

SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 16 NOVEMBER 2017 AT ALAMEIN SUITE - CITY HALL, MALTHOUSE LANE, SALISBURY, SP2 7TU.

Present:

Cllr Fred Westmoreland (Chairman), Cllr Richard Britton (Vice-Chairman), Cllr Matthew Dean, Cllr Christopher Devine, Cllr Mike Hewitt, Cllr Sven Hocking, Cllr George Jeans, Cllr Ian McLennan, Cllr John Smale, Cllr Trevor Carbin (Substitute) and Cllr Robert Yuill (Substitute)

Also Present:

Cllr Jose Green

218 **Apologies**

Apologies had been received from:

- Cllr Brian Dalton – substituted by Cllr Trevor Carbin
- Cllr Jose Green – substituted by Cllr Robert Yuill
- Cllr John Smale

219 **Minutes of the Previous Meeting**

The minutes of the meeting held on Thursday 19 October 2017, were presented.

Resolved:

To approve as a correct record and sign the minutes.

220 **Declarations of Interest**

The following declarations were made:

- With regards to item 6 – Whiteparish Path No. 41, RoW Modification Order, Cllr Richard Britton noted that he was acquainted with the land owner of Mean Wood, but that his relationship was not prejudicial, so was able to take part in the discussion and vote on that application.

- Cllr Chris Devine noted that he was not a land owner.

221 **Chairman's Announcements**

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

222 **Public Participation**

The committee noted the rules on public participation.

223 **Whiteparish Path No. 41 Rights of Way Modification Order 2017**

Public Speakers

Andrew Lax spoke in support of the Order

Cllr Trevor King, Chairman of Whiteparish Parish Council spoke in objection to the order.

The Rights of Way Officer, Sally Madgwick introduced the report which set out the Whiteparish Path No. 41 Rights of Way Modification Order 2017. It was recommended that the Order be forwarded to the Secretary of State for Environment, Food and Rural Affairs and that Wiltshire Council supports the confirmation of the Order as made.

It was noted that there was already a public footpath in this area, which was well maintained. The suggested path had been featured on the internet on a walking website. There had been evidence from users, who claimed to have used the route without permission, with no force or secrecy. The period of use for consideration was 1992 – 2012. There were no signs to inform people to keep out. The parish council had always regarded it as a permissive path, however no reference from the parish minutes had been forthcoming to support this claim.

Members of the Committee then had the opportunity to ask technical questions of the Officer, it was noted that the committee were able to vote to either support or not to support the Order, however there would need to be supporting evidence not to support it.

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

The Parish raised the point that there would be no reason to expect to see any reference in the parish minutes to the path, when it had always been private land with a permissive path. Before this application came forward, there had been no reason to discuss Mean Wood.

The Unitary Division Member, Councillor Richard Britton then spoke, noting his frustration with the way the legislation disadvantages the land owner. Adding that after many years of free use by the public to enjoy particular locations, with

seeming ease, a group of members of the public can put together evidence of use over a period and the land owner has no way to stop this. T

He felt that the fact that there was nothing in the minutes, echo's that the land owner did nothing to stop the use. The members of the parish council did not need to record this in the minutes or discuss it.

Suggesting that maybe parish councils ought to minute any routes that seem as permissive, and make the land owners aware of it.

Cllr Britton chose to defer making a motion to the Chairman.

The Chairman, noted that there may be little value in debating the issue, unless Members could produce some substantial evidence. He then moved the motion to support the order in going forward to the Secretary of State for approval.

This motion was seconded by Cllr Mike Hewitt.

A debate then followed, where it was raised that there was a Rights of Way Act that lets people use paths like these.

The Committee then voted on the motion to support the Order as made.

Resolved

To support the Whiteparish Path No. 41 Rights of Way Modification Order 2017 as made and forward it to the Secretary of State for Environment, Food and Rural Affairs.

224 **Planning Appeals and Updates**

The committee received details of the appeal decisions as detailed in the agenda for the period 06/10/2017 to 03/11/2017.

It was noted that the table detailed application 17/03525/FUL, which was in Tidworth and was not part of the Southern Area.

Resolved

To note the update.

225 **Planning Applications**

226 **17/08365/FUL - Longs Farm, Sutton Mandeville SP3 5LT**

Public Speakers

Mr Willis spoke in objection to the application

Suzanne Keen spoke in objection to the application

Kathryn Billing spoke in objection to the application

Rachel Yeomans spoke in support of the application

Mrs Kate Whyte spoke in support of the application

Mr Howard Smith spoke in support to the application

The Senior Planning Officer, Warren Simmonds introduced the report, which recommended that the application for the proposed demolition of existing redundant buildings and its replacement with four tourist accommodation units together with associated works (Amended scheme following withdrawal of application 16/10495/FUL).

