

## SOUTHERN AREA PLANNING COMMITTEE

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### **DRAFT MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 30 APRIL 2015 AT SARUM ACADEMY, WESTWOOD RD, SALISBURY SP2 9HS.**

#### **Present:**

Cllr Fred Westmoreland (Chairman), Cllr Christopher Devine (Vice Chairman), Cllr Richard Clewer, Cllr Mike Hewitt, Cllr George Jeans, Cllr Ian McLennan, Cllr Ian Tomes, Cllr Ian West, Cllr Peter Edge (Substitute), Cllr John Smale (Substitute) and Cllr Bridget Wayman (Substitute)

#### **Also Present:**

Cllr Dr Helena McKeown

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#### **48 Apologies for Absence**

Apologies for absence were received from Cllr Jose Green who was substituted by Cllr Bridget Wayman.

Apologies for absence were received from Cllr Richard Britton who was substituted by Cllr John Smale.

Apologies for absence were received from Cllr Brian Dalton who was substituted by Cllr Peter Edge.

#### **49 Minutes**

The minutes of the meeting held on 9 April 2015 were presented for consideration, and it was,

#### **Resolved:**

**To APPROVE the minutes and sign as a true and correct record.**

#### **50 Declarations of Interest**

Cllr Richard Clewer declared an interest in application 8C as he was related to the applicant. Cllr Clewer was not present during this item.

Cllr Peter Edge declared an interest in application 8A as a friend of the applicant. Cllr Edge was not present during this item.

51 **Chairman's Announcements**

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

52 **Public Participation and Councillors' Questions**

There were no questions.

53a **WILDLIFE AND COUNTRYSIDE ACT 1981 - SECTION 53 THE WILTSHIRE COUNCIL TEFFONT PATH No. 9 RIGHTS OF WAY MODIFICATION ORDER 2014**

Public Participation

Antonia Waddington spoke in objection to the application

Peter Durtnall spoke in objection to the application

Matthew Fry spoke in objection to the application.

Pamela Fisher spoke in support to the application.

Georgie Green spoke in support to the application.

Norman Beardsley spoke in support to the application.

Cllr David Scott spoke on behalf of Teffont Parish Council in objection to the application.

The Rights of Way Officer presented her report to the Committee which recommended that the Order be forwarded to the Secretary of State for the Environment, Food and Rural Affairs for determination, with a recommendation from Wiltshire Council that the Order be confirmed without modification.

Members of the Committee then had the opportunity to ask technical questions of the officer. Questions were asked in regards to the historic width of the bridleway.

The Local Member, Cllr Bridget Wayman, recommended that the decision be forwarded to the Secretary of State for determination and that the order be confirmed without modification. Cllr Wayman deemed the officer's report to be thorough and had no further comments to make.

Members discussed the width of the path and the background information that was provided by the officer. The need to ensure access to the countryside was discussed, as well as the variety of uses for such a path. The need for a suitable width to allow passing on either side was discussed. Members debated whether the 8ft path was adequate for its purpose as a

bridleway. The importance of such a path for access for villagers was emphasised and the modern use of the path was discussed. Road safety and the impact of off-road vehicles were raised.

**Resolved:**

**To forward the application to the Secretary of State for Environment, Food and Rural Affairs for determination, with a recommendation from Wiltshire Council that the Order be confirmed without modification.**

**53b 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 / VILLAGE HALL FIELD THE FIELD, WINTERSLOW**

Public Participation

R V Sheppard spoke in objection to the application.

D E Read spoke in objection to the application.

John Fry spoke in objection to the application.

Tim Crossland spoke in support to the application.

Cllr Mike Taylor spoke in objection to the application on behalf of Winterslow Parish Council.

The Rights of Way Officer presented her report to the Committee which recommended that the Committee accept 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 was registered as a town or village green in its entirety, other than the north-west corner of the Copse was owned by Wiltshire Council.

Members of the Committee then had the opportunity to ask technical questions of the officer. Clarification was sought as to why Wiltshire Council land had been excluded from the area of land proposed to be registered as a town or village green. The Rights of Way Officer explained that this land was found by the Inspector to be fenced off and no user for twenty years could be shown. The maintenance liability and use of the land was discussed. It was stated that the landowner would remain in ownership and that registration of the land as a town or village green would effectively 'sterilise' the land to any other use. It was clarified that the landowner should seek their own legal advice with regards to liability.

The Local Member, Cllr Christopher Devine, discussed the use and ownership of the land. Cllr Devine discussed the management and public access to the site and mentioned the site is criss-crossed by footpaths and is coppiced every two years by the landowner who also put up sign posts which were taken down occasionally. The use of tax payer's funds and officer time was discussed in relation to the inquiry and the view expressed

that the Inspector had 'sat on the fence' when making his recommendation to the Council.. The need for Members to consider the content of the inspector's report was highlighted.

