

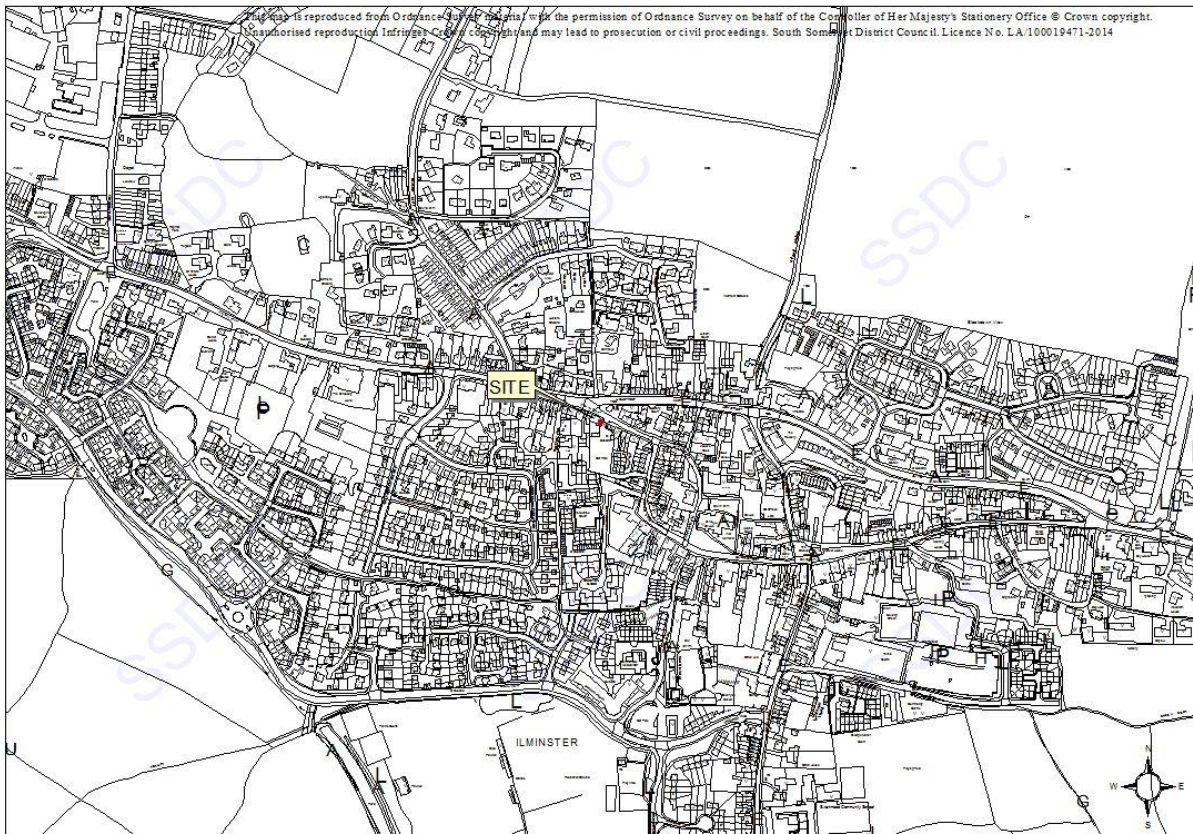
Officer Report On Planning Application: 14/02685/FUL

