

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	2 nd November 2011		
Application Number	11/02703/FUL		
Site Address	Town Hall, Cross Hayes, Malmesbury		
Proposal	Change of use of ground floor market room from community use to hairdressing salon / beauty treatments		
Applicant	Malmesbury Town Council		
Town/Parish Council	Malmesbury		
Electoral Division	Malmesbury	Unitary Member	Cllr Simon Killane
Grid Ref	393374 187201		
Type of application	Change of Use		
Case Officer	Lydia Lewis	01249 706643	Lydia.lewis@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Killane has submitted a request for the planning application to be considered by the committee in order to assess the evidence used to justify this change of use.

1. Report Summary

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

2. Main Issues

The main issues in the consideration of this application are the acceptability of:

- The principle of development; and
- The Impact on the Listed Building.

The application has generated objection from Malmesbury & St Paul Without Residents' Association and 18 letters of objection, 2 comments and 1 letter of support.

3. Site Description

The application relates to the ground floor Market Room, or Old School Room, situated in the north west corner of Malmesbury Town Hall. The building is grade II listed and situated within the Malmesbury Conservation Area and the Secondary Retail Frontage Area. The room is currently vacant but has previously been used as a pre-school venue.

4. Relevant Planning History		
Application Number	Proposal	Decision
11/02704/ADV	Erection of traditional wooden painted sign	Currently under consideration

5. Proposal

The applicant seeks consent for the change of use from community use to hairdressing salon / beauty treatments. The proposed hours of opening are 08:00 to 20:30 Monday to Friday and 08:00 to 18:30 on Saturdays, with no Sunday or Bank Holiday opening.

6. Planning Policy

North Wiltshire Local Plan 2011

C3 – Development Control Policy

HE4 – Development, Demolition or Alterations involving Listed Buildings

R2 – Town Centre Secondary Frontage Areas

National Planning Policy

Planning Policy Statement 4: Planning for Sustainable Economic Growth

7. Consultations

Malmesbury Civic Trust – There is nothing inherently wrong in Malmesbury (or indeed, any) Town Hall leasing part of its premises to appropriate commercial enterprises. Malmesbury has an obligation to all the community, not least Precept payers, to balance usage of its facilities and, having four fully accessible community rooms upstairs, is wise to consider a suitable, long-term tenant for the Old School Room. The initiative is supported in principle. However, the particulars of this application have unfortunate resonances elsewhere in the town. A similar business has recently closed and its vacated premises are subject to a change of use application to residential use. This has been opposed by, amongst others, the Town Council itself but wide misgivings remain. It is recommended that the full facts, social and economic, should be considered by the Planning Committee.

Malmesbury & St Paul Without Residents' Association – Strongly objects to the application. Community facilities should not be redesignated for commercial use; they are for the benefit of the community and should be maintained as such. Furthermore, the decision to take this course of action should have gone to consultation with the community. There are no clear records of the rationale behind the decision and certainly no mandate from the community to proceed in this manner. There is also presently an empty commercial property in the High Street which was previously used for the same commercial activity as this facility is being earmarked. Further, this empty property is also the subject of an application for change of use into residential.

It is clear that the philosophy that the community signed up to was for a facility that would be made available for community use. Since this time Malmesbury Town Council has increased charges for the use of these facilities to an uncompetitive level which has resulted in most of the user groups referred to in the summary being forced to find alternative venues. It is clear that Malmesbury Town Council has no community mandate to proceed in contravention of the above agreed philosophy, particularly as there is no explicit record of the debate at which this decision was taken and a total lack of community consultation about their intended way forward.

8. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

18 letters of objection have been received in response to the application publicity including 1 from the Malmesbury Chamber of Commerce. In summary, the following concerns have been raised:

- There are a number of empty shops available in the town, one of which was a beauty salon;

- The town hall's prime purpose is to provide community space;
- Application submitted without any consultation with the community;
- Will put pressure on the existing similar businesses in the town of which there are many and therefore detract from the sustainability of the town;
- There are various community groups in the town who say they would like to use the market room;
- The Cross Hayes Pre School was forced to find alternative premises due to price increased of the Market Room;
- There are very few rooms in Malmesbury available for community use;
- Why doesn't the proposed shop use one of the units that wants change of use from shop to flats?

