

## WESTERN AREA PLANNING COMMITTEE

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 9 FEBRUARY 2011 IN THE COUNCIL CHAMBER - COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE.

#### Present:

Cllr Ernie Clark, Cllr Rod Eaton, Cllr Peter Fuller (Chairman), Cllr Mark Griffiths, Cllr Malcolm Hewson, Cllr John Knight, Cllr Christopher Newbury, Cllr Graham Payne, Cllr Stephen Petty, Cllr Jonathon Seed and Cllr Roy While (Vice Chairman)

#### Also Present:

Cllr Trevor Carbin and Cllr Francis Morland

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#### 9 **Apologies for Absence**

There were no apologies for absence.

#### 10 **Minutes of the Previous Meeting**

The minutes of the meeting held on 12 January 2011 were presented.

#### Resolved:

**To approve as a correct record and sign the minutes of the meeting held on 12 January 2011.**

#### 11 **Declarations of Interest**

**W/10/03031/FUL** – Application to renew planning permission W/05/00744/FUL to allow time to submit reserved matters pursuant to reference 98/01149/OUT - Land West Of Biss Farm West Ashton Road West Ashton Wiltshire

Councillors Peter Fuller and John Knight declared a personal interest as members of Trowbridge Town Council, and both members of the Town Council Development Committee. This application had not been considered by Trowbridge Town Council but had been previously discussed. Councillors Peter Fuller and John Knight gave their assurance that they would consider the application with an open mind.

**W/10/02808/OUT** – Proposed extension and conversion of existing house into 7 dwellings - Wayside 62 Bradley Road Trowbridge Wiltshire BA14 0QY

Councillors Peter Fuller and John Knight declared a personal interest as members of Trowbridge Town Council, and both members of the Town Council Development Committee. Councillors Peter Fuller and John Knight gave their assurance that they would consider the application with an open mind.

**W/10/03650/FUL** – Part retrospective application for extensions to dwelling , replacement garage with first floor storage area and erection of 2 metre boundary wall - 112 Beanacre Wiltshire SN12 7PZ

Councillor Stephen Petty declared a personal interest as a member of Melksham Without Parish Council, however he is not a member of the Parish Council Planning Committee. Councillor Stephen Petty gave his assurance that he would consider the application with an open mind.

## 12 **Chairman's Announcements**

The Chairman welcomed Mike Wilmott and Sophia Nartey as, respectively, the new Area Development Manager and Solicitor for the Western Area Planning Committee.

The Chairman also welcomed Alan Creedy, Head of Service for Sustainable Transport, and Rob Hannis, Senior Engineer Highways, who were attending the meeting to answer any questions with regards to highways issues.

Finally the Chairman welcomed Chris Marsh, Democratic Services Officer, observing the meeting and welcomed back Councillor Mark Griffiths.

## 13 **Public Participation**

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

The Chairman reported receipt of a question from Councillor Ernie Clark which sought clarification on how award costs associated with appeals were met. A copy of the question and the Chairman's response is appended to these minutes.

In posing a supplementary question Councillor Clark questioned how the response had been phrased. He was concerned that it seemed to have been phrased in such a way as to try and frighten the Committee from ever taking a decision that might go to appeal.

The Chairman reassured Councillor Clark that the response was meant to be detailed not alarmist. The Chairman agreed to provide Councillor Clark with a written response to his supplementary question.

## 14 Planning Applications

The Committee considered the following applications:

### 14.a W/10/03031/FUL

Application to renew planning permission W/05/00744/FUL to allow time to submit reserved matters pursuant to reference 98/01149/OUT - Land West Of Biss Farm West Ashton Road West Ashton Wiltshire

Public Participation:

- Mr George McDonic spoke in objection to the application
- Mr Richard Covington spoke in objection to the application
- Mr David Hutchinson, agent, spoke in support of the application
- Mr Peter Westlake, Chairman of the West Ashton Parish Council, spoke in objection to the application

Councillor Francis Morland, Unitary Member for Southwick, expressed his concerns with regards to the application.

Councillor Trevor Carbin, Unitary Member for Holt and Staverton, also expressed his concerns with regards to the application.

Officers introduced the report which sought approval for an extension of time for a previously approved outline development. The Highway Officer answered questions from the Committee, including the adequacy of possible changes to the Yarnbrook crossroad, the implications of the Section 106 Agreement for highways improvements, the timeline for implementation of the Core Strategy and whether the impact of the loss of the Staverton diversion had been measured.

Members of the Committee expressed unease and could not be satisfied that the impact on traffic of the application had been fully assessed.

