

SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 20 SEPTEMBER 2018 AT ALAMEIN SUITE, CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.

Present:

Cllr Fred Westmoreland (Chairman), Cllr Richard Britton (Vice-Chairman), Cllr Brian Dalton, Cllr Matthew Dean, Cllr Christopher Devine, Cllr Jose Green, Cllr Sven Hocking, Cllr George Jeans, Cllr Ian McLennan, Cllr John Smale and Cllr Robert Yuill (Substitute)

Also Present:

Cllr Atiqul Hoque

313 Apologies

Apologies were received from:

- Cllr Mike Hewitt – who was substituted by Cllr Robert Yuill
- Cllr Mary Douglas – who had asked Cllr Matthew Dean to speak on her behalf.

314 Minutes of the Previous Meeting

The minutes of the meeting held on 26th July 2018 were presented.

Resolved:

To approve as a correct record and sign the minutes.

315 Declarations of Interest

There were none.

316 Chairman's Announcements

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

317 Public Participation

The Committee noted the rules on public participation.

Two questions had been submitted in advance of the meeting and had been circulated as part of the agenda pack.

Questions:

Submitted by Dr Claydon, were in relation to application 17/10079/FUL: Nightwood Farm, Lucewood Lane, West Grimstead, SP5 3RN, considered by Committee on 10 January 2018:

Question 1.

With reference to The Town and Country Planning (Development Procedure) England Order 2015 Section 39 paragraph 2 subsection (b): There was no evidence submitted as was required to verify the information included in the application because the information cannot be verified. The whole basis of the application was that the land upon which the bunds were sited was in effect within the permitted development boundary and not outside the acknowledged and defined boundary according to the Planning Officers' own Report. The application could not therefore be legally validated according to the rules. Why, in view of the undisputed facts, was planning application 18/05195/CLE validated by the Planning Department?

Response:

That the Council cannot refuse to validate or accept an application simply because a site or development may be contentious. We are duty bound to consider all applications submitted to the authority. Validation of an application does not however mean that we have accepted or agreed the contents of the application, simply that it meets validation requirements.

Permitted developments rights pursuant to Class A, Part 2, Schedule 2 of the General Permitted Development Order 2015 (means of enclosure) are not restricted to being within the curtilage of a planning unit even if the bund did fall outside of the authorised site.

Question 2.

What progress has been made in regard to pursuing enforcement action at Nightwood Farm, following the SAPC decision in January 2018.

Response 2.

The Council initially waited for the Environment Agency's (EA) response given that the disposal of asbestos would primarily fall within their remit and they subsequently decided that they would take no further action. An application for a certificate of lawfulness was then submitted to us ([18/05195/CLE](#)) and is currently under consideration and we will therefore await determination of this application before taking any further action.

Dr Claydon was then invited to ask a supplementary question. He then addressed the Committee with the following:

On the 10th January 2018, the Southern Area Planning Committee made a unanimous decision to reject application 17/10079/FUL: Nightwood Farm.

The answer provided in response is totally incorrect. I have been in touch with Karen Rosser at the Environment Agency (EA), who has confirmed that they were informed on January 11th and said that it was fine. The Local Authority (LA) do not need the EA support. That was back in January. The certificate of lawfulness was submitted in June. There is a gap between the two dates. There should have been enforcement on 12th January.

With regards to the validation of a certificate of lawfulness, one requirement of the Town & Country Planning Act, is that evidence must be provided. However, they cannot do this, as even the Planning Officer stated it was outside of the planning boundary area. The site is in ancient woodland. I am concerned over the total disregard of the ancient woodland.

Why has it taken since June 21st, not to respond. You can reject it. Ancient woodland has had an earth bund containing asbestos disposed of on it. This is a serious offence.

The Chairman thanked Dr Claydon for his comments, and noted that he had a great deal of sympathy in had been said. This Committee was clear in its decision in January. He agreed to find out whether the certificate of lawfulness had been decided on yet.

Cllr Britton, division Member for West Grimstead, added that he had been on this case since January. There had been a delay in progress because the Council had sought counsel's opinion in the decision. An opinion from an appropriate barrister was being sought.

Cllr Devine noted that the Committee had heard an allegation of illegal practice here, he asked the Legal Officer in attendance to feed back to the appropriate Officers prior to the decision on the certificate was made.

The Legal Officer confirmed that the matter had been noted and would be fed back. It was confirmed that a meeting to discuss the matter had been scheduled for the following week. The Committee would be informed of the outcome at a future meeting.

318 **Planning Appeals and Updates**

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

Resolved

That the report on Appeals and Updates for the period of 13/07/2018 to 07/09/2018 be noted.

319 **Planning Applications**
320 **18/06331/FUL & 18/06327/LBC - Watergate House, Bulford, Salisbury, SP4 9DY**

Public Participation

Robyn Harper registered to speak in support of the application

The Planning Team Leader Adam Madge presented the application for a new driveway to Watergate House and close off the existing. The new access will be located (in part) outside of the domestic curtilage, utilising part of a low grade pasture field (re submission of 17/12478/FUL). The application was recommended for refusal.

