

## Planning and Regulatory Panel

Salisbury District Council, Bourne Hill  
Salisbury, Wiltshire SP1 3UZ

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# Minutes

**Meeting of** : Planning and Regulatory Panel  
**Meeting held in** : Committee Room 1, The Council House, Salisbury  
**Date** : 6 February 2006  
**Commencing at** : 10.00 am

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### Present:

Councillor J A Brady (Chairman)

Councillor P V H Paisey (Vice-Chairman)

Councillors M Baker, A J A Brown Hovelt (substituting for Mrs S A Warrander), Mrs J M Greville, M A Hewitt, G E Jeans, Ms S C Mallory, B M Rycroft and Mrs C A Spencer.

Apologies: Councillor P D Edge

Councillors J Cole-Morgan and County Councillor T Deane were also in attendance.

Parish Representatives: Mrs Barnes (Chairman, Donhead St Mary)

### Officers:

O Marigold (Senior Planning Officer), G Newell (Solicitor) and S Draper (Assistant Democratic Services Officer).

### 101. Public Question/Statement Time:

There were none.

### 102. Councillor Question/Statement Time:

There were none.

### 103. Minutes:

The minutes of the last ordinary meeting held on the 6<sup>th</sup> December 2005, were approved as a correct record and signed by the Chairman.

### 104. Declarations of Interest:

There were none.

### 105. Chairman's Announcements:

There were none.



Awarded in:  
Housing Services  
Waste and Recycling Services



**106. Planning Application S/2005/1648 – Change of Use and Conversion of Grade II Listed Building (Substantially Vacant) to 31 Dwellings at Kingsway House, Warminster Road, Wilton, Salisbury SP2 0AT For Kenn Scadden Associates Ltd**

Sir N Moody, the applicant, spoke in support of the above application.

Mr Rhind-Tutt, on behalf of Wilton Town Council, had provided a statement in which he informed the Panel that the Town Council was fully supportive of the above application.

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

**Resolved** – that subject to all those concerned entering into a section 106 agreement under the provisions of the Town and Country Planning Act 1990 (as amended) making provision for:

- (a) affordable housing in accordance with Local Plan policy H26
- (b) a contribution of £20,000 towards highway safety and public transport improvement
- (c) contribution towards recreational open space

Then the above application be approved for the following reason:-

- (1) The proposed conversion, in that it would provide affordable accommodation and would re-use this grade II listed building without harming the building's character and appearance, would not harm highway safety, protected species, protected trees nor the amenities or interests of nearby properties or other matters of acknowledged importance, would be acceptable within the terms of Local Plan policies of the Replacement Salisbury District Local Plan.

And subject to 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 section 51 (1) of the Planning and Compulsory Purchase Act 2004 (0004 AMENDED)

- 2. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the proposed works will be in keeping with the existing character of the listed building and its setting.

- 3. All new external and internal works and finishes, and works of making good, shall match the existing original work in respect of materials used, detailed execution and finished appearance except where indicated otherwise drawings hereby approved.

**Reason:** in the interests of the character and appearance of the listed building

- 4. Prior to the commencement of development, details of any external lighting for the site shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the approved details.

**Reason:** in the interests of the character and appearance of the listed building

- 5. Before the commencement of the development or any works on site, details of the landscaping of the site, including retention of trees and other natural features, shall be submitted in writing for the approval of the Local Planning Authority, and shall be carried out as approved

**Reason:** To comply with the duties indicated in Section 197 of the Town

And Country Planning Act 1990, and to enable proper consideration to be given to the impact of the proposed development on existing trees, so as to safeguard and enhance the visual amenities of the area and to ensure a satisfactory appearance to the development.

6. No development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees, hereafter called the Arboricultural Method Statement, have been submitted to the Local Planning Authority and approved in writing. Thereafter the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

The Arboricultural Method Statement shall show the areas which are designated for the protection of trees, shrubs and hedges, hereafter referred to as Protection Zones. Unless otherwise agreed, the Protection Zones will be fenced, in accordance with the British Standard Guide for Trees in Relation to Construction (BS.5837: 1990) and no access will be permitted for any development operation.

