

**THESE MINUTES WILL BE PRESENTED TO THE NEXT MEETING ON 17
FEBRUARY 2005 FOR APPROVAL AS A CORRECT RECORD**

WEST WILTSHIRE DISTRICT COUNCIL

MINUTES

Minutes of the: **PLANNING COMMITTEE (SPECIAL MEETING)**

Held on: **FRIDAY 28 JANUARY 2005**

Held in: **THE CIVIC HALL, TROWBRIDGE**

Present:

Councillors: March (Chairman), Bryant, Burnan OBE, Carbin, John Clegg, Marion Clegg, Cox, Cunliffe-Jones, Davis, Fortescue, Hames, Knight, Newbury, Osborn, Phillips OBE, Rosier and Viles

Officers: Corporate Director (TD), Development Control Manager (DH), Principal Planning Officers (CC & PW), Legal and Democratic Services Manager, Trainee Solicitor (SH), Member Support Team Leader (YR)

Also in attendance: Phil Tilley, Transportation and Development Manager, Wiltshire County Council

255. PLANNING APPLICATION – 04/01389/FULES – CONSTRUCTION OF HILPERTON RELIEF ROAD – LAND SOUTH OF HILPERTON MARSH, MIDDLE LANE, HILPERTON

The purpose of this meeting was to consider the above mentioned application. A special meeting of the Planning Committee had been called in order to give sufficient time to hear all the representations and to allow a thorough debate. The venue of the Civic Hall had been chosen to accommodate the anticipated numbers who would wish to attend the meeting.

256. WELCOME & INTRODUCTION

The Chairman welcomed those present to the meeting.

A letter giving details of this meeting and the arrangements for speaking at the meeting had been previously circulated to all those who had made written representations to the Planning Department on this application.

The Chairman reported on the procedure that would be used by the Committee in dealing with this application. He had agreed that the

application would be dealt with using the procedure for dealing with important planning applications as laid down in S. 16.4 of the Council's Constitution. The application was considered important in view of its significance to the local plan strategy as contained in the West Wiltshire District Plan 1st Alteration and particularly important to the local community which he said was evidenced by the number of people attending the meeting.

The main emphasis of dealing with the application in this way, was that as Chairman he would ensure that all parties were given an equal hearing.

For the benefit of those speaking, the Chairman said that he would ask officers to give their presentation first including the displaying of plans showing the proposal. On conclusion of the officers' presentation, he would call those who had registered to speak during the open forum and the order of speakers was explained (in the order listed below). In the interests of fairness, the Chairman explained that the objectors collectively would be given up to one hour to make their representations and similarly up to one hour would be given to those supporting the application – general supporters and applicant's side.

257. APOLOGIES & CHANGES TO THE MEMBERSHIP OF THE COMMITTEE

The following apologies and temporary changes to the membership were noted:

Apology	Replaced by
Cllr Blakemore	Cllr Bryant
Cllr Clark	Cllr Phillips
Cllr Content	Cllr Hames
Cllr Hawker	Cllr Davis

258. DECLARATIONS OF INTEREST

Cllr Bryant declared a personal interest as he lived on the edge of the ward in which the application site was located which bordered the Hilperton Gap.

The Chairman confirmed that all Members had been lobbied.

During the open forum presentations, reference had been made to the fact that certain members of the Committee including one of the local ward Members, Cllr Clark had found themselves unable to attend this meeting due to them having to declare an interest in the item and take no part in the meeting. The Legal and Democratic Services Manager explained that whilst he had sympathy with their situation, this was due to guidance from the Standard Board for England. Where Councillors had become too involved in an application and had voiced their opinion on it prior to Committee consideration, it could be construed as having an interest and effectively pre-judging the application.

(Note: Cllr Clark had prior to this meeting given details to the Legal and

Democratic Services Manager of his interest in the application as follows:

In accordance with the Standards Board for England guidance booklet dated September 2004, he had a prejudicial interest in this planning application as the value of property owned by him could be affected by the decision reached and the quality of life for his family could be changed.

259. ANNOUNCEMENTS FROM THE CHAIRMAN

No other announcements were made.

260. CONSIDERATION OF PLANNING APPLICATION

Councillor Carbin wished to record the fact that he had not been present at informal Planning briefing held on 13 January 2005 and asked for the notes of the meeting to be amended to reflect this.

The County Council's Transportation and Development Manager introduced the application and explained the background to the proposal. Provision of a relief road in this area had been well documented in successive Local Plans for Trowbridge and The West Wiltshire District Plan 1st Alteration. The need for the road was to reduce traffic going through Hilperton in view of the expansion of Trowbridge particularly with the Paxcroft Mead development and further residential developments allowed for in the adopted District Plan.

The County Council was not in a position to be able to provide funding for the road itself. The principle of a relief road having been already agreed in the District Plan following a Public Inquiry, the Committee was being asked to consider the merits of the detailed proposal now presented. The County Council had worked closely with the applicant's Consultants and was satisfied that the road as proposed would provide a satisfactory solution. The County Council therefore had no objections to the proposal.

The District Council's Principal Planning Officer, Peter Westbury, presented the plans and explained the proposal before the Committee. He confirmed that the proposal complied with development plan policy and formed part of the allocation policy T5A.

