

Southern Area Planning Committee

MINUTES OF THE SOUTHERN AREA PLANNING COMMITTEE MEETING HELD ON 8 DECEMBER 2021 AT THE WHITE ROOM (1ST FLOOR), SALISBURY ART CENTRE, BEDWIN ST, SALISBURY SP1 3UT.

Present:

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

Also Present:

42 **Apologies**

Apologies were received from:

- Cllr Ian McLennan
- Cllr George Jeans

43 **Minutes of the Previous Meeting**

The minutes of the meeting held on 11 November 2021 were presented.

Resolved:

To approve as a correct record and sign the minutes.

44 **Declarations of Interest**

In relation to item 7a Councillor Richard Britton noted that the Applicant had attended his house to carry out work on central heating in the past, however as this did not constitute an interest, he would take part in discussion and the vote in relation to the item.

In relation to 7b, Councillors Nabil Najjar, Rich Rogers and Andy Oliver noted that they knew the Applicant through his role on the parish council, and Cllr Oliver also noted that the Applicant had signed his declaration papers for the election as a Wiltshire Council Councillor, however members did not feel that they were prejudiced and would take part in the discussion and vote in relation to the item.

45 **Chairman's Announcements**

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

46 **Public Participation**

The committee noted the rules on public participation.

47 **Planning Appeals and Updates**

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

The Chairman asked the Planning Team Leader to clarify the appeal decision for Bouverie Avenue South.

Adam Madge, Planning Team Leader, noted that although that appeal had been dismissed, the Inspector had awarded financial compensation due to a change in guidance, midway through the appeal process on design requirements issued by central Government.

This resulted in the Inspector refusing the appeal, based on the new requirements. However at the point the application had been considered by the Committee, the Inspector considered that the requirements were met and therefore did not meet grounds for refusal which was why compensation had been awarded.

Resolved:

To note the Appeals Report.

48 **Planning Applications**

49 **APPLICATION NUMBER: PL/2021/08056 - Brackendale, Junction Road, Alderbury**

Public Participation

Chris Harmon spoke in objection to the application

Jennifer Hexter spoke in objection to the application

Dan Rycroft (Agent) spoke in support to the application

Cllr Elaine Hartford spoke on behalf of Alderbury Parish Council

The Planning Team Leader Adam Madge presented the application which was for the demolition of the existing dwelling house 'Brackendale', and for the erection of 2 detached dwellings, associated parking, access and hard and soft landscaping. The application was recommended for Approval with conditions as set out in the Officer's report.

It was noted that Junction Road was unadopted. A large tree at the front of the site was to be retained. The proposals included traditional pitched roofs.

The existing bungalow known as Brackendale was sited in a relatively large parcel of land in a residential area within the village of Alderbury. The existing dwelling was accessed via Junction Road, an un-made track. The public footpath ALDE20 ran along this un-made track.

Photographs taken from various viewpoints around the site were explained, including the proximity of neighbouring dwellings.

The site was within the settlement boundary for Alderbury which was listed as a large village in the Wiltshire Core Strategy and was also in a SLA.

Issues for consideration included the principle of development including design and scale; the impact on neighbouring amenity and context and character of the surrounding area, Parking/Highways Impact, Ecological Impact/River Avon Catchment Area and other matters.

There had been 10 letters of objection from members of the public and 2 in objection from Alderbury PC.

Members then had the opportunity to ask technical questions of the officer, where it was clarified that the neighbouring houses along Junction Road consisted mainly of two storey properties and in terms of ratio, the proposal plot was not dissimilar to those around it, despite being a different shape.

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

Some of the main points in objection included the belief that the proposals amounted to overdevelopment and that the plot was more suited for one dwelling than two.

The proposed landscaping was felt not to reflect the local setting and the proposal to have two identical properties next to each other was not in keeping with the street scene as each of the neighbouring properties were individual to each other.

A request for a condition to retain the boundary hedge height to protect neighbouring privacy.

Reference to Ecological damage from the removal of habitats and food for wildlife was also made.

The Alderbury parish council representative spoke in objection to the application. In addition to the comments included in the report, it was noted that Junction Road was private and was widely used by children going to and from the primary school and playschool.

The PC objected to the site and proposal in their current form and suggested that a more sympathetic design of just one dwelling with an improved drainage scheme would reflect the aspirations of CP 57 and policy 6 of the Salisbury District Local Plan. There was also no mention of burning of waste materials on site or a limit to permitted development hours on the site

The Local member Cllr Richard Britton, Chairman of the Committee then spoke to the application, noting that in addition to the points raised by the previous speakers, Junction Road was an unmade private road with only 16 houses, each on quite large individual plots which gave the feeling of a country lane in open countryside.

A key argument against the application was whether the alien proposal of a pair of houses fitted with the nature of Junction Road as there was no other situation in the road with this uniformity of design, which he felt would cause a jarring feature in the street scene.

