

Western Area Committee

Thursday 27th November 2003
at Nadder Middle School,
Tisbury,
Commencing at 4.30pm

Minutes

**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 Mrs S A Willan – Chairman

Councillor Mrs J Green – Vice-Chairman

Councillors A J A Brown-Hovelt, J A Cole-Morgan, T F Couper, E R Draper, P D Edge,
J B Hooper, G E Jeans and Mrs C A Spencer

Parish Representatives

D Beck (Chilmark), Mrs B Belk (Wilton), P Boyles (Chilmark),
Mr Flower (West Tisbury), R Frankland (West Tisbury), B Kerwood (Teffont),
M Lake (Mere), R Long-Fox (Teffont), Mrs Henderson (Tisbury),
Mrs Morland (Wilton) and Mrs M Whitworth (Wilton)

MINUTES NOT REQUIRING COUNCIL APPROVAL

142. PUBLIC STATEMENT/QUESTION TIME

There were no statements or questions from the public.

143. COUNCILLOR STATEMENT/QUESTION TIME

With reference to the planning permission granted for a single dwelling at Easton Farm, Berwick St John by the Western Area Committee in March 2001 and further to his question at the last Western Area Committee held on 30th October 2003, Councillor Cole-Morgan stated that consideration should be given to devising a “small dwellings” policy. If such a policy existed it would enable Members to specify those sites that would benefit from smaller developments from the outset.

The Chairman agreed to raise this matter with the Forward Planning Unit.

144. MINUTES

RESOLVED – That subject to Minute 120 being amended to read, “Councillor Mrs Willan declared a personal interest in Agenda Item 8: Fair for All, since she was a non-executive Director for the Salisbury Health Care NHS Trust”, then the minutes of the last ordinary

meeting held on 30th October 2003 be approved as a correct record and signed by the Chairman

145. DECLARATIONS OF INTEREST

Councillors Brown-Hovelt and Edge stated that they had both attended a meeting held by the Mayor of Wilton Town Council in relation to the proposed Pavilion (Planning Application S/2003/1911 refers) but since no decision had been taken at this meeting, both Councillors were considering this application with a fresh mind and were not required to withdraw from the meeting.

Councillor Edge declared a personal and prejudicial interest in planning application S/2003/2091 since the applicant was a customer of his and withdrew from the meeting during consideration thereof.

146. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements.

147. PLANNING APPLICATION S/2003/1704 – LISTED BUILDING (WKS) – BLOCK UP/FORM NEW OPENINGS WITHIN THE BASEMENT, INCREASE THE SIZE OF/FORM TWO NEW WINDOW OPENINGS AND PROVIDE NEW STAIRCASE TO THE GROUND FLOOR: WARDOUR CASTLE, TISBURY, SALISBURY – FOR WARDOUR ESTATES LTD

Mr Tuersley, the applicant spoke in support of the above application.

Mrs Henderson of Tisbury Parish Council informed the Committee that the Parish Council endorsed the views put forward by English Heritage.

Following receipt of these statements, the Committee considered the previously circulated report of the Planning Officer on behalf of the Head of Development Services, together with the schedule of late correspondence circulated at the meeting.

RESOLVED – That the above application be deferred for a site visit.

148. PLANNING APPLICATION S/2003/2091: FULL APPLICATION - PROPOSED NEW COTTAGE AND ACCESS: THE PADDOCK SITE, HIGH STREET, TEFFONT, SALISBURY – FOR MR AND MRS A F GOODFELLOW

Mr Sarginson, a nearby resident, spoke on behalf of himself and other residents in objection to the above application.

Mr Linard, agent for the applicant spoke in support of the above application.

Mr Long-Fox of Teffont Parish Council informed the Committee that the Parish Council opposed any development on this site. This field was one of a small number remaining in the village and the Conservation Area. The sense of openness and rurality would be greatly diminished if any development occurred.

Following the receipt of the above statements, the Committee considered the previously circulated report of the Head of Development Services, together with the schedule of late correspondence circulated at the meeting.

