

SOUTHERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 4 OCTOBER 2012 AT CROWN COURT ROOM, THE GUILDHALL, MARKET PLACE, SALISBURY SP1 1JH.

Present:

Cllr Richard Britton, Cllr Brian Dalton, Cllr Christopher Devine, Cllr Jose Green (Vice Chairman), Cllr Mike Hewitt, Cllr George Jeans, Cllr Ian McLennan, Cllr Paul Sample, Cllr John Smale, Cllr Fred Westmoreland (Chairman) and Cllr Ian West

Also Present:

Cllr Mary Douglas

63 **Apologies for Absence**

There were no apologies for absence.

64 **Minutes**

The minutes of the meeting held on **23 August 2012** were presented. It was,

Resolved:

To approve as a correct record and sign the minutes.

65 **Declarations of Interest**

Cllr Brian Dalton declared a non-pecuniary interest in item 8c - *S/2012/0826/Full: Butt of Ale, Sunnyhill Road, Salisbury* - as a member of the Campaign for Real Ale, who were objecting to the application. Cllr Dalton stated he would debate and vote on the application with an open mind.

66 **Chairman's Announcements**

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

The Chairman further requested it be noted the Committee felt the venue was inadequate for a public meeting, and informed those present that application *S/2012/1120/Full* had been withdrawn due to inaccuracies in the report and to organize a site visit.

67 **Public Participation and Councillors' Questions**

The committee noted the rules on public participation.

68 **Planning Appeals**

The Committee noted details of recent appeals as listed in the agenda pack.

Attention was brought to Application *S/2011/0900 - Bridge Woodland Britmore Lane, Gutch Common* - which had been dismissed on appeal.

69 **Shiralee, Tytherley Road, Winterslow**

The Committee noted the report and thanked officers for the update and work on the case.

70 **Planning Applications**

Attention was drawn to the late list of correspondence received, and attached to these minutes, concerning Items **8b**, **8e** and **8g** as listed in the Agenda pack.

70a) **S/2012/0883/Full - 137 Netherhampton Road, Salisbury SP2 8NB**

Public Participation

Mr Grasson spoke in objection to the application.

Mr Gilbert spoke in support of the application.

Mr Ray Robinson, applicant, spoke in support of the application.

Mr Nigel Lilley, agent, spoke in support of the application.

The Planning Officer introduced a report which recommended refusal. The main issues included the impact on the character of the, previous planning history on the site and the impact upon the tree in the adjacent site. It was stated the members had had a site visit prior to the meeting.

The Committee then had the opportunity to ask technical questions of the officers.

Members of the Public then had the opportunity to address the Committee with their views, as detailed above.

The Local Member, Cllr Brian Dalton, then spoke in support of the application.

A debate followed, where the access to the proposed property was raised, and the lack of objection from Highways officers was noted. The impact on the adjacent tree was debated, along with the plot ratio and dimensions, and the loss of amenity and character of the application in comparison with the local area was discussed.

At the conclusion of debate, it was,

Resolved:

That planning permission be REFUSED for the following reasons:

- 1. The existing property is located in an established residential area, adjacent to a Bridleway. There is a large, established Oak tree located to the immediate south of the site. The proposed sub-division of the existing property to provide an additional dwelling would result in a significant reduction in the size of the rear garden area serving the existing dwelling, and create a new dwelling with limited outdoor amenity space, given the close proximity of the site to the adjacent mature Oak tree. In combination with the close proximity of the established tree, it is considered that the proposal would constitute an unsatisfactory sub-division of an existing residential plot representing a cramped form of over development, out of keeping with the general scale and character of existing development in the area. The proposal would also be likely to result in harm to the residential amenity enjoyed by occupiers of both the existing dwelling and the proposed dwelling, and would set an undesirable precedent for the creation of similarly cramped proposals along the Drove and in the surrounding area. The proposal is therefore considered to be contrary to the adopted policies; G2, D1, D2 and H16 as saved within Appendix C of the adopted South Wiltshire Core Strategy and the National Planning Policy Framework, particularly paragraph 53.**
- 2. The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 as saved within Appendix C of the adopted South Wiltshire Core Strategy together with Core Policy 3 because appropriate provision towards public recreational open space and offsite affordable housing contributions have not been made.**

Informative

- 1. Officers note that the Applicant within the Design and Access Statement has principally agreed to the submission of funds associated with the required planning obligations. The reason given above relating to saved policy R2 and Core Policy 3 could be overcome if all the appropriate parties agree to enter into a Section 106 Agreement requiring financial contributions towards off-site recreational open space provision and off-site affordable housing.**

70b: S/2012/0893/Full - 8 Old Castle Road, Salisbury SP1 3SF

Public Participation

Mr Neil Curtis spoke in objection to the application.

