

# WEST WILTSHIRE DISTRICT COUNCIL

## MINUTES

Minutes of the: **PLANNING COMMITTEE**

Held on: **THURSDAY 31 JULY 2008**

Held in: **THE COUNCIL CHAMBER, COUNCIL OFFICES,  
BRADLEY ROAD, TROWBRIDGE**

Councillors: Cllrs Denison-Pender (Chairman), Alford, Binding, Bolwell, Burden, Clark, Fortescue, Halik, March, Martindale, Mounde, Newbury, Parks, Phillips OBE and Repton

Also Present Cllr Swabey (part)

Officers: Development Control Service Manager (DH), Principal Planning Officer (RM), Senior Planning Officer (KG), and Member Support Officer (PD).

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In the absence of the Chairman, Cllr Fuller, Cllr Denison-Pender was in the Chair.

### **86. APOLOGIES**

Apologies for absence were received from Cllrs Carbin, Fuller and Griffiths

### **87. DECLARATIONS OF INTEREST**

<b>Application Item</b>	<b>Cllr / Officer</b>	<b>Reason</b>
Agenda Item 6 - Request To Discharge A Section 106 Agreement Dated 6 February 2004 In Respect Of Facilities At The District Centre, Paxcroft Mead	Cllr Clark	Personal Interest - Chaired several meetings of Hilperton Parish Council when this application was debated, and will consider with an open mind.

08/01724/FUL - 11 Helps Well Road Hilperton	Cllr Clark	Personal Interest - Chaired the meeting of Hilperton Parish Council when this application was debated, and will consider with an open mind.
08/01531/LBC - Land South Of Pleasure Grounds St Margarets Street Bradford On Avon	Cllrs Bolwell, Martindale and Repton	Prejudicial Interest – Members of Bradford on Avon Town Council
08/01140/FUL - 6 Ash Drive North Bradley	Cllr Phillips OBE	Personal interest – North Bradley Parish Council Member.

## **88. MINUTES**

The minutes of the meeting held on 5 June and 10 July 2008 were approved and signed as a correct record by the Chairman.

## **89. ANNOUNCEMENTS FROM THE CHAIRMAN**

The Committee agreed with the Chairman's recommendation that applications 10 and 11 regarding 08/00514/FUL Wisteria Cottage, 81 Main Street, Keevil would be deferred to the next meeting as per the late list.

## **90. OPEN FORUM**

There were no open forum speakers

For all other open forum presentations in respect of planning applications please refer to minute number 92.

## **91. REQUEST TO DISCHARGE A SECTION 106 AGREEMENT DATED 6 FEBRUARY 2004 IN RESPECT OF FACILITIES AT THE DISTRICT CENTRE, PAXCROFT MEAD, TROWBRIDGE**

The Development Control Service Manager presented the report which asked the committee to agree a formal request from Marston Inns and Taverns to discharge a section 106 agreement in respect of facilities at the district centre at Paxcroft Mead.

Councillor Clark said that he felt that there had not been enough attempts made to attract a medical practice to the district centre and that the Sustainable Communities team should work with the applicants to try find interested parties with a view to establishing a medical centre.

### **RESOLVED:**

- a. To decline the request to discharge the section 106 agreement, as the committee still considers that the owners of the site have not used all reasonable endeavours to procure the establishment of a medical practice as required by clauses 5.2 and 5.3 of the agreement made on 6 February 2004.
- b. That the Sustainable Communities team of this Authority work with the applicants, the site owner and any other interested parties with a view to establishing a medical centre.

**Recorded Vote:** Members requested that the votes be recorded:

Cllrs Alford, Bolwell, Clark, Fortescue, Halik, Martindale, Newbury, Parks, and Repton voted in favour of the motion.

Cllrs Denison-Pender, March, and Mounde voted against the motion.

Cllr Phillips OBE abstained.

For – 9, Against – 3 and Abstentions -1

Therefore the motion was carried.

