

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

LIST OF PLANNING APPLICATIONS TO BE SUBMITTED BEFORE THE FOLLOWING
COMMITTEE
WESTERN AREA 21/06/2007

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

Item Page	Application No	Parish/Ward Officer Recommendation Ward Councillors
1	S/2007/0593	TISBURY
4-6	Mr W Simmonds	REFUSAL
SV 14:00	MS KAREN CAMPION 1 RAILWAY COTTAGES TISBURY SALISBURY CREATE VEHICULAR ACCESS TO RAILWAY COTTAGES	TISBURY AND FOVANT WARD Councillor Beattie Councillor Green
2	S/2007/0890	MERE
7-10	Mr O Marigold	APPROVED WITH CONDITIONS
	GEORGE EDWIN JEANS TANNERS SALISBURY STREET MERE WARMINSTER CREATION OF SEPARATE SELF- CONTAINED RESIDENTIAL UNIT	WESTERN & MERE WARD Councillor Jeans Councillor Spencer
3	S/2007/0794	SEDGEHILL & SEMLEY
11-16	Mr O Marigold	APPROVED WITH CONDITIONS
	J.L.M DUTHIE OLD POST OFFICE AND STORES SEMLEY SHAFTESBURY CHANGE OF USE FROM A1 TO WHOLESALE AND RETAIL FOOD AND DRINK (NON-ALCOHOLIC AND ALCOHOLIC) AND RETAIL OF ASSOCIATED PRODUCTS	KNOYLE WARD Councillor Fowler
4	S/2007/0921	SEDGEHILL & SEMLEY
21-25	Charlie Bruce-White	APPROVED WITH CONDITIONS
SV 14:30	A. ALI THE BARKERS BARKERS HILL SEMLEY SHAFTESBURY PROPOSED ALTERATIONS AND 2 STOREY SIDE EXTENSION (AMENDMENT TO S/2006/1098)	KNOYLE WARD Councillor Fowler

5	S/2007/0633	FOVANT
26-33	Mr A Bidwell	APPROVED WITH CONDITIONS
SV 13:30	MRS P R STOREY AND MR A WESTON THE CROSS KEYS FOVANT SALISBURY FULL PLANNING APPLICATION - SINGLE STOREY REAR EXTENSION, INTERNAL ALTERATIONS, CHANGE OF USE TO PUBLIC HOUSE	TISBURY AND FOVANT WARD Councillor Beattie Councillor Green
6	S/2007/0634	FOVANT
34-37	Mr A Bidwell	APPROVED WITH CONDITIONS
SV 13:30	MRS P R STOREY AND MR A WESTON THE CROSS KEYS FOVANT SALISBURY LISTED BUILDING DEMOLITION - SINGLE STOREY REAR EXTENSION INTERNAL ALTERATIONS	TISBURY AND FOVANT WARD Councillor Beattie Councillor Green
7	S/2007/0967	MERE
38-42	Charlie Bruce – White	APPROVED WITH CONDITIONS
	ALISTER GOWER BOOT COTTAGE SALISBURY STREET MERE BA12 6HE CHANGE OF USE OF FORMER SHOP TO LIVING ACCOMMODATION, REPLACEMENT OF FORMER SHOP WINDOW & DOOR, AND INSERTION OF 2 CONSERVATION ROOF LIGHTS TO REAR OF MAIN	WESTERN & MERE WARD Councillor Jeans Councillor Spencer
8	S/2007/0968	MERE
43-45	Charlie Bruce – White	APPROVED WITH CONDITIONS
	ALISTER GOWER BOOT COTTAGE SALISBURY STREET MERE BA12 6HE CHANGE OF USE OF FORMER SHOP TO LIVING ACCOMMODATION, REPLACEMENT OF FORMER SHOP WINDOW & DOOR, INSERTION OF 2 CONSERVATION ROOF LIGHTS TO REAR OF MAIN ROOF, MOVE GROUND FLOOR BEAM, TWO NEW STAIRCASES AND ALTERATIONS TO EXISTING SINGLE STOREY REAR EXTENSION	WESTERN & MERE WARD Councillor Jeans Councillor Spencer

Part 1

Applications recommended for Refusal

1

Application Number:	S/2007/0593		
Applicant/ Agent:	BRIMBLE LEA & PARTNERS		
Location:	1 RAILWAY COTTAGES TISBURY SALISBURY SP3 6JS		
Proposal:	CREATE VEHICULAR ACCESS TO 1 RAILWAY COTTAGES		
Parish/ Ward	TISBURY		
Conservation Area:		LB Grade:	
Date Valid:	20 March 2007	Expiry Date	15 May 2007
Case Officer:	Mr W Simmonds	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

Councillor Green has requested that this item be determined by Committee due to: the interest shown in the application

SITE AND ITS SURROUNDINGS

The application relates to a strip of land which runs from the side (east) boundary of number 1 Railway Cottages, north-eastwards for a distance of approximately 420 metres where it forms a new access onto Tisbury Row (being a classified C road).

The strip of land runs approximately parallel to the railway embankment to the south and adjacent to Public Footpath number 15 for the majority of the length of the proposed track.

The site lies within the designated Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, and the eastern and western most areas of the proposed track are within a designated Area of High Ecological Value.

THE PROPOSAL

The application seeks to establish an access track to serve number 1 Railway Cottages. It relates to a strip of land which runs from the side boundary of number 1 Railway Cottages, north-eastwards for a distance of approximately 420 metres where it forms a new access onto Tisbury Row (being a classified C road).

PLANNING HISTORY

S/05/1375 Change of Use of agricultural land to create vehicular access, refused 25.08.05

CONSULTATIONS

WCC Highways Concern in respect of the proposed access point onto Tisbury Row. Comments that if more than one property is to make use of the access track it is likely that the access must be redesigned to accommodate the likely increase in traffic movements.

Environment Agency No objection, subject to Condition that no excavated or waste material shall be left within the floodplain

Network Rail No response

AONB Group No response

REPRESENTATIONS

Advertisement	Yes
Site Notice displayed	Yes (Two site notices displayed)
Departure	No
Neighbour notification	Yes
Third Party responses	Yes – one letter of objection relating to: <ul style="list-style-type: none">• Harm to character and appearance of AONB and water meadow from intrusion.• Impact on highway safety from additional traffic
Parish Council response	Yes – Object on grounds of <ul style="list-style-type: none">• possibility of use of access for inappropriate housing• this field has been set aside for many years as an open space

MAIN ISSUES

Impact on AONB
Impact on public right of way and Highway safety

POLICY CONTEXT

Policies G2 (General Criteria for Development), C1 & C2 (The Rural Environment), C4 & C5 (Landscape Conservation), C11 (Nature Conservation), C20 (Agriculture) & TR13 (Transportation)

PLANNING CONSIDERATIONS

Impact on character and appearance of the countryside and AONB

The site lies in the open countryside and within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB). Local Plan policies require that, within such areas, development should be strictly controlled in the interests of the overall character of the countryside and in order to maintain the natural beauty of the AONB.

The proposed track would have a length in excess of 420 metres and approximately 2 metres wide (increasing to approx. 4 metres wide at passing places), being constructed of aggregates with a top dressing of ballast (or similar material).

It is considered the proposed access track and new access onto Tisbury Row would cause significant harm to this part of the AONB and countryside. The proposed introduction of a hard-surfaced track exceeding 420 metres in length would constitute an alien feature in the countryside, as would the additional domestication from additional vehicles and movements.

The applicant's agent has stated in his letter dated 02.05.07 that the applicant has discussed sharing the right to use the access track with neighbours at numbers 2 and 3 Railway Cottages in the event of planning permission being granted. It is considered the potential visual impact of vehicles from the occupants and visitors to three households travelling back and forth along the track would further detract from the visual amenity of this area of open countryside and AONB. The Granting permission for the development would thereby be contrary to policies C1, C2, C4 and C5 in these respects, both in principle and in terms of the specific impact on this site.

The applicant has raised the issues that the current cottage has no vehicular access (causing difficulties for emergency services and services) and that there is insufficient car parking. The applicant has also proposed hedge screening along the length of north side of the track.

These are not considered to be sufficient reasons to over-ride the harm caused. Planning applications should be considered in the public interest, while the adequacy of the access and parking is essentially a private matter. The property has existed for some 140 years on the basis of its current access, and the property is clearly in a rural location with the restraints that this brings. Furthermore, the applicant does not appear to have fully explored the possibility of

upgrading the existing footpath access from the High Street, which would at least be shorter (although this may also be unacceptable on amenity and countryside grounds).

Impact on Public Footpath and Highway Safety

The County Highways Engineer has assessed the proposals and raises two issues of concern:

Firstly that the proposed new access onto Tisbury Row does not provide reasonable visibility to the south due to overgrowth, and he recommends that the existing agricultural access gate is used (having first been improved).

Secondly that if more than one property is to make use of the access track it is likely that the access must be redesigned to accommodate the likely increase in traffic movements.

Therefore it is considered that the proposed access, whether serving just the one property or multiple properties, is unsatisfactory and should be redesigned in the interests of highway safety.

CONCLUSION

The application is recommended for refusal for the following reasons:

The proposed track, access and hardstanding would, by reason of their domestic nature, form and extent, intrude into the open countryside and AONB, appearing as alien features that would detract from the rural character and appearance of the countryside and would fail to maintain the natural beauty of the Cranborne Chase and West Wiltshire Downs AONB. In these respects, the development would be contrary to policies C1, C2, C4, C5 and G1 of the adopted Salisbury District Local Plan.

The junction of the access from the proposed track onto the Highway would not provide satisfactory visibility to the south for vehicles driving onto Tisbury Row from the track, and is thereby considered detrimental to highway safety, contrary to Policy G2 of the adopted Salisbury District Local Plan.

RECOMMENDATION: REFUSE

Reasons for Refusal:

The application is recommended for refusal for the following reasons:

1. The proposed track, access and hardstanding would, by reason of their domestic nature, form and extent, intrude into the open countryside and AONB, appearing as alien features that would detract from the rural character and appearance of the countryside and would fail to maintain the natural beauty of the Cranborne Chase and West Wiltshire Downs AONB. In these respects, the development would be contrary to policies C1, C2, C4, C5 and G1 of the adopted Salisbury District Local Plan.
2. The junction of the access from the proposed track onto the Highway would not provide satisfactory visibility to the south for vehicles driving onto Tisbury Row from the track, and is thereby considered detrimental to highway safety, contrary to Policy G2 of the adopted Salisbury District Local Plan.

Part 2

Applications recommended for Approval

2

Application Number:	S/2007/0890		
Applicant/ Agent:	GEORGE EDWIN JEANS		
Location:	TANNERS SALISBURY STREET MERE WARMINSTER BA126HB		
Proposal:	CREATION OF SEPARATE SELF-CONTAINED RESIDENTIAL UNIT		
Parish/ Ward	MERE		
Conservation Area:	MERE	LB Grade:	
Date Valid:	1 May 2007	Expiry Date:	26 June 2007
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

REASON FOR REPORT TO MEMBERS

The application has been made by a District Councillor.

