

MINUTES of the Planning Committee of Melksham Without Parish Council held on Monday 26th November, 2018 at St Barnabas Church Hall, Beanacre, Melksham at 7.00 p.m.

Present: Cllrs. Richard Wood (Council Chair & Committee Chair), John Glover (Council Vice-Chair), Paul Carter (Committee Vice-Chair), Alan Baines, David Pafford, Mary Pile and Greg Coombes.

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

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

310/18 **Apologies:** Cllr. Terry Chivers had given apologies as he was unwell; this was accepted.

311/18 **Declarations of Interest:** Cllrs. Wood and Carter declared an interest in agenda item 5e as they both live near to the site location.

312/18 **Dispensation Requests for this Meeting:** None.

313/18 **Standing Dispensations Relating to Planning:** None.

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

314/18 **Public participation:** There were four members of the public present; three with an interest in agenda item 5d, 18/09462/FUL – Sahara Sandpit, and one with an interest in agenda item 5b, 18/09970/FUL – The Toast Office. The applicant of 18/09462/FUL gave some background information about the application for a “mini mix” mobile concrete plant at Sahara Sandpit on Sandridge Hill. He explained that a vacuum plant dispensed the concrete ingredients into the mixer trucks, which then mix the concrete as the vehicle is on its journey. The term “mini mix” refers to a 4-wheel 18 tonne truck which carries 4 cubic metres of product as opposed to a standard mixer truck which typically carries 6-8 cubic metres, on 6 or 8 wheel HGVs. He informed that over the last 10 years that concrete plants had closed down and the only two remaining in the area were in Devizes and Compton Bassett. He stated that these larger plants tended to serve larger customers rather than smaller builders, and that it was now common practice for ready mix concrete to come from plants much further afield, which increased the number and frequency of HGV journeys. He advised that the Sahara Sandpit site was a former quarry and that they were just completing the restoration of the landfill area. The southern area of the site houses the plant hire and hardcore recycling elements of the business. The equipment is already on site to handle the aggregates and the odd bit of return concrete would be recycled on site, and subject to quality checks this material can be recycled to create new concrete. He stated that all the raw materials to make concrete are currently travelling from the Mendips to a plant in Calne on the A3102, and then travelling back past their site in mixer lorries. He stated that the landfill operation on his site had come to an end and therefore this new proposal would not see an increase in HGV movements to the site, and that the access to the site was such that it would not cause a highways issue. He reported that he had

submitted a pre-application for this proposal 18 months ago and that all the issues raised by the Planning Officer had been addressed. He additionally stated that the plant he wished to install was brand new and would be sited in the quarry which is 6m deep so would be well screened, it would also be powered by a super silent generator so would not be heard outside of the site. There was already a crusher on site and the applicant had never received any complaints about noise from this operation. A local existing business would operate the plant and it was anticipated that this would create an additional two to five jobs.

Another member of the public who drives a mini mix lorry wished to speak in support of the application. He stated that he felt that this was an ideal site for such a plant and that the applicant had addressed the concerns previously raised by local residents. He felt that this application demonstrated that the perceived issues have been mitigated and that this proposal is for a smaller much cleaner plant. He stated that in the Wiltshire Core Strategy Employment Land Review it states that employment land allocation in Melksham has forecast demand and insufficient supply, and that this application would offer employment opportunities.

The Chairman of CAWS (Community Action: Whitley Shaw) wished to speak on the retrospective change of use planning application for the Toast Office, Whitley (18/09970/FUL). He was disappointed that this was a retrospective application and that the business had already changed its use from just a shop and post office and was now also operating as a cafe with a licence. He stated that on a personal front as a resident he initially supported the business, but that he no longer uses the post office due to the parking issues and that in his opinion café customers take priority over post office customers. He stated that there had recently been several reports made to CAWS over parking and traffic issues on Top Lane which caused problems with "neighbour rage". CAWS support the business in principle, but are not happy that this is a retrospective planning application and would be disappointed if this continued. They have concerns over the lack of any parking provision and the problems that this is causing on Top Lane, as this area is a pinch point and parking issues are exacerbated by the increase of bus journeys on the road. Now that this is a café, customers are not just popping in to use the shop and post office, they are stopping for extended periods of time. CAWS also have concerns over the fact that there is now much more of a café element to the business and that the shop has reduced in size, and that if this continues the traffic and parking situation will get worse.