Members discussed public access to the site, the facilities that were locally available and the need to maintain the site in its current state. The right to plough the field as agricultural land was discussed. Local concern was raised, in regards to potential development in the village; it was stated that any change to the land's use would require planning permission. Some Members chose to make moral objections to the landowner potentially losing land should this item be approved. The suitability of the site (a copse) as a village green was debated. The merits of the village green legislation were discussed. The maintenance cost of such a village green was raised, and who would be responsible for the maintenance costs as well as the need to protect the landowner's right over the land.

Members discussed potential reasons for refusal and not accepting the Inspectors recommendation to the Council. The reasons including noting that some of the activities which took place on the field (playing football and other games or flying kites etc) could not have possibly taken place in the Copse and how can a Copse (which also needs regular maintenance in the form of coppicing etc) be used as a village green and received legal advice in regards to deciding to go against the Inspector's recommendation and the need to provide good reasons for doing so. The Chairman stated the need to apply common sense to such an item and that the Committee was in place to do so. The list of potential community activities on the land was discussed further and Members considered their viability within the copse.

**Resolved:**

**To, in principle, refuse the report's recommendation. The item would be brought back to a future committee with reasons for refusal and would be voted on by Members.**

54 **Planning Appeals**

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

## 55 Planning Applications

### **55a 14/10095/FUL - Land to the rear of 33 Bedwin St & Belle Vue Road, SP1 3YF - Erection of 4 (1 x 5 bed and 3 x 4 bed) dwellings with associated car parking and landscaping and demolition of existing garages**

#### Public Participation

Ken Edwards spoke in objection to the application.

Anthony Coates spoke in objection to the application.

Ann Horward spoke in objection to the application.

Mr Mackechnie-Jarvis spoke in support to the application.

Tony Allen spoke in support to the application.

Martin Quigley spoke in support of the application.

The Planning Officer presented his report to the Committee which recommended that permission be approved.

Members of the Committee then had the opportunity to ask technical questions of the officer but none were asked.

An item of late correspondence was circulated at the meeting.

The Local Member, Cllr Helen McKeown, spoke in objection to the application. Cllr McKeown highlighted the views of Salisbury City Council whose strong objections to the application included its overbearing height and out of character appearance. The site's locality to St. Edmund's Church was also discussed. Cllr McKeown explained the potential for a detrimental impact on surrounding listed buildings and the need for more modest housing in the area. Concern was also raised in regards to the scale of the development.

The Chairman referred to image boards that were used by public speakers who objected to the application. He stated that although the images had been published prior to the meeting, they may have been edited by the objectors to make them less appealing to Members when making their decision.

Members discussed the steps the applicant had taken to appease neighbouring concerns. The need for an independent heritage assessment was raised, as well as the importance of heritage land. A conservation area appraisal was suggested as an alternative to the heritage assessment. Members debated the scale of the development, as well as the materials to be used and the design's suitability in the area. The availability of car parking spaces was also discussed.

Members raised concern in regards to the design of the proposal and the need to maintain the character of the area. The need for City Councillors to

attend to explain their objections was stated. Members discussed the need to enhance the area. The need to seek alternative design ideas that could be more suited to the site's surroundings was stated. The scale of the proposed design was debated, as well as the construction of extensions on neighbouring properties.

## **Resolved**

**To refuse permission for the following reasons:**

**The site is located within the heart of the historic city of Salisbury. Development should protect, conserve and where possible enhance the historic environment and is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality, thereby making a positive contribution to the character of Wiltshire and enhancing local distinctiveness by responding to the value of the natural and historic environment. Development should achieve this by relating positively to its landscape setting, the existing pattern of development and by responding to local topography by ensuring that important views into, within and out of the site are retained and enhanced. Taking into account the sensitive location of the application site (within a designated conservation area and in close proximity to a number of listed buildings), it is considered the proposed development, by reason of its scale, design and layout would be out of sympathy with surrounding historic buildings and the existing character of the surrounding conservation area. In these respects the proposed development is considered contrary to the criteria set out within Core Policies 57 and 58 of the adopted Wiltshire Core Strategy, and the Council's adopted Salisbury Conservation Area Appraisal document.**

### **55b 14/11884/FUL - Gorley, Marina Road, Salisbury, SP1 2JN - Sever land and erect 1 No 2 bed dwelling with parking for existing property**

#### Public Participation

Robert Upton spoke in objection to the application.

Samantha Merley spoke in objection to the application.

Dan Wilden spoke in support to the application.

The Planning Officer presented his report to the Committee which recommended that permission be approved.

Members of the Committee then had the opportunity to ask technical questions of the officer. Clarification was sought over the Highways Officer's objection. Concern had been raised in regards to parking provision and it would be left to the judgement of Members.

An item of late correspondence was circulated at the meeting.

