

WEST WILTSHIRE DISTRICT COUNCIL

MINUTES

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

Held on: **THURSDAY 7 APRIL 2005**

Held at: **THE JOHN OF GAUNT SCHOOL, WINGFIELD ROAD,
TROWBRIDGE**

Present:

Councillors: March (Chairman), Brice, Burnan OBE, Carbin, John Clegg, Cunliffe-Jones, Davis, Fortescue, Hames, James, Knight, Oakman, Osborn, Phillips OBE, Repton and Viles

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

Officers: Principal Planning Officers (CC & PW), Planning Policy Manager (MR), Legal and Democratic Services Manager (SB), Member Support Team Leader (YR) Lawyer (CE)

289. APOLOGIES & CHANGES TO THE MEMBERSHIP OF THE COMMITTEE

Apologies for absence were received from Councillors Blakemore, Clark, Marion Clegg, Content, Hawker, Newbury and Rosier.

The following temporary change to membership was made:

Councillor Blakemore was replaced by Councillor James
Councillor Clark was replaced by Councillor Phillips OBE
Councillor Content was replaced by Councillor Hames
Councillor Hawker was replaced by Councillor Davis
Councillor Rosier was replaced by Councillor Brice

290. WELCOME AND INTRODUCTION BY THE CHAIRMAN

The Chairman welcomed Members and members of the public to this Special Meeting of the Planning Committee. The purpose of the meeting was to consider the under mentioned planning application for the construction of the Hilpertown Relief Road.

The Chairman confirmed that Section 16 of the Council's Constitution – dealing with 'important planning applications' was being applied to this application. This was because the Chairman considered the application to be particularly important to the local community in view of its significance to the local plan strategy as contained in the West Wiltshire District Plan.

This meant that the application would be considered in the usual manner, but the Chairman would ensure that all parties ie objectors, supporters and applicant would be given an equal hearing. It also meant that these parties could if they so wished, make visual presentations to the Committee to highlight the points they wished to raise. It was noted that all parties had taken up this opportunity.

The Chairman explained the order for the meeting. For the benefit of all present, he would first ask officers to present the application; he would then move into Open Forum to hear views from those who had registered to speak.

The Chairman introduced Simon Best, the District Council's Legal and Democratic Services Manager to explain work undertaken and progress made since the last time this application was considered.

Simon Best reminded those present, that this application had been previously considered by the Committee on 28 January 2005 when it had been resolved to defer determination of the application for so long as was 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.

He referred Members to the report presented which addressed the points requested by the Committee. In particular, he referred to the unequivocal advice from Counsel in relation to deallocation; further examination of alternative routes and whether evaluation of alternative routes by the County Highway Authority was satisfactory and whether it could be considered reasonable for this Council to either delay making a decision on this issue or to refuse planning permission.

Mark Russell, the District Council's Planning Policy Manager also addressed the Committee in particular on the deallocation issue and gave the background to the principle of the road being established in the current and previous Local Plans and the permission given in 1995 to permit the Paxcroft Mead housing development. He confirmed that the potential deallocation or rephasing of sites identified by the County Council would have no material impact upon the need for the Hilpertown Relief Road.

Peter Westbury, Principal Planning Officer for the District Council and the case officer for this application also addressed the Committee. He referred to further letters of representations which were circulated in the 'late list'.

He confirmed that the application remained unchanged from that which had been considered at the meeting on 28 January 2005. The officer's recommendation remained that of permission with conditions. Officers had reconsidered the speed limit proposed for the road in light of comments made during the open forum at the last meeting. The County Highway Authority had indicated that it would not oppose the imposition of a 40mph speed limit on the proposed road. The County Highway Authority also confirmed that it would be prepared to take appropriate action if considered necessary regarding Middle Lane, to prevent potential problems as a result of traffic leaving and joining the proposed Hilpertown Relief Road at its junction.

Simon Best summed up the advice contained in the report. Counsel had agreed with officer advice on deallocation in that it was not an issue as far as this application was concerned. It was reasonable to rely on the County Highway Authority's advice on alternative route options. Counsel after considering the matter thoroughly could find no possible acceptable reasons to either delay making a decision on the application or to refuse planning permission.

291. OPEN FORUM

In order to give all parties an equal hearing, the Chairman reminded those present that up to 40 minutes would be given for those opposing the proposal and up to 40 minutes for those supporting it made up of up to 20 minutes for general supporters and up to 20 minutes for the applicant.

Open forum presentations were made by the following:

Supporters

Mrs Angela Curtis	Mr Ivan Moore
Mr Patrick Burns	Mrs Sarah Robert
Mr Nick Bligh	Mr Mark Davis
Mr John Stangroome	Mr Keith Arnold
Mr Chris Roberts	

During the above presentations, a power point presentation of a number of photographs supplied by the supporters' group was screened to highlight the views they expressed.

Neutral

Mrs Celia Beckett

Objectors

Mr D G Turnbull-Ross	Mrs Eileen Parfitt
Ms Lesley Warne	Mrs Ann Piper
Mr G A Fortune	Mr Francis Morland
Mr Tony Challis	Mr Richard Cooper
*Mrs Rosemary Hawkes	

Mrs Rosemary Hawkes gave a power point presentation to highlight the concerns of those objecting to the proposal.