Mr Douglas spoke in objection to the application.

Mr Derek Brown spoke in objection to the application.

Mrs Cheryl Hill, Salisbury City Council, spoke in objection to the application.

The Planning Officer introduced a report which recommended that the application be approved, and attention was drawn to the late list of observations, which are attached to these minutes.

The main issues included the visual impact upon the conservation area and impact on amenities. It was noted that there were no parking issues highlighted, and that the existing extension to the property is not in keeping with the character of the original building, and would be amended by the proposed application, and that the private road adjacent was not a consideration. It was also highlighted that planning permission had already been granted for the site which extends into the rear garden, but that the applicants have sought permission for this new design.

The Committee then had the opportunity to ask technical questions of officers. Details were sought about the existing planning permission on the site and its impact.

Members of the public then had the opportunity address the Committee with their views, as detailed above.

The Local Member, Cllr Mary Douglas, then spoke in objection to the application.

A discussion followed, where the materials to be used in the design were raised, along with the current unattractive design of the site. Concerns regarding overlooking windows and their orientation were discussed, and the distance to nearby properties and attendant impact was debated.

At the conclusion of debate, it was,

Resolved:

That Planning Permission be GRANTED for the following reasons:

The proposed development, accords with the provisions of the Development Plan, and in particular Policy PS2 (Nursing Homes), G1 and G2 (General Criteria for Development), D3 (Design criteria), CN8 (Conservation Area), CN23 (Archaeology) TR11 (Parking), R3 (Public Open Space) of the Salisbury District Local Plan (which is a 'saved' policy of the adopted South Wiltshire Core Strategy) insofar as the proposed development is considered compatible in terms of its scale design and materials would not affect the character of the surrounding Conservation Area and AONB.

Subject to the following conditions

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory

Purchase Act 2004.

2. No development shall commence within the area indicated (proposed development site) until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and**
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.**

REASON: To enable the recording of any matters of archaeological interest.

POLICY: CN23 Archaeology

3. No development shall commence until details and samples of all external facing and roofing materials, including matching bricks for the front elevation; to be used have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: To ensure that the external appearance of the building is satisfactory.

POLICY: D3 Design criteria

4. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;**
- (b) details of any to be retained, together with measures for their protection in the course of development;**
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site**
- (d) finished levels and contours;**
- (e) hard surfacing materials;**

REASON: To ensure a satisfactory landscaped setting for the development

POLICY: G2 General criteria for development and R3 on-site amenity space

5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICY: G2 General criteria for development and R3 on-site amenity space

6. No development shall commence on site until details of any screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority. The screen walls and/or fences shall be erected in accordance with the approved details prior to the occupation of the Nursing Home extensions hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring properties.

POLICY: G2 General criteria for development

7. Development shall be in accordance with the details of the construction method statement received on 11 June 2012

REASON: In the interests of the prevention of pollution of the groundwater source protection area

POLICY: G2 General criteria for development

8. During demolition and construction works, no machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following time 0800 to 1800 on Mondays to Saturdays and there shall be no activities/working on Sundays, Bank and Public Holidays.

REASON: To avoid the risk of disturbance to neighbouring dwellings/the amenities of the locality during unsocial hours.

POLICY: G2 General criteria for development

9. There shall be no external lighting of the site

REASON: In the interests of the amenities of the neighbours

POLICY: G2 General criteria for development

10. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactments thereof, the development hereby approved shall be used solely as a nursing home and for no other use purposes, whatsoever, including any other purpose in Class C2 of the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment, without formal planning permission first being obtained.

REASON: To enable the Local Planning Authority to retain planning control over the use of the building hereby permitted in the interests of the amenities of the neighbours.

POLICY: G2 General criteria for development, and PS2 Extension of nursing

homes

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, rooflights, doors or any other form of openings other than those shown on the approved plans, shall be inserted in the northern or southern elevations of the extensions hereby permitted.

REASON: In the interests of residential amenity and privacy.