The Arboricultural Method Statement shall also include all other relevant details, such as changes of level, methods of demolition and construction, the materials, design and levels of roads, footpaths, parking areas and of foundations, walls and fences. It shall also include the control of potentially harmful operations, such as burning, the storage, handling and mixing of materials, and the movement of people or machinery across the site, where these are within 10m of any designated Protection Zone.

The Arboricultural Method Statement shall also indicate the specification and timetable of any tree works, which shall be in accordance with the British Standard Recommendations for Tree Works (BS.3998: 1989).

The Arboricultural Method Statement shall include provision for the supervision and inspection of the tree protection measures. The fencing, or other protection which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has been given in writing

**Reason:** To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction.

7. No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (BS.3998: 1989).

If any tree shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 5 years of the completion of the development, another tree, shrub or hedge shall be planted at the same place, and that tree, shrub, or hedge shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

**Reason:** To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to safeguard the amenity of the existing trees to ensure a satisfactory appearance to the development.

8. No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the

proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of the proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

**Reason:** In the interest of maintaining the amenity value of the area

9. The access and visibility splay shall be constructed in accordance with the approved drawing no 022-1541-100P1 (dated April 05) prior to the occupation of the development.

**Reason:** in the interests of highway safety

10. The development hereby approved shall be undertaken in full accordance with the recommendations of the ecologist's report dated November 2005 and the Method Statement in relation to pollution during construction dated December 2005.

**Reason:** In the interests of the river system and protected species

11. No development shall take place until a waste audit (including recommendations) has been submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved details and recommendations.

**Reason:** in the interests of ensuring sustainable development

12. Prior to the commencement of development, details of the means of glazing of windows serving habitable rooms shall be submitted to and approved, in writing, by the Local Planning Authority. Development shall be undertaken in accordance with the approved details.

**Reason:** in the interests of the living conditions of occupiers of the flats

13. Notwithstanding the provisions of Class[es] E, F, H and H of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling(s) nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf. (V15A)

**Reason:** in the interests of the character and appearance of the listed building

14. No development shall take place until details of a scheme for the provision of lighting between the Park and Ride site and the application site has been submitted to and approved by the Local Planning Authority. Development shall be undertaken in accordance with the details thereby approved, and no residential unit shall be occupied until the lighting has been installed and operative.

**Reason:** in the interests of sustainable development

15. No development shall commence until a scheme of energy and water efficiency measures to reduce the energy and water consumption of the dwellings hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall subsequently be implemented and brought into operation prior to the first occupation of the dwellings and shall thereafter be retained, unless otherwise first agreed in writing by the Local Planning Authority.

**Reason:** In the interests of the conservation of energy and water resources.

2. That the applicant be informed of the following:

- (1) The Planning and Regulatory Panel also asked that officers write letter to Wiltshire County Council Highway Authority establishing what the £20,000 contribution will be spent on, and expressing a desire that it is spent on footway (particularly removing encroachment of greenery onto footway) and sustainability improvements, and not on the already-improved railway bridge.

**107. Planning Application S/2005/2412 – Erection of Two Linked Detached Two Storey Dwelling Houses Providing Ancillary Staff Accommodation at St Mary’s School Donhead St Mary, Shaftesbury, SP7 9LP for David West:**

Mr West, on behalf of Donhead St Mary School, spoke in support of the above application.

Mrs Barnes, on behalf of Donhead St Mary Parish Council, informed the Panel that the Parish Council were fully supportive of the above application.

Councillor T Deane, the County Councillor for the area, informed the Panel that he fully supported the above application.

Councillor J Cole-Morgan, the District Councillor for the area, informed the Panel that he fully supported the above application.