A letter of support has been received from Councillor Vernon. This states that this room is little used and there are two large rooms, two smaller rooms and the public gallery available for community use – all of which are underutilised. More income is required to diminish the subsidy paid by Malmesbury taxpayers – estimated this year to be £132,000, more than one third of the town precept.

Two comments have been received in response to the application publicity. In summary, the following comments have been raised:

- Would be interested to see whether there will be any funding by precept payees to support / run this venture, this would be objected to;
- The Cross Hayes Pre School were effectively outpriced of the market room as they were not a viable business decision for the town hall unless rent was increased;
- The pre-school had to move at considerable expense and effort (and upheaval to many children);
- The rental of the rooms was badly managed;
- No objection to business use in principle; and
- Does Malmesbury need another hairdressing salon?

9. Planning Considerations

Principle of Development

Policy R2 of the Local Plan states that proposals for shops, financial and professional services, food premises, leisure facilities and night clubs (Use Classes A, D1 and D2) will be permitted within the town centre secondary frontage areas of Malmesbury, subject to the following criteria:

- i) They do not individually or cumulatively undermine the vitality or viability of the town centre;
- ii) The proposal is consistent with the scale and function of the town centre;
- iii) Consideration is given to ensuring that proposals do not eliminate separate access arrangements to the upper floors, which could be used for residential, community, or employment uses.

Policy EC10 of Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4) states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.

The applicants supporting statement advises that

'The Old School Room had never proved a popular room with hirers, possibly because of the lack of light due to it facing north with high windows, the presence of four columns obstructing free movement and view and the roof decorations and equipment used by the Pre School. After the Pre School relocated the room still proved to be the least popular with users even after redecoration.'

Before the Pre School relocated they were offered the opportunity to enter into a lease with the Town Council, at a rate less than the commercial rent they are seeking to secure, but the Pre School opted not to do so, as they wanted an outdoor play space and did not want to enter into an agreement which would bind them for several years.

The Town Hall responded to comments about the alleged high costs of rooms for use by local groups by reviewing the charging structure. The latest review in November 2010 agreed to reduce the rate for local groups to £5 per hour for a maximum of three hours per group per week, provided the hire was on a Monday to Wednesday when the hall has been traditionally quieter in terms of use. This new rate is substantially less than the cost of providing the service, especially if no other use is being made of the hall at the same time.

'The Town Hall, including the Old School Room, was and still is marketed through the use of social media and [the Town Council's] website. Flyers and handbills were delivered to all premises within the town and information about hire rates was included in the Town Council newsletter.

In order to fund the reduced fee for local groups the Town Council voted unanimously to accept that it would be necessary to seek a commercial tenant for The Old School Room and thereby generate a fixed income that would assist in subsidising the hire fee for local community groups. The Old School Room was selected after careful consideration on the basis that it was the least used of [the] community spaces, generating less than £700 in the previous 12 months and the easiest to become a self contained commercial space.

Marketed by a local commercial agent the only response received to date has been from a potential tenant wishing to establish a hairdressing and beauty treatment salon.'

There is no policy context within the Local Plan for the retention of a community use within such a location. Although it is noted that there are a number of rooms still available for community use within the Town Hall including The Malting Hall, Hobbes Parlour, The Wesleyan Hall and The Assembly Hall and the applicant has provided justification for the proposed change of use. Given the location of the site within the secondary retail frontage area of Malmesbury, the principle of a hairdressing and beauty salon is acceptable. In accordance with policy R2 of the Local Plan, the proposed development would not eliminate separate access to the upper floors of the Town Hall, at approximately 165 square metres would be consistent with the scale and function of the town and would not undermine the vitality and viability of Malmesbury Town Centre.

Impact on Listed Building

Policy HE4 considers that development or alteration affecting a listed building will only be permitted where it preserves or enhances the building, its setting and any features of special architectural or historic interest that it possesses.

No external alterations are proposed, other than the proposed erection of a hanging sign, (ref: 11/02704/ADV). Internally, it is proposed that partitions will be constructed which can be removed at a future stage to return the room to a single space. The Council's Conservation Team have confirmed that listed building consent is not required for the proposed alterations and they have no objection as the works can easily be reversed.

