

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING COMMITTEE
NORTHERN AREA – 07/04/05

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

A106 - Approve subject to S106	DOEC - Refer to DLTR (Committee) Now DTLR	REF - Refusal
APP - Approve	NOBJ - No objection	REV - Subject to Revocation Order
APPC - Approve with conditions	OBJ - Objection	DOED - Refer to DLTR
APRE - Part approve / refuse	OBS - Observations to Committee	Now DTLR - (delegated)

ITEM NO	APPLICATION NO OFFICER	LOCATION	REC	PARISH / WARD	PAGE NOS	WARD & COUNCILLORS	NOTES
1	<u>S / 2005 / 165</u> Miss J Boustead	MR C MAXLOW-TOMLINSON LILAC COTTAGE 11 NEWTON TONEY	REF	NEWT	2-3	UPPER BOURNE, IDMISTON & WINTERBOURNE Councillor Hewitt Councillor Wren	
2	<u>S / 2005 / 166</u> Miss J Boustead	MR C MAXLOW TOMLINSON LILAC COTTAGE 11 NEWTON TONEY	REF	NEWT	4-5	UPPER BOURNE, IDMISTON & WINTERBOURNE Councillor Hewitt Councillor Wren	
3	<u>S / 2005 / 369</u> Miss L Flindell	MISS M LOUGHLIN MEADOW STORES MEADOW ROAD BULFORD	A106	BULF	6-12	BULFORD Councillor Mr Spencer Councillor Woodbridge	
4	<u>S / 2005 / 457</u> Miss L Flindell	MISS MARY LOUGHLIN MEADOW STORES MEADOW ROAD BULFORD	A106	BULF	13-19	BULFORD Councillor Mr Spencer Councillor Woodbridge	

END OF LIST

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

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

Approved 12/07/96

S/00/0778 Conversion of garage to kitchen
Approved 09/06/00

REPRESENTATIONS

Advertisement	Yes Expires 03/03/05
Site Notice displayed	Yes Expires 03/03/05
Neighbour notification	Yes Expires 22/02/05
Third Party responses	No
Parish Council response	Yes Support

MAIN ISSUES

Impact on the Grade II Listed Building

POLICY CONTEXT

G2 - General
D1 - Design
H16 – Housing Policy Boundary
CN3, CN5 – Listed Buildings
CN8, CN10, CN11 – Conservation Areas
C6 – Special Landscape Area

PLANNING CONSIDERATIONS

It is considered that the proposed extension would not have an adverse effect upon neighbouring amenity in terms of overlooking or overshadowing. However it is thought that as the proposed development is extending to the front of the existing building it would further draw attention to this structure and detract from the original cottage and is therefore considered that it would dominate the existing site.

The Conservation Officer has recommended that this application be refused on the basis that extending the building at the front would further draw attention to this structure and detract from the original cottage which sits at a right angle to the road. The further forward projection will, in a sense, further obscure the main elevation of the house. Also of concern is the re-using of the existing Upvc window, which does not reflect the character or harmonise with the existing Grade II Listed Cottage.

Another concern is the use of the existing UPVC window, which is considered not to reflect the character of the existing dwelling which consists of small, white painted, timber framed windows.

CONCLUSION

The proposal is therefore considered to affect and harm the character and setting of the Grade II Listed Building, which also does not preserve or enhance the existing conservation area. The proposal is therefore contrary to Policies D3, CN3, CN5, CN8, CN11 and C6 of the Adopted Salisbury District Local Plan.

RECOMMENDATION: REFUSE: for the following reasons

The proposed extension by reason of its siting, would dominate the existing site and visually detract from the original cottage. The proposal is therefore considered to be out of keeping and character with the Grade II Listed Building and would therefore be detriment to the visual amenities of the Conservation Area and Special Landscape Area. The proposal is therefore contrary to Policies D3, CN3, CN5, CN8, CN11 and C6 of the Adopted Salisbury District Local Plan.

NOTES:

S/2005/166	28/01/2005	25/03/2005	MR C MAXLOW TOMLINSON
NEWT	NTO	II	MICHAEL WILTSHIRE AND PARTNERS
Easting: 421782.2	Northings: 140186.7		

PROPOSAL:	LISTED BLDG (WKS) -KITCHEN EXTENSION
LOCATION:	LILAC COTTAGE 11 NEWTON TONEY SALISBURY SP4 0HA

REASON FOR REPORT TO MEMBERS

Councillor Hewitt has requested that this application go to Committee due to local interest

SITE AND ITS SURROUNDINGS

Lilac Cottage is a detached Grade II Listed Building. It is late 17th Century, cob faced with flint and has white painted timber windows and a thatched roof. The property has off street parking for one vehicle and lies within the Conservation Area and the Special Landscape Area.

