

## SOUTHERN AREA PLANNING COMMITTEE

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**MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 28 APRIL 2016 AT SARUM ACADEMY, WESTWOOD ROAD, SALISBURY, WILTSHIRE, SP2 9HS.**

**Present:**

Cllr Fred Westmoreland (Chairman), Cllr Christopher Devine (Vice Chairman), Cllr Richard Britton, Cllr Richard Clewer, Cllr Mike Hewitt, Cllr Ian McLennan, Cllr Ian West, Cllr Peter Edge (Substitute - Part II), Cllr Ricky Rogers (Substitute - Part II) and Cllr John Smale (Substitute - Part II)

**Also Present:**

Cllr George Jeans, Cllr Bill Moss

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28 **Apologies for Absence**

Apologies for absence were received from:

- Cllr Brian Dalton who was substituted by Cllr Peter Edge
- Cllr Ian Tomes who was substituted by Cllr Ricky Rogers
- Cllr Jose Green who was substituted by Cllr John Smale

29 **Minutes**

The minutes of the meeting held on Thursday 7 April 2016 were presented.

**Resolved:**

**To approve as a correct record and sign the minutes.**

30 **Declarations of Interest**

The following interests were declared:

- In relation to 7b 15/10824/FUL - Cllr Richard Clewer explained that as he was the Portfolio holder for Housing, he would not vote on this application.

- In relation to 7b 15/10824/FUL – Cllr Fred Westmoreland explained that he was on the Housing Board, but as this was not a disclosable pecuniary interest he would vote on the application.

31 **Chairman's Announcements**

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

32 **Public Participation and Councillors' Questions**

The committee noted the rules on public participation. No formal questions had been received for this meeting.

33 **Planning Appeals**

The committee received details of planning appeals lodged and those determined for the period 21 March to 14 April 2016.

**Resolved: That the report be received and noted.**

34 **Planning Applications**

35 **16/00550/FUL - 23, Milford Street, Salisbury**

Public Participation

Mr Guy Macklin (Applicant) spoke in support of the application

Cllr Michael Pope of Salisbury City Council spoke in support of the application

Mrs Elaine Milton (Consultant) spoke in support of the application

The Senior Planning Officer drew attention to the late correspondence circulated at the meeting and introduced the application which was a resubmission from an earlier application, for Change of use of site from public house (Class A3) and adult entertainment venue (sui generis) to form two commercial units (Classes A1, A2, B1 or D1) and 10 apartments including conversion, demolition and erection of buildings. A site visit had taken place earlier that day.

The applicant had submitted additional information following the previous decision, which addressed earlier issues of waste management and surface and foul water drainage. The application was recommended for approval.

Members of the Committee then had the opportunity to ask technical questions of the Officers. It was noted that there would be glass doors at the front entrance which would be open during the day and closed in the evening. The night club next door to the site had since closed and would be taken on by the neighbouring gun shop.

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

The Unitary Division Member was not in attendance to speak.

The Committee discussed the application, noting that following the site visit, it was evident that the buildings were in a dilapidated state and required development urgently. The previous concerns over drainage had been addressed and the night club had closed. The design of the development did not appeal to all, however as the location of the dwellings at the rear was closed in, it was seen that large windows would permit more light..

Cllr Westmoreland moved Officers recommendation for Approval; this was seconded by Cllr Devine.

### **Resolved**

**That the application be APPROVED 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 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.**

**The approved programme of archaeological work has been carried out in accordance with the approved details. The work should be conducted by a professionally recognised archaeological contractor in accordance with a written scheme of investigation approved by this office and there will be a financial implication for the applicant.**

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

- 3. No development shall commence on site until a scheme of acoustic glazing and mechanical ventilation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall meet the standards set out in section 5.3 of the Environmental Noise Assessment (reference; 182\_150922\_WHITEROOMS, date; September 2015). The approved scheme shall be implemented in full before the development is occupied and maintained at all times thereafter.**

**REASON: In the interests of protecting residential amenity**

- 4. No development shall commence on site until a written scheme of noise attenuation for the room within the room construction of flats 6 and**

10 has been submitted to and approved in writing by the Local Planning Authority. The written scheme shall be implemented in full before the development is occupied and maintained at all times thereafter.

**REASON:** In the interests of protecting residential amenity

5. No development shall commence on site until a written scheme for post-completion noise measuring has been submitted to and approved in writing by the local planning authority. The written scheme shall include details of the times at which noise measuring will take place and the equipment and noise descriptors to be used for the purposes of measuring the residual levels of noise caused by the licensed premises, Zoo. Where the post completion noise measurements identify that  $LA_{max}$  levels of noise from Zoo are in excess of Preferred Noise Criterion Curve 25 (PNC25), as shown in table 5.1 of the Environmental Noise Assessment (reference; 182\_150922\_WHITEROOMS, date; September 2015) in flats 6 and 10 those flat(s) shall not be occupied.