RESOLVED –

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

1. The proposed dwelling would result in the loss of an important area of open space that contributes to the rural character of the village, failing to preserve the character and appearance of the Conservation Area and harming the natural beauty of the Area of Outstanding Natural Beauty. In this respect it would be contrary to policies G1, G2, D2, H19, CN8 and CN10 of the adopted Salisbury Local Plan.
 2. In that the proposal makes inadequate provision for recreational open space, it is considered to be contrary to policy R2 of the adopted Salisbury Local plan.
- (2) That the applicant be informed that this refusal has been taken in accordance with the following policies of the adopted Salisbury District Local Plan: G1, G2, D2, H19, R2, CN8, CN10

149. PLANNING APPLICATION S/2003/2149: FULL APPLICATION – TWO STOREY REAR EXTENSION AND RELOCATION OF CONSERVATORY: 4 CASTLE HILL CRESCENT, MERE, WARMINSTER – FOR MRS K TAYLOR

Mr Lake of Mere Parish Council informed the Committee that the Parish Council was not aware of any objections to this application.

Following receipt of this statement and further to the site visit held earlier that day, the Committee considered the previously circulated report of the Head of Development Services.

RESOLVED –

- (1) That the above application be refused for the following reason:-
1. The proposed rear extension, due to its substantial bulk and scale, and the close proximity to the boundary with the adjacent terraced dwelling, would be out of keeping with the locality, have an adverse impact on the character of the existing dwelling, and would also have an adverse impact on the amenities of the adjacent residential properties, by reason of an increase in overshadowing. The proposal would therefore be contrary to policy G2, D3, CN8 and C5 of the Adopted Salisbury District Local Plan.
- (2) That the applicant be informed that this decision has been taken in accordance with the following policy/policies of the adopted Salisbury District Local Plan (G2, D3, CN8 and C5).

150. PLANNING APPLICATION S/2003/2168 – FULL APPLICATION – ERECTION OF GARAGE (RETROSPECTIVE): 2 BROOK CLOSE, TISBURY, SALISBURY – FOR NEIL DAVIES

Mrs Robinson, resident of 2 Brook Close and on behalf of the applicant, spoke in support of the above proposal.

Mrs Henderson of Tisbury Parish Council informed the Committee that the Parish Council did not approve of the garage since it was out of keeping with the surrounding buildings and the materials used in its construction were considered to be inappropriate.

Following the receipt of the above statement the Committee considered the previously circulated report of the Head of Development Services, together with the schedule of late correspondence.

RESOLVED –

- (1) That the above application be refused for the following reason:-
 1. The design, materials and siting of the proposed garage are out of keeping with the main dwelling house and detrimental to the surrounding area and will thus detract from the visual amenity of the area. As such the proposal is contrary to policies D3 and C5 of the Adopted Salisbury District Local Plan.
- (2) That the applicant be informed that this decision has been taken in accordance with the following policy/policies of the adopted Salisbury District Local Plan (G2, D3, C5).
- (3) That an enforcement report be brought back to a future meeting of the Western Area Committee.

151. PLANNING APPLICATION S/2003/2277 – FULL APPLICATION – DEMOLITION OF SINGLE STOREY EXTENSIONS TO EAST AND NORTH, TWO STOREY EXTENSION ON SOUTH SIDE: THE OLD STONE QUARRY, NEWTOWN, SALISBURY – FOR LT COL AND MRS DEBRETTON GORDON

Mr Reeve, agent for the applicant spoke in support of the above application.

Mr Flower of West Tisbury Parish informed the Committee that the Parish Council had no objection to the proposal and supported the application.

Following the receipt of the above statements and further to the site visit held earlier that day, the Committee considered the previously circulated report of the Head of Development Services.

RESOLVED – That the above application be approved for the following reasons:-

- 1). Members felt that the design of the proposal would enhance the existing dwelling and was appropriate to the curtilage and the Area of Outstanding Natural Beauty,

And subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
3. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no outbuildings shall be

erected within the curtilage of the dwelling house unless agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority, including the implementation and retention of landscaping to be provided. Development shall be undertaken in accordance with the details thereby approved.

- 2) That the applicant be informed that this permission has been taken in accordance with the following policy/policies of the Adopted Salisbury District Local Plan: H31, C1, C4, C5, C24.