315/18 **Planning Applications:** The Council considered the following applications and made the following comments:

a) **18/09865/FUL - 19 The Beeches, Shaw, Melksham, Wiltshire, SN12**

8EP: Proposed extensions. Applicant: Mr and Mrs M Wakeman.

Comments: *The Parish Council have no objections, however, they wish to make comment on the poor quality of the plans provided, which were barely legible. As Wiltshire Council no longer provide hard copies of applications and plans can only be viewed and considered from the online version these must be of an adequate quality.*

- b) **18/09970/FUL- The Toast Office, 116 Top Lane, Whitley, SN12 8QU:** Change of use of existing A1 shop to a mixed A1 shop, A3 food & Drink and A4 drinking establishment use. Applicant: Mr. Luke Johnson.

Comments: *The Parish Council welcome and support the fact that there is a business in the village and acknowledge and recognise that this business needs to remain viable with the café element in order that the shop and post office are sustainable. However, they are disappointed that this application seeks retrospective permission, and have concerns and wish to draw attention to errors in the application as follows:*

- *Inaccuracies in the Application Form:*
 - i) **Section 11 – “Is the site in an area at risk of flooding”** – *The applicant has ticked “no”. This is not correct as this area has been subject to flooding in the past and the dwarf wall on the front curtilage of the site has previously been knocked down by the surge of water. Additionally, a neighbouring property was subject to internal property flooding with the homeowners having to vacate their property. In September 2014 14 properties in the near vicinity suffered internal property flooding.*
 - ii) **Section 11 – “Is your proposal within 20 metres of a watercourse”** – *The applicant has ticked “no”. This is not correct as there is a ditch on the opposite site of the road which has recently been compromised due to parking issues outside of the Toast Office. Parked vehicles have caused buses and larger vehicles to overrun the edge of the highway damaging the ditch, which Wiltshire Council Highways have then had to come out to repair. There is a very active Community Emergency Group in the village and the Flood Wardens have expressed concerns over any compromise of this ditch which is known to flood. Please see the extracts from the Parish Council’s Highways and Streetscene Committee meetings held on 30th April and 3rd September 2018 where this was discussed:*

Highways and Streetscene Committee meeting held on 30th April, 2018:

582/17d) Complaints about Increased Parking Outside the Toast Office, Top Lane, Whitley: It was noted that concerns had been raised about parking outside of the Toast Office as buses and large vehicles were damaging the ditch opposite as they tried to pass parked vehicles. It was noted that the parking had increased and become an issue as the Toast Office now serves food, so its customers were parking for extended periods outside of the shop. The effectiveness of this ditch was being compromised as larger vehicles were pushing the road verge into the ditch. This issue would be further compounded by the increase of further bus journeys in each direction using this route every day. There would now be 25 buses in each direction on the new D3 service on weekdays, plus a possible 4 each way on the Zig-zag (between Purlpit and First Lane) giving 50 buses a day past the Toast Office. This area had been subjected to severe flooding in the past, with the wall of the post office being knocked over by the swathe of water, and internal flooding to property. This had resulted in two residents having to vacate their property. It was felt that yellow lines would not be effective in this area and would take at least two years to be considered by Wiltshire Council.

