

Southern Area Committee

Minutes

Thursday, 25th November 2004 at 4.30pm
Alamein Suite, City Hall, Malthouse Lane, Salisbury

**THESE MINUTES SHOULD BE KEPT FOR USE BY DISTRICT COUNCILLORS
AT THE NEXT COUNCIL MEETING**

P R E S E N T

District Councillors

Councillor B M Rycroft – Chairman
Councillor F D Bissington – Vice - Chairman

Councillors: G A N Anderson, Mrs P J Bissington, R Britton, C Devine, P J Leo,
I D McLennan, W R Moss, Mrs M M A Peach and L Randall

Apologies: None

County Councillors

Apologies: County Councillors J P Johnson and K C Wren

Parish Representatives

K Gross (Laverstock and Ford) and Mrs S Langlands (Redlynch)

Officers Present

Jane Ferguson (Legal and Property Services), Richard Hughes (Development Services)
and Andrew Rose (Democratic Services).

MINUTES NOT REQUIRING COUNCIL APPROVAL

345. DECLARATIONS OF INTEREST

Councillor Mrs Peach declared a personal but non-prejudicial interest in planning application S/2004/2016 as her husband is a Governor of the applicant.

346. MINUTES OF THE LAST MEETING

RESOLVED – that the minutes of the special meeting held on [19th October 2004](#) (previously circulated) and the ordinary meeting held on [28th October 2004](#) (previously circulated), be approved as correct records and signed by the Chairman.

347. PUBLIC QUESTION/STATEMENT TIME

There were none

348. COUNCILLOR QUESTION/STATEMENT TIME

There were none

349. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

1. The Judicial Review that was recently heard regarding planning permission for a property in Firsdown, has now been completed and the applicants for that review have been successful. An update will be made to Members at the end of this meeting, and will be taken under Exempt Business.
2. The order of the agenda for this meeting will be different to the running order shown in the agenda; agenda items eight and nine will be considered prior to the planning applications at agenda item seven.
3. The venue for the next meeting of the Southern Area Committee is going to be different from that previously advertised. The venue is at present not known, but please can everybody check their agenda for that meeting and take note of where the venue is to be.

350. [S/2004/1891](#) – O/L APPLICATION - ADDITIONAL DWELLING TO REPLACE EXISTING REDUNDANT BUILDINGS AT PIPERS WEIGHT COTTAGE, FOREST ROAD, NOMANSLAND, SALISBURY SP5 2BS FOR MR P GULLIVER

Graham Davis, agent for the applicant, spoke in support of the above application.

Although a representative of the Parish Council was in attendance they did not wish to make any comments.

Following receipt of this statement the Committee considered the previously circulated report of the Head of Development Services, together with a schedule of late correspondence circulated at the meeting:

RESOLVED –

(1). That the above application be refused for the following reasons:

1. The proposal seeks to provide a second dwelling on an existing holding in the New Forest Heritage Area, which has a past history of commoning activity. However the site extends to nine acres, and is considered to be too small to justify a second Commoner's dwelling in proximity to an existing dwelling. The proposal would therefore be contrary to Policy HA3 of the adopted Salisbury District Local Plan, which requires the Local Planning Authority to be satisfied that accommodation for commoning activity on the site cannot be accommodated in any other way, including the continued occupation of an existing dwelling on the site. In the absence of any proven need, the development of a new dwelling in the countryside of the New Forest Heritage Area would be contrary to Policy GI and HA1, which seek to protect the New Forest from an intensification of existing uses.
2. The site currently has an established forestry business and a second dwelling would provide accommodation for a forestry worker. However, there is no demonstrable or proven need for a full time worker to be accommodated on the nine acre holding, and the Local Planning Authority has not been satisfied that this need could not be met by either the existing dwelling on the unit, as has been the case in recent years, or other accommodation in the area, contrary to Policy H27 of the adopted Salisbury District Local Plan.

3. The provision of a second dwelling on the site is also intended to provide accommodation for a family member, to care for the occupant of the main dwelling in later years. This reason would not provide sufficient justification for a new commoner's dwelling in the countryside of the New Forest Heritage Area, in preference to an extension to the existing dwelling, contrary to Policy H33 and HA3 (i) of the adopted Salisbury District Local Plan.