152. PLANNING APPLICATION S/2003/1663 – FULL APPLICATION – ERECTION OF FOUR DWELLINGS AND GARAGES AND CONSTRUCTION OF NEW ACCESS AND SUB STATION: LAND ADJOINING – FORGE COTTAGE, CHILMARK, SALISBURY – FOR WILLTON HOMES LTD

Mrs Pattenden a nearby resident spoke in objection to the above proposal.

Mr Boyles of Chilmark Parish Council informed the Committee that the Parish Council was of the view that this development should not be permitted in its present form. The proposal would exacerbate an existing problem with water run-off. The Parish Council was also concerned about traffic problems associated with the site.

Following the receipt of the above statements, the Committee considered the previously circulated report of the Head of Development Services together with the schedule of late correspondence circulated at the meeting.

RESOLVED – That the above application be deferred to allow the Council to seek an independent consultant's report on the surface water drainage implications of the proposed development. This report should also include the implications of the development for the wider water environment and should involve consultation with the Parish Council and local residents.

153. PLANNING APPLICATION S/2003/1911 – FULL APPLICATION – RENOVATION OF THE EXISTING PAVILION COMPRISING OF NEW BRICK CLADDING WINDOWS, DOORS AND INTERNAL ALTERATIONS: THE PAVILION SPORTS GROUND, CASTLE MEADOW, NORTH STREET, WILTON, SALISBURY – FOR WILTON TOWN COUNCIL

Mrs Morland on behalf of Wilton Town Council (the applicant) spoke in support of the above proposal.

Following the receipt of the above statement the Committee considered the previously circulated report of the Head of Development Services.

RESOLVED –

- (1) That the above application be approved subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
3. The foul drainage system shall be connected to the main sewer, in accordance with details to be submitted to and approved, in writing, by the Local Planning Authority.

(2) That the applicant be informed as follows:-

- (a) This permission has been taken in accordance with the following policy/policies of the adopted Salisbury District Local Plan: G2, G5, PS1.
- (b) Given the flood risk associated with this site it is recommended that the guidance contained within "Preparing for Floods – Interim guidance for improving the flood resistance of domestic and small business properties" published February 2002 and available from ODPM Free Literature, PO Box 236, Wetherby, West Yorkshire, LS23 7NB must be followed.
- (c) The applicant is advised to use appropriate materials that will help reduce the incidence of crime and vandalism.

154. PLANNING APPLICATION S/2003/1969 – RESERVED MATTERS – FORM ACCESS AND ERECT HOUSE: OS FIELD 5428 (MAYPOLE FIELD) , WOODLANDS ROAD, MERE, WARMINSTER – FOR DR AND MRS MCCALLUM
Mrs McCallum, the applicant spoke in support of the above proposal.

Mr Lake of Mere Parish Council informed the Committee that the Parish Council supported the application, subject to the erection of a stock proof fence to either side of the public footpath and that surface water drainage facilities being adequate.

Following receipt of the above statements, the Committee considered the previously circulated report of the Head of Development Services together with the schedule of late correspondence circulated at the meeting.

RESOLVED –

(1) that the above application be approved subject to the following conditions:-

1. This approval of matters reserved discharges Condition No1 of outline planning permission Mere & Tisbury 2274/1340 dated 21/09/1961 but does not by itself constitute a planning permission.
2. No development shall take place until details and samples of all the external facing and roofing materials to be used in the construction of the building hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

3. Notwithstanding the submitted details, no development shall commence until a scheme for the discharge of surface water from the dwelling, areas of hard standing, land and the future maintenance thereof has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall subsequently be carried out in its entirety prior to the first occupation of the dwelling.
4. The proposals for the landscaping of the site, as shown on the approved plans (including provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels) shall be carried out as follows:
 - a) the approved scheme shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the dwelling or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
 - b) all planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
 - c) the scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and
 - d) the whole scheme shall be subsequently retained.
5. The existing natural hedgerow along the Woodlands Road boundary of the site shall be retained, except where it is required to be removed to form the new vehicular access and visibility splays, and reinforced where necessary in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority. Any such reinforcement shall be carried out during the planting season October-March inclusive following the first occupation of the dwelling hereby approved and properly maintained for a period of five years including replacement of any plants which die, are removed or become damaged or diseased within this period with plants of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation, and the approved scheme thereafter retained. The Local Planning Authority shall be advised in writing when the planting has been undertaken so that initial compliance with the condition can be checked.
6. No development shall commence until a stockproof post and wire fence has been erected between the public footpath and the land edged in BLUE.
7. All public rights in respect of footpath Mere 53 shall be safeguarded