He stated that the proposal would fill the plot, and recognised the attempts which had been made to meet the objections, however despite agreeing that the site may be capable of a 2 house development, felt that it would need to be of a smaller size than was proposed.

Attention was drawn to the design guidance in the Wiltshire Council's policy document, Creating Places which mentioned the importance of space between dwellings, the relationship of a dwelling to the street, and how it relates to its context, in this case, a country lane.

Reference was made to sections of CP57 in terms of high standard of design and a strong sense of place, NPPF para 9, taking into account local circumstances and para 130, the requirement to add quality to the local area and be sympathetic and to C6 of the Salisbury District Local Plan.

Cllr Britton then moved the motion of Refusal against Officer recommendation for the reasons as noted above. This was seconded by Cllr Rich Rogers.

The Committee was invited to discuss the application, the main points include overdevelopment of the plot, whether the plot was suitable for 2 smaller dwellings or just one. Mixed views on whether it was inappropriate to have two identical dwellings in Junction Road and comments around the current screening around the site which would offer privacy if it remained.

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

It was,

Resolved:

That Application PL/2021/08056 be Refused for the following reasons:

The proposed dwellings by reason of their design scale and appearance would, it is considered, be a cramped form of development, out of keeping with the spacious nature of plots in junction Road and the surrounding area and as a pair at odds with the individual designs of other dwellings in the road. As such the proposed development is considered to be contrary to the aims of National planning policy framework (in particular paragraphs 9 and 130) as well as core policy 57 of the Wiltshire Core strategy and the aims of the Councils adopted design guide 'Creating Places'

50 **APPLICATION NUMBER: PL/2021/05622 97 East Gomeldon Road, Gomeldon.**

Public Participation

Laura Maher (Applicant) spoke in support of the application

Dan Steedman spoke in support of the application

Cllr Kirsty Exton spoke on behalf of Idmiston Parish Council

Hayley Clark, Planning Officer, presented the application which was for the demolition of an agricultural barn, the erection of a bungalow and associated change of use of land. The application was recommended for Refusal, as detailed in the Officer report.

The main issues for consideration included, Principle, Personal Circumstances, Character & Design, Neighbouring Amenities, Highway Safety, Ecology and the River Avon Special Area of Conservation (SAC) catchment area.

It was noted that this was the third application for a dwelling on the site and was recommended for refusal for the same reasons as the two previous applications, as detailed in the report.

The application site was in a small village and was considered open countryside and an unsustainable location as defined by the Core Strategy.

The development was not considered to be a like for like as suggested by the applicant as it was for the replacement of an agricultural barn into with a dwelling.

CP46 allowed for development to meet the needs of elderly or vulnerable if in a sustainable location. The proposals did not show design elements which supported the needs of someone who required specialist adaptations. There was a room allocated for a gym and another indicated a wet room area, however it was felt that both elements could be added to any regular dwelling due to preference rather than need.

Whilst personal circumstances did amount to material consideration, in this instance the Officer felt it did not outweigh the impact such a development would have on the area.

In terms of character and design, the area was a ribbon development where tandem or back-land development was uncommon for the road. The proposal was considered to be harmful encroachment to rural landscape and out of character to the site.

The proposals were in conflict to CP57, the Village design statement, neighbourhood plan & NPPF and it was noted that there were no other developments in the area of a similar nature to set a precedent by.

Another reason for refusal was noted as Phosphates. This was a new dwelling in open countryside which was unable to provide its own phosphate mitigation.

Access to the site was between two residential plots. The proposed dwelling would be the same size and shape as the existing barn.

Ecology had noted the presence of nesting owls in the nest box in the barn and had agreed that a replacement nesting box could be put on another barn on the site.

The application had generated a letter of support from Idmiston Parish Council; and five letters of representation from third parties.

Members then had the opportunity to ask technical questions of the officer, where a statement regarding the unbalanced nature of the report was made and noted by the Committee and Officers.

Clarity was sought around whether the Committee was able to approve an application if the phosphate matter had not been resolved. The Planning Team Leader noted that Law stated that permission should not be granted if the issue could not be dealt with, however, if the Committee was minded to approve, it could attach a condition that required the applicant to resolve the phosphate issue prior to commencing development.

In addition whilst the Council did have Phosphate Mitigation schemes in place for some areas, they did not apply to areas which were outside of the scope of the Local Planning Boundary, in the open countryside such as this site was.

The criteria of what was required to be included within a proposals to meet the needs of being classified as a dwelling for a disabled or vulnerable resident were discussed.

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

Some of the points in support included the provision of a secure and safe home for the applicants disabled son, equal opportunity and quality of life, social independence and what might be required if the proposals were not approved including accommodation with assisted living away from the support of family, friends and the community, which currently provided it.

The representative of Idmiston Parish Council (PC) spoke in support of the application noting that the plot already had the number 95, which indicated there had always been a desire to build a house on it. The PC supported the provision of a long-term home and the associated independence for the family member.

