

Officer Report on Planning Application: 17/03245/COU

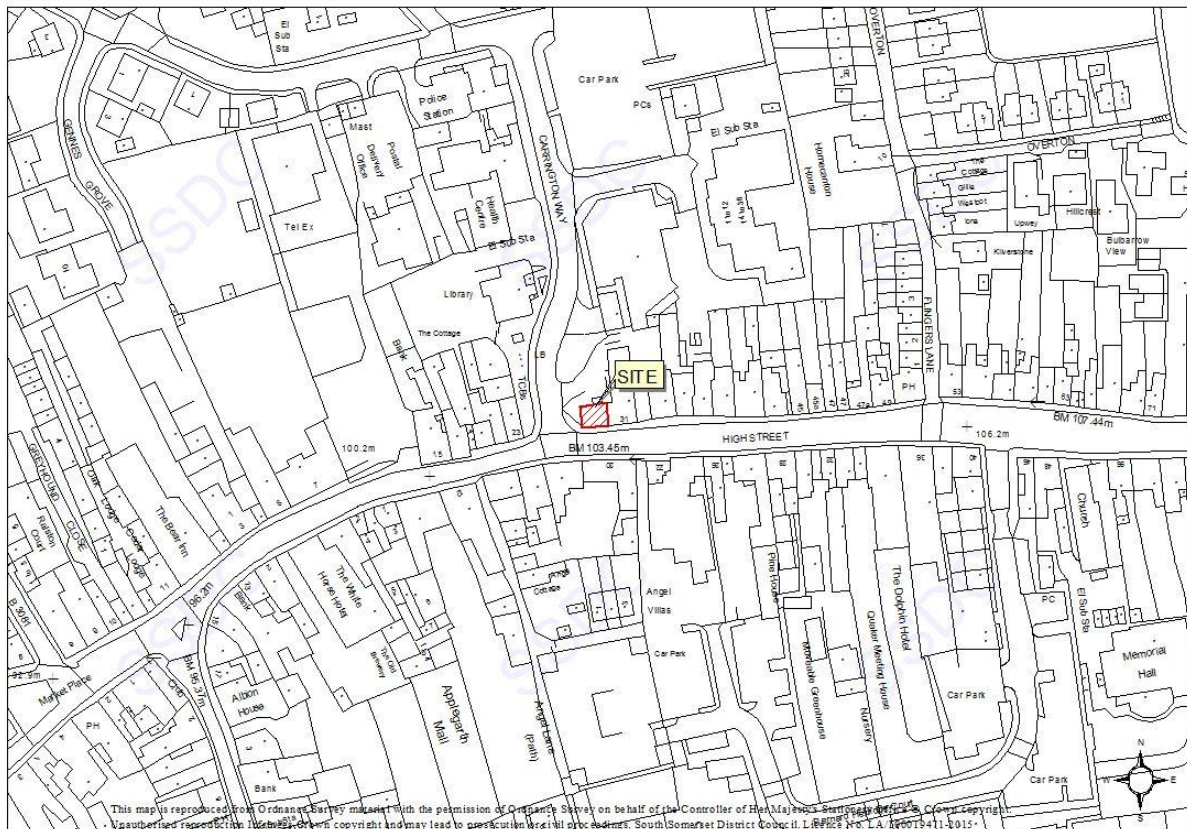
Proposal:	Change of ground floor use from Office to Takeaway
Site Address:	Victoria House, 27 High Street, Wincanton
Parish:	Wincanton
WINCANTON Ward (SSDC Member)	Cllr N Colbert Cllr C Winder
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date:	12th October 2017
Applicant:	Mr Mehmed Mehmedov
Agent: (no agent if blank)	
Application Type:	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee as the owner of the property is a District Councillor.

SITE DESCRIPTION AND PROPOSAL





This application seeks permission for the change of use of premises from an (A2) office (former estate agents office) to a hot food takeaway (A5). The site consists of a ground floor office unit in a two storey attached building, which is finished in render with clay roof tiles. The first floor contains residential flats. The site is located within a development area and a conservation area as defined by the local plan. The site is within the town centre as defined by the local plan. The site is close to various residential and commercial properties, and is close to several grade II listed buildings.