He explained that in considering such applications, it was his duty to have regard to the development plan policy and then other material considerations. In recommending permission, he felt that appropriate conditions had been recommended to ensure that the road would be built to the highest standard and to take account of concerns which had been raised. He felt that the material considerations which should be taken into account did not outweigh planning policy and that accordingly, the application could be supported. He drew attention to late observations received as had been circulated in the 'late list'.

OPEN FORUM

Open forum speakers:

The following speakers made open forum presentations concerning the planning application being considered at this meeting:

Objectors to the application (18 speakers):

Dr Andrew Murrison, MP for Westbury Constituency
Mrs Marilyn Timms, Clerk to Hilperton Parish Council
Mrs Grace Hill, Mayor of Trowbridge Town Council

Friends of Hilperton Gap

Tony Moore, Wiltshire County Councillor
Mrs Kate Hayes, Mrs Rosemary Hawkes, Mr Ralph Butcher, Mr Ian Hardyman

Other objectors

Mrs Jackie Clark, Mr Jon Stancroome, Mrs Mary Tapping, Mrs Eileen Parfitt, Mrs Marion Dewar, Mr Gordon Reeds, Mr Peter Hayes, Mr Graham Pictor, Mr Francis Morland and Mr James Verdon

Supporters of the application: (5)

Mr Potts, Mr Roberts (Representing residents of Church Street, Hilperton), Mrs Angela Curtis, Mr Quartley (representing Trowbridge Chamber of Commerce), Mr Arnold.

For the applicant: (2)

Mr Martin Smith and Mr Isherwood (Applicant's agents)

Debate

In summary, the following main points were raised.

Reference to comments from Staverton Parish Council and the perception that Staverton would be exposed to additional traffic as a result of the proposal.

Refusal of the application would probably result in an appeal situation and that maybe it should be left to a Planning Inspector to decide as an appeal.

The Council needed to face the issue as the proposal had been included in Local Plans over the last 14 years.

Clarification sought from the County Council on why alternative routes particularly the one promoted by the Friends of the Gap at the Public Inquiry had not been explored further. It was noted that 4 routes had been evaluated.

The application should be deferred to enable the County Council to draw up detailed plans to include costs for alternative routes.

The application should be refused for the reasons outlined at the meeting.

During the course of debate, a motion was moved by Cllr Phillips and seconded by Cllr Cox to defer consideration of the application. Legal advice having been sought on the wording of the motion, the motion was moved as follows:

Motion

To defer the determination of the application for so long as is required to obtain a detailed report on the following points:

- the viability of alternative route options; and
- the impact of the emerging Regional Spatial Strategy and the potential de-allocation of housing sites in the Local Plan
- to obtain Counsel's advice on the options available to the Council.

An amendment was then moved by Cllr Hames and seconded by Cllr Bryant that the proposal be refused for the reasons which were circulated at the meeting.

Following further debate and the Legal and Democratic Services view being sought on the amendment for refusal, the amendment was altered to read as follows:

Amendment

That the Committee is minded to refuse the application, but resolves to adjourn it's consideration of it in order to seek Counsel's advice on the validity of the suggested reasons for refusal.

A vote was taken on the amendment and the amendment was LOST and a recorded vote having been requested, the voting was recorded as follows:

For the amendment (4)

Councillors Bryant, Marion Clegg, Hames and Cunliffe-Jones

Against the amendment (12)

Councillors Burnan OBE, Phillips OBE, John Clegg, Cox, Davis, Fortescue, Knight, March, Newbury, Osborn, Rosier and Viles

Abstention (1)

Councillor Carbin

The amendment having been defeated, a further amendment was proposed by Cllr Clegg and seconded by Cllr Osborn that planning permission be granted in accordance with the officer's recommendation. It was suggested that the Committee should first dispense with the motion to defer to gauge the opinion of the Committee and return to the suggested amendment in the event of the motion to defer being defeated. This was accepted by the Committee.

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

For the motion to defer (10)

Councillors Bryant, Phillips OBE, Marion Clegg, Hames, Cox, Cunliffe-Jones, Davis, Knight, Newbury and Viles

Against the motion to defer (6)

Councillors Burnan OBE, John Clegg, Fortescue, March, Osborn and Rosier

Abstention (1)

Councillor Carbin

It was therefore

RESOLVED:

To defer the determination of the application for so long as is required to obtain a detailed report on the following points:

- **the viability of alternative route options; and**
- **the impact of the emerging Regional Spatial Strategy and the potential de-allocation of housing sites in the Local Plan**
- **to obtain Counsel's advice on the options available to the Council.**

Vote to Continue with the Meeting

During the debate on this matter, in accordance with the Council's Constitution, the Committee took a vote on whether or not to continue with the meeting after 3 hours had elapsed.

RESOLVED:

That the meeting continue after 10pm)

Date of Next Meeting of the Planning Committee

The next ordinary meeting of the Planning Committee would be held on **Thursday 17 February 2005 at 7.00pm** in the Council Chamber at the Council Offices, Bradley Road, Trowbridge.

(7.00pm – 10.25pm)

These minutes were prepared by Yamina Rhouati, Member Support Team Leader who can be contacted on direct line 01225 770322 or email yrhouati@westwiltshire.gov.uk.

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