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning Act 1990 or any subsequent re-enactment thereof, no further development permitted by Part 1 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, including the conversion of the garage into living accommodation, shall be carried out without express planning permission first being obtained from the Local Planning Authority.
9. The dwelling, hereby approved, shall not be brought into use until the access driveway and parking/garaging shown on the approved plan have been constructed, and these shall thereafter be retained and kept available for those purposes at all times.
10. Before the dwelling hereby permitted is first occupied and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, the visibility splays indicated on the approved plan fronting the site shall be cleared of all obstructions over 1.0 metres above the level of the adjoining carriageway, including the reduction in level of the land if necessary, and nothing over that height shall be permitted to remain, be placed, built, planted or grown on the land so designated at any time.

(2) That the applicant be informed as follows:-

- (a) This permission has been taken in accordance with the following Policies of the Adopted Replacement Salisbury District Local Plan: G1, G2, G7, D2, H23, C6, TR11 and R2.
- (b) The applicants attention is drawn to the requirements/comments of the Environment Agency, particularly in respect of pollution prevention.

(3) Prior to commencing the development the applicant is advised to contact Nick Cowan, Wiltshire County Council, Footpaths & Rights of Way Officer (Tel: 01722 746871) to agree the precise width and alignment of Footpath Mere 53.

155. DEMOLITION OF FOUR TERRACED HOUSES, ERECTION OF SEVEN HOUSES ASSOCIATED EXTERNAL WORKS, LANDSCAPING AND ACCESS ROADWAY: 5-8 ANGEL LANE, MERE

Mr Lake of Mere Parish Council informed the Committee that the Parish Council did not wish to see the removal of the words "in perpetuity" from the Section 106 Agreement

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

RESOLVED – that the Section 106 Agreement remain unchanged, since removal of the words "in perpetuity" would fail to adequately secure affordable housing on the site.

156. LAND AT PLOT NO 5672 OFF GILLINGHAM ROAD, MERE, WARMINSTER

The Committee considered the previously circulated report of the Principal Planning Officer (Enforcement).

(NOTE: This item was considered in conjunction with Exempt Agenda Item 14 (Minute 159 refers)).

RESOLVED - That the Head of Legal and Property Services be authorised to issue an Enforcement Notice under the Town and Country Planning Act 1990 (as amended) and serve it on the appropriate Person(s)

Alleging the following breach of planning control:

Without planning permission:

- (i) The material change of use of the site for the stationing of a residential mobile home and its occupation as a dwelling;
- (ii) The carrying out of operational development consisting of the cladding of the mobile home with timber and the erection of timber extensions thereto.

Requiring the following steps to be taken:

- (1) To cease the occupation of the mobile home as a dwelling;
- (2) To cease the use of the land for the stationing of a residential mobile home, by permanently removing it from the site;
- (3) To remove the cladding and demolish the timber extensions and remove all the demolition materials from the site.

Reasons for serving the Notice:

The site is in open countryside in a Special Landscape Area, outside of the defined Housing Policy Boundary for any village, where development is strictly controlled and residential development is only permitted in limited, specified circumstances which are not applicable in this case. The development also seriously erodes the character and appearance of the surrounding countryside. To permit the residential use of the site to continue indefinitely would therefore be contrary to policies H23, H32, C2 and C6 of the Adopted Replacement Salisbury District Local Plan 2003 and policy DP15 of the Wiltshire County Structure Plan 2011. Additionally the development, by reason of the site's remote situation and poor access to village facilities and public transport, is entirely reliant on the private car for transport to and from the site. This does not encourage reduction in the need to travel or result in increased use of public transport, cycling and walking, and therefore is counter to the objectives of sustainable development, conflicting with policy G1 (i) of the Adopted Replacement Salisbury District Local Plan 2003 and policy DP1 (3) of the Adopted Wiltshire Structure Plan 2011. However in order that any interference in the Human Rights of the occupiers is proportionate, the breach of condition is not required to cease for the duration of the occupation of the dwelling by the current occupier with at least one of her children living with her.

