

WESTERN AREA PLANNING COMMITTEE

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 6 MARCH 2019 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Peter Fuller, Cllr Sarah Gibson, Cllr Edward Kirk, Cllr Stewart Palmen and Cllr Roy While (Substitute)

Also Present:

Cllr Tony Jackson

1 Apologies

Apologies for absence were received from:

Cllr Jonathon Seed

Cllr Pip Ridout who was substituted by Cllr Roy While

2 Minutes of the Previous Meeting

The minutes of the meeting held on 12 December 2018 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 12 December 2018.

3 Declarations of Interest

Cllr Ernie Clark, relating to item 8, clarified his involvement, noting that he was not one of the organisers of the application but had responded to the applicants as a member of the public. He had not pre-determined his thoughts on the application and would approach with an open mind.

Cllr Clark referred to section 25 of the Localism Act 2011, noting that he had potentially given a prior indication of a view on the application. However a prior indication did not amount to pre-determination or bias but a pre-disposition. Reference was made to section 25(2) highlighting that, it was clear that a

decision maker should not be taken to have had a closed mind when making a decision, because the decision maker had indicated a view they had taken, or may take, in relation to a matter and the matter was relevant to the decision.

Cllr Edward Kirk declared an interest in item 8 and excluded himself from the debate and voting.

4 **Chairman's Announcements**

There were no Chairman's Announcements.

The Chairman gave details of the exits to be used in the event of an emergency.

5 **Public Participation**

A late question had been received from Cllr Trevor Carbin which read:

Have any comments been received from town and parish councils about the recent changes to the weekly lists of applications and decisions?

An officers response had been prepared which read:

With the change in format of weekly lists, we have received 14 positive comments and 13 negative comments.

Of the negative comments, 4 were from Parishes (West Tisbury, Wilsford Cum Lake, Buttermere and Alediston) but these were more comments and questions than complaints.

Of the positive comments, 6 were from Parishes (Nettleton, Quidhampton, Steeple Ashton, Hullavington, Atworth, and Cllr Bucknell representing Lyneham).

Cllr Carbin had the opportunity to respond and it was noted that Holt PC were not happy with the change as it inconvenient for parishes.

Following this 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**

Public Participation

Francis Morland spoke on the appeals report

The Planning Appeals Update Report for 30/11/2018 and 22/02/2019 was received.

The Area Team Leader, in response to points and criticisms raised during the public forum, noted the criticisms levelled at the Council and the planning

inspectorate and advised that the asserted failings pursuant to publishing and sharing relevant documents timeously for the cited planning enforcement appeal, would be passed on to the relevant officers to investigate. In response to a separate appeal, and the criticisms levelled at the Council and planning inspector for not pursuing the concerns of the Parish Council, the officer advised that it was for the appointed inspector to determine what weight to afford to the representations provided by consultees and third parties.

Cllr Ernie Clark then asked the officer how long appeals generally take and there was a brief discussion about the timescales for different appeals. The elected members were also briefly informed of the recent Rosewell Report.

Resolved:

To note the Planning Appeals Update Report for 30/11/2018 and 22/02/2019.

7 **Planning Applications**

Steve Sims, Senior Planning Officer, introduced the report, which had been recommended for approval, subject to conditions, for a renewal of temporary planning permission for a single mobile at Holt Pre School.

Key issues included; Impact upon the Character and Appearance of the Area; Impact upon the Living Conditions of Neighbouring Residents and Highway Issues.

Members of the Committee had the opportunity to ask technical questions of the officer. Details were sought on: Why the application kept returning for temporary planning permission rather than permanent permission and whether the occupiers were a private company or part of the school.

The Officer, in response to the questions noted that; although it was not best practice to continually return for temporary planning permission, it was acceptable; and that he was unaware whether the nursery operated as a private entity or as part of the school.

There were no members of the public registered to speak on the application.

Local Member, Cllr Carbin moved the officers recommendation with an additional informative, following advice provided by the area team leader, to encourage the applicant to plan for a more permanent solution prior to 2024. The motion was seconded by Cllr Andrew Davis.

At the end of the debate it was;

RESOLVED

To approve temporary planning permission subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan scale 1:1250; Plans and elevations scale 1:100 dwg no. 1237/59 Rev O.

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

2. The pre-school classroom is hereby approved on a temporary basis and shall be removed from the site and the land restored to grass on or before 6 March 2024.

REASON: To define the terms of the planning permission.

Planning Informative:

1. The pre-school nursery and the local authority pre-school coordinator are duly encouraged to take notice of the registered third party concern relative to noise levels pursuant to the use of the lane by children; and, to ensure there is appropriate supervision of children to quell noise levels mindful of the proximity to neighbouring residential properties and to safeguard privacy and amenities.

2. This consent represents a second renewal of planning permission for the temporary structure; and, in the interests of good planning; the applicant is strongly encouraged to plan for a more permanent solution prior to 2024. Should an additional renewal application be lodged prior to 2024 to retain the mobile classroom, any such application should be supported by substantive evidence setting the steps that have been taken to deliver a permanent development and a justification explaining why a subsequent renewal is necessary and appropriate.

8 **Application to Register Land as a Town or Village Green - Church Field, Hilperton**

Public Participation

Dave Powell, Agent, spoke in objection to the application

Elizabeth Pike spoke in objection to the application

Heidi Hart spoke in support of the application

Nicola Walker Westwood spoke in support of the application

Graham Kehily spoke in support of the application

Marylyn Timms, Clerk to Hilperton Parish Council, spoke on behalf of the Parish Council

Sally Madgwick, Definitive Map & Highways Records Team Leader for Rights of Way and & Countryside, introduced the report which sought approval to appoint an independent Inspector to hold a non-statutory Public Inquiry and provide an advisory report for the Western Area Planning Committee on the application to register land as a town or village green at Church Field, Hilperton.

Members of the Committee had the opportunity to ask technical questions of the officer, of which there were none.

Members of the public, as detailed above, had the opportunity to speak on the application.

Local Member, Cllr Ernie Clark, spoke on the application, noting that a public inquiry would be the best way forward. Following this Cllr Ernie Clark moved the officers recommendation, which was seconded by Cllr Stewart Palmen.

At the end of the debate it was;

RESOLVED

The Committee agreed for Wiltshire Council to appoint an independent Inspector to hold a non-statutory Public Inquiry and provide an advisory report for the Western Area Planning Committee on the application to register land as a town or village green at Church Field, Hilperton.

9 **Urgent Items**

There were no Urgent Items.

(Duration of meeting: 3.00 - 4.05 pm)

The Officer who has produced these minutes is Jessica Croman of Democratic Services, direct line 01225 718262, e-mail jessica.croman@wiltshire.gov.uk

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