

Southern Area Planning Committee

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 4 FEBRUARY 2021 AT ONLINE MEETING.

Present:

Cllr Fred Westmoreland (Chairman), Cllr Richard Britton (Vice-Chairman), Cllr Brian Dalton, Cllr Christopher Devine, Cllr Jose Green, Cllr Mike Hewitt, Cllr Leo Randall, Cllr Sven Hocking, Cllr Ian McLennan, Cllr John Smale and Cllr Graham Wright (Substitute)

Also Present:

93 **Apologies**

The following apologies were received:

- Cllr Jeans who was substituted by Cllr Wright
- Cllr Hewitt

94 **Minutes of the Previous Meeting**

The minutes of the last meeting held online on 11 November 2020, were presented.

Resolved:

To approve as a correct record and sign the minutes.

95 **Declarations of Interest**

There were none.

96 **Chairman's Announcements**

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

It was noted that the presentation slides had been uploaded as supplement 1 to the online agenda.

97 **Public Participation**

The committee noted the rules on public participation.

Questions:

The Committee had received two questions, submitted by one person, by the deadline indicated on the agenda.

The questions submitted by Cllr Jose Green on 1st Feb 2021 were:

1. When would site visits be resumed?
2. Could the procedure on erecting site notices be clarified? As it had been drawn to her attention that some locations had not had the notice erected.

The following response had been provided to Cllr Green in writing, and was read out by the Chairman at the meeting:

1. Site visits – Member committee site visits were not currently being undertaken due to the COVID pandemic restrictions that were in place. It was likely that they would only resume once the national circumstances were deemed safe enough to do so.

Officers were only carrying out site visits on applications where it was deemed absolutely necessary and safe to do so. Agents and applicants were being requested to supply photographs to accompany their applications to assist officers in their appraisal of proposals.

2. Site notices - As part of its response to the COVID pandemic, the Council was only currently displaying site notices where it is legally bound to do so, such as applications relating to listed buildings or significant major developments. In addition, the Council was sending notification letters to neighbours to ensure that they were informed of developments next to them. This ensures that the Council complies with the legislative requirements relating to publicising planning applications.

These changes to practice were corporate decisions made by the Council's Senior Management Team to ensure that the planning system could continue to function during the pandemic, whilst restricting unnecessary journeys and protecting public health.

Cllr Green was then asked whether she wished to put forward one supplementary question for each of the original questions.

Cllr Green confirmed she had no further questions.

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

Resolved

The Committee noted the Panning Appeals and Updates report.

99 **Planning Applications**
100 **20/06105/FUL - 107 Bouverie Avenue, Salisbury SP2 8EA**

Public Participation

Martin Cook spoke in objection to the application

John Rolt spoke in objection to the application

Adrian Abbott spoke in objection to the application

Dan Roycroft (Agent) spoke in support of the application

The Planning Officer, Louise Porter presented the application for the erection of a 3-bed bungalow to the rear of 107 Bouverie Avenue, associated access and driveway, and hard and soft landscaping. The application was recommended for approval.

A written response from the Senior Environmental Health Officer, to points raised in relation to noise, had been uploaded to the online agenda as supplement 2.

The main issues which had been considered to be material in the determination of this application were listed as, Principle of development, Character and appearance of the area, Impact on neighbour amenity, Highway Safety, Trees Archaeology, Waste collection, and River Avon Special Area of Conservation - Phosphate Neutral Development.

Members of the Committee had the opportunity to ask technical questions of the officer. In response to queries, it was clarified that the current wooden fencing shown in photographs of the site would be replaced with acoustic fencing and be covered by an additional condition if the application was approved.

The driveway would run west to east and the number of bedrooms proposed had decreased from a previous application from 4 to 3.

All 22 letters received were in objection to the scheme.

The ownership of the hedge around the site was not confirmed, however the Officer noted that it would be difficult to put a control on the height of a hedge in planning terms.

Members of the public, as detailed above, then had the opportunity to speak on the application.

Some of the main points included comments around the access driveway, its proximity and adverse impact to neighbouring properties.

The Noise Assessment report, submitted plans, the proximity data in particular to neighbouring dwellings, the elevated position of the proposed development and the impact on surrounding properties.

The Planning Inspector report and previous comments relating to unsatisfactory proposals in terms of noise, disturbance, privacy and outlook in relation to the neighbouring properties was also referred to.