SITE AND ITS SURROUNDINGS

The site consists of Tanners (formerly Capri) in Salisbury Street, Mere. The building is at the end of a two-storey terrace block and lies in the Mere Conservation Area. The specific proposal relates to a recently-built rear extension to Tanners.

THE PROPOSAL

The application proposes converting the rear extension into a self contained unit of accommodation, consisting of one bedroom, a living room with galley kitchen and a shower room. It appears that the extension has been built recently (possibly under 'permitted development' rights). The application, however, is only for change of use.

PLANNING HISTORY

None

CONSULTATIONS

Environmental Health	no observations to make in connection with this application
Wessex Water	development located within a foul sewerred area
Conservation	no objections
Environment Agency	no comments to make
Highway Authority	no response to date, but no objection anticipated

REPRESENTATIONS

Advertisement	Yes – expired 07/06/07
Site Notice displayed	Yes – expired 07/06/07
Departure	No
Neighbour notification	Yes – expired 24/05/07
Third Party responses	No
Parish Council response	Yes – recommend approval

MAIN ISSUES

The principle of development
Impact on character and appearance of Conservation Area
Impact on amenities of neighbouring properties
Whether the proposal provides a reasonable standard of amenity to future occupiers
Highway Safety and other factors

POLICY CONTEXT

H16	Development in Housing Policy Boundaries
CN8	Development in Conservation Areas
G1, G2	General Development Criteria

PLANNING CONSIDERATIONS

The principle of development

The site lies within the Housing Policy Boundary of Mere. As such, policy H16 makes clear that new residential development is not unacceptable in principle, subject to various criteria.

Impact on character and appearance of Conservation Area

The extension is to the rear of the 'host' dwelling, and the proposed changes are not visible from the highway or from public views. Indeed the changes are primarily internal. The Council's Conservation officer has not raised an objection to the use or the proposed changes.

It is considered that the proposal would preserve the character and appearance of the Conservation Area (ie it would not harm it), and that the proposal would therefore comply with policy CN8.

Impact on amenities of neighbouring properties

Consideration has been given to the impact of adjoining properties. The properties principally affected are Tanners itself and Knoll View (the adjoining property to the east side). Changes have already been made in relation to the rear garden of Tanners to sub-divide it from the proposed dwelling using 2m high close boarded fencing. Tanners would still have a reasonable sized-garden and the fencing means that there would be no overlooking into Tanners itself.

The passageway created from Salisbury Street to form the access (which would form the principal access to the dwelling) does pass in close proximity to Knoll View's rear private garden. However the existing fencing is sufficient to limit any overlooking from users of the access. Meanwhile any noise and disturbance from users of the passageway is unlikely to be significant, given the small size of accommodation available.

It is considered that the proposal would not harm the amenities of these or other neighbouring properties.

Whether the proposal provides a reasonable standard of amenity to future occupiers

Consideration has also been given to whether the proposal would provide an adequate standard of amenity to the occupiers of the proposed dwelling – recent Government guidance in PPS3 emphasises the need to achieve a good standard of housing.

In this case it has to be said that the degree of amenity for occupiers of the bedroom would not be particularly high, with the fencing – necessary for privacy reasons – resulting in a poor level of outlook from the bedroom window.

However, the property would have a degree of outlook available from the glazed living room door and windows and the occupiers would also have a reasonably-sized rear garden to provide

amenity space. The applicants have obscure glazed the rear windows in Tanners to minimize overlooking of this area. Environmental Health officers have not objected. On balance, it is considered that the standard of amenity to occupiers is acceptable.

Highway Safety, access and other factors

Separate access to the rear extension has already been created by means of a pathway (using 2m high close boarded fencing) through the existing garden from a door off Salisbury Street. There is also a secondary access via a path from Salisbury Street to a door in the side of the extension, which would be more convenient for occupiers, although this is proposed to be used only for emergency/disabled use. Either means of access are considered acceptable.

The application does not provide any car parking facilities. Comments from the Highway Authority are awaited, although at pre-application stage they raised no objection. The property lies in close proximity to the centre of Mere with its reasonable range of facilities and services. Indeed a Planning Inspector considering an application in North Street considered that lack of parking facilities would not be a justifiable reason to refuse permission. Occupiers would therefore be expected to use means of transport other than the private car, or would have to use public parking facilities. This would not be a reason for refusal.

A recreational open space contribution, necessary to comply with policy R2, has been submitted.

CONCLUSION

The proposed use as a self-contained residential unit would not harm the character and appearance of the Conservation Area, the reasonable living conditions of adjoining properties, highway safety or any other material planning consideration. It would therefore comply with the relevant policies of the Adopted Salisbury District Local Plan.

RECOMMENDATION : APPROVE

Reasons for Approval :

The proposed use as a self-contained residential unit would not harm the character and appearance of the Conservation Area, the reasonable living conditions of adjoining properties, highway safety or any other material planning consideration. It would therefore comply with the relevant policies of the Adopted Salisbury District Local Plan.

And 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 section 51(1) of the Planning and Compulsory Purchase Act 2004

2. Notwithstanding the provisions of Classes A to H of Schedule 2 (Part 1) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no alterations nor extensions to the dwelling nor the erection of any structures nor hard surfaced areas, within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason : in the interests of the character and appearance of the Conservation Area and the living conditions of nearby properties

3. Prior to the first use of the extension as a separate dwelling, a scheme for water and energy efficiency measures shall be submitted to and approved, in writing, by the Local Planning Authority. The dwelling shall be thereafter used in accordance with the details approved.

Reason : in the interests of sustainable development

4. The boundary treatment as erected on site (ie 2m high close boarded fencing between Tanners and the self-contained dwelling hereby approved) shall be retained and maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority

Reason : in the interests of the privacy of each unit

INFORMATIVE

This decision has been taken in accordance with the following policies of the Adopted Salisbury District Local Plan:

H16 Development in Housing Policy Boundaries
CN8 Development in Conservation Areas
G1, G2 General Development Criteria

Application Number:	S/2007/0794		
Applicant/ Agent:	J.L.M DUTHIE		
Location:	OLD POST OFFICE AND STORES SEMLEY SHAFTESBURY SP7 9AU		
Proposal:	CHANGE OF USE FROM A1 TO WHOLESALE AND RETAIL FOOD AND DRINK (NON-ALCOHOLIC AND ALCOHOLIC) AND RETAIL OF ASSOCIATED PRODUCTS		
Parish/ Ward	SEEDGEHILL & SEMLEY		
Conservation Area:	SEMLEY	LB Grade:	
Date Valid:	18 April 2007	Expiry Date	13 June 2007
Case Officer:	Mr O Marigold	Contact Number:	01722 434293

REASON FOR REPORT TO MEMBERS

Councillor Fowler has requested that the application be heard at WAC, on the grounds of the degree of local interest shown in the application

SITE AND ITS SURROUNDINGS

The site consists of part of the former Semley stores, in the centre of the village of Semley. The building as a whole was originally the village shop with ancillary residential accommodation above. It lies within the Semley Housing Restraint Area, Conservation Area and AONB.

Permission was granted in 2006 to subdivide the building with a dwelling over two floors on the 'left-hand' side of the building, and a retail unit on the 'right-hand' side. It is the retail unit that is the subject of this application. A subsequent application to use the unit for the same use as that proposed now was refused recently in March 2007.

THE PROPOSAL

The application proposes the change the use of the retail unit from A1 to a mixed use of retail and wholesale of alcohol and associated items, including 'tasting'. At ground floor there would be a bar/counter, dishwashing area and shelving, with storage and the 'tasting' area above.

PLANNING HISTORY

- S/1998/1870 Two storey extension for granny annex and single garage, Approved with Conditions on 11th March
- S/2000/572 Remove condition 2 of planning permission S/1998/1879 (the condition required rendering). Refused on 22nd May 2000
- S/2004/626 Removal of condition 4 of S/1998/1870 to permit use of annex as a separate dwelling. Approved with Conditions on 20th July 2004
- S/2005/2213 Convert post office and stores to 2 dwellings, withdrawn on 24th November 2005.
- S/2006/396 Change of use of part of ground floor to residential to form one dwelling and one shop unit with flat above, refused at WAC on 13th June 2006
- S/2006/1379 Change of use of part of ground floor to residential to form one dwelling and one shop unit with store above, approved on 1st September 2006
- S/2007/0071 Change of use from A1 to wholesale and retail food and drink (non-alcoholic and alcoholic), and retail of associated products, refused (under officers' delegated powers) on 7th March 2007

CONSULTATIONS

Highway Authority	no objection
Environmental Health	express concerns regarding the impact of the use on the adjoining residential uses. Use of first floor for wine tasting is likely to create noise which could be audible in the next door bedrooms. Recommend conditions relating to (1) scheme of noise attenuation (2) hours of operation condition (3) no amplified music shall be played.
Conservation	no comments to make

REPRESENTATIONS

Advertisement	Yes – expired 17/05/07
Site Notice displayed	Yes – expired 24/05/07
Departure	No
Neighbour notification	Yes – expired 10/05/07
Third Party responses	Yes – 22 letters of objection relating to: <ul style="list-style-type: none">• Permission was refused only 2 months ago and there is no material difference between that application and this one• Applicant should have appealed the earlier refusal and LPA does not have the power to determine this application• Lack of benefit to the community• Village is extremely keen that there should be a shop in the village• Village Shop committee felt unable to go ahead with the lease unless the upstairs was renovated to an acceptable state of repair• Owner's terms of lease (that the premises would not have to be put to a reasonable state of repair before the commencement of the lease) were unreasonable.• Concern regarding drainage arrangements. Current septic tank will not be able to cope with the increased demand• Impact on traffic, road access, visibility, parking and highway safety• Impact from noise particularly late at night• Loss of amenity• Potential for front garden of premises to be used as a 'beer garden' with consequent impact on amenities• Potential for drunken driving to increase is huge as a result of this application• Increase in light pollution• Bonded warehouse will attract clients from outside the village• Need for a shop in Semley• Bennet Arms much more suitable for this use• Contrary to PS3 and G1 of the Local Plan• Example of East Knoyle's Post Office• Venture is likely to fail and the owner will possibly try for residential again• Wholesale and retail use would be far preferable in the nearby trading estate [Chaldicott's Farm]• Lack of parking• Potential for noise nuisance• Understand that 90% of the activities will be wholesale through a warehouse with the remaining 10% through the shop• Concern that the proposal is an attempt to circumnavigate planning policies and to operate a 'wine bar'
Parish Council response	Yes – Object on grounds of: <ul style="list-style-type: none">• The application is a repeat of S/2007/0071 (refused) and the basis of this application have not changed.• Consider that policy PS3 has yet to be tested. The village consortium are still anxious to run a village shop and despite the statements made in the application the Parish Council has seen a copy of Brimble Lea's letter of 9th November 2006 to the developer's agent

asking that the premises be put in a proper state of repair [not shopfitting] before a lease is entered into.