A site visit had taken place earlier in the day.

Current vehicular access to the house was from the centre of Bulford, however the owners state there had been issues with flooding along that route, and so had decided to create an alternative access.

The proposal would not require any of the trees to be removed.

The building was a grade 2 listed building. The Conservation Officer had requested further information on the specifications of the proposed changes to the bridges, as they were in the grounds of the listed building, this information had not yet been provided.

Members had the opportunity to ask technical questions of the Officer, where it was noted the agent had been asked for the information on the bridges, however this had not been provided. However, should the application be approved, conditions could be included to request the plans of the bridges.

No Technical advice on whether the tree routes would affect the ground below the new route had been sought, as a tree preservation order was not required for the quality of tree in place.

Evidence on whether the current driveway flooded, or not, was not required as this would not have a bearing on the consideration of the new route.

The Ecology report stated that all of the land was in the flood zone.

Cllr Devine moved the motion of deferral, to allow the applicant additional time to provide all the officers have asked for, so that the impact on the listed building could be properly assessed. This was seconded by Cllr McLennan.

The Committee then voted on the motion of deferral.

Resolved

That application 18/06331/FUL be Deferred to allow time for the additional information on the bridge plans to be provided and assessed.

Resolved

That application 18/06327/LBC be Deferred to allow time for the additional information on the bridge plans to be provided and assessed.

321 **18/04913/FUL - Duchy Cottage, North Road, Mere, Warminster, BA12 6HG**

Public Participation

Mr Sheldon spoke in objection to the application

Jenny Ritter spoke in support of the application

Clive Hazzard spoke on behalf of the Town Council

The Planning Officer Christos Chrysanthou presented the application for the removal of a single garage and shed on a driveway and replacement with a double garage. The application was recommended for approval with conditions.

He noted that there was no objection from Highways, subject to conditions.

Previous refusal of an application had gone to appeal, where it had been dismissed by the inspector.

The proposal included a reduction of 60cm to the driveway which would slope down from the road.

Members had the opportunity to ask technical questions of the Officer, where it was noted that the other garage to the right of the applicants was owned by a neighbour.

Members of the public then had the opportunity to present their views as stated above.

The main points included concern of the size of the proposed garage, and the impact it would have on those living next to it, due to blocking out sunlight and the impact on the streetscene. The issue of possible future business use was also raised.

The applicant spoke to clarify some of the points surrounding drainage, windows, building height and proposed use.

Mere Town Council spoke in objection to the application noting that it felt this proposal did not address the previous reasons for refusal. It felt that the site would be readily visible in the streetscene and the proposed scale and mass would have an overbearing impact on 1 Duchy Cottages. Adding that whilst the proposed garage was an improvement, it was unnecessary to be so large. It was requested that if the application was to be approved, could a condition be included to prevent the garage from being used for commercial practices.

The Division Member Cllr George Jeans then spoke in objection to the application, noting that in the past the garage and its associated house had

been to committee before, an application had been to an inspector regarding the garage. It was refused, on harm caused to the character and appearance of the area.

The building would not be reduced by 1m when you walk along the road. He felt that the proposal showed no respect for the Officers recommendation, and asked whether enough had been done to overcome the inspectors refusal.

Cllr Jeans then moved the motion of refusal against Officers recommendation. This was seconded by Cllr Dalton

A debate then followed, where the key issues raised included that the proposal included a 30% reduction in size, and whether that addressed the concerns of the inspector.

There was already a smaller garage on the site, and at some point it was likely that the garage would need to be replaced.

The Inspectors report noted the impact of the previous proposal, and the impact on the streetscene primarily and not the impact of the bulk, so to accept that as this was a smaller development, the Committee considered whether the proposals addressed the adverse impact on the streetscene.

The Committee then voted on the motion of refusal.

This motion was not carried.

The Chairman then moved the motion of approval in line with Officer's recommendation. This was seconded by Cllr Britton.

The Committee then voted on the motion to add a condition to the Approval to restrict the window to a closed window.

This motion was not carried.

The Committee then voted on the motion to add a condition to restrict the garage to prevent commercial use. This motion was carried.

The Committee then voted on the complete motion of Approval with the condition to restrict use to non-commercial.

Resolved

That application 18/04913/FUL be Approved with conditions:

322 **18/06692/VAR - Application WITHDRAWN**

This application was withdrawn by the applicant, and not considered by Committee at this meeting.

323 **18/02580/OUT - Land Adjacent 1 Witt Road, Winterslow, SP5 1PL**

Public Participation

Chris Ward spoke in support of the application

The Planning Team Leader Adam Madge presented the outline application for the erection of 4 houses, garages, parking and access following the demolition of the 3 existing buildings (Outline application relating to access and layout). The application was recommended for refusal.

It was noted that Highways had raised concerns.

The Officer drew attention to late correspondence that had been circulated at the meeting.