**REASON:** In the interests of protecting residential amenity

6. The ground floor commercial units shall be used for A1, A2, A3, B1 or D1 use classes only. There shall be no A3 or A5 uses in the ground floor commercial units.

**REASON:** In the interests of protecting residential amenity

7. No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement of construction vehicles;
- ii. The cutting or other processing of building materials on site;
- iii. Wheel washing and vehicle wash down facilities
- iv. The transportation of waste materials (if any)
- v. The location and use of generators and temporary site accommodation
- vi. Pile driving (if any, and if it is to be within 200m of residential properties)

The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

**REASON:** In the interests of protecting residential amenity

8. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays

**REASON:** In the interests of protecting residential amenity

**9. No burning of waste or other materials shall take place on the development site during the demolition/ construction phase of the development.**

**REASON: In the interests of protecting residential amenity**

**10. No development shall commence on site until a scheme for the glazed doors has been submitted to and approved in writing by the Local Planning Authority. The scheme shall meet the standards set out in the addendum to the Environmental Noise Assessment (reference; 182\_151129\_WHITE ROOMS, dated; 29<sup>th</sup> November 2015). The approved scheme shall be implemented in full before the development is occupied and maintained at all times thereafter.**

**REASON: In the interests of protecting residential amenity**

**11. No development shall commence on site until finer details, and where so appropriate materials, of all external materials to be used on the development 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: The application contained insufficient information to enable the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.**

**12. No development shall commence on site until details of all eaves, verges, windows and doors (including head, sill and window reveal details), rainwater goods, rooflights and canopies 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: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.**

**13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, other than those shown on the approved plans, shall be inserted in the roofslopes or first/second floors of the development hereby permitted.**

**REASON: In the interests of residential amenity and privacy.**

**14. The windows labelled as No. 19 on drawing P14-001 02-05-004B, in the inner courtyard elevation shall be glazed with obscure glass only and fixed with a ventilation stay restricting the opening of the window, prior to the first occupation of the development hereby permitted, and shall be permanently maintained in perpetuity.**

**REASON:** In the interests of residential amenity and privacy.

**15.** Prior to the commencement of development, a waste collection management plan shall be submitted to and agreed by this Authority. The agreed management plan shall be carried out in accordance with the approved details in perpetuity.

**REASON:** In the interests of maintain adequate waste collection.

**16.** No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use/first occupied until surface water drainage has been constructed in accordance with the approved scheme.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

**17.** No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

**REASON:** The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

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

**Site Plan P14-001-02-02-001**

**Proposed Ground Floor P14-001-02-03-001C**

**Proposed First Floor P14-001-02-03-002A**

**Proposed Second Floor P14-001-02-03-003A**

**Proposed Roof Plan P14-001-02-03-004A**

**Demolition on Ground Floor P14-001-02-03-011A**

**Demolition First Floor P14-001-02-03-012A**

**Demolition Second Floor P14-001-02-03-013A**

**Proposed Section 03 P14-001-02-04-001A**

**Proposed Section 04 P14-001-02-04-002A**

**Wall Detail Key P14-001-02-04-005A**

Wall Types 1 & 2 P14-001-02-04-006  
Wall Types 3 & 4 P14-001-02-04-007  
Wall Types 5 & 6 P14-001-02-04-008  
Wall Build Up P14-001-02-04-010  
Elevation 01 P14-001-02-05-001B  
Elevation 02 P14-001-02-05-002A  
Elevation 03 & 04 P14-001-02-05-003A  
Elevation 05 P14-001-02-05-004B  
Elevation 06, 07 & 08 P14-001-02-05-005A  
Elevation 09 P14-001-02-05-006B  
Elevation 10 P14-001-02-05-007A  
Demolition Elevation on 01 P14-001-02-05-011A  
Demolition Elevation 02 P14-001-02-05-012B  
Demolition Elevation 03 & 04 P14-001-02-05-013A  
Demolition Elevation 05 P14-001-02-05-014A  
Demolition Elevation 06,07 & 08 P14-001-02-05-015A  
REASON: For the avoidance of doubt.

**INFORMATIVE:**

The applicant should note that additional residents parking permits are unlikely to be allocated to the new occupiers of the flats.

**INFORMATIVE:**

Many wildlife species are legally protected. The applicant should be aware that if it becomes apparent that the site is being used or has previously been used by protected species (such as slowworms, badgers, barn owls or bats), work should STOP immediately and Natural England should be contacted at their Devizes office 01380 725344 for advice on how to proceed.

**INFORMATIVE:**

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

36 **15/10824/FUL - Land South of 1 Park Houses, East Knoyle, Wiltshire, SP3 6AN**

Public Participation

No one registered to speak.

