

**MINUTES of the Planning Committee of Melksham Without Parish Council held on Monday 14<sup>th</sup> January, 2019 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, 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.

361/18 **Apologies:** There were no apologies as all members of the Planning Committee were present

362/18 **Declarations of Interest:** None.

363/18 **Dispensation Requests for this Meeting:** None.

364/18 **Standing Dispensations Relating to Planning:** None.

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

365/18 **Public participation:** There were two members of the public present; the Applicant and the Heritage Consultant of 18/11538/FUL (406C, The Spa - proposed new dwelling). The Applicant said that she wished to discuss the 2018 amendments to the NPPF (National Planning Policy Framework) and in particular the amendments with regard to density. She stated that the NPPF was seeking higher density development to be within existing development boundaries, such as towns, to protect the green belt. She added that in 2016 Wiltshire Council as the Local Planning Authority started the process of reviewing Settlement Boundaries in the County. Her interpretation was that Wiltshire Council had made a decision at their Full Council meeting in July, that this had been approved by the Secretary of State and that revised settlement boundaries were now classed as an emerging policy. She considered that this had resulted in her site now being classed as inside the settlement boundary for Melksham. In her opinion the policy had been adopted by Wiltshire Council that she felt that this meant she could use this within her application. She stated that with regard to the design and access statement that she had looked at tidying up the corner of the site access. The Members sought clarification with regard to the access arrangement. The Applicant advised that the bungalow occupying the site was already in her ownership and that there was approved planning permission for another bungalow to be built in the righthand portion of the garden of the existing dwelling. The Applicant acknowledged that this had been permitted as at the time Wiltshire Council could not demonstrate that it had a 5-year housing land supply, as otherwise this would have been refused as development in the open countryside. This current application sought permission for a dwelling in the left-hand portion of the garden. The proposal was therefore for a third dwelling on this plot and for the proposed access to serve all three dwellings rather than three separate accesses. It was acknowledged that this one

access would be across the footpath/cycleway which is a well-used route for children going to and from Melksham Oak School.

The Heritage Consultant explained that she had looked at the site as it was in the curtilage of the Historic Spa Buildings and within an 80metre radius there are three pairs of Grade II listed buildings. She was therefore looking at the impact of the proposal on the setting. She concluded that the proposal would have less than substantial harm to the setting of those buildings. She stated that the site was only visible from the top storey of the Spa Buildings and that the new proposal was for a low-lying dwelling constructed of materials in keeping with the buildings that are already there. She felt that the curtilage of the listed buildings had already been eroded throughout the 20<sup>th</sup> century and was no longer significant to those buildings, which now have private gardens which they would not have had when originally designed.

*The Council re-convened and agreed to bring forward agenda item 5d for discussion.*

366/18 **Planning Applications:** The Council considered the following applications and made the following comments:

**a) 18/11538/FUL – 406C, The Spa, Bowerhill, SN12 6QL:** Proposed new dwelling and associated works. Applicant: Amy Hallett.

The Clerk informed that she had sought advice from the Wiltshire Council Planning Department and that the Local District Plan Settlement Boundaries, which pre-date the Core Strategy, still stand and therefore there is no Settlement Boundary around The Spa. There is a proposal to include The Spa in a new Settlement Boundary, however, this has not yet been adopted, and this is still out for consultation until 5.00pm on Tuesday, 22<sup>nd</sup> January, 2019. Although Wiltshire Council recommended it to the Planning Inspector, it is not yet an adopted policy. A planning officer may or may not choose to take into consideration the Housing Allocation Plan, for which the revision of settlement boundaries forms part, as an emerging policy when making any determinations. However, the Spatial Planning Officers who gave this advice felt that it did not currently have enough weight to be used as an emerging policy.

Members felt that as there was not an adopted Housing Allocation Plan, that this proposal fell outside of any settlement boundary. Additionally, it was considered that the site was exceptionally small for the proposal and that that any future occupier would have very little amenity land. It was felt that 3 dwellings on the site of the original bungalow at 406C The Spa would be very cramped and would be overdevelopment of the site. Attention was drawn to the Planning Inspector's refusal comments on another development in the parish where the applicant had gone to appeal (17/04649/FUL – erection of 4no terraced dwellings). The notice of refusal for this application cited in some depth the negative issues regarding lack of outdoor amenity space and "which would fail to provide an acceptable standard of outdoor provision for future occupants". Members considered that the same principle applied to this application and that a consistency of approach should be taken.

