

MINUTES of the Planning Committee of Melksham Without Parish Council held on Monday 19th August 2019 at 1, Swift Way, Bowerhill, Melksham 7.00 p.m.

Present: Cllrs. Richard Wood (Council & Committee Chair), Alan Baines (Committee Vice-Chair), Mary Pile, David Pafford, Terry Chivers 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. He gave everyone the news that unfortunately Wiltshire Cllr Roy While was suffering ill health and was very unwell. Wiltshire Cllr. Phil Alford had offered to call in any planning applications in Melksham Without South Ward.

- 132/19 **Apologies:** Cllr. John Glover (Council Vice-Chair) was on holiday; this reason for absence was accepted.
- 133/19 **Declarations of Interest:** None
- 134/19 **Dispensation Requests for this Meeting:** It was noted that the Parish Council had a standing dispensation to discuss the provision of a new village hall for Berryfield and for its own accommodation in the Campus.
- 135/19 **Public Participation:** There were no members of the public present.
- 136/19 **Planning Applications:** The Council considered the following applications and made the following comments:
- a) **19/06555/FUL – Berryfield Hall, Berryfield Park, Melksham, SN12 6EE:**
Renewal of planning permission (14/07465/FUL) for temporary siting of a portacabin plus toilet and entrance hall for use as a community hall. Applicant: Mrs Teresa Strange. *It was noted that the Parish Council had submitted this renewal application and therefore made no comment.*
 - b) **19/06888/FUL- Boomerang, 8 Merlin Way, Bowerhill, SN12 6TJ:** Outdoor swimming pool, associated plant room & landscaping at Boomerang Play Centre. Applicant: Mr Gary Cooke.
Comments: *The Parish Council have no objections.*
 - c) **19/06800/FUL- 5 The Laurels Beanacre Melksham Wiltshire SN12 7QJ:**
Single storey side extension. Applicant: Mr and Mrs M Smith.
Comments: *The Parish Council have no objections.*
 - d) **19/07277/FUL – 21, Brookfield Rise, Whitley, Melksham, SN12 8QP:** Two storey rear extension. Applicant: Mr. Jack Simpkins
Comments: *The Parish Council have no objections.*
 - e) **19/07402/ADV – Junction of A3102 (Westbrook Road) and Brick Hill, Bromham, Chippenham, Wiltshire:** Free-standing double-sided road sign. Applicant: Country Green Storage.

Comments: *The Parish Council do not object to signage, but feel that it would be more effective and less dangerous for users of the highway if two single sided signs were erected on either side of the carriage way in advance of the junction. They consider that the current proposal for a one double sided sign could result in drivers who are approaching the junction from Melksham and travelling in an easterly direction not seeing the sign in time as the intended location is after the junction.*

- f) **19/07534/FUL- Melksham Oak Community School, Bath Road, Bowerhill, Melksham, Wiltshire, SN12 6:** New build school block adjacent to existing school buildings and associated works. Applicant: Wiltshire Council.

Comments: *The Parish Council support the expansion of Melksham Oak Community School, but have some concerns as follows:*

- *The present car parking provision is just adequate for the level of need; however, they query where cars will park when the visitor car park is used as a compound during the lengthy construction phase.*
- *The references in the Transport Statement to public transport and in particular the bus timetables are flawed, with incorrect data being provided. In point 3.46 a map is shown in Figure 3.2 which indicates that there are two bus routes via Brabazon Way on Bowerhill; this is incorrect as there are no buses that take this route, they only travel via Mitchell Drive, and the map does not show that the D3 buses also go via the Bath Road from The Spa to Falcon Way. In point 3.48, table 3.8 gives a summary of bus services operating from Kingfisher Drive Bus stops. The X72 bus service from Bath to the Kingfisher Drive stop does not arrive until 9.27am. The 7.27am and 8.27am X72 service starts its journey from Melksham Market Place, therefore anyone travelling from further afield (and to the school) cannot use this service. The last D3 service from Kingfisher Drive to Bath does not depart until 16.41; the X72 service departing at 17.16 and 17.57 only go as far as Melksham Market Place. Additionally, the D3 service only operates between Bath and Bowerhill during the day with the first bus from bath arriving in Bowerhill at 8.52am; the service to Devizes only operates from 18.34. Therefore, these times are not in line with the school start and finish times, and cannot be relied upon for adequate and timely pupil transportation.*
- *The S106 Agreement for planning application 14/10461/OUT (450 dwellings to extend the East of Melksham Development) provides funding for the creation of a rear footpath from this development to the school. It was therefore disappointing to note that this was not referred to in any significance within the Travel Plan or Transport Statement. The Parish Council wishes to reiterate its desire for Wiltshire Council to construct this footpath as soon as possible (especially as funding is now due as commence works on site have started).*

- g) **19/03329/DP3 – Melksham House, 27 Market Place, Melksham, Wiltshire SN12 6ES: AMENDED PLANS** for Construction of Community Campus Building, including Demolition of Curtilage Listed Outbuildings of Melksham House (*Application in parish of Melksham Town*).