The Senior Planning Officer introduced the application by Wiltshire Council for two single storey houses for elderly people, with associated access road and car parking. There was currently an existing drainage water issue on site; however a new scheme had been submitted which satisfied the drainage engineer. The application was recommended for approval.

Members of the Committee then had the opportunity to ask technical questions of the Officers. It was noted that during the ecological study, no crested newts had been present. A needs study had been carried out by the Housing Team, which had established that there were 8 under occupied properties in the village.

The Unitary Division Member was not in attendance; however she had circulated her support for the application by email to the Committee earlier that day, asking Cllr Edge to speak on her behalf.

Cllr Edge noted that the development of housing for older people on this site had been a project of the South West Wiltshire Area Board for several years. It had been hoped that there would be three properties, but due to surface water issues, much work had had to be carried out to devise a new drainage scheme, following this the number of properties had been reduced to two.

Cllr Edge moved Officer's recommendation for Approval; this was seconded by Cllr Hewitt.

The Committee discussed the application noting that rural areas needed more developments for older people to enable them to downsize and remain living in the community.

**Resolved**

**That the application be APPROVED 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 on site until details and samples of the materials to be used for the external walls and roofs (including the solar panels) 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.**

**3) No development shall commence on site until a scheme for the discharge of surface water from the access/driveway, incorporating sustainable drainage details, has been submitted to and approved in writing by the local planning authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.**

**REASON: To ensure that the development can be adequately drained.**

**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 detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- all hard and soft surfacing materials

**REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order to ensure a satisfactory landscaped setting for the development, in the interests of visual amenity and the character and appearance of the area.**

**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.**

**6) No development shall commence within the area indicated (proposed development site) until:**

- 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
- 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.

7) The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. The dwelling shall not be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

**REASON:** To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

8) No dwelling shall be first occupied until foul water and surface water drainage has been constructed in accordance with the approved scheme shown on the submitted and approved plans (Plan Ref: L-06602 D.01 Rev 3 Drainage Layout, dated 21/03/2016, received by this office 21/03/2016).

**REASON:** To ensure that the development can be adequately drained.

9) 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), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

**REASON:** In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no window, dormer window or rooflight, shall be inserted in the roofslopes or side gables (above first floor level) of the development hereby permitted.

**REASON:** In the interests of residential amenity and privacy.

11) The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Ref: L-06602 D.01 Rev 3 Drainage Layout, dated 21/03/2016, received by this office 21/03/2016

**Plan Ref: 17014-DB3-B01-XX-DR-A-80-01 Existing Location Plan (Red Line), dated 11/09/2015, received by this office 04/11/2015**

**Plan Ref: L-06602 PC01 Rev 1 Preliminary Entrance Layout, dated 20/10/2015, received by this office 04/11/2015**

**Plan Ref: 17014-DB3-B01-XX-DR-A-20-01 Proposed Floor Plan for House 1 and 2, dated 11/09/2015, received by this office 04/11/2015**

**Plan Ref: 17014-DB3-B01-XX-DR-A-20-02 Proposed Front and Side Elevation 1, dated 11/09/2015, received by this office 04/11/2015**

**Plan Ref: 17014-DB3-B01-XX-DR-A-20-03 Proposed Rear and Side Elevation 2, dated 11/09/2015, received by this office 04/11/2015**

**Plan Ref: 17014-DB3-B01-XX-DR-A-90-02 Proposed Site Plan, dated 19/10/2015, received by this office 04/11/2015**

**Plan Ref: 17014-DB3-B01-XX-DR-A-90-01 Proposed Context Site Plan showing neighbouring properties, dated 19/10/2015, received by this office 04/11/2015**

**REASON: For the avoidance of doubt and in the interests of proper planning.**

**INFORMATIVE: Highway licence**

The consent hereby granted shall not be construed as authority to carry out works on the highway. A licence will be required from the local highway authority before any works carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the Council's Vehicle Crossing Team on [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) and/or 01225 713352.

**INFORMATIVE: Material samples**

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

**INFORMATIVE: Archaeological work**

The work should be conducted by a professionally recognised archaeological contractor in accordance with a written scheme of investigation approved by this office and there will be a financial implication for the applicant.

**INFORMATIVE: CIL**

The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to

**Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website:**

[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

37 **Commons Act 2006 - Section 15(1) And (3) Application To Register Land As A Town Or Village Green - Browns Copse Field Winterslow**

Public Participation

Mrs Patricia Sheppard spoke in Objection to the application.

Mr David Read spoke in Objection to the application.

Mr Richard Sheppard spoke in Objection to the application.

Mr Glynn Paton spoke in Support of the application.

Mr Michael Morgan Jones spoke in Support of the application.

The Senior Solicitor introduced the application to register land as a Village Green, in relation to Brown Copse Field, Winterslow. It was explained that in November and December 2014 Wiltshire Council held a non-statutory public inquiry into an application to register land as a town or village green, under Sections 15(1) and (3) of the Commons Act 2006, in the parish of Winterslow.