It was noted that access to the site was from a public highway from the north. The existing buildings on the site were in a dilapidated condition, with some falling down.

Each of the four dwellings would have allocated cycle storage and two parking spaces, with a further 3 additional car parking spaces to be shared by the site.

There had been 59 representations made by third parties, 35 in objection and 23 in support.

There had been no objections from Highways or Spatial planning, however the AONB had raised a number of concerns.

There had been a deal of debate over how CP39 should be interpreted.

Attention was drawn to the late correspondence circulated at the meeting. A site visit was also held earlier in the day.

Members then had the opportunity to ask technical questions of the Officer. It was clarified that there was currently no policy, on the use of redundant farm buildings. This site was in the AONB so excluded by the permitted development rights.

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

The Chairman read a statement from the parish council which indicated support for the application.

The Unitary Division Member, Councillor Jose Green (who was in attendance, but not sitting as a member of the Committee at this meeting). As a resident of Sutton Mandeville for 45 years, she was in attendance with an open mind.

Cllr Green pointed out that the AONB was the sixth largest in the country out of 46 across Britain, 380 square miles, with Tisbury as the largest settlement.

The attraction to the area was diverse. The landscape and nature, were some of the reasons for visitors to come and stay, including film work, with 2 films being made in the village.

As a tourist guide for 20 years and having sat on many committees in her role as a councillor, including the Vision, and the AONB Management Board, all had mentioned a need for more bed space.

The applicant had submitted 38 documents addressing the concerns raised.

The Night Sky document refers not to switching lights off, but instead, about the right lights in the right place at the right time.

There had been no objections from the statutory consultees or spatial planning. Cllr Green felt that the 25 conditions in the report covered all aspects of concern. With CP39, seen overall with CP34 and CP38, Cllr Green felt that this was a worthy proposal.

Cllr Hewitt moved the motion of approval in line with Officers recommendation. This was seconded by Cllr Hocking

A debate followed where key issues raised included, the consideration of CP39 and whether the five criteria were met.

The Tisbury Area Strategy supported bringing tourism to the area. The proposed development would not be harmful to the AONB if the landscaping on the site was carried out properly.

It was the Committees core function to assess whether applications were compliant with national and local policies. It was felt by some members that this application was compliant as evidenced in the report. There was no demonstrable harm to the surrounding buildings and local residents were unlikely to be affected, providing the application could be conditioned effectively.

There was a need to develop tourism. There was ample evidence that a requirement existed in Salisbury and south Wiltshire for more beds.

The policy required an association to a particular tourist attraction.

People would walk around the countryside, and go to visit the Cranbourne chase. People would probably cycle and walk from the site as well as drive to other attractions around the county including Salisbury and Stonehenge.

The local community and the parish council generally seemed to be in support.

The Committee then voted on the motion of approval, subject to conditions.

Cllr Ian McLennan requested that his objection be recorded.

Resolved

That planning application 17/08365/FUL be approved in line with Officers recommendation, with the following conditions:

01. 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.

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

**Drawing number PLO/25 Revision PL1 dated 09.08.17, as deposited with the local planning authority on 11.09.17, and
Drawing number PL003 Revision PL5 dated 23.08.17, as deposited with the local planning authority on 11.09.17, and
Drawing number PL002 Revision PL4 dated 23.08.17, as deposited with the local planning authority on 11.09.17, and
Drawing number PL004 Revision PL3 dated 23.08.17, as deposited with the local planning authority on 11.09.17, and
Drawing number PL001 Revision PL2 dated 09.08.17, as deposited with the local planning authority on 11.09.17, and
Drawing number PL009 Revision PL2 dated 23.08.17, as deposited with the local planning authority on 11.09.17, and
Drawing number PL005 Revision PL2 dated 09.08.17, as deposited with the local planning authority on 11.09.17, and
Drawing number PL006 Revision PL2 dated 09.08.17, as deposited with the local planning authority on 11.09.17, and
Drawing number PL016 Revision PL2 dated 09.08.17, as deposited with the local planning authority on 11.09.17, and
Drawing number PL007 Revision PL2 dated 09.08.17, as deposited with the local planning authority on 11.09.17, and
Drawing number PL015 Revision PL2 dated 09.08.17, as deposited with the local planning authority on 11.09.17, and
Drawing number PL018 Revision PL3 dated 15.08.17, as deposited with the local planning authority on 11.09.17, and
Drawing number PL017 Revision PL2 dated 09.08.17, as deposited with the local planning authority on 11.09.17, and
Drawing number PL008 Revision PL4 dated 15.08.17, as deposited with the local planning authority on 11.09.17, and
Drawing number PL011 Revision PL2 dated 09.08.17, as deposited with the local planning authority on 11.09.17, and
Drawing number PL013 Revision PL3 dated 15.08.17, as deposited with the local planning authority on 11.09.17, and
Drawing number PL010 Revision PL2 dated 09.08.17, as deposited with the local planning authority on 11.09.17, and
Drawing number PL012 Revision PL3 dated 15.08.17, as deposited with the local planning authority on 11.09.17.**

