

# WEST WILTSHIRE DISTRICT COUNCIL

## MINUTES

Minutes of the: **PLANNING COMMITTEE**

Held on: **THURSDAY 25 OCTOBER 2007**

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

Councillors: Cllrs Clark (Chairman), Bolwell, Burden, Carbin, Denison-Pender, Fortescue, Fuller, Griffiths, King, March, Martindale, Mounde, Newbury, Parks, Phillips OBE and Repton

Also Present Cllrs Hawker and Jenkins

Officers: Principal Planning Officers (RM, CC & PW), Member Support Team Leader (PD)

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### **116. APOLOGIES & CHANGES TO THE MEMBERSHIP OF THE COMMITTEE**

Apologies for absence were received from Cllrs Alford and James.

### **117. OPEN FORUM**

For all open forum presentations in respect of planning applications please refer to minute number 124.

### **118. MINUTES**

The minutes of the meetings held on 4 October 2007 were approved and signed as a correct record by the Chairman.

## 119. DECLARATIONS OF INTEREST

The following interests were declared:

Application Item	Cllr / Officer	Reason
07/02950/FUL - 31 Winsley Road Bradford On Avon	Cllr Bolwell	Personal - Applicant is a neighbour
05/00822/FUL - Land Opposite Paxcroft Farm Paxcroft Hilperton	Cllr Fuller	Prejudicial interest
	Cllr Clark	Personal interest – Eldest son plays for Trowbridge RFC Colts. He was Portfolio Holder for Sport and Recreation when he received the pre-application presentation of this item. He was Chairman of Hilperton parish Council when the parish council received a pre-application presentation of this item. He chaired meetings of Hilperton parish Council when this application was discussed. He would consider the application with an open mind.
02 05/00821/FUL - Trowbridge Rugby Football Club Green Lane Trowbridge	Cllr Fuller	Prejudicial interest
	Cllr Clark	Personal interest – Eldest son plays for Trowbridge RFC Colts. He was Portfolio Holder for Sport and Recreation when he received the pre-application presentation of this item. He would consider the application with an open mind.
05/00967/OUT - Land H8 North Of Paxcroft Way Trowbridge	Cllr Clark	Personal interest - He chaired meetings of Hilperton parish Council when the application was discussed and would consider the application with an open mind.

## 120. ANNOUNCEMENTS FROM THE CHAIRMAN

The Chairman announced that due to the length of the agenda he had decided to defer the discussion on amending the start time for this committee to a subsequent date.

He said that he would be restricting the time allowed for public speaking on some items due to the large numbers of open forum speakers.

**121. LAND NORTH-EAST OF SNOWBERRY LANE AND SOUTH OF SANDRIDGE ROAD, MELKSHAM 04/01895/OUTES - REPORT ON SECTION 106 LEGAL AGREEMENTS**

The report asked members to consider the contents of the legal agreements relating to the above development before the agreements were signed and sealed and planning permission issued.

**RESOLVED**

**That the Planning Committee gives its approval to the completion of the Legal Agreements to enable the formal grant of outline planning permission together with justification reason and all conditions as identified on the original resolution numbered 1 to 45 and informatives numbered 1 to 5.**

**Recorded Vote:** Cllr Phillips OBE asked that his vote against the approval be recorded

**122. THE RECONSIDERATION OF THE REQUIREMENT FOR COMMUTED SUMS FOR AFFORDABLE HOUSING CONTRIBUTIONS IN RESPECT OF 7 PLANNING APPLICATIONS FOR SINGLE DWELLINGS WITHIN VILLAGE POLICY LIMITS.**

**Open Forum:** Mr F Morland

Members were asked to consider whether to continue to seek a contribution for affordable housing in respect of seven planning applications for single dwellings within village policy limits. This followed Cabinet's decision of 5th September to change the affordable housing supplementary planning guidance by removing the requirement for this commuted sum.

**Recorded Vote**

An amended motion "The planning committee regrets the lack of consultation prior to the Cabinet decision, the financial impact on the council, and the inevitable reduction in provision of local homes for local people in our villages." was put to the vote and LOST and a recorded vote having been requested was recorded as follows:

**For the Motion (6)**

Bolwell, Carbin, Clark, King, Martindale and Repton

**Against the Motion (9)**

Burden, Denison-Pender, Fortescue, Fuller, Griffiths, March, Mounde, Parks and Phillips OBE

**Abstentions (1)**

Newbury

## **RESOLVED**

**That the committee amend its previous resolutions in respect of the applications listed in the report to those which do not require a section 106 agreement to secure a commuted sum for affordable housing.**

**All conditions and informatives previously agreed in respect of these applications will continue to apply.**

### **123. PROPOSED SECTION 106 AGREEMENT IN RESPECT OF AN OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 50-70 DWELLINGS AT MANOR PRIMARY SCHOOL QUEENSWAY, MELKSHAM.**

**Open Forum:** Mr Francis Morland, Mr Stuart Arnold, Ms Emma Brenchley, Ms Vanessa Petty, Mr Keith Clover, Ms Bev Martin and Mr Simon Prescott.

