

## **WEST WILTSHIRE DISTRICT COUNCIL**

### **MINUTES**

Minutes of the: **PLANNING COMMITTEE**

Held on: **THURSDAY 26 OCTOBER 2006**

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

Present:

Councillors: Newbury (Chairman), Burnan OBE, Carbin, Clark,  
J Clegg, Fortescue, Hawker, James, Knight, Lovell,  
Manasseh, March, Oakman, Osborn, Repton, Rosier and  
Viles.

Also present: Hames  
Davis (part)

Officers: Principal Planning Officers (CC, RM and PW) and Member  
Support Officer (MS)

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

Apologies for absence were received from Cllrs M Clegg and Cunliffe-Jones.

There were no changes to the membership of the committee.

#### **119. OPEN FORUM**

At the beginning of the meeting:

06/02480/FUL – Cereal Partners, Staverton – Cllr Hames.

For other Open Forum presentations in respect of planning applications  
please refer to minute number 123.

#### **120. MINUTES**

The minutes of the meeting held on 5 October 2006 were approved as a correct record and signed by the Chairman, subject to an amendment to minute 114 – Declarations of Interest.

Cllr Clarks declaration of interest was registered against the wrong application. His declaration of interest was for application 04/00095/OUT – Land at Blue Hills, Devizes Road, Hilperton and not for application 05/00978/FUL – Old Workmens Hall, Bath Road, Atworth.

## 121. DECLARATIONS OF INTEREST

The following interests were declared:

Application/Item	Councillor	Reason
06/02152/FUL - 28 Horse Road, Hilperton	Clark	Prejudicial Interest – would leave the Council Chamber.
06/01776/FUL - 41 and 42 Hilperton Road, Trowbridge	Lovell	Lobbied
06/01979/FUL – Area R14, Westbury Leigh, Westbury	Hawker	Had always previously declared an interest in Persimmon Homes applications. However following investigations by the Standards Board for England he had discovered he did not have any interests to declare in Persimmon Homes applications.
	Manasseh	Had predetermined the application and would leave the Council Chamber.
06/02480/FUL – Cereal Partners, Staverton	Clark	One of the open forum speakers – Mr. Peter Smith – was a fellow school governor. (This declaration was made at end of the open forum presentations).
06/02538/FUL – 25 George Street, Warminster	Lovell	Had considered the applications at a Warminster Town Council Planning Committee – would consider the applications afresh.
06/02590/LBC - 25 George Street, Warminster		

## 122. ANNOUNCEMENTS FROM THE CHAIRMAN

The Chairman announced that prior to the next meeting of the Planning Committee there would be Member training on Planning Enforcement at 6:30pm in the 8trium.

The next ordinary meeting of the Planning Committee would follow immediately after at a slightly later time of 7.15 pm in the Council Chamber.

## 123. PLANNING APPLICATIONS

Open Forum speakers:

<b>Application</b>	<b>Speaker(s)</b>
06/02152/FUL - 28 Horse Road, Hilperton	Mrs Marion Dewar Mr Kevin Whelan
06/01776/FUL – 41 and 42 Hilperton Road, Trowbridge	Mrs Liz Coppack
06/01775/LBC – 41 and 42 Hilperton Road, Trowbridge	Mrs Liz Coppack
06/01979/FUL – Area R14, Westbury Leigh, Westbury	Mr Francis Morland Mr. Geraint Jones
06/02480/FUL – Cereal Partners, Staverton	Cllr Hames (Spoke in Open Forum) Cllr Steve Siddall (Holt Parish Council) Mr Jim Penaliggon Mr Bob Mizen Mr Peter Smith
06/01430/FUL – Land Rear of 27 Wynsome Street, Southwick	Mr David Lane Mr Martin Jones
06/00438/FUL – Land North East of Fieldways, Hilperton Road, Trowbridge	Mr Bill Lowe
06/01273/FUL – Canal Cottage, 64 Murhill, Limpley Stoke	Mr Ian Steadman
06/02770/FUL – 12 Knook	Mr Mark Antony Mitchell
06/02583/FUL – 25 George Street, Warminster	Mr Nicholas Adams

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

#### **06/02152/FUL - 28 Horse Road, Hilperton**

Officers recommended the above application for permission. However, the Committee resolved that permission be refused for the following reason: -

The proposals would detract from the amenities enjoyed by the occupiers of the neighbouring properties contrary to Policy C38 of the West Wiltshire District Plan – 1<sup>st</sup> Alteration 2004.

