

Southern Area Planning Committee

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 11 NOVEMBER 2021 AT THE GUILDHALL, MARKET PLACE, SALISBURY, WILTSHIRE, SP1 1JH.

Present:

Cllr Richard Britton (Chairman), Cllr Sven Hocking (Vice-Chairman), Cllr Trevor Carbin, Cllr Brian Dalton, Cllr Nick Errington, Cllr George Jeans, Cllr Charles McGrath, Cllr Ian McLennan, Cllr Nabil Najjar, Cllr Andrew Oliver and Cllr Rich Rogers

Also Present:

32 **Apologies**

There were no apologies.

33 **Minutes of the Previous Meeting**

The minutes of the meeting held on 14 October 2021 were presented.

Resolved:

To approve as a correct record and sign the minutes.

34 **Declarations of Interest**

In relation to item 7a – Application 19/11282/FUL, Cllr Hocking noted that he knew the applicant some 35 years ago but had had no interaction with him since that time and he would take part and vote on that application.

35 **Chairman's Announcements**

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

36 **Public Participation**

The committee noted the rules on public participation.

37 **Planning Appeals and Updates**

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

Resolved:

That the Appeals Report be noted.

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Planning Applications

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APPLICATION NUMBER: 19/11282/FUL - Land at Cleveland House, High Street, Tisbury, SP3 6HF

Public Participation

Mr Aspinall (Applicant) spoke in support of the application

Mr Carpendale (Agent) spoke in support of the application

Cllr Gerry Murray spoke on behalf of Tisbury PC

The Planning team Leader, Richard Hughes presented the application for permission to carry out alterations to existing access, erect a single storey dwelling and provision of parking to serve new and existing properties which was recommended for approval.

Supplement 2 to the agenda was noted, this contained the parish council comments and the Officer response.

Material planning concerns cited include:

- Impact on surrounding properties
- Impact on the historic wall and on the conservation area
- Visual impact, height of the roof, lack of detail on materials, rainwater goods
- Overdevelopment, loss of garden area, footprint too big for plot
- Impact on amenity, loss of light, loss of privacy, overlooking, noise
- Highway safety, parking
- Structural stability of neighbouring properties, historical wall, party wall
- Drainage, sewage disposal
- Loss of tree

The presentation slides showed the proposed bungalow on part of the garden area of Cleveland House. It was noted that none of the surrounding properties were listed, and that several of them were at different levels to the proposed dwelling.

The proposed turning area was shown on the plans, but it was noted that it was not formally part of the application.

A selection of photos provided by Local Member Cllr Errington were also shown.

Members were then able to ask technical questions of the Officer where the position of the neighbouring property no.17 was clarified in relation to the proposed development.

The Officer explained that with regards to the boundary treatments, nothing had been shown on the submitted plan. There was no reference of a fence at all on the northern boundary, but there was in the south. The report included a condition on boundary treatments should the application be approved. The position of the proposed car parking below phoenix collage was also clarified.

Members of the public as detailed above, then had the opportunity to speak on the application.

Some points covered included that the applicant and his wife wished to downsize due to the mobility constraints of his wife, but remain on the site, in close proximity to their daughter who would remain living in Cleveland House with her young children.

A professional report was commissioned to assess two areas of concern, which were the rainwater run-off and the retaining wall. This had been used to adapt the plans to combat those areas of concern.

Cleveland houses garden was significantly larger than any other garden in the area, and if developed as proposed, the remaining garden space would still be larger than that of any of the 9 local properties.

Modifications had been made to the plans to address the feedback received from the parish council.

The Parish council objected to the application as it was felt to contradict the Tisbury Neighbourhood Plan.

Other points raised by the PC related to loss of amenity, failure to protect an ancient wall, the overbearing nature of the development in a Conservation area.

Local Member Cllr Errington spoke on the application noting that he had met with met applicant and all neighbours and had called in the application following the concerns of some members of the community and the PC.

Cllr Errington noted that the site was in a conservation area and clarified that the proposed bungalow would occupy 80% of the development area, not a third as the report had stated.

He went on to note that the footprint of the proposed bungalow was twice that of the neighbouring Phoenix cottage. The group of gardens here formed a horseshoe shape and suggested that the proposed bungalow may have an overbearing impact and dominate the area.