## 92. PLANNING APPLICATIONS

Open Forum speakers:

08/00633/FUL - 356 Frome Road Trowbridge	Mr Mark Willis
07/03870/FUL – Land Adjacent West Wiltshire Crematorium Littleton Semington	Mr Simon Bees Mr Paul Bowyer Mr Francis Dubbyn Rev. Roger Redding Mr Brian Smyth Ms Mary Ward Ms Sally Woodbury Mr Ian Yates
08/01638/FUL - Land At Mayflower New Road Codford	Mrs Rosemary Wyeth Mrs Karen Johnstone Mrs Margaret Collins
08/01665/FUL – Land At Lower Westbury Road Bratton	Ms Maggie Smith-Bendall Mr Frank Brine Mr Stephen Lloyd
08/01546/FUL - 13 Bridge Avenue Trowbridge	Mr Bill Lowe
08/01140/FUL - 6 Ash Drive North Bradley	Mr Tony Williams
08/01724/FUL - 11 Helps Well Road Hilperton	Mr James McCartney

### **Application No. 1 – 08/00633/FUL - 356 Frome Road Trowbridge**

Officers recommended the above application for refusal, however the Committee resolved to permit the application with the following conditions:

1. No further development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

2. No further development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, design, materials and type of boundary treatment to be erected between the rear of the dwellings and the adjoining agricultural land. The boundary treatment shall be completed before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the appearance of the development is satisfactory.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

3. The development hereby permitted shall not be occupied until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U2.

Justification: The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

### **Application No. 2 - 07/03870/FUL – Land Adjacent West Wiltshire Crematorium Littleton Semington**

Permission as recommendation.

### **Application No. 3 – 08/01638/FUL - Land At Mayflower New Road Codford**

Permission with the conditions as on the Late List:

Justification: The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

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

REASON: In accordance with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been

submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the development harmonises with its setting.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C31A.

3. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. This shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

REASON: To provide a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: To provide a satisfactory landscaped setting for the development.

POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

5. Before development begins, detailed drawings of the proposed access indicating a near level platform not exceeding 1 in 15 over the first 5 metres, measured from the edge of carriageway, 5.5 metres wide access for a distance of at least 7 metres from the edge of carriageway and a splayed access apron, measured 3m x 3m from the edge of the widened access to meet the carriageway edge, shall be submitted for the further approval of the Local Planning Authority; and the access shall be constructed in accordance with the approved details before the first use of the development.

REASON: In the interests of highway safety.

6. Before the development is brought into use, the area between the nearside carriageway edge and a line drawn 2.4m parallel thereto over the entire frontage shall be cleared of any obstruction to visibility at and above a height of 1 metre above the nearside carriageway level and thereafter maintained free of obstruction at all times.

REASON: In the interests of highway safety.

7. Before the development is brought into use, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

8. Before the development is brought into use, provision shall be made for the disposal of surface water so as to prevent its discharge onto the highway, in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety."

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the building is first occupied.

REASON: To ensure the appearance of the development is satisfactory.  
POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy C32.

10. Prior to the premises being brought into use, a scheme providing for the adequate storage of refuse, including all veterinary waste, shall be submitted to and approved by the Local Planning Authority. The scheme shall then be carried out in accordance with the approved details, prior to the commencement of use, and shall be maintained at all times.

REASON: In the interests of public health.  
POLICY: West Wiltshire District Plan - 1st Alteration 2004 Policy C38.

11. The development hereby permitted shall not be occupied until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained.  
POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U2.

12. No development hereby permitted shall be commenced until a scheme for the provision of foul drainage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details before the development hereby permitted is first occupied.

REASON: To prevent pollution of the water environment.  
POLICY: West Wiltshire District Plan - 1st Alteration 2004 - Policy U1A...

13. The demolition of the existing buildings, and mitigation measures thereafter, shall be carried out strictly in accordance with the recommendations contained within the Protected Wildlife Survey prepared by Country Contracts dated May 2008 and submitted with the application.

REASON: In the interests of natural species which have statutory protection.

14. The premises shall be used only as a veterinary surgery and for no other purpose.

REASON: In order to define the terms of this permission.

Informative:

Consent to Discharge is required from the Environment under the terms of the Water Resources Act 1991 for any proposed sewage or trade effluent discharge to a watercourse or other controlled waters, and may be required for discharge to a soakaway. (Controlled waters include rivers, streams, groundwater, reservoirs, estuaries and coastal waters). This process can take up to 4 months to complete and no guarantee can be given regarding the eventual outcome of an application until all the investigations associated with the determination have been completed and an evaluation of the proposal has been made. Application forms can be obtained by contacting the Environment Agency National Permitting Support Centre on 08708 506506.

#### **Application No.4 – 08/01665/FUL – Land At Lower Westbury Road Bratton**

Permission as recommendation BUT condition 3 to be revised as a personal condition:

3. The occupation of the site shall be limited to the named applicant and his immediate family only. When the development hereby permitted ceases to be occupied by the named applicant or members of his immediate family no further residential occupation of the development shall take place. The mobile home, utility block and touring caravan and anything brought on to the land in connection with its residential occupation shall then be removed from the site and the land restored to agricultural use within one month.