THE PROPOSAL

The proposal is to construct an extension to the front of the existing converted garage. The proposal would replace the existing space that was allocated for log storage on the previous application and would bring the existing building forward to the existing roof frame. The materials that are to be used are painted brickwork to match the existing building.

PLANNING HISTORY

S/87/1144LB Demolish existing porch and erect new porch
Approved 03/09/87

S/93/1252 Replace corrugated asbestos roof by thatch over extension. Remove brick and glass porch and build thatched canopy over door and bay window now tiled.
Replace unsuitable metal window frames by wooden frames. Replace asbestos roof to garage with clay tiles and renovate generally.
Approved 18/10/93

S/93/1253LB As above
Approved 18/10/93

S/96/0796 Extend existing porch to meet single garage, re roof porch and garage in thatch
Approved 12/07/96

S/00/0778 Conversion of garage to kitchen
Approved 09/06/00

REPRESENTATIONS

Advertisement	Yes Expires 03/03/05
Site Notice displayed	Yes Expires 03/03/05
Neighbour notification	Yes Expires 22/02/05
Third Party responses	No
Parish Council response	Yes Support

MAIN ISSUES

Impact on the Grade II Listed Building

POLICY CONTEXT

CN3, CN5 – Listed Buildings

PLANNING CONSIDERATIONS

It is considered that as the proposed development is extending to the front of the existing building it would further draw attention to this structure and detract from the original cottage and is therefore considered that it would dominate the existing site and would harm the setting of the Grade II Listed Building.

The Conservation Officer has recommended that this application be refused on the basis that extending the building at the front would further draw attention to this structure and detract from the original cottage which sits at a right angle to the road. The further forward projection will, in a sense, further obscure the main elevation of the house. Also of concern is the re-using of the existing Upvc window, which does not reflect the character or harmonise with the existing Grade II Listed Cottage.

Another concern is the use of the existing UPVC window, which is considered not to reflect the character of the existing dwelling which consists of small, white painted, timber framed windows.

CONCLUSION

The proposal is therefore considered to affect and harm the character and setting of the Grade II Listed Building, which also does not preserve or enhance the existing conservation area. The proposal is therefore contrary to Policies D3, CN3, CN5, CN8, CN11 and C6 of the Adopted Salisbury District Local Plan.

RECOMMENDATION: REFUSE: for the following reasons

The proposed extension by reason of its siting, would dominate the existing site and visually detract from the original cottage. The proposal is therefore considered to be out of keeping and character with the Grade II Listed Building and would therefore be detriment to the visual amenities of the Conservation Area and Special Landscape Area. The proposal is therefore contrary to Policies D3, CN3, CN5, CN8, CN11 and C6 of the Adopted Salisbury District Local Plan.

NOTES:

Part 2

Applications recommended for Approval

Item No. Case Officer Contact No.

App.Number Date Received Expiry Date Applicant's Name
Ward/Parish Cons.Area Listed Agents Name

Proposal
Location

3	Case Officer Miss L Flindell	Contact No 01722 434377	3
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S/2005/369	17/02/2005	14/04/2005	MISS M LOUGHLIN
BULF			MR P ALLEN
Easting: 417061.5	Northings: 143697.3		

PROPOSAL:	FULL APPLICATION -PROPOSED ALTERATIONS AND EXTENSION OF EXISTING GARAGE/STORE AND STORE ROOM TO FORM ONE BEDROOM DWELLING
LOCATION:	MEADOW STORES MEADOW ROAD BULFORD SALISBURY SP4 9DN

REASON FOR REPORT TO MEMBERS

Councillor Woodbridge has requested that this item be determined by Committee due to:
the interest shown in the application
the controversial nature of the application

SITE AND ITS SURROUNDINGS

Meadow Stores forms the ground floor of 7 Meadow Road, a two storey brick building. It is currently vacant, with residential flat and Hairdressing Salon above. There is an adjoining Fish and Chip shop and residential flat above (9 Meadow Road). There is a single garage/store, with access over a tarmac forecourt running the width of the site.

The premises are sited within a residential housing estate, with track to the rear of the site and farmland beyond.

THE PROPOSAL

This application is to convert and extend the garage/store into a single bedroomed dwelling with two car parking spaces allocated in the front forecourt area.
An application to convert Meadow Stores into two residential flats has been submitted separately.