The Local member Cllr Andy Oliver who was on the Committee then spoke to the application, noting he had called it in to enable the young man Toby to have an opportunity to live his best life. The applicant's son was currently 15 years old and would need to prepare to move into the property once he turned 18.

The strong local network of support was noted along with the alterations to the proposals following consideration of previous refusal.

The requirement of the gym would ensure the son could remain fit and well, which was a human right and should be supported for everyone.

Reference to CP2 and infill development, CP46 in meeting the needs of the vulnerable and the support of the PC was made along with the suggestion that as the total number of people living at the site would not be increased, there would be no impact on phosphates.

Cllr Oliver then moved the motion of Approval against Officers recommendation for the reasons stated above. This was seconded by Cllr Hocking.

The Committee was invited to discuss the application, the main points included the role of the Committee in the determination of the application, and whether personal circumstances should be taken into account.

Consideration was given to the land being agricultural and that it would need to be determined as countryside. Reference to CP57 and the NPPF in relation to the requirement for a high standard of design and whether the proposed was of a high standard.

The matter of Phosphates in terms of the restrictions applied by Natural England and whether if the Committee was minded to approve the application, a condition could be applied to tie the house to the applicant to prevent it being sold on.

The Neighbourhood Plan was noted as being opposed to backland development, yet there was clear local support by the Parish Council for the proposals and there had been no neighbour objections.

Reference to CP46 in particular to meeting the needs of Wiltshire's vulnerable was also made.

The Committee discussed conditions which would be applied should the application be approved.

The Committee then voted on the motion of Approval.

It was,

Resolved:

That Application PL/2021/05622 be Approved, against Officer recommendation, with 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 be carried out in accordance with the following approved plans:**

Application form received 28/05/2021

Planning statement received 28/05/2021

Phase 1 survey, reptile survey and Mitigation strategy by Bourne Ecology dated July 2021 received 15/07/2021

Location of Biodiversity Mitigation and Enhancements 95 East Gomeldon Road (PL/2021/05622) received 29/09/2021

Location plan and site plan received Drg no WM/01/21 received 28/05/2021

Plans and elevations Drg no WM/02/21 received 28/05/2021

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

- 3) **No development above ground level shall take place on site until the exact details and samples of the materials to be used for the external walls and roofs of the new dwelling 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 4) **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H**

inclusive shall take place on the dwellinghouses hereby permitted or within their curtilage.

REASON: In the interests of the amenity and character of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements as the dwelling has been designed as a replacement for a barn on the same site and to represent the character of an agricultural barn.

- 5) The dwelling hereby permitted shall not be sold, rented or separated from the property known as 97 East Gomeldon Road as the new dwelling has only been granted solely due to the family tie between the two dwellings. The two dwellings shall remain tied in perpetuity.**

REASON: The proposed dwelling (for the applicants son) is sited 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 a wholly separate dwelling other than for the specific needs of the applicant son which requires the applicants themselves to live in close proximity at the existing bungalow known as 97 East Gomeldon Road.

- 6) No development shall commence on site until a demolition and 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. An introduction consisting of demolition phase environmental management plan, definitions and abbreviations and project description and location;**
- ii. A description of management responsibilities;**
- iii. A description of the demolition programme;**
- iv. A named person and telephone number for residents and LPA to contact;**
- vii. Details regarding dust and noise mitigation;**
- viii. The movement of demolition and construction vehicles;**
- ix. The cutting or other processing of building materials on site;**
- x. Wheel washing and vehicle wash down facilities;**
- xi. The transportation and storage of waste and building materials;**
- xii. The location and use of generators and temporary site accommodation**

The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

7) Construction hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

8) Former agricultural use of the site/building may have given rise to potential sources of land contamination e.g. fuel oil, vehicles, asbestos, pesticides or herbicides. As it is now intended to use the site for residential purposes a statement/letter report must be provided which confirms the historical uses of the site/building and how development works will address any potential for land contamination which may exist.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

9) The development will be carried out in strict accordance with the following documents:

**The submitted 'Location of Biodiversity Mitigation and Enhancements 95 East Gomeldon (PL/2021/05622)' plan.
Section 5 of the submitted Phase I Survey, Reptile Survey and Mitigation Strategy report prepared by Bourne Ecology, July 2021.**

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

10) No part of the development hereby approved shall be first occupied until the parking and turning area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

11) Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway.

REASON: To ensure that the highway is not inundated with private water.

Informative

The applicant(s) is advised that the discharge of this condition (condition 14) does not automatically grant land drainage consent, which is required for any works within 8m of an ordinary watercourse or any discharge into an ordinary watercourse. The applicant remains responsible for obtaining land drainage consent, if required, at the appropriate time.

Informative

It should be noted that this development does not fall to be considered under the councils scheme of mitigation for Phosphate levels in the River Avon. It is for the applicants to satisfy themselves that the proposal meets the terms of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

51 **Urgent Items**

There were no urgent items

(Duration of meeting: 3.00 - 4.47 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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