Time Period For Compliance

1. Within three months following the date of the Notice taking effect or the first date that none of Mrs. P. Ferrari's children, Philip, Cataldo, Franchesca and Liam, in full time secondary education, occupy the dwelling with her, whichever is the later.
2. Within four months following the date of the Notice taking effect or the first date that none of Mrs. P. Ferrari's children occupy the dwelling with her, whichever is the later.
3. Within four months following the date of the Notice taking effect or the first date that none of Mrs. P. Ferrari's children occupy the dwelling with her, whichever is the later.

157. COMMUNITY LEADERSHIP – THE WAY FORWARD

Lindsey Brown, Partnership Team Manager and Debbie Dixon, Policy Director were both in attendance for this item.

In addition to the previously circulated report Lindsey Brown highlighted that District Councillors are the conduit to reaching Parish Councils who in turn are essential to the community planning process, as are the Area Committees.

Community Planners for the six areas in Salisbury District were appointed in March this year and establishing good working relationships between the Area Committees and their respective Community Planners is important to the process; the planners providing an additional resource to the community and to the Councillors.

Lindsey Brown explained that a Community Questionnaire had been sent to every household throughout the district in September this year and the comments received would assist in the process of identifying local priorities.

In addition to this, the community plans would be further influenced by direct responses from the public through their District Councillors, Town and Parish Councils including Parish Community Plans and Village Design Statements, local groups and the Peoples Voice Panel, amongst others. The key point was to avoid duplication and build on existing work and research undertaken by local communities.

Lindsey emphasized that according to the provisions of the Local Government Act 2000, Local Authorities had been charged with the responsibility to develop community strategies and community planning represented the way forward.

The Chairman then invited comments from Members of the Western Area Committee. Key points/queries were expressed as follows:-

Mrs Henderson of Tisbury Parish Council expressed the view that this process seemed rather unnecessary. Tisbury Parish Council already does much of this work and has access to County and District Councils and the Wiltshire Association of Local Councils. The Parish Council is also trying to prevent further increases in the Parish Precept. Community Planning appeared to be a duplication of things that already occur in the area.

Councillor Hooper queried the financial and personnel implications associated with Community Planning, adding that the existing three tiers of local government already performed a reasonable job.

In response to these comments, Debbie Dixon explained that the Community Planning Process pulled everything together and helped identify what local people wanted the District Council and other organizations to do, e.g. the Police Authority, Wiltshire County Council, Salisbury NHS Health Care NHS Trust and other partners within the Strategic Alliance. To have a formal community plan and programme would assist Councillors in their daily work and help make a difference to the lives of local people.

Councillor Cole-Morgan added that the Community Plan Process provided an opportunity for an organized form of listening. Developing community strategies was something all local authorities across the country were obliged to do and it was something Salisbury District Council hoped to do well.

RESOLVED – That the action plan be endorsed and that the Western Area Committee take an active part in its execution, including the following:-

- (a) That Community Planning become a standing agenda item at Area Committee meetings.
- (b) That Community Planners be invited to Area Committee meetings where appropriate.
- (c) that the Chairman, Councillor Mrs Willan be the Western Area Committee's Community Planning Champion and lead on work in the area.
- (d) That Community Champions meet with the interested local people to develop initiatives in the area, supported by the relevant Community Planner.
- (e) That analysis of the Community Planning Questionnaire be brought back to a future meeting of the Western Area Committee.

(NOTE: Councillor Hooper requested this his dissent to the above resolution be recorded).

158. EXEMPT BUSINESS

RESOLVED - that the press and public be excluded from the meeting during consideration of agenda items 14 and 15 on the grounds that they involve 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 14 – Press and Public to be excluded on the grounds specified in:-

Paragraph 12 namely ' 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 proceeding 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); and

Agenda Item 15 – Press and Public to be excluded on the grounds specified in:-

Paragraph 13 namely:

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 14- Relating to Land at Plot No. 5672 Off Gillingham Road, Mere
Agenda Item 15 – Enforcement Injunction relating to a Special Delegation

Members of the Public: 25

The meeting concluded at 9.15pm.

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