- (2). That the applicant be informed that this decision has been taken in accordance with the following policies of the adopted Salisbury District Local Plan:

GI	Sustainable Development
H27	Forestry Workers Dwellings
HA3	Commoners' Dwellings
HA1	New Forest
H33	Accommodation for Dependant Persons

- (3). That the applicant be informed that proposals for accommodation for dependant persons may be considered subject to the following Salisbury District Local Plan policies and criteria:

HA4	Extensions to Existing New Forest Dwellings,
H33	Accommodation for Dependant Persons.

351. [S/2004/2127](#) – FULL APPLICATION - RETENTION OF DWELLING AT HILLVIEW, LYNTHURST ROAD, NOMANSLAND, SALISBURY SP5 2DW FOR MR C LAMPARD AND MISS A HORTON

Mr J E M Musselwhite, agent for the applicant, spoke in support of the above application.

Following receipt of this statement and further to a site visit held earlier that day the Committee considered the previously circulated report of the Head of Development Services, together with a schedule of late correspondence circulated at the meeting:

RESOLVED – that subject to no enforcement action being undertaken by this Authority prior to a report being brought to this Committee which will provide enforcement options; then; the above application be refused for the following reasons:

1. The site is in the countryside, outside of the Housing Policy Boundary for Landford, within the New Forest Heritage Area and the Special Landscape Area, where new development is strictly limited, the character of which is protected and new dwellings are only normally allowed where there is a proven need for the purposes of agriculture or forestry, or the proposal involves the satisfactory conversion of a rural building. The retention of the residential use of this site, which is subject to an effective Enforcement Notice and without any special justification, would, notwithstanding the personal circumstances of the applicants put forward in support of this application and having due regard to their human rights, be contrary to policies DPI5, C7 and C9 of the Adopted Wiltshire Structure Plan 2011 and policies H23 and H32 of the Replacement Salisbury District Local Plan. It would also perpetuate the harm to the character of the surrounding countryside within the New Forest Heritage Area and the Special Landscape Area caused by the residential use of this site and would therefore be contrary to policies C7 and C9 of the Structure Plan and policies C2, C6 and HA1 of the Local Plan.

2. This residential development is considered by the Local Planning Authority to be contrary to policy R2 of the Adopted Salisbury District Local Plan because appropriate provision towards public recreational open space has not been made.

Following consideration of this application, Members also made the following resolution:

RESOLVED – that Democratic Services Unit be requested to investigate any options that would remedy the situation of Nomansland being part of Redlynch Parish Council but coming under Alderbury and Whiteparish District Ward.

It was agreed that any communication to Members on this matter, as a result of the above resolution, should also be communicated to any Parish Councils affected.

352. [S/2004/2016](#) – FULL APPLICATION - MODULAR CLASSROOM AT WYVERN COLLEGE, CHURCH ROAD, LAVERSTOCK, SALISBURY SPIRE FOR THE GOVERNORS OF WYVERN COLLEGE

John Carly, the Diocesan Surveyor, spoke in support of the above application.

Mr K Gross, of Laverstock Parish Council, advised the Committee that the Parish Council supported the above application but stressed that it would prefer to see all temporary classrooms on the site replaced with permanent buildings.

Following receipt of these statements and further to a site visit held earlier that day the Committee considered the previously circulated report of the Head of Development Services, together with a schedule of late correspondence:

RESOLVED –

- (1). That for the following reason:

the proposed mobile classroom would not adversely affect the character of the area or residential amenity, and it is considered that an additional mobile classroom in this location on a temporary basis would be acceptable, until such time as a permanent building can be constructed. The development would be in accordance with the adopted policy context of the Salisbury District Local Plan;

the above application be approved subject to the following conditions:

1. The development hereby approved shall not be brought into use until a “Campus” Green Travel Plan to reduce vehicular travel movements to the site has been submitted to, and approved in writing by, the Local Planning Authority. The approved details of the Campus Green Travel Plan shall thereafter be implemented unless the Local Planning Authority gives consent to any variation.

Reason: In the interests of amenity and the environment of the development

2. The materials and finishes to be used in the construction of the external surfaces of the mobile classroom hereby permitted shall match those used in the existing mobile classrooms located to the south of the site.

