

# Minutes

**Meeting of** : Planning and Regulatory Panel  
**Meeting held in** : Alamein Suite, City Hall, Salisbury  
**Date** : Tuesday 30 October 2007  
**Commencing at** : 6:00 pm

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**Present:**

Councillor D O Parker (Chairman)  
Councillor I D McLennan (Vice-Chairman)

M G Fowler, J Holt, L Randall, Mrs C A Spencer, J R G Spencer, J M Walsh.

Councillor W R Moss (Winterslow) was in attendance and spoke in his capacity as Ward Councillor in connection with the matters set out under Minutes 28 and 29.

**Apologies:** Councillors K C Wren and G Wright

**23. Public Question/Statement Time:**

Mr Mike Morgan-Jones of Yarmley Lane, Middle Winterslow, asked the following question: "Is it Council policy to maintain H19 Housing Restraint Areas in Winterslow?" The response to this question is attached at Appendix 1 to the minutes.

**24. Councillor Question/Statement Time:**

There were none.

**25. Minutes:**

**Resolved:** that the minutes of the last ordinary meeting held on 18 September 2007 (tabled at the meeting and amended by Cllr McLennan) be approved as a correct record and signed by the Chairman.

**26. Declarations of interest:**

Councillor Holt declared a prejudicial interest in the matter set out under Agenda Item 7 (S/2007/1513 - 2 dwellings and garaging together with access drive at rear of Red House, Winterslow, Salisbury) in that he was a personal friend of the applicant's agent, and left the meeting during consideration thereof.

**27. Chairman's Announcements:**

There were none.

**28. S/2007/1513 - 2 dwellings and garaging together with access drive at rear of Red House, Winterslow, Salisbury:**

Mr Morgan-Jones spoke in objection to the application, and Mr Gilbert, the applicant's agent, together with Mr Flindell, a local resident, spoke in support of the application.

CLlr Moss spoke in his capacity as Ward Councillor for Winterslow. Following receipt of these statements, and further to a site visit, the Panel considered the report of the Head of Development Services (previously circulated) in conjunction with a schedule of late correspondence circulated at the meeting.

**Resolved:** That the application be approved, subject to completion of the S106 Agreement for the provision of public open space.

**Reason for approval**

The erection of two dwellings on a site within the Winterslow Housing Restraint Area would be acceptable in accordance with Policies G2, D2 and H19 of the adopted 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) This development shall be in accordance with the following drawings ref. site plan, 07/35/5/3 and 07/35/5/4 deposited with the Local Planning Authority on 25 July 2007 and drawings ref. No. 07/35/5/1A and 07/35/5/2A deposited with the Local Planning Authority on 11 September 2007 unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** For the avoidance of doubt.

3) 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:** To secure a harmonious form of development.

4) Before development commences, details of the proposed access shall be submitted to and agreed in writing with the Local Planning Authority and there shall be no occupation of the dwellings hereby approved until the access and drainage have been constructed in accordance with the approved details.

**Reason:** To ensure that the development is provided with a satisfactory means of drainage and in the interests of highway safety.

5) Notwithstanding the provisions of Class[es] A To F 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 dwellings nor the erection of any structures or enclosures within the curtilages and no additions or alterations to the roofs of the dwellings, or insertion of any windows into the side elevations of the buildings unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

**Reason:** To enable the Local Planning Authority to retain control over the development in the interests of neighbouring amenities and the character of the area.

6) No development shall take place until details of the stopping up of the vehicular access on to Yarnley Lane have been submitted to and approved in writing by the Local Planning Authority. No work shall commence upon the site until this stopping up has been carried out in accordance with the approved details

**Reason:** In the interests of the amenity and the environment of the development

7) 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: 2005) 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 placement of service runs i.e. BT, water, gas, sewage, electric etc. It shall also include the control of potentially harmful operations, such as burning, the storage, and 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 the provision for the supervision and inspection of tree protection measures on a regular basis throughout the different phases of construction. Reports produced as a result of these inspections shall be forwarded to the Local Authority Arboricultural Officer. 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 and soft landscaping have been completed and all equipment, machinery and surplus materials removed from 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

8) 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

9) During construction works, no machinery shall be operated, no process (excluding fitting out) shall be carried out and no deliveries taken at or despatched from the site outside the following time 0800 to 1800 on Mondays to Fridays and 0900 to 1300 on Saturdays. There shall be no activities/working on Sundays, Bank and Public Holidays.

**Reason:** To avoid the risk of disturbance to neighbouring dwellings/the amenities of the locality during unsocial hours.