- The village consortium are still convinced that with volunteer labour [already committed] the village shop would be viable. The previous shopkeepers were not in tune with the village needs; the current consortium have taken advice and enthusiasm from the success of the East Knoyle shop.
- As a wholesale wine business, tasting area [wine bar] would not promote vitality and viability of the local community as required by policy G1 (ii).
- We have been approached by a number of local residents who are again very concerned at the proposed use with wine tasting and late opening 20 times a year.

MAIN ISSUES

Impact on vitality and viability of the village

Impact on highway safety

Impact on living conditions of nearby properties (including drainage)

Other factors

POLICY CONTEXT

PS3	Change of use of premises within small settlements
G1	General Development Criteria
G2	General Development Criteria
CN8	Development within Conservation Areas

PLANNING CONSIDERATIONS

Procedural matters

Comments have been made that the Authority cannot consider this application, because the appellant has not appealed the earlier refusal, and because the continual submission of applications is an attempt to 'wear down' public opposition.

However, the Authority cannot refuse to determine an application unless criteria of section 70B of the Town and Country Planning Act 1990(As Amended) are met and then it is at the LPA's discretion. In this case, for the reasons given in the paragraph below it is considered expedient to determine the application.

Impact on vitality and viability of the village – and comparison to refused scheme

An application for the same use as that proposed now was refused recently in March 2007 for the following reason:

(1) The proposed change of use from A1 retail to a mix of wholesale and retail sales of food and drink would, by reason of the fact that it has not been demonstrated, to the satisfaction of the Local Planning Authority, that the full retail use of the premises would not be viable, be contrary to policies PS3 and G1, and would harm the vitality and viability of the village of Semley.

A copy of the officer's report on the previous application is included as an annex to this report. At the time of the earlier application, it was considered that the extent of interest in relation to full A1 use had not been backed up by a full marketing exercise of the premises for six months, the normal time period for such marketing exercises (the purpose of which is to establish whether there is demand from alternative uses for the full retail use of the property).

The previous refusal was a finely balanced case and it was because of the inadequate length of time that the marketing exercise had been carried out for the shop as it now stands that 'tipped the balance' towards refusal. In the intervening period, although there have been a number of viewings, no further potential users have expressed interest and realistically, therefore, it is considered that the only potential users are either Mr Duthie (the applicant) or the village consortium.

The village consortium have argued that the owner (Mr Pyle) should have put the premises in a proper state of repair (or presumably that the lease of the premises should have been made at a value that reflected the poor state of the premises).

But the fact is that the applicant at that time also had an offer to use the premises from Mr Duthie, at the same rate as for the consortium, but without having to go to the expense of making good the premises at first floor level. On this basis it is understandable that the owner accepted Mr Duthie's offer rather than the village consortium's. It has to be remembered that the Authority cannot force the owner to accept an offer that he does not wish to accept; it can only judge competing uses, and then only where one or more of the potential uses requires planning permission.

It has to be borne in mind that the village consortium relies on volunteers whereas the test of policy PS3 (and G1) relates to viability – ie commercial viability. While a use run by volunteers is an entirely laudable enterprise (such as the East Knoyle success), virtually any use could be argued to be viable if volunteer labour is used as the benchmark, and this would be an unreasonably high hurdle to set as the test for whether PS3 has been complied with.

Furthermore, the applicant has now given further information regarding his proposed use. He had indicated a willingness to sell anything for which a demand arises, including being in a position to supply milk, cream, butter and other items, retailing of cheeses, fish and meat.

It also has to be remembered that the use of the property for any A1 use (not necessarily a village shop) would not need permission. Therefore, for example the use of the building as an off-license with ancillary storage above would not need permission and could be operated tomorrow. Similarly use as a delicatessen would not need permission, nor would a combination of off-license and delicatessen. All would be A1.

The reason why Mr Duthie's scheme needs permission is because the addition of the tasting and the wholesale uses make the combined scheme a 'suis generis' use. But it has to be realised that much of what the applicant proposes could be undertaken anyway.

While a mixture of retail, wholesale and 'tasting'/café use might not be as ideal as a village shop, the fact remains that, in light of the additional information and the limited interest from alternative commercial users, despite a full 6-month marketing exercise, it is not considered that refusal of this application would be defensible at appeal.

It is further considered that with the proposed form of retail provision within the unit there is a greater likelihood of further village-shop-type goods than if the shop remains closed, or if it were used for an alternative use within class A1 (for example as a hairdresser, travel agent, dry cleaner etc) which would also not need permission.

The applicants have also raised the possibility of a café element, for use by parents dropping off their children to school, although this aspect would require further consent. Use of the premises as a 'wine bar' (which is not the current proposal) would also require a further application for planning permission.

Finally, concerns have been expressed that the use by Mr Duthie is an attempt to show that commercial use is not viable, and that therefore residential use would be the only option. However, the commercial interest shown by Mr Duthie would only go against a subsequent residential application. Conversely if permission was refused now (even after the marketing exercise) then it would be more difficult to resist a subsequent residential application, because it would be limiting the shop's potential commercial users.

The previous refusal was finely balanced and, on balance, it is considered that this reason for refusal has now been overcome.

Impact on highway safety

Local residents have expressed concerns regarding the impact on highway safety of the proposed use (particularly the wholesale element) given the proximity of the school and the

possibility of lorries etc being used for deliveries, as well as the impact on the adjacent residential properties.

While it could be argued that a wholesale business would generate more or larger-vehicle movements than a normal retail use, the Highway Authority have not objected and a refusal on this basis could not be sustained at appeal.

Impact on living conditions of nearby properties (including drainage)

Concerns have also been expressed at the impact on the amenities of nearby properties in terms of noise and disturbance, particularly late at night. It is understood that a licence has already been granted for the use. The Council's Environmental health department has expressed concern in relation to the tasting aspect of the use and have recommended conditions. They have not, however, objected to the use in principle.

The proposed use would generate some movements which would be in relatively close proximity to the adjoining residential properties but this is also true of any other use for the premises, including as a village shop. The applicant has said that he only intends to open in the evening on 20 occasions a year.

The occupants of the property adjacent to the building have expressed concern about the potential increase in the use of the existing septic tank facilities, and the possibility that they will not be able to cope with the proposed use. It is understood that the current facilities were installed for two residential units and two retail units.

It is arguable whether or not the proposed use would result in an increase in use of the septic tank beyond the existing uses, and the appellant asserts that the facilities would be able to cope with the proposed use. The matter could be settled by a condition requiring that information is submitted (via a drainage test) demonstrating that the existing facilities could cope with the proposed use and, if not, requiring replacement facilities.

Subject to the conditions recommended by environmental health and in relation to foul drainage, it is considered that impact on neighbouring properties' living conditions could not reasonably form a reason for refusal.

CONCLUSION

It has been demonstrated, to the satisfaction of the Local Planning Authority, that the proposed use of the premises as a mixed retail and wholesale use for the sale of drinks (alcoholic and non-alcoholic) and associated products would not harm the vitality and viability of Semley. Furthermore, it is considered that the proposal would not harm the amenities of neighbouring properties, highway safety or any other material planning consideration. It would therefore comply with the relevant policies of the Adopted Salisbury District Local Plan.

RECOMMENDATION : APPROVE

Reasons for Approval:

It has been demonstrated, to the satisfaction of the Local Planning Authority, that the proposed use of the premises as a mixed retail and wholesale use for the sale of drinks (1) and associated products would not harm the vitality and viability of Semley. Furthermore, it is considered that the proposal would not harm the amenities of neighbouring properties, highway safety or any other material planning consideration. It would therefore comply with the relevant policies of the Adopted Salisbury District Local Plan

And 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 section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The ground floor of the unit shall be used only for retailing to members of the public visiting the shop, for wine 'tasting' and associated purposes, but not for wholesale retail or storage.

Reason : In the interests of the viability and vitality of the village

3. Prior to the commencement of the use hereby approved, a scheme for the attenuation of noise from the premises shall be submitted to and approved, in writing, by the Local Planning Authority. The use shall be undertaken in accordance with the noise attenuation scheme thereafter.

Reason :in the interests of the living conditions of neighbouring properties

4. The use hereby approved shall operate only between the following hours: 08:00 to 23:00 hours on Mondays to Saturdays and not at all on Sundays.

Reason : in the interests of the living conditions of neighbouring properties

5. No amplified or other music shall be played on the premises

Reason : in the interests of the living conditions of neighbouring properties

INFORMATIVE

This decision has been taken in accordance with the following policies of the Adopted Salisbury District Local Plan:

PS3	Change of use of premises within small settlements
G1	General Development Criteria
G2	General Development Criteria
CN8	Development within Conservation Areas

ANNEX to S/2007/0794 PLANS LIST ITEM 3

REASON FOR REPORT TO MEMBERS

Delegated decision

SITE AND ITS SURROUNDINGS

The site consists of part of the former Semley stores, in the centre of the village of Semley. The building as a whole was originally the village shop with ancillary residential accommodation above. It lies within the Semley Housing Restraint Area, Conservation Area and AONB.

Permission was granted in 2006 to subdivide the building with a dwelling over two floors on the 'left-hand' side of the building, and a retail unit on the 'right-hand' side. It is the retail unit that is the subject of this application.

THE PROPOSAL

The application proposes the change the use of the retail unit from A1 to a mixed use of retail and wholesale of alcohol and associated items, including 'tasting'. At ground floor there would be a bar/counter, dishwashing area and shelving, with storage and the 'tasting' area above.

PLANNING HISTORY

- S/1998/1870 Two storey extension for granny annex and single garage, Approved with Conditions on 11th March
- S/2000/572 Remove condition 2 of planning permission S/1998/1879 (the condition required rendering). Refused on 22nd May 2000
- S/2004/626 Removal of condition 4 of S/1998/1870 to permit use of annex as a separate dwelling. Approved with Conditions on 20th July 2004
- S/2005/2213 Convert post office and stores to 2 dwellings, withdrawn on 24th November 2005.
- S/2006/396 Change of use of part of ground floor to residential to form one dwelling and one shop unit with flat above, refused at WAC on 13th June 2006
- S/2006/1379 Change of use of part of ground floor to residential to form one dwelling and one shop unit with store above, approved on 1st September 2006

CONSULTATIONS

Highway Authority – no objection

Environmental Health – express concerns regarding the impact of the use on the adjoining residential uses. Use of first floor for wine tasting is likely to create noise which could be audible in the next door bedrooms. Recommend conditions relating to (1) scheme of noise attenuation (2) hours of operation condition (3) no amplified music shall be played.