Comments: *The Parish Council acknowledge that the amended plans are not currently available to comment upon, however, prior to their submission they*

would like to comment on the recent press release which reported that the MUGA (Multi Use Games Area) was to be removed. The Parish Council deplore the proposal to remove the MUGA and feel extremely strongly that it should be relocated within the Campus site for the use of all sports. It additionally wishes to query what is happening to the two tennis courts which are currently being used as a construction compound, and suggest this could be explored as a possible MUGA location.

137/19 **Permitted Development Applications:** None

138/19 **Planning Enforcement:**

- a) **Signage Outside Church Farm, Bath Road, Shaw:** Development of land at Church Farm had taken place under permitted development rights, but there was now signage appearing on the grass verge, advertising businesses, and listing the available units. It was noted that the Highways department do not like lots of non-standard signs on the edge of the highway which could cause a distraction to drivers. Permission was normally required for signage on highways verges, and therefore it had been queried with Wiltshire Council if they were aware of this signage and whether it was permitted. There were concerns that this signage would obscure the view for vehicles exiting this site.
- b) **Caravans Occupying Field Alongside New Road:** Residents had reported that caravans had occupied a field in New Road, at the Sandridge Common end. It was believed that water had been connected and there was also children's play equipment in the field. This had been reported to Wiltshire Council's enforcement team to investigate.

139/19 **Melksham Neighbourhood Plan – Minutes of Steering Group Meeting held 31st July, 2019:** The minutes of this meeting were noted and the Clerk drew attention to Min.6d) with regard to funding. She explained that the quote from the new consultants, Place Studio, was £16,500 excluding VAT and expenses, and that only £4,425 was available from the current round of Neighbourhood Plan funding from Locality, as the grant funding was capped. This meant that as a joint project the Town and Parish Council would need to fund the remaining £12,075. The Town Council had previously resolved to pledge £5,000 of funding to the Neighbourhood Plan, and therefore before the Steering Group committed to Place studios and accepted the quote, they asked the Town Council representatives if additional funding would be made available. Town Cllr. Westbrook had said that she did not foresee this as a problem as the Town Council wanted to see the Plan progress to Regulation 14 and then formal adoption. The Clerk advised that the Parish Council would have to use some of the money that they had pledged toward the completion of the Plan, but that once adopted any review of the Plan would then be eligible for further funding.

140/19 **Planning Policy:**

- a) **Wiltshire Council Local Plan Review:** It was noted that there was a further Local Plan Review consultation being held by Wiltshire Council on 1st October, and this was aimed at rural parishes; Cllr. R. Wood, Cllr. Glover and the Clerk will be attending.
- As per Min.113/19, the Planning Committee did not feel that the Notes from the Melksham Meeting of the Local Plan Review, 12th June 2019 were an accurate representation of the issues discussed and concerns raised. They had

recommended that the Parish Council responded to Wiltshire Council to inform what was considered to be an accurate account of that meeting. This had been done, and Wiltshire Council had sent revised notes which now reflected the points raised by the Parish Council, with the exception of what the Parish Council felt were the four main priorities for Melksham; namely:

- ❖ Bypass – first before any further development.
- ❖ Education – a holistic approach to future provision rather than piecemeal funding
- ❖ Health – requirement for urgent care/miNOR injuries, etc., locally
- ❖ Employment land – more needed to prevent out commuting

Recommended: *The Parish Council go back to Wiltshire Council and ask that the four main priorities are reflected in the Notes of that meeting due to their importance. The four main priorities were the focus of the meeting and that infrastructure should come prior to development.*

It was noted that two separate arms of Wiltshire Council were contradicting each other. The Highways arm was arguing that the bypass must come first to be able to make their strategic case for funding, whereas the Planning arm was arguing the opposite with regard to the Local Plan review, stating that development would provide a bypass. Further concern was raised about a recent article in the Melksham News where the projected housing figures for Melksham were different to those being quoted by Wiltshire Council, which the Parish Council had already challenged with different documents quoting different figures.

The Strategic View of the Neighbourhood Plan is to work closely with the Local Plan Review Team, so that they could share information and resources and influence any strategic growth using local knowledge and evidence. However, Wiltshire Council have stated that they cannot liaise with Melksham as a special case, and that they will liaise and consult with all parishes equally as part of their Review process. This view is not shared by either the Parish Council or the Neighbourhood Plan Steering Group; not all parishes are being expected to accommodate the level of development and housing that Melksham is, and therefore there is an expectation that this should be taken into account. Wiltshire Cllr. Alford is in support of the views of the Parish and the Steering group and has offered to speak to the Cabinet Member for Spatial Planning, Cllr. Toby Sturgis, on this matter.

b) Wiltshire Housing Land Supply – Wiltshire Council Briefing Note No.19-022:

This briefing note outlined the process Wiltshire Council used to calculate the housing land supply for the three housing market areas (HMAs) in Wiltshire, and how they identified areas that still had to meet the housing requirement up to 2026. It was noted that as the Melksham Neighbourhood Plan intended to allocate a site, that once approved the Plan would protect the Melksham Plan Area from further development down to a 3-year housing land supply.