***Recommended:** The Parish Council approach the Toast Office stating that they are pleased to see that this new business is doing so well, but that its success means that there is now a problem with parking which is causing damage to the kerb and ditch opposite. Highlight to the Toast Office that this could potentially cause flooding to their property and others in Top Lane and therefore request that they encourage their customers to park so that buses and large vehicles can pass easily*

Highways and Streetscene Committee meeting held on 3rd September, 2018:

228/18e) Complaints about Increased Parking Outside the Toast Office, Top Lane, Whitley: It was noted that the advice of the Wiltshire Council Senior Traffic Engineer had been sought over possible solutions to the issue of increased parking outside of the Toast Office. This had been causing issues for buses and larger vehicles to pass and concerns had been raised that large vehicles were being pushed towards the ditch opposite and that if this was driven over it could compromise the ditch and cause flooding issues. He had sent a plan of a proposal to install white lines to delineate the pavement, so that motorists had a visible indication of how far towards the Toast Office they could park, so that they were not parking too far out into the highway. Additionally, the proposal included white lines across the entrances to property driveways to prevent them from being blocked by parked vehicles. He had requested that the Parish Council consult with the Toast Office owner to ensure that he was happy with this proposal. It was noted that there was an on-going planning enforcement issue with the Toast Office as no planning permission had been sought for a Change of Use for it to operate as a café. **Recommended 1:** *The Parish Council thank the Senior Traffic Engineer for his time and effort in producing this plan, but explain that as there is an on-going planning enforcement issue with the Toast Office, the Council wish to await the outcome of this before progressing the issue. 2. The Parish Council write to the Toast Office explaining that when the planning enforcement issues are resolved, that there is a proposal to address the parking issues.*

iii) Section 16 – “Does your proposal include the gain, loss or change of use of residential units?” – The applicant has ticked “no”. This is not correct. The area to the right of the service counter and staircase indicated on the plans as customer seating was previously a residential area when under previous ownership and prior to the internal alterations made by the applicant.

• **Inaccuracies in the Supporting Statement:**

i) Paragraph 2.1: *This states that “the ground floor of no.116 Top Lane, Whitley has been in A1 Shop use for a number of years and at first floor is a residential flat”. This is not correct as an area of the ground floor of 116 Top Lane was a residential dwelling for the same number of years that the remainder of the ground floor area was in A1 Shop use. The same paragraph additionally states that “there is a layby to the front of the premises used for customer parking”. This is not correct. The area to the front of the property has been sectioned off using wooden planters and is currently used as an outside seating area with bistro style tables. This area is not currently used as customer parking.*

- ii) **Paragraph 2.2:** This states that “Externally, he [the applicant] has formed a small seating area to the west of the building to accommodate additional covers to the café”. Historically this has been a residential garden and therefore if it is now an outdoor seating area as part of the café business a change of use for its use should also be sought.
- iii) **Paragraph 3.6:** This states that “The scale of the premises is considered to be consistent with its location and would not adversely affect nearby buildings, residential amenity or detract from the surrounding area”. Please see the extracts from the Parish Council Planning Committee Meetings held on 11th June and 2nd July 2018, where concerns and objections were expressed as the Parish Council felt that the licence application proposal for late night opening hours and outdoor music would make a negative impact on the amenity of the adjacent residents:

Planning Committee meeting held on 11th June, 2018:

072/18 Premises Licence Variation: The planning committee reviewed the Toast Office proposed application to vary their premises licence. The Chairman drew to the attention of members the guidance to making representation on licence applications, including the reasons for objections and that it has to be evidence based, and not the fear of what may happen in the future.

The application has been made to include the following:

- Live music (indoors and outdoors) Daily 09:00- 24:00 4
- Late Night Refreshments (indoors and outdoors) Daily 23:00- 24:00
- Sale of Alcohol (ON sales) Daily 06:00- 24:00
- Extension to opening hours daily 06:00- 24:00