The proposed sewerage pumping system in relation to the proximity of the neighbouring dwellings and emergency vehicle access were also noted concerns.

Local Member Cllr Brian Dalton then spoke in objection to the application, noting that he had met with the applicant and local residents over the past few months.

The application had been registered in July 2020, he stated that it had taken a long time to determine one property. He had also asked for a Member site visit as he had felt it was necessary due to the considerable drop in height between the proposed dwelling and surrounding properties, however due to the Covid restrictions in place it had not been possible. Cllr Dalton felt that if a site visit had taken place, Members would have seen the height different, which was not available due to there being no drawings submitted to reflect that point.

He drew attention to resident concerns relating to the Officer recommendation being made before the end of the public consultation period and that the Officer had not visited the site.

It was noted that this was the third application for this site, and that Bouverie Avenue South had fairly large properties and gardens, with no infill developments along that side of the road.

Cllr Dalton went on to state that the Environmental Health Officer comment regarding noise and vehicle movements in that they would not have an adverse effect, did not however mean that they would not be noticeable. He also noted that the Planning Inspector had thrown the previous application out at appeal as noise was a factor. Foul drainage and soakaways issues had also been picked up by the Inspector.

Cllr Dalton then moved a motion of refusal against Officer recommendation, stating the reasons as noted above and in addition quoted reasons as CP57, Objective 16, paras 9, 70, 122, 124, 127 and 130. This was seconded by Cllr Hocking.

The Committee was invited to discuss the application, the main points included comments around 'garden grabbing', and the location of the development in that it would be closer to the neighbours than the applicants dwelling.

The impact the development would have on the neighbouring properties and associated noise.

Whether the current proposal for a 3-bedroom property was a sufficient reduction in size to mitigate the impact.

Other matters discussed included limited garden space, vehicular access, sewage disposal on a sloping site, quality of design and place shaping, and that any additional dwelling would need to blend with the existing properties and gardens, which were interlocked and mature.

The Members indicated that despite the changes and additional impact reports accompanying the application, it had not overcome the reasons for refusal previously imposed or the Inspectors concerns.

Following debate the Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of refusal against officer recommendation, with the reasons stated.

It was:

Resolved:

that application 20/06105/FUL be Refused against Officer recommendation for the following reasons:

Bouverie Avenue South is characterised by large dwellings in spacious, well landscaped plots. Because of this character, levels of privacy are generally high, with limited inter-relationships between properties.

However, the proposal would result in a new single storey dwelling located to the rear of an existing established property, and within part of the existing garden area. A new driveway and access would be required to service the dwelling, which would be located directly adjacent to the side façade of the existing property.

Consequently, and notwithstanding the adjustments to the scheme that have been proposed, the proposal would have a significantly adverse impact on the spacious and silvan characteristics of the area, and would result in significantly reduced amenity levels for the occupiers of neighbouring properties, in particular Nos.107 and 109 Bouverie Avenue South, 9 Francis Way, and 59a Bouverie Avenue, due to the close inter-relationships between the dwellings, and the access and driveway, particularly in terms of significantly reduced privacy and general noise and disturbance.

The proposed dwelling would therefore be harmful to the existing character of the area, and have a detrimental impact on existing neighbouring amenities, contrary to Policy CP57 of the Wiltshire Core Strategy, objective 16 of the Council's adopted design guide Creating Places, and the aims of the NPPF in particular paras 09, 70, mvmt10 122, 124, 127 and 130 which seek to provide a high level of design and a high level of sustainable development which reflects the character of the area.

Public Participation

Neal Cruse spoke in objection to the application

Martyn Armstrong spoke in objection to the application

Ian Challoner spoke in objection to the application

Giles Moir (Agent) spoke in support of the application

Cllr Stephen Botham, Vice Chair – spoke representing Durrington TC

The Planning Team Leader, Richard Hughes presented the application for the erection of three pairs of semi-detached houses with associated access, parking and landscaping following the demolition of existing property. The application was recommended for approval.

The main issues which had been considered to be material in the determination of this application were listed as Principle of development, Character of the area, Design, Residential Amenity, Highways Safety and Parking Provision, Ecology implications and Trees.

Members of the Committee had the opportunity to ask technical questions of the officer. In response to queries, it was clarified that the six dwellings would consist of five 3-bedroom and one 2-bedroom properties and not be affordable housing in the normal way due to being private.

Members of the public, as detailed above, then had the opportunity to speak on the application.