Members were asked to consider a further a proposed section 106 Agreement in respect of the above development following responses from the applicant to the heads of terms previously agreed by this committee.

## **RESOLVED**

**That planning permission be granted at a future date in the event of the Development Control Manager being satisfied as to the prior completion of a Legal Agreement to secure the following: -**

**(a) Provision of 30% affordable housing on site on a nil subsidy basis in accordance with policy;**

**(b) To offset the loss of existing open space on the site +**

**(i) the provision of a pedestrian footbridge to an agreed standard and design and the provision of associated footpath links and**

**(ii) a financial contribution of £25,000 towards a detailed management plan for Clackers Brook and the implementation of works identified in that plan**

**(iii) a financial contribution at £25000 towards the enhancement of recreation facilities in the vicinity of the site.**

**(c) A financial contribution of approximately £49,000 for the provision of off-site open space facilities on the north side of Clackers Brook. In the event that the number of dwellings delivered by this permission exceeds 70, this figure shall be increased proportionately.**

**(d) A financial contribution of £57,500 to secure improvements to the Town Cycle Network, bus and cycle shelters and an annual payment for bus passes for residents of the development.**

**All conditions and informatives as agreed by the committee in the resolution of 12<sup>th</sup> July will continue to apply.**

## 124. PLANNING APPLICATIONS

Open Forum speakers:

<b>05/00822/FUL - Land Opposite Paxcroft Farm Paxcroft Hilperton</b>	Mr Mike James Ms Ginnie Anderson Ms Lyn Lamb Mr Steve Middleton Mrs Sylvia Styles Mr Antony Skrebys Mr Brian Price Mr Steve Oldrieve
<b>07/02816/FUL - Restharrow 3 Martins Close Keevil</b>	Mrs Ginny Sherman Mrs Margaret Baker
<b>07/01115/FUL - 106 West Street Warminster</b>	Mr Alan Moon Miss Thomas Mr Richard Haes
<b>07/00521/FUL – Oval Motors (Showroom) 60 - 62 Warminster Road Westbury</b>	Mr Tom Morton Mr Francis Morland
<b>07/01674/FUL - Land Adjacent Manor House The Street Broughton Gifford</b>	Mr Tim Land
<b>07/00045/FUL - The Bungalow 16A Cobbett Rise Bishopstrow</b>	Mr James Twin Mr Mark Pitman Mrs Stocker
<b>07/00364/OUT - Land Adjacent 105 Green Lane Codford</b>	Mr Brian Wilkinson Mr John Mears Mr Don Bartlett
<b>07/02370/FUL - Land Adjoining 53a Beanacre</b>	Mr John Clarke

### **Application No. 1 - 05/00822/FUL - Land Opposite Paxcroft Farm Paxcroft Hilperton**

Permission as per agenda but with the following amendments to conditions:

Condition 13 - line 9 - add the words 'or sewer' after underground strata

Condition 22 - be amended to read at the beginning -

' Notwithstanding the submitted details of floodlighting, prior to the commencement of any development on the site, details of all external lighting within the site, including playing pitches, road areas etc...

Condition 23 should read -

The floodlighting hereby permitted shall only be used between the hours of 15.00 and 22.00

**Application No. 2 - 05/00821/FUL - Trowbridge Rugby Football Club Green Lane Trowbridge**

Permission following Referral to Secretary of State and Section 106 legal agreement as recommendation with the following amendments to the recommendation and conditions:

Para (d) of the recommendation should read:

A financial contribution towards primary education provision

Condition 15 should read -

No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation to the satisfaction of Wessex Water and the Environment Agency has been submitted to and approved in writing by.....

Condition 16 - line 9 - add the words 'or sewer' after underground strata

Additional note to applicant

3. With reference to condition 31, the applicant is advised that Wessex Water consider the pumping station to be a temporary solution to the foul drainage and will therefore not be considered for adoption.

**Application No. 3 - 05/00967/OUT - Land H8 North Of Paxcroft Way Trowbridge**

Officers recommended the above application for permission. However, the Committee resolved to refuse the application for the following reasons: -

1. The number of houses would substantially exceed the allocation under Policy H8 and as such would result in an unacceptable impact on the amenity of the existing residents and future occupiers contrary to Policies H8 and C38 of the West Wiltshire District Plan – 1st Alteration 2004.

2. The number of houses served by a single access at Leap Gate would be excessive and would result in an unacceptable increase in the volume of traffic through the cul-de-sac to the detriment of highway safety contrary to Policies H1, H8 and C38 of the West Wiltshire District Plan – 1st Alteration 2004.

**Application No. 5 - 07/02816/FUL - Restharrow 3 Martins Close Keevil**

Officers recommended the above application for permission. However, the Committee resolved to refuse the application for the following reasons: -

The proposal by reason of the increase in height, prominence and use of non-matching materials in an area that is characterised by its open and spacious

form of development would be harmful to the street scene and the spatial characteristics of the area contrary to Policy C31a of the West Wiltshire District Plan 1st Alteration (2004) and the Council's adopted Supplementary Planning Guidance on house alterations and extensions.

