

WEST WILTSHIRE DISTRICT COUNCIL

MINUTES

Minutes of the: **PLANNING COMMITTEE**

Held on: **THURSDAY 5 OCTOBER 2006**

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

Present:

Councillors: Rosier (Chairman), Burnan OBE, Carbin, Clark,
J Clegg, M Clegg, Conley, Cunliffe-Jones, Fortescue,
Hawker, James, Knight, Lovell, March, Oakman, Osborn,
Repton and Viles.

Officers: Development Control Manager (DH), Principal Planning
Officers (RM and PW), Principal Housing Enabling
Manager (KG) and Member Support Officer (MS)

111. APOLOGIES & CHANGES TO THE MEMBERSHIP OF THE COMMITTEE

Apologies for absence were received from Cllrs March and Newbury.

The following temporary change to the membership of the committee was made:

Councillor March was replaced by Councillor Conley.

112. OPEN FORUM

For Open Forum presentations in respect of planning applications please refer to minute number 116.

113. MINUTES

The minutes of the meeting held on 14 September 2006 were approved as a correct record and signed by the Chairman.

114. DECLARATIONS OF INTEREST

The following interests were declared:

Application/Item	Councillor	Reason
06/01320/FUL - Woodmarsh Farm, 18 Woodmarsh, North Bradley	Conley	Had attended a North Bradley Parish Council meeting when application had been discussed.
05/00978/FUL - Old Workmens Hall, Bath Road, Atworth	Burnan OBE, M Clegg, Fortescue, Knight, Lovell, Repton Clark	Lobbied Personal interest – Had Chaired Hilperton Parish Council meetings on several occasions when application had been discussed – would consider the application with an open mind.
	Osborn	Applicant had telephoned Cllr Osborn approximately 6 months ago to ask his advice, in his capacity as Portfolio Holder.
	Rosier	Had received letters
04/00095/OUT - Land At Blue Hills, Devizes Road, Hilperton	Burnan OBE, M Clegg, Fortescue, Knight and Viles Rosier	Lobbied Had received letters
06/01776/FUL - 41 And 42 Hilperton Road Trowbridge	Burnan OBE and Knight	Members of Trowbridge Town Council Planning and Development Committee
06/01775/LBC - 41 And 42 Hilperton Road Trowbridge		

06/00576/FUL - Land South of Storridge Road, Westbury	J Clegg M Clegg Rosier	Friend and Cricketing partner of one of the open forum speakers – Col Sexstone. Would speak on application as took a differing view to the speaker. (This declaration was made during the debate on the application). Lobbied One of the open forum speakers – Col Sexstone – was a previous neighbour, approximately 10 years ago. (This declaration was made at the beginning of the application).
06/01571/FUL - 14 Three Horseshoes Walk, Warminster	Lovell Conley	Member of Warminster Town Council Planning Committee. Was a substitute member on the Planning Committee in the absence of Cllr March. Application was in ward covered by Cllr March. Had therefore discussed application with him.
06/00653/FUL – St Bernadettes Church, West End, Westbury	J Clegg, M Clegg Hawker	Lobbied Declared a prejudicial interest which he had only discovered in last 3 days. However declined to disclose the nature of the interest. (This declaration was made at the beginning of the application).
06/02152/FUL - 28 Horse Road, Hilperton	Clark	Prejudicial Interest – <ul style="list-style-type: none"> ▪ Had Chaired Hilperton Parish Council meeting when application had been discussed ▪ Younger Son was a friend of one of the applicants Sons ▪ Under the Parish Council Standing Orders Cllr Clark had been involved in a matter concerning a Parish Councillor and the Applicants <p>In light of the third reason Cllr Clark felt that he could not approach the application with an open mind and would leave the Council Chamber.</p>
Various Applications	James, Oakman and Osborn	Lobbied

Melksham Applications	Oakman	Was Vice Chairman of Melksham Town Council Planning Committee
Trowbridge Applications	James	Member of Trowbridge Town Council Planning and Development Committee and had considered a few applications at its meetings.

115. ANNOUNCEMENTS FROM THE CHAIRMAN

The Chairman made no announcements.