PLANNING HISTORY

46/54 Erection of house, shop, garage and store at St Leonard's Close, Bulford A28.04.54
139/61 Erection of store at The Shop, St Leonard's Close, Bulford A 21.06.61

281/63 Extension to existing shop, including new hairdressers salon at General Stores, St Leonard's Close, Bulford A 23.10.63

70/205 Change of use of shop to fish and chip shop A 25.01.71

2003/2114 Conversion and change of use from store to 3 one bedroomed flats (initially 2 flats and 1 bedsit) Withdrawn 09.12.03

2004/373 Change of use: Grocery store and garage to 3 one bedroomed flats (ground floor) Withdrawn 21.04.04

CONSULTATIONS

WCC Highways - No highway objection, subject to condition requiring dropped kerb extended for site frontage and parking bays to be clearly marked.

Wessex Water Authority- The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of surface water. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal. There are water mains within the vicinity of the proposal. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

Environment Agency - No comment (taken from Environment Agency Flood Risk Standing Advice Matrix)

English Nature - Many buildings such as barns are potential roosting sites for bats and nesting place for barn owls. All species of bat are protected under the Wildlife and Countryside Act 1981 (as amended). Planning Policy Guidance (PPG9), paragraph 47, states that the presence of a protected species is a material consideration when a Local Planning Authority is considering a development, which, if carried out would be likely to result in harm to the species or its habitat.

REPRESENTATIONS

Advertisement No

Site Notice displayed Yes, expiry date 24th March 2005

Departure No

Neighbour notification Yes, expiry date 23rd March 2005

Third Party responses Yes, one letter of objection summarised as follows;

The building proposed for conversion is the storage and garage area for the commercial property known as Meadow Stores, its conversion would erode the viability of the shop Meadow Stores has been empty for several years and any potential commercial tenants are refused by the landlord

The existing first floor flat is not connected with the shop making the commercial property less attractive to potential tenants

Bulford needs commercial premises and local amenities, not more one bedroomed accommodation.

A signed petition (411 signatures) has been submitted-

The owners of the building claim that there is no call for commercial property in Bulford Village. In the last year four different business have applied to take over the empty shop (The Post Office, now a thriving village amenity located in the working men's club; a beauty salon, now a thriving business in Amesbury; Art and Crafts shop, now a thriving shop in Ludgershall; Indian and Chinese take aways, rejected), the owners have rejected all applications; claiming it would not be viable.

If approved it will put the hairdressers and fish and chip shop at risk

One letter of support, summarised as follows;

Welcome residential accommodation instead of empty buildings and sheds, more secure.

Allocated parking to the flats ideal (preventing obstruction to parking area from customers of fish and chip shop)

Will provide affordable and attractive accommodation, which appears to be in short supply in the area

Parish Council response strongly object, summarised as follows;

Primary reasons:

PS3 - The loss of this commercial facility degrades the life and environment of the Village. Two commercial facilities have been lost already in recent years and both have been felt severely. A substantial local petition (approx 500 signatures) has been presented indicating strength of local objection.

Comments on applicant claims:

- Concern that applicant is not committed to maintaining the other buildings as commercial facilities (tenant of Fish and Chip shop who provides employment of up to nine local people at anyone time, has been advised that his lease will not be renewed on expiry and a substantial increase in rent)
- A licence for a Post Office to open at the shop was at the point of issue when the landlord refused permission forcing leaseholders to surrender lease and left homeless
- Allocated parking would worsen the present acceptable parking situation, as would extending the dropped kerb to the forecourt (and would contravene the terms of neighbouring fish and chip shop lease)
- Bus service is expensive, and Bulford is several miles from facilities in Durrington and Bulford Camp shopping precinct, Post Office within the unused doorsman's office in the entrance to the Working Men's Club only sells basic items and access to the PO by non-members of the club is intimidating
- Proposed flats will be expensive (£500 pcm), are small, limiting accesses for wheelchairs, future demand for housing is already being met by the substantial development of housing in Boscombe Down

Additional reasons:

The premises have been advertised as commercial premises for 6 months by Wolley & Wallis. A firm offer for a Beauty Salon was dismissed, despite offering to accept a 12 month short lease to demonstrate viability of the proposal

The applicant has funds available for the conversion but not to upgrade into a commercial condition

The Parish Council concludes that the facts surrounding and enveloping the application show a wholly ruthless and discreditable determination on the part of the Landlord to frustrate any attempt at the commercial use of the property in question – the motivation being that of material gain (£6500pa for commercial rent, £18,000pa for residential). This has been pursued regardless of human distress and public loss.

