

WEST WILTSHIRE DISTRICT COUNCIL

MINUTES

Minutes of the: **PLANNING COMMITTEE**

Held on: **THURSDAY 8 DECEMBER 2005**

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

Present:

Councillors: Carbin (Chairman), Burnan OBE, Clark,
J Clegg, M Clegg, Cunliffe–Jones, Hawker, Knight,
Manasseh, March, Oakman, Osborn, Repton and Viles

Also in attendance: Lewis (part)

Officers: Development Control Services Manager (DH), Principal
Planning Officers (RM, PW) Conservation Officer (CP) and
Member Support Officer (MS)

405. APOLOGIES & CHANGES TO THE MEMBERSHIP OF THE COMMITTEE

Apologies for absence were received from Cllrs Fortescue, James, Newbury and Rosier.

Due to the absence of both the Chairman and the Vice Chairman, Cllr Carbin was proposed by Cllr March and seconded by Cllr Osborn as the Chairman for the meeting.

There being no other nominations and on being put to a vote it was

RESOLVED: That Councillor Carbin be appointed as Chairman for this meeting.

406. OPEN FORUM

For open forum presentations in respect of planning applications please refer to minute numbers 411, 412 and 413.

407. MINUTES

The minutes of the meetings held on 27 October and 17 November were approved as correct records and signed by the Chairman.

408. DECLARATIONS OF INTEREST

The following interests were declared:

| Application/Item | Councillor/Officer | Reason |
|---|---|--|
| 05/01807/FUL - Land East Of 6 Lower Marsh Road, Warminster | March | Lobbied |
| 05/02301/FUL - Land Rear Of And 36 Silver Street Lane, Trowbridge 05/01561/FUL - The Black Swan, 1 Adcroft Street, Trowbridge 05/02135/FUL - 9 Elmdale Road, Trowbridge | Burnan OBE and Knight | Members of Trowbridge Town Council Planning Committee |
| 05/01319/FUL - 26 Warminster Road, Westbury | J Clegg and M Clegg Hawker Manasseh | Both had met with the objectors and had telephone conversations with the applicants. Had only offered advice on the committee process and had not predetermined the application Member of Westbury Town Council. Had been lobbied by the applicant and would consider the application with an open mind Had met with the Monitoring Officer regarding the application and would leave the Council Chamber for this application |
| Bradford on Avon applications | Repton | Member of Bradford on Avon Town Council Planning Committee |
| Agenda Item – ‘Changes to West Wiltshire District Council Constitution affecting the Planning Committee’ | Clark | Had chaired the Hilperton Parish Council meeting when the item had been discussed but undertook to consider the application with an open mind. |

409. QUESTIONS

No questions were received.

410. ANNOUNCEMENTS FROM THE CHAIRMAN

The Chairman informed the Committee that the 'late list' was quite lengthy, therefore officers, throughout the meeting, would draw members' attention to those applications referred to on the late list.

411. PLANNING APPLICATIONS

Open Forum speakers:

| Application | Speaker(s) |
|---|--|
| 05/01807/FUL - Land East Of 6 Lower Marsh Road, Warminster | Mr Robert Chapman Mr Graham Holloway Mr Peter Grist Mr Adam Jones |
| 05/00723/FUL - Land North East Of Recreation Ground, Frome Road, Bradford On Avon | Cllr Phillip Sutton - Chairman of Bradford on Avon Economic Development Committee Cllr Vicky Landell – Mills Mrs Annette Seekings Mr John Seekings Bradford on Avon Preservation Trust: Mrs Barbara Humble Mr Gareth Slater Mr Martin Valetin Cllr Paul O'Callaghan – Bradford on Avon Town Council Mr John Grose Mrs Christine Steel Mr Terence Meaden Mr Giles Brockbank |
| 05/02301/FUL - Land Rear Of And 36 Silver Street Lane, Trowbridge | Mr George Walker |
| 05/02135/FUL - 9 Elmdale Road, Trowbridge | Mr Bill Lowe |
| 05/02523/FUL - 7 Melrose Avenue, Warminster | Mr Brian Wyatt |
| 05/02320/FUL - Bridge House, 351 The Street, Holt | Major Tim Burgess Mr Brian Wyatt |
| 05/02097/FUL - Land East Of Barton Farm, Hartley, Winsley | Mr Craig Mason |

| | |
|---|----------------------------------|
| 05/01319/FUL - 26 Warminster Road, Westbury | Mr Alvin Howard Mr P. A.. Sim |
|---|----------------------------------|

