

## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

<b>Date of Meeting</b>	7 <sup>th</sup> February 2019
<b>Application Number</b>	18/11174/FUL
<b>Site Address</b>	Lloyds Bank Plc, The Square, Mere, Wiltshire, BA12 6DP
<b>Proposal</b>	Conversion of existing bank to create 3 no. x 1 bed and 1 no. x 2 bed flats with parking.
<b>Applicant</b>	Mr Ashley Lewer
<b>Town/Parish Council</b>	MERE
<b>Electoral Division</b>	MERE – Cllr George Jeans
<b>Grid Ref</b>	381231 132396
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Warren Simmonds

### Reason for the application being considered by Committee

Cllr George Jeans has called in this application due to concerns in respect of the loss of the use of the building as a community facility and adverse affect on parking provision in central Mere and general highway safety.

#### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

#### 2. Report Summary

Following the closure of the bank the building has been subject to a marketing exercise in line with CP49 which concluded that no other comparable use or community facility has resulted from such a marketing activity. The proposed conversion of the building is considered to result in no demonstrable harm to the character of the Conservation Area or any harm to any neighbouring amenity or any undue harm to highway safety and is therefore considered by officers to be an acceptable form of alternative use for the empty former bank building.

#### 3. Site Description

The application site is located in the centre of Mere town and has formally been used as a bank operated and run by Lloyds. The bank building is not listed but is located in a Conservation Area. There is an existing car parking area to the rear of the building, with access onto Manor Road.

#### 4. Planning History

There is a large amount of planning history associated with alterations to Lloyds Bank and its associated advertisements.

#### 5. The Proposal

This application relates to the conversion of existing bank building to allow for the creation of 3 x 1 bedroom apartments and a 1 x 2 bedroom apartment with associated parking. As part of the proposal, a modern extension/outbuilding at the rear of the building and adjacent the car park would be removed and replaced with a low section of boundary wall, to improve visibility.

## **6. Local Planning Policy**

The Wiltshire Core Strategy (WCS) - adopted by Full Council on the 20<sup>th</sup> January 2015:

CP1 (Settlement Strategy)

CP2 (Delivery Strategy)

CP17 (Spatial Strategy for the Mere Community Area)

CP49 (Protection of rural services and community facilities)

CP57 (Ensuring high Quality Design and Place Shaping)

CP58 (Ensuring the Conservation of the Historic Environment)

Wiltshire Local Transport Plan 2011-2026:

Car Parking Strategy

Government Guidance:

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

Supplementary Planning Guidance:

Adopted Supplementary Planning Document 'Creating Places Design Guide' April 2006

## **7. Summary of consultation responses**

Mere Town Council - Objected to this application due to overdevelopment and insufficient parking.

WC Conservation – No objections

WC Highways – No objections subject to conditions

Public Protection – No objection subject to Condition(s)

Wessex Water – Standard drainage response

## **8. Publicity**

The application was publicised by site notice, press notice and neighbour notification letters. No representations from third parties were received.

## **9. Planning Considerations**

### ***9.1 Principle of development***

The creation of windfall residential development within the settlement boundary is principally acceptable. However, this proposal represents the conversion of a building previously utilised for a community use. Consequently, Core Policy 49 applies, and this indicates that:

*“.....Proposals involving the loss of a community service or facility will only be supported where it can be demonstrated that the site/building is no longer economically viable for an alternative community use. Preference will be given to retaining the existing use in the first instance, then for an alternative community use. Where this is not possible, a mixed use, which still retains a substantial portion of the community facility/service, will be supported. Redevelopment for non-community service/ facility use will only be permitted as a last resort and where all other options have been exhausted.*

*In order for such proposals to be supported, a comprehensive marketing plan will need to be undertaken and the details submitted with any planning application.*

*Only where it can be demonstrated that all preferable options have been exhausted will a change of use to a non-community use be considered. This marketing plan will, at the very minimum:*

