

MINUTES of the Planning Committee of Melksham Without Parish Council held on Monday 5th September 2016 at Crown Chambers, Melksham at 7.00 p.m.

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

Cllrs. Terry Chivers and Ian Tait as observers.

Apologies: John Glover (Council Vice-Chair).

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

125/16 **Declarations of Interest:** None.

126/16 **Public Participation:** There were 3 members of the public present, but they did not wish to make comment.

127/16 **Planning Applications:** The Council considered the following applications and made the following comments:

a) 16/06149/OUT – Land at Poplar Farm, Dunch Lane, Melksham, Wiltshire.

SN12 8DX: Outline application for residential development. Applicant: Mrs. M. Webb c/o Agent LPC (Trull) Ltd.

Comments: *The Council OPPOSE & OBJECT as they deplore any further erosion of the buffer zone between the town and the village of Shaw. This application abuts the parish boundary and the Council feel strongly that any further development with the Town parish should stop at Dunch Lane as this is a physical feature. Should Wiltshire Council see fit to approve this application, the Parish Council considers that a condition must be imposed that sees a footway installed that links the existing footway in Dunch lane to the footway on Bath Road. The redevelopment of the old George Ward School Site (14/11295/REM), creating property frontage onto Dunch Lane directly opposite the proposed site of this application, exacerbates highway safety issues on this stretch of Dunch Lane, thus provision of a footway is essential.*

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

A resident of Shaw, wished to comment on the potential provision of a footway. He stated that CAWS (Community Action: Whitley & Shaw) have an imaginative idea about a future footway avoiding the A365, Bath Road. Their aspiration is to enter into discussions with landowners with a view to creating a green corridor in the fields to the north east of Bath Road, within which a pathway could be created. The intention is for this to start at Dunch Lane (at around the site of the proposed development) and terminate at around Shaw Primary School or Christ Church Shaw. This potential path would provide a safe and pleasant route for pedestrians and cyclists to travel between Shaw and Melksham. The resident wished to ensure that this objective was

not jeopardised by this application. The Council noted that CAWS had submitted their own objections and comments to Wiltshire Council.

The Council re-convened.

- b) **16/0564416/07286/FUL – 14, The Enterprise Centre, Lysander Road, Bowerhill, Melksham, Wiltshire. SN12 6SP:** Extension to existing industrial building, the erection of fencing and provision of 7 marked car parking spaces. Applicant: Bobbinsridge Ltd.
Comments: *The Council welcomes the changes to the proposed vehicular access point from the previous application (15/10756/FUL). They would like to reiterate their previous comments made on 1st December 2015, against application 15/10756/FUL, that they wish to see a condition placed on this application to ensure that the ditch to the south west boundary of the site is maintained as there will be an increased area of hardstanding created by the additional parking which will increase run off. Additionally, they wish to see all the trees to remain and be maintained.*
- c) **16/08051/FUL – Little Bowerhill Farm, 457 Bowerhill Lane, Bowerhill, Melksham, Wiltshire. SN12 6RA:** Extension of straw barn. Applicant: C/O Agent – Ashley Design.
Comments: *No objections.*
- d) **16/05410/FUL (AMENDED PLANS) – 13, Shaw Hill, Shaw, Melksham, Wiltshire. SN12 8EL:** Proposed demolition of single storey extensions and the construction of a two and single storey extensions. Applicant: Mr Ross Tunbridge
Comments: *No objections.*
- e) **15/10788/FUL (AMENDED PLANS) – Lowden Garden Centre, Folly Lane, Shaw, Wiltshire. SN12 8EZ:** Retrospective planning permission for the erection of an events marquee for a temporary period of 2 years. Applicant: Mr. J. Sinclair.
Comments: *No objections*
- f) **16/01187/FUL (AMENDED PLANS) – 126, Beanacre, Beanacre, Wiltshire. SN12 7PU:** Alterations and extensions to the existing cottage to provide toilet bathroom, bedroom and kitchen. Applicant: Mrs. Rachel Parkyn.
Comments: *No objections*

128/16 **Update on Application 15/12454/OUT – Land to the North of Sandridge Common, Sandridge Road, Melksham, Wiltshire:** Outline Planning Permission for residential development of up to 100 dwellings, associated infrastructure, open space and landscaping, with creation of new vehicular access from Sandridge Common:

- a) **Outline Planning Permission:** The Council noted that outline planning permission had been granted.
- b) **Incorrect Parish Information on Documentation:** The Clerk advised that she had reported to Wiltshire Council that the Decision Notice for this application had listed Melksham Town as the parish, when in fact this application is wholly in the parish of Melksham Without. This was not the first time that such an error had been made. After investigation, Wiltshire Council reported back that when a planning application abuts the boundary of parishes, that both parish councils

are consulted and the automated system creates documentation in alphabetical order. Therefore, in situations where planning applications are on the boundary of both the Town and Melksham Without, all documentation will list Melksham Town as the primary parish. This has also happened across wards with Wiltshire Councillors, with the incorrect councillor being asked to make comment or be involved in consultation. The Clerk explained the negative ramifications of this incorrect information on issues such as CIL, Precept tax base calculations, warding proposals and street naming to the Parish Council; something she had strenuously explained to Wiltshire Council. Wiltshire Council replied that as the decision notice had been served that this was now a legally binding document that could not be changed. **Recommended:** *This issue is reported to Wiltshire Council Monitoring Officer, and the Parish Council insists that this documentation is amended as it is factually incorrect.*

