

# Schedule Of Planning Applications For Consideration

*In The following Order:*

Part 1) Applications Recommended For Refusal

*Part 2) Applications Recommended for Approval*

*Part 3) Applications For The Observations of the Area Committee*

With respect to the undermentioned planning applications responses from bodies consulted thereon and representations received from the public thereon constitute background papers with the Local Government (Access to Information) Act 1985.

## *ABBREVIATIONS USED THROUGHOUT THE TEXT*

<b>AHEV</b>	-	<b>Area of High Ecological Value</b>
<b>AONB</b>	-	<b>Area of Outstanding Natural Beauty</b>
<b>CA</b>	-	<b>Conservation Area</b>
<b>CLA</b>	-	<b>County Land Agent</b>
<b>EHO</b>	-	<b>Environmental Health Officer</b>
<b>HDS</b>	-	<b>Head of Development Services</b>
<b>HPB</b>	-	<b>Housing Policy Boundary</b>
<b>HRA</b>	-	<b>Housing Restraint Area</b>
<b>LPA</b>	-	<b>Local Planning Authority</b>
<b>LB</b>	-	<b>Listed Building</b>
<b>NFHA</b>	-	<b>New Forest Heritage Area</b>
<b>NPLP</b>	-	<b>Northern Parishes Local Plan</b>
<b>PC</b>	-	<b>Parish Council</b>
<b>PPG</b>	-	<b>Planning Policy Guidance</b>
<b>SDLP</b>	-	<b>Salisbury District Local Plan</b>
<b>SEPLP</b>	-	<b>South Eastern Parishes Local Plan</b>
<b>SLA</b>	-	<b>Special Landscape Area</b>
<b>SRA</b>	-	<b>Special Restraint Area</b>
<b>SWSP</b>	-	<b>South Wiltshire Structure Plan</b>
<b>TPO</b>	-	<b>Tree Preservation Order</b>

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING  
COMMITTEE  
NORTHERN AREA –7/12/06

Note: This is a précis of the Committee report for use mainly prior to the Committee meeting and does not represent a notice of the decision

<b>Item Page</b>	<b>Application No</b>	<b>Parish/Ward Officer Recommendation Ward Councillors</b>
1	S/2006/1980 Mrs B Jones	SOUTH NEWTON REFUSAL
SV	MR & MRS B HUTCHINSON THE OLD POST OFFICE WARMINSTER ROAD SOUTH NEWTON SALISBURY  PROPOSED CHANGE OF USE FROM POST OFFICE TO RESIDENTIAL	LOWER WYLYLE AND WOODFORD VALLEY WARD  Councillor Brady

# Part 1

## Applications recommended for Refusal

1

Application Number:	S/2006/1980		
Applicant/ Agent:	STEPHEN J LINARD, FRICS		
Location:	THE OLD POST OFFICE WARMINSTER ROAD SOUTH NEWTON SALISBURY SP2 0QW		
Proposal:	CHANGE OF USE FROM POST OFFICE TO RESIDENTIAL		
Parish/ Ward	SOUTH NEWTON		
Conservation Area:	LB Grade:		
Date Valid:	26 September 2006	Expiry Date	21 November 2006
Case Officer:	Mrs B Jones	Contact Number:	01722 434388

### REASON FOR REPORT TO MEMBERS

Councillor Brady has requested that this item be determined by Committee due to: the controversial nature of the application.

### SITE AND ITS SURROUNDINGS

The site comprises the ground floor of the vacant former Post Office and rear staff/office area, and the adjoining parking area. The site lies on the Warminster Road, and forms part of the ribbon development of South Newton. The adjoining property is an existing dwelling, which includes two bedrooms above the former Post Office. Opposite the site is a bus stop, further residential development, and close by is a trading estate.

The plot lies within the Housing Policy Boundary for South Newton, in the Special Landscape Area.

The rear of the site lies close to the River Avon Site of Special Scientific Interest and Special Area of Conservation, and partly within Flood Zone 3.

### THE PROPOSAL

The applicant is seeking to change the use of the ground floor from Use Class A1 (Post Office and village store) to residential in the form of a two bedroom flat. There would be minor alterations to the elevations to remove the existing front and side shop windows and replace them with smaller windows and a new door. The parking area would be retained.

### PLANNING HISTORY

S/1984/262	Garage and alterations to access	AC
S/1990/812	First floor extensions to form a flat	AC

### CONSULTATIONS

WCC Highways - No objection subject to a condition requiring entrance gates to open away from the highway

Wessex Water Authority- Points of connection to be agreed.

Environment Agency - **Objection** – see below

Natural England- No objection subject to development being carried out in strict accordance with the application details

Forward Planning - **Objection** – see below and Appendix 1

## REPRESENTATIONS

Advertisement	No	
Site Notice displayed	Yes	Expiry 26/10/06
Departure	No	
Neighbour notification	Yes	Expiry 19/10/06
Third Party responses	No	
Parish Council response	Yes	The Parish Council has no objection to this application if the Planning Committee is convinced that all avenues of maintaining this as a Post Office have been explored.

## MAIN ISSUES

Principle of the change of use to residential, loss of employment / community facility  
Scale and design and impact in neighbours  
Flood Zone 3  
Highway Safety  
Public Open Space

## POLICY CONTEXT

Adopted Salisbury District Local Plan Policy G1, G2, H16, C6, E16, PS3, G4  
And the Government guidance in PPS1 and PPG25

## PLANNING CONSIDERATIONS

### 1. Principle of the change of use to residential, loss of employment and community facility

The site is a vacant Post Office/village store premises, within the Housing Policy Boundary. The principle of residential conversion is therefore acceptable under Policy H16. However, Policy PS3 states that the change of use of premises within settlements that have been used for retailing or to provide a community facility central to the economic and or social life of the settlement will only be permitted where the applicant can "prove" that the current or previous use is no longer viable.