Conservation – no comment

REPRESENTATIONS

Advertisement	Yes – expired 15/02/07
Site Notice displayed	Yes – expired 15/02/07
Departure	No
Neighbour notification	Yes – expired 05/02/07
Third Party responses	Yes – 22 letters of objection relating to:

- Lack of benefit to the community
- Need for a shop in Semley
- Bennet Arms much more suitable for this use
- Contrary to PS3 and G1 of the Local Plan
- Example of East Knoyle's Post Office
- Venture is likely to fail and the owner will possibly try for residential again
- Wholesale and retail use would be far preferable in the nearby trading estate [Chaldicott's Farm]
- Lack of parking
- Potential for noise nuisance
- Understand that 90% of the activities will be wholesale through a 'bonded' warehouse with the remaining 10% through the shop
- Village is extremely keen that there should be a shop in the village
- Village Shop committee felt unable to go ahead with the lease unless the upstairs was renovated to an acceptable state of repair
- Concern regarding drainage arrangements. Current septic tank will not be able to cope with the increased demand
- Impact on traffic, road access, visibility, parking and highway safety
- Impact from noise particularly late at night
- Loss of amenity
- Potential for front garden of premises to be used as a 'beer garden' with consequent impact on amenities
- Potential for drunken driving to increase is huge as a result of this application
- Increase in light pollution
- Bonded warehouse will attract clients from outside the village

One letter of support arguing that:

- Three people have expressed interest in the property since July 2006: one a furniture shop, one local people interested in running a shop and the third this applicant. The other two parties have decided against using the premises and the actual shop space has been renovated

Parish Council response Yes – Object on grounds of:

- Loss of village amenity. Test of PS3 (proving lack of viability of a village shop) has not been met. There is a village committee keen to organise a community shop and believes it has the necessary funding.
- No case has been made that there is sufficient demand for a wine bar in addition to the public house. If the wine bar were to fail it might be difficult to resist an application for residential use. Wine bar could also adversely affect public house
- Village would like a village shop that stocks a wide range of goods and believes that this would be met by a community shop. Proposal would stock only a limited range of goods.

MAIN ISSUES

Impact on vitality and viability of the village

Impact on highway safety

Impact on living conditions of nearby properties (including drainage)

Other factors

POLICY CONTEXT

PS3	Change of use of premises within small settlements
G1	General Development Criteria
G2	General Development Criteria
CN8	Development within Conservation Areas

PLANNING CONSIDERATIONS

Impact on vitality and viability of the village

Western Area Committee 21/06/2007

Policy PS3 sets out the relevant tests regarding the change of use of retail premises in small settlements. It says 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.”

In this case virtually no evidence has been submitted to demonstrate that the full retail use of the premises would not be viable. A supporter of the application (who is also the owner of the property) has commented that there were three people who were interested but two (a furniture business and local residents keen to run a shop) decided against the premises, although the reasons for this are disputed by the village shop committee.

The extent of interest has not been backed up by information relating to the marketing of the premises as they now are - marketing was previously undertaken for the larger shop unit, but this was before the building was reconfigured in September/October 2006. It is not clear, for example, how long and how widely the new smaller (and potentially more attractive) smaller shop unit has been advertised - the Authority's general expectation is that a marketing exercise should be undertaken for at least 6 months.

There is clearly a desire for a full retail premises in the village (as evidenced by the objections to this application) and the village shop was clearly a facility central to the economic and social life of the village, particularly given its location opposite the village school and church.

It is recognised that the applicant could undertake some of his proposed uses without needing permission. Retail sales of alcohol would remain within the A1 use class, as would the ancillary storage of associated goods in connection with the retail business.

However, the wholesale and ‘tasting’ aspects of the business would take the overall use outside of A1. It is unclear which aspect of the use would dominate. The application forms suggest that the primary floorspace use would be retail, although local residents have suggested that the wholesale use would be 90% of the use. It is also recognised that the proposed use might provide a degree of employment opportunities (there would be 1 or 2 employees). The application provides very little information about how the business would actually operate.

This is a finely balanced case. On one hand it could be argued that having any use of the building would be better than it remaining empty, and the proposal would at least provide a small amount of employment. It is not correct to say that just because permission were granted for this use means that, if it fails, residential use would be permitted, although policy PS3 does refer to the existing or previous use

On the other hand the village already has one alcohol-selling establishment and the proposal would not provide a facility that is equivalent in terms of social and economic importance to the village as was (or could be) a village shop. The wholesale and tasting aspects would reduce the available floorspace for storage of goods to be sold in the shop, thereby reducing the vitality and viability of the retail facility in Semley.

Had it been clearly demonstrated that a full retail facility was not viable then this proposal might be acceptable as second best. However, without sufficient evidence to meet the test of policy PS3 it is considered that permission to dilute and diminish the retail element of the use of the building should be resisted.

Impact on highway safety

Local residents have expressed concerns regarding the impact on highway safety of the proposed use (particularly the wholesale element) given the proximity of the school and the possibility of lorries etc being used for deliveries, as well as the impact on the adjacent residential properties.

While it could be argued that a wholesale business would generate more or larger-vehicle

movements than a normal retail use, the Highway Authority have not objected and a refusal on this basis could not be sustained at appeal.

Impact on living conditions of nearby properties (including drainage)

Concerns have also been expressed at the impact on the amenities of nearby properties in terms of noise and disturbance, particularly late at night. It is understood that a licence has already been granted for the use. The Council's Environmental health department has expressed concern in relation to the tasting aspect of the use and have recommended conditions. They have not, however, objected to the use in principle.

The proposed use would generate some movements which would be in relatively close proximity to the adjoining residential properties but this is also true of any other use for the premises, including as a village shop.

The occupant of the property adjacent to the building have expressed concern about the potential increase in the use of the existing septic tank facilities, and the possibility that they will not be able to cope with the proposed use. It is understood that the current facilities were installed for two residential units and two retail units.

It is arguable whether or not the proposed use would result in an increase in use of the septic tank beyond the existing uses but the matter could be settled by a condition requiring that information is submitted (via a drainage test) demonstrating that the existing facilities could cope with the proposed use and, if not, requiring replacement facilities.

Subject to the conditions recommended by environmental health and in relation to foul drainage, it is considered that impact on neighbouring properties' living conditions could not reasonably form a reason for refusal.

CONCLUSION

While it is considered that the proposal would not result in insurmountable problems in relation to highway safety or the impact on neighbours' amenities, it is considered that the proposal would fail the tests of policy G1 and (in particular PS3) in that it has not been demonstrated that a full retail use would not be viable.

Application Number:	S/2007/0921		
Applicant/ Agent:	A. ALI		
Location:	THE BARKERS BARKERS HILL SEMLEY SHAFTESBURY SP7 9BQ		
Proposal:	PROPOSED ALTERATIONS AND 2 STOREY SIDE EXTENSION (AMENDMENT TO S/2006/1098)		
Parish/ Ward	SEDGEHILL & SEMLEY		
Conservation Area:		LB Grade:	
Date Valid:	4 May 2007	Expiry Date	29 June 2007
Case Officer:	Charlie Bruce-White	Contact Number:	01722 434682

REASON FOR REPORT TO MEMBERS

Cllr Fowler has requested that the application be determined by Committee, since it represents an amendment to a previous application that was determined by the Committee, where there were concerns over the extension's scale and massing.

SITE AND ITS SURROUNDINGS

The site relates to a chalet bungalow within the settlement of Barkers Hill. The site is within the AONB and Housing Restraint Area.

THE PROPOSAL

This application represents the second amendment to plans for a previously approved extension to a chalet bungalow. The original scheme, made under planning application S/2005/0222, sought consent to erect a two storey side extension and raise the ridge of the dwelling, and this was approved under delegated powers in December 2005. An amendment to these plans were consequently sought, made under planning application S/2006/1098, to increase the ridge height of the two storey side extension, and this was approved by the Western Area Committee in August 2006.

- The amendments proposed as part of the application currently under consideration relate to:
- The enlargement of the two storey side extension by extending it approximately 2 metres further back into the plot, including the provision of access from bedroom doors directly onto the terraced garden to the rear, and an increase to the two storey side extension's width by 245mm;
- Alterations to the appearance of the first floor windows within the front elevation, and the insertion of an addition window into the north elevation of the two storey extension;
- Alterations to the eaves details of the dwelling;
- The provision of two chimneys, and the omission of a flue on the front roof slope;
- Changing three roof lights within the rear elevation to three dormer windows;
- A marginal increase in the footprint of the original dwelling, due to the overcladding of the reconstructed stone with natural stone;
- Alterations to the appearance of the ground floor windows and doors on the rear elevation.

It is noted that the application is part retrospective, and some members will be aware of the report that was brought before the Western Area Committee by the Principal Enforcement Officer at the April meeting.

PLANNING HISTORY

S/2005/0222 Alterations & 2 storey side extension, Approved with Conditions on 12th December 2005

REPRESENTATIONS

Advertisement	No	
Site Notice displayed	Yes	Expiry 07/06/07
Departure	No	
Neighbour notification	Yes	Expiry 30/05/07
Third Party responses	Yes – 9 letters of objection/concern. Reasons include:	

- Excessive scale & overdevelopment of site;
- Inappropriate to character of the area;
- Proximity to neighbouring boundary;
- Overbearing impact, loss of light and privacy to neighbouring dwelling;
- Contrary to Local Plan policies / policies should be carefully considered;
- Allowing a retrospective application would set a dangerous precedent;
- Possibility that the dwelling could be even further extended in the future;
- Disturbance from construction works.

Parish Council response Object. Reasons include:

- Extension is not subservient to the existing building, is contrary to Policy H31(i) and H19, and would affect the adjoining property.

MAIN ISSUES

1. The acceptability of the proposal given the policies of the Local Plan;
2. Character of the locality and amenity of the street scene;
3. Amenities of the occupiers of adjoining and near by property;

POLICY CONTEXT

G2, H31, D3, C5

PLANNING CONSIDERATIONS

Impact upon visual amenity, including AONB

The principle of the increase in ridge height to the existing dwelling and the addition of a two-storey side extension have already been agreed through the previous planning applications. The considerations to this current application therefore relate solely to the impact of the amendments as identified above.

In visual terms, when viewed from the street scene, the most significant amendments to the schemes already approved relate to the provision of a chimney to the south elevation, alterations to the eaves details, and alterations to the dormer windows and fenestration on the front elevation. Chimneys are characteristic features of dwellings in the area, and the proposed chimney would be of an appropriate scale and design to be in keeping with the appearance of the dwelling. The revised front dormer windows would be of a taller and narrower appearance, which would better relate to the proportions of the ground floor windows. The revised position and increased height of the bedroom window within the front of the side extension would have little more impact in visual terms than the original one, and the insertion of an additional bedroom window into the north elevation would not have a significant detrimental impact. Regarding the alterations to the eaves details, the use of stone instead of timber soffits is not untypical of the area. As such, the amendments which would be most apparent from public viewpoints would have only a small impact upon the overall appearance of the dwelling.

The other amendments would relate predominantly to the rear of the dwelling, and as such would not be visible or prominent from public viewpoints, but nevertheless should still be appropriate in design terms. The increased depth of the two storey side extension is the most

significant alteration in terms of additional volume. However, its design and appearance would be in keeping with the remainder of the dwelling and, being sited on the rear, would have little impact upon the character of the Housing Restraint Area or AONB. The alterations to the fenestration of the dwelling on the rear elevation would be of a minor nature, not having a detrimental impact in visual terms, and the replacement of roof lights with dormer windows would be in keeping with the dwelling given their presence on the front elevation. As for the chimney on the rear elevation, this would also be of an appropriate scale and design to be in keeping with the appearance of the dwelling.

In summary, the proposed alterations would have a relatively neutral impact in visual terms over the scheme already approved, would be in keeping with the character and appearance of the dwelling, and would not have a detrimental impact upon the character of the Housing Restraint Area or AONB.

