

MINUTES TO BE APPROVED AT THE MEETING ON THE 24 JUNE 2004

WEST WILTSHIRE DISTRICT COUNCIL

MINUTES

Minutes of the: **PLANNING COMMITTEE**

Held on: **THURSDAY 3 JUNE 2004**

Held in: **THE OCTAGON SUITE, COUNCIL OFFICES, BRADLEY ROAD, TROWBRIDGE**

Present:

Councillors: March (Chairman), Blakemore, Brice, Burnan OBE, Carbin, Chivers, Clark, John Clegg, Marion Clegg, Cunliffe-Jones, Davis, Fortescue, Hawker, Knight, Manesseh, Newbury, Osborn, Repton, Rosier, and Viles

Also in attendance: Councillor Hames (part meeting)

Officers: Principal Planning Officer (Commercial), Principal Planning Officer (Residential), Planning Officer (AS), Principal Lawyer and Member Support Officer (YR)

139. APOLOGIES AND CONSTITUTION OF THE COMMITTEE

Apologies for absence were received from Councillors Baker, Cox, Lewis, and Whatley-Gibbs.

The following temporary changes to the membership were made:

Councillor Davis replaced Councillor Whatley-Gibbs
Councillor Manesseh replaced Councillor Cox

140. OPEN FORUM

For open forum presentations in respect of planning applications please refer to minute number 145.

141. MINUTES

The minutes of the meeting held on 13 May 2004 were presented.

Councillor Carbin reported that he had not in fact declared an interest at that meeting.

04/00385/FUL – Land east of Furnax Lane, Warminster – Councillor Newbury reported that he had in fact been lobbied by both the applicant and the applicant's agent. Councillor Newbury referred to the note regarding the statement made by Councillor Davis and considered that the note should have been recorded to say that Councillor Davis

had been reporting the views of Councillor Whatley-Gibbs. This was echoed by Councillor Chivers. Councillor Davis responded by saying that the matter had been recorded accurately in the minutes and confirmed that whilst he had attended the meeting to temporarily replace Councillor Whatley-Gibbs, the views he had expressed were his own.

04/00356/FUL – Land adjacent to 22 Maristow Street, Westbury

Councillor Hawker reported that this should have been recorded to say that he had been lobbied by the applicant and the owner of the adjacent property who was the principal objector to the application.

RESOLVED:

That the minutes of the meeting held on 13 May 2004 be approved as a correct record and signed by the Chairman subject to the following amendments:

Minute no. 133 – Declarations of Interest

Deleting reference to Councillor Carbin declaring that he had been lobbied on applications.

Councillor Newbury – that he had been lobbied by both the applicant and the applicant's agent on application 04/00385 – Land East of Furnax Lane, Warminster.

Councillor Hawker – that he had been lobbied by both the applicant and the owner of the adjacent property who was the principal objector.

Note: Recorded Votes

Councillors Newbury and Chivers requested that their votes against the above decision be recorded.

142. DECLARATIONS OF INTEREST

The following Councillors declared that they had been lobbied on the under mentioned applications:

04/00371/FUL – Watsons Court, Melksham

Cuoncillors Osborn, Brice, Blakemore, Repton, Rosier, Newbury, Chivers, Manasseh,

04/00734/FUL – Land at Westbourne Gardens, Trowbridge

Brice, Knight and Burnan were present when the application was considered by the Planning Committee of Trowbridge Town Council, but undertook to consider the application with an open mind.

Councillor Rosier – his property was on the corner of Westbourne Gardens and Wingfield Road on the opposite side of the application site, but said he would not be affected by the proposal. He had been lobbied and discussed the proposal with a neighbour. On seeking advice, Councillor Rosier declared a personal interest and said that he would leave the room when the application was discussed.

04/00410/FUL & 04/00414/LBC – Land to rear of 62 Market Place, Warminster

Councillor Davis reported that he lived at The Ridgeway and that he had been lobbied on the application. Having sought advice, the advice was to consider whether others might view him as being biased and to avoid criticism. Councillor Davis reported that he would not be leaving the meeting for this item.

Councillor March reported that he had a personal interest in these applications as he had chaired an informal Warminster Town Council working group. He said he would leave the room and asked his Vice-Chairman to preside for those items. Councillor March also reported that he had received general lobbying on other applications.

04/00655/FUL – Land Adjacent 48 Spa Road, Melksham

Councillors Osborn, Brice, Blakemore, Repton, Rosier, Newbury, Chivers, Cunliffe-Jones, John Clegg, Hawker, Marion Clegg, Burnan, Fortescue and Viles reported they had been lobbied on this application.

04/00484/FUL – 8 – 10 the Old Silkworks, Beech Avenue, Warminster

Councillor Davis reported that he had been lobbied on this application.

04/00520/FUL – Land Adjoining 38 Summerleaze, Trowbridge

Brice, Knight and Burnan were present when the application was considered by the Planning Committee of Trowbridge Town Council, but undertook to consider the application with an open mind.

04/00145/FUL – 18 Fairwood Close, Hilperton

Councillor Clark reported that he had chaired a meeting of Hilperton Parish Council when this application was discussed, but undertook to consider the application with an open mind.

Councillor Clark also reported that he had not been lobbied on any of the applications.

Councillor Carbin reported that he had no interests to declare.

143. QUESTIONS

No questions were received.

144. ANNOUNCEMENTS FROM THE CHAIRMAN

There were no announcements.

145. PLANNING APPLICATIONS

Open forum speakers:

Mr Morland made an open forum presentation in respect of 04/00383/FUL – ULN (UK) Ltd, The Ham, Westbury as referred to in the list of delegated decisions. Mr Morland expressed concern that this application had been granted planning permission under officer's delegated powers despite objections by Heywood Parish Council. He was also concerned that these objections related to highway objections which had not been referred to the Highway Authority for comment.