MAIN ISSUES

Loss of local facility and viability
Proposed alterations
Parking
Protected species
R2

POLICY CONTEXT

Adopted Salisbury District Local Plan Policies G2 (General), H16 (HPB), PS3 (Community Facilities), S9 (Local Shops), R2 (Open space provision)
PPG3 – Housing

Wiltshire Structure Plan 2011 Adopted 01/01 – DP5

PLANNING CONSIDERATIONS

Loss of Local facility and viability

The garage/store room is adjacent to Meadow Stores, and although submitted as a separate application to S/2005/457, it is associated with Meadow Stores and therefore the issues raised with regards to the loss of a local facility and its viability are considered as follows;

Policy PS3 states

The change of use of premises within settlements that are currently used or have been used for retailing, as a public house 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.

Policy S9 is also relevant. The supporting text to Policy S9 in paragraph 9.22 states that

village shops, often cum post office, provide a necessary service within the local community and a social forum, especially for the less mobile and those without private transport. The Local Planning Authority considers, therefore, the retention of village shops to be particularly important to the well being of the local community, and will seek to resist their change of use.

This is additionally supported by the objective of the Wiltshire Structure Plan, which aims to “support economic diversification, social life, facilities and regeneration of rural communities, to enable them to meet more of their needs locally”. Policy DP5 paragraph 4.36 states that “whilst many rural residents have the mobility to cope with the reduction in local services, other are dependent on local shops and services for a reasonable quality of life”.

The supporting text to policy PS3 states that facilities such as village shops can contribute towards the sustainability of settlements by offering an alternative to making longer car journeys for basic requirements as well as contributing to the social life of the people living there. Policy PS3 aims to prevent the loss of such facilities except where it can be proven that the facility is unviable and unlikely to become viable in the foreseeable future.

Meadow stores stopped trading as a grocery store in November 2001 and a subsequent furniture shop ceased trading in November 2002, and there has been no retailing from the property since.

The onus is on the applicant to prove to the LPA that the current use is no longer viable. The shop premises were marketed by Woolley and Wallis from 30th April 2004 and stopped marketing at the end of October. The property was advertised in the Salisbury Journal on 4 occasions, a ‘To Let’ board was placed at the property. In response, 26 sets of particulars were sent out to interested applicants and there were 3 viewings. The interest shown in the premises was as follows;

There was interest in using the premises as a beauty salon. The landlord rejected this offer as it was considered that there could be conflict with the existing hairdressing salon.

There was initial interest in opening a grocery store, but not pursued by the interested party.

There was interest in opening a general stores, but on a long term lease and was not pursued by the interested party.

Telephone calls from people interested in setting up takeaway restaurants were rejected by the landlord due to competing interests with the local fish and chip shop.

Woolly and Wallis confirmed that there was a very low level of interest in the property during the marketing period and parties that did come forward were mainly of a specialist nature (beauty salon and a takeaway restaurant), which were in conflict with the neighbouring businesses.

There is a NISA convenience store at the Murco Garage within Bulford, it could therefore be considered that as there is an alternative convenience store facility in Bulford, Meadow Stores is not a retail facility central to the economic and/or social life of the settlement, nor is the use of premises as an alternative retail facility including a beauty salon or takeaway considered to be facilities central to the economic and/or social life of the settlement.

The site is also located within the HPB of Bulford and as such the principle of residential development is accepted. In addition, PPG 3 advises that the government is committed to maximising the re-use of previously developed land and empty properties and the conversion

and re-use of existing buildings, in order both to promote regeneration and minimise the amount of greenfield land being taken for development.

Proposed alterations

The proposal involves converting the existing building to form a bedroom, bathroom and kitchen and extending to the rear to provide a living/dining room. The habitable rooms (bedrooms, living/dining rooms) meet habitable room standards of 50 sq ft (4.645 square metres).

French doors will replace the up and over garage door to the front elevation, the side elevation will be altered so that an existing window will be blocked and replaced with a new obscured glazed bathroom window, with top hung opening vent only. Rooflights are proposed to the roofslope, but no other windows are proposed to the west elevation, with principal fenestration to the east elevation of the proposed extension.

The impact to residential amenity through the proposed conversion/extension is an important consideration. The neighbouring dwelling, No 5 Meadow Road has been converted into two flats, and rear garden split such that the garden of the first floor flat runs along the western boundary of the proposed development. However, subject to conditioning that the proposed bathroom window is obscured glazed and restricting further windows, it is considered that residential amenity will not be adversely affected by the conversion and single storey rear extension.

It is considered that the proposed development will be appropriate to the overall appearance of the site.

Parking

The submitted plans show 10 parking bays within the forecourt area, with 2 allocated to the existing flat above the shop and 2 allocated to the proposed garage/store conversion, with the remaining 6 for use by clients of the hairdressers and fish and chip shop. (Please note that two of these remaining 6 spaces have been allocated to the proposed conversion of the retail shop submitted as a separate application).