The Local Member, Cllr Ian Tomes, spoke in objection to the application. Cllr Tomes discussed highways concerns due to insufficient parking and the overdevelopment of the site. It was stated that this was a modest design but on a very small plot and it would take up a vast majority of the site. It was felt that this was an overpowering development and would not be in keeping with the surrounding area. Concern was also raised in regards to the access and its ownership.

Members discussed the potential for overdevelopment of the site. Highways issues were highlighted in relation to the inability to park on Southampton Road. Some Members did not feel Highways Officers had fully considered safety issues on the site.

Discussion continued to the dimensions of the plot of land, the scale of the development and the lack of adequate parking provision. The potential for encroachment on neighbouring properties was also discussed. Concern was raised in regards to the height of the development, as well as the positioning of windows.

### **Resolved**

**To refuse permission for the following reasons:**

- 1. The site is located to the rear of existing dwellings, and adjacent to existing private garden areas. The proposed development would result in an unsuitable and cramped form of overdevelopment of the site that would, by reason of the close proximity of the proposed new dwelling to existing dwellings on Marina Road, result in undue impacts on the amenity of the occupiers of existing properties through overlooking. In these respects the proposed development is considered discordant with adopted Wiltshire Core Strategy Core Policy 57 which gives regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing; vibration; and pollution.**
- 2. The site is accessed directly off the adjacent busy A36 Trunk Road system, where on road vehicular parking or stopping is not permitted. The proposed development does not make adequate provision for service vehicles attending the site and would therefore encourage such vehicles to park, or project out of the site, on the adjacent footpath and cycleway system, with**

consequent additional hazard to all users of the trunk road. The means of access to the site, by reason of its lack of adequate vehicle turning facilities, would be likely to result in vehicles from the development standing and reversing within the trunk road to the detriment of highway safety. The proposal would therefore be contrary to the aims of Wiltshire Core Strategy Policy CP61 which requires new development is capable of being served by safe access to the highway network.

**55c 15/01784/FUL - Adjacent to Rapiers Rest, Romsey Road, Whiteparish, Salisbury - Demolition of garages and erection of 3 bed dwelling with alterations to existing access**

There was no public participation.

The Planning Officer presented his report to the Committee which recommended that permission be approved.

Members of the Committee then had the opportunity to ask technical questions of the officer. The scale of the property was clarified and the position of the development in relation to the boundary was raised.

An item of late correspondence was circulated at the meeting.

The Local Member was not present.

Members debated the proposal and it was highlighted that there was already permission for a three bedroom house on the site.

**Resolved**

**To grant planning permission, 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. The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.**

**REASON: In the interests of highway safety.**

**3. No part of the development hereby permitted shall be first occupied**



until the access, turning areas and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes only at all times thereafter.

**REASON:** In the interests of highway safety.

4. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the accesses/driveways), incorporating sustainable drainage details, has been submitted to and approved in writing by the local planning authority. The development shall not be brought into use/occupied until surface water drainage has been constructed in accordance with the approved scheme.

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

5. Any gates to close the access shall be set back a minimum of 4.5 metres from the edge of the carriageway and made to open inwards (away from the highway) only.

**REASON:** In the interests of highway safety.

6. The gradient of the new access shall not at any point be steeper than 1 in 15 for a distance of 4.5m from its junction with the public highway.

**REASON:** In the interests of highway safety.

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

No burning of waste shall take place on the site during the demolition and construction phase of the development.

**REASON:** In the interest of neighbouring amenity

8. Before works commence, the results of pre-commencement great crested newt / eDNA surveys as described in the Great Crested Newt Non-Licensed Method Statement (contained in section 2 of Great Crested Newt Method Statement, Ahern Ecology, Feb 2015) will be submitted for LPA approval together with an amended method statement to take account of the findings of the surveys. The works will be completed in accordance with the approved method statement or as otherwise specified in a Natural England licence superseding the permission.

**REASON:** To ensure the development complies with the Habitats Regulations 2010 which protects Great Crested Newts.

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), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the east and west side elevations of the development hereby permitted.**

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

**10. The development hereby permitted shall be carried out in accordance with the following approved plans:**

**DRG No. Location Plan A (Proposed Site) 25/02/2015**

**DRG No. Location Plan B (Rapiers Rest Site) 25/02/2015**

**DRG No. 01515 2 Rev A 13/04/2015**

**DRG No. 01515 3 Rev B 16/04/2015**

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

#### **INFORMATIVE**

**The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required before any works are 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.**

## **56 Urgent Items**

There were no urgent items

(Duration of meeting: 6.00 - 9.25 pm)

The Officer who has produced these minutes is David Parkes, of Democratic Services, direct line (01225) 718220, e-mail [david.parkes@wiltshire.gov.uk](mailto:david.parkes@wiltshire.gov.uk)

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