Impact upon neighbouring amenity

The application site has one adjoining residential property to its south, known as 'Honeysuckle Cottage'. The amendments that could potentially affect the amenity of this neighbour relate to the increased size of the two storey side extension and the alterations to its first floor windows.

Regarding the increased size of the proposed extension, its additional bulk would be situated further towards the rear of the plot. Due to the sloping nature of the site, where the ground rises steeply up towards the rear, the extension has been built into a slope. Consequently, the impact of the extension's bulk is reduced by the fact that the neighbouring property is on higher ground, and being an extension to the rear, it is situated further away from the neighbouring dwelling and its main amenity space. Furthermore, it is noted that the neighbouring property is situated to the south of the application site, where any overshadowing impact would be limited. As such, it is not considered that the additional bulk of the proposed two storey side extension would have such a significantly greater impact than the scheme already approved so as to warrant refusal.

Regarding the alterations to the first floor bedroom window in the front elevation of the two storey side extension, although its height has been increased, its location would not permit any greater views into the neighbouring property than the one already permitted. As such, there are insufficient grounds to warrant refusing the scheme for the alterations to this window. The additional window in the north elevation of the two storey side extension would not face onto any residential dwelling, rather open countryside, and in any instance would not result in any more overlooking than windows in the existing dwelling.

Highways implications

It is considered that there is satisfactory parking and turning space within the site to serve the resulting dwelling, and that the proposals would not result in any greater detriment to highways safety over the previous arrangement.

Other matters

Several representation have been received implying that the approval of this scheme, which is part retrospective, could set a dangerous precedent. The future possible actions of either the applicant or other developers is not a material planning consideration to the determination of this planning application and, in any instance, there is existing national guidance in place regarding enforcement procedures for Local Planning Authorities to follow.

Concern has also been expressed regarding the disturbance that may be caused during the construction phase. However, such issues do not carry significant weight in the determination of planning applications unless they are in the wider public interest. Since the application relates to a relatively small scale development, any disturbance from construction works are likely to affect only a limited number of neighbours, and it is therefore not considered that a planning condition restricting the hours of construction is necessary in the wider public interest. Furthermore, it is noted that none of the two previous consents contained such a condition.

CONCLUSION

For the above reasons it is considered that the proposed development would not have a significantly greater impact than the extensions and alterations already approved. As such the proposal will not result in any unreasonable detriment to the character of the area or neighbour amenity.

RECOMMENDATION: APPROVE

Reasons for Approval:

The extensions and alterations would be acceptable in principle, and would not have a significant impact in design or amenity terms.

And 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 Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2. The materials to be used in the construction of the external surfaces of the extension(s) hereby permitted shall match those used in the existing building, and no development shall take place until samples of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), no windows or dormer windows [other than those expressly authorised by this permission] shall be constructed within the extensions hereby granted consent.

Reason: To ensure adequate standards of privacy for the neighbouring dwelling(s) through the avoidance of overlooking.

4. The existing hedgerow along the southern boundary of the site shall be retained at a minimum height of 2 metres and reinstated where necessary. It shall be properly maintained in perpetuity including replacement of any plants, which die, are removed or become damaged or diseased with plants of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

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

5. No development shall commence until a scheme of energy and water efficiency measures to reduce the energy and water consumption of the dwelling have been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall subsequently be implemented and brought into operation and shall thereafter be retained, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the conservation of energy and water resources.

INFORMATIVE

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

Policy G2	General Development Guidance
Policy H31	Extensions within the countryside
Policy D3	Extensions
Policy C5	Area of Outstanding Natural Beauty

INFORMATIVE: - 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.

Application Number:	S/2007/0633		
Applicant/ Agent:	DAVID BECK		
Location:	THE CROSS KEYS FOVANT SALISBURY SP3 5JH		
Proposal:	SINGLE STOREY REAR EXTENSION, INTERNAL ALTERATIONS, CHANGE OF USE TO PUBLIC HOUSE		
Parish/ Ward	FOVANT		
Conservation Area:	FOVANT	LB Grade:	II
Date Valid:	23 March 2007	Expiry Date	18 May 2007
Case Officer:	Mr A Bidwell	Contact Number:	01722 434381

REASON FOR REPORT TO MEMBERS

Councillor Green has requested that this item be determined by Committee due to: the interest shown in the application

SITE AND ITS SURROUNDINGS

The site is located on a bend of the A30 main road opposite the Pembroke Arms Public House. The site is within the Conservation Area and the Housing Policy Boundary of Fovant. The property itself Formerly The Cross Keys Public House is a grade II Listed building.

THE PROPOSAL

This proposal is for a single storey rear extension and internal alterations to enable the conversion of the building to a Public House.

PLANNING HISTORY

This site and the buildings on it have a very extensive planning history recorded as dating back to 1950. The list below is limited to those applications, which are considered to be most relevant in this case and is not reported verbatim. The full planning history is attached as an appendix

- | | |
|---------|---|
| 95/350 | Change of use of right hand section of hotel to house, Approved with Conditions on 23 rd of May 1995 |
| 98/0540 | Six bedroom unit of accommodation, Approved with Conditions on 15 th of June 1998 |
| 98/1440 | Six bedroom Motel Unit, Approved with Conditions on 18 th February 1999 |
| 99/2047 | Change of use of public house to dwelling, Approved with Conditions on 19 th of April 2000 |
| 00/0001 | Listed Building Change of Use of house including internal staircase and one new door opening removal of urinals and removal of one toilet, Approved with Conditions on 7 th of February 2000 |
| 02/2196 | Erect residential unit with associated access drive and parking, Approved with Conditions on 16 th of September 2003 |
| 04/0484 | Listed Building to move pedestrian access from main A30, 2 metres to the right in the wall by blocking existing access with stones from the wall and creating new wooden gateway, improving safety, Approved with conditions on 14 th April 2004 |
| 04/1704 | Three bedroom Bungalow, Withdrawn 27 th September 2004 |
| 06/2306 | Single rear extension and internal alterations to form conversion of dwelling to public house, Withdrawn 9 th January 2007 |

Summary of Planning History

Members may recall that the two 1998 applications as set out above cannot be implemented by reason of a Section 106 Agreement dated 19/04/2000 in relation to 99/2047. This agreement affectively revoked these approvals for the units of accommodation in favour of the change of use of the pub to residential. As such the accommodation units are not now material in considering this application.

Another later Section 106 Agreement dated 29/08/03 in relation to 02/2196 as above, also carried over the revocation of the 1998 applications whilst also ensuring the provision of pedestrian and vehicular access to and from the A30 to the proposed development via the existing access, and to ensure that the access is permitted to continue as a right / covenant should the development become separated from the remainder of the Cross Keys site.

With regard to application 2047, this proposal now under consideration will also provide a clarification as to what elements of the above approval have not been carried out in accordance with the approved plans. Following a site meeting the details recorded as not complying with the approved plans have been included in this application and are clearly illustrated on the plans. Notably the unit of accommodation forming the left hand side of the building is not accessible from the rest of the building, which is now the proposed new pub area.

With regard to application 02/2196 as above, this approval remains extant until 16th September of this year by which time the approval should have been commenced.

CONSULTATIONS

Wiltshire County Council Highways:

Whilst I would not wish to raise a highways objection to this proposal I recommend, in the interest of highway safety, the existing sub – standard vehicle access situated immediately to the east of the Cross Keys be stopped up.

Wessex Water Authority:

The development is located within a foul sewer area developer should agree the point of connection to the system with Wessex Water. The developer proposes to dispose of surface water via the existing system. There are no separate public surface water sewers in the vicinity of the site; it is advised that the developer investigates alternative methods for the satisfactory disposal of surface water from the site (e.g. soakaways) Surface water should not be discharged to the foul sewer.

The public water main crosses the site and a three-metre easement will have to be agreed either side of the main

An informative should be added to any consent to require the developer to protect the integrity of Wessex Systems and agree prior to the commencement of any work arrangements for the protection of infrastructure crossing the site. Wessex advise that this should be agreed as early as possible and certainly before the developer submits to your council any building regulation application. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of the infrastructure crossing the site. Again connection can be agreed at the design stage.

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.

County Archaeology:

Nothing of Archaeological interest is likely to be affected by this proposal therefore no issues are raised.

AONB:

No further comments to add than those previously made in response to PA S/2006/2306 "The AONB are keen to facilitate proposals that sustain a living and working countryside without prejudicing the landscape character or the reason for designating the AONB"
The AONB team is very concerned about the license application being made by the Pembroke Arms across the road, and I have written to your councils Licensing Officer in the strongest terms.

Conservation Officer:

It is felt that the scale and design of the proposed extension would respect the setting of the listed building and the appearance of the conservation area.

Suggest the following conditions:

- Sample panel of approximately one metre square of stonework, which demonstrates the method of construction, and colour and type of pointing
- Samples of the brick for the soldier courses for approval
- The natural roofing slate should be Welsh slate to match existing roof
- External joinery should be painted and not stained
- Large-scale sections and elevations should be provided of the external staircase prior to development.

Environmental Health

Comments awaited and will be orally presented to members at committee. As members will be aware these comments are fundamental in this case particularly in relation to the affects the proposal may have on neighbouring property from noise and disturbance / cooking smells etc.

REPRESENTATIONS

Advertisement:	Yes, expired 26/04/07
Site notice displayed:	Yes, expired 26/04/07
Departure:	No
Neighbour notification:	Yes, 17/04/07

Third party representations: Yes: 1 letter for the proposal and 8 against and 1 of comments and A 23 signature petition has been received in objection to the proposal raising the following concerns and issues:

- See no reason to reject the application
- Cross Keys and Pembroke Arms have operated for hundreds of years side by side
- Second pub would be detrimental to both businesses
- Proposal will see decline of local facilities
- No need for second pub
- Concerned about vehicles entering and leaving the car park onto dangerous road
- To return the Cross Keys to some sort of public facility would be welcome, but not a pub
- Site has been overdeveloped already.
- Lack of disabled access to the function room
- A petitions of 53 signatures have been received as part of the applicants supporting documents.

Parish Council: The application is not supported.

MAIN ISSUES

Principle of development

Likely Impact of the proposal on the vitality and viability of the village.

Impact on the amenity of neighbouring properties

Character and appearance of the conservation Area

Impact on the Listed building

POLICY CONTEXT

G1 Sustainable development
G2 Criteria for development
D3 Extensions
CN3 Character and setting of listed buildings
CN4 Change of use of listed buildings
CN8 development in conservation areas

PLANNING CONSIDERATIONS

Principle of development

This site is situated within the housing policy boundary, or development limits of Fovant where the principle of development for purposes such as this is acceptable. Any planning application within such areas will be assessed on its own merit and details whilst taking into account other relevant planning policy and guidance.

