficient choice of school places.

With regards to the Canal proposals (6.6), a useful reminder of Wiltshire Council's Core Policy 53: Supports in principle the restoration and reconstruction of the Wilts & Berks and Thames and Severn canals as navigable waterways. Safeguards their alignments from new development. Permits proposals that develop the recreational and nature conservation potential.

Recommendation: *The Council challenge Wiltshire Council's current policy on open space as they do not believe that they insist on a high quality provision. 6.9: Where new publicly accessible open space is proposed as part of a development, the Council will require these facilities to be useable and of high quality. There are currently no specific standards against which the Council will undertake this assessment. The example is Hornchurch Road open space which is not high quality, but a very poor surface which is very uneven, is badly drained and periodically very wet, with tree lines that do not have sufficient access to maintain and a recent inspection raised concerns about the thickness of the safety surfacing initially provided in the play area.*

Another useful statement to quote/recall when considering future applications for major development is 7.4: Specific measures could be delivered by planning obligations such as: Measures to facilitate the shift from car use to more sustainable means of transport, primary bus, cycle or walking schemes but also improvements to rail infrastructure.

7.7 Saved Policy from West Wiltshire Leisure and Recreation DPD Protects public rights of way network from development and, where appropriate, **seeks improvements as part of development proposals.**

8.3 – 8.5 Statements on Flood alleviation and SUDs (Sustainable Urban Drainage systems):

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.

Development will be expected to incorporate SUDs such as rainwater harvesting, green roofs, permeable paving, ponds, wetlands and swales wherever possible.

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.

Under "Communities and Healthcare" the Committee had the following comments to submit to Wiltshire Council:

Recommendations: *The Council comment that under 9.4 that Community Facilities should be provided, and not the use of school facilities which means that they are unable to be used during the day.*

The Council comment that they agree with 9.5 about large residential developments creating a need for specific local health facilities but state that from conversations with the CCG as part of the Neighbourhood Plan health and wellbeing task group that this will be GP led. The Council questions what happens if the GPs do not want to expand or welcome a new practice, as intimated by the Melksham GPs. In the case of development East of Melksham, some 800 houses have been built, and approval recently given for a further 450 houses but in this latest application the s106 states that money will be given towards providing an additional car park area at one surgery. There have been no new health facilities following the large development.

Under 10.3 **Fire Hydrants** – The Clerk to check with Wiltshire Council what the water provisions for fire fighting are on the new East of Melksham

development as Cllr Brindle had recently queried this as there are no visible fire hydrants.

The Committee notes 11.16 that Wiltshire Council encourages developers to undertake pre-application consultation with local communities prior to submitting development proposals. **Recommendation:** *The Council comment that they have raised several times with Mike Wilmott, Georgina Clampett-Dix, Jane Scott and Toby Sturgiss that the policy states 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 and yet this does not happen in practice with Planning Officers stating that they do not have any discussion with Parish or Town Councils on s106 agreements.*

The remainder of 11.17 states In addition, neighbourhood plans may also play a key role in identifying and prioritising local infrastructure that could be delivered via planning obligations or the neighbourhood proportion of CIL receipts. **Recommendation:** *The Council remind the Neighbourhood Plan steering group of this role.*

- ii) **Draft Wiltshire Infrastructure Delivery Plan 3 2011-2026 Appendix 1: Melksham Community Area (Feb 2016) & Draft Revised Regulation 123 List (Feb 2016):** The Committee noted these documents. **Recommendation:** *The Council comments on these documents that they would like to see the proposed Eastern Bypass added to the Wiltshire Infrastructure Delivery Plan as the strategy of the Parish Council is for future development in the Parish (and designated Neighbourhood Plan area) to be in the North East as this will facilitate the continuation of the Eastern Bypass with the aim of connecting Beanacre to the newly constructed Eastern Way.*

590/15 **15/08809/FUL – Roundponds Farm Shurnhold, Melksham, Wiltshire, SN12 8DF:** Proposed standby generator compound to include steel acoustic lined containers, external fuel tanks, transformers and acoustic fencing, in order to provide backup power to the National Grid. **APPROVE WITH CONDITIONS.** The Committee welcomed the retention of hedgerows as per conditions 2 and 3 of the notification as requested by its previous comments on 20th October, 2015. The Committee also noted that the Decision Notice had listed this application as being in the Parish of Broughton Gifford. Whilst the main Solar Farm is in the Parish of Broughton Gifford, this application for a Standby Generator Compound falls in the Parish of Melksham Without.

Meeting closed at 8.34pm

Chairman, 18th April, 2016