At the inquiry, evidence was given orally by witnesses both in support and in objection to the application. This evidence was then tested through cross-examination and re-examination of the witnesses. Following the inquiry, the independent Inspector appointed by Wiltshire Council to preside over the inquiry produced a report of his findings and made a recommendation to Wiltshire Council.

At its meeting on 24 September 2015 the Committee decided against the Inspectors recommendation in part and turned down the application to register Browns Copse as a Village Green. The applicant then sought to challenge that decision and proceedings were filed in the High Court on 23 December 2015. Wiltshire Council sought legal advice from a Barrister. The Council could not defend those proceedings and the decision was quashed by the High Court in March 2016.

The Committee was required to re-determine the application but only concerning Brown's Copse and the Committee was asked to consider the Inspectors recommendation on the Village Green application again. The application was recommended for approval.

Members of the Committee then had the opportunity to ask technical questions of the Officers. It was noted that the Court had looked at the process in which the Committee had come to its decision. The decision had been quashed on grounds of pre-determination. It was not the role of the Court to look at the inspector's report but the decision making process. The Committee asked whether the correct advice had been provided at the original meeting, in relation to the options available to them. It was stated that the only test available to Committee was the legal test as set out in s.15 of the Commons Act 2006 that a significant number of inhabitants of any locality or of any neighbourhood within a locality, had indulged as of right in lawful sports or pastimes on the land for a period of at least 20 years.

If the application was approved, the ownership of the land would not change. The current owners could continue to work the land such as coppicing, as they had previously done as activities undertaken by the landowner such as the coppicing had been undertaken for the last 70 years and had co-existed with the village green activities. However the landowners would now no longer be able to prevent the public from entering the land.

The public as referred to above, then had the opportunity to present their views to the Committee.

The Unitary Division Member Councillor Chris Devine then spoke on the application noting that in April 2015 he had chaired the Committee meeting when this had come for decision. He had put forward the Inspector's recommendation to approve the application, but that it had not been seconded. As a representative for Winterslow he felt with a heavy heart that following guidance received by all on determining applications for Village Greens and the law, the Committee had no other choice than to support the recommendation. Councillor Devine also noted that if the matter went to Court again the Council would lose and risk incurring substantial costs. Councillor Devine also noted that a full 5 day inquiry took place with both parties having legal representation and the evidence was heard by an experienced Inspector.

Cllr Devine moved the Inspector's recommendation for approval; this was seconded by Cllr Westmoreland.

The Committee discussed the application noting that it had missed the opportunity to challenge the Inspector's findings at the first instance through asking questions of the Inspector before making their decision, and were now not in a position to query them as that time had passed. To go against the recommendation a second time would only result in a repeat of the High Court decision, costing the Council a considerable amount of tax payers' money.

It was felt that the term 'Village Green' was misleading and should be more appropriately named as a 'Village Amenity' or such. In addition it was noted that the original purpose of the Act was to secure village spaces for future

generations and not for the purpose of preventing development, which it was now often used for.

It was questioned that pre-determination was not a valid reason for quashing the original decision, and when the Committee had made the original decision, it asked whether they could legally go against the Inspector's recommendation, and had been advised that they could, if there was good reason to do so. Two reasons had then been presented by the Committee, however if the Committee had better understood the process then it could have invited the Inspector to review his findings, based on Committee's observations prior to making a decision.

The Chairman stated that the Committee had to accept that the Committee had got it wrong when they previously made their decision. The Chairman apologised to both the land owners for the turn of events which had now left the Committee's hands tied and the applicants for the delays in the decision making process.

Councillors West and Edge abstained from voting.

#### **Resolved**

**The Southern Area Planning Committee APPROVE the Inspector's recommendation and the application by Winterslow Opposed to Over Development (WOOD) under Section 15(3) of the Commons Act 2006 be approved but only to the extent that Browns Copse is registered as a town or village green in its entirety, other than the north-west corner of the Copse that is owned by Wiltshire Council.**

#### 38 **Exclusion of the Press and Public**

##### **Resolved:**

**To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in minute number 39 below because it was likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 5 of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.**

**Paragraph 5 referred to above, relates to information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.**

#### 39 **Commons Act 2006 - Section 15(1) And (3) Application To Register Land As A Town Or Village Green - The Common / Browns Copse Field / Bluebell Wood Field / Village Hall Field / The Field, Winterslow**

The Committee received advice as referred to in Appendix 7 of the report considered under minute number 37 above.

**Resolved**

**That Appendix 7 of the report presented under minute number 37 above be received and noted.**

(Duration of meeting: 6.00 - 8.02 pm)

The Officer who has produced these minutes is Lisa Moore, of Democratic & Members' 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

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