REASON: Because this permission is only granted having regard to the particular circumstances of need advanced in support of the development for the named applicants.

POLICY: West Wiltshire District Plan - 1st Alteration (2004) Policy CF12 and Wiltshire Structure Plan 2016 Policy DP16.

**Recorded Vote:** Members requested that the votes be recorded:

For - 6 Against – 5 and Abstentions - 3

Cllrs Denison Pender and Newbury requested that their absentions be noted.

#### **Application No.5 – 08/01531/LBC Land South Of Pleasure Grounds St Margarets Street Bradford On Avon**

Officers recommended the above application for refusal, however the Committee resolved to give consent to the application with the following condition:

The works hereby authorised shall begin not later than three years from the date of this consent.

REASON: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning & Compulsory Purchase Act 2004.

Justification: There would be no harm to the character or setting of any listed building.

#### **Application No. 6 – 08/01546/FUL 13 Bridge Avenue Trowbridge**

Permission as recommendation

#### **Application No. 7 – 08/01385/FUL 1 - 12 Weirside Court Edington**

Permission as recommendation

#### **Application No. 8 – 08/01140/FUL 6 Ash Drive North Bradley**

Officers recommended the above application for permission, however the Committee resolved to refuse the application for the following reasons:

1. The proposed extensions, which would add a first floor to this single storey dwelling, would be detrimental to the character and appearance of the area contrary to Policy C31a of the West Wiltshire District Plan 1<sup>st</sup> Alteration 2004.
2. The proposed extensions, which would add a first floor to this single storey dwelling, would be detrimental to amenities currently enjoyed by the occupiers of nearby dwellings by reason of loss of privacy from overlooking and loss of natural light, contrary to Policy C38 of the West Wiltshire District Plan 1<sup>st</sup> Alteration 2004.

**Application No. 9 – 08/01493/FUL 9 Salter Close Trowbridge**

Permission as recommendation

**Application No. 10 – 08/00514/FUL Wisteria Cottage 81 Main Street Keevil**

Deferred to next meeting

**Application No. 11 – 08/00515/LBC Wisteria Cottage 81 Main Street Keevil**

Deferred to next meeting

**Application No. 12 – 08/01724/FUL 11 Helps Well Road Hilperton**

Permission as recommendation

**Member Attendance**

Cllr Bolwell left the meeting during the officer presentation of 08/01638/FUL - Land at Mayflower New Road Codford and returned during the open forum of the same.

Cllr Alford left the meeting at the start of 08/01665/FUL – Land at Lower Westbury Road Bratton and did not return.

Cllr Newbury left the meeting at the start of 08/01665/FUL – Land At Lower Westbury Road Bratton and returned during the debate of the same.

Cllr Bolwell left the meeting at the start of 08/01531/LBC - Land South Of Pleasure Grounds, St Margarets Street, Bradford On Avon and returned at the start of 08/01546/FUL 13 Bridge Avenue Trowbridge

Cllr Martindale left the meeting after speaking after the officer presentation of 08/01531/LBC - Land South of Pleasure Grounds, St Margarets Street, Bradford on Avon and returned at the start of 08/01546/FUL 13 Bridge Avenue Trowbridge



Cllr Repton left the meeting after the officer presentation of 08/01531/LBC - Land South of Pleasure Grounds, St Margarets Street, Bradford on Avon and returned at the start of 08/01546/FUL 13 Bridge Avenue Trowbridge

Cllr Mounde left the meeting during the open forum of 08/01531/LBC - Land South of Pleasure Grounds, St Margarets Street, Bradford on Avon and returned at the start of 08/01546/FUL 13 Bridge Avenue Trowbridge

Cllr Parks left the meeting during the open forum of 08/01531/LBC - Land South of Pleasure Grounds, St Margarets Street, Bradford on Avon and returned at the start of 08/01546/FUL 13 Bridge Avenue Trowbridge

**RESOLVED:**

- (a) That the list of delegated decisions made since the last meeting be received and noted.**
- (b) To make decisions on planning and related applications as set out in the appendix to these minutes.**

**93. PLANNING APPEALS UPDATE**

Development Control Service Manager, Dave Hubbard, presented the planning appeals update report for the period 20 June – 11 July 2008

**RESOLVED:**

**That the report be noted.**

**94. DATE OF NEXT MEETING**

The next meeting of the Planning Committee will be held on **Thursday 21 August 2008 at 7.00pm** in the Council Chamber at the Council Offices, Bradley Road, Trowbridge.

(19.00 – 22.00)

These minutes were prepared by Pam Denton, Member Support Officer who can be contacted on 01225 776655 ext 115