It was also noted that whilst the Heritage Consultant stated that this site could only be seen from the top storey of the Historic Spa Buildings that this was not the issue with regard to the impact on their setting. It was felt that any impact on the setting related to the whole streetscene as you approach the Historic Spa Buildings rather than what could be seen from the buildings themselves, noting that the other properties in the curtilage of these buildings were on large plots.

**Comments:** *The Parish Council OBJECTS as this application is outside of the settlement boundary for both the Parish of Melksham Without and the Parish of Melksham Town. Additionally, it considers that this is over development of the site and that this proposal offers no outdoor amenity space for any future occupier.*

*The Parish Council acknowledges that the settlement boundaries are currently out for consultation as part of the Housing Allocation Plan review which closes on 22<sup>nd</sup> January, 2019, however, they understand that the current settlement boundaries still stand until any revisions are approved and formalised. In addition, the Parish Council would like to make reference to the Planning Inspector's comments following refusal of planning application 17/04649/FUL, where the lack of garden and outdoor amenity space was cited for refusal, with the Inspector stating that the application would "fail to provide an acceptable standard of outdoor provision for future occupants".*

*The Parish Council therefore seek a consistent approach to applications in the parish.*

- b) 18/11454/FUL – Vacant land at the intersection of the A350 and Portal Road, Melksham:** Erection of BMW MINI Dealership with associated customer parking and external used car display and workshop including MOT, wash and valet facilities and associated compound. Applicant: Dick Lovett Companies & Cereal Partners UK Ltd.

**Comments:** *The Parish Council have no objections and welcome this development.*

- c) 18/10874/FUL – Sandridge Park House, Sandridge Park, Sandridge Common, Wilts, SN12 7QU:** Demolition of single storey entrance porch (to be taken down by hand and rebuilt) to facilitate new single and two storey extensions to dwelling. Erection of new piers and gates to entrance. Applicant: Mr. & Mrs. Selby.

**Comments:** *The Parish Council have no objections.*

- d) 18/11414/FUL – 264A, Sandridge Lane, Bromham, SN15 2JW:** Proposed demolition of existing dwelling and garage outbuilding & erection of replacement dwelling and garage. Applicant Mrs. Watts.

**Comments:** *The Parish Council have no objections and welcome the enhancement of the area.*

- e) 18/11850/FUL – 22, Shaw Hill, Shaw, Melksham, Wiltshire, SN12 8LU:** Rear extension & dormer window in south west elevation. Applicant: Mr. & Mrs D. Lovell.

**Comments:** *The Parish Council have no objections.*

367/18 **Permitted Development Applications:** None.

368/18 **Street Trading Licence:** Members considered the application below currently under consultation:

Trading name: **TURK THAT**

Articles for sale: **Hot food, hot and cold drinks**

Trading Location: **Lay by on B3353, Goodes Hill, Near Whitley**

Trading Times: **06.00 – 23.00**

The Parish Council representative for CAWS (Community Action: Whitley & Shaw) reported that they objected to this proposal as they had concerns over the potential for an increase in litter in the lay by, which is already an issue. The members supported these concerns and felt that there could be additional issues created by the lack of any public toilet facilities, and wished to avoid any possibility that the adjacent hedges and ditches were used for such purposes. When previously considering the planning applications for a grid stabilization installation at Shaw Grange (18/06447/FUL & 18/05336/FUL), which sought to use the Goodes Hill lay by as a holding bay for construction traffic, the Parish Council had commented that this was often closed by Wiltshire Council as it was used for storing supplies of grit. It was felt that the unreliability of this lay by to be permanently open remained an issue. One local member reported that the access to public ROWs (Right of Way) MELW76 & MELW95 from that lay-by had been blocked by pipes and barbed wire, and it was agreed that the Officers would report this to the Wiltshire council Rights of Way Officer.