c) NPPF (National Planning Policy Framework) Policy to Protect Trees: An article from the RTPI (Royal Town Planning Institute) was noted which outlined that the Woodland Trust considered that Local Planning Authorities were not using changes to the NPPF (National Planning Policy Framework) to safeguard trees and ancient woodland. Members felt that this was something that should be referred to when making comments on planning applications to Wiltshire Council if applicable to that proposal or development.

d) NPPF Methodology for Calculating Housing Numbers: An article was noted which stated that the standard methodology for calculating housing numbers by the updated NPPF would not deliver the Government's housing target figure if

local authorities use the minimum requirement as a basis for their calculations. A member queried not the housing numbers, but the type of homes being built. He stated that he felt the homes currently being built in the Melksham area were more for people wanting to better their home by moving somewhere larger, rather than providing homes for rent for those who could not afford to get onto the housing market. **Recommended:** *The Parish Council ask Wiltshire Council what methodology they use to calculate housing numbers.*

141/19 **CIL (Community Infrastructure Levy) Payments:**

- a) **Wiltshire Council Correspondence regarding CIL Payments:** Wiltshire Council had informed that they had made a mistake over CIL payments; they had incorrectly made payment at 25%, the rate applicable if a parish has an adopted Neighbourhood Plan. The CIL payments should have been made at 15%, and therefore the Parish Council had been overpaid by £35,294.92. The Clerk advised that a payment had been raised to pay this overpayment back to Wiltshire Council. Members noted that looking at the figures involved, and the financial difference between 15% and 25% of CIL receipts from developments, further emphasised the need for the Melksham Neighbourhood Plan to be completed and adopted as soon as possible. The Clerk informed that she had also queried with Wiltshire Council what happened to CIL payments if boundaries were changed under a Community Governance Review, and she was awaiting a response.
- b) **Self-Build Criteria for Non CIL Eligibility:** It was noted that if a development was “self-build” then it was not eligible for a CIL charge. However, the process is that a charge for CIL is raised for such developments and the onus is upon the developer to prove within 8 months of occupation that they are the occupier by providing evidence such as utility bills. Wiltshire Council continue to make such checks for a period of 3 years, as if during that 3-year period the property is sold the developer will be billed.

142/19 **Planning Correspondence – Arising from Min.058/19c:** The Parish Council had queried with Wiltshire Council, the SLCC (Society for Local Council Clerks) and WALC/NALC (Wiltshire/National Association of Local Councils) whether there was a way in which bespoke annexes for those with care needs and a requirement for live in carers could be offered for rent to others with such needs, rather than become empty buildings or reconverted; perhaps being registered with Wiltshire Council as accommodation for such specialised needs. Wiltshire Council had responded to say that they did not get such issues raised very often, as once such annexes are built, they then are often used by extended family or grown up children before getting their own home. The SLCC were interested in Wiltshire Council’s response noting that it was a sign of the manner in which society is moving and that may Councils have an interest in this area when producing Neighbourhood Plans.

143/19 **S106 Agreements:**

- a) **Ongoing and New S106 Agreements:**
- i) **Land to the East of Spa Road (18/04644/REM) – Play Area Design & Specification:** The Parish Council had previously resolved to not take on this play area from the developers, and this would be under the remit of the Developer’s maintenance contractors. Wiltshire Council’s Leisure & Play Strategy Officer had asked if the Parish Council had any comments, they wished to make on the play area design for this

development. It was noted that the Parish Council had responded to say that they would like to see the gates painted in a contrasting colour, preferably red, to meet the RoSPA advice that *“gates should ideally be of a different colour to the fencing to make their location easily identifiable to those with visual impairment”*. The Parish Council also agreed with the Officer’s view that the proposed gravel path which crossed the play area should be of tarmac construction and not gravel.

- ii) Rear Footpath to Melksham Oak:** It was noted that the Parish Council had asked Wiltshire Council if they could put some pressure on the developers to construct the rear footpath to Melksham Oak, being provided as part of the S106 obligations, as soon as possible. This was in an effort to alleviate some of the issues being experienced by both pupils and drivers along the A365, as Melksham Oak currently only has one pedestrian entrance. However, it was not for the developers to build, they are providing the funding for Wiltshire Council to construct. Wiltshire Council had advised that they were unable to devise a scheme until they had received the commuted sum to do so. The Rights of Way Officer had also advised that it may be prudent not to have early construction of this footpath as it would be actively directing children though a building site; not only could this cause a safety issue for the children, but construction traffic may be required to drive across this footpath, and if newly constructed could cause damage.

It was noted that construction of this site had commenced and the Parish Council had informed Wiltshire Council of this so that the S106 triggers could be implemented.

- b) New S106 Queries:** None.
- c) S106 Decisions made under Delegated Powers:** None.
- d) Contact with Developers:** None.

Meeting closed at 8.14pm

Chairman, 16th September, 2019