Decisions made against officers' recommendation

05/02135/FUL - 9 Elmdale Road, Trowbridge

The above application was recommended for permission by officers. However, the Committee resolved to refuse the application for the following reason: -

The proposal by reason of its size, character and terracing effect would be out of keeping with the area and have a detrimental impact on the streetscene contrary to Policy C31a of the West Wiltshire District Plan – 1st Alteration 2004.

05/02320/FUL - Bridge House, 351 The Street, Holt

The above application was recommended for refusal by officers. However, the Committee resolved that planning permission be granted with conditions as detailed in the appendix to these minutes.

05/01319/FUL - 26 Warminster Road, Westbury

The above application was recommended for permission by officers. However, the Committee resolved to refuse the application for the following reason: -

The proposal by reason of its close proximity to a neighbouring residential property would have a detrimental impact on the neighbours amenity by reason of noise and fumes contrary to Policy C38 of the West Wiltshire District Plan – 1st Alteration 2004.

Applications Deferred

05/01807/FUL - Land East Of 6 Lower Marsh Road, Warminster

The application was originally recommended for permission by officers. However the committee agreed to defer the application, in accordance with an amended recommendation on the late list, to obtain further information to include:

- (a) a detailed site survey to confirm accurate levels across the site with cross sections, and to include the land at No 6;
- (b) full and accurate elevations and sectional details of all the existing and proposed dwellings to confirm the final heights of the proposed units

05/01845/FUL – Land Adjacent 61 Phipps Close, Westbury

The application was originally recommended for refusal by officers. However the Committee resolved to defer the application, in accordance with the amended recommendation on the late list, pending the outcome of further consultation.

05/01561/FUL - The Black Swan, 1 Adcroft Street, Trowbridge

The application was recommended for permission by officers. However the committee resolved to defer the application pending the outcome of consultations with the Conservation Officer.

Additional/Changes to Conditions

05/00723/FUL - Land North East Of Recreation Ground, Frome Road, Bradford On Avon

The Committee agreed with the officers recommendation, that planning permission be granted at a future date in the event of the Developmental Control Services Manager being satisfied as to the prior completion of a Legal Agreement to secure the future provision and maintenance of public open space, subject to the amendment of the following conditions: -

7. Prior to the commencement of any development the site shall be subject to:
 - i. site investigation and risk assessment works for chemical **and biological** contamination;
 - ii. works to remediate any chemical **and biological** contamination identified

16. The gradient of the footpath/cycleway/**disabled access** link to the railway station

Note: the full text of the conditions are detailed in the appendix to these minutes.

05/00725/CON – Land North East Of Recreation Ground, Frome Road, Bradford On Avon

The Committee agreed with the officers recommendation, that Conservation Area Consent be granted at a future date in the event of the Developmental Control Services Manager being satisfied as to grant planning permission for application 05/00723/FUL, which is subject to the prior completion of a Legal Agreement, subject to the following additional condition: -

3. No demolition works shall commence on site until a full survey and photographic record of the single storey red brick building has been submitted to and approved in writing by the Local Planning Authority, and a copy has been deposited with the Wiltshire County Records Office.

REASON: To ensure that there is an historic record of this unique building within the conservation area.

POLICY: West Wiltshire District Plan– 1st Alteration 2004 - Policy C17.