Similarities to a recent application in Winterbourne Dauntsey which had been refused, were noted.

Affecting the amenity of the neighbours and the effect on the conservation area.

Cllr Errington moved the motion of Refusal, against Officer recommendation based on the effect to the amenities and conservation area CP57 and CP58, the aim of protecting the historic environment with regards to scale and size would not be achieved. This was seconded by Cllr Carbin.

The Committee was invited to discuss the application, the main points included that the PC had objected to the application. The site was in a conservation area and felt like back yard development.

The historic wall which would be partially removed.

In terms of the Winterbourne Dauntsey application, the Committee noted that each planning application had to be taken on its own merits rather than apply a blanket approach based on similarities.

The Tisbury Neighbourhood Plan which was a made document and the weight given to such when considering development.

The Committee then voted on the motion of Refusal, against Officer recommendation, for the reasons stated above.

Resolved:

That application 19/11282/FUL was Refused against Officer recommendation for the following reasons:

By virtue of the unsympathetic design, excessive massing and building height of the proposed dwelling and the loss of part of the stone boundary wall fronting the site, the development proposal represents a cramped form of development that is out of character with the area and would result in harm to the appearance and character of the conservation area and adversely impact on the amenities of neighbouring properties adjacent to the site.

For these reasons the development proposal would conflict with Wiltshire Core Strategy policies CP57 and CP58 and Tisbury Neighbourhood Plan policy HNA.2 which require development to be complimentary to the locality and conserve and enhance the historic environment and ensuring that appropriate levels of amenity are achievable.

40 **APPLICATION NUMBER: PL/2021/07309 - Land adjacent, Holy Trinity, Dean Road, East Grimstead**

Public Participation

Rosie Wilkinson spoke in objection to the application

Nina Mirski-Fitton spoke in support of the application

Mr Colin Burrows spoke in support of the application
Mr Jeremy Read (Applicant) spoke in support of the application
JP Sharp spoke on behalf of the Parish Council

Attention was drawn to Supplements 1 & 2 to the agenda which contained amended conditions on traffic management, additional letters of support and the amended operational hours to take in to account the change of the clocks from summer to winter months.

The Planning team Leader, Richard Hughes presented the application for Change of use from agriculture to dog exercise grounds, and was recommended for approval.

Material Planning considerations were noted as:

- Principle of development
- Impact on the character of the area and setting of nearby listed buildings
- Impact on amenity
- Highways/ Rights of Way
- Field next to railway line and a restricted RoW

The Site access, proximity of the dwellings and buildings to the north and the listed church was indicated on the presentation. It was noted that there was a natural barrier between the site and the church, one could not be seen from the other.

The site consisted of an open field with newly erected fencing around part of it. Users of the site arriving in a vehicle, would come off the main access to the site and park in a designated area.

There was a non-fixed hut/shelter on the site which did not require planning permission

Details of how the applicant would restrict noise was referred to on p56 of the report.

The site was bookable for slots under 1hr, with one booking per hour max, there were buffering allocated slots either side of the bookings.

Members were then able to ask technical questions of the Officer where it was clarified that the site was already in use as a dog exercise area.

The works already carried out to the wooden structure, hard standing and deer fencing did not require planning permission.

Clarification on the operation of the proposed booking system was given, in that it would be an online app/site.

Members of the public as detailed above, then had the opportunity to speak on the application.

Some of the main points included that most of the letters of support had originated from people living outside of the village.

A suggestion that users of the facility would need to travel on narrow lanes to access the site and cross a restricted byway. An increase in vehicle movement in a quiet area and the detrimental environmental impacts of driving to exercise a dog.

The use of the nearby fields for horse and pony exercise, was not disturbed by any associated noise from the facility.

Users of the paddock had a dedicated parking area and were not required to stop and open the gate to gain access.

The paddock was quite out of sight and would not be in constant use. The facility was well planned, maintained, secure and in need by dog owners with dogs that required a secure environment to be able to exercise off a lead, for various reasons.

Bookings would not be taken when services were being held at the Holy Trinity church.

All bookings made online were subject to terms and conditions.