Likely impact of the proposal on the vitality and viability of the village:

As members will be aware the planning history of this site is such that it is clear that the Cross Keys has closed as a business in the past following approval of the current residential use. The 1999 approval represented the removal / loss of a village facility. The principal consideration therefore was whether the loss detracted from the range of facilities available to Fovant. At the time the village was served by 2 public houses, the Cross Keys and the Pembroke Arms located immediately to the north of the Cross Keys at the A30 / High Street junction. Both establishments had restaurants and beer gardens. The Pembroke Arms offers accommodation. Given their proximity to each other, it was not possible to argue that they served a strategic purpose or identifiably different communities within the village. The use of either establishment was a matter of preference rather than location. Whilst the loss of the Cross Keys did remove choice from local consideration, the village never the less retained a licensed building and therefore access to this service was, and still is available. Members are reminded that at the time these considerations were highly relevant and as such it would have been unreasonable from a planning point of view to have rejected the proposal.

As such it is reasonable to conclude that the applicants had no overriding requirement to demonstrate that the pub was unviable at the time.

However, neighbour comments have been received asking that the applicants should now demonstrate that the pub business in the form proposed would be viable thus promoting the proposed change of use. It is clear however, that policy PS3 of the SDLP is intended for use when a business is proposing closure and where a local facility or service will be lost to the local community following a statutory change of use. Again the 1999 application resulting in the loss of the pub was agreed on the basis that such facilities were still provided over the road thus serving the community. As such the proposal was not contrary to policy.

There is not a clear policy framework either nationally or in the local plan seeking to limit service provision in village communities.

In fact the opposite is the case and policy would prescribe that additional community facilities should be encouraged where appropriate. As such it is considered that no material weight can be attributed to the comments relating to viability from a town and country planning standpoint. Therefore, it is considered to be unreasonable to resist this proposal for such reasons particularly in terms of refusing this proposal and any subsequent defence of the decision. It is not the purpose of the planning system to limit competition. The consideration is therefore to what extent is this proposal appropriate with regard to other material planning considerations.

The applicants contend that the main criterion for the application is to return The Cross Keys to its original use: namely, a traditional public house serving Fovant and its immediate environs in an area severely lacking in such facilities. The Pembroke Arms opposite has recently applied for a wide ranging liquor and entertainment licence, running from 8 am to the following 3 am, which

is likely to appeal to a young clientele. Therefore there is still a genuine need for a traditional public house to serve the older local population and the applicants have received numerous enquiries as to when The Cross Keys will reopen as the pub that it always was. It is worth bearing in mind that the licence only ceased in April 2006, and with the possible increase in activity and noise, which will be generated from the Pembroke Arms, the applicants consider that the continuation of the Cross Keys as a dwelling is unsuitable as it will also be subject to disturbance and noise. Although these are comments of the applicants they are nevertheless valid from a planning standpoint in so far as local plan policy) encourages a variety of community uses intended to serve the wider community. However, the issue of demand for the "traditional" type of pub, and whether any enquiries have been made giving support for the application is again not a planning matter but is a matter for market forces and local economic factors to decide. As one neighbour comment pointed out, both the Cross Keys and the Pembroke Arms operated for many years side by side. Nothing in this application suggests that this situation will not again be the result of this application.

Policy G2 (ii) which sets out criteria against which developments should be considered stresses the importance of avoidance of placing undue burden on existing and proposed services and facilities, the existing and proposed local road network or other infrastructure, (amongst other things). In this case there is no clear evidence that an undue burden would be placed on these things as a result of this proposal.

As previously mentioned the SDLP through policy G2, also seeks to avoid undue burden being placed on local roads and infrastructure. The County Council Highways department have been consulted and in this case have not objected to the proposal. However this is subject to the stopping up the existing sub-standard vehicular access immediately to the east of the building. The carrying out of this stopping up will be subject to a planning condition requiring completion prior to first use of the proposed development. The highways officer has not raised any concerns regarding the existing parking area to the side of the buildings accessed off the A30 further up the hill and away from the relatively sharp bend in the road. As such the car-parking areas as shown are satisfactory and will also be subject to conditions ensuring that the area is kept clear of obstruction for the proposed use.

The issue of the parking area has also been raised as a local concern due to the fact that it provides space for a recycling facility and for the parking of some vehicles related to a local garage business. Whilst this provides a useful service to the local community and it is said, prevents to a limited extent parking, which may otherwise be in the nearby roads, these facilities are provided by the applicants as a gesture of good will although these uses are unauthorised. These issues however, do not constitute a material planning consideration and will require resolution.

The relationship this parking has with the extant approval for the dwelling approved under 02/2196 as above, is unaffected by this proposal and access to both the extant approval and the proposed parking area will not conflict if used together.

Impact on the amenity of neighbouring properties

Members will recall that the approval for the change of use of the right hand section of the original pub / hotel to a separate residence has not proved problematic in itself and no complaints relating to noise and disturbance when the Cross Keys was last in use as a pub, had been reported. This issue was also part of the consideration of the application at the time and concerns were not raised.

With regard to this proposal the plans show that a unit of accommodation Cross Keys Cottage is in the ownership of the applicant but is not within the red line / site area. However, discussions have been had with the applicants recommending that consideration be given to this unit forming part of the proposal as an integral part legally tied to the pub business. It is considered that without the unit the overall area of buildings for the proposed use would be minimal possibly hindering future viability and potentially resulting in a conflict of uses where noise and disturbance could become a real issue. Furthermore, it is not unusual nor is it unreasonable to expect that a public houses have accommodation for tourists overnight stay etc and for accommodation of the landlord / manager. Although the plans clearly show a bed-sit on the first floor next to the function room, the space it provides is very limited. The bed-sit will also share the bathroom / toilet with the function room which could prove problematic. Currently the first

floor has accommodation and much of the facilities shown on the plans but, importantly, the remainder of the room is also part of the accommodation and thus it is amply spacious at the moment.

Members are reminded of the extant planning approval for a residence to the rear of the site and that it is expected that the applicant will implement and reside at this property. This suggests that there may be no demonstrable need for the unit of accommodation forming Cross Keys Cottage as landlord accommodation whilst the present landlord remains. This leaves the issue of manager accommodation and tourism / over - night stay etc. As explained earlier it is reasonable to expect such accommodation with pubs, however there are no strong planning reasons to require that the unit of accommodation remains a part of the pub. This is an ideal situation for which there appears to be no strong planning basis with regard to this application other than for environmental health reasons – noise, smell and disturbance.

In any event, as the result of this accommodation not forming part of the pub, the issue of its use as a separate residence becomes a main area for consideration. Members resolved within the previous 1999 approval to require that the unit be tied to the area now proposed as the pub forming a single planning residential unit. This condition is currently in breach.

It is a matter for members to resolve whether the unit of accommodation can be separated off or whether it should remain a part of the overall building. It members are not minded to agree the breaking up of the unit releasing the accommodation from the pub, the requirement for a further section 106 Agreement will arise. This agreement should however address the relationship the issue of the extant approval for the residential unit to the rear may have.

As the unit / Cross Keys Cottage, is outside the red line, but is within the Blue line / *applicant's ownership*, there is a reasonable prospect that a legal agreement could be reached. This agreement would be in the form of another Section 106 agreement and should be finalised and signed by all parties prior to the issue of any formal decision.

Enforcement issues

As previously stated the plans subject to the 1999 approval, clearly illustrated that the unit of accommodation would be accessible via two doorways from the area now proposed as the bar area. In effect the 1999 approval granted permission for a single residential unit. However, the access doors are blocked up thus forming a separate unit contrary to the approved plans. Should a Section 106 Agreement as mentioned above be entered into the proposal therefore could rectify the breach of planning permission by including this unit as part of the proposed new pub.

A further breach of the 1999 approval is that the existing internal layout has been altered via a lobby area just inside the side entrance door to the proposed bar area. This lobby is shown on the proposed plans and as no objections to it are raised, this proposal would also mitigate this breach.

In the event that members resolve to approve the plans without the Cross Keys Cottage forming part of the planning unit, Cross Keys Cottage will be a breach of planning control unless the applicants submit a retrospective planning application for a separate dwelling. This will be assessed on its own merits in accordance with all relevant material planning considerations. It is recommend that a deadline be set for the receipt of such an application and further advice on this matter will be given at the committee meeting.

Character and appearance of the Conservation Area and the Listed building / Design.

The proposed extension:

The applicants state under Design Criteria that the design of the building has been arranged to clearly differentiate between public and staff areas, with the proposed extension being used for the kitchen, cellar and washroom, and the original building for the bar, lounge and upstairs as a function room and staff bed-sit and bathroom. It is stated that the function room will serve the needs of local societies in particular the local history interest group, which is desperately seeking

And 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 section 51 (1) of the Planning and Compulsory Purchase Act 2004 (0004 AMENDED)

2. No development shall commence until a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external wall[s] and roof[s] of the proposed development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (D04A)

Reason: To secure a harmonious form of development.

3. The development hereby approved shall not be first used until the area allocated for parking as illustrated in the approved plans has been marked out in to bays and has been cleared of all other obstruction to the satisfaction of the LPA in consultation with WCC Highways. The area shall thereafter be kept clear of obstruction and shall be retained for the parking of vehicles in association with the approved use.

Reason: To ensure that the development hereby permitted is provided with adequate facilities for the parking turning/ loading and unloading] of vehicles.

4. Prior to the first use of the development hereby approved, the existing substandard vehicular access located immediately to the north east of the existing building shall have been stopped up and its use permanently abandoned subject to details which shall have been agreed in writing by the LPA in consultation with WCC Highways.

Reason: In the interest of highway safety

INFORMATIVE

The Developer is reminded of the requirement to protect the integrity of Wessex Water systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. This should be agreed as early as possible and certainly before the developer submits to the council any building regulations application. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of Wessex infrastructure crossing the site.

Application Number:	S/2007/0634		
Applicant/ Agent:	DAVID BECK		
Location:	THE CROSS KEYS FOVANT SALISBURY SP3 5JH		
Proposal:	SINGLE STOREY REAR EXTENSION INTERNAL ALTERATIONS		
Parish/ Ward	FOVANT		
Conservation Area:	FOVANT	LB Grade:	II
Date Valid:	23 March 2007	Expiry Date	18 May 2007
Case Officer:	Mr A Bidwell	Contact Number:	01722 434381

REASON FOR REPORT TO MEMBERS

Councillor Green has requested that this item be determined by Committee due to: the interest shown in the application

SITE AND ITS SURROUNDINGS

The site is located on a bend of the A30 main road opposite the Pembroke Arms Public House. The site is within the Conservation Area and the Housing Policy Boundary of Fovant. The property itself Formerly The Cross Keys Public House is a grade II Listed building.

THE PROPOSAL

This proposal is for Listed building consent for a single storey rear extension and internal alterations to enable the conversion of the building to a Public House.