Some of the main points raised were associated with the proposal not being in-keeping with neighbouring properties due to the site being surrounded by bungalows.

Associated noise, the impact of the bin area, concerns relating to overlooking and increased vehicular movement and parking required by the associated development.

The Town Council (TC) was in objection to the application.

Local Member Cllr Graham Wright then spoke in detail, in objection to the application, where he addressed all of the areas within the report, including that the concerns of the TC and residents had not been addressed as suggested in the report.

Some of the points raised included that the application would not enhance the village and would be at odds with the Village Design Statement.

There had been concerns relating to the proposed parking at the rear of the properties and that no other housing in Durrington had over three houses with communal parking which sat within the curtilage of the properties.

Highways had not visited the site and there was clear doubt whether vehicles using the 8 parking slots proposed would be able to leave the site in a forward gear.

There would be a significant tree loss, as all trees were to be removed apart from the hedge, changing the feel and outlook of the area.

The existing level of housing in Durrington was currently listed as adequate in the Core Strategy document.

The report regularly mentioned that the application looked and felt like 3 properties however the development would produce 6 dwellings with 6 families, not 3 and would not represent similar properties in the area.

The development of 6 dwellings would total 17 bedrooms and would easily incur vehicles in excess of the 6 spaces provided for. Also the proposed refuse space to accommodate 6 families was not considered adequate, with regards to the additional recycling and black box containers each would require in addition to a household waste bin.

The application for 6 dwellings was overdevelopment of the site, would impact on the character of the area and the residential amenity. The restricted parking arrangements would have a detrimental impact on the surrounding highway network. In contrary of C57, and the Durrington Design Statement.

Cllr Wright then moved a motion of refusal against Officer recommendation, stating the reasons as above. This was seconded by the Chairman, Cllr Westmoreland.

The Committee was invited to discuss the application, the main points included that the site in comparison with the others around it, it was similar to the size of 3 plots and was therefore more suited to 3 dwellings. It was felt that 6 dwellings on this site would amount to overdevelopment.

Following debate, the Committee confirmed they had heard and seen all relevant visual materials and voted on the motion of refusal against officer recommendation, with the reasons stated.

It was:

Resolved:

that application 19/11849/FUL be Refused against Officer Recommendation for the following reasons:

The proposed redevelopment of the site of a single dwelling to provide six dwellings, associated parking arrangement and sub-division of the plot to provide separate outdoor amenity space for each dwelling that would be required to enable six households to function within this site, would result in an inappropriate, cramped form of overdevelopment that would fail to enhance or positively contribute to the character of the area or street scene, and would detract from the residential amenity of adjacent

dwellings, and have a subsequent impact on the surrounding highway network due to associated on street parking and deliveries. The proposed redevelopment in its current form is therefore considered to be contrary to the aims of the National Planning Policy Framework; the Wiltshire Core Strategy policy CP57 (Ensuring High Quality Design & Space Shaping) and the adopted Durrington Design Statement.

102 **20/07918/FUL - Cobbins, Laverstock Park, Laverstock, SP1 1QJ**

Public Participation

Philip Stevens spoke in objection to the application

Dodie Stevens spoke in objection to the application

A statement by Lisa & David Miller was read by Dodie Stevens

Dan Roycroft (Agent) spoke in support of the application

The Planning Officer, Emily Jones presented the application for Demolition of existing car port and garage and the erection of a double storey side extension and erection of double garage with storage area above. Replacement of windows and doors and associated improvement works. The application was recommended for approval.

The main issues which had been considered to be material in the determination of this application were listed as an objection from Laverstock and Ford Parish Council due to the effect of the proposed development on the appearance of the area; the quality of the design; and the significant overbearing impact and loss of outlook.

There had also been 11 third-party representations objecting to the scheme.

Photos and elevation drawings were explained. Some shrubbery, a tree and hedging had been removed from the site since the presentation photos were taken. The shared drive with Lark House was indicated.

Street scene, access, ridge heights, neighbouring dwelling positions, retaining wall, existing property with car port were all detailed by the Officer.

A previous proposal included the development to be clad in timber with render. Following some changes, the application now included materials to fit in with the character of the area. A single-story garage was also proposed with a terrace.

Members of the Committee had the opportunity to ask technical questions of the officer. There were none.

Members of the public, as detailed above, then had the opportunity to speak on the application.

