

MINUTES of the Planning Committee of Melksham Without Parish Council held on Monday 7th November 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 and Gregory Coombes.

Officers: Teresa Strange (Clerk), Jo Eccleston (Parish Officer) and Marianne Rossi (Apprentice Parish Officer)

Apologies: Cllrs. Mike Sankey and Paul Carter.

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

220/16 **Declarations of Interest:** The following councillors declared an interest:

- Cllr. Coombes in agenda item 4i, 16/09640/LBC, as a neighbour of the applicant.
- Cllr. Brindle in agenda item 4c, 16/09712/FUL, as a resident of the Spa.
- Cllr. Wood in agenda item 4a, 16/06743/FUL, as a resident of Semington Road.
- Cllr. Glover in agenda 4e, 4g and 4h, as he is acquainted with the applicants.

221/16 **Public Participation:** There were no members of the public present.

222/16 **Planning Applications:** The Council considered the following applications and made the following comments:

- 16/06743/FUL (Restarted clock due to red line amendment) – 430, Redstocks, Melksham, Wiltshire, SN12 6RF:** Two storey extension and associated alterations. To create access and parking off road.
Applicant: Mrs. Joy Duckworth.
Comments: *No objections.*
- 16/09699/FUL – Land Opposite Outmarsh Farm, Semington Road, Melksham, Wiltshire. BA14 6JX:** New home for the Wiltshire air Ambulance Charitable Trust including administrative office space, operational offices, multifunctional training facilities and associated ancillary spaces. Operational uses to include hanger, secure medical storage, helipad, approach strip fuelling and vehicle wash facilities.
Applicant: Mr. Kevin Reed.
Comments: *The Council welcomes this application, but wish to reiterate the previous comments made on 22nd December 2015 against the outline application 15/10766/OUT, where it supported the comments made by Semington Parish Council over the relocation of the bus gate. The Council wishes to see access to the site to be from the North using the A350, which has better access as a major trunk road, and can see no good reason why the residents of Semington should be subjected to any additional traffic created from this application, both during its construction and from its employees.*

- c) **16/09712/FUL – 398A, The Spa, Melksham, Wiltshire, SN12 6QL:** Demolition of dwellinghouse and associated outbuildings and the erection of an apartments building (8no Use Class C3 flats), erection of 11no detached dwellinghouses (Use Class C3) with car parking, access and associated landscaping.

Applicant: Landmark Estates (Melksham) Ltd.

Comments: *The Council OBJECTS for the following reasons:*

- *The site is outside of the established limits of development.*
- *The proposal is effectively backland development.*
- *Redevelopment of the site will have an impact on the historic setting of the Spa Houses.*
- *There are Great Crested Newts and Smooth Newts known to be in the area who have already been relocated on numerous occasions.*
- *Residents have already made complaints about traffic in the Spa and difficulty in trying to egress and ingress their properties during the morning and afternoon when children and going to and returning from Melksham Oak School.*

Should Wiltshire Council seek to approve this application, the Parish Council would like to see the following:

- *A condition placed upon the hours of working during construction, especially during school travel times.*
- *A s106 Agreement contribution towards the provision of a 1FE primary school at Pathfinder Way, in support of application 14/01123/OUT recently approved in principle by Wiltshire Council, and also to the proposed extension of Melksham Oak Secondary School*
- *Steps taken to raise awareness and ameliorate the issues created by pupils going to and from Melksham Oak School and any traffic emerging from this site.*

- d) **16/09559/FUL – Land Adjacent to Commerce Way and the Milk Churn, Commerce Way, Melksham, Wiltshire:** Proposed Hotel, Drive-Thru Coffee Shop and Retail Unit together with associated parking and landscaping.
Applicant: LOC8 Developments Ltd.

Comments: *The Parish Council welcomes this application.*

- e) **16/09888/FUL – Tanhouse Farm, Redstocks, Melksham, Wiltshire, SN12 6RF:** Extension of existing workshops to create agricultural machine store.
Applicant: Simon Cottle.

Comments: *No objections.*

- f) **16/09947/FUL – Land at Little Bowerhill Farm, Bowerhill Lane, Bowerhill, Melksham, SN12 6RA:** Erection of detached house and garage with associated works (Site 1). Applicant: Ed & Sally Bodman.

Comments: *The Council have no objections, however, they note that historically there has been flooding on this section of Bowerhill Lane.*

- g) **16/09948/FUL – Land at Little Bowerhill Farm, Bowerhill Lane, Bowerhill, Melksham, SN12 6RA:** Erection of detached house and garage with associated works (Site 2). Applicant: Ed & Sally Bodman.