HISTORY

13/00890/NMA - Application for a non-material amendment to planning approval 11/02197/FUL to replace dormer windows on front elevation with rooflights - Application permitted 07/05/2013

11/02197/FUL - Extension to form ground floor shop/office and second floor conversion and extension to form three flats (revised scheme) - Application permitted with conditions 15/07/2011

10/04660/FUL - Extension to form ground floor shop/office and first and second floor conversion and extensions to form four flats - Application refused 28/01/2011

04/00457/ADV - The erection of a projecting sign and non-illuminated panel - Application permitted with conditions 16/04/2004

98/00594/ADV - The display of an internally illuminated wall mounted sign - Application permitted with conditions 23/06/1998

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12,

and 14 of the NPPF state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy EQ2 - General Development

Policy EQ3 - Historic Environment

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

National Planning Policy Framework

Chapter 2 - Ensuring the Vitality of Town Centres

Chapter 7 - Requiring Good Design

CONSULTATIONS

Wincanton Town Council - Recommends approval

County Highway Authority - Refers to standing advice

SSDC Highways Consultant - Notes that the site is located close to a controlled pedestrian crossing and a road junction. He notes that hot food takeaways can lead to indiscriminate on-road parking. In this case, he suggests that the highway markings and existing traffic regulation orders should deter any such indiscriminate parking. He also notes that there is a public car park located a short distance away. Therefore, on balance, he considers the scheme to be acceptable.

SSDC Environmental Protection Unit -

"After careful consideration of this application and a site visit on the 31st August 2017, I note that there is a residential premises situated above this premises. The applicant has not provided any information concerning odour or noise control that may arise from the COU and the potential detrimental effect this may have on the first floor residential property.

I would therefore recommend refusal of this application on the grounds that it would be detrimental to the amenity of nearby residences."

On the receipt of further information from the applicant she stated that her concerns regarding noise and odour had not been alleviated.

Avon and Somerset Police Crime Prevention Design Advisor - He objects on the following grounds:

- "o *Proposed take away is likely to attract vehicles to park adjacent to the building, on the road junction to make & collect orders. This will almost certainly cause vehicle's to park on the footway, contravene double yellow lines and zebra crossing zig-zag lines with the potential to put other vehicle users and pedestrians at risk*
- o *Vehicles could also obstruct the tactile paving (blister surface for sensory crossing points for the visually impaired) provided at the junction on Carrington Way."*

REPRESENTATIONS

One letter of objection received from the occupier of a neighbouring property. Objections were raised in the following areas:

- Potential parking problems due to location.

CONSIDERATIONS

Principle of Development

There are no local plan policies that seek to maintain particular uses in the town centre of Wincanton. The NPPF contains a general requirement to maintain the vitality and viability of town centres, but there is nothing to suggest that a change from an A2 office to a hot food takeaway would harm the vitality or viability of Wincanton town centre.

It is therefore considered that the principle of development is acceptable in accordance with the policies of the local plan and aims and provisions of the NPPF.

Highways

The highway authority was consulted as to the impact of the scheme on the local highway network, and they referred to their standing advice. The SSDC Highway Consultant has raised no objections to the scheme from a highway safety of point view. He did note that takeaways can lead to indiscriminate on-road parking, but was satisfied that the highway markings and existing traffic regulation orders should deter any such indiscriminate parking. He also noted that there is a public car park located a short distance away. His opinion in this area is considered to outweigh the concerns of the Police Crime Prevention Design Advisor and a local occupier in this regard.

As such, it is not considered that there would be any severe adverse impact on highway safety in accordance with the aims and objectives local plan policies TA5 and TA6, and the NPPF.

Visual Amenity

No external alterations are proposed. As such, there will be no impact on the visual amenity of the area in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

Residential Amenity

The site is located in close proximity to third party residential properties and in particular to the residential flats above. Despite requests to do so, no meaningful or coherent information has been supplied in relation to how nuisance odour and noise will be prevented. The SSDC Environmental Protection Unit was consulted and has raised objections to the scheme on this basis.

As such, it is considered that it has not been demonstrated that there will be no demonstrable harm to the residential amenity of neighbouring occupiers by way of odour and disturbance, contrary to policy EQ2 of the South Somerset Local Plan and the aims and provisions of the NPPF.

Conclusion

Whilst the impacts of the development are considered to be acceptable in relation to principle, visual amenity, and highway safety, the potential impacts in relation to residential amenity are

not considered to be acceptable. There are no public benefits to the scheme to weigh against the identified harm.

RECOMMENDATION

Refuse for the following reason:

SUBJECT TO THE FOLLOWING:

01. It has not been demonstrated that the proposal would not have an unacceptable adverse impact on the residential amenity of adjoining occupiers by way of disturbance and nuisance odour. The proposal would therefore be contrary to policy EQ2 of the South Somerset Local Plan (2006-2028) and the aims and objectives of the National Planning Policy Framework.

Informatives:

01. Note: In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by:
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant/agent did not take the opportunity to enter into pre-application discussions and did not provide sufficient information during the application process to enable a positive decision to be made.