Objections have been raised with regards to the proposed parking arrangements. Conflict between the applicant and tenants with regards to terms of their leases is a civil matter and not a material planning consideration. However, the impact that the proposal will have upon parking and highway safety in the area is a relevant planning consideration.

WCC Highways have no objections to the proposed parking arrangements, subject to conditions requiring the dropped kerb to be extended across the development frontage and the parking bays to be clearly marked.

It is considered that subject to conditions, parking could be achieved on the site without detriment to highway safety or the existing alternative uses.

Protected Species

All species of bat are protected under the Conservation (Natural Habitats &c.) Regulations 1994. Bats and barn owls also have protection under the Wildlife and Countryside Act 1981 (as amended). It is therefore considered that as bats and barn owls are protected under legislation, and as the existing garage and storeroom are not typical buildings that you would expect protected species to nest or roost in, that a protected species is not necessary. It is however, recommended that a condition and informative is added stating that if protected species are found during development works, that work must stop and English Nature contacted for advice.

R2

The scheme relates to the creation of new residential development and in order to comply with the requirements of policy R2 of the local plan, applicants are required to enter into a unilateral undertaking and provide a commuted financial payment. Applicants are now required to sign agreements during the course of the application. The applicant has signed and returned the agreement. However, payment is only requested if the council is minded to approve the scheme.

CONCLUSION

This application has been considered against the relevant policies of the Adopted SDLP. The premises have been marketed for six months. It is not considered that either the retail premises or its use as a beauty salon or takeaway would be a retail facility central to the economic and/or social life of the settlement. The proposal will result in a residential re-use of an existing building

in accordance with government guidance with satisfactory parking arrangements and alterations considered acceptable to the overall appearance of the site.

RECOMMENDATION: Subject to receiving no further representation within the consultation period of the application, and these raising no additional issues that would alter the recommendation and subject to the applicant entering into a section 106 of the principal act relating to the provision of public recreation open space, within the statutory 8 week period of the application, then;

APPROVE: for the following reasons

It is not considered that either the retail premises or its alternative use as a beauty salon or takeaway would be a facility central to the economic and/or social life of the settlement. The proposal will result in a residential re-use of an existing building in accordance with government guidance with satisfactory parking arrangements and alterations considered acceptable to the overall appearance of the site.

And subject to the following conditions

(1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (A07A)

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. (0004)

(2) If any sign or bats, barn owls or bats or barn owls themselves are found during the building works, work should stop immediately and English Nature be contacted immediately for further advice.

Reason: To safeguard protected species

(3) The existing dropped kerb shall be extended to the full width of the development frontage to Meadow Road prior to the first use of the development hereby permitted.

Reason: To enable the provision of satisfactory off street parking in the interests of highway safety

(4) The parking spaces shall be laid out and maintained in accordance with the detailed plan reference A2119-203B received by the Planning Office on the 4th March 2005.

Reason: To enable the provision of satisfactory off street parking in the interests of highway safety

(5) Before the development hereby approved first comes into use, the proposed bathroom windows in the west elevation shall be glazed with obscure glass, details of which shall be submitted to and approved in writing by the Local Planning Authority. The glazing so agreed shall be maintained in this condition thereafter.

Reason: To ensure adequate privacy for the occupants of neighbouring premises.

(6) There shall be no windows in the west elevation of the development (other than those hereby permitted).

Reason: To ensure adequate privacy for the occupants of neighbouring premises.

And in accordance with the following policy/policies of the adopted Salisbury District Local Plan:

Policy	Purpose
G2	General
H16	Housing Policy Boundary
PS3	Community facilities
S9	Local Shops
R2	Open space provision

INFORMATIVE: -

1) Wessex Water Authority

The development is located within a foul sewerage area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of surface water. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal. There are water mains within the vicinity of the proposal. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

2) PARTY WALL ACT

It is noted that the development hereby approved involves construction on or near a boundary with an adjoining property. The applicant is advised that this planning permission does not authorise any other consent which may be required from the adjoining landowner or any other person, or which may be required under any other enactment or obligation.

3) Protected Species

Both national and European Union law protects bats and bat roosts. The law requires that in the event that bats or evidence of their presence (eg droppings) are found during development works, work is stopped and English Nature is informed (01380 726 344)

A DEFRA licence will be necessary in order to carry out work affecting bats and their roosts. A method statement should be drawn up by a bat ecologist as part of the licence application.

DEFRA currently requires 30 working days to process licence applications.

