

## SOUTHERN AREA PLANNING COMMITTEE

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### MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 24 SEPTEMBER 2015 AT ALAMEIN SUITE - CITY HALL, MALHOUSE LANE, SALISBURY, SP2 7TU.

#### Present:

Cllr Christopher Devine (Vice Chairman), Cllr Richard Britton, Cllr Richard Clewer, Cllr Jose Green, Cllr Mike Hewitt, Cllr Ian McLennan, Cllr Ian Tomes, Cllr Ian West, Cllr Peter Edge (Substitute) and Cllr John Smale (Substitute)

#### Also Present:

Cllr Leo Randall, Cllr Bill Moss

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#### 96 **Apologies for Absence**

Apologies were received from:

- Cllr Fred Westmoreland who was substituted by Cllr John Smale
- Cllr Brian Dalton who was substituted by Cllr Peter Edge
- Cllr George Jeans

Cllr Chris Devine was in the Chair for this meeting.

#### 97 **Minutes**

##### **Resolved:**

**To approve as a correct record and sign the minutes of the meeting held on 23 July 2015.**

#### 98 **Declarations of Interest**

There were no declarations of pecuniary interest.

Cllr Clewer noted that the application for the Hotel had been an information item on the agenda of the Salisbury Area Board which he was a member of, and therefore this did not constitute a pecuniary interest.

#### 99 **Chairman's Announcements**

The Chairman explained the meeting procedure to the members of the public.

## 100 **Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

## 101 **Application to register land as a Town or a Village Green - The Common, Browns Copse Field, Bluebell Wood, Village Hall Field, Winterslow.**

### Public Participation

Mrs Patricia Sheppard (Land Owner) spoke in objection to the application.

Mr David Read spoke in objection to the application.

Mr Richard Sheppard (Land Owner) spoke in objection to the application.

Mr Alex Greaves (Barrister) spoke in support of the application.

Mr Glyn Paton spoke in support of the application.

Mr Barry Clark spoke in support of the application.

The Rights of Way Officer explained that the application had been brought back before the Committee to formalise and agree the reasons for the Committee's in principle refusal (on 30 April 2015) of the Inspector's recommendation in relation to the copse, and to reach a decision on the application as a whole.

The Officer then presented a report on the application, which involved three clear areas of land, two owned by Mr and Mrs Sheppard, and one owned by Wiltshire Council, as explained at the meeting.

The decisions open to the Committee as presented in the report were:

(i) To agree the Inspector's recommendation in its entirety and register only the copse, other than the north-west corner owned by Wiltshire Council, based on the available evidence.

(ii) To reject the Inspector's recommendations/findings in part and register all of the land as a town or village green, based on the available evidence.

(iii) To reject the Inspector's recommendations/findings in part and not register any of the land, based on the available evidence.

(iv) To reject the Inspector's recommendations in full and to modify the area of land to be registered (for example only registering the field and/or the land owned by Wiltshire Council), based on the available evidence.

The Committee was advised that if it refused any part of the Inspectors recommendations then clear reasons for refusal would be required.

Members of the Committee had the opportunity to ask technical questions of the Officer. These included queries relating to evidence which showed that the land owner had erected signs on the application land during the last 20 years, notifying the public that it was private land. In response it was stated that the public had always considered that they were allowed to walk through the copse by the landowner. It was also noted that there were far fewer instances of lawful

sports and pastimes being enjoyed in the copse than in the field when the summary of written evidence was reviewed.

Members of the public had the opportunity to present their views to the Committee as detailed above.

The Local Unitary Member Councillor Chris Devine then spoke, explaining that he could see both sides view, and although he would look at any future planning applications with a fresh mind, on this occasion he would abstain from voting.

A debate followed where the Committee decided to consider the Inspectors recommendations for the three individual areas of land separately and analysed the reasoning behind the Inspector's recommendations for the three parcels of land and whether or not they felt the recommendations were appropriate in the context of the evidence available to the Inspector and to the Committee .

