

Agenda Item 7

Development Services
The Planning Office,
61 Wyndham Road,
Salisbury,
SP1 3AH

officer to contact: Oliver Marigold
direct line: 01722 434293
email: development control@salisbury.gov.uk
web: www.salisbury.gov.uk

Report

Report subject: PLANNING APPLICATION S/2004/1485 AT THE OLD GARDEN HOUSE, HIGH STREET, TISBURY

Report to: Western Area Committee

Date: 16 February 2006

Author: Oliver Marigold, Senior Planning Officer

Report Summary:

To establish whether planning permission should be granted for this development despite not complying with the requirements set out by an earlier resolution of the Western Area Committee. This is because development has already taken place whereas the resolution was based on development not having commenced.

Background:

Members may recall this application being brought before them at Western Area Committee on 8th December 2005 because of changes in relation to car parking, following the earlier resolution of Western Area Committee to approve on 9th September 2004. The officer's report to committee and the report brought to members on 8th December 2005 (together with relevant minutes) are included as an appendix to this report.

The site consists of an existing two storey dwelling in the centre of Tisbury and the application proposed to convert the existing seven-bedroom dwelling into 5 flats, of which three would be one bedroom and two would be two bedroom flats.



Awarded in:
Housing Services
Waste and Recycling Services



Planning Merits

The only reason why the resolution made by committee on 8th December 2005 cannot be complied with is because development has already commenced and condition 3 (requiring details of materials used in the additional windows before development commences) cannot be complied with.

Condition 3 would need to be revised to say:

“Within two months of the date of permission, details and samples of the materials to be used for the additional windows shall be submitted to and approved in writing by the Local Planning Authority. Development shall be undertaken in accordance with the approved details within three months of the approval of the window details”

Options for consideration:

- (a) Resolve to grant planning permission with a revision to condition 3 to reflect that development has already taken place.
- (b) reach another decision

Recommendations:

Officers recommend that condition 3 is varied to reflect the fact that the application is now retrospective.

Background Papers:

Copies of the officer's report and minutes of the previous committee meeting are included as appendices to this report.

Implications:

Financial: None

- **Legal:** None
- **Human Rights:** None
- **Personnel:** None
- **Community Safety:** None
- **Environmental implications:** None
- **Council's Core Values:**
- **Wards Affected:** Tisbury

Extract Minute (Western Area Committee, 8th December 2005)

521. Planning Application S/2004/1485 - The Old Garden House, High Street, Tisbury

The applicant spoke in support of the application.

Mrs Henderson, on behalf of Tisbury Parish Council, informed the Committee that the Parish Council had raised concerns about the application on the grounds of parking.

The Committee considered the previously circulated report of the Senior Planning Officer.

Resolved - That planning permission granted by the Western Area Committee on 9th September 2004 be amended to remove the requirement for a s106 agreement and/or condition relating to car parking.

Extract Minute (Western Area Committee, 9th September 2004)

**320 2004/1485 - FULL APPLICATION -CONVERSION OF HOUSE TO 5 FLATS
- OLD GARDEN HOUSE HIGH STREET, TISBURY SALISBURY – FOR MR
R GRAY**

Mr Southey, agent for the applicant spoke in support of the above application.

Mrs Henderson of Tisbury Parish Council informed the Committee that the Parish Council supported the Highways view and objected to the application.

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

RESOLVED -

- (1) That the above application be approved for the following reasons:

The proposal is considered acceptable in principle, its design and impact on the amenities of nearby properties and given the nature of the proposed development and its sustainable location, is unlikely to harm highway safety.

And subject to:-

- (a) Upon the first occupation of the flats hereby approved, parking spaces numbered seven, ten and eleven, as shown on plan number 2004-03'a', shall be maintained and made available, in perpetuity, for the sole use of occupants of the flats hereby approved, in accordance with a scheme to be submitted to and approved by the local planning authority.

Reason: In the interests of providing adequate car parking space for occupants of the flats.

- (b) all persons concerned entering into a section 106 under the provisions of the Town and Country Planning Act 1990 (as amended) for:

- (i) The maintenance and subsequent availability, in perpetuity, of parking spaces for the sole use of occupants of the flats hereby approved, and
- (ii) A financial contribution towards recreational public open spaces.

Then the above application be approved subject to the following conditions:-

- I. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. Notwithstanding the details shown on the approved plans, the existing chimney on the front roof slope of the property hereby approved to be converted shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of preserving the character and appearance of the Conservation Area

3. No development shall take place until details and samples of the materials to be used for the additional windows have been submitted to and approved, in writing, by the Local Planning Authority, and development undertaken in accordance with the details thereby approved.

Reason: In the interests of the character and appearance of the Conservation Area

- (2) That the applicant be informed that the above decision has been taken in accordance with the following policy/policies of the adopted Salisbury District Local Plan:

G2	General development criteria
H16	Housing Policy Boundaries
TR11	On street parking
CN8	Development in Conservation Areas