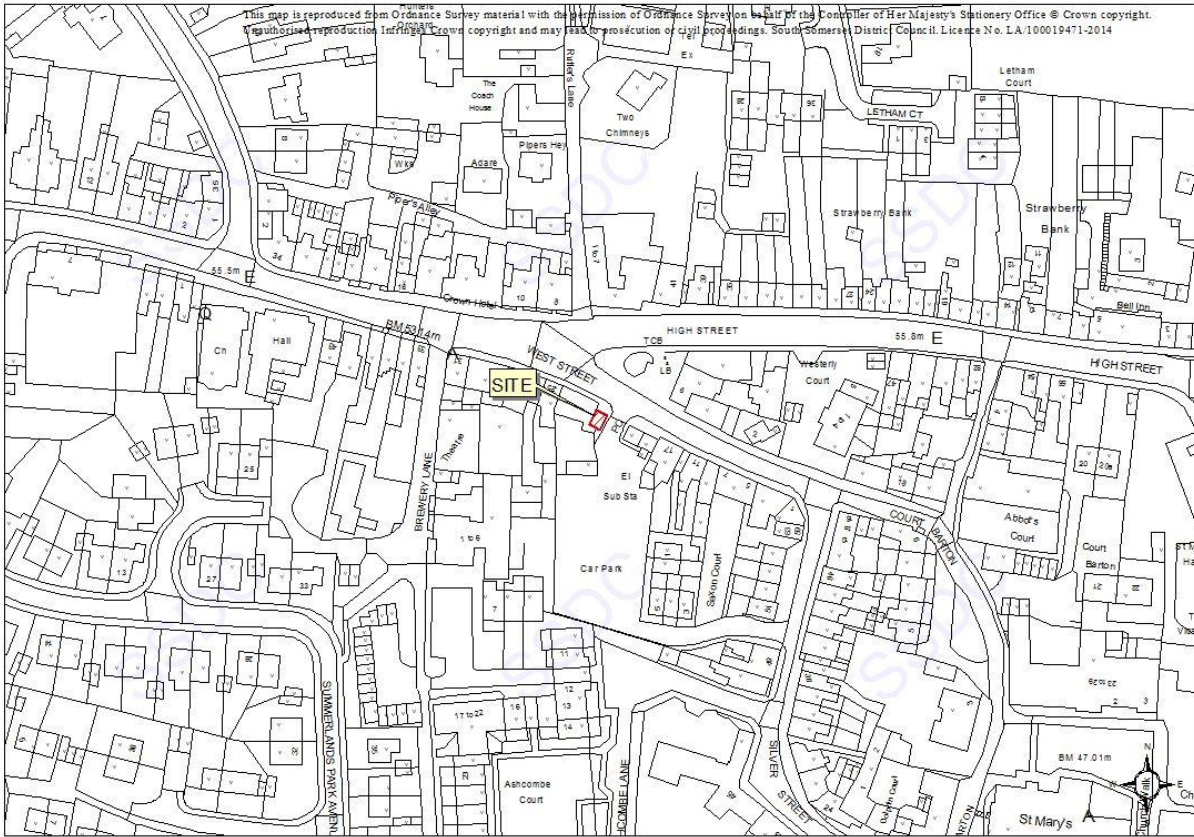
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| Proposal : | Alterations to include formation of new entrance and front window and change of use to office (Use Class A2) and shop (Use Class A1) (GR 335883/114693) |
| Site Address: | Former Ladies Public Convenience, West Street, Ilminster. |
| Parish: | Ilminster |
| ILMINSTER TOWN Ward (SSDC Members) | Cllr C Goodall Cllr K T Turner |
| Recommending Case Officer: | Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk |
| Target date : | 31st July 2014 |
| Applicant : | SSDC |
| Agent: (no agent if blank) | |
| Application Type : | Minor Other less than 1,000 sq.m or 1ha |

REASON FOR REFERRAL TO COMMITTEE

This application has been referred to the Committee as it is an application where the District Council is the landowner and there have been objections.

SITE DESCRIPTION AND PROPOSAL





The application relates to the former public conveniences in West Street, Ilminster. The site faces onto West Street and adjoins the exit road from the West Street public car park. The site is within development limits and the Conservation Area of the town.

The application building is single storey with hamstone walls under a tile roof. The building's footprint measures 5.1m by 3.9m. The public conveniences have been closed for a number of years, permission was granted for a storage use in 2011 (11/03427/COU).

The proposal seeks a permission for a change of use to retail (Use Class A1) or office (Class A2) to include alterations to the fenestration comprising the blocking up of the existing door and the opening up of the front elevation to provide a window and entrance door. The plans have been amended to delete a proposed porch and railings from the West Street elevation.

HISTORY

- 11/03427/COU - Change of use from public toilets to storage. Approved 9/12/2011.
- 821024 - Regulation 4: The refurbishment of existing ladies and gent's toilets and the provision of disabled persons accommodation on land adjoining the car park. Approved 1982.
- 38754/1 - Erection of two blocks of public conveniences and construction of a car park. Approved 1959.
- 38754 - Construction of a car park and public conveniences and the formation of access. Approved 1958.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

Relevant Development Plan Documents

Save policies of the South Somerset Local Plan:
Policy ST5 - General Principles of Development
Policy ST6 - The Quality of Development
Policy EH1 Conservation Area
Policy ME3 Employment within Development Areas

National Planning Policy Framework (March 2012):
Chapter 1 - Supporting a prosperous rural economy
Chapter 7 - Requiring Good Design
Chapter 12 Conserving and enhancing the historic environment

South Somerset Sustainable Community Strategy
Goal 5 - High Performance Local Economy
Goal 7 - Distinctiveness
Goal 8 - Quality Development

County Parking Strategy 2012

CONSULTATIONS

Ilminster Town Council: Recommend approval (issues discussed included; small office business use; potential to town; and useable space).

County Highway Authority: Standing Advice.