There was a detailed discussion about the proposed live music at night, car parking issues and the affect this would have on residents in the area. There was also concerns that it would bring more cars into the area because people will be traveling from longer distances and would be parking on the road. Members agreed that there was already a problem with parking on Top Lane, Whitley and that outdoor live music in a residential area was unacceptable to have until 24:00 and a gross interruption of the daily lives of the residents nearby. Members acknowledged that they wanted to see this business thrive but did not want to see residents disturbed. **Recommended:** *The Parish Council make written representation against the licencing application that they feel that live music indoors and outdoors should finish at 11pm and that the outdoor music is acceptable as long as it is not amplified. Late night refreshments outside should only be served until 11pm. The sale of alcohol should only be served from 9am until 11pm. The opening hours outdoors should be from 6am-12pm with the last hour to be spent indoors only. These suggestions are related to the prevention of public nuisance as the proposals will exacerbate parking issues already experienced at this narrow section of Top Lane (now with the new D3 bus service there are 50 bus journeys each way per day) and the council feel it is inappropriate to have live music and entertainment until midnight in a residential area.*

Planning Committee meeting held on 2nd July, 2018:

131/18 Premises Licence Variation: The Toast Office, 116 Top Lane, Whitley:

Due to an administrative error by Wiltshire Council not all the information for the Premises Licence Variation was included when this was previously considered by the Parish Council on 11th June under Min.072/18. The information omitted was that the applicant had also applied for the following:

- Amend the current OFF Sales hours to Monday – Sunday 06:00-24:00
- The addition of non-standard timings for all licensable activities Christmas Eve and New Year's Eve until 22:00
- The amendment to opening hours to include Christmas Eve and New Year's Eve until 02:30

Members considered that as this information was omitted in error by Wiltshire Council from the original application, that this had not therefore been properly advertised via the blue notices displayed in the premises and thus residents had not had the opportunity to view these proposals and make comment.

Comments: *The Parish Council wish to see the consultation process restarted for the whole application as they feel that residents have not been properly consulted. The omission of three elements from the application means that this has not been properly advertised via the blue notice displayed in the applicant's premises and thus residents and neighbours have not had the opportunity to comment. However, should this not happen then the Parish Council do not support the latest elements of this application and wish to see the same conditions imposed as per their previous comments, which were: "Live music indoors and outdoors should finish at 11pm and that the outdoor music is acceptable as long as it is not amplified. Late night refreshments outside should only be served until 11pm. The sale of alcohol should only be served from 9am until 11pm. The opening hours outdoors should be from 6am-12pm with the last hour to be spent indoors only. These suggestions are related to the prevention of public nuisance as the proposals will exacerbate parking issues already experienced at this narrow section of Top Lane (now with the new D3 bus service there are 50 bus journeys each way per day) and the council feel it is inappropriate to have live music and entertainment until midnight in a residential area."*

Cllr. Phil Alford and the Portfolio Holder for Premises Licencing to be copied in on this correspondence

Separate from the consideration of this licence application, concerns were raised that no change of use planning application was sought by the applicant when the old post office was refurbished by the present owners. It was noted that the area that is now a café was previously part of a domestic house. If a planning application for a change of use had been sought when the building was being refurbished then the Parish Council would have made a comment at that time about concerns over the adequacy of parking provision to accommodate patrons of a café. Serious concerns still remain about the ability of buses to pass parked vehicles outside of the Toast Office and the fact that this could put the viability of the increased D3 bus service via Top Lane at risk if buses are struggling to get through. Recommended:

The Parish Council 12 raise with Wiltshire Council Planning Enforcement the lack of change of use application to change the domestic area of the building into a café.

- Other Concerns:

The Parish Council have serious concerns with regard to the issues of increased parking generated by this business and the impact this will have both on traffic, access and the highways and the impact of increased flood risk if the ditch opposite is compromised from these traffic issues. They feel strongly that these issues could have been addressed properly if the applicant had carried out the process of seeking change of use permission prior to seeking a premises licence application. Anecdotally they are aware that the shop element of the business has been reduced and concerns have been raised by CAWS (Community Action Whitley Shaw) that café customers take priority over post office customers. Whilst not a planning consideration, the Parish Council would not like to see the shop and post office element of the business reduced anymore.