**Comments:** *The Parish Council do not object, but have concerns under “Avoidance of Nuisance” that they would like to see addressed should the licence be granted:*

- *There are already issues of litter and fly tipping in this lay by which have been reported to Wiltshire Council on numerous occasions. The trader must provide a litter bin for any waste generated by this application and remove this waste from the site.*
- *There are concerns over where any potential customers would go to the toilet, and therefore consider that the trader must provide toilet facilities.*
- *The Parish Council have concerns with regard to overnight parking, and wish the trader to not leave the trading vehicle in the lay by overnight (Similar to the street trading licence conditions placed on a previous application in Hampton Park Trading Estate).*

*The Parish Council would also like to draw attention to the fact that this lay by is used by Wiltshire Council Highways to store supplies of grit and is frequently closed to public use. It is therefore felt that it cannot be relied upon to be open.*

369/18 **New Premises Licence:** Wiltshire Council had received a new Premises Licence application for The Shaw Country Hotel, Bath Road, Shaw, Melksham, SN12 8EF. The application sought the following:

- Live and recorded music and anything of a similar description (indoors and outdoors) - Monday to Sunday 11.00hrs to 01.30hrs (the following day).
- Late night refreshments (indoors and outdoors) – Monday to Sunday 23.00hrs to 01.30hr (the following day)
- Supply of Alcohol (on the premises) – Monday to Sunday 11.00hrs to 01.30hrs (the following day)

It was noted that the Licensing Officer had advised that this application had not sought to change any of the existing permissions, rather that it was a change in the licence holder's name.

**Comment:** *The Parish Council have no objections.*

370/18 **Planning Decisions:**

**a) 18/06447/FUL & 18/05336/FUL - Shaw Grange, Bath Road, Shaw:**

Construction of access track and development of hybrid storage and low carbon fuel natural gas powered electricity peaking power and essential grid stabilization services installation. It was noted that these applications had been refused permission on the grounds of size, industrial character and appearance, lack of background noise survey and acoustic assessment, and lack of safe access onto the highway.

371/18 **Neighbourhood Plan:**

**a) Draft Minutes from the Last Steering Group Meeting, Tuesday 27<sup>th</sup> November, 2018:** These draft Minutes were noted.

**b) SLCC Article – “Parliament to consider a Bill that would limit planning application appeals that are contrary to neighbourhood plans”.** This article was noted and that a Private Members Bill has been introduced to the House of Commons that would limit the rounds of appeal against decisions on planning applications consistent with a neighbourhood development plan or local plan. The Planning (Appeals) Bill received its first reading in the House of Commons in the second week of December, 2018.

372/18 **Future Housing Development 2026-2036:** The Clerk and some members had attended a planning meeting at Wiltshire Council where the Parish Council and representatives of the Town Council had been asked where they considered any future development in Melksham from 2026-2036 should be. The agenda for this meeting had not made it clear that this would be a discussion point and that they would be asked at that meeting to mark up a map showing where any future development to support the strategic growth of Melksham should be. The Neighbourhood Plan Steering Group has very clear, relevant and current information, which has been both independently assessed and gone through a public consultation process, about where any future development should be. Those who attended were disappointed as this information could have been shared with Wiltshire Council. The Town Council and the Parish Council held a joint meeting on the 12<sup>th</sup> December 2018, and invited the Spatial Planning Officer who advises the Neighbourhood Plan Steering Group, and the Wiltshire Council Member representative, in order that a collegiate response could be given to Wiltshire Council. At this meeting it was felt that based on the information gathered by the Neighbourhood Plan Steering Group that any future strategic development and expansion of Melksham should be to the east and north east to facilitate an eastern bypass

and more housing and development could only take place if an eastern bypass is provided. The Spatial Planning Officer advised that the best way forward for this issue was for both councils to request a meeting with Alistair Cunningham, Corporate Director Growth, Investment and Place, and Georgina Clampitt-Dix, Head of Spatial Planning, and to have some wording about why development should be to the east and north east. It was noted that the policy wording of the Neighbour Plan had been stringently looked at by both the independent consultants and the Spatial Planning advisor and clearly articulated this view. It was noted that the Parish Council had a set of Planning Principles, but the wording of these now needed updating to be in accordance with the emerging Joint Neighbourhood Plan. It was felt at the joint meeting on 12<sup>th</sup> December, that if the Parish Council updated their Planning Principles that these could then be considered by the Town Council for their approval and then jointly submitted to Wiltshire Council.