The main points raised included that there was strong objection to the garage element and the positioning in relation to the neighbouring properties, in particular there were concerns relating to the proximity of the roofline, the 6m height, the scope for future development of the garage into an additional

dwelling, changed outlook of the area, loss of green space resulting in increased flooding and impact on nearby properties, infilling, placement and scale of the garage and hardstanding, felling of trees, overall negative impact on the immediate area.

The Parish Council had objected to the application.

The applicant's agent addressed the provisions made to address the concerns.

Local Member Cllr Ian McLennan then spoke in objection to the application, noting that Laverstock Park had few houses, with each being quite large in its own setting, and not impacting adversely on each other.

Little mention had been made of Lark house; however it was entangled with Cobbins due to the shared drive. The height and size of what was proposed would diminish Lark House.

CP57 was supposed to have high quality design and place shaping, the size of this development would adversely shape the place.

When coming up from the Avenue towards the site, you see Cobbins on the end, at the moment it was not obtrusive. The extension was proposed to be 15ft in width and at a right angle, the length of the new extension was the same length of the existing house. The proposal was almost the equivalent to doubling the size of the existing house. Coupled with the rear extension and the terrace.

There would also be a negative effect on Oak House which faced directly on to the proposed extension. The terrace would overlook Slinfold at the far side.

Cobbins was the same height as Oak Ridge and looked down on Slinfold and would impact on it.

Lark House would lose the green shielding and would instead get a visibility screen of the top of the huge roof of the proposed garage.

The double sized garage which was 5.1m high with a pitched roof, originally included windows and was proposed to be placed right at the boundary of Lark House for no reason. It would be nearer to the neighbouring dwelling than the applicants dwelling, Cobbins.

Only 3 parking spaces were needed however, many more were proposed. It appeared like an opportunity for there to be a future dwelling.

Residents were not against a normal extension here, but the garage should remain attached to the dwelling in some way and be less imposing.

Cllr McLennan then moved a motion of refusal against Officer recommendation, stating the reasons as above with reference to CP57, H31, C24 CP64. This was seconded by Cllr Dalton.

The Committee was invited to discuss the application, the main points included the number of parking spaces included within the proposals and associated increased flooding.

The placement of the garage in particular the proximity to the neighbouring dwelling in comparison to the distance from Cobbins.

The shared driveway and access. The PC objection. The terrace and associated overlooking.

The scope for development on the site was acknowledged by the committee, however the impact of the proposed size and in particular, the position of the garage and parking spaces was felt to be over development and would have a detrimental impact on the area and neighbouring amenity.

Following debate the Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of refusal against officer recommendation, with the reasons stated.

It was:

Resolved:

that application 20/07918/FUL be refused against Officer recommendation for the following reasons:

The proposal, by reason of its massing, scale, size, bulk, and excessively large hard surfacing/parking would result in the overdevelopment of the site and loss of much of the landscape features, and would be incongruous with the verdant, spacious character of the surrounding area. The scale of the garage and its proximity to the façade of Lark House would have an overbearing and overshadowing impact on the amenity of that dwelling, and the proposed balcony would result in undue overlooking of the occupants of adjacent dwelling, Slinfold. Therefore, the proposal is contrary to Core Policies 57 and CP64 and saved policies H31 and C24 of the Wiltshire Local Plan 2015.

103 **20/05658/106 - Coldharbour Barn, High Street, Pitton SP5 1DQ**

Public Participation

Timothy Hawkes spoke in objection to the application

Clive Gutteridge spoke in objection to the application

Stuart Marinett spoke in objection to the application

Richard Greenwood (Agent) spoke in support of the application

Dr Simon Creasey spoke in support of the application

Cllr Debbie McIsaac, Chairman, spoke as representative of Pitton & Farley PC.

The Senior Planning Officer, Becky Jones presented the application for the discharge of S106 Agreement dated 15th March 2005 under S/2004/1131 in respect of public meeting area. The application was recommended for approval.

The original old Black Barn as it was in 2004, was shown on the presentation slides and the circumstances around the agreed S106 in 2005 at the time of the application to replace the barn was set out.

Two drawings which had been provided by the PC were also shown and explained by the Officer. These detailed; Plan 1, produced 8 days prior to the S106 agreement in 2005 and then Plan 2 after the S106 agreement which showed a gap between the barn and the space for the notice board.

The owners of the Black Barn no longer wished to be party to the agreement, due to the public liability associated with owning and maintaining the public space.

The PC wished to continue to use the site as a public place to display notices. There was significant but divided local opinion to the removal of the S106.