PLANNING HISTORY

This site and the buildings on it have a very extensive planning history recorded as dating back to 1950. The list below is limited to those applications, which are considered to be most relevant in this case and is not reported verbatim. The full planning history is attached as an appendix

95/350	Change of use of right hand section of hotel to house, Approved with Conditions on 23 rd of May 1995
98/0540	Six bedroom unit of accommodation, Approved with Conditions on 15 th of June 1998
98/1440	Six bedroom Motel Unit, Approved with Conditions on 18 th February 1999
99/2047	Change of use of public house to dwelling, Approved with Conditions on 19 th of April 2000
00/0001	Listed Building Change of Use of house including internal staircase and one new door opening removal of urinals and removal of one toilet, Approved with Conditions on 7 th of February 2000
02/2196	Erect residential unit with associated access drive and parking, Approved with Conditions on 16 th of September 2003
04/0484	Listed Building to move pedestrian access from main A30, 2 metres to the right in the wall by blocking existing access with stones from the wall and creating new wooden gateway, improving safety, Approved with conditions on 14 th April 2004
04/1704	Three bedroom Bungalow, Withdrawn 27 th September 2004
06/2306	Single rear extension and internal alterations to form conversion of dwelling to public house, Withdrawn 9 th January 2007

Summary of Planning History

Members may recall that the two 1998 applications as set out above cannot be implemented by reason of a Section 106 Agreement dated 19/04/2000 in relation to 99/2047. This agreement affectively revoked these approvals for the units of accommodation in favour of the change of use of the pub to residential. As such the accommodation units are not now material in considering this application.

Another later Section 106 Agreement dated 29/08/03 in relation to 02/2196 as above, also carried over the revocation of the 1998 applications whilst also ensuring the provision of pedestrian and vehicular access to and from the A30 to the proposed development via the existing access, and to ensure that the access is permitted to continue as a right / covenant should the development become separated from the remainder of the Cross Keys site.

With regard to application 2047, this proposal now under consideration will also provide a clarification as to what elements of the above approval have not been carried out in accordance with the approved plans. Following a site meeting the details recorded as not complying with the approved plans have been included in this application and are clearly illustrated on the plans. Notably the unit of accommodation forming the left hand side of the building is not accessible from the rest of the building, which is now the proposed new pub area.

With regard to application 02/2196 as above, this approval remains extant until 16th September of this year by which time the approval should have been commenced.

CONSULTATIONS

Conservation Officer:

It is felt that the scale and design of the proposed extension would respect the setting of the listed building and the appearance of the conservation area.

Suggest the following conditions:

- Sample panel of approximately one metre square of stonework, which demonstrates the method of construction, and colour and type of pointing
- Samples of the brick for the soldier courses for approval
- The natural roofing slate should be Welsh slate to match existing roof
- External joinery should be painted and not stained
- Large-scale sections and elevations should be provided of the external staircase prior to development.

REPRESENTATIONS

Advertisement:	Yes, expired 26/04/07
Site notice displayed:	Yes, expired 26/04/07
Departure:	No
Neighbour notification:	Yes, expired 17/04/07
Third party representations:	Yes: Please see planning application No: S/2007/0633.
Parish Council:	The application is not supported.

MAIN ISSUES

Character and appearance of the conservation Area
Impact on the Listed building

POLICY CONTEXT

CN3 Character and setting of listed buildings
CN4 Change of use of listed buildings
Western Area Committee 21/06/2007

CN8 development in conservation areas

PLANNING CONSIDERATIONS

The main planning consideration is affect on character and appearance of the listed building and the conservation area.

Character and appearance of the Listed building and the Conservation area.

The proposed extension:

The applicants state under Design Criteria that the design of the building has been arranged to clearly differentiate between public and staff areas, with the proposed extension being used for the kitchen, cellar and washroom, and the original building for the bar, lounge and upstairs as a function room and staff bed-sit and bathroom. It is stated that the function room will serve the needs of local societies in particular the local history interest group, which is desperately seeking a permanent base to house their military memorabilia and who have made enquiries to the applicants.

This new arrangement / layout will return the ground floor to its former barn-like and uncluttered interior which itself is appropriate from a listed building point of view.

The design shape and form of the proposed extension has been subject to extensive pre-application consultations following the withdrawal of the previous application. The proposed extension is considered to be closely reflective of the advice given and is now considered to be appropriately designed, in keeping with the existing building in terms of scale and massing and in terms of materials. As such the extension part of this proposal would respect the special architectural or historic interest of this grade II Listed building and, the character and appearance of the Conservation Area in accordance with policies CN3 and CN8 of the adopted SLP.

CONCLUSION

The proposal will not result in any detriment to the building likely to adversely affect the character and appearance of the listed building and the conservation area.

RECOMMENDATION: APPROVE

Approve for the following reasons:

The proposed development is considered to be well designed resulting in a significant visual improvement to the existing building As such the proposal would respect the special architectural or historic interest of this grade II Listed building and, the character and appearance of the Conservation Area in accordance with policies CN3 and CN8 of the adopted SDLP.

And 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. (1)

Reason: To comply with the provisions of Section 18 of the Planning (1) Act 1990 as amended by Section 51 (4) of the Planning and Compulsory Purchase Act 2004.
.0006 AMENDED

2. No development shall commence until samples panels of approximately 1 metre square of stonework, which demonstrates the method of construction , and colour and type of pointing has been provided on site and has been agreed to in writing by the LPA.

Reason: In the interest of the character and appearance of the listed building and the conservation area.

3. No development shall commence until samples of the bricks for use in the soldier courses have been submitted to and have been approved in writing by the LPA.

Reason: In the interest of the character and appearance of the listed building and the conservation area.

4. The natural roofing slate shall be Welsh slate to match the existing roof.

Reason: In the interest of the character and appearance of the Listed building and the conservation area

5. All external joinery shall be painted and not stained the details of which shall be submitted to and agreed in writing by the LPA prior to its use.

Reason: In the interest of the character and appearance of the listed building and the conservation area.

6. Large scale sections and elevational drawings should be provided of the external staircase and all joinery, prior to the commencement of the development hereby approved.

Reason: In the interest of the character and appearance of the listed building and the conservation area.

Application Number:	S/2007/0967		
Applicant/ Agent:	ALISTER GOWER		
Location:	BOOT COTTAGE SALISBURY STREET MERE BA12 6HE		
Proposal:	CHANGE OF USE OF FORMER SHOP TO LIVING ACCOMMODATION, REPLACEMENT OF FORMER SHOP WINDOW & DOOR, AND INSERTION OF 2 CONSERVATION ROOF LIGHTS TO REAR OF MAIN ROOF		
Parish/ Ward	MERE		
Conservation Area:	MERE	LB Grade:	II
Date Valid:	14 May 2007	Expiry Date	09 July 2007
Case Officer:	Charlie Bruce - White	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

The Head of Development Services considers it prudent to bring this matter before the Western Area Committee in view of the significant public interest in the matter.

SITE AND ITS SURROUNDINGS

The site relates to Boot Cottage, a mid-terraced property on Salisbury Street, Mere, comprising a vacant shop premises at street level, with residential accommodation to the rear and above. The property is grade II listed and is within the Mere Conservation Area. The shop was last used as a jewellers trading under the name of 'Cameo'.

THE PROPOSAL

It is proposed to:

- change the use of the shop (A1 use class) to residential, absorbing it into the existing dwelling at Boot Cottage;
- make alterations to the shop front including a new front door;
- make alterations to the internal layout of the property, including structural remediation works;
- provide tie bars to the front and rear of the building related to structural remediation works;
- demolish an existing flat roof extension to the rear of the property, and insert a new window and door;
- demolish an existing porch to the rear of the property and insert new windows and doors in its place;
- insert 2 roof lights into the rear roof slope;
- replace doors in the side of the rear part of the property with a window.

PLANNING HISTORY

Planning application S/2006/2115, and its associated application for listed building consent, went before the Western Area Committee at its meeting on 25th January, where it was resolved that the application be deferred in order to obtain an independent assessment / valuation of the business case put forward by the applicant to justify the change of use of the shop. Some members at this meeting also expressed concerns regarding the proposed dormer windows, both in terms of their visual impact and the potential loss of privacy to neighbouring Vogue Cottage.

The applicants consequently withdrew the application, and have explored alternative solutions with a new agent and the Local Planning Authority, culminating in the submission of the application now under consideration.

CONSULTATIONS

Conservation Officer	No objection (subject to conditions)
WCC Highways Officer	Comments awaited (members to be updated at meeting)

REPRESENTATIONS

Advertisement	Yes	Expiry.....14/06/07
Site Notice displayed	Yes	Expiry.....14/06/07
Departure	No	
Neighbour notification	Yes	Expiry.....05/06/07

Third Party responses 2 letters of objection. Reasons include: loss of local shop; loss of privacy to properties to rear caused by roof lights.

2 letters stating that the development should conform with several requirements, including that the proposed roof lights should be inserted as per the plans (i.e. not increased in size at a later date), and that any new materials and detailing should be appropriate to the character of the listed building.

Parish Council response Object. Reason includes: loss of local shop

MAIN ISSUES

1. The acceptability of the proposal given the policies of the Local Plan;
2. Vitality and viability of Mere;
3. Character of the locality and amenity of the street scene;
4. Listed building and conservation area;
5. Amenities of the occupiers of adjoining and near by property;
6. Highway considerations.

POLICY CONTEXT

- Local Plan G1, G2, D3, H16, E16, CN3, CN4, CN5, CN8, CN13, TR11, PS3
- *Planning Policy Guidance 15: Planning and the historic environment*

PLANNING CONSIDERATIONS

Principle of change of use

Policy G1(ii) seeks to promote the vitality and viability of local communities.

Policy PS3 seeks to retain local services which are both viable and central to the economic and/or social life of the settlement.

Policy E16 states that the change of use or redevelopment of premises for other (non-employment related) purposes will only be permitted where:

- the proposed development is an acceptable alternative use that provides a similar number and range of jobs; or
- the land or premises are no longer viable for an employment generating use; and/or
- redevelopment of the site for a non-employment use would bring improvements to the local environment or conservation benefits that would outweigh the loss of local jobs.

It therefore needs to be demonstrated that the premises are no longer viable as a local shop. The applicant originally submitted a statement from *Woolley & Wallis* chartered surveyors, as part of application S/2006/2115, providing details of the marketing that was undertaken for the property. According to the statement the property was first marketed to let as a shop in June 2005 and was available as such until the early part of 2006. *Woolley & Wallis*' own procedure was to advertise such properties in the local press at least once a month. The quoted rental was

£5,200 per annum, the same as the passing rent before the shop became vacant. During this time, however, only one offer to lease the property was made, although this appears to have fallen through after further consideration by the purchaser over the viability of such a venture.

Furthermore, from early 2006 the whole property was marketed for freehold sale, including both the shop and residential element. *Woolley & Wallis* maintain that at no time did a prospective purchaser take interest in purchasing the property as a live/work unit, despite it being advertised as 'Boot Cottage & Cameo'. Subsequently, the property was bought by the applicant in August 2006 for redevelopment purposes.

Findings from the independent assessment, provided by *Humberts* chartered surveyors on behalf of the Local Planning Authority, suggest that the shop has limitations for retail use, and in view of this, the asking rent for the lease of the shop as advertised by *Woolley & Wallis* "substantially exceeded the market rental value". A more realistic rental is suggested as being £2,600 per annum, and at this level, "more interest may have been shown by potential tenants".