10) During construction works, all plant, machinery, and building materials shall be contained within the application site in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority

**Reason:** In order to limit the impact on Middleton Road

11) No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be

implemented in accordance with the agreed details and brought into operation prior to the first occupation of the dwellings hereby approved unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of sustainable development. Salisbury District Council's Supplementary Planning Guidance on "Achieving Sustainable Development" promotes the prudent use of natural resources. It is necessary to minimise the local demand for water to protect future supplies.

12) Any access gates shall be set a minimum distance of 4.5 metres from the carriageway edge and shall be made to open inwards only.

**Reason:** In the interests of highway safety.

13) Visibility shall be maintained from a point 2m from the carriageway edge back along the centre line of the access to provide uninterrupted visibility along the edge of the carriageway in accordance with further details which shall be submitted in writing for approval.

**Reason:** In the interests of highway safety.

14) The access for a distance of 7metres from the edge of carriageway shall be properly consolidated and surfaced (not loose stone or gravel) for which details shall previously have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety.

15) Both in the first instance and upon all subsequent occasions, the first floor bathroom window on the north west elevation of House A, hereby approved, shall be glazed with obscure glass in a form sufficient to prevent external views and shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of opening.

**Reason:** In the interests of the amenities of the neighbouring property.

### **INFORMATIVES Policy**

Having regard to the following policies of the adopted Salisbury District Local Plan:

#### **Policy Purpose**

G2	General Criteria for Development
D2	Design of Infill Development
R2	Public Open Space
C6	Landscape Conservation
H19	Housing Restraint Area

### **29. S/2007/0877 – Late Determination – Retain Current Residential Accommodation at New Farm, Pitton Road, Pitton, Salisbury:**

Mrs Stanley, the applicant, spoke in support of the application, and Cllr Moss spoke in his capacity as Ward Councillor for Winterslow. Following receipt of these statements, and further to a site visit, the Panel considered the report of the Head of Development Services (previously circulated) in conjunction with a schedule of late correspondence circulated at the meeting. Officers advised Members that if they were concerned about the status of the garden area that this matter be referred to the Enforcement Team for investigation.

**Resolved** – that the above application be approved

#### **Reason For Approval**

It is acknowledged that the proposed development is contrary to policy but the applicant's human rights (Article 1, Protocol 1 and Article 8 of the Human Rights Act) and the fact that the property has been the occupier's permanent home and business for almost 20 years overrides the conflict of the proposed development with the Development Plan policies that seek to restrict new residential dwellings in the open countryside for which there is no overriding justification.

And subject to the following conditions:

1. The permission, hereby approved, shall enure solely for the benefit of Mrs. L. Stanley and Mr. L. Stanley. Upon cessation of the occupation of the mobile home by Mrs. L. Stanley and Mr. L. Stanley, the residential use, hereby approved, shall cease and the mobile home and all ancillary structures and hardstanding shall be permanently removed and all the resulting demolition materials removed from the site.

**Reason -**

In order to enable the Local Planning Authority to retain planning control over the occupation of the dwelling and to secure the cessation of a use/removal of a building which can only be justified on the basis of the applicant's personal circumstances and given that the site of the dwelling is within an area where planning permission would not normally be granted for development unrelated to the essential needs of agriculture or forestry.

2. No caravan/mobile home, other than the existing residential caravan/mobile home occupied by Mrs. L. Stanley and Mr. L. Stanley shall be stationed on the site, without express planning permission first being obtained from the Local Planning Authority.

**Reason –**

To enable the Local Planning Authority to retain control over the development and to restrict the number of caravans/mobile homes stationed on the site in the interests of the character and appearance of the open countryside of the Special Landscape Area.

3. The existing residential caravan/mobile home occupied by Mrs. L. Stanley and Mr. L. Stanley shall remain stationed in its existing location within the site, as indicated on the submitted location plan, and shall not be sited in any other position within the site whatsoever.

**Reason –**

To enable the Local Planning Authority to retain control over the location of the stationing of the mobile home in the interests of the character and appearance of the open countryside of the Special Landscape Area.

*The meeting concluded at 8.20 pm  
Members of the public present: 9*

Response to the question submitted by Mr Mike Morgan-Jones:

Policy H19 has been retained as a 'saved policy' and is still therefore a material consideration when deciding planning applications. However, as with all existing planning policies, policy H19 is currently being reviewed as part of the emerging Local Development Framework (LDF), which will replace the current local plan.

The LDF will contain a suite of documents covering different levels of detail rather than a written statement and proposals map, which were produced under the old plan system. Work on the Core Strategy, which will provide the overarching planning policies for the district, is currently underway with the first round of consultation having been ended on the 5<sup>th</sup> October. Any alterations to policies such as H19 are likely to be included within either the Site Specific Allocations document, which is due for its first round of consultation in June 2008, or the Development Control Policies document due in January 2009.