

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 18/09/2008

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 Officer	Parish/Ward Recommendation Ward Councillors
1	S/2008/1249	SEDGEHILL & SEMLEY
Pages 4 - 7	Mr O Marigold	APPROVED WITH CONDITIONS
	OLD POST OFFICE SEMLEY SHAFTESBURY CONVERT FIRST FLOOR STORAGE AREA INTO SINGLE BEDROOM FLAT WITH BEDROOM SITTING ROOM AND BATHROOM	CLLR FOWLER

Part 1
Applications recommended for Refusal

No Refusals

Part 2

Applications recommended for Approval

1

Application Number:	S/2008/1249		
Applicant/ Agent:	MR JOSEPH DUTHIE		
Location:	OLD POST OFFICE SEMLEY SHAFTESBURY SP7 9AU		
Proposal:	CONVERT FIRST FLOOR STORAGE AREA INTO SINGLE BEDROOM FLAT WITH BEDROOM SITTING ROOM AND BATHROOM		
Parish/ Ward	SEEDGEHILL & SEMLEY		
Conservation Area:	SEMLEY	LB Grade:	
Date Valid:	15 July 2008	Expiry Date	9 September 2008
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 has subsequently been subdivided to form one residential unit and a retail and wholesale facility for alcoholic and non-alcoholic food and drink (including tasting). It is the retail/wholesale unit that is the subject of this application.

The property lies within the Semley Housing Restraint Area, Conservation Area and the AONB.

THE PROPOSAL

The application proposes the conversion of the first floor of the food and drink unit to form residential accommodation associated with the unit below. The accommodation would provide a bedroom, living space with a kitchenette and a bathroom. There would remain a limited amount of storage for the business in the living area

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 on 7th March 2007
- S/2007/0794 Change of use from A1 to wholesale and retail food and drink (non-alcoholic and alcoholic), and retail of associated products, approved with conditions on 22nd June 2007

CONSULTATIONS

Highway Authority no objection

Conservation no objection

REPRESENTATIONS

Advertisement Yes – expired 14/08/08
 Site Notice displayed Yes – expired 14/08/08
 Departure No
 Neighbour notification Yes – expired 07/08/08
 Third Party responses Yes – 7 letters of objection relating to:

Parish Council response Yes – Object on grounds of:
 This is the first step towards securing the residential use for the whole property
 The removal of the storage area would support a future argument that the shop is not viable
 If ancillary residential was required then that should have been kept with the adjacent unit at the time
 Strong desire to see a successful village shop in Semley and therefore it is important that business use is retained
 The current owner does not appear to be fully committed to running a successful shop – better management with broader appeal would make a thriving business possible
 The village should be given an opportunity to lease the property as a shop
 There is insufficient evidence to support the view that there could never be any viability in a business venture – either now or in the future – on this site

MAIN ISSUES

Impact on vitality and viability of the village
 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

It could be argued that primary consideration in this application is the potential impact on the viability and vitality of the village.

In this regard the local concern is that the proposed change of use of the first floor to living accommodation (with a very limited amount of storage) would result in the unit being unviable for a business use. There is concern that this would make it more likely that the property will ultimately be converted into full residential use, and the loss of the retail unit. It is recognised that there is a strong desire locally for a village shop to be operated from the site, and that change of use to residential would frustrate that desire.

However, the fact remains that at present the unit is leased to the applicant, who operates a food and drink wholesale and retail business from the site as approved in 2007.

The applicant argues that their estimate of storage space at the time of the 2007 consent far exceeds their needs. He explains that wholesale customers are supplied either direct from a warehouse, or deliveries to the business are made and distributed onto the customer within a relatively short period. This means that hardly any wholesale stock is held on the premises. In terms of retail, around 100 lines of stock (about 1200 bottles) can be held in the shelving proposed to be included within the living area at first floor.

The applicant says that commercially the business has not performed as was hoped, and considers that one solution could be to open the business for longer hours. Providing living accommodation above the shop would make this objective easier.

Paragraph 2.21 of PPS6 (Town centres) is clear in saying that residential or office development should be encouraged as appropriate uses above ground floor retail facilities, although this guidance is perhaps aimed primarily at town and city centres where above-ground residential uses help to stimulate the night-time economy and reduce crime.

It is also recognised that, in most cases, the change of use of the upper floors of A1 uses to ancillary living accommodation would not require planning permission under a general exemption provided by the General Permitted Development Order. In this case, however, because the ground floor is not A1 (it is *suis generis*) that exemption would not apply and permission is needed.

The concerns of local residents that the proposal is part of 'closure by stealth' are acknowledged. However, it would be difficult to refuse permission on that ground alone and the applicant should be given the ability to demonstrate whether his proposed business model will work.

The internal changes to allow residential conversion would be limited, particularly given that this first floor was in residential use before the building was subdivided. It is therefore considered that an appropriate response is to grant permission for the change of use, but only for a temporary period of two years. The applicant's lease expires in two years and a temporary permission would give him the opportunity to undertake the proposed business model with a view to proving its business worth.

If, however, the lease is not renewed or the business is not successful, it would mean that the building could revert to its current configuration should that be necessary for a future business occupier. It would also limit the weight that could be given to the loss of first floor storage accommodation, should this be used as an argument to justify the loss of the unit as a whole to residential.

Other factors

The Highway Authority has not objected and a refusal on the basis of highway safety as this could not be sustained at appeal. Consideration has been given to the impact on the living conditions of nearby residential properties, although the change of use would not result in unacceptable overlooking or disturbance.

While the proposal would use the existing septic tank, there is no reason to believe that the relatively modest increase in waste that would result from the proposed change of use would create a problem that would warrant the refusal of planning permission on this ground.

The proposed change of use would have no impact on the character and appearance of the Conservation Area and the Conservation officer has not objected.

CONCLUSION

It is considered that planning permission should be granted, but only for a temporary period in order to establish whether the applicant's business model (including ancillary residential use) is successful.

APPROVED WITH CONDITIONS

Reasons for Approval:

Subject to a condition making consent temporary for two years, the proposed change of use would not harm the vitality and viability of the village of Semley or any other material planning consideration. It would therefore comply with the relevant saved policies of the Adopted Salisbury District Local Plan.

- (1) The use hereby permitted shall be discontinued and the first floor restored to its former condition on or before 3rd September 2010 unless otherwise agreed in writing upon the submission of a planning application on that behalf.

Reason: Permission has only been granted on a temporary basis, in the interests of the vitality and viability of the village, to establish whether the applicant's proposed business model is successful.

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