**Resolved**

**To APPROVE the Inspector's recommendation that the Field not be registered as a town or village green.**

**Resolved**

**To APPROVE the Inspector's recommendation that the section of Brown's Copse owned by Wiltshire Council not be registered as a town or village green.**

**Resolved**

**To REFUSE the Inspector's recommendation to register that part of Brown's Copse owned by Mr and Mrs Sheppard as a town or village green.**

**Reason:**

- 1. The Inspector failed to make distinction of what constituted lawful sports and past-times on the field and how that was different to the lawful sports and past-times by reference to use of the Copse. By reference to the Inspector's recommendation the use of the field and the copse had been linked by almost everyone who gave evidence to the inquiry, therefore if the Inspectors' findings on lawful sports and past-times were correct in respect of the field, then it followed that his findings regarding the exercise of the lawful sports and past-times in respect of the use of the copse was not correct.**
- 2. There were references to signs being placed in and around both the land and the copse in the evidence referred to in Inspector's recommendation.**
- 3. Inside the relevant 20 year period the Landowner did take steps to show that the copse (wood) was private property.**

## 102 **Planning Appeals**

The committee received details of the appeal decisions as detailed in the agenda.

## 103 **Planning Applications**

### 104 **14/12175/FUL: Land between the junction of A36 (Southampton Road) and New Petersfinger Road, Salisbury, Wiltshire**

#### Public Participation

Mr Simon Berry (Agent) spoke in support of the application

Cllr Sven Hocking spoke in support of the application

Cllr John Lindley, representing the view of Salisbury City Council spoke in objection to the application.

The Senior Planning Officer presented a report which recommended approval of the application for a 65 bed hotel with drive thru restaurant with associated parking, access and landscaping, subject to completion of a section 106 obligation and 31 conditions. Key issues included highways impact and surface water schemes.

Members of the Committee had the opportunity to ask technical questions of the Officers. In response it was stated that a Transport Assessment had been carried out which detailed a forecast of predicted additional traffic flow on the A36 and on Millford Mill Road once the development was in place and details were provided on aspects of that assessment.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Unitary Member, Councillor Ian Tomes, then spoke in objection to the application, noting that the main concern was increased traffic on both the A36 and Milford Mill Road, which were already congested and that other sites in the city might be more suitable for the developments.

A debate followed where it was considered that the application would involve an increase to traffic on an already congested road. Members considered if the design of the hotel was favourable the impact on the route into the city along the A36 and if the site was suitable for this scale and type of development.

#### **Resolved**

**The application be REFUSED for the following reasons:**

**1) The site is located in an out of town location, and proposes a new hotel use and a fast food drive through restaurant use. 80 car parking spaces are also proposed. The NPPF supports a sequential, town centre first approach, and defines hotels and drive through restaurant uses as main town centre uses. The adopted Wiltshire Core Strategy policies related to retail & tourism provision seek to enhance the vitality and viability of the town centres in Wiltshire through promoting the regeneration of central**

**areas and delivery of new growth at settlements to support and strengthen the vitality of centres.**

**Furthermore, the Wiltshire and Swindon Visitor Accommodation Future Study 2014 makes a clear recommendation that further budget hotels in Salisbury should ideally be located within the city centre in order to maximise the contributions that they could make in terms of supporting the development of the city's evening economy through generating business for restaurants and bars, and in terms of minimising unnecessary traffic movement. Salisbury does not currently have any budget hotel provision in the city centre, and it is therefore very important that such provision comes forward in the city centre to support the night time economy. Furthermore, the thrust of National and Local Planning policy is to locate such uses within the centre of settlements in sustainable locations. Based on these requirements, planning permissions for two hotels have been granted in recent years within the heart of the city centre.**

**Whilst it has been taken into account that the proposal would provide tourism accommodation and employment within the defined Principal Employment Area, the Council remains to be convinced in this instance, based on the information submitted, that the proposed hotel and the separate drive-through restaurant are reliant on one another, and could not be disaggregated. Further, the Council remains to be convinced that the proposed hotel use would not have an adverse impact on the vitality and viability of the city centre, and therefore would be contrary to the aims of paragraph 24, 26 & 27 of the NPPF, which advocates a sequential, town centre first approach to the location of such uses, and the protection and enhancement of town and city centres. The proposal is also therefore contrary to the aims of policies CP21, 38, 39 & 40 of the Wiltshire Core Strategy which reflect the guidance within the NPPF, and which seek to protect the vitality and viability of the city centre, including the planned mixed use development of the Maltings Central Car Park.**