- i. be undertaken for at least six months*
- ii. be as open and as flexible as possible with respect to alternative community use*
- iii. establish appropriate prices, reflecting local market value, for the sale or lease of the site or building, which reflect the current or new community use, condition of the premises and the location of the site*
- iv. demonstrate the marketing has taken into account the hierarchy of preferred uses stated above*
- v. clearly record all the marketing undertaken and details of respondents, in a manner capable of verification*
- vi. provide details of any advertisements including date of publication and periods of advertisement*
- vii. offer the lease of the site without restrictive rent review and tenancy conditions, or other restrictions which would prejudice the reuse as a community facility*
- viii. demonstrate contact with previously interested parties, whose interest may have been discouraged by onerous conditions previously set out...”*

This application proposes the creation of 4 residential units following the loss of a community facility in the form of a Bank. The marketing of the site is central to the assessment of this application concerning the loss of a community facility. Core Policy 49 of the Wiltshire Core Strategy is the principal policy related to the loss of a community facility and the policy requires that any application demonstrate that the site is no longer economically viable for a comparable use or an alternative community use. The residential use of the building is commented as being the last resort when all other options have been exhausted. To that end this application has submitted evidence of the required marketing of the site. The marketing information comments:

Lloyds Bank in The Square Mere closed for business on 24th September 2017.

National agency, CBRE, were asked to market the site for the bank to dispose of it, and the attached brochure was circulated to in excess of 1000 agents and clients (copy brochure attached) and also appeared online

This marketing process commenced on 25th September 2017

As per CBRE email provided they had an amount of interest but all from residential developers and none from commercial operators at all

However, whilst no formal representation at the time of writing this report has been received, officers have been made aware that a local businessman has been in contact with Cllr Jeans

and made representations that he tried to purchase the site (via CBRE) for the expansion and use of his business (being already established within Mere) during October of 2017 and made an offer that was in excess of the asking price, but it was declined without explanation.

This offer was made within the six months of marketing set out in submissions by the applicant but is not mentioned – indeed the submitted marketing commentary states there had been no interest from commercial operators at all. This discrepancy, if substantiated, may represent a significant issue in demonstrating the site is no longer economically viable for an alternative community use in accordance with the requirements of CP49 of the Wiltshire Core Strategy.

The agent for the application has been asked to comment on the above and to provide comprehensively recorded and presented details of the marketing undertaken, however at the time of writing this report no response or additional information has been provided.

Otherwise, officers have not been informed of any interested local community groups relating to the alternative use of this former bank building.

## **9.2 Impact on Conservation Area**

The building is not listed, but the site is located in a Conservation Area. The scheme would make limited adjustments to the current appearance of the site, mainly on the rear facing facades, and include the removal of a single storey projection adjacent to Manor Road to improve visibility, and the removal of the existing escape staircase. No significant changes are proposed to the attractive front façade save for the insertion of a new door in an existing blocked up doorway on the western side of the facade.

The Conservation Officer has not raised any objection, subject to a Condition in respect of Agreeing details for new external doors. Officers consider that the requested detailed section drawings can be conditioned for later approval.

Thus the proposed development is not considered to result in any demonstrable harm to the character and setting of adjacent listed buildings or any harm to the character of the wider Conservation Area.

## **9.3 Highways**

This application has received a consistent theme of comment over the perception that the creation of additional residential units within the centre of Mere will result in harm to highway safety. The Town Council has commented “...*the amended plans make provision for 5 off-street parking spaces. However, the Town Council has doubts as to whether one of these parking spaces (No. 5 on the block plan) is viable as it is adjacent to an access doorway for the property to the north which, presumably, would need to be kept clear. This proposal does not, therefore, meet the minimum car parking standards. Given the case that individual dwellings generate their own separate, duplicate trips (deliveries, visitors, servicing etc.) added to the routine daily parking demand from residents, the Town Council feels that having 4 residential units on this site will undoubtedly have a significant impact on the already congested on-street parking in Mere town centre or in the Manor Road/North Street vicinities. (The parking congestion in North Street and Manor Road has already caused potential problems for emergency vehicle access).*”