There were two reasons for refusal, one related to the narrowness of the lane, and the other was due to the site being part of the Site Allocations Plan, therefore it was felt that this application was premature.

Members had the opportunity to ask technical questions of the Officer, where it was noted that the late correspondence detailed an error in the report, relating to the Parish Council, it was confirmed that the Parish Council objected to the application.

Members of the public then had the opportunity to present their views as stated above.

The Agent addressed some of the issues raised in relation to the adoption of the Site Allocation Plan, and stated that in time this site would be included in the settlement boundary.

He queried why this was the first he had known of the drainage concern, as it had not been made aware to them ahead of the meeting, he suggested a deferral to allow time for them to respond.

The Division Member Cllr Chris Devine then spoke, and apologised for calling this application in, adding that the application had no merit whatsoever.

Never on the neighbourhood plan. Witt Road was one of the most cramped roads in Winterslow, and was a single vehicle road. To put more vehicles on this road was the last thing we would need. This proposal was an inappropriate development. He supported the recommendation for refusal.

Cllr Devine then moved the motion of refusal in line with Officers recommendation. This was seconded by Cllr Britton.

A debate then followed, where the key issues raised included that the drainage report had not been provided until now, and Highways object as the road was inadequate to take any more use.

The Committee then voted on the motion of refusal.

Resolved:

That application 18/02580/OUT be refused for the following reasons:

- 1. The application site is situated outside of the defined limits of development as set out within Core Policies CP1, CP2 and CP23 of the adopted Wiltshire Core Strategy and the associated policies maps. Whilst the application site has been included in the draft Wiltshire Housing Sites Allocation Plan (WHSAP), the WHSAP is not yet formally part of the development plan for the area. The proposal is therefore considered premature and contrary to the Plan-led approach for housing intended to be delivered through the Neighbourhood Planning and Site Allocation processes. As the Council is able to demonstrate a five year supply of housing land, and there is no over-riding need at this time for development in this location, the presumption against development applies until such time as the site may be allocated for development by the Council or local community. The proposal is therefore contrary to Core Policies CP1, CP2 and CP23 of the adopted Wiltshire Core Strategy, the emerging Winterslow Neighbourhood Plan, and the aims of the NPPF, which advocates a plan-led approach.**
- 2. The development is considered unacceptable in terms of the access to the site from Witt Road (by reason of Witt Roads restricted width, lack of pedestrian facilities and substandard junction onto The Common), is considered to be unsuitable to serve the proposed development and the increase in vehicular and pedestrian movements that this will generate. In these respects the proposal is considered discordant with Core Policies CP57 and CP64 of the adopted Wiltshire Core Strategy.**

324 **17/11212/VAR - The Coach House, 63A Castle Road, Salisbury SP1 3RN**

Public Participation

No speakers

The Planning Team Leader Adam Madge presented the application for the removal of condition 11 of S/2009/1409 to allow reconfiguration of internal arrangements. The application was recommended for approval.

The Officer drew attention to late correspondence that had been circulated at the meeting.

Members had the opportunity to ask technical questions of the Officer, where it was noted that the extension to the rear of the property had been to Committee in September 2016.

The Division Member Cllr Douglas had sent here apologies, as she lived in one of the neighbouring properties effected by this proposal, and asked Cllr Matthew Dean to speak on her behalf in objection to the application.

Cllr Dean noted that Cllr Douglas had been contacted by a number of residents in objection to the application. This was a situation of overdevelopment. People that lived in the main house, which was split into flats, already parked elsewhere on the site. The design of the coach house originally included the garage. The site is constrained, and access is limited.

Cllr Devine then moved the motion of refusal, on the grounds of poor design, overdevelopment and insufficient parking. This was seconded by Cllr Dean.

Cllr Devine noted that the owner of the Coach House, also had a flat in the main dwelling as well, and intended to use his garage space from that to park in. He questioned what would happen if he sold the flat, as he would lose the garage and parking space. Where would the applicant park then?

Parking was limited and the original idea of the Coach House was that it was a small dwelling and now it has grown. It goes against what was originally approved.

A debate then followed, where they key issues raised included the changes made to the design, the space of the garage, and whether it was already being used as a living space.

Highways had not objected on parking or safety grounds.

The site was largely empty, there appeared to be ample spaces at the rear for parking several more cars.

The Committee then voted on the motion of refusal.

This motion was not carried.

The Chairman then moved the motion of approval in line with Officers recommendation, this was seconded by Cllr Britton.

Resolved

That application 17/11212/VAR be approved with conditions:

(1) 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 those Orders with or without modification), no development within Part 1, Classes A-C, there shall be no other windows inserted in the dwelling, unless otherwise agreed in writing by the Local Planning Authority on submission of an application on that behalf. .

REASON: To ensure adequate privacy for the occupants of neighbouring premises.

(2) 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 those Orders with or without modification), no development within Part 1, Classes A-C and Class E (extensions/enlargements/outbuildings) shall take place on the dwellinghouse hereby permitted or within its curtilage.

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.

325 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 5.00 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

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