POLICY: G2 General criteria for development

INFORMATIVE

1. In relation to condition 06 above, the Committee requires that any planting along the southern boundary of the site, be semi-mature so as to reduce the impacts of the change.

2. In relation to condition 09 above, this restriction does not relate to small scale lighting apparatus required for fire exits etc. Planning Permission would be required only for a larger scale lighting scheme e.g. lighting on poles around the site, or larger scale arc light type lighting apparatus.

70c) S/2012/0826/Full -Butt of Ale, Sunnyhill Road, Salisbury SP1 3QJ

Public Participation

Mr Peter Wicks, Campaign for Real Ale, spoke in objection to the application.

Mr Andrew Pywell, agent, spoke in support of the application.

The Planning Officer introduced a report which recommended approval subject to the completion of a S106 agreement in relation to public open space and affordable housing. The main issues regarding the application included the principle of the development and less of the public house, the impact upon highways and parking and visual impact. It was highlighted that the report concluded that the public house was no longer economically viable.

The Committee then had the opportunity to ask technical questions of the officers. The details of the proposed driveways and shared garage space were sought, along with information regarding affordable housing contributions.

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

The Local Member, Cllr Mary Douglas, then spoke in objection to the application.

A discussion followed, where the viability of the public house was raised along with the recent history of the businesses on the site, and the design of the proposed housing on the site assessed.

After debate, it was,

Resolved:

That Planning Permission be REFUSED for the following reasons:

1. The public house is sustainably located in the heart of a residential area, and is the only such facility serving the surrounding local community. Other such establishments are located some distance away and likely to encourage the use of the private car, as confirmed by the previous 2004 appeal decision.

Based on the information submitted, it is considered that insufficient evidence has been submitted to demonstrate that the use of the site/building as a public house is no longer viable, and no evidence has been provided to demonstrate that the site/building is not viable for an alternative community use. The proposal is therefore considered to be contrary to the requirements of Policy Core Policy 21 of the South Wiltshire Core Strategy (which echoes the aims of the emerging policy 49 of the Wiltshire Core Strategy), which seeks in the first instance to retain the existing use; secondly an alternative community use; thirdly a mixed use which retains proportion of the community use and only when all these options are exhausted, would redevelopment for a non-community use/facility be permitted.

2. The proposed residential development is considered by the Local Planning Authority to be contrary to saved policy R2 listed in Appendix C of the South Wiltshire Core Strategy, and Core policy 3 of the South Wiltshire Core Strategy because appropriate provision towards affordable housing and public recreational open space have not been made.

70d S/2012/0931/Full - Avon Valley College, Recreation Road, Durrington, Salisbury SP4 8HH

Public Participation

Mr Amos spoke in objection to the application.

Mr David Mayton spoke in objection to the application.

Mrs Nomi Defriend spoke in support of the application.

The Planning Officer introduced a report which recommended approval. The main issues included highways consideration into the site and the principle of the development. It was noted that the Council was planning to widen and resurface a footpath serving the application site, but that this was a separate

matter from the sought planning permission.

The Committee had the opportunity to ask technical questions of the officers. The materials of the proposed construction were sought, and the number of parking places provided was raised, along with their designation as staff or public places. It was also confirmed that Highways officers had raised no objections in relation to the application.

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

Cllr John Smale then read a statement from the Local Member, Cllr Graham Wright, in support of the application if appropriate conditions were made to mitigate concerns.

A debate followed, where the lack of an easy drop off point for the proposed nursery was discussed, and the acceptability of a Green Travel Plan to meet concerns regarding access and parking was also raised. The predicted use of the site was debated, and alternative parking and access arrangements assessed.

At the conclusion of debate, it was,

Resolved:

That Planning Permission be REFUSED for the following reason:

The proposed nursery would be sited in a location which would encourage excessive vehicular movements on inappropriate roads, and it has not been satisfactorily demonstrated that there would be adequate parking and dropping-off facilities, to the detriment of highways safety. The proposal would therefore be contrary to Local Plan policies G2(i&ii) and PS6 (i&ii) as saved within the adopted South Wiltshire Core Strategy.

70e) S/2012/1076/Full - Unit 1 & 2 Sarum Business Park, Lancaster Road, Salisbury SP4 6FB

Public Participation

Mr Tony Inman, agent, spoke in support of the application.