Applicant

Mr Stephen Bawtree

Mr Bawtree gave a power point presentation of his client's proposals.

292. DECLARATIONS OF INTEREST

No specific interests were declared, but it was noted that Members had been lobbied on the application.

293. ANNOUNCEMENTS FROM THE CHAIRMAN

No announcements were made.

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

Councillor Burnan moved that planning permission with conditions be granted as recommended by officers. This was seconded by Councillor Repton.

Councillor Carbin moved the following amendment which was seconded by Councillor Oakman:

That permission be granted at a future date subject to a S.106 Agreement to obtain the following community benefits:

- a contribution of £20,000 towards the provision of a cycle track from The Knap, Hilpertont along the currently unpaved section of Middle Lane.
- The provision of a scheme of traffic calming for the existing B3105 through Hilpertont and Hilpertont Marsh and a contribution of £10,000 towards such provision.

Recommended conditions to be amended as follows:

- To add a new condition No. 18: The speed limit on the road shall not exceed 40mph. Reason - in the interests of road safety and the amenity of surrounding residents.
- Condition 10 be amended to read: Notwithstanding the details shown on the submitted drawings no development shall take place until details of the pedestrian crossings where footways and footpaths cross the road and details of the pedestrian and bridleway crossing at Middle Lane have been submitted to and approved in writing by the Local Planning Authority. The crossing at Middle Lane will consist of a Light Controlled crossing zebra crossings will be provided on the new road adjacent to the 'Fieldways' roundabout and to the Wyke Road roundabout. The development shall be carried out in accordance with the approved details before the road is opened to traffic.
- Kissing gates suitable for disabled use shall be provided where footpaths intersect the road – Reason: In the interests of highway safety, in order to safeguard amenity and to facilitate access for all.

Councillor Phillips reported that as Leader of the Council, he had written to the Leader of Wiltshire County Council highlighting the difficulty this Council found itself in. This Council was required by law to permit the application as it had been included in the Council's Development Plan.

Simon Best reported that he had during the meeting, briefly consulted Phil Tilley from the County Highway Authority on the proposed conditions referred to in the above amendment. He explained that any conditions would have to comply with Circular 11/95 to pass the test of necessity. Phil Tilley confirmed that the Highway Authority had recommended that provision be made in legal agreements associated with the East of Trowbridge development for traffic calming measures if approved.

With regards light controlled crossings, these were usually only made in areas already lit. He felt that this condition contradicted public views expressed at the last meeting.

A discussion ensued on the amendment and how its wording could be refined to retain the spirit of the amendment but to also take on board the comments made to ensure compliance with Circular 11/95.

Councillor Fortescue wished it recorded that should the amendment proposed be defeated, she would propose a further amendment.

Simon Best read out the amendment as revised which was accepted by the mover and seconder of the amendment.

On being put to the vote, the amendment was CARRIED and became the substantive motion.

The following further changes were proposed, voted on individually and CARRIED:

- Condition 13 – where the word ‘fencing’ appears to add ‘and hedging’.
- a weight restriction on the Staverton bridge if consultation by the County Council indicates that such a proposal is required – this to form part of the S.106 Agreement.
- Add new condition No. 19:

Construction work shall not begin until a programme for protecting existing residential properties from noise from the Hilpertown Relief Road has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved programme before the Hilpertown Relief Road is open to traffic.

For the avoidance of doubt, Simon Best read out the motion before the Committee which was made up of the amendment as revised which was voted on and carried and became the substantive motion and the further changes agreed as detailed above.

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

For the motion (14)

Councillors James, Burnan OBE, Carbin, John Clegg, Cunliffe-Jones, Fortescue, Davis, Knight, March, Oakman, Osborn, Repton, Brice and Viles

Against the motion (2)

Councillors Hames and Phillips OBE

Abstentions (Nil)

It was therefore

RESOLVED:

That the Development Control Manager be authorised to issue permission at a future date upon completion of a section 106 agreement to secure the following: -

- (a) the surfacing of the bridleway from The Knap, Hilpertown along the currently unpaved section of Middle Lane to provide a cycle track-**

Contribution of £20,000 and

- (b) traffic calming for the B3105 through Hilperton and Hilperton Marsh-**

Contribution of £10,000; and

- (c) a weight restriction on the Staverton bridge if consultation by the County Council indicates that such a proposal is required**

Contribution of £15,000.

Amendment of condition 10 to read as follows: -

Notwithstanding the details shown on the submitted drawings, no development shall take place until details of the pedestrian crossings where footways and footpaths cross the road, and details of the pedestrian and bridleway crossing at Middle Lane have been submitted to, and approved in writing by, the Local Planning Authority.

Zebra crossings will be provided on the new road adjacent to the “Fieldways” roundabout and to the “Wyke Road” roundabout. The development shall be carried out in accordance with the approved details before the road is opened to traffic. Kissing gates suitable for disabled use shall be provided where footpaths intersect the road.

