

## **WEST WILTSHIRE DISTRICT COUNCIL**

### **MINUTES**

Minutes of the: **PLANNING COMMITTEE**

Held on: **THURSDAY 13 JULY 2006**

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

Present:

Councillors: Newbury (Chairman), Burnan OBE, Carbin, Clark, Davis (part), Marion Clegg (part), Cunliffe-Jones (part), Fortescue (part), Knight, Lovell (part), Manasseh (part), Oakman (part), Osborn, Repton (part) , Rosier and Viles

Also present:

Officers: Development Control Manager, (DH), Principal Planning Officers (CC and RM), Solicitors (SH and PC) (part) and Member Support Officers (MS and KF)

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#### **81. APOLOGIES & CHANGES TO THE MEMBERSHIP OF THE COMMITTEE**

Apologies for absence were received from Cllrs J Clegg, Hawker, James and March.

The following temporary change to the membership of the committee was made:

Councillor March was replaced by Councillor Davis.

#### **82. OPEN FORUM**

For Open Forum presentations in respect of planning applications please refer to minute number 86.

#### **83. MINUTES**

The minutes of the meetings held on 22 June 2006 were approved as a correct record and signed by the Chairman.

#### 84. DECLARATIONS OF INTEREST

The following interests were declared:

Application/Item	Councillor	Reason
05/00807/FUL - Land Rear Of 95 to 133 Frome Road, Trowbridge.	Burnan OBE Knight	Members of Trowbridge Town Council Planning and Development Committee and present at Town Council meeting when application discussed.
06/01436/FUL - 40 Summerleaze, Trowbridge.	Burnan OBE Knight	Members of Trowbridge Town Council Planning and Development Committee and present at Town Council meeting when application discussed.
06/01668/FUL – 130 Wyke Road, Hilperton	Clark	Chaired the meeting of Hilperton Parish Council when item discussed. Would consider with an open mind.
06/00778/FUL – Highfield, 66 Lowbourne, Melksham.	Oakman	Vice Chairman of Melksham Town Council Planning Committee
06/00806/FUL – 5 Westbury Road, Warminster	M Clegg	Granddaughter works for the Nursery School

06/01355/FUL – 1 Bradford Road, Winsley	M Clegg	Lobbied
	Cunliffe-Jones	Knew applicant well – would not speak or vote.
	Lovell	Had attended a West Wiltshire Housing Society meeting with the applicant.
	Manasseh	Knew applicant, would remain in the Council Chamber and would vote.
	Osborn	Knew the applicant as both served on West Wiltshire Housing Society Board. Would leave the Council Chamber for duration of application.
	Repton	Knew the application but not very well.
	Viles	Knew the applicant, would remain in the Council Chamber and vote.
Warminster Applications	Davis Lovell	Members of Warminster Town Council Planning Committee
West Wiltshire Housing Society Applications	Lovell Osborn	West Wiltshire Housing Society Board Member

## 85. ANNOUNCEMENTS FROM THE CHAIRMAN

The Chairman announced that in addition to the agenda there was an Urgent Item of Business which the Committee needed to discuss and which would be taken later in the meeting.

## 86. PLANNING APPLICATIONS

Open Forum speakers:

Application	Speaker(s)
05/00807/FUL- Land Rear Of 95 To 133 Frome Road, Trowbridge.	Ms. Linda Holland Mr. Michael McNamara Mr. David Hutchison
05/00677/FUL - Land West Of Commerce Close, West Wilts Trading Estate, Westbury	Mr. Francis Morland
05/01654/FUL – Black Horse Lane, Area R14, Westbury Leigh	Mr. David Tout Mr. Francis Morland

06/01205/FUL – Octagon Garage, 21 George Street, Warminster	Mr. R. Attwater Mr. Alex Child
06/01668/FUL – 130 Wyke Road, Trowbridge	Mr. June Wickham Mr. David Wickham
06/00726/FUL – Land at Rear of 23 Westbury Road, Warminster	Mr. Alan Moon
06/00806/FUL – 5 Westbury Road, Warminster	Mr. Peter Grist Ms. Lynn Ashton
06/00778/FUL – Highfield, 66 Lowbourne, Melksham	Ms. Sarah Cardy Mrs. Teresa Menghini Mr. Caspar Hull
06/01216/FUL – Land Adjacent 38 Queensway, Warminster	Miss. Maureen Anne Hiscock
06/01355/FUL – 1 Bradford Road, Winsley	Miss. Betty Parr

### **Decisions made against officer's recommendation**

#### **06/01205/FUL – Octagon Garage, 21 George Street, Warminster**

Officers recommended that planning permission be granted. However the Committee resolved that permission be refused for the following reason:

The proposed development would provide insufficient parking for the number of units which would be likely to result in on street parking to the detriment of highway safety contrary to policy H1 and T10 of the west Wiltshire District Plan – 1<sup>st</sup> Alteration 2004.

