

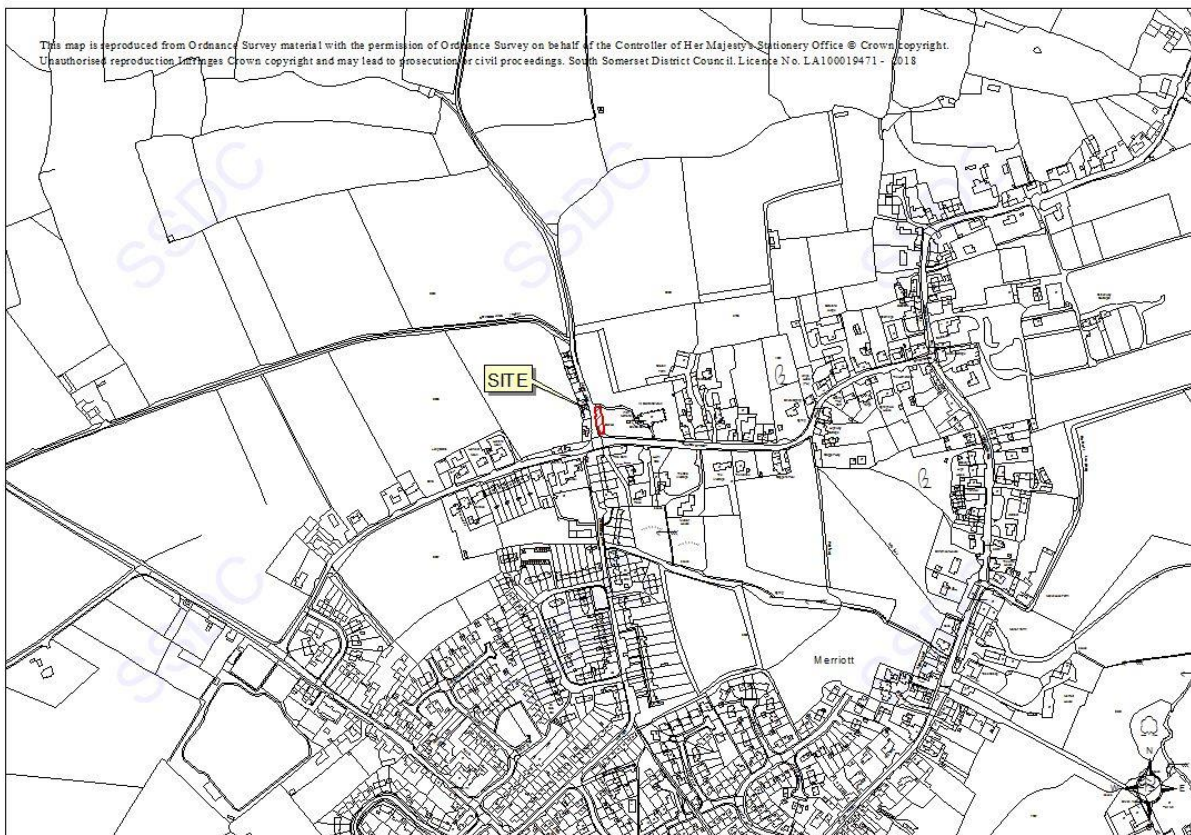
Officer Report On Planning Application: 17/03983/FUL