10. Recommendation

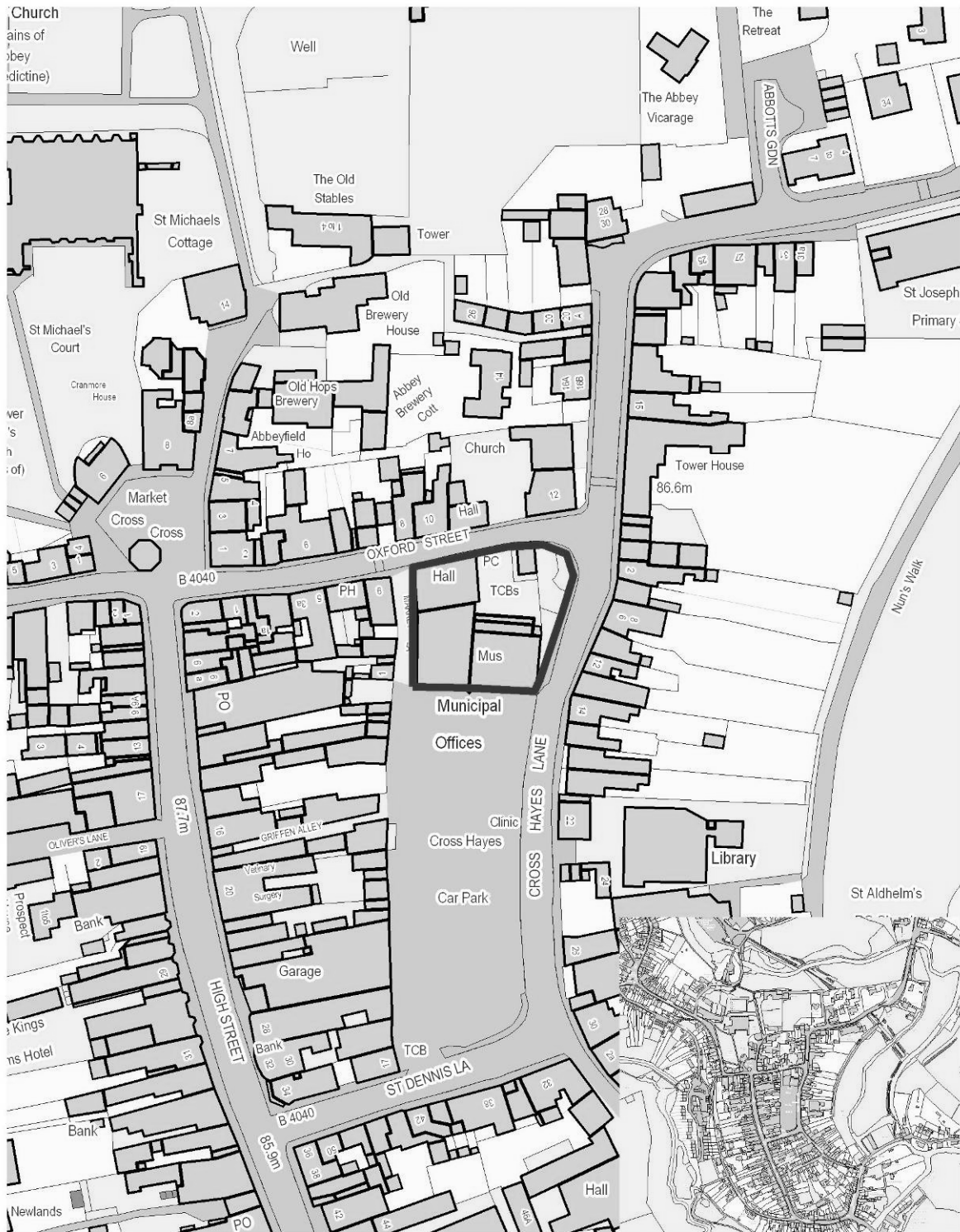
Planning Permission be GRANTED for the following reason:

The proposed change of use would be acceptable within this secondary retail frontage area of Malmesbury and would not have a detrimental effect on the listed building in accordance with policies R2 and HE4 of the North Wiltshire Local Plan 2011 and Planning Policy Statement 4: Planning for Sustainable Economic Growth.

Subject to the following condition:

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.



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