

Planning Committee: 03 May 2005

Principal Item Number: 02

Application No: W 05 / 0256

Registration Date: 15/02/2005

Town/Parish Council: Barford

Expiry Date: 12/04/2005

Case Officer: Will Charlton

01926 456528 planning_west@warwickdc.gov.uk

10-12 Bridge Street, Barford, CV35 8EH

Conversion of shop and flat into three dwellings and erection of pitched roof over rear wing. FOR Saville Estates Limited

This application was deferred at Planning Committee on the 4th April 2005, so that more information regarding the marketing of the property could be presented and an independent elevation could be undertaken.

SUMMARY OF REPRESENTATIONS

Parish Council: It reiterates the objections in its letter of 11th November 2003. Policy (DW) S8 of the Warwick District Local Plan should be enforced, particularly in the light of the very recent closure of the Barford Post Office and Shop.

The Council's previous comments on the application were as follows:

"The Council wishes to express concern for the further loss of commercial premises in the village. It considers the proposal to move from two current dwellings to three to be an over-development of the site. Similarly, it regards the car parking area as inadequate for three dwellings. It believes that the usual requirement of 1.5 spaces per unit is not being observed. Whilst supporting the change from a flat roof to one that is pitched, the Council is nevertheless concerned about the possible effect of the increased height of the roof ridge on those properties in close proximity. The Council notes that the chimney shown in the drawings will now have its top below the roof ridge-line, which it understands to be contrary to building regulations. Accordingly, the Council objects to this planning application."

Neighbours: The attached neighbour (No 8) has written stating that they are not in principle opposed to the conversion, but do state that no front elevation is shown on the drawings and that no construction details or materials are shown. The works should be in keeping with building regulations regarding noise and insulation. The plans imply that the front access porch is in the ownership of "Dwelling 1", whereas it is owned by 'No 8'. As this is the sole access to 'Dwelling 1' and 'No 8' privacy will be an issue. Concern is expressed that the pitched roof over the rear extension would severely restrict direct sunlight to their garden and that off street parking will be insufficient leading to parking on the road and pavement.

RELEVANT POLICIES

(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) S8 - Village Shops (Warwick District Local Plan 1995)
(DW) ENV6 - Protection and Enhancement of Conservation Areas (Warwick District Local Plan 1995)
(DW) H8 - Limited Infill Villages (Warwick District Local Plan 1995)
(DW) H13A - The Re-Use of Empty Residential Property (Warwick District Local Plan 1995)
(DW) H15 - Conversion of Existing Residential Property (Warwick District Local Plan 1995)

PLANNING HISTORY

There have been two previous applications for the site (Ref: W03/1593 and W03/1948), both involving the part or whole removal of retail element and change to residential units. These were refused in December 2003 and February 2004, solely on the loss of the retail element. The applicant appealed both schemes in March 2004, with both being dismissed in September 2004. The Inspector was not satisfied that adequate demonstration had been provided that retail use of the premises was not viable, stating that "*... it appears that the retail use of the appeal premises has been sporadic over a number of years . However, there are no details of a sustained and active marketing exercise over a reasonable length of time having been carried out by the appellant to demonstrate that the retail units cannot be let or sold. Also, in the absence of comparable sales information relating to similar village shop premises, I am not able to assess whether the current asking price for the premises is reasonable.*"

The inspector carried on to state that "*... PPG6 and the adopted Local Plan policy recognise the importance of village shops to rural communities and I consider that it is incumbent on the appellant to demonstrate clearly that the continued retail use is unviable.*"

KEY ISSUES

The Site and its Location

The premises comprise a vacant three storey building in the centre of the village, with the front section of the ground floor being retail and the remainder of the property being residential.

Details of the Development

The application proposes to create three individual dwelling houses. Units 1 and 2 would use the existing doors to the front, with Unit 1 comprising a two bedroom house over three floors. Unit 2 would also have accommodation within the roof space, but would have three bedrooms, with two being on the first floor. Unit 3 is proposed to be to the rear, gaining access from the land to the side and would contain one bedroom. Three parking spaces for the units would be provided in the land down the side of the building, with access onto Bridge Street. As part of the proposal the fenestration of the side elevation of the premises would be

altered to provide two bay windows and the bricking up of a door. A new pitched roof to replace the existing flat roof rear extension is also proposed, together with the removal of a rear cold storage room to provide a patio area.

