

# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	22 <sup>nd</sup> February 2011		
Application Number	11/02441/FUL		
Site Address	36 Gloucester Street, Malmesbury		
Proposal	Conversion of Existing Shop to Two 2 Bedroom Flats and Associated Works		
Applicant	Mr Herbert		
Town/Parish Council	Malmesbury		
Electoral Division	Malmesbury	Unitary Member	Cllr Simon Killane
Grid Ref	393225 187260		
Type of application	FUL		
Case Officer	Sue Hillier	01249 706685	Sue.hillier@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 to assess the visual impact upon the surrounding area, the relationship to adjoining properties and car parking.

### 1. Purpose of Report

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:

- Principle of Development
- Impact on Highways
- Loss of Retail Unit

The application has generated objection from Malmesbury & St Paul Without Residents' Association, Malmesbury Town Council and 4 letters of objection.

### 3. Site Description

The site is situated on the Gloucester Road in Malmesbury, which is also located within the Malmesbury conservation area. There is an ironmongery shop and a haberdashery either side of the property and the site is also within the town centre secondary frontage area. The retail unit is currently vacant and for sale.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
02/02047	Change of Use from Office (A2) to (A1) Retail and Beauty Salon	Permitted Development
97/00563	Change of Use Ground Floor and Basement from Retail to Office	Permission
96/02050	Change of Use from A1 (Retail) to A3 (Pizza Restaurant)	Withdrawn
94/02430	Change of Use of Basement from Shop/Office to Residential Use	Permission

## **5. Proposal**

The applicant seeks permission for the conversion of the existing shop into two, two bedroom flats and associated works.

## **6. Planning Policy**

C3 - Development Control Policy

R2- Town Centre Secondary Frontage Area

H3 – Residential Development within Framework Boundaries

BD2 – Safeguarding Existing Business Uses

HE1 – Development in Conservation Areas

CF3 – Provision of Open Space

## **7. Consultations**

Malmesbury & St Paul Without Residents' Association – Objects to the application. In order for the town centre of Malmesbury to continue to flourish and grow there needs to be a strong and vibrant commercial/retail activity at its heart – the High Street. Permitting properties such as this to be re-designated for residential use eats away at the attempts of the town to keep its commercial and retail centre alive.

Malmesbury Town Council – Oppose the planning application and are concerned that the applicant is seeking to remove a retail unit surrounded by other shops contrary to BD2 of the North Wiltshire Local Plan.

Malmesbury Chamber of Commerce – strongly opposes this change of use. The integrity of the town as a business/retail centre will be irreparably damaged if shop premises area allowed to convert to residential use.

The Senior Conservation Officer has no comments regarding the planning application.

## **8. Publicity**

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

4 letters of letters of objection have been received, in summary the following concerns have been raised:-

- Not in keeping with local environs
- Would be detrimental to existing shops
- Existing shops should be maintained to preserve character of town
- Lack of car parking

## 8. Planning Considerations

### Principle of Development

The planning application site lies within the defined framework boundary of Malmesbury and the Malmesbury conservation area thus any development should satisfy the policies outlined in C3, H3 and HE1 of the North Wiltshire Local Plan 2011. A pre-application submission took place, prior to this application being submitted.

The application site is situated just off the centre of the town. The site is part of a terrace of different designs of properties. The rear of the building consists of dense shrubbery and trees, on a steep sloping garden, with steps going down. The boundaries consist of a mixture of stone walling, hedging and shrubbery. The building is situated within the Malmesbury conservation area and has had several alterations and changes of use over the years.

The first and second floors of the building are already a two bedroom maisonette, with access from the ground floor. The maisonette does not have a garden; however, it does have a balcony on the second floor.

These proposals are to convert the ground floor and lower floors into two, two bedroom flats. The basement has already been a two bedroom flat previously, (planning ref: 94/02430), however, the ground floor area was to remain as retail. The adjacent ironmongery 'The Kit Box' has permission (planning ref: 97/1313/FUL) to alter the premises to two living units, which is also ancillary to the shop (ie. The retail use was to be retained).

The agent has provided evidence that the marketing of the premises has been pursued over a two year period, with a number of viewings, however, without anyone expressing any further interest on a retail unit of this size.

It is proposed to remove the existing front door on the front elevation and replace with a window; this is the only change on the front elevation of the building. The application also includes the addition of a balcony, for each flat at the rear. There are numerous balconies within the terrace of varying designs and the proposed balconies will not cause any additional overlooking. The site lies outside any defined shopping area and thus the retail use does not need to be retained.

Policy R2 (Town Centre Secondary Frontage Areas) seeks to permit Uses within Class A, D1 and D2. It does not specifically protect existing retail uses as Policy R1 (Town Centre Primary Frontage Areas) does. Policy R2's purpose is to allow for some retail or town centre uses in those areas which will not adversely affect the viability of the town centre (the area defined by Policy R1).

As stated previously, the applicant has submitted details of the marketing of the property for sale/let since April 2010, with Estate Agents Graham Singer. Although some interest was shown, the property still remains empty. It is considered therefore, that the application complies with Policy BD2 and R2 of the North Wiltshire Local Plan 2011.

A Public Open Space contribution of £8,400 which would be directed towards improvement of existing facilities at Reeds Farm and an education contribution of £12,598. These have been accepted by the applicant.

### Impact on Highways

The property is located within the central area of Malmesbury where parking availability is limited. It is not possible to provide off street parking. The proposal will enable the property to remain in beneficial use and occupants will be aware of the lack of parking and make alternative arrangements if they chose to own a vehicle. For this reason there is no highway objection.

## 9. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed conversion is considered to be acceptable in the context of the surrounding area and would preserve the character and appearance of this part of the Malmesbury Conservation Area. The property has been marketed for a period of 18 months and therefore the change of use is considered to be acceptable in this instance and is in accord with policies C3, H3, R2, HE1, CF3 and BD2 of the North Wiltshire Local Plan 2011.

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. No works shall commence on site until details of all new external door joinery have been submitted to and approved in writing by the local planning authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10. The works shall be carried out in accordance with the approved details.

Reason: in the interests of preserving the character and appearance of the conservation area.

Policy- C3 & HE1

3. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans: 1124/02A & 1124/03.

Dated: 15th July 2011.

REASON: To ensure that the development is implemented as approved.

