

## **WEST WILTSHIRE DISTRICT COUNCIL**

### **MINUTES**

Minutes of the: **PLANNING COMMITTEE**

Held on: **THURSDAY 8 JANUARY 2004**

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

Present:

Councillors: Newbury (Chairman), Brice, Burnan OBE, Carbin, Clark, John Clegg, Marion Clegg, Cox, Cunliffe-Jones, Fortescue, Hawker, James, Knight, Lewis, March, Osborn, Repton, Rosier, Viles, Wells and Whatley-Gibbs

Also in attendance: Councillors Bower, Bryant, Davis, Oldrieve, Manasseh, Mounde and Mudge

Officers: Development Control Manager, Principal Planning Officer (Commercial), Principal Planning Officer (Residential), Conservation Officer, Principal Lawyer and Member Support Officer (AB)

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#### **70 APOLOGIES AND THE CONSTITUTION OF THE COMMITTEE**

An apology for absence was received from Councillor Syme and an apology for lateness received from Councillor John Clegg.

#### **71 OPEN FORUM**

For open forum presentations please refer to minute number 76.

#### **72 MINUTES**

The minutes of the meeting held on 11 December 2003 were approved as a correct record and signed by the Chairman.

#### **73 DECLARATIONS OF INTEREST**

All Members present reported that they had received general lobbying on various applications to be considered at this meeting, in particular the following:

03/01256/REM - Local Centre, Westbury Leigh, Westbury  
03/01402/FUL - Rear of Bellefield Crescent, Trowbridge

Councillor Clark declared his interest in the following applications as he had chaired the parish council meetings at which they had been discussed. Also, in respect of application 03/01427/FUL he knew both the applicant and the objector, and in respect of application 03/001771/FUL he knew the objector. He left the Chamber during consideration of both applications:

03/01427/FUL - 15 Whaddon Lane, Hilperton  
03/01771/FUL - Land adjacent 125B Ashton Road, Hilperton

Councillor Hawker declared his interest in the following application on grounds of pre-determination:

03/01256/REM - Local Centre, Westbury Leigh, Westbury

#### **74     QUESTIONS**

No questions were received.

#### **75     ANNOUNCEMENT FROM THE CHAIRMAN**

The Chairman made the following announcements:

##### **Planning Seminar**

A planning seminar would be held towards the end January to discuss the matters that had arisen at the last meeting. Details would be sent to Members in due course once the date had been finalised.

##### **Development Control Performance**

The Development Control Team had met the performance standards set by the ODPM for the quarter October to December 2003.

#### **76     PLANNING APPLICATIONS**

Open forum speakers:

<b>Application</b>	<b>Speaker(s)</b>
03/01256/REM - Local Centre, West Leigh	Mrs Kimmins, Mrs Irving, Mrs Cox-Maidment and Mr Morland
03/01427/FUL - 15 Whaddon Lane, Hilperton	Mr Walker
03/00344/FUL - Land at Summerslade Down, Brixton Deverill	Mr Marsh and Mr Savage

03/01766/FUL - Heytesbury Post Office, 67 High Street, Heytesbury	Brig Sincock, Mr Tennant, Mr Grist and Mr McLellan
03/01899/FUL - 26 Iford Fields, Westwood	Mr Fisher
03/01913/FUL - 59 St Johns Road, Warminster	Mr Wyatt
03/01402/FUL - Rear of Bellefield Crescent, Trowbridge	Mrs Milroy, Mr Chatterton, Mr Charlton, , Mr Partridge, Mrs Mantle, Mr Williams, Mrs O'Neill and Mr Hardman
03/01967/FUL - B Missen, Watsons Court, Melksham	Dr Cardy, Mrs G Cardy and Mrs S Cardy and Mr Dobson

- 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.**

### **Applications Deferred**

03/01766/FUL - Heytesbury Post Office, 67 High Street, Heytesbury

Reason: For the applicant to submit a listed buildings application.

### **Decisions made against officers' recommendation**

The Committee went against the officers' recommendations on the under mentioned applications for the following reasons:

#### **03/01402/FUL - Rear of Bellefield Crescent, Trowbridge**

Please refer to the appendix for the reason for refusal.

#### **03/01967/FUL - B Missen, Watsons Court, Melksham**

Please refer to the appendix for the reason for refusal

### **Recorded Votes**

#### **03/01256/REM - Local Centre, Westbury Leigh, Westbury**

A recorded vote was requested on the motion for permission as per the officer's recommendation, which was CARRIED, and the voting was as follows:

For permission: Councillors Brice, Burnan, Marion Clegg, Cunliffe-Jones,  
(12) Fortescue, James, Knight, March, Osborn, Rosier, Viles  
and Whatley-Gibbs

Against permission: Councillors Carbin, Clark, Cox, Lewis, Newbury, Repton  
(7) and Wells

Abstentions: Nil  
(0)

**03/00989/FUL - Bowerhill Farm, Bowerhill, Melksham**

This application was granted permission in accordance with the officer's recommendation. Councillors Cox and James requested that their votes AGAINST this permission be recorded.

During the debate a motion was moved and seconded for deferral for further negotiations with the highway authority in respect of access. On being put to the vote the motion was LOST. Councillor Carbin requested that his vote FOR this deferral be recorded.

**NOTE: VOTE TO CONTINUE**

During this item, at 10.00pm, the Committee voted to continue with the meeting in accordance with the Constitution.

**77 RESIDENTIAL DEVELOPMENT AT LAND NORTH OF PAXCROFT WAY, TROWBRIDGE**

Members were asked to consider the deletion of a condition relating to highway access arrangements at land north of Paxcroft Mead, Trowbridge.

On 26 June 2003 the Central Area Committee had approved the application (01/01970) in principle, subject to the prior completion of a legal agreement and 11 conditions. The 11<sup>th</sup> condition was imposed at the specific request of the Committee members as follows:

“The highway access points from Cusance Way and Walmesley Chase shall be completed concurrently with the development to which they relate and made available for use before any of the dwellings hereby permitted are occupied”

The Committee was concerned that if the access route from Cusance Way was not available there would be only one means of access leading into the development. When the condition was approved it was understood that the applicants, Gallagher Estates, had control over the adjoining land. It had subsequently come to light that this was not the case.

It was considered that, in view of the fact that the applicant did not control the land over which the second access would be formed, it would not be reasonable to impose this condition. The applicants would have some difficulty with compliance and if the condition could not be complied with then the Council would need to serve a Breach of Condition Notice for non-compliance and it was unlikely that this could be sustained on appeal.

**RESOLVED:**           **That Condition 11 continues to be imposed on the planning permission when it is granted following the completion of the Section 106 Agreement.**

**78     PLANNING APPEALS - UPDATE**

The Principal Planning Officer (Commercial) presented details of planning appeals to date.

**RESOLVED:**           **That the report be noted.**

**79     REPRESENTATIVES ON OUTSIDE BODIES – REPORTING BACK**

No reports were made.

**DATE OF NEXT MEETING**

The next meeting would be held on 29 January 2004 at 7.00pm in the Council Chamber, in the Council Offices, Bradley Road, Trowbridge.

(7.00pm - 11.05pm).

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