

# **WEST WILTSHIRE DISTRICT COUNCIL**

## **MINUTES**

Minutes of the: **PLANNING AND LICENSING COMMITTEE  
(INAUGURAL MEETING)**

Held on: **THURSDAY 31 JULY 2003**

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

Present:

Councillors: Baker, Burnan OBE, Chivers, Clark, John Clegg, Marion Clegg, Cox, Davis, Farkas, Fortescue, Hawker, James, Knight, March, Oldrieve, Osborn, Phillips OBE, Repton and Viles

Also Present - Councillors: Barker and Manasseh (part meeting)

Officers: Head of Regulatory Services, Principal Planning Officer (Residential), Principal Planning Officer (Commercial), Senior Planning Officer (IR), Principal Lawyer, Principal Environmental Health Officer (DB) and Member Support Officer (YR)

### **1. APOLOGIES AND CHANGES TO THE CONSTITUTION**

Apologies for absence were received from Councillors Blakemore, Lewis, Squires and Whatley-Gibbs. Councillor Davis replaced Councillor Whatley-Gibbs for this meeting only.

### **2. MEMBERSHIP OF COMMITTEE**

The membership of the Committee was noted.

### **3. ELECTION OF CHAIRMAN**

On being proposed and duly seconded it was

#### **RESOLVED:**

**That Councillor Gerry Burnan OBE be elected Chairman of the Planning and Licensing Committee for this meeting.**

The Chairman was congratulated on his appointment.

### **4. APPOINTMENT OF VICE CHAIRMAN**

On being proposed and duly seconded it was

**RESOLVED:**

**That Councillor Christopher March be appointed Vice-Chairman of the Planning and Licensing Committee for this meeting.**

**5. INTRODUCTION**

The Head of Regulatory Services outlined the new arrangements concerning this Committee in respect of development control and licensing. It was noted that this Council would in future be dealing with far more licensing applications due to forthcoming legislation which would mean applications previously considered by the magistrates court would now be determined by district councils. It was also noted that formal planning training for Members was being arranged for 22 September and repeated on 23 September 2003, further details of which would be circulated to Members in due course.

**6. OPEN FORUM**

For Open Forum presentations in respect of planning applications please refer to Minute No 12 or corresponding item.

**7. QUESTIONS**

No questions were received.

**8. DECLARATIONS OF INTEREST**

Most Members reported that they had been lobbied on several of the applications for consideration that evening.

Councillor Repton reported that she had visited the Railway Inn, Westbury, Minute no. 11 refers.

**9. ANNOUNCEMENTS FROM THE CHAIR**

The Chairman welcomed Members and members of the public to the first meeting of the Committee and thanked Members for their congratulations on his appointment.

**10. URGENT BUSINESS**

There was no urgent business.

**11. PUBLIC ENTERTAINMENT LICENCE APPEAL – THE RAILWAY INN, STATION ROAD, WESTBURY**

**Open Forum:** The following speakers made an Open Forum presentation on this item:

Mr Adams, Pamela Cox-Maidment, Mr Fortin, Emma Wills, Mr Wieck and Mr Mead.

The Principal Environmental Health Officer presented a report regarding an appeal against a Public Entertainment Licence for the Railway Inn at Westbury. The applicant had applied for a public entertainment licence to trade until 1am Mondays to Saturdays. His existing licence limited this to 11pm Mondays to Saturdays with 10.30pm on Sundays.

The application was determined under delegated powers by the Head of Regulatory Services following a report by the Principal Environmental Health Officer and Licensing Officer. Their recommendation was that the application be refused on the basis that this would be a departure from the Authority's current licensing practice. However the decision of the Head of Regulatory Services was to grant a public entertainment licence for up to 12 midnight on Thursdays, Fridays and Saturdays only.

The report presented detailed the background, the appellant's case and consultation, together with options for the Committee's consideration. The Principal Environmental Health Officer read out the views of the Police on the application in which they were objecting to the extension. He also reminded the Committee that they were considering the application in a quasi-judicial process and that they should consider the application on its individual merits.

**RESOLVED:**                    **That a conditional Public Entertainment Licence be granted for a trial period of six months for midnight on Thursdays, 1am on Fridays and 1am on Saturdays.**

Note: Recorded vote.

Councillor Viles requested that his vote against the above decision be recorded.

## **12. PLANNING APPLICATIONS**

### **Open Forum Speakers:**

| <b>Application</b>   | <b>Speaker(s)</b>   |
|--|---|
| 02/01281/OUT- Former GEC site<br>Beanacre Road, Melksham                     | Sarah Cardy<br>Mr Bell  |
| 02/01574/FUL – Land to rear of 125 High<br>Street, Codford, Warminster       | Mr Smith, Rosemary Wyeth,<br>Julia Whelan, Maurice Colson<br>Shona Smith, Maurice Cole<br>Tim Anderson, W Ledberry,<br>Harry Grist, |
| 03/00105/REM – Land at Gibbs Close,<br>Westbury                              | Mr Morland  |
| 03/00820/FUL – 36 Pitman Avenue,<br>Trowbridge                               | Bill Lowe, Brian Mitchell   |
| 03/00656/FUL – Land to the Rear of 70<br>High Street, Heytesbury, Warminster | Alistair Steel, Clive Katon<br>Lorna Katon, P Grist, Dick<br>Howard-Vyse, Rev Ann Bennett-<br>Shaw                                  |
| 03/00379/LBC and 03/00573/FUL – 120<br>First Lane, Whitley, Melksham         | Jan Turner, Mr K Mitchell,  |
| 03/00663/FUL – 17 Tynings Way, Lower   | S Wyartt  |

|   |             |
|---|-------------|
| Westwood, Bradford on Avon                            |             |
| 03/00858/FUL – 11 The Rank, North Bradley, Trowbridge | Paul Davies |