05/02301/FUL - Land Rear Of And 36 Silver Street Lane, Trowbridge

The Committee agreed with the officers recommendation, that the Development Control Services Manager be authorised to grant planning permission on completion

of a Section 106 Agreement, subject to an additional condition (23) and an amendment to condition 20 as per the late list: -

20. The driveways shall be properly surfaced and consolidated (not loose stone or gravel) in accordance with **details which shall have been submitted to and approved in writing with the Local Planning Authority** ~~the approved details on drawing.~~
23. **The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by 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

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.**

NOTE:

VOTE TO CONTINUE

During the consideration of planning applications, and in accordance with the Constitution, the Committee voted to continue with the meeting after 10.15pm.

Recorded Votes

05/00723/FUL - Land North East Of Recreation Ground, Frome Road, Bradford On Avon

A motion for permission was put to the vote and CARRIED and a recorded vote having been requested was recorded as follows:

For Permission (8)

J Clegg, M Clegg, Cunliffe-Jones, Hawker, Knight, March, Osborn, Repton

Against Permission (5)

Burnan OBE, Clark, Manasseh, Oakman, Viles

Abstention (1)

Carbin

05/01319/FUL - 26 Warminster Road, Westbury

A motion for permission was put to the vote and was LOST and a recorded vote having been requested, was recorded as follows:

For Permission (6)

Carbin, J Clegg, Hawker, Knight, Osborn, Repton

Against Permission (7)

Burnan OBE, Clark, M Clegg, Cunliffe-Jones, March, Oakman, Viles

Abstention (0)

Attendance

Cllrs Osborn and Hawker left the meeting during the officer's presentation and returned to the meeting during the open forum presentations of application - 05/00723/FUL - Land North East Of Recreation Ground, Frome Road, Bradford On Avon.

Cllrs Clark and Hawker left the meeting during the open forum presentations and returned to the meeting during the debate on application - 05/02301/FUL - Land Rear Of And 36 Silver Street Lane, Trowbridge.

Cllr Oakman left the meeting during the officer's presentation of - 05/01561/FUL - The Black Swan, 1 Adcroft Street, Trowbridge and returned to the meeting during the officers presentation of - 05/02135/FUL9 - Elmdale Road, Trowbridge.

Cllr Repton left the meeting during the officers presentation and returned to the meeting during the open forum presentation of - 05/02135/FUL9 - Elmdale Road, Trowbridge.

Cllr Osborn left the meeting during the officers presentation of - 05/02523/FUL - 7 Melrose Avenue, Warminster and returned to the meeting during the open forum presentations of - 05/02320/FUL - Bridge House, 351 The Street, Holt.

Cllrs March and Knight left the meeting during the officers presentation and Cllrs Repton and Cunliffe-Jones left the meeting during the open forum presentations of - 05/02320/FUL - Bridge House, 351 The Street, Holt. Cllrs March, Knight, Repton and Cunliffe-Jones returned to the meeting during the open forum presentations of the same application.

Cllr Manaaseh left the meeting at the conclusion of application - 05/02097/FUL - Land East Of Barton Farm, Hartley, Winsley and returned to the meeting at the conclusion of - 05/01319/FUL - 26 Warminster Road, Westbury.

Cllr Oakman left the meeting at the conclusion of - 05/01319/FUL - 26 Warminster Road, Westbury and Cllrs Repton and Cunliffe-Jones left the meeting during the open forum presentation of agenda item 'Changes to West Wiltshire District Council Constitution affecting the Planning Committee'. Cllrs Oakman, Repton and Cunliffe-Jones did not return to the meeting.

412. CHANGES TO WEST WILTSHIRE DISTRICT COUNCIL CONSTITUTION AFFECTING THE PLANNING COMMITTEE

OPEN FORUM – MR FRANCIS MORLAND

The report was brought to the committee at the request of Cllr Newbury to allow the Committee the opportunity to debate the changes to the constitution that would directly affect the Planning Committee. The Development Control Services Manager, asked that the Committee consider the following changes to the constitution relating to referral of planning applications to the Planning Committee by; Town and Parish Councils and District Council Members, public participation and Applications for certificates of existing or proposed lawful use.