- c) **18/10278/FUL- 4 Avro Way, Bowerhill, SN12 6TP:** Alterations to include new internal layout, new wall cladding, signage, new windows and doors including roof windows and repositioned roller shutter. Applicant: Mr. Chris George (Selwood Housing Society Ltd.)
Comments: *The Parish Council have no objections.*
- d) **18/09462/FUL – Sahara Sandpit, Sandridge Hill, Sandridge Common, SN12 7QX:** Low level ‘mini-mix’ mobile concrete plant including cement silo, aggregate bays and other ancillary development (generator, control cabin and ground works including drainage provision). Applicant: Mr. and Mrs. Freeman.
Comments: *The Parish Council have no objections.*
- e) **18/10375/FUL- 123 Semington Road, Melksham, SN12 6DP:** Proposed two storey side & rear extensions. Applicant: Mr. Mark Cooper.
Comments: *The Parish Council note that planning permission has already been granted under 18/06969/FUL for this proposal for which the Parish Council had no objections. Application 18/06969/FUL sought the same layout and proposed using building materials of stone and red brick to match the existing building and the Case Officer stated in his report that “The proposed development is built of appropriate materials and to a suitable design that will preserve the character and appearance of the area”. This application, 18/10375/FUL, now seeks that the materials used are “through colour render”, which the Parish Council considers would not preserve the character and appearance and therefore wish to see the front elevations to be constructed in red brick and stone coin to match the existing building, as per the approved application 18/06969/FUL.*
- f) **18/10597/FUL – 2, Stirling Close, Bowerhill, SN12 6TF:** Proposed single storey rear extension. Applicant: Mr. Allan Scott.
Comments: *The Parish Council have no objections.*

- 317/18 **Planning Decisions and Officer Reports:**
- a) **18/04650/OUT – Land west of Semington Road (proposal for 108 dwellings, 100% affordable):** The members noted that the decision target date was 14th December.
- b) **18/07286/FUL – Adjacent to 489a Semington Road (erection of 4 no. dwellings):** It was noted that application had been approved by the Western Area Planning Committee.
- 318/18 **Neighbourhood Plan:** The draft minutes of the Melksham Neighbourhood Plan Steering Group meeting held on 17th October, 2018 were noted.
- 319/18 **Planning Policy:** The following documents were noted:
- a) To note SLCC Newsletter, 31st October 2018 – “**Budget Proposes New Affordable Homes Powers for Parishes**”
- b) To note article from The Times, 24th October 2018 – “**Lack of Paths on New estates Forces People into their Cars**”.
- c) To note **Andrea Pellegram’s “Planning Local” Newsletter & Toolkit Documentation:**
- i) Newsletter – issue 10, 1st November, 2018
- ii) Pre-Application Engagement
- 320/18 **Temporary Closure of Footpath MELW23 (part):** It was noted that this temporary footpath closure was to allow for construction of surface water detention basin and drainage as part of application 14/06938/out (450 dwellings east of The Spa). However, the notice stated that the order would come into effect from 1st January 2018; this is clearly incorrect and would be pointed out to Wiltshire Council that it should read 2019.
- 321/18 **S106 Agreements and Developer Meetings:**
- a) **Ongoing and New S106 Agreements:**
- i) **Update on payments due under S106 agreements and CIL requirements for 17/01096/REM and 15/12454/OUT (100 dwellings north of Sandridge Road):** The developer S106 contributions to Wiltshire Council under the outline application (15/12454/OUT) for primary and secondary provision and for refuse & recycling were noted. It was felt that this information should be passed onto Melksham Oak to ensure that they knew that Wiltshire Council was beginning to receive this money. The CIL (Community Infrastructure Levy) contributions due from the reserved matters application (17/01096/REM) were noted as being £176,832.42 for the second tranche of payments from the developer. Once received by Wiltshire Council, the Parish Council will be due to receive its percentage, which equates to £44,208.10, in April 2019.
- ii) **Update from Wiltshire Council Public Art Officer on Public Art Contributions for Developments in the Parish:** The members noted an update from the Art Officer on the following developments:
16/00497/OUT - Land East of Semington Road, Berryfield: - Focus is the heritage of the Wilts and Berks Canal Trust. Action: The Art Officer to prepare artist brief for parish, community and Trust to agree. The Art Officer needs to contact developer to start conversations. Trigger for money to be paid to Wilts Council is prior to 75th occupation.

