

# **WEST WILTSHIRE DISTRICT COUNCIL**

## **MINUTES**

Minutes of the: **PLANNING COMMITTEE**

Held on: **THURSDAY 19 FEBRUARY 2004**

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

Present:

Councillors: Newbury (Chairman), Baker, Brice, Burnan OBE, Clark, John Clegg, Marion Clegg, Conley, Cunliffe-Jones, Davis, James, Knight, March, Osborn, Phillips OBE, Repton, Syme, Viles and Wells

Also in attendance: Councillors Barker, Chivers and Mudge

Officers: Development Control Manager, Principal Planning Officer (Residential), Senior Planning Officer (JE), Planning Policy Manager (part) Principal Lawyer and Member Support Officer (AB)

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

Apologies for absence were received from Councillors Carbin, Cox, Fortescue, Hawker, Lewis and Whatley-Gibbs.

The following temporary changes to membership were made:

Councillor Conley replaced Councillor Fortescue  
Councillor Phillips replaced Councillor Hawker  
Councillor Davis replaced Councillor Whatley-Gibbs

### **91 OPEN FORUM**

For open forum presentations in respect of planning applications please refer to minute number 97

For other open forum presentations please refer to the relevant minute number.

**92     MINUTES**

The minutes of the meeting held on 29 January 2004 were approved as a correct record and signed by the Chairman.

**93     DECLARATIONS OF INTEREST**

The following Members reported that they had received general lobbying on various applications to be considered at this meeting:

Councillors Baker, Brice, Burnan, Clark, John Clegg, Marion Clegg, Cunliffe-Jones, James, Knight, March, Newbury, Osborn, Syme, and Viles.

**94     QUESTIONS**

No questions were received.

**95     ANNOUNCEMENTS FROM THE CHAIRMAN**

There were no announcements.

**96     PROPOSED RESIDENTIAL DEVELOPMENT AT GEC SITE AT  
BEANACRE, MELKSHAM**

**Open Forum Speakers – Mrs Westbrook, Mr Bell and Mr Tull**

Members were asked to consider proposed amendments to the S106 Heads of Agreement and some conditions in respect of the proposed residential development at the GEC site, Beanacre, Melksham.

The Northern Area Committee resolved to grant permission to the application - 02/01281/OUT - subject to the Heads of Terms for a S106 Agreement and conditions, and this was endorsed by the Planning Committee on 31 July 2003. The applicant had subsequently written to the Council summarising the terms of the resolution and expressing concerns in respect of the following:

- Affordable housing
- Provision of off site links to George Ward School
- Off site highway works
- The transport interchange

The report presented considered these issues and the proposed amendments.

**RESOLVED:**

- (a)     That the following amendments to the Committee resolution be made:**

- 1) To advise the applicant that the Council wishes to see 30% affordable housing for the site unless an “open book” financial case can be made to justify lack of viability and instruct officers to proceed with the S106 accordingly.
- 2) Affordable housing and condition no 6 – the wording to be amended to  
‘a) Affordable housing in two separate locations, neither to be at the southern end of the site unless fully integrated with open market housing’
- 3) S106 Heads of Agreement – delete reference to ‘any off site highways works’
- 4) S106 Heads of Agreement – delete reference to a link to George Ward School
- 5) Condition no 6 be amended to include in sub point  
b) ‘footbridge/cycleway location’ at the end of the first sentence and ‘pedestrian/cycleway access’ in the second sentence, and
- 6) Condition 12 be amended as suggested below to reflect inter alia the requirement to include the cycleway across the railway in the future and within the site.
- 7) Transport interchange – the wording of condition 6 remains unaltered
- 8) The wording of condition no 12 be changed to:

- 12 No work shall commence on site until a detailed plan has been submitted to and approved in writing by the Local Planning Authority showing the proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water out fall, visibility splays, accesses and car parking.

For the avoidance of doubt, the layout will need to demonstrate how an access to, and interchange with, a potential relocation of Melksham station would be facilitated, designed in accordance with contemporary policy and current best practice. Such a design would need to ensure public vehicular and pedestrian access up to the site boundary, bus parking and circulation, car parking and taxi facilities and a covered passenger waiting area. The layout will also need to set aside a location (and be otherwise laid out) to accommodate a landing for a future pedestrian, cycleway bridge over the railway line.

**Reason:** To ensure compatibility with the adjoining site and that the future transport interchange is not prejudiced.

**Policy T8 West Wiltshire District Plan – 1<sup>st</sup> Alteration  
(including proposed modifications)**

- (b) That , in the event that a section 106 agreement has not been completed within two months of this resolution (excluding any time taken to complete an “open book” evaluation if there is one), the Head of Regulatory Services be authorised to refuse the application on any or all of the above grounds.
- (c) That the S106 Heads of Agreement referring to a financial contribution to education facilities be deleted.

**97 PLANNING APPLICATIONS**

Open forum speakers:

<b>Application</b>	<b>Speaker(s)</b>
03/01938/FUL – Hillview Farm, Bradford Road, Winsley	Mrs Heard, Mrs Burrell, Miss Parr, Mr Tucker
03/01853/REM – Land northwest of (south site), Bowerhill Lane, Bowerhill	Mr Llewellyn, Mr Sanders
03/00793/REM – Land off Falcon Way, Bowerhill, Melksham	Mr Sankey
03/02012/OUT – 114 Station Road, Westbury	Mr Evans
03/02221/FUL – Hatch House, Up Street, Upton Lovell	Mr Bray, Mr Lock
03/02124/FUL – 55A Frome Road, Bradford on Avon	Mr Croston
03/02135/FUL – 24 Bread Street, Warminster	Mrs Cuckoo
03/01464/FUL – Smallbrook Cottage, 18 Smallbrook Lane, Warminster	Mr Grist

- 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.