Comments: *The Council have no objections, however, they note that historically there has been flooding on this section of Bowerhill Lane.*

- h) **16/09640/LBC - 209 Corsham Road, Whitley, Wiltshire SN12 8QF:** Removal of timber casement windows to unlisted section of house and replacement with UPV type in similar casement style. Applicant: Mr Clive Bollen
Comments: *No objections.*
- i) **16/10078/FUL – Waney Edge Café, Semington Road, Melksham, SN12 6DY:** Proposed new extension above the shop to create 2 x 1 bedroom flats and single storey side extension. Applicant: Mr Hamid
Comments: *No objections.*

223/16 **Planning Enforcement:**

16/00937/ENF – Eddies Diner, Lysander Road, Bowerhill, Melksham, Wiltshire, SN12 6SP: Unauthorised trading of takeaway trailer. The Committee noted a response from the Enforcement Officer which stated that the applicant had previously not submitted enough information with their application and that they intended to submit another temporary application with further information. It was noted that the refusal notice had cited the following reasons for refusal:

- The proposed take-away unit and its associated paraphernalia by reason of its temporary nature, materials, built form and elevational design, fails to respond and integrate positively into the existing street scene resulting in an untidy site that also affects the character and appearance of the area. The proposal therefore fails to comply with Core Policy 57 of the Wiltshire Core Strategy.
- The proposal fails to comply with Core Policy 60 of the Wiltshire Core Strategy as the parking area does not incorporate adequate turning facilities to enable a vehicle to enter and leave the highway in a forward gear. Furthermore, the development would encourage the parking of vehicles on the public highway, which would interrupt the free flow of traffic and prejudice the safety of all road users at this point.

Recommended: *The Council query with the Enforcement Officer why another application can be submitted by the applicant when the refusal notice had cited relevant reasons for refusal with regard to the lack of compliance with Core Policies 57 & 60 of the Core Strategy.*

224/16 **Planning Correspondence:**

- a) **Reply from Alistair Cunningham, Associate Director Economy & Planning, in response to concerns over “Pathfinder Way” planning application approval in principle:** Alistair Cunningham’s reply cited the lack of Wiltshire Council’s ability to demonstrate a 5 year housing land supply as a core reason why the Pathfinder Way application was approved in principle, as they could not prove that any adverse impacts significantly and demonstrably outweighed the benefits. The Committee noted that this was continuously cited as a reason for approving planning applications, but that this was an open-ended response and they wished to be given some indication over when Wiltshire Council expected that they would be able to demonstrate a 5 year housing land supply. It was also noted that in the draft minutes of the Strategic Committee meeting held on 28th September, there had been a number of errors in the resolution which sought the Heads of Terms for the S106 Agreement. **Recommended: 1.** *The Council respond to Wiltshire Council querying when they expect to be able to*

demonstrate that they have a 5 year housing land supply. 2. The Council query with Wiltshire Council why there is no mention in the minutes of the discussion that took place over the lack of NHS contribution. 3. The Council point out to Wiltshire Council the inaccuracies in the minutes which will inform the Heads of Terms.