Town and Parish Councils

The Development Control Services Manager informed the Committee that requesting or requiring the town and parish councils to supply good planning reasons for a referral to the committee was not to constrain but to encourage them to focus on the areas they could influence. It was accepted that town and parish councils did not always have the professional advice freely available; therefore it was proposed to support the town and parish councils by providing them with training, particularly on what constituted material planning considerations.

District Council Members

Members felt that a planning reason should be offered by District Councillors when calling in an application and that a Councillor should be able to call in an application within or outside their ward. It was felt that the member who called the application in should be present at the Planning meeting or send a representative. However if a good reason for calling in the application was given this would not be necessary.

Concern was also expressed that by offering a reason for calling in an application it could appear that the member had pre determined the application. This was not considered to be a problem as members would only be asked to identify planning issues that warrant the committee to discuss the application, not to take a view of the issues.

Open Forum

Some members felt that the number of speakers should be limited rather than the time and the number of speakers should be equal, for example, 4 speakers for the application and 4 speakers against the application.

It was accepted that on occasions open forum speakers had declined to speak when their views had already been expressed by other speakers.

The committee took exception to the paragraph in the report which stated; 'the intention is to avoid the possibility of one or more individuals, not on the committee, having undue influence on the proceeding of the committee' as the committee considered it was a strong unit.

Certificates of Lawfulness

As these applications were determined on a basis of fact, evidence and law, not planning merit there was virtually no scope for debate, the committee was invited to delegate these applications to the Developmental Control Services Manager. Members also commented that these applications were of a technical nature.

RESOLVED:

That Council be informed of the following views of the Planning Committee regarding the proposed changes to the Constitution: -

1. Town and Parish Councils

Option 1 be supported – That in requesting a referral to the Planning Committee, Town and Parish Councils be requested and encouraged to provide reasons in their responses to planning applications but not required to do so.

2. District Council Members

That any member can request any application to be referred to the Planning Committee but that members be required to give planning reasons for such a referral.

3. Open Forum

**That the approach will continue to encourage participation and openness, and will be within the discretion of the chairman, including the individual time limits (usually three minutes).
That subject to the Chairman's discretion, no restrictions be introduced to limit one individual to speaking on one item only or have their time limit divided between several items.**

4. Certificates of Lawfulness

That decisions on applications for certificates of lawfulness be delegated to the Development Control Services Manager.

413. OPEN SPACE AT LEIGH PARK

OPEN FORUM – MR FRANCIS MORLAND

The Developmental Control Services Manager, presented a report following a request from Cllr Hawker for the Committee to consider the provision of public open

space at Leigh Park, Westbury.

Cllr Hawker thanked the Planning department for the report, which had been compiled after he had enquired about the progress of securing money for a playarea. He informed members that Leigh Park was now 6 years old and there was only another 3 years left on the development and still no proper play area had been installed. He believed that a resolution had been passed by the Southern Area Committee to look at this issue on an annual basis.

The Developmental Control Services Manager, agreed that the plan of the site looked rather untidy due to being split into many small sites, something which would try to be prevented in future, if possible.

Currently there were three outstanding issues with regard to the provision of public open space, those being:

1. Commuted sums
2. Commencement of the laying out and planting of Public Open Space area 1
3. The submission and consideration of a retrospective planning application in respect of the raised levels of the Wimpey open space area

RESOLVED:

That the Committee note the report and support the continuing work to resolve the three outstanding issues

414. PLANNING APPEALS UPDATE

The Developmental Control Services Manager, presented the planning appeals update report for the period 7 October – 24 November 2005. The Committee was informed that the forthcoming hearing – 04/01427/FUL – Land South West of Wlmfield, Staverton - had been cancelled as the appeal had been withdrawn.

RESOLVED:

That the report be noted.

DATE OF NEXT MEETING

The next ordinary meeting of the Planning Committee will be held on **Thursday 5 January 2005 at 7.00pm** in the Council Chamber at the Council Offices, Bradley Road, Trowbridge.

(7.18pm – 11.25pm)

These minutes were prepared by Melanie Stimpson, Member Support Officer who can be contacted on direct line 01225 770322 or email

mstimpson@westwiltshire.gov.uk