

Minutes

Meeting of : City Area Planning Committee
Meeting held in : Alamein Suite, City Hall, Salisbury
Date : Thursday 25 May 2006
Commencing at : 6.00 pm

Present:

District Councillors:

Councillor Ms S C Mallory (*Chair*)
Councillor J M Collier (*Vice-Chair*)

Councillors Mrs P J Brown, Mrs E A Chettleburgh, P M Clegg, B E Dalton, S R Fear,
J R L Nettle, M J Osment, I R Tomes, Miss M A Tomlinson, J M Walsh, Mrs S A Warrander
and C R Vincent.

Apologies: Councillors K A Cardy, D A Culver, Mrs I M Evans, S J Howarth, P V H Paisey
and P W L Sample.

387. **Public Questions/Statement Time:**
There were none.

388. **Councillor Questions/Statement Time:**
There were none.

389. **Minutes:**

Agreed: that the minutes of the last ordinary meeting held on 30 March 2006
(previously circulated) be approved as a correct record and signed by the Chairman.

390. **Declarations of Interest:**

With the exception of Councillor Mrs P Brown, all members declared personal but non-prejudicial interests in planning application S/2006/0722 insofar as one of the objectors previously served as a member of the Council.

Councillors Mrs Chettleburgh, Collier, Dalton and Ms Mallory declared their personal but non-prejudicial interests in the matter set out under agenda item 8 (Enforcement Action at 96 Netherhampton Road).

Councillor Walsh declared a personal but non-prejudicial interest in planning application S/2006/0493.



In all cases the councillors remained in the meeting, spoke and voted on the matters concerned.

391. **S/2006/0329: Outline Application for the demolition of the existing public house and construction of new building to accommodate a mix of residential accommodation and retail/commercial uses (A1 A4 and A5) at The Conquered Moon Public House, Woodside Road, Bemerton Heath, Salisbury SP2 9EE for Mr J Adair BSc DM MRICS MCMl**

James Adair on behalf of the applicants spoke in support of the above application. Following this statement and further to a site visit earlier that afternoon the Committee considered the report of the Head of Development Services (previously circulated) together with a schedule of late correspondence circulated at the meeting.

Agreed: that the above application be refused for the following reasons:

- (1) No viability assessment has been submitted relating to the viability of the public house use, or the likely viability of the proposed commercial uses. In the absence of such evidence, the applicant has not demonstrated that it is not viable to operate a public house at this location, or that any of the suggested uses would themselves be viable replacement facilities. Therefore, given that the proposal is not considered to offer a replacement public house or a similar replacement facility which would contribute to the social life of the area, and would ultimately encourage unsustainable travel movements and patterns, it is considered that the proposal conflicts with policy DP1 (i) of the adopted Wiltshire Structure Plan, and criteria (i) and (ii) of policy G1 of the adopted Salisbury District Local Plan.
- (2) It is considered that the development of the site for 10 dwellings, and 3 commercial uses including access and parking, would be likely to result in the creation of a scheme comparative to that shown on the indicative plans. Therefore, notwithstanding the issues outlined in reason (1) above, it is also considered that the scheme would have an adverse impact on residential amenities and highway safety, due to the dominance of the development, the likely loss of privacy, the general noise and disturbance created, and the likely increase in vehicular and pedestrian traffic. The scheme would therefore be contrary to the aims of policy G2 (i), (ii), & (vi) of the Salisbury District Local Plan.

392. **S/2006/0493: Alterations to roof and formation of dormer at 19 New Zealand Avenue, Salisbury SP2 7JX for Mr and Mrs Fone:**

Mr Fone, the applicant, spoke in support of the above application. Following this statement and with reference to a schedule of late correspondence circulated at the meeting, the Committee considered the report of the Head of Development Services (previously circulated).

In accordance with the Access to Information Act 1985 the Committee **agreed** to exclude the press and public (Para 4) during part of the proceedings in which medical evidence relating to the applicant and the applicant's family was considered.

Agreed: that in normal circumstances the Local Planning Authority would not permit the development proposed for the reasons set out in the officers report. However, in this particular case the Committee considers that the exceptional personal circumstances outweigh the material policy considerations identified in the report. Consequently the application is 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) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason: To ensure that the proposed extension will satisfactorily harmonise with the external appearance of the existing building.

- (3) Other than those hereby permitted, there shall be no further windows inserted in the southern elevation of the dormer window hereby approved.

Reason: To ensure adequate privacy for the occupants of neighbouring premises.