- b) Response from Wiltshire Council s106 and Community Infrastructure Monitoring Officer:** The Clerk reported that she had written to the s106 and Community Monitoring Officer, Debbie Evans, with a list of queries and issues with regard to planning issues, including errors in the Councils listed on planning applications, which then affect the Heads of Terms of s106 Agreements and CIL (Community Infrastructure Levy). Ms. Evans had stated that she would investigate the issues raised and offered to attend a meeting with councillors to answer any questions they may have. This meeting to be held at Crown Chambers on Thursday 10th November at 10.00am.
- c) Reply from Wiltshire Council Legal Department with regard to Corrections on Planning Application Decision Notices:** The Council had requested that errors in the naming of the incorrect council on a recent planning application decision notice were corrected. A reply had been received from Wiltshire Council's Legal department stating that they were unable to change any details on the Decision Notice as this was a signed legal document. Ms. Evans was aware of this error and had corrected internal paperwork in order that any s106 monies were attributed to the correct council.
- d) Response from Democratic Services with regard to Procedures in the Absence of Wiltshire Councillors:** It was noted that both the Wiltshire Councillors for the Parish were currently in Hospital. Wiltshire Cllr. While had nominated Wiltshire Cllr. Seed as his substitute should the Parish wish to call-in any planning applications within his ward. Wiltshire Cllr. Chivers had been unable to nominate a substitute, and as such the Parish Council would need to request that Wiltshire Council Chairman, Cllr. Newberry, call-in any applications that fell within his ward.
- e) Reply from Artist for the East of Melksham Art Project:** As per the recommendation made under Min.217/16d), the Clerk had invited the Artist, Verity-Jane Keefe, and Wiltshire Council's Arts Lead, Meril Morgan to a future Parish Council meeting to discuss and explain about the art installations on the East of Melksham development. To date she had received no response. The Committee were not impressed with what had been installed so far and wish to seek further information with regard to the s106 spend on this project from Ms. Morgan. **Recommended:** *The Council request that the Wiltshire Council Arts Lead, Meril Morgan, attends a future Parish council meeting to explain this Art Installation and the money that has been spent on it to date.*
- f) Request to Churches in the Parish to inform SLCC (Society Local Council Clerks) Cemetery & Churchyard Survey:** The Clerk explained that NPPF (National Planning Policy Framework) did not mention or provide guidance for the provision of cemeteries. The SLCC had requested that councils respond to their survey with regard to current and future cemetery provision and suggested that neighbourhood plans and district local plans should address the issue of securing

and allocating land for future provision. The Clerk advised that this issue was an agenda item for the next Neighbourhood Plan Steering Group meeting. She also suggested that the Parish Council could request provision for cemetery provision from future s106 Agreements. It was noted that Whitley Methodist Church had no burial ground, Christchurch in Shaw had replied to say that they had 10-30 years worth of space left and St. Barnabas in Beanacre had yet to reply.

- 225/16 **Pre-Application Discussions with Developers:** The Clerk reported that three developers had made contact with the Neighbourhood Plan Steering Group Administrator to ask for the SHLAA (Strategic Housing Land Availability Assessment) Sites scoring results. The scores were not given to the developers as this information is currently confidential (resolved by the Neighbourhood Plan Steering Group 26th October 2016). It was noted that the Parish Council have a policy for meeting developers at Pre-application stage and that this was the point at which it had the opportunity to inform developers about the community's requirements from provision from any s106 Agreement. **Recommended:** *The Council meet with developers at Pre-application stage, but that they make it clear to the developers that any meeting is a fact-finding process and does not imply that there would be any approval or favourability given to their proposals.*
- 226/16 **Feedback following Neighbourhood Plan Consultation Event at Shaw School. Saturday 5th November:** It was noted that 35 members of the public attended this consultation to give their views. The event was well supported by members of CAWS (Community Action: Whitley & Shaw) and the newly formed Beanacre Community Group. The next consultation event will be held at Bowerhill Village Hall on Tuesday 9th November, 7.00pm – 9.00pm.
- 227/16 **Planning Training Options:** The Clerk reported that there was some forthcoming planning training, "Negotiating a better planning outcome", being held by WALC (Wiltshire Association of Local Councils) with delivery by Dr. Andrea Pellegram. This course will cost approximately £90 per attendee. Dr. Pellegram will also deliver in house training at a cost of £350 for a half day and £700 for a full day, where she would deliver planning training to all the staff and councillors. It was noted that this training was costly and with council elections due to be held next year it would be more prudent at this point to send the Clerk and the Parish Officer to the WALC training to then feedback to the Council. **Recommended:** *The Clerk and the Parish Officer to attend the planning training being held by WALC in January at a cost of approximately £90 each.*
- 228/16 **S106 Agreements:**
- a) **Ongoing and New s106 Agreements:**
- i) **14/10461/OUT – Land East of Spa Road, Melksham, Wiltshire: 450 dwellings and community building:** The Clerk reported that she had contacted the developer with regard to increasing the size of the community building being provided. The Developer had replied to say that the Reserved Matters application for the Community Hall would be applied for 6 months after the commencement of any development on the site, and so suggested that the Council contact him again in April 2017.
- ii) **14/00497/OUT – Land East of Semington Road: 150 dwellings and Village Hall; AND 16/01123/OUT – Land South of Western Way, Bowerhill**

(Pathfinder Way): 235 dwellings and primary school with early years nursery: The Clerk reported that Wellers Hedley, the newly appointed solicitors, were currently in discussions with Wiltshire Council and the Developers of both of these planning applications with regard to the terms of the s106 Agreements.

- 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.

Meeting closed at 8.40pm

Chairman, 14th November, 2016