National law protects barn owls, and because it is vulnerable, rare species, its protection is beyond that given to other nesting birds. It is an offence to intentionally or recklessly disturb them while they are building a nest or an in, on or near a nest containing eggs or young or to disturb dependent young. Therefore, if breeding barn owls are discovered close enough to be disturbed by the proposed work, we recommend that English Nature be consulted immediately.

NOTES:

S/2005/457	07/03/2005	02/05/2005	MISS MARY LOUGHLIN
BULF			PAT ALLEN - ARCHIDRAFT DESIGN
Easting: 417052	Northing: 143694.7		

PROPOSAL:	FULL APPLICATION -CONVERSION OF SHOP TO TWO SINGLE BEDROOMED FLATS WITH CAR PARKING
LOCATION:	MEADOW STORES MEADOW ROAD BULFORD SALISBURY SP4 9DN

REASON FOR REPORT TO MEMBERS

Councillor Woodbridge has requested that this item be determined by Committee due to:
the interest shown in the application
the controversial nature of the application

SITE AND ITS SURROUNDINGS

Meadow Stores forms the ground floor of 7 Meadow Road, a two storey brick building. It is currently vacant, with residential flat and Hairdressing Salon above. There is an adjoining Fish and Chip shop and residential flat above (9 Meadow Road). There is a single garage/store, with access over a tarmac forecourt running the width of the site.

The premises are sited within a residential housing estate, with track to the rear of the site and farmland beyond.

THE PROPOSAL

This application is to convert the shop into two single bedroomed flats with two car parking spaces allocated in the front forecourt area.

PLANNING HISTORY

46/54 Erection of house, shop, garage and store at St Leonard's Close, Bulford A28.04.54

139/61 Erection of store at The Shop, St Leonard's Close, Bulford A 21.06.61

281/63 Extension to existing shop, including new hairdressers salon at General Stores, St Leonard's Close, Bulford A 23.10.63

70/205 Change of use of shop to fish and chip shop A 25.01.71

2003/2114 Conversion and change of use from store to 3 one bedroomed flats (initially 2 flats and 1 bedsit) Withdrawn 09.12.03

2004/373 Change of use: Grocery store and garage to 3 one bedroomed flats (ground floor) Withdrawn 21.04.04

CONSULTATIONS

WCC Highways - No highway objection, subject to condition requiring dropped kerb extended for site frontage and parking bays to be clearly marked.

Wessex Water Authority- The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of surface water. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal. There are water

mains within the vicinity of the proposal. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

Environment Agency - No comment (taken from Environment Agency Flood Risk Standing Advice Matrix)

REPRESENTATIONS

Advertisement No

Site Notice displayed Yes, expiry date 7th April 2005

Departure No

Neighbour notification Yes, expiry date 29th March 2005

Third Party responses Yes, two letters of objection/concern, summarised as follows;

It is only 7 Meadow Road that is affected by the proposed plans; site notices should be placed on premises, not nearby

Bulford Fish and Chip shop employs 10 staff, is a successful business, recently refurbished in September 2003 (costing £20,000) and is a brownfield employment site

If approved, accesses and parking to No 9 will be reduced (lease states Fish and Chip shop has full unrestricted use of the forecourt at 5:30pm),

If drop kerbs is extended, will prevent residents in area parking outside their houses

Track at rear is unsuitable for continued use as an access, and if parking allowed at rear, loss of privacy to garden of No 9.

Bulford needs commercial property and village amenities, not more expensive one bedroomed residential accommodation.

Applicant claims that commercial property is not viable, but during marketing campaign, applicant rejected at least three potential clients (Post Office, Arts and Craft Shops, Beauty salon, internet café/groceries/essential services) and probably other A3 uses

A signed petition (411 signatures) has been submitted-

The owners of the building claim that there is no call for commercial property in Bulford Village. In the last year four different business have applied to take over the empty shop (The Post Office, now a thriving village amenity located in the working men's club; a beauty salon, now a thriving business in Amesbury; Art and Crafts shop, now a thriving shop in Ludgershall; Indian and Chinese take aways, rejected), the owners have rejected all applications; claiming it would not be viable.

If approved it will put the hairdressers and fish and chip shop at risk

One letter of support, summarised as follows;

Welcome residential accommodation instead of empty buildings and sheds, more secure.

Allocated parking to the flats ideal (preventing obstruction to parking area from customers of fish and chip shop)

Will provide affordable and attractive accommodation, which appears to be in short supply in the area

Parish Council response strongly object, summarised as follows;

Primary reasons:

PS3 - The loss of this commercial facility degrades the life and environment of the Village. Two commercial facilities have been lost already in recent years and both have been felt severely. A substantial local petition (approx 500 signatures) has been presented indicating strength of local objection.