Officers have carefully reviewed the marketing information submitted by the applicant, and accept that a Post Office is unlikely to be viable in South Newton, given its limited size and population, although a letter from The Post Office in 2005 does not totally rule out the idea (**see Appendix 1**).

Forward Planning have raised a policy objection to the loss of the *unit* (please refer to **Appendix 2** for full comments), on the basis that the information as submitted does not prove that these small premises would no longer be viable for a community, retail or other similar economic use. The marketing appears to have been limited solely to finding an occupier for the building as a "Post office and village store," and its scope was therefore too limited.

Officers also feel that the unit should be marketed as an open A1 Use Class, which might include: a hairdressers, local shop, sandwich shop, Internet café, or (subject to planning permission for change of use) another similar employment use such as an office or studio. A small unit such as this with parking could offer a valuable opportunity for a fledgling company, or a local person seeking modest and affordable premises for a small business (which may not necessarily require visiting members of the public). Furthermore, there is a local employment site nearby (about 100 metres away), and a bus stop opposite the site, which would encourage usage by local residents and employees. The site includes off road parking provision and more significantly, lies within a 30mph zone.

Forward Planning conclude that the application should be supported by an up to date and thorough marketing exercise for the property, in order to comply with Policy PS3.

Policy E16 also requires development on land currently used for employment purposes to provide an acceptable alternative use that provides a similar number and range of job opportunities. The only exceptions to this are where the premises are no longer viable for an

employment generating use, or there are local environmental or conservation benefits that would outweigh the loss of local jobs. In this case, there are no obvious environmental or conservation benefits arising from the change of use to outweigh the loss of local employment. Furthermore, it has not been sufficiently demonstrated that the premises are no longer viable for an A1 or similar use, contrary to Policy G1, E16 and PS3.

## **2. Scale and design and impact in neighbours**

The proposed alterations to the building are very minor, including changes to windows and doors, and would not detrimentally alter its character. The original application for the flat extension was conditioned to ensure that noise transfer between floors was minimised. The proposed flat would provide a living and kitchen area beneath existing bedrooms, and whilst there may be some disturbance to existing occupiers, building regulations would normally ensure an adequate level of noise insulation between floors separating flats. Therefore, the potential level of disturbance between the two units is not considered to be sufficient to raise an objection under Policy G2.

## **3. Flooding (Zone 3)**

The site lies partly within Flood Zone 3 which is a high risk zone (indicative annual flooding probability is 1 in 100 years or less) and the extent of this flood zone is expected to increase with time due to climatic change. The Environment Agency have objected to the development on the grounds that the proposal is not accompanied by a Flood Risk Assessment, as required by PPG25. The EA have suggested raising floor levels within the front portion of the building and tanking the rear would reduce flood risk. A cross sectional drawing through the building to determine the practicality of such work should be submitted as part of the FRA.

The proposed development is seen as a more flood risk sensitive use which may increase flood risk to residential occupants, who are considered to be more vulnerable. The EA conclude that if the LPA intended to approve the application contrary to the objection, paragraph 65 of PPG25 advises that the LPA should re-consult the EA to enable them to make further representations.

The applicant has written to the EA, asking for the FRA to be required through condition, and has confirmed that tanking the rear elevation and raising the floor levels is feasible. Members are therefore advised that the EA's objection still currently stands and the development would be contrary to Policy G4.

## **4. Highway Safety**

The Highway Authority have raised no objection, subject to a condition requiring any entrance gates to be set back a minimum distance of 4.5m from the carriageway edge, and opening away from the highway, in the interests of highway safety.

## **5. Public Open Space**

The applicant has signed and returned a Section 106 Agreement in accordance with Policy R2.

## **CONCLUSION**

The principle of residential conversion of the unit is acceptable under Policy H16. However, the application should be supported by an up to date and thorough marketing exercise for the property, for an open A1 (or similar employment) use, in order to prove non viability of the unit and to comply with Policy PS3 and E16. In the absence of a Flood Risk Assessment for the site, which lies partly within Zone 3, the development would be contrary to Policy G4 and the guidance in PPG25.

**RECOMMENDATION: REFUSE**

**Reasons for refusal:**

1. The proposal seeks to change the use of a former retail premises falling within Use Class A1, to residential. It is considered that the accompanying marketing exercise was too restricted, being limited to the marketing of a "Post Office and Village Store" and taking place between December 2000 and May 2001. The marketing exercise therefore fails to prove that the premises are no longer viable for an alternative A1 use, commercial, community or similar employment use, contrary to Policy G1, PS3 and E16 of the adopted Salisbury District Local Plan.
2. The site lies partly within Flood Zone 3, and the development would create a more flood sensitive residential use. The application has not been accompanied by a Flood Risk Assessment, and the Environment Agency are not satisfied that the development could proceed without creating an unacceptable flood risk to future occupants. The development is therefore contrary to Policy G4 of the adopted Salisbury District Local Plan and the guidance in PPG25.
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.

**And contrary to the following policy/policies of the adopted Salisbury District Local Plan:**

Policy	Purpose
G1	Sustainable development
G4	Flooding
PS3	Community facilities
E16	Employment
R2	Public Open Space

**Part 2**  
**Applications recommended for Approval**

No Approvals

**Part 3**  
**Applications recommended for the Observations of the  
Area Committee**

No Observations