In the discussion which ensued, officers confirmed receipt of the objection from Heywood Parish Council but pointed out that Heywood was not the local Parish for the application

site. Had it been the local Parish then it would, in accordance with the Constitution be referred to the Planning Committee. Officers also confirmed that the decision to decide the application at officer level was taken in consultation with the previous Chairman of the Committee.

It was suggested that the Constitution be clarified with respect to the automatic referral to Committee where contrary views are expressed by adjacent parishes whose area might be affected by proposed development.

Application	Speaker(s)
04/00371/FUL – Watsons Court, Melksham	Ian Cardy, Gill Cardy, Sarah Cardy, Julia Scott & Paul Heath
04/00734/FUL – Land at Westbourne Gardens, Trowbridge	David Firth & James Catchpool
04/00410/FUL – Land to rear of 62 /66 Market Place, Warminster	Richard Haes
04/00655/FUL – Land adjacent 48 Spa Road, Melksham	Emil Raubenheimer, Ivor Wiltshire, Gerald Petty, Sarah Cardy, Jeremy Drew & John McCreadie

Decisions made against officers' recommendation

04/00371/FUL – Watsons Court, Melksham

This application was recommended for permission by officers, but the Committee decided to refuse planning permission for the reason detailed in the appendix to these minutes.

04/00734/FUL – Land at Westbourne Gardens, Trowbridge

This application was recommended for permission by officers, but the Committee decided to refuse planning permission for the reasons detailed in the appendix to these minutes.

04/00410/FUL – Land to rear of 62/66 Market Place, Warminster

This application was recommended for permission at a future date subject to the completion of a legal agreement. The Committee's decision was to refuse the application for the reasons detailed in the appendix to these minutes.

04/00414/LBC – Land to rear of 62/66 Market Place, Warminster

This application was recommended for consent by officers. Given that the Committee refused planning permission for the above application, it also decided to refuse consent on this application.

04/00655/FUL – Land Adjacent 48 Spa Road, Melksham

This application was recommended for planning permission at a future date subject to the completion of a legal agreement. The Committee decided to defer consideration of the application for a site visit to be held on 24 June at 3pm then considered by the Committee at its meeting later that evening.

NOTE: VOTE TO CONTINUE

During the consideration of planning applications, in accordance with the Constitution at 10.00pm, the Committee voted 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 a site visit be held in respect of application 04/00655/FUL – 48 Spa Road, Melksham which would be held on 24 June 2004 at 3pm and then considered by the Planning Committee later that day.**

Recorded Votes

04/00533/OUT – Land adjacent 30 Barnes Wallis Close, Bowerhill, Melksham
Councillor Clark requested that his vote against the decision to grant planning permission be recorded.

04/00722/FUL – West End Garage, Ham Green Holt
Councillor Chivers requested that his vote against the decision to refuse planning permission be recorded.

Attendance

04/00371/FUL – Watsons Court, Melksham – Councillor Repton left the meeting during the debate on this item and returned before the conclusion of the debate.

04/00734/FUL – Land at Westbourne Gardens, Trowbridge – Having declared a personal interest, Councillor Rosier left the meeting for the entire debate and voting on this application.

Councillor March having declared an interest in applications 04/00410/FUL & 04/00414/LBC – Land at rear of 62/66 Market Place, Warminster, left the meeting when those items were discussed. The Vice-Chairman, Councillor Burnan presided over the meeting for those items.

04/00533/OUT – 30 Barnes Wallis Close, Bowerhill, Melksham – Councillor Rosier left the meeting at the start of the officer presentation on this application and returned at the start of the officer presentation of the next application: 04/00484/FUL – 8 – 10 The Old Silkworks, Beech Avenue, Warminster.

04/00484/FUL – 8 – 10 The Old Silkworks, Beech Avenue, Warminster – Councillor Rosier returned. Councillor Knight left at the start of the debate on this item and returned whilst the application was still under debate. Councillor Blakemore left during the debate on this item and returned for the next item 04/00567/FUL – 3 – 15 Wine Street, Bradford on Avon.

04/00567/FUL – 3 – 15 Wine Street, Bradford on Avon – Councillor Clark left at the beginning of this item and returned as the vote was being taken. Councillor Blakemore returned. Councillor Repton left at the beginning of the debate on this application and returned whilst the application was still under discussion.

04/00722/FUL – West End Garage, Ham Green, Holt – Councillor Chivers left the meeting at this point and did not return.

146. ENFORCEMENT ACTION – 28 AVONFIELD AVENUE, BRADFORD ON AVON

The Principal Planning Officer (Residential) presented a report which sought the Committee's views on what action should be taken regarding the erection of a conservatory without planning permission following the Committee's decision to refuse planning permission.

The Committee was advised that an appeal had now been submitted against the refusal of planning permission and confirmation was being sought of its validity from the Inspectorate.

In the circumstances, the Committee was advised to await the outcome of the appeal before deciding on whether or not enforcement action should be taken.

RESOLVED:

That the Council defer enforcement action until the outcome of the planning appeal. If the Inspector upholds the refusal then enforcement action should commence. If the Inspector allows the appeal then officers should negotiate the insertion of obscure glazing in the side wall.

147. PLANNING APPEALS - UPDATE

Details of planning appeals to date were presented to the Committee. It was noted that all decisions reported had been dismissed.

RESOLVED: That the report be noted.

148. REPRESENTATIVES ON OUTSIDE BODIES – REPORTING BACK

No reports were made.

DATE OF NEXT MEETING

The next meeting was scheduled for 24 June 2004 at 7.00pm in the Council Chamber, in the Council Offices, Bradley Road, Trowbridge.

(7.00pm – 10.40pm)

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