116. PLANNING APPLICATIONS

Open Forum speakers:

Application	Speaker(s)
05/00978/FUL - Old Workmens Hall, Bath Road, Atworth	Mr John Dunseith
04/00095/OUT - Land At Blue Hills, Devizes Road, Hilperton	Mr Henry Nurkowski Mr Charles Herz Mr Edward Kirk Mrs Debbie Herz Mr Michael Bishop-Bailey
06/02325/FUL - 64 Locking Close, Bowerhill	Mr Richard Harlow
06/00576/FUL - Land South Of Storridge Road, Westbury	Col Peter Sexstone Mr Francis Morland Mr. G. Jones
06/01992/FUL - 2 Nightingale Road, Trowbridge	Mr Michael Hudd
06/00653/FUL - St Bernadettes Church, West End, Westbury	Mr David Hood
06/02152/FUL - 28 Horse Road, Hilperton	Mr Paul Vingoe Mr Kevin Whelan
06/02110/FUL - Land Adjacent Elbury House, Leigh Road, Bradford On Avon	Mrs Marion Singer

Decisions made against officer's recommendation

06/02325/FUL - 64 Locking Close, Bowerhill

The above application was recommended for refusal by officers. However, the Committee resolved that permission be granted for the following reason, subject to the following conditions: -

The proposed development would not materially affect the amenities of the neighbours and would not significantly harm any interests of acknowledged importance.

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. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

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

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

06/00653/FUL - St Bernadettes Church, West End, Westbury

The above application was recommended for refusal by officers. However, the Committee resolved that permission be granted for the following reason, subject to the following conditions: -

The proposed replacement windows will not detract from the character and appearance of the building and the locality in which it stands. The proposals will be in accordance with Policy C31a of the West Wiltshire District Plan, 1st Alteration – 2004.

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. Details of the glazing, including samples of any coloured glass, shall be submitted to and approved by the Local Planning Authority prior to their installation in the building. The works shall then only be carried out strictly in accordance with these approved glazing details.

REASON: To protect the appearance of the building.

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

Additional Informative

06/00576/FUL - Land South of Storridge Road, Westbury

The Committee agreed with the Officer's recommendation of permission including the addition of an informative, as detailed on the late list; -

Your attention is drawn to the following agreements under Section 106 of the Town and Country Planning Act 1990, which relate to the application site. The Agreement dated 7 October 1998 between Henry James Corp and Mabel Louise Corp and Prospect Land Limited and West Wiltshire District Council; and the Agreement dated 16 December 1998 between Prospect Land Limited, West Wiltshire District Council and Henry James Corp and Mabel Louise Corp.

Amended recommendation

04/00095/OUT - Land At Blue Hills, Devizes Road, Hilperton

As detailed in the 'Recorded Vote' section of these minutes

06/01776/FUL and 06/01775/LBC - 41 And 42 Hilperton Road Trowbridge

The Committee agreed with the Officer's recommendation, that the Applications be deferred pending the outcome of further consultation with the Councils Conservation and Heritage Development Officers, as detailed in the late list.

Applications Deferred

06/02152/FUL - 28 Horse Road, Hilperton

Officers recommended that planning permission be granted. However the Committee deferred the application to allow for a site visit.

At 9.55pm, after the determination of 06/00653/FUL - St Bernadettes Church, West End, Westbury, the Committee took a VOTE TO CONTINUE followed by a short recess and resumed the meeting at 10.03pm

NOTE: VOTE TO CONTINUE

Three hours having nearly elapsed, the Committee took a vote in accordance with the Constitution on whether or not to continue with the meeting.

RESOLVED:

To continue with the meeting.

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.
- (c) That the following application be deferred to allow a site inspection by the Committee at 2pm on Thursday 26 October 2006 - the application would then be considered by the Committee:

06/02152/FUL - 28 Horse Road, Hilperton

Recorded Vote

05/00978/FUL - Old Workmens Hall, Bath Road, Atworth

The above application was recommended for refusal by officers. However it was proposed and seconded for deferral to the Secretary of State.

Recorded Vote

A recorded vote having been requested on the above motion, the vote was recorded as follows:

For Deferral to the Secretary of State (4)

Cllrs J Clegg, M Clegg, Knight and Repton

Against Deferral to the Secretary of State (13)

Cllrs Burnan OBE, Carbin, Clark, Conley, Cunliffe-Jones, Hawker, James, Lovell, Manasseh, Oakman, Osborn, Rosier and Viles

Abstentions (1)

Cllr Fortescue

On being put to the vote, the motion was LOST.

It was then moved and seconded for refusal, as per the officer's recommendation and on being put to the vote, it was CARRIED.

04/00095/OUT - Land At Blue Hills, Devizes Road, Hilperton

Officers recommendation was that planning permission be granted at a future date in the event of the Developmental Control Manager being satisfied as to the prior completion of a Legal Agreement. However it was proposed and seconded that the application be deferred. On being put to the vote, the motion was LOST.

The officers recommendation was then moved and seconded, subject to the following change to the directive forming part of the recommendation (Number 1) : -

1) The provision of ~~30%~~ affordable housing in accordance with Council policy

The remaining directives and conditions are detailed in the appendix to these minutes.