Comments on applicant claims:

- Concern that applicant is not committed to maintaining the other buildings as commercial facilities (tenant of Fish and Chip shop who provides employment of up to nine local people at anyone time, has been advised that his lease will not be renewed on expiry and a substantial increase in rent)

- A licence for a Post Office to open at the shop was at the point of issue when the landlord refused permission forcing leaseholders to surrender lease and left homeless

- Allocated parking would worsen the present acceptable parking situation, as would extending the dropped kerb to the forecourt (and would contravene the terms of neighbouring fish and chip shop lease)

- Bus service is expensive, and Bulford is several miles from facilities in Durrington and Bulford Camp shopping precinct, Post Office within the unused doorsman's office in the entrance to the

Working Men's Club only sells basic items and access to the PO by non-members of the club is intimidating

- Proposed flats will be expensive (£500 pcm), are small, limiting access for wheelchairs, future demand for housing is already being met by the substantial development of housing in

Boscombe Down

Additional reasons:

The premises have been advertised as commercial premises for 6 months by Woolly & Wallis.

A firm offer for a Beauty Salon was dismissed, despite offering to accept a 12 month short lease to demonstrate viability of the proposal

The applicant has funds available for the conversion but not to upgrade into a commercial condition

The Parish Council concludes that the facts surrounding and enveloping the application show a wholly ruthless and discreditable determination on the part of the Landlord to frustrate any attempt at the commercial use of the property in question – the motivation being that of material gain (£6500pa for commercial rent, £18,000pa for residential). This has been pursued regardless of human distress and public loss.

MAIN ISSUES

Loss of local facility and viability

Proposed alterations

Parking

R2

POLICY CONTEXT

Adopted Salisbury District Local Plan Policies G2 (General), H16 (HPB), PS3 (Community Facilities), S9 (Local Shops), R2 (Open space provision)
PPG3 – Housing

Wiltshire Structure Plan 2011 Adopted 01/01 – DP5

PLANNING CONSIDERATIONS

Loss of Local facility and viability

Policy PS3 of the Adopted SDLP is the principle policy relevant to the determination of this application. It states that

The change of use of premises within settlements that are currently used or have been used for retailing, as a public house 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.

Policy S9 is also relevant. The supporting text to Policy S9 in paragraph 9.22 states that

village shops, often cum post office, provide a necessary service within the local community and a social forum, especially for the less mobile and those without private transport. The Local Planning Authority considers, therefore, the retention of village shops to be particularly important to the well being of the local community, and will seek to resist their change of use.

This is additionally supported by the objective of the Wiltshire Structure Plan, which aims to “support economic diversification, social life, facilities and regeneration of rural communities, to enable them to meet more of their needs locally”. Policy DP5 paragraph 4.36 states that “whilst many rural residents have the mobility to cope with the reduction in local services, other are dependent on local shops and services for a reasonable quality of life”.

The supporting text to policy PS3 states that facilities such as village shops can contribute towards the sustainability of settlements by offering an alternative to making longer car journeys for basic requirements as well as contributing to the social life of the people living there. Policy PS3 aims to prevent the loss of such facilities except where it

can be proven that the facility is unviable and unlikely to become viable in the foreseeable future.

Meadow stores stopped trading as a grocery store in November 2001 and a subsequent furniture shop ceased trading in November 2002, and there has been no retailing from the property since.

The onus is on the applicant to prove to the LPA that the current use is no longer viable. The shop premises were marketed by Woolly and Wallis from 30th April 2004 and stopped marketing at the end of October. The property was advertised in the Salisbury Journal on 4 occasions, a 'To Let' board was placed at the property. In response, 26 sets of particulars were sent out to interested applicants and there were 3 viewings. The interest shown in the premises was as follows;

There was interest in using the premises as a beauty salon. The landlord rejected this offer as it was considered that there could be conflict with the existing hairdressing salon.

There was initial interest in opening a grocery store, but not pursued by the interested party.

There was interest in opening a general stores, but on a long term lease and was not pursued by the interest party.

Telephone calls from people interested in setting up takeaway restaurants were rejected by the landlord due to competing interests with the local fish and chip shop.

Woolly and Wallis confirmed that there was a very low level of interest in the property during the marketing period and parties that did come forward were mainly of a specialist nature (beauty salon and a takeaway restaurant), which were in conflict with the neighbouring businesses.