REPRESENTATIONS

Five letters of objection/representation (four from the same person (owner of property opposite)) have been received, their comments are:

- Have provided District and Town Councils with an alternative proposal that would demolish existing unattractive building and regenerate the whole corner (to include rear of No.19 West St). SSCDC feel that proposed shop re-use is preferable and have pursued this alternative plan which has not been discussed in any public forum.
- The useable space for the shop will be reduced by the inward opening door, need for kitchenette and lack of storage.
- There is no practicable storage provision for a bicycle.
- No provision for storage or collection of waste. The nearby takeaway and house use the front of the site for their bin collection.
- The application says there is no new access but the door position has changed.
- Proposal includes steps and railings - has SCC been consulted as owner of pavement and BT as owner of adjacent infrastructure?
- New railings will cause problems for users of pavement.

- Collection/deliveries may cause difficulties being so near to the car park and single yellow line.
- Unusual for such a small building to have such a dual use (A1 and A2).
- Question the use of public funds on the application and wish to be assured about the benefit to the public.
- Suggest that the best option for the building is to put it on the open market and stop the waste of public money.
- Question the extent of SSDC landownership

CONSIDERATIONS

The main planning considerations in this case are considered to be the principle of retail use; proposed design and impact upon the setting of the conservation area; highways/parking issues and impact upon residential amenity.

Principle

It is considered that the change of use of the building to a use that provides economic benefits is acceptable, in principle, as the proposal will enable a positive re-use of this building. The NPPF advises that a positive approach should be taken with regard to sustainable new development that supports economic growth in rural areas; this includes the conversion of existing buildings. Given the very positive approach taken by the NPPF with regard to supporting the rural economy it is considered that the principle of this change of use can be supported.

Proposed design and impact upon the setting of the conservation area

The external alterations are limited to fenestration treatment involving the blocking up of the existing door and the opening of a display window and door to the front elevation onto West Street. The proposed porch and railings have been deleted from the scheme in order to address concerns relating to use of the pavement and the proximity of BT cabinet and manholes. It is considered that the alterations are acceptable and maintain the existing scale of the building and will preserve the character and appearance of the Conservation Area.

Highways/parking issues

In terms of parking provision, the proposed uses (Class A1 or A2) would result in the requirement for one parking space; as the building is situated within the public car park which provides long stay parking it is not considered that specific provision needs to be made for the building. In terms of traffic movements, it is not considered that the use will result in a significant increase in traffic movements.

As such, the proposal is considered to be acceptable in terms of its highways impact.

Impact upon residential amenity

It is not considered that the change of use to a retail/office would result in any significant increase in noise and disturbance to neighbouring residential properties.

Other matters

Public discussions - the application has been formally advertised and surrounding premises notified of the application. The Town Council have also been formally consulted. The decision by SSDC to make the application is not considered to be a planning matter.

Lack of space - the unit will undoubtedly be small but this is a matter for the market and it is not considered that the application could be refused on the basis of the size of the unit.

Bike storage - There is no requirement for the unit to provide a cycle space but is likely that space could be found within the public car park.

Bin storage - It is unlikely that the proposed uses will generate significant amounts of refuse and suitable arrangements can be made within the unit for such storage. The issue of other premises using the front of the site is a matter for the landowner; SSDC Land and Property Office has confirmed that the Council 'owns the land up to the highway and there are no legal agreements, temporary or otherwise, permitting these companies to use SSDC land for the collection of their waste.' As such, it is not considered that it would be reasonable to refuse this application on the basis that it would interfere with the unauthorised use of the land for bin collection by adjoining businesses.

Landownership - The Land Registry plans clearly show the extent of the Council's landownership which accords with the red line shown on the submitted site plan.

Use of public funds - this is not a planning matter.

Summary

This change of use offers an alternative use for this building with potential economic benefits. The impact upon highways/parking and residential amenity is considered to be minimal and not of such significance as to justify a refusal of the application.

RECOMMENDATION

Approve

01. The proposed change of use will result in economic benefits and by reason of the limited fenestration alterations will respects the character and appearance of the Conservation Area. Due to the location and proposed use there will be no adverse impact upon highway safety, parking provision or the residential amenities of surrounding properties. The proposal is therefore in accordance with the aims and objectives of the National Planning Policy Framework, Somerset County Council Parking Strategy and saved policies ST5, ST6, EH1 and ME3 of the South Somerset Local Plan 2006.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan (1:1250) 1282-11 received 5 June 2014

Proposed floor Plan (1:50) 1282-02B and proposed elevations 1282-03A received 25 July 2014

Reason: For the avoidance of doubt and in the interests of proper planning.

03. No development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority;

- a. details of materials (including the provision of samples where appropriate) to be used for the external walls;
- b. details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows and doors;

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the conservation area in accordance with policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006.