**2) Wiltshire Core Strategy policy 66 seeks to develop and improve the strategic transport network to support the objectives and policies in the Core Strategy and Local Transport Plan.**

**Core Strategy policies 60 and 62 require proposals to mitigate the impact of developments on transport users, local communities and the environment at both the construction and operational stages.**

**Core Strategy policy 64 requires traffic management measures to promote sustainable transport alternatives, reduce reliance on the car and lower the risks of accidents and improve the environment.**

**The site is located adjacent to the main A36 trunk road, which serves as one of the main arterial routes through the city of Salisbury. The site is also located adjacent to, and would be accessed from, New Petersfinger Road (the access to the Petersfinger Park and Ride to the east) which leads onto the narrow Unclassified Milford Mill Road. This road provides**

access to the adjacent settlement of Laverstock, as well as serving as an alternative route to and from the adjacent city centre, and is therefore already in frequent use by vehicular traffic as a so called "rat run".

The applicant's Transport Assessment confirms that the proposals will increase traffic to and around the site. Whilst it is acknowledged that its conclusions are accepted by Highways England and the Council's own Highway officers, such acceptance relies on suggested works to the surrounding highway system, particularly the provision of traffic lights on Milford Mill Road around the existing railway bridge, at a point where the road narrows and where vehicles speeds already slow considerably in both directions due to the lack of forward visibility around the bend.

Furthermore, due to the narrow nature of the road to the immediate north of the railway bridge, it is common practice for vehicles to stop at several points in the carriageway to allow oncoming vehicles to pass, and hence, the existing road is already subject to queuing traffic. It is considered that such bespoke vehicular behaviour is unlikely to have been modelled as part of the applicant's submitted assessment.

Consequently, it is considered that the provision of traffic lights at the railway bridge is likely to exacerbate the existing traffic queues along this road, and that due to the narrow width of the roadway; such queues are likely to further reduce the ability of oncoming vehicles to pass safely. Notwithstanding the above, it is also considered that the proposed additional traffic generated by the proposals would exacerbate the existing traffic congestion along the main A36 road, which has previously been acknowledged by the Highways England as being "at capacity" as part of the Local Development Framework site selection process. Due to existing daily congestion on this trunk road, Milford Mill Road is used as an alternative access route to the city centre and the settlements beyond. It is again considered that such bespoke vehicular behaviour is unlikely to have been modelled as part of the applicant's submitted assessment.

As a result, it is considered that the proposal, even with the suggested mitigation, would be likely to exacerbate the existing traffic congestion which already exists along the A36 and the Milford Mill Road, contrary to adopted Wiltshire Core Strategy policies 60, 62, 64 and 66 including the aims of the Local Transport Plan.

3) The proposal is located on a prominent site at one of the main arterial road entrances serving the historic city of Salisbury. Whilst the visual appearance of this route has a very urban character on the latter section approaching the city, the character of the route up to, and including, the application site still retains some of its softer rural character, due in part to the substantial landscaping associated with the adjacent park and ride site, and the retained and protected landscape features which effectively screening the adjacent commercial buildings along the rear boundary of the site. The open character of the site itself also enhances the rural character of this section of the route, as does the open, unbuilt character

of the landscape to the immediate south of the A36 road, opposite the site, which forms part of the Britford Conservation Area.

**Consequently, the development of the site as suggested, due to the combination of the large scale of the proposals; the very urban quality of the design and materials; the prominence of buildings in the street scene; the removal of some existing landscaping features, and the additional artificial lighting the proposal would introduce to this area, is likely to significantly alter the current open and rural characteristics of the site, and have an adverse impact on the visual character and qualities of the surrounding area and the approach to, and general setting of, the historic city. The proposal is therefore considered to be contrary to the aims of adopted Wiltshire Core Strategy policies CP51 & CP57, and the guidance on good design in the NPPF.**

#### 105 Urgent Items

There were no urgent items.

However, it was agreed to hold a site visit should app - 15/08251/FUL (Land at Brooklet Farm, Stapleford) come to Committee.

(Duration of meeting: 6.00 - 9.18 pm)

The Officer who has produced these minutes is Lisa Moore, of Democratic Services, direct line (01722) 434560, e-mail [lisa.moore@wiltshire.gov.uk](mailto:lisa.moore@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115