### 373/18 **Planning Principles:**

**a) Planning Principles alignment with Neighbourhood Plan Policies:** The members reviewed the Parish Council's Planning Principles and it was noted that the policies in the Neighbourhood Plan had been written following information gathered from public consultations and rigorous assessment by independent consultants. **Recommended:** *The Parish Council Planning Principles to be updated to be in accordance with the emerging Neighbourhood Plan policies.*

**b) Inclusion of Planning Principle regarding the planting of native trees to avoid the spread of Oak Processionary Moth:** A recent BBC television programme highlighted the issue of the Oak Processionary Moth (OPM) and the damage that this insect does to Oak trees. The programme stated that it is believed that this insect was first introduced into the UK by a developer who had imported trees for landscaping purposes. A Wiltshire Tree Warden and Wiltshire Wildlife Trust expert had given the following information and advice:

Oak processionary moth (OPM - *Thaumetopoea processionea*) was first accidentally introduced to parts of South East England in 2005. European Union legislation was introduced in 2014 that recognises unaffected areas of the UK as being a 'protected zone'.

#### Impact to trees:

OPM caterpillars can threaten the health of several species of oak trees (*Quercus* species) because they feed on the leaves. Large populations can defoliate, or strip bare, large parts of oak trees.

#### Impact to people and animals:

The caterpillars have thousands of tiny hairs which contain an irritating substance called thaumetopoein. Contact with the hairs can cause itching, skin rashes and, less commonly, sore throats, breathing difficulties and eye problems.

Best advice/practice is to where possible plant species of British native trees and shrubs that have local provenance.

Additional advice from the BBC programme was to ensure that any trees came from DEFRA registered nurseries. **Recommended 1:** *The Parish*

*Council adopt a new Planning Policy which states that developers should only use trees from UK nurseries with provenance and who are registered with DEFRA. 2. Wiltshire Council to be asked to also included this as a policy when reviewing the Local Plan.*

**c) National Cycle Network Design Principles:** It was noted that Sustrans (UK Sustainable Transport Charity) had published a set of National Cycle Network Design Principles. These set out the key elements that make the Network distinctive and that need to be considered during the design of new and improved routes forming part of the Network. There were nine principles:

- **1. Be traffic-free or quiet-way**
- **2. Be wide enough to comfortably accommodate all users**
- **3. Be designed to minimise maintenance**
- **4. Be signed clearly and consistently**
- **5. Have a smooth surface that is well drained**
- **6. Be fully accessible to all legitimate users**
- **7. Feel like a safe place to be**
- **8. Enable all users to cross roads safely and step-free**
- **9. Be attractive and interesting**

Members felt that these principles clearly articulated what they wished to see provided from new developments. **Recommended:** *The Parish Council adopt the National Cycle Network Design Principles as a Planning Principle.*

374/18 **S106 Agreements and Developer Meetings:**

**a) Ongoing and New S106 Agreements:** None.

**b) New S106 Queries:** None.

**c) S106 Decisions made under Delegated Powers:** None.

**d) Contact with developers:**

**i) Correspondence with Wiltshire Council & Taylor Wimpey – Re Trees on Pathfinder Way:** It was noted that several residents had contacted the Parish Council following the commencement of site clearance works for the Pathfinder Way site. The Officers had sought clarification from the Planning Officer with regard to which trees were permitted to be removed as part of the planning application. The landscaping masterplan showed that the works being carried out were in accordance with the approved works, but the Planning Officer advised that if the Parish Council had any concerns that any additional trees or hedgerows were being lost then to report this to the Council's enforcement team.

It was felt that to date Taylor Wimpey had been responsible developers, and had demonstrated this by contacting the Parish Council making enquiries about a memorial on one of the trees to be removed. They had asked if the Parish Council could put them in touch with the family, so that they could explain about the requirement to remove this tree and their proposal to plant a new one with a plaque in memory of the person who lost their life in a road traffic collision. It was noted that other developers had not shown this sensitivity when removing trees and hedgerows to accommodate their developments. **Recommended:** *The Parish Council send a thank you letter to Taylor Wimpey stating that they appreciate their sensitivity in the removal of this memorial tree.*

