

<b>Deadline</b>	<b>7<sup>th</sup> October 2010</b>		
<b>Application Number:</b>	<b>S/2010/1194</b>		
<b>Site Address:</b>	<b>OLD POST OFFICE SEMLEY SHAFTESBURY SP7 9AU</b>		
<b>Proposal:</b>	<b>CHANGE OF USE FROM A1 TO MIXED USE FOR TAPAS BAR, DELICATESSEN, RETAIL SALE OF ALCOHOL AND OUTDOOR SEATING AREA</b>		
<b>Applicant/ Agent:</b>	<b>MR DUTHIE</b>		
<b>Parish:</b>	<b>SEDGEHILL &amp; SEMLEY - NADDER/EASTKNOYLE</b>		
<b>Grid Reference:</b>	<b>389132.9</b>	<b>126856.4</b>	
<b>Type of Application:</b>			
<b>Conservation Area:</b>	<b>SEMLEY</b>	<b>LB Grade:</b>	
<b>Case Officer:</b>	<b>MR B HATT</b>	<b>Contact Number:</b>	<b>01722 434541</b>

### Reason for application being considered by committee

Councillor Wayman called the application to committee for the consideration of:

- Environmental/highway impact
- Car parking

### 1. Purpose of Report

To consider the above application and to recommend that planning permission be REFUSED subject to conditions

### *Neighbourhood Responses*

**16** Letters of objection have been received

**3** Letters of support have been received

### *Parish Council Response*

Various Comments raised (See section 7)

### 2. Main Issues

The main issues to consider are :

- 9.1 Principle
- 9.2 Impact on highway safety/parking
- 9.3 Impact on amenities

### 3. Site Description

The Old Post Office is a mid terrace property located within the rural settlement of Semley. The property has residential properties to both sides and is directly adjacent to a junior school. To the front of the property is off street parking for 2 vehicles. The property is currently used as a Tapas Bar and wine shop.

### 4. Planning History

Application number	Proposal	Decision	
08/1249	Convert 1 <sup>st</sup> floor storage area into single bedroom flat with bedroom, sitting room & bathroom	AC	19/09/08
07/794	Change of use from A1 to wholesale and retail of food and drink (non-alcoholic and alcoholic) and retail of associated products	AC	22/06/07
07/0071	Change of use from A1 to wholesale and retail food and drink (non-alcoholic and alcoholic) and retail of associated products	R	07/03/07
06/1379	Change of use of part ground floor to residential to form one dwelling and one shop with store above, together with alterations	AC	01/09/06
06/396	Change of use of part of ground floor to residential to form one dwelling and one shop with flat above	REF	13/06/06
05/2213	convert former post office & stores to 2 dwellings	WD	24/11/05
04/626	Removal of conditions 4 and 5 of S/98/1870 to permit A106 use of annexe as separate dwelling		20/07/04
00/572	To remove condition 2 of planning permission S/98/1870 requiring new work to be rendered	REF	22/05/00
98/1870	Two storey extension for granny annexe and single	AC	11/03/99

### 5. The Proposal

Permission is sought for the change of use from suis generis to mixed use as a Tapas bar, delicatessen, retail sale of alcohol and outdoor seating area. The proposed retrospective change of use from A1 to mixed use for a tapas bar, delicatessen with retail sale of alcohol and outdoor seating area is located in a prominent location within the rural settlement of Semley. The mixed use of the building includes an outdoor seating area located at the front of the property which can seat up to 16 people and is located directly adjacent to the parking area and the neighbouring property 'Beech Cottage'. A close board fence with a trellis top provides a screen to 'Beech Cottage' in order to retain a level of privacy to the front of the adjoining property.

## **6. Planning Policy**

The following policies are considered relevant to this proposal:

PS3 –change of use in rural settlements

PPS4 - Planning for Sustainable Economic Growth

G2- General Criteria for development

C5 – Landscape Conservation of Area of Outstanding Natural Beauty

CN8 – Conservation Areas

S9 – Local shops

## **7. Consultations**

### ***Parish council***

Comments made inviting the Local Authority to consider certain the following aspects:

- Clarification of ownership of the forecourt to the Old Post Office and the Old Stores House, with particular reference to access, common land, proposed use of the whole for parking and seating
- Are the toilet arrangements as shown acceptable for the uses requested?
- Local objections
- Proximity of the local school
- Police involvement
- Breaches of current planning conditions

### ***Highways***

Object on Highway safety grounds

### ***Environment Agency***

No objections

### ***Environmental Health***

No objections

## **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification  
Expiry date 21/09/10

16 letters of objection have been received raising concerns over parking, noise, and impact on the amenities of the village.

