

## Western Area Planning Committee

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 19 JANUARY 2022 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

#### **Present:**

Cllr Christopher Newbury (Chairman), Cllr Bill Parks (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Antonio Piazza, Cllr Pip Ridout and Cllr Suzanne Wickham

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#### 1 **Apologies**

Apologies for absence were received from Councillor Andrew Davis, who had arranged for Councillor Mike Sankey to attend as a substitute. Additionally, apologies were received from Councillor David Vigar.

#### 2 **Minutes of the Previous Meeting**

The minutes of the meeting held on 29 September 2021 were presented for consideration, and it was;

#### **Resolved:**

**To approve and sign as a true and correct record of the minutes of the meeting held on 29 September 2021.**

#### 3 **Declarations of Interest**

Councillor Bill Parks, Councillor Christopher Newbury, Councillor Pip Ridout declared that they had been lobbied on the application.

#### 4 **Chairman's Announcements**

The Chairman made those in attendance aware of the Covid regulations that were in place for the meeting.

#### 5 **Public Participation**

No questions had been received from councillors or members of the public.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

## 6 **Planning Appeals and Updates**

The update report on planning appeals was received from Development Management Team Leader, Kenny Green with details provided of appeals dating back to September 2021. The Committee was notified that since the agenda for the meeting on 19 January 2022 being published, two appeals in Bradford on Avon and at Cowards Farm at Brokerswood had been determined and were dismissed.

Kenny Green also informed the committee that two appeals relating to land at Stokes Marsh Lane, Coulston and land to the west of Jasmine House, Hilperton Road had been allowed; and in the case of the Coulston appeal, the appellant's application for costs against the Council had been successful defended and was dismissed.

Councillor Ernie Clark clarified that regarding the appeal relating to the land west of Jasmine House, Hilperton Road, was now part of Paxcroft having moved out of the Hilperton division following the ward boundary changes.

### **Resolved:**

**To note the Planning Appeals Update Report for 19 January 2022.**

## 7 **Planning Applications**

The Committee considered the following planning application:

### 8 **PL/2021/08361 - 72 High Street, Heytesbury, Warminster**

#### **Public Participation**

Niki Wagstaff spoke in objection of the application.

Zoe Wilkinson spoke in support of the application.

Christina Stewart spoke in support of the application.

David Bond spoke on behalf of Heytesbury, Knook and Imber Parish Council.

Senior Planning Officer, Steven Sims, presented the report which outlined the key planning considerations pertaining to the proposed change of use of an existing annex to a standalone residential dwelling (Use Class C3).

Details were provided of the site and issues raised by the proposals, including the principle of development, impact on heritage assets, impact on the amenity of neighbouring residents, and highway, parking and drainage issues.

Members of the Committee had the opportunity to ask technical questions regarding the application with members querying the size of the garage and whether it complied with the Council's adopted standards to count towards being a recognised vehicular parking space.

In response the planning officer clarified that the existing integral garage was smaller than the current adopted standards. The committee was advised that in

2016 when the annexe was granted planning permission, the integral garage was not identified as being necessary for car parking purposes on the basis that there was adequate external parking space at the front of the annexe for three motor vehicles and at the front of No.72 High Street. The garage space could nevertheless still be used for the storing and parking of small cars or motor bikes as an additional provision.

Members sought additional clarification over the existing parking requirements for the host property and questioned the officer on the number of bedrooms within No.72 High Street, and in addition, asked the officer if the integral garage within the annexe could be converted to habitable rooms.

In response, the officer confirmed that the garage could be modified to be used as additional ancillary accommodation and understood that the host property at No.72 High Street had 4 bedrooms as set out within the committee report.

Following further questions relating to the Council's car parking standards and the potential future internal changes to the annexe, Kenny Green reminded members that the annexe benefitted from extant planning permission and that the Council had approved the existing car parking provision and advised that it would not be reasonable to reconsider the car parking needs for the existing dwelling and the annexe.

Members were also advised that the car parking standards should be considered alongside a full appreciation of the on-site parking provision, any available unrestricted parking opportunities along the highway and that any application being considered for potential refusal on highway grounds must be tested against NPPF paragraph 111 which would require the decision maker to evidence that the proposal would result in unacceptable impacts on highway safety, or that the residual cumulative impacts on the road network would be severe.