INFORMATIVE:

This permission has been taken in accordance with the following policies of the adopted Salisbury District Local Plan:

- G2 - General Criteria for Development
- D3 - Good Design
- H16 - Housing Policy Boundary

393. S/2006/0722: Demolition of existing dwelling. Construction of 2 No. two bedroom dwellings and 1 No. one bedroom dwelling with associated car parking and works at 35 – 37 Hartington Road, Salisbury SP2 7LG for Damen Associates:

Occupiers of neighbouring properties, Mr and Mrs Day and Mr Ivan Light spoke in opposition to the above development. In view of the additional time taken by the objectors to make their statements (4 minutes) the Chair allowed the the same amount of time to the applicant's agent Mr Burrows, who spoke in support of the application.

Following these statements and further to a site visit earlier that afternoon the Committee considered the report of the Head of Development Services (previously circulated) together with a schedule of late correspondence circulated at the meeting.

Agreed: that the above application be refused for the following reasons:

- (1) The site is located within Hartington Road, which is generally characterised by terraces and pairs of traditional dwellings with spacious rear gardens. The height, massing and scale of the proposed building would appear unduly tall and bulky in relation to adjoining buildings, and would have a dominant impact within the street scene, and in relation to neighbouring properties. The proposal would not therefore respect the character of the area or respect the heights and massing of adjoining buildings, contrary to Policy H16 (iv), D2 and G2 (vi) of the Salisbury District Local Plan.
- (2) The proposal seeks to provide three off street parking spaces, one for each of the three dwellings, and would result in the loss of two on street residents' parking spaces. Hartington Road lacks a turning head, and parking and turning provision for existing dwellings is limited. The proposal is likely to place an undue burden on the road by exacerbating the existing parking and turning conditions for existing occupiers, contrary to Policy G2 (ii) and (vi) of the Salisbury District Local Plan.
- (3) The proposed residential development is considered by the Local Planning Authority to be contrary to Policy R2 of the Adopted Replacement Salisbury District Local Plan, as appropriate provision towards public recreational open space has not been made.

Informative:

It should be noted that the reason given above relating to Policy R2 of the Adopted Replacement Salisbury District Local Plan could be overcome if all the relevant parties agree to enter into a Section 106 legal agreement, or if appropriate by condition, in accordance with the standard requirement for recreational public open space.

The above decision is taken in accordance with policies G2 (General Principles for

Development), D2 (Design), H16 (Housing Policy Boundary) and R2 (Public Open Space) of the Salisbury District Local Plan.

394. Land at 96 Netherhampton Road, Harnham, Salisbury

The Committee considered the report of the Principal Planning Officer (Enforcement) (previously circulated)

Agreed: that the Head of Legal & Property Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) and serve it on the appropriate person(s).

Alleging the following breaches of planning control without planning permission: -

The material change of use of the land from a dwelling house and residential curtilage to a mixed use for the purposes of dwelling house, residential curtilage and use for the keeping and breeding of dogs not incidental to the enjoyment of the dwelling, including incidental operational development consisting of the construction of outbuildings and structures, including kennels used for the keeping of dogs and a hardstanding, all as an integral part of the material change of use alleged above.

Requiring the following steps to be taken: -

1. To cease the use for the keeping and breeding of dogs by reducing the number of dogs kept at the property to a number not exceeding that which is normally incidental to the enjoyment of the dwelling house at the site (for the avoidance of doubt, there should be no more than four dogs kept at the site in any event).
2. The restoration of the land to its condition before development took place by:
 - (a) The total demolition of the 5 unauthorised outbuildings and structures identified on the plan attached to the Notice and removal of the unauthorised hardstanding;
 - (b) The removal of all materials and debris arising from steps 2(a) and 2(b) above.

Reasons for serving the Notice: -

It appears to the Council that the material change of use from a dwelling house and residential curtilage to a mixed use as a dwelling house, curtilage and use for the purposes of dog keeping and breeding and the incidental operational development consisting of the construction of outbuildings and structures used for storage and kennels and a hardstanding, as an integral part of the material change of use, have all occurred within the last ten years; and

The use of the property for the keeping and breeding of dogs not incidental to the enjoyment of the dwelling house has resulted in undue disturbance being caused to occupiers of neighbouring residential properties through the emission of excessive noise, seriously detracting from the standard of residential amenities which they could reasonably expect to enjoy. The use is therefore in conflict with policy G2 (vi) of the adopted Replacement Salisbury District Local Plan.

Time for Compliance: -

1. Three months.
2. (a) and (b) Three months.

395. Supplementary Item - City Area Grants Scheme:

The Committee considered the previously circulated report of the Member Support Officer relating to an application for a SWAG grant on behalf of Ladybirds Pre-school.

Agreed: that the application be refused for the following reasons:-

- (1) The applicant does not own the building or possess a formal lease agreement for the building, which the grant money is to be spent on.
- (2) The owner of the building is not eligible for funding under the rules of the SWAG scheme.

However, the applicant is advised to contact Salisbury District Council's External Funding Officer to explore other potential avenues of funding to allow the project to proceed.

*Meeting ended at 9.06pm
Number of public present 16*