**Application No. 8 - 07/01115/FUL - 106 West Street Warminster**

Permission following Section 106 legal agreement as recommendation

**Application No. 9 - 07/00521/FUL – Oval Motors (Showroom) 60 - 62 Warminster Road Westbury**

Permission following Section 106 legal agreement as recommendation

**Application No. 10 - 07/01674/FUL - Land Adjacent Manor House The Street Broughton Gifford**

Permission as recommendation

**Application No. 11 - 07/02413/LBC – Land Adjacent Manor House The Street Broughton Gifford**

Consent as recommendation

**Application No. 12 - 07/00045/FUL - The Bungalow 16A Cobbett Rise Bishopstrow**

Officers recommended the above application for permission. However, the Committee resolved to refuse the application for the following reasons: -

The proposal constitutes the replacement of an existing dwelling in the countryside with a new dwelling which would be materially larger than the one to be replaced contrary to Policies H19 and H20 of the West Wiltshire District Plan 1<sup>st</sup> Alteration 2004.

**Application No. 16 - 07/00364/OUT - Land Adjacent 105 Green Lane Codford**

This application was deferred for a site meeting to be held at 14.30 on Thursday 15 November

**Application No. 19 - 07/02370/FUL - Land Adjoining 53a Beanacre**

Permission as recommendation

**Member Attendance**

Cllr Bolwell left the meeting during the open forum presentation of 05/00822/FUL - Land Opposite Paxcroft Farm Paxcroft Hilperton and returned during the same.

Cllr Fuller left the meeting at the start of 05/00822/FUL - Land Opposite Paxcroft Farm Paxcroft Hilperton and returned at the start of 05/00967/OUT - Land H8 North Of Paxcroft Way Trowbridge

Cllr Griffiths left the meeting during the officer presentation of 05/00822/FUL - Land Opposite Paxcroft Farm Paxcroft Hilperton and returned during the open forum of the same.

Cllr King left the meeting at the start of 05/00967/OUT - Land H8 North Of Paxcroft Way Trowbridge and returned during the debate of the same.

Cllr Repton left the meeting at the start of 05/00967/OUT - Land H8 North Of Paxcroft Way Trowbridge and returned during the debate of the same.

Cllr King left the meeting during the comfort break and returned during the open forum of 07/02816/FUL - Restharrow 3 Martins Close Keevil

Cllr Parks left the meeting during the comfort break and returned during the open forum of 07/02816/FUL - Restharrow 3 Martins Close Keevil

Cllr Burden left the meeting during the comfort break and returned during the open forum of 07/02816/FUL - Restharrow 3 Martins Close Keevil

Cllr Phillips OBE left the meeting during the open forum of 07/02816/FUL - Restharrow 3 Martins Close Keevil and returned during the debate of the same.

Cllr Newbury left the meeting during the officer presentation of 07/01115/FUL - 106 West Street Warminster and returned during the debate on the same.

Cllr Fuller left the meeting at the start of 07/01674/FUL - Land Adjacent Manor House The Street Broughton Gifford and did not return

Cllr Bolwell left the meeting at the start of 07/00045/FUL - The Bungalow 16A Cobbett Rise Bishopstrow and returned during the open forum of the same.

Cllr Mounde left the meeting at the end of 07/00045/FUL - The Bungalow 16A Cobbett Rise Bishopstrow and did not return

Cllr Parks left the meeting at the end of 07/00045/FUL - The Bungalow 16A Cobbett Rise Bishopstrow and did not return

Cllr Denison-Pender left the meeting during the open forum of 07/00364/OUT - Land Adjacent 105 Green Lane Codford and did not return

Cllr March left the meeting during the open forum of 07/00364/OUT - Land Adjacent 105 Green Lane Codford and did not return



Cllr Newbury left the meeting during the open forum of 07/02370/FUL - Land Adjoining 53a Beanacre and returned during the debate on the same.

#### **NOTE: VOTE TO CONTINUE**

During consideration of agenda item no.3, after 3 hours had 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 until all items for which members of the public had elected to speak had been heard and then a decision be made to continue further.**

**NOTE: At the end of item 19 it was resolved to end the meeting and defer the remaining items to the meeting on 15 November 2007.**

#### **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, 5, 8, 9, 10, 11, 12, 16, 19

#### **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.**

#### **DATE OF NEXT MEETING**

The next meeting of the Planning Committee will be held on **Thursday 15 November 2007** at **7.00pm** in the Council Chamber at the Council Offices, Bradley Road, Trowbridge.

(19.00 – 23.55 )

These minutes were prepared by Pam Denton, Member Support Team Leader who can be contacted on 01225 776655 ext 204 or by e-mail [pdenton@westwiltshire.gov.uk](mailto:pdenton@westwiltshire.gov.uk)