It was therefore

**Resolved:**

**To defer the application for further information on the transport impact assessment of the proposal and in particular Yarnbrook crossroad.**

### 14.b W/10/02808/OUT

Proposed extension and conversion of existing house into 7 dwellings - Wayside 62 Bradley Road Trowbridge Wiltshire BA14 0QY.

Public Participation:

- Mr John Gibbs spoke in objection to the application.

Officers introduced the report which sought approval and drew the Committee's attention to the late list which included a further condition to be added should the application be approved.

The Highway Officers answered members of the Committee's questions including ease of access and exit from the site, the impact on traffic and additional pressure on traffic at the already problematic Holbrook junction and reassured the Committee that the conditions included in the application addressed those issues adequately.

However members of the Committee could not be satisfied that the conditions in place satisfactorily addressed their concerns over the scale of the development, its visual impact, and the loss of amenities for neighbouring dwellings.

**Resolved**

**That planning permission be REFUSED**

**For the following reasons:**

The proposal by reason of the scale of development and its visual impact, would be out of character with the spatial form of the surrounding area, harmful to the streetscene and would be likely to result in loss of amenity to the occupiers of the neighbouring dwellings. This would be contrary to policies H1, H24, C31a and C38 of the West Wiltshire District Plan – 1st Alteration 2004 and the principles contained within the Council's Supplementary Planning Guidance 2004 and Residential Design Guide 2005.

**14.c W/10/03650/FUL**

Part retrospective application for extensions to dwelling , replacement garage with first floor storage area and erection of 2 metre boundary wall - 112 Beanacre Wiltshire SN12 7PZ.

Public Participation

- Mr Chris Hall spoke in objection to the application
- Mr Alvin Howard, architect, spoke in support of the application
- Mr Paul Londors spoke in support of the application

Officers introduced the report which sought refusal and drew the Committee's attention to the late list which contained additional comments.

During the ensuing debate members of the Committee expressed concerns over the scale and size of the extensions and the loss of light to the neighbouring dwelling, although it was noted that neighbouring dwellings seemed to have also been extended to a similar or larger size.

**Resolved**

**That planning permission be REFUSED**

**For the following reasons:**

The proposed two storey extension, replacing the existing single garage, by reason of its position, mass, bulk and height would dominate and overshadow the neighbouring property (111b Beanacre) by reason of a detrimental loss of light to habitable rooms and dominating the amenity space associated with the neighbouring property resulting in detrimental harm to the amenities of 111b Beanacre contrary to the provisions of policy C38 of the West Wiltshire District Plan First Alterations 2004 and the guidance contained within the SPG for House Alterations and Extensions.

**15 Planning Appeals Update Report**

The Planning Appeals Update Report for December 2010 was received.

Officers informed the Committee that the Kingston Mills project had received a national award for local regeneration and renewal. Members of the Committee commended Mr Gerald Milward-Oliver (Bradford on Avon and District Community Development Trust Chief Executive), the Princes Trust and all involved for their commitment to the project.

The Chairman, on behalf of the Committee, congratulated the Officers involved with the project.

**Resolved:**

**To note the Planning Appeals Update Report for December 2010.**

**16 Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 8.40 pm)

The Officer who has produced these minutes is Marie Gondlach, of Democratic Services, direct line 01225 713597, e-mail [marie.gondlach@wiltshire.gov.uk](mailto:marie.gondlach@wiltshire.gov.uk)

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**Wiltshire Council**

**Western Area Planning Committee**

**9 February 2011**

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## **Item 5 – Public Participation**

### **Councillor's question**

#### **Questions from Councillor Ernie Clark, Hilperton Division**

In the past, this committee has repeatedly been told by officers that cost awards following planning appeals are borne by the council tax payer. However, I am now advised that the council holds indemnity insurance against such claims. If this is correct, then cost awards at public enquiries are not met from the public purse.

Could the Chairman please advise this committee whether cost awards against Wiltshire Council are met from the public purse or by insurance held to cover such an occurrence.

#### **Response**

The Council's Insurance and Finance officers have confirmed that the Council's insurance policies do not cover claims for costs awards following planning appeals. These costs are charged to the Development Service revenue account and are therefore ultimately met from the public purse.

There is no budgetary provision within the Development Service for cost awards which are essentially viewed as a service overspend which the service is then asked to address by finding comparable savings elsewhere. This puts severe pressure on maintaining service standards and has been a contributory factor, along with the fall in fee income during the economic downturn, for a number of posts in the service not being filled as they fell vacant.

In summary, costs which are awarded because the Planning Inspectorate conclude that unreasonable planning decisions have been made have a direct impact on service provision and are met by efforts to balance the Development Service budget.

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