Wiltshire Council Highways has fully considered the scheme (as amended) and has raised no objection to the proposal commenting

*“I note that the proposed development enjoys the benefit of on-site car parking in accordance with current standards. It is considered that the proposed development will not have any significant impact on highway safety and I therefore recommend that no highway objection be raised to it.”*

Officers note the National Planning Policy Framework sets out further guidance for Local Planning Authorities when determining applications. The Framework comments that *“development should only be prevented or refused on transport grounds where the residual cumulate impacts of development are severe.”*

The impact to highway safety has been considered by Wiltshire Council Highways and a no objection comment has been provided. By any reasoning, a comment of no objection from Wiltshire Council Highways could not be interpreted as severe harm and as such a refusal of this application on highway grounds may be difficult to be defend on appeal. A plan showing a low wall within the required visibility splay has now been submitted which will not obstruct visibility to the detriment of Highway safety.

In respect of the Town Council’s concern about the viability of parking space number 5, this is difficult to understand. Parking spaces 3, 4 and 5 are already in-situ and would appear to have been so for a long period of time:



Photograph showing parking spaces 3, 4 and 5 (from left to right) in-situ

If it transpired there was some claim by a third party of a legal right of access (no third part representations have been received) then in the opinion of officers this would be a civil matter.

#### **9.4 Neighbouring amenity**

The application site is located in the centre of Mere where there is a mixture of residential and commercial activities within close proximity of each other. The development is noted not to be a new build where there is the introduction of new windows and openings but the conversion of an existing building thus the existing bulk and massing and openings have all been accepted by neighbouring properties. The use of the building for residential will intensify the use of the building from that of a bank operated and run during working hours but such residential use is not considered to be uncommon in this central area or unduly detrimental to any surrounding neighbouring amenity.

### **9.5 Drainage issues**

The application site is currently served by water and foul waste disposal and any approval of this application could be condition for a scheme to evidence the ability to connect to existing foul waste disposal for the 4 residential units.

## **10. Conclusion**

This application relates to an empty building in the centre of Mere which last use was that of a bank. Following the closure of the bank the building has been subject to a marketing exercise in line with CP49 which concluded that no other comparable use or community facility has resulted from such a marketing activity.

The proposed conversion of the building for the development of 4 apartments has raised concerns from the Town Council of overdevelopment and insufficient parking provision but such concerns are not supported by Wiltshire Council Highways who consider the scheme to comply with the Council's parking standards. A refusal of permission on highways grounds would be difficult to justify at appeal.

Officers do not consider the proposed development to constitute an overdevelopment of the site.

The proposed conversion of the building is considered to result in no demonstrable harm to the character of the Conservation Area or any harm to any neighbouring amenity or any undue harm to highway safety and is therefore considered by officers to be an acceptable form of alternative use for the empty former bank building.

## **RECOMMENDATION**

In the absence of any documentary submitted to the local planning authority to disprove or otherwise undermine the applicant's marketing evidence provided, officer's recommend the 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 the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

DRG No. 8980/200 dated November 2018, as submitted to the local planning authority on 23.11.18, and

DRG No. 8980/201 dated November 2018, as submitted to the local planning authority on 23.11.18

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

3. Notwithstanding the approved drawings, no works shall commence with respect to the relevant details, until details of the following have been submitted to and approved in writing by the Local Planning Authority:

(i) Large scale (1:10) section details for the two new doors within the front south elevation

The works 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

4. No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission

5. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission

6. No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

REASON: In the interests of visual amenity and the character and appearance of the area.

7. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans, and the marked out. These areas shall be maintained for those purposes at all times thereafter.

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

8. No part of the development shall be first occupied until the existing outbuilding has been removed and new walling provided, and visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of highway safety