## **Amended recommendations/directives**

06/01979/FUL – Area R14, Westbury Leigh, Westbury

The Committee agreed with the Officer's recommendation, that planning permission be granted at a future date subject to conditions and to the prior completion of legal agreements, including an amendment to the directive forming part of the recommendation (Number 1) and the additional conditions as per the late list: -

Directive: -

The provision of 28% affordable housing provision to be delivered ~~until~~ **under** the nil subsidy arrangement

Additional Conditions: -

26. All works relating to the demolition/development with implications for trees shall be carried out as specified in the approved arboricultural method statement, and shall be supervised by an arboricultural consultant holding a nationally recognised arboricultural qualification.

REASON: To prevent trees on site from being damaged during construction works.

POLICY: West Wiltshire District Plan First Alteration 2004 Policy C32.

27. Prior to the commencement of demolition/development a pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the working procedures. Subsequently and until the completion of all site works, site visits should be carried out on a fortnightly basis by the developer's arboricultural consultant. Copies of written site notes and/or reports detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant immediately following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice.

POLICY: West Wiltshire District Plan First Alteration 2004 Policy C32

28. 40 trees shall be include within the housing area and 10 within the Public Open Space, of a size and species and in a location to be

agreed in writing with the Local Planning Authority, shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428 in the earliest planting season following implementation of this permission. The tree(s) shall be thereafter maintained for a period of five years including the replacement of any tree(s), or any tree(s) planted in replacement for it, which die, are removed or become damaged or diseased within this period with tree(s) of a similar size and of the same species, unless the Local Planning Authority gives written consent to any variation. The Local Planning Authority shall be notified in writing when the tree(s) have been planted so that compliance with the condition can be confirmed.

REASON: In order to preserve the visual amenities which at present exist on the site and to ensure that as far as possible the work is carried to current best practice.

POLICY: West Wiltshire District Plan First Alteration 2004 Policy C32.

29. No development shall take place until proposals for the landscaping of the site have been submitted to, and approved in writing by, the Local Planning Authority. The landscaping scheme shall include provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels.

Upon approval:

- The approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive, following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- All planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
- the scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and
- The whole scheme shall be subsequently retained.

REASON: In the interests of visual amenity, to ensure that the approved landscaping scheme is carried out at the proper times and to ensure the establishment and maintenance of all trees and plants.

POLICY: West Wiltshire District Plan First Alteration 2004 Policy C32.

## **Additional Informatives**

### **06/01979/FUL – Area R14, Westbury Leigh, Westbury**

The Committee agreed with the Officer's recommendation, that planning permission be granted at a future date subject to conditions and to the prior completion of legal agreements, including the following additional informatives: -

8. In relation to condition number 28 in cases of sites where there is a need to soften the impact of new development it may be appropriate to require trees of a semi-mature standard.
9. The applicant's attention is drawn to the draft Code for Sustainable Homes published by the Department for Communities and Local Government.

NB: The Committee requested an additional condition – that no development take place until details of SUDX have been submitted and approved. The Committee agreed to delegate to officers that if this be an appropriate condition for the application, officers would add this. However following investigation this was unable to be included as a condition so had been added as an informative.

### **06/02480/FUL – Cereal Partners, Staverton**

The Committee agreed with the Officer's recommendation that planning permission be granted, subject to the addition of an informative: -

The applicant is advised to consider a travel plan to encourage walking and cycling to the site via the proposed footpath and cycleway and liaise with Holt Parish Council and with Wiltshire County Council to minimise the impact of traffic through Holt and Staverton.

### **06/02583/FUL – 25 George Street, Warminster**

The Committee agreed with the Officer's recommendation that planning permission be granted, subject to the addition of an informative: -

You are advised that signage to the shopfront and elsewhere on the building may require both advertisement consent and listed building consent. You should contact the local planning authority prior to installing any signs for further advice and guidance. Please note that internally illuminated signs would be contrary to policy in this conservation area location.

### **Reason for Refusal**

06/01776/FUL and 06/01775/LBC - 41 and 42 Hilperton Road, Trowbridge

The Committee agreed with the Officer's recommendation, that planning permission be refused, however requested that an Officer write to the applicant detailing the reasons for the application being refused after it had originally been recommended for approval.