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

#### **03/02221/FUL – Hatch House, Up Street, Upton Lovell**

The above application was recommended for permission by officers. However, the Committee refused permission for the following reason:

That the proposed extension would by virtue of its scale design and relationship to the existing building introduce a prominent and alien design unsympathetic to the host building. This is contrary to Policy C3b of the Structure Plan, Policy C2 of the West Wiltshire District Plan and Policies C2 and C31a of the West Wiltshire District Plan – 1<sup>st</sup> Alteration (including pre-inquiry changes) in that it would be detrimental to the special landscape character of this part of the AONB and not respect the townscape or quality of the surrounding buildings.

#### **03/02135/FUL – 24 Bread Street, Warminster**

The above application was recommended for permission by officers. However, the Committee refused permission for the following reason:

The proposed extension, by reason of its proximity to the boundary, depth and size, would result in a significantly overbearing and dominating presence, to the detriment of the amenities of the adjoining properties, contrary to Policy C26 of the West Wiltshire District Plan and Policy C38 of the West Wiltshire District Plan --1<sup>st</sup> Alteration (including proposed modifications)

NOTE: Councillors Baker and Syme, being members of Warminster Town Council, stated that they would retain an open mind in considering this application.

### **Recorded Votes**

#### **03/01938/FUL – Hillview Farm, Bradford Road, Winsley**

This application was moved and seconded for refusal. On being put to the vote the motion for refusal was LOST and a recorded vote having being requested the voting was recorded as follows:

FOR THE MOTION:  
(9)

Councillors Baker, Clark, Cunliffe-Jones,  
Osborn, Phillips, Repton, Syme, Viles  
and Wells

AGAINST THE MOTION:  
(9)

Councillors Brice, John Clegg, Marion  
Clegg, Conley, Davis, James, Knight,  
March and Newbury

ABSTENTION:  
(1)

Councillor Burnan

The Chairman used his casting vote AGAINST refusal.

The following motion was then moved and seconded and on being put to the vote was CARRIED.

That the Head of Regulatory Services be authorised to grant approval subject to a Section 106 legal agreement seeking a contribution to implement a Road Traffic Regulation Order if required by the Highway Authority to secure a left turn only exit for the site.

Councillors Clark and Viles requested that their votes AGAINST this approval be recorded.

Councillor James requested that his vote AGAINST the inclusion of the implementation of a Road Traffic Regulation Order to secure a left hand only exit for the site be recorded.

03/00793/REM – Land off Falcon Way, Bowerhill, Melksham

Councillor Clark requested that his vote AGAINST permission 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.

**98 PLANNING ENFORCEMENT: POLESHOLE FARM, BROKERSWOOD ROAD, SOUTHWICK, TROWBRIDGE**

At its meeting on 2 October 2003, the Planning Committee resolved that all alleged breaches of planning control at Poleshole Farm and the adjoining site be investigated as a matter of urgency, with the exception of those that would require action by Wiltshire County Council, and a report brought back to Committee with proposals for appropriate action.

Visits to the site had been undertaken with a view to discovering what breaches had taken place and to find the most appropriate response.

Planning permissions were first granted in 1993 and subsequently in 1999, providing for two phases of landfill development. The first Phase was largely completed in accordance with the permission. A haul road had been formed through this site in breach of the permission and the land remained to be restored. Plans for the restored landform were not submitted as required in respect of Phase 2, areas of which were yet to be finalised. In addition, land outside the areas where development was permitted had been used for soil stacking and some landfill operations. It would seem that poor site management had led to soil being

stacked outside the permitted area and it was evident that more material was received than could be properly managed within the site.

Correspondence had now been received from the applicant's agent agreeing with the Council's assertion that there was surplus material to the current site's requirements. It was now being proposed to submit a further application seeking to utilise the excess material. The applicant would be seeking to infill natural depressions and more evenly grade the site in relation to the existing topography up to the natural file boundary to the north west of the site. Further, it was considered that this authority should progress this further application in view of the events leading up to the present situation.

The described breaches of planning control may be viewed significant in particular with regard to the increased infill and land acreage involved. However, assuming the Council could be assured that no further material would be imported, the proposed way forward may be the most practical and cost effective solution to remedying the present unsatisfactory situation.

- RESOLVED:**
- (a) **That the report be noted and, for the time being, no formal enforcement proceedings be progressed until the recently submitted application has been considered.**
  - (b) **That the applicant be advised that formal proceedings will be pursued in respect of all alleged breaches of planning control should the site be re-opened or expanded without first obtaining the necessary approval.**
  - (c) **That further, should the Council be so minded to grant planning permission to effectively extend the site, the applicant be advised that this permission and any conditions thereon must be strictly adhered to and, if appropriate, immediate enforcement proceedings will be commenced to regularise any future breaches of control in line with the Council's current enforcement policy.**
  - (d) **That, if permission is recommended on the 2004 application, a wheel washing facility condition will be required.**

## **99      PLANNING APPEALS - UPDATE**

Details of planning appeals to date were presented to the Committee.

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

## **100     REPRESENTATIVES ON OUTSIDE BODIES – REPORTING BACK**

Councillor Phillips referred to the Council's representation on the Cotswolds Conservation Board. As the Council represented only 0.5% of the total area covered by the Cotswolds Area of Outstanding Natural Beauty, he suggested that the Committee might give consideration to the Council seeking joint representation with North Wiltshire District Council.

### **DATE OF NEXT MEETING**

The next meeting was scheduled for 11 March 2004 at 7.00pm in the Council Chamber, in the Council Offices, Bradley Road, Trowbridge.

(7.00pm – 10.45pm)

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).