16/01123/OUT & 18/04477/REM- Land South of Western Way, Bowerhill (Pathfinder Way): – Focus on heritage of RAF. Taylor Wimpey and the Art Officer are having a meeting on Tuesday 4th December at 1pm, and have invited members of the Parish Council to attend. Bowerhill Village Hall has been booked for this meeting and BRAG (Bowerhill Residents Action Group) and representatives of the RAF will be invited.

14/06938/OUT & 18/04644/REM – Land East of Spa Road (Extension to East of Melksham): The Art Officer is trying to contact Barton Willmore (the agent negotiating on behalf of Hallam Land and Bloor Homes) to arrange a meeting to discuss this further. The Clerk advised that she would chase this to ensure that a meeting took place. She had contacted the developer to say that the Parish Council wished to enter into conversations with regard to the community building. They had already informed the developer that it wasn't big enough and did not want another fait accompli as with the East of Melksham development where the community building was removed from the application or on this application when it was approved with no consultation or time given for revision

15/12454/OUT 7 17/01096/REM – Land to the North of Sandridge Road: Focus is practical play area artwork. The Art Officer had sent the Artist's Brief and had been chasing for an update from the developer. She was not been made aware of an art project being commissioned. The Clerk advised that the Public art provision on this development was complicated. There was £7,000 available, and the Parish Council had requested that this was spent on "practical art" to enhance the LAP (Local Area of Play) which is unequipped. Since that time a proposal had been put forward for an equipped play area in the form of a SLAP (Super Local Area of Play) which would be equipped. However, this had come from a play area company and no information on this had been received from Barrett Homes. It is unclear as to whether Barrett Homes has commissioned this play area company. Members expressed concern about the artist's brief as it refers to RAF Melksham, and Sandridge Road has nothing to do with the No.12 Training School, and this is the theme for the Pathfinder Way development. The original reference for the Sandridge Road development was to Westinghouse and Knorr Bremse and was railway themed. It was noted that the dates on the Artists Brief stated that any art installation would be installed in the Summer of 2021; it was felt that this would be a long time after the construction of the development was complete and that this could cause issues with ensuring that the developer met its obligations.

Recommended: *The Parish Council respond to say that if the LAP is now to be play equipment, they wish to have further conversations with the developer on this and what the brief for the Public Art should now be. Additionally, the dates referred to on the Artist's Brief to be queried.*

b) New S106 Queries:

- i) **18/04644/REM – 450 dwellings East of Spa Road:** It was noted that the decision on this application was being made by the Strategic Committee on Wednesday 5th December at 10.30am. ***Recommended:***

The Clerk and Cllr. Baines to attend and register to speak to make sure that the Community Building is not taken out of the application.

c) S106 Decisions made under Delegated Powers: None.

d) Contact with developers:

i) Pre-Application meeting: Developers wished to have a meeting about a potential development on Bowerhill by a car dealership. A legal agreement with the land means that a planning application has to be submitted by Monday 3rd December, but the architect is happy to meet the Parish Council one day this week. **Recommended:** *The Parish Council have a meeting with the Architect on Thursday 29th November.*

322/18 Joint Meeting with Town Council re Strategic View of Future

Development: At the Wiltshire Council Local Plan Review consultation meeting at County Hall, members of both the Parish and the Town Council were asked where they considered future development of the Melksham Area should take place for the period 2026-2036. As lots of research and consultation work had been carried out to inform the Joint Neighbourhood Plan, and there was evidence supporting where strategically future development should be, it was agreed that a joint meeting of both Councils should be held so that a formal response to the consultation could be given to Wiltshire Council. This meeting will be held on Wednesday 12th December at Melksham Fire Station at 6.00pm. **Recommended:** *Cllrs. Wood, Glover, Baines and Carter to attend this meeting.*

Meeting closed at 8.34pm

Chairman, 10th December, 2018