However, it needs to be considered whether it would be viable for the applicant to incur the expense of renovating the shop to lease it out for this rate. It is of relevance that some significant remedial structural works are proposed as part of the application, following problems found through a structural survey of the property. Furthermore, due to the limitations of the building as a retail premises and the presence of a reasonable range of existing shops within Mere, there are doubts as to whether the premises can be regarded as "central to the economic and/or social life of the settlement" – a requirement of Local Plan policy PS3.

The applicant has also commissioned a report by local estate agents and chartered surveyors *Gilyard Scarth* to provide some comments on the desirability of a retail use at Boot Cottage. This report also confirms limitations of the premises, in terms of its size and location, concluding that demand for such premises is "virtually nil".

In summary, it is considered that due to the limitations of the shop premises both in terms of its size and existing poor physical state, there is significant doubt that the premises could be viably operated for retail purposes or that it is central to the economic and/or social life of the settlement. Furthermore, the proposed works would have conservation benefits, provided by the structural remediation works, as well as several of those alterations that shall be considered below.

Impact upon visual amenity including character of listed building and conservation area

The main visual alterations to the external appearance of the building would relate to the shop front and rear roof slope of the building.

Shop front

The shop front and fascia are not integral to the historic fabric or character of the building and as such no objection is raised to the principle of their removal. The replacement of the existing window and door are welcome alterations, although it will be necessary to agree to finer details, a matter which can be adequately secured by an appropriate condition requiring large scale drawings.

Rear roof slope

It is noted that in conservation terms, dormer windows would be more appropriate to the listed building than roof lights. However, since only two roof lights are proposed, and on what is not a particularly prominent elevation, it is not considered that these would be detrimental to the special features of the listed building or to the character of the Conservation Area in general. The roof light could be situated between existing purlins within the roof structure and would not affect any significant historic fabric of the listed building. Further details of the roof lights would be agreed through a suitable planning condition, which would secure that a more discreet 'conservation' style roof light is used.

Internal alterations

The Conservation Officer has raised no objection to the proposed alterations to the interior of the building. It is noted some works to the interior of the building have started, prior to intervention by Enforcement Officers, although the Conservation Officer does not believe that any features of

historic value were removed, and considers that the proposed alterations are not inappropriate and are generally satisfactory.

Other alterations

On the rear of the property, the removal of the existing flat roofed extension, porch and side doors are welcome, and it is considered that the replacement and new windows/doors will be appropriate to the listed building, subject to an appropriate condition requiring large scale drawings in order to agree the finer details.

The wall ties proposed on the front and rear elevations are necessary for structural purposes, and their use is not untypical within such historic buildings.

Impact upon neighbouring amenity

In terms of the proposed use of the building, if anything, the residential use of the shop front would cause less disturbance to neighbours than the present retail use could.

Concerns have previously been expressed by the occupants of the neighbouring property that the proposed re-development of Boot Cottage would result in overlooking of their garden. Originally dormer windows were proposed within the rear roof slope of the dwelling. Two roof lights are now proposed and, due to recent changes in April to the requirements of the Building Regulations, these roof lights would be sited high enough above finished floor levels so as to prevent significant views into the garden of the neighbouring property. The occupants of the neighbouring dwelling have stated that they would not want the size or positioning of roof lights altered at a later date so that they could result in a loss of privacy. Being a listed building, the applicant would not be able to alter the roof lights or add further ones without the consent of the Local Planning Authority.

Internal revisions have also been made over the previously submitted plans, so that one of the first floor windows would still make use of obscured glazing, providing light to a bathroom.

Highways implications

There are two off-street parking spaces provided to the rear of the property. Guidance contained with Appendix V of the Local Plan recommends a maximum of 2 parking spaces for such dwellings. As such no objections are raised on highway grounds.

CONCLUSION

There are significant doubts over the viability of the premises for retail or other commercial uses and it is considered that its change of use to residential is acceptable. Subject to conditions, the proposed internal and external works to the listed building are considered appropriate to the building's historic fabric and special features, and the character of the Conservation Area would be preserved/enhanced. It is not considered that the proposed works would unduly harm the amenity of neighbours, and satisfactory off-street parking can be provided for.

RECOMMENDATION: APPROVE

Reasons for Approval:

There are significant doubts over the viability of the premises for retail or other commercial uses and it is considered that its change of use to residential is acceptable. Subject to conditions, the proposed internal and external works to the listed building are considered appropriate to the building's historic fabric and special features, and the character of the Conservation Area would be preserved/enhanced. It is not considered that the proposed works would unduly harm the amenity of neighbours, and satisfactory off-street parking can be provided for.

And 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 Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

INFORMATIVE

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

Policy G1	Sustainable development
Policy G2	General Development Guidance
Policy D3	Design of extensions
Policy H16	Application of Housing Policy Boundaries
Policy CN3	Listed buildings
Policy CN4	Change of use of listed buildings
Policy CN5	Listed buildings
Policy CN8	Conservation Areas
Policy CN13	Shop fronts within Conservation Areas
Policy TR11	Off-street parking provision
Policy PS3	Change of use of local facilities

Application Number:	S/2007/0968		
Applicant/ Agent:	ALISTER GOWER		
Location:	BOOT COTTAGE SALISBURY STREET MERE BA12 6HE		
Proposal:	CHANGE OF USE OF FORMER SHOP TO LIVING ACCOMMODATION, REPLACEMENT OF FORMER SHOP WINDOW & DOOR, INSERTION OF 2 CONSERVATION ROOF LIGHTS TO REAR OF MAIN ROOF, MOVE GROUND FLOOR BEAM, TWO NEW STAIRCASES AND ALTERATIONS TO EXISTING SINGLE STOREY REAR EXTENSION		
Parish/ Ward	MERE		
Conservation Area:	MERE	LB Grade:	II
Date Valid:	14 May 2007	Expiry Date	09 July 2007
Case Officer:	Charlie Bruce - White	Contact Number:	01722 434541

REASON FOR REPORT TO MEMBERS

The Head of Development Services considers it prudent to bring this matter before the Western Area Committee in view of the significant public interest in the matter.

SITE AND ITS SURROUNDINGS

The site relates to Boot Cottage, a mid-terraced property on Salisbury Street, Mere, comprising a vacant shop premises at street level, with residential accommodation to the rear and above. The property is grade II listed and is within the Mere Conservation Area. The shop was last used as a jewellers trading under the name of 'Cameo'.

THE PROPOSAL

It is proposed to:

- make alterations to the shop front including a new front door;
- make alterations to the internal layout of the property, including structural remediation works;
- provide tie bars to the front and rear of the building related to structural remediation works;
- demolish an existing flat roof extension to the rear of the property, and insert a new window and door;
- demolish an existing porch to the rear of the property and insert new windows and doors in its place;
- insert 2 roof lights into the rear roof slope;
- replace doors in the side of the rear part of the property with a window.

PLANNING HISTORY

Planning application S/2006/2115, and its associated application for listed building consent, went before the Western Area Committee at its meeting on 25th January, where it was resolved that the application be deferred in order to obtain an independent assessment / valuation of the business case put forward by the applicant to justify the change of use of the shop. Some members at this meeting also expressed concerns regarding the proposed dormer windows, both in terms of their visual impact and the potential loss of privacy to neighbouring Vogue Cottage.

The applicants consequently withdrew the application, and have explored alternative solutions with a new agent and the Local Planning Authority, culminating in the submission of the application now under consideration.

CONSULTATIONS

Conservation Officer No objection (subject to conditions)

REPRESENTATIONS

Advertisement	Yes	Expiry.....14/06/07
Site Notice displayed	Yes	Expiry.....14/06/07
Departure	No	
Neighbour notification	Yes	Expiry.....05/06/07

Third Party responses:

2 letters of objection. Reasons include: loss of local shop; loss of privacy to properties to rear caused by roof lights.

2 letters stating that the development should conform with several requirements, including that the proposed roof lights should be inserted as per the plans (i.e. not increased in size at a later date), and that any new materials and detailing should be appropriate to the character of the listed building.

Parish Council response Object. Reason includes: loss of local shop

MAIN ISSUES

1. Listed building and conservation area

POLICY CONTEXT

- Local Plan CN3, CN4, CN5, CN8, CN13

- *Planning Policy Guidance 15: Planning and the historic environment*

PLANNING CONSIDERATIONS

Impact upon character of listed building and conservation area

The main visual alterations to the external appearance of the building would relate to the shop front and rear roof slope of the building.

Shop front

The shop front and fascia are not integral to the historic fabric or character of the building and as such no objection is raised to the principle of their removal. The replacement of the existing window and door are welcome alterations, although it will be necessary to agree to finer details, a matter which can be adequately secured by an appropriate condition requiring large scale drawings.

Rear roof slope

It is noted that in conservation terms, dormer windows would be more appropriate to the listed building than roof lights. However, since only two roof lights are proposed, and on what is not a particularly prominent elevation, it is not considered that these would be detrimental to the special features of the listed building or to the character of the Conservation Area in general. The roof light could be situated between existing purlins within the roof structure and would not affect any significant historic fabric of the listed building. Further details of the roof lights would be agreed through a suitable planning condition, which would secure that a more discreet 'conservation' style roof light is used.

Internal alterations

The Conservation Officer has raised no objection to the proposed alterations to the interior of the building. It is noted some works to the interior of the building have started, prior to intervention by Enforcement Officers, although the Conservation Officer does not believe that any features of historic value were removed, and considers that the proposed alterations are not inappropriate and are generally satisfactory.

Other alterations

On the rear of the property, the removal of the existing flat roofed extension, porch and side doors are welcome, and it is considered that the replacement and new windows/doors will be appropriate to the listed building, subject to an appropriate condition requiring large scale drawings in order to agree the finer details.

The wall ties proposed on the front and rear elevations are necessary for structural purposes, and their use is not untypical within such historic buildings.

CONCLUSION

Subject to conditions, the proposed internal and external works to the listed building are considered appropriate to the building's historic fabric and special features, and the character of the conservation area would be preserved/enhanced.

RECOMMENDATION: APPROVE

Reasons for Approval:

The proposed alterations would be acceptable in principle, and would not be detrimental to the character of the listed building or conservation area.

And 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 (4) of the Planning and Compulsory Purchase Act 2004.

2. Before development is commenced, details of all new windows, including roof lights, and doors shall be submitted to and approved in writing by the Local Planning Authority. Detailed sections and elevations of all new windows shall be submitted to at least 1:5 scale, and large scale elevations of all new doors shall be submitted to at least 1:10 scale. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the building and locality, which is grade II listed and within a Conservation Area.

3. A photographic record of the fireplace within the proposed utility room and the bread oven within the existing shop front shall be submitted to the Local Planning Authority prior to either opening being sealed up.

Reason: In the interests of recording and archiving historic features of special interest.

INFORMATIVE:

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

Policy CN3	Listed buildings
Policy CN4	Change of use of listed buildings
Policy CN5	Listed buildings
Policy CN8	Conservation Areas
Policy CN13	Shop fronts within Conservation Areas

INFORMATIVE:

The applicant/developer is reminded that any alterations other than those hereby approved may be subject to further consent from the Local Planning Authority.

INFORMATIVE:

The new window within the front elevation of the building shall match exactly the one to its left.