Reason: To ensure that the proposed extension will satisfactorily harmonise with the external appearance of the existing building.

3. The mobile classroom permitted shall be removed from the land and the land shall be reinstated to its former condition, on or before 30th November 2009, unless otherwise agreed in writing by the Local Planning Authority, upon submission of a planning application in that behalf.

Reason: To enable the Local Planning Authority to maintain control over the development.

- (2). That the applicant be informed that this decision has been taken in accordance with the following policies of the adopted Salisbury District Local Plan:

Policy GI & G2	General Principles for Development
Policy PS5	Education

- (3). That the applicant be informed that the Local Planning Authority recognises the continuing need for additional classrooms but is concerned that the proposal constitutes the addition of further temporary accommodation to the campus, in the form of a mobile classroom. The applicant is advised that the Local Planning Authority wishes to see permanent accommodation in the longer term, and future proposals for additional temporary mobile accommodation will be subject to this consideration. For this reason, planning permission has been granted on a temporary five year basis only. The applicant will be required to submit a new application by 30th November 2009.

353. [S/2004/2097](#) – FULL APPLICATION - ERECTION OF 6 HOUSES INCLUDING OFF STREET PARKING WITH VEHICULAR ACCESS AT ORCHARD ROAD AND DOWNTON HILL, MORGANS VALE, SALISBURY SP5 2JF FOR MR & MRS CONLON, MISS K THORNE AND MR P AWBERY.

Lorraine Pellas, a resident of Apple Tree Close and speaking as a representative of other local residents present, spoke in objection to the above application.

Anthony Stocken, agent to the applicant, spoke in support of the above application.

Mrs Sheila Langlands, Redlynch Parish Council, advised the Committee that the Parish Council supported the above application, subject to an R2 contribution being made and provision of affordable housing on the site.

Following receipt of these statements and further to a site visit held earlier that day the Committee considered the previously circulated report of the Head of Development Services, together with a schedule of late correspondence circulated at the meeting:

RESOLVED – that the above application be deferred to allow Salisbury District Council to commission an independent analysis regarding the viability of a public house on this site.

354. TREE PRESERVATION ORDER – MACKS LANE, WEST GRIMSTEAD

The Committee Considered the previously circulated [report of the Arboricultural Officer](#), together with a schedule of late correspondence circulated at the meeting:

RESOLVED – that subject to no material objections being received by 2nd December 2004, the order be confirmed with modification changing the designation from an area order to that of a woodland order.

355. PLANNING ENFORCEMENT: COMPLIANCE WITH PLANNING CONDITIONS/SECTION 106 OBLIGATIONS; PROSECUTING BREACHES OF PLANNING CONTROL

The Committee considered the previously circulated [report of the Principal Planning Officer \(Enforcement\)](#) together with a schedule of late correspondence circulated at the meeting.

RESOLVED – that the officer's report be noted.

356. NEW FOREST TRANSPORT STRATEGY PANEL

RESOLVED – that Councillor Randall be nominated to maintain a watching brief on Hampshire County Council's New Forest Transport Strategy Panel and to report back to this Committee as he feels appropriate on any matter of interest.

357. MATTERS, IF ANY, THAT THE CHAIRMAN DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY.

RESOLVED - that the press and public be excluded from the meeting during consideration of agenda item 11 on the grounds that it involves the likely disclosure of exempt information as defined within Part 1 of Schedule 12A inserted into the Local Government Act, 1972, by the Local Government (Access to Information) Act 1985, and more particularly specified below:-

Agenda Item 11 Press and public to be excluded on the ground specified in Paragraphs 12 and 13 of the Act, namely that:

Paragraph 12

'Any instructions to Counsel and any opinion of Counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with –

- (a) any legal proceedings by or against the authority, or
- (b) the determination of any matter affecting the authority

(whether, in either case, proceedings have been commenced or are in contemplation);

Paragraph 13

'Information which, if disclosed to the public would reveal that the authority proposes –

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment'

Summary of 'exempt' matters

Agenda Item 11 [In connection with a Judicial Review of a planning decision in Firsdown.](#)

The meeting concluded at 7.07 pm
Members of the Public: 24