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

03. No development shall commence on site until precise details of the materials to be used for the external walls and roofs 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.

04. No development shall commence on site until a sample panel of stonework, not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of visual amenity and the character and appearance of the area.

05. 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) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car parking layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

06. 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.

07. The development hereby permitted shall not be first brought into use until the first five metres of the each access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The accesses shall be maintained as such thereafter.

Reason: In the interests of highway safety.

08. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4m back from the edge of the carriageway, measured along the centreline of each access, to the points on the edge of the carriageway 43m to the east and 43m to the west from the centre of each access. Such splays shall thereafter be permanently maintained free of obstruction to vision above a height of 1.0m above the level of the adjacent carriageway.

Reason: In the interests of highway safety.

09. No development shall commence until details of a consolidated and surfaced vehicle turning space in respect of the eastern site access has been submitted to and approved in writing by the local planning authority. No part of the development shall be first brought into use until that turning space has been completed in accordance with the approved details. Such turning space shall be thereafter maintained and kept clear of obstruction at all times.

Reason: To enable vehicles to enter and leave the site in forward gear in the interests of highway safety.

10. 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 first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

Reason: To ensure that the development can be adequately drained.

11. 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-E shall take place on the units of tourism accommodation hereby permitted or within their 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.

12. 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 rooflight window(s), other than those shown on the approved plans, shall be inserted in any roofslope(s) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

13. No external lighting shall be installed on site other than that shown on the approved plans (Proposed External Lighting & Landscape Finishes Key, drawing number PL004 Rev.PL3 dated 23.08.17). The lighting approved shall be installed and shall be maintained in accordance with the submitted details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

14. Development shall be carried out in accordance with the recommendations of the submitted Daytime Bat and Nesting Bird Survey Report (Sedgehill Ecology Services, July 2017).

REASON: In the interests of protected species and nature conservation interests.

15. No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained

16. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained

17. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365 at the location of any proposed soakaways, has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that the development can be adequately drained

18. 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

19. 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 amenity

20. 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 and storage of waste and building materials;**
- v. The recycling of waste materials (if any)**
- vi. The loading and unloading of equipment and materials**
- vii. The location and use of generators and temporary site accommodation**
- viii. Pile driving (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 amenity

21. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

Step (ii) If the above report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

22. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 and the Use Classes (Amendment) Order 2005 (or any Order revoking and re-enacting those Orders, with or without modification), the accommodation/buildings hereby permitted shall be used for holiday accommodation only and for no other purpose.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

23. No person shall occupy any of the holiday accommodation hereby permitted for a continuous period of more than 28 days in any calendar year and no accommodation on the site shall be reoccupied by the same person/s within 28 days following the end of that period.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

24. The owners/ operators of the site shall maintain an up -to -date register of the names of all occupiers of individual buildings on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

25. The building(s)/accommodation hereby permitted shall not be occupied as a persons' sole or main place or residence.

REASON: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation.

INFORMATIVES

Highways 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 is required from the local highway authority 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 and/or 01225 713352.

Dark Skies Informative:

The application site is located within the countryside of the AONB which is currently bidding for 'Dark Sky Reserve Status' (further information can be found via - <http://www.ccwwdaonb.org.uk/our-work/dark-night-skies/>). It is therefore recommended the applicant consider a scheme of screening/louvres to be attached to and used on all approved rooflight windows in the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

227 17/05344/ful and 17/05345/LBC - Garden Cottage, Penruddock Arms, Dinton - ITEM WITHDRAWN

This application had been withdrawn from the agenda following the withdrawal of the Councillor Call in.

The application would be dealt with under the remit of the delegated powers of the Planning Team.

228 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 pm – 5.00pm)

The Officer who has produced these minutes is Lisa Moore of Democratic Services,
direct line (01722) 434560, e-mail lisa.moore@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115