Note: Order of Items

The Chairman agreed to vary the order of the applications for consideration in order to deal with items, which attracted large numbers of public present and wishing to speak during the Open Forum.

# **RESOLVED:**

- a) **To make decisions on planning and related applications as set out in the appendix to these minutes.**
- b) **That the following application be deferred for a site visit to be held on 21 August 2003 at 3pm which would then be determined by the Planning and Licensing Committee to be held later that evening commencing at 7pm at the Council Offices, Bradley Road, Trowbridge:**

**03/00656/FUL – Land to the rear of 70 High Street, Heytesbury, Warminster**

Reasons for going against the officers' recommendation:

02/01281/OUT – Former GEC site, Beanacre Road, Melksham

The above application was recommended by officers for refusal and had previously been considered by the Northern Area Committee at its meeting on 12 June 2003. The Northern Area Committee had resolved to refer the application to the then Regulatory Committee (or appropriate body) with a recommendation that it be referred to the Secretary of State as a departure from policy which the Council was mindful to approve subject to a Section 106 Agreement and conditions as detailed to the Committee.

The Planning and Licensing Committee agreed with the following reason of the Northern Area Committee:

That the Committee wished to see the removal of the buildings from the site and the development of a brownfield site to provide housing, a transport interchange and affordable housing.

Recorded Vote

02/01574/FUL – Land to rear of 125 High Street, Codford, Warminster.

The above application was recommended by officers for refusal and had previously been considered by the Southern Area Committee at its meeting on 5 June 2003. The Southern Area Committee had resolved to refer the application to the then Regulatory Committee (or appropriate body) with a recommendation that planning permission be granted.

It was moved and seconded that planning permission be granted based on the recommendation and for the following reason given by the Southern Area Committee:

The building was worthy of preservation. In its present state, it is an eyesore to the entrance to the village. The Committee noted that improvements to the access were achievable and requested the Regulatory Committee or appropriate body to give consideration to revised plans which may be submitted. The Committee was of the opinion that the proposal would effectively enhance the appearance of the village rather than detract from it.

On being put to the vote, the above motion was LOST and a recorded vote having been requested, the voting was recorded as follows:

For permission (7)

Councillors Baker, John Clegg, Marion Clegg, Davis, Knight, March, Viles

Against (12)

Councillors Burnan OBE, Chivers, Clark, Cox, Farkas, Fortescue, Hawker, James, Oldrieve, Osborn, Phillips OBE and Repton.

A motion was then moved and seconded that the application be refused for the reasons as outlined in the report presented. On being put to the vote, the motion was CARRIED and permission was refused.

Note:

Recorded Vote

#### **02/01281/OUT – Former GEC site, Beanacre Road, Melksham**

Councillor Clark requested that his vote against the decision to grant planning permission be recorded. Councillor Fortescue requested that her abstention from voting be recorded.

#### **03/00820/FUL – 36 Pitman Avenue, Trowbridge**

Councillors Chivers, James and Viles requested that their votes against the decision to grant planning permission be recorded.

#### **03/00898/FUL – 11 Marsh Street, Warminster**

**It was noted that the above application had been deferred.**

**Vote to continue.**

**During the course of consideration of planning applications, a vote was taken to continue with the meeting in order to determine applications where there were public present and wishing to address the Committee during Open Forum. However it was subsequently agreed to continue with the meeting to deal with all items on the agenda.**

**13. REPRESENTATIVES ON OUTSIDE BODIES**

No reports were made.

**14. TIME OF FUTURE MEETINGS**

The Committee was asked to consider at what time future meetings should.. It was generally agreed that 7pm would be a more convenient time for both Members and members of the public. Members expressed concern at the length of this meeting and questioned whether the Committee should be meeting on a fortnightly basis. The Committee was advised that this would mean a change to the Constitution and therefore a matter for Council to decide.

**RESOLVED:**

**That future meetings of the Planning and Licensing Committee be held at 7pm.**

**DATE OF NEXT MEETING**

The next meeting was scheduled for **Thursday 21 August 2003** at **7pm** in the Council Chamber at the Council Offices, Bradley Road, Trowbridge.

(6pm – 11.05pm)

These minutes were prepared by Yamina Rhouati, Member Support Officer who can be contacted on direct line 01225 770322 or email [yrhouati@westwiltshire.gov.uk](mailto:yrhouati@westwiltshire.gov.uk)