3 letters of support

## **9. Planning Considerations**

### **9.1 Principle**

The provision of a restaurant/shop is in accordance with aims of policy PS3 and S9 and guidance set out in PPS4. The proposed retrospective change of use from A1 to mixed use for a tapas bar, delicatessen with retail sale of alcohol and outdoor seating area is located in a prominent location within the rural settlement of Semley. The mixed use of the building includes an outdoor seating area located at the front of the property which can seat up to 16 people and is located directly adjacent to the parking area and the neighbouring property 'Beech Cottage'. A close board fence with a trellis top provides a screen to 'Beech Cottage' in order to retain a level of privacy to the front of the adjoining property.

### **9.2 Impact on Amenities**

There has been 14 letters of objection received raising concerns over the impact of the continuation of the tapas bar on the amenities of the surrounding area. The main areas of concern are the proximity of the tapas bar to the Primary school (located directly opposite the Tapas bar), the increase in traffic and parking, the impact on the character of the area, noise problems, and the lack of need within the area as a public house is already in existence. A previous application (S/2007/0794) for the change of use from A1 to wholesale and retail of food and drink (non alcoholic and alcoholic) and retail of associated products was approved subject to a number of conditions. Whilst concerns were raised around the opening hours and use of the property the use was granted. It is considered that whilst this change of use will amplify existing issues such as an outdoor seating area and the noise emitted from the Tapas bar the letters of representation do not raise an objection to the principle of the Tapas bar. It appears that the objections relate to the way in which the current applicant has operated the premises and not to the use itself which the Local Authority cannot control beyond planning matters such as opening hours and noise attenuation. Furthermore it is not for the Local Planning Authority to make a judgement on the applicant's ability to run the premises or comment on the behaviour of the customers during the course of their visit to the premises. This is a civil matter for the parties concerned and for the police and if considered appropriate the licensing department of Wiltshire Council.

The proposed change of use will result in an extension of opening times, from 08:00 to 20:00 Mondays to Saturdays to 08:00 to 23:00 Mondays to Saturdays an increase of 3 hours into the evening. It is considered that the extended opening hours are acceptable subject to condition restricting noise such as music and the submission of a scheme for the attenuation of noise in order to ensure that the amenities of the neighbouring properties are not impacted on to a detrimental degree.

A response from Environmental Health has raised concerns over the fats being disposed of in the foul drainage system. It is therefore considered reasonable to condition the submission of proposed grease traps and full details of extraction and odour abatement system including details on the specification and location of all fans and filters.

### **9.3 Highways Issues**

Highways have raised an objection over access and parking. The bar/restaurant can accommodate up to 17 seats with the additional outdoor seating area allowing for a further 16 seats giving a total of 33 seats. This would result in a need for 10 parking spaces on site. Current parking provision on site is for 6 vehicles which is 4 short of the Highways recommendation. This lack of parking could lead to increased parking pressure and parking on the roadside to the detriment of highway safety. The existing parking area is also used for the

outdoor parking and no parking plan has been submitted showing how the parking and access arrangements could resolve the highways concerns. Regarding access Highways have raised an objection over the use of the unmade access to the south of the site which would leave driver's views significantly obscured by a tree located in the southern verge. In view of the Highway safety concerns in is considered that the application be recommended for refusal.

## 10. Conclusion

Whilst the strong concerns and objections of the local people and police are noted, these objections seem to stem from the manner in which the applicant has operated the business, and do not relate to an in principle objection to the provision of the use itself. As a result, as the proposal would be in accordance with the broad aims of policies PS3 and S9 of the SDLP, and that impacts on residential amenity could either be dealt with by restrictive planning conditions or dealt with by other legislation, it is considered that an objection to this proposal in terms of its impact on residential amenity would be difficult to defend. However, highways have objected to the proposal on the grounds of inadequate parking and a substandard visibility splay to the southern entrance/exit which would leave drivers views significantly obscured. As such it is considered that refusal of the application is recommended on the grounds of highway safety contrary to the aims of saved policy G2 of the adopted Salisbury and District Local Plan.

## Recommendation

**It is recommended that planning permission is REFUSED for the following reasons:**

Whilst the strong concerns and objections of the local people and police are noted, these objections seem to stem from the manner in which the applicant has operated the business, and do not relate to an in principle objection to the provision of the use itself. As a result, as the proposal would be in accordance with the broad aims of policies PS3 and S9 of the SDLP, and that impacts on residential amenity could either be dealt with by restrictive planning conditions or dealt with by other legislation, it is considered that an objection to this proposal in terms of its impact on residential amenity would be difficult to defend. However, highways have objected to the proposal on the grounds of inadequate parking and a substandard visibility splay to the southern entrance/exit which would leave drivers views significantly obscured. As such it is considered that refusal of the application is recommended on the grounds of highway safety contrary to the aims of saved policy G2 of the adopted Salisbury and District Local Plan.