Following receipt of these statements, the Panel considered the previously circulated report of the Head of Development Services.

**Resolved** – that the Panel consider that the above application is not in accordance with policy PPS7. However, the Panel feel that there are exceptional circumstances which mean that this application should be approved. Therefore the Panel resolved that the above application be approved for the following reason:

- (1) Permission is granted on the basis of the exceptional need for the Senior Management Team of this boarding school to reside on site in the interests of child welfare, health and safety and reducing the need to travel, which justifies a departure from policies H23 and H27 of the Replacement Salisbury District Local Plan and the advice in PPS7.

That the above application be approved subject to 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 section 51 (1) of the Planning and Compulsory Purchase Act 2004

2. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development shall be 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 the character and appearance of the countryside and AONB.

3. The occupation of the residential accommodation hereby permitted shall be limited to persons solely or mainly employed at St Mary’s School, Shaftesbury, or a dependant of such persons residing with that member of staff.

**Reason:** the dwellings lie in an area where new dwellings would not normally be permitted in the interests of the character and appearance of the countryside.

4. No development shall take place on site, including site clearance, tree works, demolition, storage of materials or other preparatory work, until all details relevant to the retention and protection of trees, hereafter called the Arboricultural Method Statement, have been submitted to the Local Planning Authority and approved in writing, Thereafter the development shall be undertaken only in accordance with the approved details, unless the Local Planning Authority has given its prior written consent to any variation.

The Arboricultural Method Statement shall show the areas which are designated for the protection of trees, shrubs and hedges, hereafter referred to as Protection Zones. Unless

otherwise agreed, the Protection Zones will be fenced, in accordance with the British Standard Guide for Trees in Relation to Construction (BS.5837: 1990) and no access will be permitted for any development operation.

The Arboricultural Method Statement shall also include all other relevant details, such as changes of level, methods of demolition and construction, the materials, design and levels of roads, footpaths, parking areas and of foundations, walls and fences. It shall also include the control of potentially harmful operations, such as burning, the storage, handling and mixing of materials, and the movement of people or machinery across the site, where these are within 10m of any designated Protection Zone.

The Arboricultural Method Statement shall also indicate the specification and timetable of any tree works, which shall be in accordance with the British Standard Recommendations for Tree Works (BS.3998: 1989).

The Arboricultural Method Statement shall include provision for the supervision and inspection of the tree protection measures. The fencing, or other protection which is part of the approved Statement shall not be moved or removed, temporarily or otherwise, until all works, including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval of the Local Planning Authority has been given in writing

**Reason:** To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees, shrubs and hedges growing within or adjacent to the site is adequately protected during the period of construction.

5. No tree, shrub, or hedge which are shown as being retained on the approved plans shall be cut down, uprooted, wilfully damaged or destroyed, cut back in any way or removed other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. All tree works approved shall be carried out in accordance with British Standard Recommendations for Tree Work (BS.3998: 1989).

If any tree shown to be retained in accordance with the approved plans and particulars is removed, uprooted or destroyed, or dies, or becomes severely damaged or diseased within 5 years of the completion of the development, another tree, shrub or hedge shall be planted at the same place, and that tree, shrub, or hedge shall be of such size, specification, and species, and should be planted at such time as may be specified in writing by the Local Planning Authority.

If within a period of five years from the date of planting any replacement tree is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

**Reason:** To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to safeguard the amenity of the existing trees to ensure a satisfactory appearance to the development.

6. The development, including site clearance, must not commence until a scheme of landscaping and a statement of the methods of its implementation have been submitted to the Local Planning Authority and approved in writing.

The scheme must include details of the proposed planting including a plan, details of species, stock sizes and numbers/densities where appropriate, and include a timetable for its implementation. If any plant dies, becomes diseased or fails to thrive within a period of 5 years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the Local Planning Authority agrees to a variation beforehand, and in writing.