The committee was reminded by officers that the application proposal would not result in any additional parking requirements and acknowledged that any additional displaced parking would not result in unacceptable impacts on highway safety or lead to severe residual cumulative harm. Members were also reminded that the Council's highway authority raised no objection to this application.

In response to public representations alleging that this was a retrospective application, the case officer advised members the proposal was not a retrospective application; and having visited the site recently, the committee was advised that the annex was currently used by the applicant's family.

Members raised concern about the amount of land provided for parking space at the front of the annexe off Mill Street, and questioned whether three cars could park side by side, with bins being identified as a potential obstruction. In response, Kenny Green advised members that such obstruction would only likely be temporary on bin collection days and it would be self-defeating action by the applicant and users of the subject property; and if it resulted in

insufficient space for car parking – causing car(s) to be displaced, members were advised that any displaced cars would have to park legally elsewhere, and with there being unrestricted parking provision available along the High Street, such concerns would not be reasonable grounds to refuse planning permission.

Members then queried whether it would be possible to condition the subject property to remain as a one-bedroom dwelling if it was to be approved. In response, officers advised that such a condition would need to be fully justified, and based on the information available at the committee meeting, members were advised that a substantive reason was not clear.

The previous planning condition placed on the original planning permission to create the annexe with integral garage to prevent it being used as a standalone dwelling was discussed. In response, the planning officer openly acknowledged that the wording of the condition and the reason was considered weak in planning terms. Clarity was also sought in terms of what was meant by the change in circumstances as advanced by the applicant, to which the planning officer responded by saying he understood that the circumstances of the applicant had now changed and therefore wanted the annex to be used as a separate dwelling, which in policy terms was considered acceptable for the reasons explained within the report.

Members of the public then had the opportunity to present their views to the Committee as detailed above.

The Local Unitary Member, Councillor Christopher Newbury, then spoke regarding the application. Key points included that this application was brought before the Committee for the purpose of transparency, to enable both the Parish Council and Applicant to hear and engage in the material considerations. Councillor Newbury voiced concern about the potential for the integral annex to be converted to another bedroom, and thus create a two-bedroom dwelling and moved that had a separate dwelling been applied for in 2016, it would have been considered somewhat differently, and would have ensured that any issues with parking had been dealt with; and securing the appropriate car parking provision. Councillor Newbury also brought the committee's attention to the narrow nature of Mill Street, with it being a single carriageway with no available on-street parking.

At the start of the debate a motion to move and accept the officer's recommendation was put forward by Councillor Trevor Carbin which was seconded by Councillor Stewart Palmen. Prior to the vote, Councillor Christopher Newbury invited Cllr Carbin to consider an amendment to the motion, to include a condition restricting the subject property to one-bedroom dwelling, which was not accepted by Councillor Carbin.

When put to the vote, the motion fell on a 3:6 majority, with one abstention.

Consequently, a motion to defer the application until after a committee site visit was put forward by Councillor Ernie Clark which was seconded by Councillor Newbury. An amendment to the motion from Councillor Suzanne Wickham to

request officers to secure further clarification of the number of bedrooms in both No.72 and the annexe and report this back to committee – which was an accepted amendment.

During the subsequent debate the 5-year housing land supply shortfall was discussed and whilst the present annex would not form part of the any existing housing provision, the committee was advised that if the application to create a 1-bed dwelling was approved, it would count towards addressing the housing supply deficit and provide entry level housing and meet local housing need.

In response, Cllr Mike Sankey informed the committee that he had attended a recent Children’s Select Committee meeting, and that there had been an agenda item regarding housing need and that there was a gap in the housing market for care leavers, and that he considered this application would potentially meet unfulfilled local need. Having searched online, Councillor Sankey also advised the committee that he was not able to find any one-bedroom properties for sale or rent in Heytesbury, and that the nearest available premises were in Warminster.

At the conclusion of the debate, it was,

**Resolved:**

**That the application be deferred in order for the committee to conduct a site visit and to request that officers obtain and provide clarification regarding the number of bedrooms within No.72 High Street (the main dwelling) and the existing annexe of the subject property). It was also agreed that the site visit would take place on 16 February 2022, before the next Committee Meeting.**

9 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00pm – 4.25pm)

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