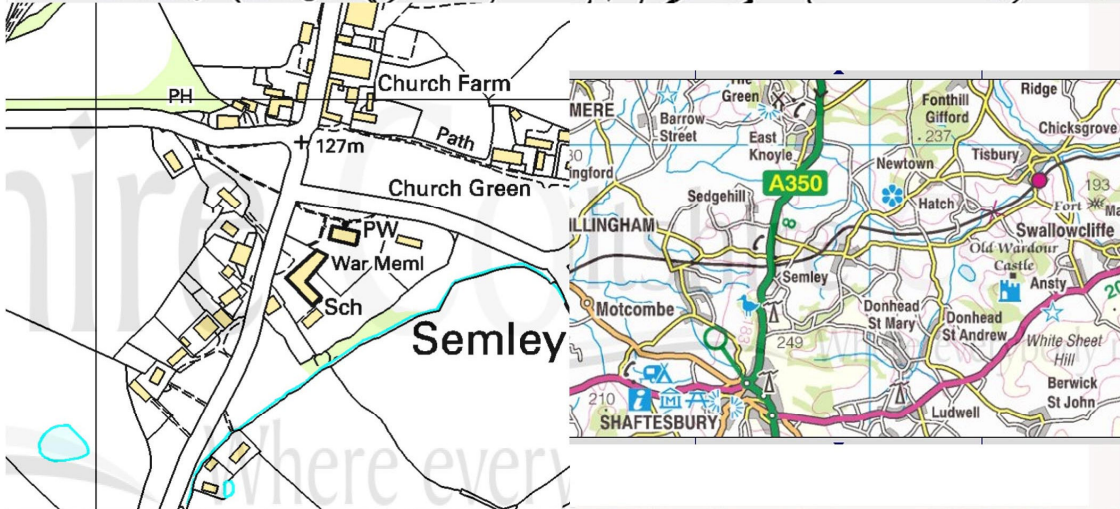
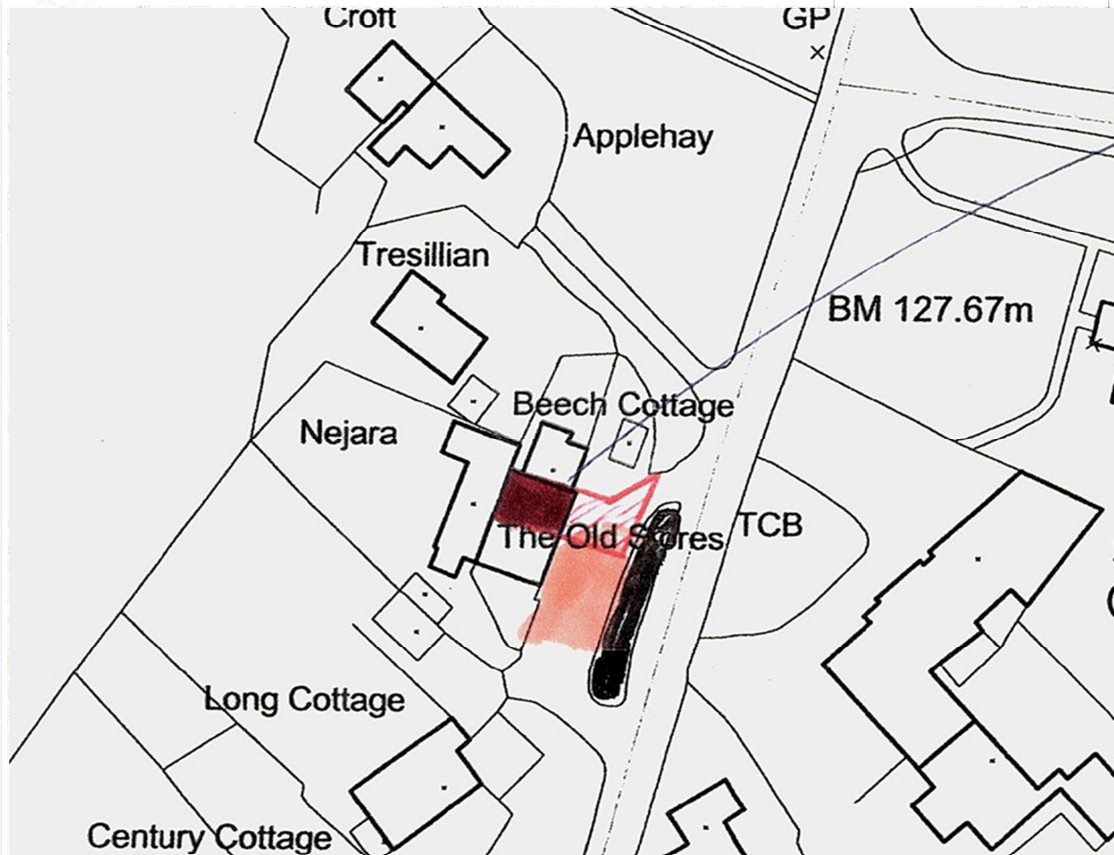
**Appendices:**

**None**

**Background documents used in the preparation of this report:**

Old Post Office, Semley, Shaftesbury. SP7 9AU

S/2010/1194



**Wiltshire Council**  
Where everybody matters

SCALE: NTS DATE: 19/10/2010 10:12:29  
Reproduced from Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence No. 100049050, Wiltshire Council 2009