REASON

In the interests of highway safety, in order to safeguard amenity, and to facilitate access for all.

**Amendment to condition 13
add “and hedging” after “fencing”.**

New condition 18

The speed limit on the road shall not exceed 40mph

REASON

In the interests of road safety and the amenity of surrounding residents.

New Condition 19

Construction work shall not begin until a programme for protecting existing residential properties from noise from the Hilperton Relief Road has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved programme before the Hilperton Relief Road is open to traffic.

Reason: In the interest of safeguarding local amenity.

Note: A copy of the full conditions as approved is attached as an appendix to these minutes.

DATE OF NEXT MEETING

The next ordinary meeting of the Planning Committee will be held on **Thursday 21 April 2005** at **7.00pm** in the Council Chamber at the Council Offices, Bradley Road, Trowbridge.

(7.05pm – 10.08pm)

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

**04/01389/FULES – CONSTRUCTION OF HILPERTON RELIEF ROAD – LAND
SOUTH OF HILPERTON MARSH, MIDDLE LANE, HILPERTON**

Condition(s):

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

REASON: In accordance with Section 91 of the Town and Country Planning Act 1990.

- 2 A programme and timetable for the schedule of works shall be submitted to, and approved in writing by, the Local Planning Authority and the development shall be carried out in accordance with the approved programme unless the Local Planning Authority approve any variation thereto.

REASON: In the interests of safeguarding amenity.

- 3 No works or development shall take place until full details of all proposed tree planting and landscaping, and details of those trees to be retained together with measures for their protection during the course of development, and a programme for the new planting and landscaping has been submitted to, and approved in writing by the Local Planning Authority and the development and all tree planting and landscaping shall be carried out in accordance with the approved details.

REASON: In the interests of safeguarding amenity.

- 4 If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place unless the Local Planning Authority gives its written consent to any variation.

REASON: In the interests of safeguarding amenity.

- 5 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and the timetable agreed.

REASON: To prevent the increased risk of flooding and water pollution by ensuring the provision of a satisfactory means of surface water disposal.

- 6 No development approved by this permission shall be commenced until a scheme for the provision and implementation of compensatory flood storage works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

REASON: In the interests of flood protection.

- 7 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a method of maintenance of the various flood mitigation works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be maintained in accordance with the approved details.

REASON: To safeguard the water environment.

- 8 There shall be no storage of any construction plant and/or materials, including soil, within that part of the site liable to flood.

REASON: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

- 9 No development shall take place until full details of all proposed road surfaces have been submitted to, and approved in writing by, the Local Planning Authority and all such surfaces shall be installed in accordance with the approved details before the road is opened to traffic.

REASON: In order to safeguard amenity.

- 10 Notwithstanding the details shown on the submitted drawings no development shall take place until details of the pedestrian crossings where footways and footpaths cross the road, and details of the pedestrian and bridleway crossing at Middle Lane have been submitted to, and approved in writing by, the Local Planning Authority.

Zebra crossings will be provided on the new road adjacent to the "Fieldways" roundabout and to the "Wyke Road" roundabout. The development shall be carried out in accordance with the approved details before the road is opened to traffic. Kissing gates suitable for disabled use shall be provided where footpaths intersect the road.

REASON: In the interests of highway safety, in order to safeguard amenity, and to facilitate access for all.

- 11 No development shall take place until details have been provided to facilitate the crossing above the road by bats at Middle Lane have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details before the road is opened to traffic.

REASON: In order to protect species which have statutory protection.

- 12 Details of lighting to the site (including measures to minimise sky glow, glare and light trespass) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall only be carried out in accordance with the approved details.

REASON: In the interests of pollution prevention.

- 13 No development shall take place until full details of all proposed fencing and hedging have been submitted to, and approved in writing by, the Local Planning Authority and all such fencing and hedging shall be installed in accordance with the approved details before the road is opened to traffic.

REASON: In order to safeguard amenity.

- 14 No development shall take place within the area of the application until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

REASON: In order to protect the archaeological heritage of the area.

- 15 Detailed plans of the parking and servicing areas for the construction phase, together with the means of access thereto, shall be submitted to and approved by the Local Planning Authority before development commences. This land should be restored to its former condition once construction work has been completed.

REASON: In order to ensure that an adequate area for parking and/or servicing is available during the construction phase in the interests of highway safety.

- 16 A wheel washing facility, of a specification approved in writing by the Local Planning Authority, shall be provided on the site throughout the period of construction.

REASON: To ensure that materials from the site are not deposited on public roads.

- 17 Before any development is commenced on site, including site works or storage of any description, all trees to be retained on site must be protected. The details of this protection shall be submitted to and approved by the Local Planning Authority, and thereafter retained on site during the period of construction.

REASON: To ensure that the existing trees of value are adequately protected.

- 18 The speed limit on the road shall not exceed 40mph.

REASON: In the interests of road safety and the amenity of surrounding residents.

- 19 Construction work shall not begin until a programme for protecting existing residential properties from noise from the Hilperton Relief Road has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved programme before the Hilperton Relief Road is open to traffic.

REASON: In the interest of safeguarding local amenity.