#### **06/00778/FUL – Highfield, 66 Lowbourne, Melksham**

Officers recommended that planning permission be granted. However the Committee resolved that permission be refused for the following reasons:

1. The proposed extensions would, by reason of their design, size and materials, result in unsympathetic additions to the host building and detrimental to the street scene and character of the area contrary to policy H16 and C31a of the West Wiltshire District Plan – 1<sup>st</sup> Alteration 2004.
2. The proposal would result in insufficient parking for the number of units proposed contrary to policy H16 and T10 of the Wiltshire District Plan – 1<sup>st</sup> Alteration 2004

### Amended/Additional conditions

#### 05/00807/FUL- Land Rear Of 95 To 133 Frome Road, Trowbridge

The Committee agreed with the Officer's recommendation subject to the following amendments and additions:

Section 106 Agreement – addition

3. A financial contribution for a pedestrian crossing on Frome Road

Condition 6 - amendment

Insert the following sentence after 'development commences'. "These details shall include a wall at least 2 metres in height along the length of the north western boundary of the site."

Condition 20 – Additional condition

Prior to the commencement of any work on site, details of traffic calming measures for the access road shall be submitted to and approved in writing. The development shall be carried out in accordance with the approved plans before the first occupation of the first house.

Reason In the interest of highway safety and amenity

#### 05/01654/FUL – Black Horse Lane – Area R14 Westbury Leigh

The Committee agreed with the recommendation subject to an additional reason for refusal (if appropriate pending investigation):

10. It would contravene the separation buffer with Dilton Marsh referred to by the Inspector on the separation distance

**NB. Following investigation, Officers established that there was no buffer in the current adopted plan, therefore was not an additional reason for refusal.**

#### 06/00726/FUL – Land Rear of 23 Westbury Road, Warminster

The Committee agreed with the Officer's recommendation for permission including the amendment as listed on the late list, to the following condition;

14. No works (including site preparation) or development shall take place on the site until **the measures and a detailed mitigation strategies** for the protection of the Slow Worm, **nesting bird and badger** populations on the site **as detailed in Section 5 of the Protected Species Assessment and Reptile Survey which accompanies this application, have been implemented in full** ~~has been submitted to and approved in writing by the Local Planning Authority.~~ Development

shall, **at all times**, ~~then only~~ be carried out in accordance with ~~the~~**this** approved strategy.

06/00806/FUL – 5 Westbury Road, Warminster

The Committee agreed with the Officer's recommendation for permission, including the amendment, as listed on the late list, to the following condition;

3. The capacity of the nursery shall **not exceed** ~~remain at~~ 45 children.

06/01664/ADV – Bristol and West, 3 Market Place, Warminster

The Committee agreed with the Officer's recommendation for consent, including the additional condition, as listed on the late list;

- 2 The source of the illumination for the proposed externally illuminated sign shall not be visible to users of the highway.

The maximum luminance from the sign shall not exceed the following values in accordance with I.L.E Technical Report Number 5 (Second Edition).

Total Illuminated Area of Sign Face (sq.m) 1200. Maximum Luminance (candela/sq.m) 2.0 to 4.99.

REASON: In the interests of highway safety.

**Applications Deferred**

06/01216/FUL – Land Adjacent 38 Queensway, Warminster

Officers recommended that planning permission be granted. However the Committee deferred the application to allow for a site visit.

**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) **Housing Guidance Training be arranged prior to the September meeting of the Planning Committee**
- (d) **That the following application be deferred to allow a site inspection by the Committee at 3.30pm on Thursday 3 August 2006 - the application would then be considered by the Committee:**

**87. Urgent Business - Appeal against the refusal of planning permission at New Terrace, Staverton**

OPEN FORUM SPEAKER: Mr. Francis Morland

The Chairman explained the reason for urgency. The appeal against the refusal of planning permission at New Terrace, Staverton would be heard on 8 and 9 August 2006. A decision was sought from the Committee as soon as possible prior to the appeal being heard. The Committee's decision could not be delayed until the next scheduled meeting of the Planning Committee on 3 August 2006.

The Chairman proceeded to explained the reason for going into closed session

**EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED:**

- 1. That under S100A (4) of the Local Government Act 1972 the public including the press be excluded from the meeting during this item of business on the grounds that it was likely in view of the nature of business to be transacted or the nature of proceedings, that if members of the public were present during this item there would be disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the said Act.**
- 2. That the Planning Committee discuss the professional advice in closed session and then consider its decision in open session.**

The Planning Committee had a 15 minute interval to consider the content of the confidential report.