Cllr John Paul Sharp of East Grimstead PC noted that the PC had discussed the application and objected to the application based on Highways, Rights of ways use and Noise.

Raising points around the NPPF 60 & 61, reducing private car usage, poor visibility on a bend near the approach. The Conservation Officer's assessment regarding car parking and the restricted by-way.

Local Member Cllr Britton spoke on the application, noting that the application had the hall marks of a well-run business and commended the applicant's consideration of the suggestion not to allow bookings which clashed with the services at the church.

He outlined two main objections.

The expressions of interest which were from outside of the parish, contrasted sharply with CP60, as did not help to reduce the need to travel, particularly by private car.

Gays drove which had been referred to as a by-way, was actually a restricted by-way and the use of that by vehicular traffic was illegal.

He noted the inappropriate suggestion in the report, that access would be illegal but that it was a Police matter and therefore not a concern for planning.

Cllr Britton then moved the motion of Refusal on CP60 – use of illegal restricted byway. This was seconded by Cllr McGrath.

The Committee was invited to discuss the application. Discussion included points on whether as landowners, the applicants had the right to cross over the restricted byway to access their land, and whether that permission extended to visitors of their land.

The Legal Officer advised that she would be able to seek a formal answer out of the meeting on that point, should the Committee wish to wait for the answer then a deferral could be considered.

The Chairman stated that the rights only applied to the owner of the land.

The Planning Team Leader confirmed that Rights of Way (RoW) was separate to Planning and therefore could not provide any further advice on the matter than was included within the report. The RoW Officer had been consulted and their response was detailed on p52 of the report, where it stated that they object, subject to an application to record it as a byway open to all access.

The route to the site was discussed with suggestions that the main road to the north was the easiest and most likely to be used.

The use of the field and nearby area for parking of those attending the church by car.

Because a site has users coming from outside the area, was not a reason to reject it, as any commercial venture could have staff and users travelling to the site from further afield.

The need for the specialist service, to support special need dogs in a safe environment.

The provision of ample parking inside and off the road, the distance of over 100m to the nearest resident.

The Committee discussed the option of deferral to seek legal guidance on the RoW access query. The RoW response and suggestion was again discussed with the majority of Members feeling satisfied that as RoW was a separate matter, which could be resolved should the application be approved, it continued with the original motion.

The Committee then voted on whether to move directly to the vote on the original Motion, which was carried. Followed by the vote on the motion of refusal. The motion failed.

Councillor Hocking moved the motion of approval, in line with Officer recommendation. This was seconded by Cllr Najjar.

The Committee had no further discussion and moved straight to the vote on the motion of Approval.

It was:

Resolved:

That application PL/2021/07309 be Approved in line with Officer recommendation, subject to the following conditions:

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

Site Plan and Block Plan (revised) Date rec. 11 October 2021

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

- 2. Within 3 calendar months of the date of this decision notice, a noise management and traffic management plan shall be submitted for approval to the Local Planning Authority. The approved noise management and traffic management plan shall be maintained in accordance with the approved details at all times thereafter.**

REASON: In the interests of highway safety and to ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 3. There shall be no operational use of the dog exercise field outside the hours of 07:00am to 20:00pm between April and September, and outside the hours of 08:00am to 16:00pm between October and March.**

REASON: In the interests of the amenity of the area and to protect the living conditions of nearby residents.

- 4. There shall be no external lighting installed on site.**

REASON: In the interests of the amenities of the area and to avoid harm to biodiversity.

- 5. Upon cessation of the dog exercise use, all structures and surfaces shall be removed in their entirety and the field shall be returned to its previous condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.**

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

- 6. Within 3 calendar months of the date of this decision notice, the parking spaces shown on the approved plans shall be provided and remain available for this use at all times thereafter.**

REASON: In the interests of highway safety.

INFORMATIVE

The site is accessed by a very short section of restricted byway (GRIM13) and in order to drive a vehicle along here, vehicular users of the restricted byway would require a demonstrable private right of vehicular access.

Without this private right vehicular users of the restricted byway would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give vehicular right of access over the path and vehicular users of the restricted byway should ensure they have a right of access.

41 Urgent Items

There were no urgent items

(Duration of meeting: 3.00 - 4.50 pm)

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

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