The statement must include details of all the means by which successful establishment of the scheme will be ensured, including preparation of the planting area, planting methods, watering, weeding, mulching, use of stakes and ties, plant protection and aftercare. It must

also include details of the supervision of the planting and liaison with the Local Planning Authority.

The landscaping must be carried out in accordance with the agreed scheme and statement, unless the Local Planning Authority has given its prior written consent to any variation.

**Reason:** To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 so as to ensure that the details of the development of the landscaping are complimentary, and to ensure a satisfactory appearance to the development.

7. Notwithstanding the provisions of Classes A to H of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no extensions to the dwelling(s) nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf. (V15A)

**Reason:** in the interests of the character and appearance of the countryside

8. No development shall commence until a scheme of energy and water efficiency measures to reduce the energy and water consumption of the dwellings hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall subsequently be implemented and brought into operation prior to the first occupation of the dwellings and shall thereafter be retained, unless otherwise first agreed in writing by the Local Planning Authority.

**Reason:** In the interests of the conservation of energy and water resources.

*Members of the public: 14  
The meeting concluded at 1055*

## Planning and Regulatory Panel

Salisbury District Council, Bourne Hill  
Salisbury, Wiltshire SP1 3UZ

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# Minutes

**Meeting of** : Planning and Regulatory Panel  
**Meeting held in** : Committee Room 1, The Council House, Salisbury  
**Date** : 6 February 2006  
**Commencing at** : 1.30 pm

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### Present:

Councillor J A Brady (Chairman)

Councillor P V H Paisey (Vice-Chairman)

Councillors M Baker, A J A Brown Hovelt (substituting for Mrs S A Warrander), P M Clegg, P D Edge, M A Hewitt, G E Jeans, Ms S C Mallory, B M Rycroft, Mrs C A Spencer and Miss M A Tomlinson (substituting for Mrs J M Greville).

Councillors D W Brown, J M Collier, J C Noeken, Mrs M A Peach and K C Wren were also in attendance.

### Officers:

D Crook (Acting Chief Executive), S Thorne (Head of Development Services), D Milton (Team Leader Forward Planning), G Newell (Solicitor), J Ferguson (Solicitor), N Lieven (Counsel), S Agland (Head of Democratic Services) and S Draper (Assistant Democratic Services Officer).

### 108. Public Question/Statement Time:

There were none.

### 109. Councillor Question/Statement Time:

There were none.

### 110. Minutes:

There were no minutes to approve at this meeting.

### 111. Declarations of Interest:

There were none.

### 112. Chairman's Announcements:

There were none.

### 113. Exempt Information:

**Resolved – that**



Awarded in:  
Housing Services  
Waste and Recycling Services





1. the press and public be excluded from the meeting during consideration of agenda item 9 on the grounds that it involves the likely disclosure of 'exempt information' as defined in Part 1 of Schedule 12A inserted into the Local Government Act 1972 by the Local Government (Access to Information) Act 1985 defined under Paragraph 12 as 'Any instructions to Counsel and any opinion of Counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with –
  - (a) any legal proceedings by or against the authority, or
  - (b) the determination of any matter affecting the authority (whether, in either case, proceedings have been commenced or are in contemplation);
2. pursuant to 1. above, the report of the Head of Development Services and the supporting papers attached to the exempt agenda remain confidential but that the decision of the Panel be published in open business.

**114. Counsel's Advice on Major Planning Application**

Further to a site visit held earlier that day, the Panel considered the report of the Head of Development Services together with a presentation from the Team Leader, Forward Planning and advice from Counsel.

**Resolved - that**

1. English Heritage be invited to submit a second planning application;
2. officers be instructed to enter into negotiations with English Heritage to try and secure revisions to the northern route of the land train in order to provide further mitigation; and
3. the Planning Inspectorate be requested to hold the appeal in abeyance until the second application has been resolved.

Note: This was a unanimous decision.

*The meeting concluded at 1515*