Assessment

- **Loss of a Retail Unit**

Policy (DW) S8 of the Warwick District Local Plan resists the loss of village shops and services unless it can be demonstrated that the unit is no longer viable. The current application provides further assessment and evidence, over that previously provided, with regard to the viability of the retail element, together with evidence to show that the unit has been unsuccessfully marketed for in excess of 12 months. The property has been actively marketed by John Shepherd Estate Agents since 2003, including the display of a board on the property, details at the estate agents office and on their website and marketing in the local press. The estate agents website automatically links to searches from numerous other independent property websites. Since February 2005, press marketing has ceased, although the other forms of advertisement continue. The Appendix attached to this report details the information submitted regarding the marketing of the property by the estate agents.

Details have been provided that approximately 75 people have enquired about the property over that period, although the agents state that most enquires have been with regard to the possibility of residential conversion. Although, advertised as 'offers invited', no offers have been made.

Since the previous committee meeting, an independent assessment of the property has been undertaken by the District Valuer. The property was briefly inspected and was found to be in reasonable structural condition. However the roof is in poor condition and complete re-roofing would be necessary, while the property is generally outmoded and in a neglected condition, requiring general refurbishment and improvement. The valuer states that *"In terms of the asking price of £495,000 I am in doubt that this exceeds the 'existing use value' and reflects the proposed conversion to 3 dwellings. Indeed my calculations indicate that even if the application was successful the asking price might be difficult to achieve bearing in mind the potential value of the completed units."*

Having carried out a limited investigation into shops in other villages it is concluded that, in this case, it is unlikely a retail use would support a value for the property in the region being asked, having regard to the high percentage of residential accommodation coupled with the repairing obligation, with *"any retained retail use would in my opinion be as a 'hobby' or perhaps in connection with a business primarily carried out elsewhere but in any event ancillary to the residential use."*

Although marketed at a higher price, representing 'hope value', it is considered the due to the very limited overall catchment area for the shop, the small size of the retail area as compared to the primary residential use of the building, together with the limited ability for passing traffic to stop, the unit is unlikely to attract a viable retail use. This lack of potential trade catchment is likely to be further

exacerbated upon completion of the Barford By-Pass (archeological works having commenced) which would presumably remove a large proportion of the traffic passing through the village. It is therefore now accepted that the unit is very unlikely to be commercially viable, even at a lower asking price, especially given its rural location and limited catchment area.

- **Provision of Housing**

Barford is identified as a 'Limited Infill Village' under Policy (DW) H8 of the Local Plan, which would mean that the provision of such residential units would be acceptable. Although policy RAP2 of the Deposit Local Plan would only allow affordable housing in the village, this has very limited weight and as such is not considered that this policy could be used as a reason for refusal.

The provisional findings of a recent Village Appraisal carried out in Barford has indicated a need for small houses, flats and bungalows and specifically the provision of 1 and 2 bed units. Although 3 bed dwellings are not referred to in the responses to the appraisal, it should be noted that the proposal would replace an existing 4 bed flat and the provision of such units in Barford was considered to be acceptable by the Appeal Inspector.

- **Affect on Amenities**

It is considered that the provision of the pitched roof over the existing flat roof rear extension would visually enhance the aesthetics of the property and the character of the street scene and Conservation Area, a view that was expressed by the Inspectorate. It is not considered that the proposal would cause loss of amenity to the neighbouring properties.

The proposed parking area would be located within a contained site, bounded by walls and fencing, while the proposed pitched roof is situated away at a right angle from the nearest neighbouring property. Whilst the proposal would involve the use of the existing joint entrance doorway between one of the retail units and No 8, it is considered that the use of this door together with possible noise intrusion would be less under the proposed scheme than could currently be the case. Whilst any noise insulation between the units would be an issue covered by Building Regulations.

The current scheme, showing off road parking for three cars, is considered to be acceptable and in line with Government Guidance. Whilst the amount of space provided would not allow for cars to turn within the site, thereby resulting in vehicles either reversing into or out of the site it is not considered that this would worsen the current situation which could take place if the building was in full retail/residential use.

It is particularly relevant that the lack of demonstration of the viability of the premises was the only reason that the Inspector dismissed the appeals with the Inspector concluding "*Whilst I consider that the appeal proposals are acceptable in terms of residential and Conservation Area policy, I conclude that the loss of retail premises would be contrary to the aims of the adopted Local Plan policy.*"

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990.
 - 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawings 6773 02 B and 6773 03, and specification contained therein, submitted on 18 March 2005 and 15 February 2005 unless first agreed otherwise in writing by the District Planning Authority, except as required by Condition 3 below. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Local Plan Policy ENV3.
 - 3 Notwithstanding the details in respect of bin store location shown on the submitted plans, no development shall be carried out on the site which is the subject of this permission, until full elevational details of bin store have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** : To ensure an appropriate standard of design and appearance within the Conservation Area, and to satisfy Policy ENV8 of the Warwick District Local Plan.
 - 4 Samples of all external facing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details. **REASON** : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy ENV3 of the Warwick District Local Plan.
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