

Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 17 FEBRUARY 2021 ONLINE .

Present:

Cllr Christopher Newbury (Chairman), Cllr Jonathon Seed (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Peter Fuller, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Pip Ridout and Cllr Suzanne Wickham

Also Present:

Cllr Jon Hubbard

8 **Apologies**

There were no apologies for absence.

9 **Minutes of the Previous Meeting**

The minutes of the meeting held on 20 January 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 20 January 2021.

10 **Declarations of Interest**

There were no declarations of interest.

11 **Chairman's Announcements**

There were no Chairman's Announcements.

12 **Public Participation**

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

13 **Planning Appeals and Updates**

The update report on planning appeals was received, with details provided in relation to the appeals for Land North of St George's Road, Semington; Seymour Road, Trowbridge; Land Adjacent 2a Clivey, Dilton Marsh; Beckerley Farm, Holt; The Old Mill Annexe 33C Market Street, Bradford on Avon; Former Nursery Northleigh, Bradford on Avon.

Resolved:

To note the Planning Appeals Update Report for 17 February 2021.

14 **Planning Applications**

The Committee considered the following applications:

14a 20/10572/FUL: Land Adjoining No.39 Craybourne Road, Melksham, SN12 7DJ

The Planning Officer, Verity Giles-Franklin, presented a report which recommended that planning permission for the proposed detached 4-bed dwelling should be granted subjected to conditions.

Key issues included the principle of development, the impacts the development would have on the character of the area, as well as the impacts on neighbouring amenity for both existing and future occupiers, and highway safety.

Members of the Committee had the opportunity to ask technical details regarding the application. Details were sought about the scale and size of the proposed application, specifically the size of the fourth bedroom in the proposal.

No members of the public had registered an interest to present their views to the community however members were advised by the case officer that a late public representation had been received, although it did not raise any new additional points that were not covered within the report.

The neighbouring Unitary Division member, Councillor Jon Hubbard was invited to speak to the application, who recalled the town council meeting when the application had been discussed which led to the town council raising the concerns, as reported.

A motion was moved by Councillor Ernie Clark, seconded by Councillor Jonathon Seed, to approve the application in accordance with the officer's recommendation.

A short debate followed, with some members expressing that the application would not be out of keeping or constitute as overdevelopment of the plot.

At the conclusion of debate, it was,

Resolved:

That application 20/10572/FUL be approved as per the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. 188/101, Site Location Plan, Existing Block/Roof Plan, Proposed Block/Roof Plan, Proposed Floor Plans, Proposed Elevations and Material Details, as received on 27 November 2020

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

3. 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 north-west or south-east (side) elevations above ground floor ceiling level of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

4. No development above ground floor slab level shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

5. No development above ground floor slab level shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include: -

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- means of enclosure including details and elevations of the fence bordering MELK14
- car park layouts;
- other vehicle and pedestrian access and circulation areas; and
- all hard and soft surfacing materials.

REASON: In order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

6. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; 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, within a period of five years, 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

7. The dwelling hereby approved shall not be occupied until the telegraph pole at the site frontage has been relocated to enable unrestricted vehicular access to the car parking spaces for the new dwelling as shown on approved plan drawing no. 188/101 and for this car parking area to be consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

INFORMATIVES TO APPLICANT:

1. The applicant is advised that the development hereby approved represents chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please

submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website:

<https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>

2. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

3. The application may involve the need for a new dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on: vehicleaccess@wiltshire.gov.uk and/or 01225 713352.

4. The relocation of the telegraph pole and street name signage would require the relevant prior consent of the appropriate utilities' undertaker and the Council.

14b 20/04400/FUL: 16 Conway Crescent, Melksham SN12 6BD

Public Participation

Richard Harlow, agent, spoke in support of the application.

The Planning Officer, Yancy Sun, presented a report which recommended that the retrospective application for the erection of an annex (to be used as ancillary accommodation) be approved subjected to conditions.

Key issues included the principle of the development, impact on neighbour amenity, impact on visual amenity, drainage and flooding as well as environmental impact.

Members of the Committee had the opportunity to ask technical details regarding the application. Details were sought on whether temporary permission would be appropriate for the application and whether there would be any fire implications if cooking was allowed to take place in the annex. Additional details were sought on drainage and whether there were regulations in place to prevent the annex being sub-let.

It was clarified that planning officers did not consider that a temporary permission would be appropriate for this case, and planning conditions were recommended to address the building regulation outstanding matters.

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

The local Unitary Member, Councillor Jon Hubbard, then spoke in objection to the application. Additionally, Councillor Jon Hubbard read out a statement on behalf of a neighbour to the application.

A debate followed where it was noted that as this was a retrospective application, and it had to be assessed on its own merits. Additionally, members enquired whether condition 2 could be strengthened. Furthermore, the difficulty of enforcing the use of the annex by family members was noted.

A motion was moved by Councillor Jonathon Seed, seconded by Councillor Trevor Carbin, to approve the application in accordance with the officer's recommendation, with condition 2 being revised to include a more detailed note to the applicant to secure the necessary building regulation requirements pursuant to fire and public safety, as well as surface water drainage.

At the conclusion of debate, it was,

Resolved:

That application 20/04400/FUL be approved as per the following conditions:

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

AH2019/60, Sheet 1 of 1, Received 3 September 2020

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

2. Within three months of the date of this permission, written confirmation shall be provided to the local planning authority to evidence the annex having the appropriate connections to the surface water drainage sewer, or to a suitable alternative system.

REASON: To annex requires building warrant approval which shall confirm the most appropriate surface water disposal option to ensure that the development is provided with a permanent satisfactory means of drainage as well as conformity with the necessary and relevant building regulations.

NOTE: In discharging the above condition, the LPA is mindful that there are private surface water sewers in the locality, and should the applicant seek to make and maintain such a connection to a private sewer, in

applying to discharge this condition, evidence of the third party agreement(s) should be provided along with the requisite location plan and technical detail submissions that would be subject to a liaison with the Council's Building Control team, Wessex Water and the Council's drainage team (where appropriate). Off-site connections are understood to require third-party agreements and the applicant should not delay in terms of seeking to secure these.

3. The ancillary annex accommodation hereby approved shall only enure for the benefit of the owner/occupiers of the host dwelling at No.16 Conway Crescent and it shall only be used for purposes ancillary to the residential use of the main dwelling, and shall remain solely within the same planning unit as the main dwelling and not be sold or let as a separate unit of accommodation.

REASON: To define the terms of this planning permission and in the interests of good planning.

4. 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 garages, sheds, greenhouses or any other ancillary domestic outbuildings shall be erected within the curtilage of the host dwelling unless approved under a separate planning application.

REASON: The Council is mindful of the extant nature of application 19/05319/FUL and in combination with this annex, it is considered necessary to remove any residual Permitted Development rights for any additional outbuildings in order to safeguard the character and appearance of the area.

Planning Informatives

Pursuant to condition 3, the applicant is advised that this application is approved on the basis that it has and maintains a direct, functional and dependant relationship with the main dwelling.

The applicant is advised that the development requires a retrospective building warrant, to include surface water drainage connections.

15 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3:00 pm – 4:35 pm)

The Officer who has produced these minutes is Ben Fielding of Democratic Services, direct line 01225 718656, e-mail Benjamin.fielding@wiltshire.gov.uk

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