Having discussed the professional advice the committee returned to open session.

OPEN FORUM SPEAKER: Mr. Francis Morland

**RESOLVED:**

**The Committee instructs Officers to continue to contest the appeal and to defend the Councils decision.**

## **Recorded Vote**

### **05/00807/FUL- Land Rear Of 95 To 133 Frome Road, Trowbridge**

Cllr Osborn and Knight requested that their votes be recorded, against the decision to grant permission, at a future date in the event of the Development Control Officer being satisfied as to the prior completion of a legal agreement to secure those requirements as listed in the appendix to these minutes.

### **06/00806/FUL – 5 Westbury Road, Warminster**

Cllr Clark requested that his vote of abstention on the decision to permit the above application be recorded.

## **NOTE: VOTE TO CONTINUE**

During consideration of the planning applications after determining application 15, 3 hours having elapsed, the Committee took a vote in accordance with the Constitution on whether or not to continue with the meeting.

## **RESOLVED:**

**To continue with the meeting.**

### **Minute 87. Urgent Business - Appeal against the refusal of planning permission at New Terrace, Staverton**

Cllr Rosier requested that his vote against the recommendation to discuss the professional advice in closed session and then consider its decision in open session, be recorded.

## **Member attendance**

Cllr Manasseh and Cunliffe –Jones left the meeting during the debate of 06/01205/FUL – Octagon Garage, 21 George Street, Warminster. Cllr Manasseh returned to the meeting during the open forum presentations of 06/01668/FUL – 130 Wyke Road, Hilperton. Cllr Cunliffe-Jones returned to the meeting at a time which unfortunately was not noted.

Cllr Rosier left and returned to the meeting during the debate of 06/00726/FUL – Land Rear of 23 Westbury Road, Warminster.

Cllrs Repton and Clark left the meeting prior to the commencement of 06/00806/FUL – 5 Westbury Road, Warminster. Cllr Knight left the meeting during the officer presentation of that application. Cllrs Repton, Clark and Knight returned to the meeting during the officer's presentation of the same application.



Cllr Lovell left the meeting during the officer presentation and returned during the open forum presentations of 06/00778/FUL – Highfield, 66 Lowbourne, Melksham.

Cllr Oakman left the meeting during the debate and Cllrs Osborn and Cunliffe-Jones left the meeting after the vote on application 06/01216/FUL – Land Adjacent 38 Queensway, Warminster. Cllr Oakman returned during the open forum and Cllr Cunliffe-Jones and Osborn returned after the vote on 06/01355/FUL – 1 Bradford Road, Winsley.

Cllr Lovell left the meeting after the vote on 06/01355/FUL – 1 Bradford Road, Winsley and did not return to the meeting.

Cllrs Davis, Repton, Cunliffe-Jones, Manasseh, Oakman and M Clegg left the meeting during consideration of the urgent business and did not return to the meeting.

Cllr Fortescue left the meeting during the officer presentation of 06/01664/ADV – Bristol and West, 2 Market Place, Warminster and did not return to the meeting.

Cllr Clark left the meeting during the officer presentation of 06/01436/FUL – 40 Summerleaze, Trowbridge and did not return to the meeting.

### **Order of applications considered**

The Chairman varied the order of the applications and dealt firstly with those where the public had registered to speak. Consequently, the applications were dealt with in the following order (numbers refer to the application number on the agenda):

1, 2, 5, 6, 7, 9, 10, 11, 12, 15, Urgent Item of Business, 8 and 4

### **ENDING THE MEETING**

Due to the lateness of the hour (11.44pm), the Committee resolved to end the meeting. The following applications and items were not dealt with and were deferred to the next meeting:

#### **Planning applications**

- 06/00899/FUL – 18 Widbrook View, Bradford on Avon
- 06/01320/FUL – Woodmarsh Farm, 18 Woodmarsh, North Bradley
- 06/01327/FUL – 48 Virginia Drive, Warminster

#### **Main agenda items**

## Planning Appeals Update Report

### **DATE OF NEXT MEETING**

The next ordinary meeting of the Planning Committee would be held on **Thursday 3 August 2006** in the Council Chamber at the Council Offices, Bradley Road, Trowbridge at **7pm**

(7.01pm – 11.44pm)

These minutes were prepared by Melanie Stimpson; Member Support Officer who can be contacted on direct line 01225 770322 or email [mstimpson@westwiltshire.gov.uk](mailto:mstimpson@westwiltshire.gov.uk)