**At 9.15pm, after the determination of 06/02480/FUL – Cereal Partners, Staverton, the Committee took a short recess and resumed the meeting at 9.20pm.**

**After the determination of 06/00438/FUL - 06/00438/FUL – Land North East of Fieldways, Hilperton Road, Trowbridge – the Committee took a VOTE TO CONTINUE**

### **NOTE: VOTE TO CONTINUE**

Three 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.**

### **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.**

### **Recorded Vote**

06/01979/FUL – Area R14, Westbury Leigh, Westbury

Officers recommended that planning permission be granted at a future date subject to conditions and to the prior completion of legal agreements. However it was proposed and seconded for deferral to allow for a site visit.

### **Recorded Vote**

A recorded vote having been requested on the above motion, the vote was recorded as follows:

### **For a Site Visit (3)**

Cllrs Clark, Newbury and Repton

### **Against a Site Visit (13)**

Cllrs Burnan OBE, Carbin, J Clegg, Fortescue, Hawker, James, Knight, Lovell, March, Oakman, Osborn, Rosier and Viles

### **Abstentions (0)**

On being put to the vote, the motion was LOST.

It was then moved and seconded as per the Officers recommendation, subject to an amendment to the directive forming part of the recommendation (Number 1), additional conditions and additional informatives. On being put to the vote, the motion was CARRIED. These additions and amendments are recorded under the appropriate minute. A full list of the directives and conditions are detailed in the appendix to these minutes.

### **Member attendance**

Cllr James left the meeting at the start of application 06/02152/FUL - 28 Horse Road, Hilperton - and returned to the meeting after the determination of the same application.

Cllr Hawker entered the meeting during the open forum presentations of 06/02152/FUL - 28 Horse Road, Hilperton.

Cllr Rosier entered the meeting during the officer presentation of 06/01776/FUL – 41 and 42 Hilperton Road, Trowbridge.

Cllr Manasseh left the meeting following the determination of 06/01775/LBC - 41 and 42 Hilperton Road, Trowbridge and returned to the meeting after the determination of – 06/01979/FUL – Area R14, Westbury Leigh, Westbury.

Cllr James left the meeting following the determination of - 06/01979/FUL – Area R14, Westbury Leigh, Westbury and returned to the meeting during the open forum presentations of 06/02480/FUL – Cereal Partners, Staverton.

Cllrs Oakman and Hawker left the meeting during the officer presentation of 06/02480/FUL – Cereal Partners, Staverton. Cllr Oakman returned to the meeting during the officer presentation of the same application. Cllr Hawker did not return to the meeting.

Following the comfort break, after the meeting had resumed Cllrs Knight and James returned to the meeting during the open forum presentations of 06/01430/FUL – Land Rear of 27 Wynsome Street, Southwick.



Cllrs Repton, Manasseh and Oakman left the meeting during the debate of – 06/00438/FUL – Land North East of Fieldways, Hilperton Road, Trowbridge. Cllr Repton returned during the debate of the same application. Cllrs Oakman and Manasseh did not return to the meeting.

Cllr J Clegg left the meeting following the vote to continue and did not return to the meeting.

Cllr March left the meeting during the officer's presentation of – 06/01273/FUL – Canal Cottage, 64 Murhill, Limpley Stoke and did not return to the meeting.

Cllr James left the meeting during the officer's presentation of 06/02583/FUL – 25 George Street, Warminster and returned to the meeting during the open forum presentation of the same application.

Cllr Rosier left the meeting during the open forum presentations of - 06/02583/FUL – 25 George Street, Warminster 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 or had attended the meeting to listen. Consequently, the applications were dealt with in the following order (numbers refer to the application number on the agenda):

1, 2, 3, 4, 6, 7, 10, 11, 13, 14, 15, 5, 8, 9, 12 and 16

#### **124. PLANNING APPEALS UPDATE**

Principal Planning Officer, Christine Caistor, presented a planning appeals update report for the period 21 September 2006 – 11 October 2006.

The update report would now be featured in the Members Information Sheet, following each Planning Committee meeting.

#### **RESOLVED:**

**That the report be noted.**

#### **125. PLANNING APPEALS DECISION – QUARTERLY REPORT**

The Principal Planning Officer, Christine Caistor, also presented a report on planning appeals decisions made in the third quarter – July – September 2006.

The number of appeals allowed had decreased to 29% which was below the national average and also the internal target.

**RESOLVED:**

**That the report be noted.**

**DATE OF NEXT MEETING**

The next ordinary meeting of the Planning Committee would be held on **Thursday 16 November**, a slightly later time of **7.15 pm** in the Council Chamber at the Council Offices, Bradley Road, Trowbridge.

(7.00pm – 11.00pm)

These minutes were prepared by Melanie Stimpson; Member Support Officer who can be contacted on direct line 01225 770322 or email

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