- ii) **Pathfinder Way Highways Work:** The Parish Council officers and Wiltshire Council Highway officers were equally frustrated over the lack of joined up thinking with regard to the Pathfinder Way highway's work about to commence as part of the Taylor Wimpey development. Eighteen months ago, when the Parish Council had pre-application meetings with Taylor Wimpey, they identified that Pathfinder Way was on the Wiltshire Council list for future highways work (*major maintenance*). At that point they contacted all the relevant parties suggesting that there was an opportunity for both sets of highways work to be done at the same time, with potential cost savings, especially with regard to traffic management, and with this route into Bowerhill only being affected for residents and businesses once. However, despite Taylor Wimpey indicating that they would be happy to have a conversation with Wiltshire Council about this, it would appear that this has not happened. There will be a site meeting being between the developer and Wiltshire Council representatives on Wednesday 16<sup>th</sup> January and the Wiltshire Council Highways Technician has invited a Parish Council representative to attend. The Clerk advised that she had written again to all the relevant stakeholders about this issue and she and Cllr. Baines would be attending this meeting to once again raise concerns about the lack of collegiate working on this project.
- Recommended:** *If the highways works are unable, at this late date, to be scheduled to be done together, Alistair Cunningham, Corporate Director Growth, Investment and Place, to be advised of this lack of collegiate working and the impact this will have on both future costs to Wiltshire Council and on residents and businesses from road works on two separate occasions.*
- iii) **Play Area Equipment on Pathfinder Way Development:** The Clerk advised that the indicative plans show the provision of wooden equipment in the play area. Previous experience had shown that wooden equipment rots and if the Parish Council intended to take on this play area they wished to ensure that this was made of laminated wood or an alternative material with a longer life span. The Clerk advised that she would query this when she met with the developers.
- iv) **Shurnhold Fields:** The Clerk advised that the legal documents transferring the land at Shurnhold Fields from Persimmon to the Parish Council had not been received. The Parish Council's solicitors were chasing this up with Persimmon as they hadn't formally completed.
- v) **Bellway Homes – Provision of Village Hall:** Officers had been chasing Bellway Homes for an answer over whether they intended to build the village hall being provided as part of the S106 Agreement. They had responded with the unfortunate news that they intended to opt to pay the £500,000 financial contribution towards the provision of a village hall rather than build it themselves. The S106 Agreement stipulates that they have to pay 25% of the contribution prior to the occupation of the 76<sup>th</sup> residential unit and the remaining 75% prior to the occupation of the 112<sup>th</sup> residential unit. Bellway Homes did advise however that they had costed up the project based upon the architect's indicative drawings that the Parish Council had previously considered. Whilst they were unable to give the Parish Council these costs, they did indicate that the project could be achieved within the £500,000 budget. If Bellway Homes had elected to construct the hall the S106 Agreement

required then to submit a planning application within 6 months of commencement of the development. However, now that they had elect to pay the contribution, the Parish Council did not have to meet these time sensitive obligations, and have 3 years to submit planning application. As the Parish Council may not receive any of the financial contribution towards this for some time, the Clerk advised that she had contacted the S106 & CIL officer at Wiltshire Council to ask if CIL funding can be used for professional services, for example for architect's fees or to engage a project manager, and she was looking into this.

The Clerk also advised that the temporary planning permission on the existing Berryfield Village Hall expires in September 2019. She did not think that this would pose a particular issue as this temporary permission has been renewed several times and it was now clear that there was a new replacement hall in the pipeline.

A discussion took place and members queried whether a public works loan could be taken out to speed up the construction of a hall to then be paid back once the developer contributions had been received. It was also queried whether Bellway Homes would consider building the hall as a sub-contractor whilst on site if the Parish Council engaged a project manager to undertake that aspect of the works. **Recommended 1:** *The Clerk to investigate with Bellway Homes if they would consider building the hall if the Parish Council engaged a project manager/architect to oversee this aspect of the works. 2. The Officers to investigate whether the £500,000 contribution towards the provision of the village hall is index linked.*

**vi) Public Art Contribution for Sandridge Place Development:** The Clerk advised that the Parish Council had met with the Wiltshire Council Art Officer and Barrett Homes and reviewed the artist's briefs for this development. They had shortlisted two artists from six submissions and agreed that the theme should be dairy to reflect the previous history of the land and to be constructed in timber with the ability for it to be climbed on as a piece of play equipment.

**vii) Date to meet Developers and Agents for the 450 dwellings – East of Melksham Extension:** The Clerk suggested a date of Tuesday 5<sup>th</sup> February at 12.00 noon to meet with Hallam Land. She advised that although the housing from this development would be in the parish, the community building being provided as part of this application will be built on land in the Town, and that she would therefore ask if a representative from the Town Council wished to attend this meeting.

Meeting closed at 8.11pm

Chairman, 11<sup>th</sup> February, 2019