Recorded Vote

A recorded vote having been requested on the above motion, the vote was recorded as follows:

For Permission (9)

Cllrs Burnan OBE, Fortescue, James, Lovell, Manasseh, Oakman, Osborn, Repton and Viles

Against Permission (7)

Cllrs Carbin, Clark, J Clegg, M Clegg, Conley, Hawker and Knight

Abstentions (2)

Cllrs Cunliffe-Jones and Rosier

On being put to the vote, the motion was CARRIED.

Member attendance

Cllr James left the meeting following the determination of 05/00978/FUL - Old Workmens Hall, Bath Road, Atworth and returned to the meeting during the officers presentation of 04/00095/OUT - Land at Blue Hills, Devizes Road, Hilperton.

Cllr Cunliffe-Jones left and returned to the meeting during the open forum of 04/00095/OUT - Land at Blue Hills, Devizes Road, Hilperton.

Cllr Repton left the meeting following the determination of 04/00095/OUT - Land at Blue Hills, Devizes Road, Hilperton and returned to the meeting during the open forum presentations of 06/02325/FUL - 64 Locking Close, Bowerhill

Cllr James left the meeting during the officer's presentation 06/02325/FUL - 64 Locking Close, Bowerhill and returned during the debate of 06/00576/FUL - Land South of Storridge Road, Westbury.

Cllrs Knight and Oakman left the meeting during the officer's presentation of 06/00576/FUL - Land South of Storridge Road, Westbury. Cllr Oakman returned during the open forum and Cllr Knight returned during the debate of the same application.

Cllr Hawker left the meeting following the determination of 06/00576/FUL - Land South of Storridge Road, Westbury and returned to the meeting during the officer's presentation of 06/00653/FUL - St Bernadettes Church, West End, Westbury.

Cllr Cunliffe-Jones left the meeting during the officer's presentation of 06/01992/FUL – 2 Nightingale Road, Trowbridge and did not return to the meeting.

Cllrs Oakman and Lovell left the meeting following the determination of 06/00653/FUL - St Bernadettes Church, West End, Westbury and both did not return to the meeting.

Cllr Clark left the meeting following the determination of 06/00471/LBC – Priory Cottages, Stradbrook, Bratton and returned to the meeting following the determination of 06/02152/FUL - 28 Horse Road, Hilperton.

Cllr James left the meeting during the officer's presentation of 06/02152/FUL - 28 Horse Road, Hilperton and returned to the meeting at a time which was unfortunately not noted, however was present for the vote on the following application – 06/02425/FUL – Land South East of Church House, Church Lane, Westbury Leigh, Westbury.

Cllr Hawker left the meeting following the determination of 06/02152/FUL - 28 Horse Road, Hilperton and returned during the officer's presentation of 06/02110/FUL - Land Adjacent Elbury House, Leigh Road, Bradford on Avon.

Cllr Repton left the meeting following the determination of 06/02110/FUL - Land Adjacent Elbury House, Leigh Road, Bradford on Avon and returned during the officer's presentation of 05/02705/FUL – Lifeline Centre, Kingsbury Square, Melksham.

Cllr Manasseh left and returned to the meeting during the officers presentation of 06/01571/FUL - 14 Three Horseshoes Walk, Warminster

Order of applications considered

The Chairman varied the order of the applications and dealt firstly with those where the public had registered to speak or had attended the meeting to listen. Consequently, the applications were dealt with in the following order (numbers refer to the application number on the agenda):

1, 2, 3, 6, 7, 8, 13, 11, 12, 15, 16, 17, 14, 4, 5, 9 and 10

117. PLANNING APPEALS UPDATE

OPEN FORUM SPEAKER – MR FRANCIS MORLAND – APPEALS DECISION AND COST DECISION REPORT OF LAND SOUTH OF NEW TERRACE, STAVERTON

The Development Control Manager, Dave Hubbard, presented a planning appeals update report for the period 31 August 2006 – 20 September as well as the Appeals Decision and Cost Decisions reports of the Land South of New Terrace, Staverton.

The level of costs was not yet known and a report would be presented to the Committee at a later date.

There were currently two costs awards still outstanding. However the Council had been successful on the Former Octagon Motors Site, George Street, Warminster appeal.

RESOLVED:

That the report be noted.

DATE OF NEXT MEETING

The next ordinary meeting of the Planning Committee would be held on **Thursday 26 October 2006** in the Council Chamber at the Council Offices, Bradley Road, Trowbridge at **7pm**.

(7.00pm – 10.55pm)

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