There is a NISA convenience store at the Murco Garage within Bulford, it could therefore be considered that as there is an alternative convenience store facility in Bulford, Meadow Stores is not a retail facility central to the economic and/or social life of the settlement, nor is the use of premises as an alternative retail facility including a beauty salon or takeaway considered to be facilities central to the economic and/or social life of the settlement.

The site is also located within the HPB of Bulford and as such the principle of residential development is accepted. In addition, PPG 3 advises that the government is committed to maximising the re-use of previously developed land and empty properties and the conversion and re-use of existing buildings, in order both to promote regeneration and minimise the amount of greenfield land being taken for development.

Proposed alterations

The proposed scheme involves mainly internal alterations to provide two one bedroomed flats, each with kitchen, bedroom, living/dining room and bathroom or shower room. The habitable rooms of each flat (bedrooms, living/dining rooms) meeting habitable room standards of 50 sq ft (4.645 square metres). Externally the alterations will involve replacing the shop front windows with new in the existing openings to the front elevation; blocking of a doorway to the side elevation with a bathroom window and removing a lean to outbuilding on the rear elevation and replacing the existing windows and replacing a window to flat 2 with frenchdoors. It is considered that the external alterations proposed will be appropriate to the overall appearance of the site.

Parking

The submitted plans show 10 parking bays within the forecourt area, with 2 allocated to the existing flat above the shop, 2 allocated to the proposed garage/store conversion (if approved) and 1 parking space for each of the proposed one bedroomed flats, leaving 4 bays for use by clients of the hairdressers and fish and chip shop.

The proposed parking arrangements for the purposes of the application do not include the provision of further parking at the rear of the site.

Objections have been raised with regards to the proposed parking arrangements. Conflict between the applicant and tenants with regards to terms of their leases is a civil matter and not a material planning consideration. However, the impact that the proposal will have upon parking and highway safety in the area is a relevant planning consideration.

WCC Highways have no objections to the proposed parking arrangements, subject to conditions requiring the dropped kerb to be extended across the development frontage and the parking bays to be clearly marked.

It is considered that subject to conditions, parking could be achieved on the site without detriment to highway safety or the existing alternative uses.

R2

The scheme relates to the creation of new residential development and in order to comply with the requirements of policy R2 of the local plan, applicants are required to enter into a unilateral undertaking and provide a commuted financial payment. Applicants are now required to sign agreements during the course of the application. The applicant has signed and returned the agreement. However, payment is only requested if the council is minded to approve the scheme.

CONCLUSION

This application has been considered against the relevant policies of the Adopted SDLP. The premises have been marketed for six months. It is not considered that either the retail premises or its use as a beauty salon or takeaway would be a retail facility central to the economic and/or social life of the settlement. The proposal will result in a residential re-use of existing buildings in accordance with government guidance with satisfactory parking arrangements alterations considered acceptable to the overall appearance of the site.

RECOMMENDATION: Subject to receiving no further representation within the consultation period of the application, and these raising no additional issues that would alter the recommendation and subject to the applicant entering into a section 106 of the principal act relating to the provision of public recreation open space, within the statutory 8 week period of the application, then;

APPROVE: for the following reasons

It is not considered that either the retail premises or its alternative use as a beauty salon or takeaway would be a facility central to the economic and/or social life of the settlement. The proposal will result in a residential re-use of existing buildings in accordance with government guidance with satisfactory parking arrangements and alterations considered acceptable to the overall appearance of the site.

And subject to the following conditions

(1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (A07A)

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. (0004)

(2) This development shall be in accordance with the following drawings; A2119-301 deposited with the Local Planning Authority on the 17th February 2005; A2119-300 deposited with the Local Planning Authority on 17th February 2005, as amended by A2119-302B (with regards to the proposed parking arrangements), deposited with the Local Planning Authority on the 4th March 2005 and A2119-303 deposited with the Local Planning Authority on 22nd March 2005.

Reason: For the avoidance of doubt.

(3) The existing dropped kerb shall be extended to the full width of the development frontage to Meadow Road prior to the first use of the development hereby permitted.

Reason: To enable the provision of satisfactory off street parking in the interests of highway safety

(4) The parking spaces shall be laid out and maintained in accordance with the detailed plan reference A2119-302B received by the Planning Office on the 4th March 2005.

Reason: To enable the provision of satisfactory off street parking in the interests of highway safety

And in accordance with the following policy/policies of the adopted Salisbury District Local Plan:

Policy	Purpose
G2	General
H16	Housing Policy Boundary
PS3	Community facilities
S9	Local Shops
R2	Open space provision

INFORMATIVE: -

Wessex Water Authority

The development is located within a foul sewerage area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of surface water. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal. There are water mains within the vicinity of the proposal. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

NOTES:

