

## Western Area Planning Committee

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 10 MAY 2023 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 Andrew Davis, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Jonathon Seed, Cllr David Vigar, Cllr Suzanne Wickham and Cllr Mike Sankey (Substitute)

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#### 18 **Apologies**

Apologies for absence were received from Councillor Pip Ridout, who was substituted by Councillor Mike Sankey.

#### 19 **Minutes of the Previous Meeting**

The minutes of the previous meeting held on 12 April 2023 were considered. Following which, it was:

#### **Resolved:**

**To approve and sign the minutes of the previous meeting held on 12 April 2023 as a true and correct record.**

#### 20 **Declarations of Interest**

There were no declarations of interest.

#### 21 **Chairman's Announcements**

The Chairman announced that upon the receipt of further late comments on the application, the applicant had made the decision to withdraw application PL/2022/09808, in order to review the information received. Therefore, the Committee would not be making a decision regarding Agenda Item 8.

#### 22 **Public Participation**

The Chairman explained the rules of public participation and the procedure to be followed at the meeting.

There were no questions or statements submitted.

23 **Planning Appeals and Updates**

The Chairman invited Kenny Green, Development Management Team Leader, to update the Committee on the pending and determined appeals as per the appeals report included within the Agenda Pack.

Following which, it was:

**Resolved:**

**To note the appeals report for the period 31 March 2023 to 27 April 2023.**

24 **PL/2022/02749: Land at Semington Road, Melksham, Wiltshire**

**Public Participation**

Kenneth Graham, local resident, spoke in objection to the application.

Cecilia Hughes, agent, spoke in support of the application.

Cllr Richard Wood, Melksham Without Parish Council, spoke in support of the application.

Steven Sims, Senior Conservation and Planning Officer, introduced the report which recommended that reserved matters approval be granted for the development comprising of the erection of 144 dwellings with informal and formal open space, associated landscaping, and vehicular and pedestrian accesses off Semington Road. Key issues included: the principle of the development and highways issues.

In response to technical questions asked by the Committee, officers explained that the application hadn't reached the 200-dwelling threshold to be considered by the Strategic Planning Committee. The Committee were informed that the application had been revised following officer/developer negotiations that resulted in a materially different housing mix, which officers now supported. Clarification was also given regarding the fencing along the southern boundary of the application site, to prevent public access. It was further confirmed that Shails Lane was a private road, and that Wessex Water would have exclusive access and control of the gate to access utilities and for maintenance purposes.

There were queries raised on relevant planning policies, and the terms of the reserved matters application, and about the secured Section 106 obligations relating to contributing to the cost of supporting the healthcare provision for the Melksham and Bradford-on-Avon Primary Care Network.

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

A debate on the application followed, Councillor Jonathon Seed, seconded by Councillor Trevor Carbin, moved that the officer's recommendations be approved, subject to additional informatives relating to securing a variation of the Section 106 pursuant to a different off-site highway improvement project, to clarify the security hoarding to prevent vehicular use of Shails Lane, and to

encourage enhanced pedestrian connections and additional informal areas of play.

The wording of the proposed additional conditions and informatives were then debated to promote positive working with the developers and other relevant parties, particularly regarding the nearby toucan crossing. The Committee discussed in detail the use of a management company to be responsible for the maintenance of the development and noted that the Parish Council had not been consulted upon whether it would have been willing to take on the management instead.

At the conclusion of the discussion, it was then:

**Resolved:**

**The Committee granted reserved matters approval subject to the following conditions and informatives:**

**Conditions**

**1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:**

**P21-3414\_03D ILLUSTRATIVE STREETSCENES  
P21-3414\_06H SITE LOCATION PLAN  
P21-3414\_07G MATERIALS PLAN  
P21-3414\_08G EXTERNAL WORKS  
P21-3414\_09E AFFORDABLE HOUSING  
P21-3414\_10E BUILDING HEIGHTS  
P21-3414\_11E REFUSE STRATEGY  
P21-3414\_12F PARKING STRATEGY  
P21-3414\_13F HOUSEPACK  
P21-3414\_14G ADOPTION & MANAGEMENT  
P21-3414\_15S SITE LAYOUT  
P21-3414\_16A ENCLOSURE DETAILS  
P21-3414\_19C BAT AND SWIFT BRICKS LOCATION PLAN  
P21-3414\_20 ENTRANCE WALL  
P21-3414-PEG-XX-XX-DR-C-001 – Drainage Strategy – Sheet 1 – R06  
P21-3414-PEG-XX-XX-DR-C-002 – Drainage Strategy – Sheet 2 – R06  
P21-3414-PEG-XX-XX-DR-C-003 – Drainage Strategy – Sheet 3 – R06  
P21-3414-PEG-XX-XX-DR-C-010 – Levels Strategy – Sheet 1 – R07  
P21-3414-PEG-XX-XX-DR-C-011 – Levels Strategy – Sheet 2 – R07  
P21-3414-PEG-XX-XX-DR-C-012 – Levels Strategy – Sheet 3 – R07  
P21-3414-PEG-XX-XX-DR-C-020 – Fire Tender Tracking – Sheet 1 – R02  
P21-3414-PEG-XX-XX-DR-C-021 – Fire Tender Tracking – Sheet 2 – R02  
P21-3414-PEG-XX-XX-DR-C-022 – Fire Tender Tracking – Sheet 3 – R03  
P21-3414-PEG-XX-XX-DR-C-023 – Fire Tender Tracking – Sheet 4 –**

**R02**

**P21-3414-PEG-XX-XX-DR-C-025 – Refuse Tracking – Sheet 1 – R02**

**P21-3414-PEG-XX-XX-DR-C-026 – Refuse Tracking – Sheet 2 – R03**

**P21-3414-PEG-XX-XX-DR-C-027 – Refuse Tracking – Sheet 3 – R02**

**P21-3414-PEG-XX-XX-DR-C-030 – Visibility Splays Junctions – R03**

**P21-3414-PEG-XX-XX-DR-C-035 – Bend Visibility Splay – R02**

**P21-3414-PEG-XX-XX-DR-C-040 – Access General Arrangement – R01**

**GL1768 01G Detailed Landscape Proposals (Sheet 1 of 5)**

**GL1768 02H Detailed Landscape Proposals (Sheet 2 of 5)**

**GL1768 03G Detailed Landscape Proposals (Sheet 3 of 5)**

**GL1768 04G Detailed Landscape Proposals (Sheet 4 of 5)**

**GL1768 05G Detailed Landscape Proposals (Sheet 5 of 5)**

**GL1768 06C Play Proposals**

**Flood Risk Assessment & Surface Water Drainage Strategy by Pegasus Planning Group Ltd dated February 2023**

**REASON: For the avoidance of doubt and in the interests of proper planning.**

**2. The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.**

**REASON: To ensure that the development is served by an adequate means of access.**

**3. No dwelling shall be occupied until the parking spaces together with the access thereto for that dwelling, have been provided in accordance with the approved plans.**

**REASON: In the interests of highway safety and the amenity of future occupants**

**4. Where plots 1 - 6 (detailed on site layout plan number P21-3414\_15S) have frontage or side elevations to the road, no vegetation shall be allowed to grow above 600mm above carriageway level, over the frontage or side elevations (as appropriate) of the dwelling, within a 1-metre-wide strip parallel and adjacent to the adjacent footway edge.**

**REASON: In the interests of highway safety.**

**5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roof slopes of the**

**dwelling hereby permitted.**

**REASON:** In the interests of residential amenity and privacy and to protect the character of the built environment.

**6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the garages hereby permitted shall not be converted to habitable accommodation.**

**REASON:** To secure the retention of adequate parking provision, in the interests of highway safety.

**7. Before the plots hereby permitted and listed below are first occupied, the windows in the elevations as detailed shall be glazed with obscure glass only [to an obscurity level of no less than level 4] and the windows shall thereafter, be maintained with obscure glazing in perpetuity:**

- **First floor west elevation side window to bathroom plot 45**
- **First floor south facing window to plot 22**
- **First floor west elevation windows plot 20**
- **First floor south elevation window to plot 108**
- **First floor east facing window to plot 109**

**REASON:** In the interests of residential amenity and privacy.

**8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the west elevation of plot 1 above ground floor ceiling level of the development hereby permitted.**

**REASON:** In the interests of residential amenity and privacy.

**9. All soft landscaping comprised in the approved details of landscaping for each plot shall be carried out in the first planting and seeding season following the first occupation of the dwelling on the plot. All hard landscaping comprised in the approved details of landscaping for each plot shall be carried out prior to the first occupation of the dwelling on the plot.**

**All soft landscaping comprised in the approved details of landscaping for the areas of open space and structural tree planting shall be carried out in the first planting and seeding season following the first occupation of the any dwelling or in accordance with a timetable to be submitted to and agreed in writing with the Local Planning Authority.**

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

10. The acoustic fence hereby approved (as detailed on plan 'External Works' drg no. P21-3414\_08 Rev G) shall be erected prior to the first occupation of plots 81 to 96.

The approved fencing shall be maintained in accordance with the approved details at all times thereafter.

**REASON:** In the interests of residential amenity.

11. Notwithstanding the submitted plans and prior to the first occupation of the development hereby approved details of the proposed gate (to be no lower than 2 metres in height) to the Shails Road/sewage works access shall be submitted to and approved in writing by the Local Planning Authority.

**REASON:** In the interest of pedestrian and highway safety.

### Informatives

Your attention is drawn to the conditions and Section 106 Legal Agreement imposed on the outline planning permission reference 20/01938/OUT, dated 10th September 2021.

**Flood Risk Activity Permit - Under the Environmental Permitting (England and Wales) Regulations 2010 permission from the Environment Agency may be required should any site/site infrastructure works take place in, under, over or within 8 metres of the bank top of a designated main river. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity. Please contact**

**[Blandford.frap@environment-agency.gov.uk](mailto:Blandford.frap@environment-agency.gov.uk) with details of permitted works and include the planning application reference. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activitiesenvironmentalpermits>.**

The following relevant comments have been received from Wessex:

**Water – The applicant will need to agree protection arrangements for the existing 200mm and 225mm diameter rising main, and the 300mm and**

**400mm public foul sewers which crosses the site (3m easement either side). Also, the 12” distribution main (5m easement either side). Any damage to our apparatus by third parties will result in a compensation claim.**

**Water Infrastructure – For 144 dwellings a minimum 125mm size for size connection is required. This is available from the 12” spun iron main which runs through the site boundary near to the site entrance. A secondary connection can be made to the 8” cast iron main running along Semington Road and is recommended to provide operational flexibility with the appropriate cross connections between the existing mains and proposed site mains as required.**

**The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place.**

**Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England’s website for further information on protected species.**

**Condition 17 of Outline Application 20/01938/OUT set out the requirement for the erection and maintenance of security hoarding; and for the avoidance of doubt, such hoarding shall be erected to prevent any vehicular construction usage of the private road known as Shails Lane.**

**Notwithstanding the submitted detail, the developer shall use all best endeavours to support Melksham Without Parish Council (or other parties) in the delivery of a future footbridge crossing over the brook to the north of the application site to link the development site with the ‘Village Hall’. This informative is based on the commitment expressed by the applicant to enter into a separate agreement with Melksham Without Parish Council if required to bring about the enhanced pedestrian connections, most of which extend beyond the site parameters.**

**The developer is encouraged to enter into further discussions with officers pursuant to providing an additional informal area of play within the proposed approved public open space.**

**The developer is encouraged to enter into a s106 deed of variation without delay to secure the repurposing of £200,000 for alternative off-site highway and pedestrian connection improvement works to improve connectivity between the development site, the town centre to the north and education facilities to the east, inclusive of Local Cycling Walking Infrastructure Plan routes, and measures to enhance the use of the**

**pedestrian route on the eastern side of the roundabout between Old Semington Road and Melksham.**

25 **PL/2022/09808: Land South of 92 High Street, Chapmanslade, BA13 4AN**

As detailed under Chairman's Announcements, the application was withdrawn by the applicant prior to the meeting.

26 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.45 pm)

The Officer who has produced these minutes is Ellen Ghey of Democratic Services, direct line 01225 718259, e-mail [ellen.ghey@wiltshire.gov.uk](mailto:ellen.ghey@wiltshire.gov.uk)

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