The Planning Officer introduced a report which recommended approval. The main issues included the principle of the development, the impact on the wider conservation area, and the historical background of the WW1 structure. It was stated that the Conservation Officer raised no objections to the proposal, as detailed in the report.

The Committee then had the opportunity to ask technical questions of the

officers. Details on the ownership of the site was sought.

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

The Local Member, Cllr Ian McLennan, then spoke in objection to the application.

A discussion followed, where the history of the site and rarity of its buildings was raised and debated, and the impact of any changes on the wider conservation area queried. It was noted the building is not a listed building, and the working nature of the site was highlighted.

After debate, it was,

Resolved:

That Planning Permission be GRANTED for the following reasons:

The development would be acceptable in principle, would have no significant impact on the setting of the nearby listed buildings, would not detract from the character wider Conservation Area, and would not result in any significant impact on highway safety or neighbouring properties. The development would therefore accord with the aims and objectives of the development plan, having regard in particular to Local Plan policies G2, CN8, CN11 and Core Policy 5 which are 'saved' policies of the adopted South Wiltshire Core Strategy.

Subject to the following conditions:

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. As amended by section 51 (1) of the Planning and Compulsory Purchase Act 2004 (0004 AMENDED)

2. **This development shall be in accordance with the submitted drawings:**

- **4391.1, dated May 2012**
- **4391/2, dated May 2012**
- **4391.3, dated May 2012**
- **4391/4 rev 1, dated May 2012**

and registered with the Local Planning Authority on 26/07/12, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. **No development shall commence on site until details and samples of the materials to be used for the external roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: In the interests of visual amenity and the character and appearance of

the area.

4. **No works shall commence on site until details of the proposed rooflights (including size, manufacturer and model number) have been submitted to and approved in writing by the Local Planning Authority. The new rooflights shall be of a design which, when installed, do not project forward of the general roof surface. The works shall be carried out in accordance with the approved details.**

Reason: In the interests of preserving the character and appearance of the building and its setting.

5. **No works shall commence on site until details of all new external window joinery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:5. The works shall be carried out in accordance with the approved details.**

Reason: In the interests of preserving the character and appearance of the building and its setting.

70f) S/2012/1120/Full - 45 Ladysmith, Gomeldon, Salisbury. SP4 6LE

The application was deferred as detailed under Chairman's Announcements.

70g) S/2012/0928/Full - 2 Lovegrove Acre, Dinton, Salisbury, SP3 5DX

Public Participation

Mr Richards spoke in objection to the application.

Mr Taylor spoke in objection to the application.

Mr Singleton, agent, spoke in support of the application.

Mr Justin Fry, Dinton Parish Council, spoke in objection to the application.

The Planning Officer introduced the report which recommended approval. The main issues included the principle of the development, the impact upon the character of the area of the Area of Outstanding Natural Beauty (AONB) and loss of amenity, as well as previous appeal decisions in the neighbouring site. It was stated that most of the property was shielded from view, but some of it would be visible to the wider area.

The Committee had the opportunity to ask technical questions of the officers.

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

A debate followed, where the impact of the application on the village and the open space was raised. The lack of affordable housing contribution as noted in the report was also discussed.

At the conclusion of debate, it was,

Resolved:

That Planning Permission be REFUSED for the following reasons:

- 1) The extensive garden areas to the rear of 1-3 Lovegrove Acre together with the extensive open space to the west contribute significantly to the character of the locality and the conservation area. The proposed dwelling would reduce the present open and spacious quality of the locality significantly harming the character of the Dinton Conservation Area and Housing Restraint Area, contrary to Local Plan policies H19, CN8, CN10, and CN11 (as saved within the adopted South Wiltshire Core Strategy).**

- 2) The proposed residential development is considered by the Local Planning Authority to be contrary to policy R2 of the Salisbury District Local Plan (as saved within the South Wiltshire Core Strategy) as appropriate provision towards public recreational open space has not been made.**

Informative

It should be noted that the reason given above relating to policy R2 could be overcome if all the relevant parties agree to enter into a Section 106 legal agreement.

71 Urgent Items

The Chairman noted the Committee had not received an update on the Hillbilly acre matter as requested in the previous meeting's minutes, and requested an update as soon as possible.

(Duration of meeting: 6.00 pm - 10.10 am)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line (01225) 718504, e-mail kieran.elliott@wiltshire.gov.uk

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