- c) **S106 Agreement:** It was disappointingly noted that the planning conditions that had previously been requested by the Parish Council had not formed part of the S106 Agreement or the Decision notice; namely a pedestrian crossing to allow children from the new development to cross the busy A3102 to access Forest & Sandridge School (the designated school for this development), a footway along the A3102, street lighting on the A3102 and no pedestrian connection to Lansdowne Crescent. Yet again, the Parish Council had not been consulted and had “missed the boat” with regard to influencing the terms of the agreement. The Clerk reported that there was a £434,940 contribution for secondary school provision. Despite an initial request from Wiltshire Council for a £475,412 contribution for primary provision, this had been recalculated at the last minute, based on a falling birth rate in the Melksham area, and there was now no contribution towards primary provision. Following investigations by the Clerk into this lack of consultation, it was noted that email correspondence had taken place between Wiltshire Council departments in February with regard to the play areas provided by this application, but the Parish Council had never been asked whether they wished to take these on, as they had done in other areas of the parish; it was noted that this could have been due to the fact that the incorrect parish was named in the documentation. However, this application sought to only provide 2no of LAPs (Local Landscaped Area for Play – an unequipped space that is specifically laid out to encourage imaginative play for all ages). There were concerns that if the Parish Council took on the maintenance of these LAPs that they would just been taking on grass cutting. Additionally, they considered that at some future point there would then be a requirement for these play areas to be equipped, something that the developer should provide. The Council would only be interested in taking on a LEAP (Local Equipped Area for Play) or a NEAP (Neighbourhood Equipped Area for Play). There were concerns that the lack of forethought with regard to the provision of a pedestrian crossing on the A3102 would end up becoming an issue for CATG (Community Area Transport Group) in the future, as children from this new development attending the Forest & Sandridge school would have to cross the A3102 and this would then become a highways safety issue. **Recommended:** *The Council pursue with Wiltshire Council the lack of consultation on this S106 Agreement and question the clerical error over the name of the parish listed on the documentation. The issues regarding the lack of provision of a pedestrian crossing, footway and street lighting on the A3102 to be queried with Wiltshire Council, highlighting the*

potential cost implication to CATG in the future should the developer not provide these conditions.

129/16 **Planning Enforcement:**

- a) **Breach of Planning Conditions:** Wiltshire Council had confirmed that there had been a breach of planning conditions with regard to the former George Ward School site (11/02312/FUL). Some hedgerow on Dunch Lane had been removed in error and the developers had stated that they would replant this although had concerns about how this would impact foundations. There was concern over the fact that the contractors working under the instruction of the developers had failed to follow the approved plans, and that any new hedgerow would take years to establish. It was noted that when consulted on the planning application the Parish Council had objected to any property frontage onto Dunch Lane, which would have negated the need for any of the hedgerow in Dunch Lane to be removed. Cllr. T. Chivers said that he would raise the issue with the Senior Planning Officer. **Recommended:** *The Council to query with Planning Enforcement what sanctions Wiltshire Council could impose on the developer for lack of compliance and stating that they wish to see replanting taking place as soon as the adjacent proposed dwellings are structurally complete.*
- b) **Lack of Provision of a Play Area and MUGA on East of Melksham Development:** A NEAP (Neighbourhood Equipped Area for Play) and a MUGA (Multi Use Games Area) should have been provided by the developers at the East of Melksham housing development at the occupation of the 301st dwelling. The Clerk had queried the lack of this provision on numerous occasions with both Wiltshire Council and the Developers. Wiltshire Council had stated on 12th July that they were both scheduled for immediate construction. Cllr. Carter stated that he had been to the proposed locations for these play areas in August and that no construction had started. Cllr. T. Chivers stated that he would speak to Mike Kilminster, Senior Planning Officer, to seek further information. **Recommended:** *The Clerk to continue to chase the provision of these community facilities with Wiltshire Council.*

130/16 **Planning Correspondence:**

- a) **Overhead Pylons on Proposed Woodrow Road Site (16/05644/OUT):** The Committee noted social media comments with regard to the overhead pylons on this site. These comments suggested that the National Grid were unaware of this proposed development. Cllr. Baines reported that these overhead cables carried 132KV and as such were probably in the ownership of Southern Electric rather than the National Grid. It was noted that the National Grid may be able to give some guidance on this issue.
- b) **CPRE (Campaign to Protect Rural England) Article on Lack of deliverability of Rural Affordable Housing by the Government:** This document was noted.
- c) **Potential Compulsory Purchase of Land in Relation to the Line of the Melksham Canal Link (W/12/01080/FUL):** The Committee noted a response from the Planning Officer which stated that Wiltshire Council would give strong consideration to exercising its compulsory purchase powers in relation to the line of the canal in order to support the implementation of Core Policy 16.

131/16 **Wiltshire Council Strategic Planning Committee:** It was noted that the Pathfinder Way application (16/01123/OUT) was likely to be considered at the Strategic Planning Committee on 21st September, 2016. It was noted that Cllr. Mills was

likely to attend on behalf of BRAG (Bowerhill Residents Action Group).
Recommended: *Cllr. Carter to attend on behalf of the Parish Council and present the Parish Council's opposition to this application.*

Meeting closed at 7.52pm

Chairman, 12th September, 2016