The main issues which had been considered to be material in the determination of this application were listed as:

1. Planning history and reasons for the S106 Agreement under S/2004/1131
2. Purpose of planning agreements (or obligations) and "useful" purpose
3. Highway & pedestrian safety and visibility splay
4. Public open space provision (Policy R2)
5. The planning balance.

There were 3 letters of objection, from Pitton & Farley Parish Council (PC), 9 letters of support and a further 10 letters of objection.

The Committee was asked to consider whether the S106 agreement still served a useful purpose, and whether it should be retained or discharged.

Members of the Committee had the opportunity to ask technical questions of the officer. In response to queries, it was clarified that for a short time an alternative meeting point had been located outside the village shop, which was opposite the barn. There were 2 other areas of open space as detailed in the report.

Members of the public, as detailed above, then had the opportunity to speak on the application.

Some of the main points included comments around the use of the shop and post office, highway safety, vehicular movement through the village past the barn and shop, the responsibility of maintenance of the area where the notice board was sited, who was responsible for the public liability at the location, legal aspects and alternative suggested locations.

The PC Chairman spoke in objection to the recommendation.

Local Member Cllr Chris Devine then spoke in objection of the recommendation, noting that the public space at the barn was well used and at the heart of the village. The notice board when sited there had been widely used.

He noted that the original application had been approved by Highways and nothing had changed since that time.

The point of the road at the public space was not dangerous and there were no speeding issues.

It was stated that although the land was owned by the applicant, the PC was responsible for the liability of the public space.

Cllr Devine then moved a motion of refusal against Officer recommendation, stating the reasons as detailed above. This was seconded by Cllr Hocking.

The Committee was invited to discuss the application, the main points included that the open space had been given to the village as an amenity and that since the original S106 agreement, nothing had changed.

The importance the public meeting space and the use of a notice board had for the community was widely appreciated by the Committee.

The Wiltshire Council Senior Solicitor, Dorcas Ephraim was invited to provide advice on the S106 agreement where it was clarified that:

Clause 7 was specific as to what was required. It was at the expense of the land owner not the PC to keep the land clear and make available for use by all members of the public at all times. It detailed that it was not for the PC to maintain

Clause 8 stated that the area could be adjusted – the plan A & B showed this. It went on to provide 1.5m, only when approved by the Head of Development Services.

The agreement runs with the land and the new owner must take it on. It would have been for the new landowner to make sure that they were happy with the agreement associated with the land/property before they purchased it from the previous landowner who entered into the S106 agreement.

Plan 2 was done after the agreement was completed. The documents provided did not show to be an agreement in writing varying the S106 agreement (and the plan attached to it) as required by the Town and Country Planning Act 1990. Unfortunately Plan 2 was not appended to the original agreement. So, the argument could go that there was nothing in place to make an amendment.

The Council is unable to force the owners to modify the agreement, the owner's consent is required to modify the S106 agreement. Consequently, it was up to members to decide whether it still served as a useful purpose.

Members continued to discuss the matter.

The Chairman noted that the original agreement was made under the former Salisbury District Council. The requirement that the owner maintain the land in perpetuity made it difficult to make requests that the greenery was removed or changed as it remained in the freehold of the owner of the barn.

Following debate the Committee confirmed they had heard and seen all relevant visual materials, and voted on the motion of refusal against officer recommendation, with the reasons stated.

Cllr Jose Green abstained from the vote due to losing connection momentarily.

It was:

Resolved:

that application 20/05658/106 to discharge the S106 Agreement be Refused for the following reasons:

The side (road facing) elevation of the original barn on the site was historically used to provide a public notice board and meeting area. One of the main issues for the original application was that the new dwelling was permitted on the proviso that the public meeting area was also provided. It is therefore considered that the S106 Agreement still serves a useful purpose, because the land is at the heart of the village and is a good place for a public meeting area (and a notice board) opposite the village shop. It is considered that the site is not unsafe in highway terms particularly as traffic tends to be slower at this point in the High Street due to the narrow nature of the road. There are no better alternative sites in the village.

104 **Urgent Items**

There were no urgent items, however the Committee did note the importance of Member site visits in providing added insight in considering certain applications.

The Chairman reminded Members that until restrictions were lifted, Member site visits were not being facilitated, however Members were able to make independent visits to a site and view externally, at a safe distance should they wish to do so.

(Duration of meeting: 3.00 - 7.00 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

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