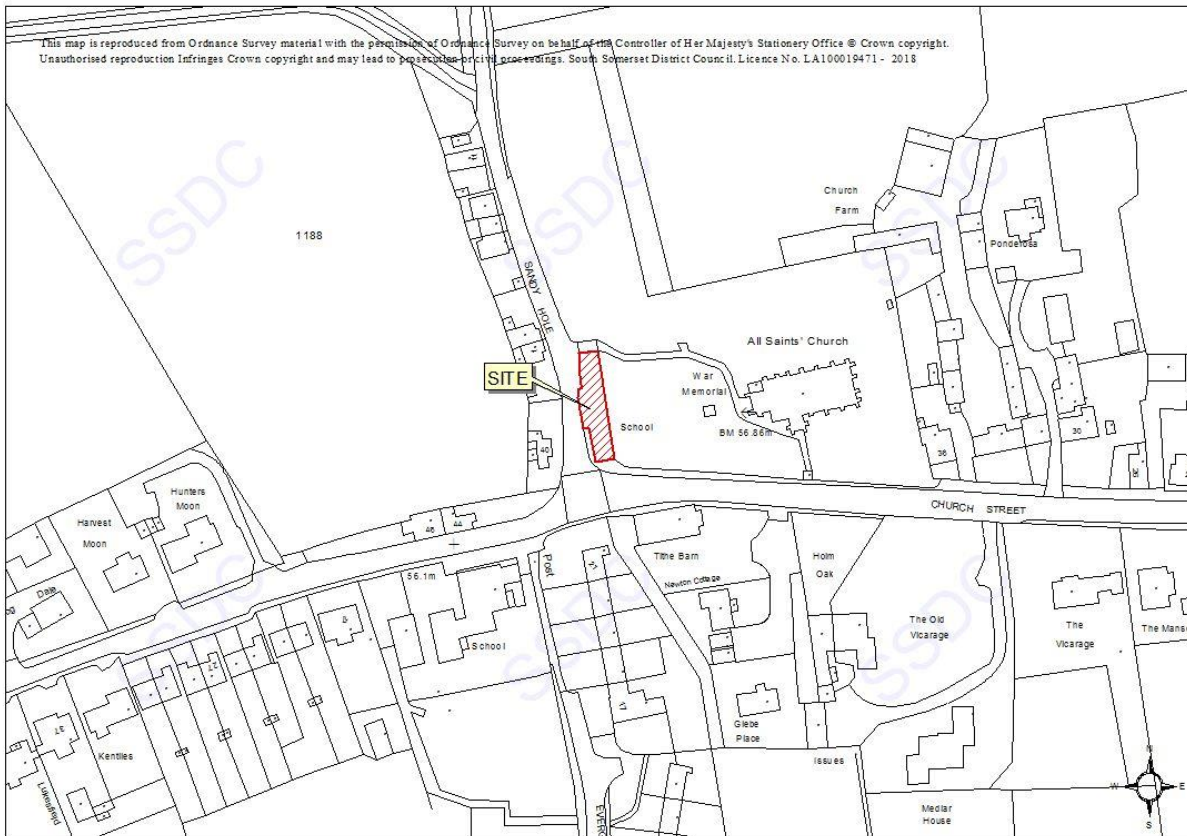
Proposal :	Alterations and change of use of former sunday school to cafe/restaurant (Use class A3) to include removal of 2m of natural stone wall to form pedestrian access and erection of covered walkway. Display of 2 No. fascia signs, 1 No. hanging sign and exterior lighting.
Site Address:	The Former Sunday School Sandyhole Bull Bridge Lane
Parish:	Merriott
EGGWOOD Ward (SSDC Member)	Cllr P Maxwell
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date :	1st December 2017
Applicant :	Mrs Louise Pearce
Agent: (no agent if blank)	
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is being considered by the committee at the request of the ward member to enable discussion of local concerns raised on matters such as car parking.

SITE DESCRIPTION AND PROPOSAL





The site consists of a Grade II listed disused, detached building located in Merriott. The building is located on the western edge of the church yard of All Saints Church which is Grade II* listed. The building is located within the Merriott Conservation Area. Church Street runs along the southern end of the subject building and the adjacent church yard and 'Sandy Hole' runs along the western side of the building meeting Church Street at a T junction. The building was previously used as a Sunday school and it has a D1 planning use class.

It is proposed to change the use of the building to a café and it is envisaged by the applicant that it would have a cyclist theme. The application proposes minor alterations to the fabric of the building to facilitate the use. A pedestrian entrance will be created to provide access into the yard area. This area would provide cycle parking, seating and W/C facilities. Minor demolition of less significant modern additions within the yard area is proposed. Various minor internal alterations are proposed.

During the course of the application various amendments have been made to the proposal including the removal of a covered walkway within the yard. Additional information was submitted in support of the application including a survey of available parking spaces within the vicinity, illustration of visibility splays at the junction of Sandy Hole and Church Street.

There is a concurrent application being considered for listed building consent under reference 17/03984/LBC. There was originally an application under the advertisement regulations, however following the removal of illumination for the advertisements they no longer require advertisement regulation consent and therefore the application was withdrawn.

HISTORY

There is no history of relevance to the proposal.

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 the decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the Local Planning Authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the South Somerset Local Plan 2015. The Local Plan was adopted by South Somerset District Council in March 2015.

In relation to listed buildings Section 72 of the Listed Building and Conservation Areas Act places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving or enhancing the character and appearance' of the conservation area.

Section 66 of the Listed Building and Conservation Areas Act requires that planning authorities have 'special regard to the desirability of preserving the building or its setting'.

The National Planning Policy Framework (NPPF) is a material consideration.
The following chapters are of most relevance:

National Planning Policy Framework
Chapter 1- Building a strong, competitive economy
Chapter 3 -Supporting a prosperous rural economy
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 8- Promoting healthy communities
Chapter 12- Conserving and enhancing the historic environment

Local Plan (2006-2028)

The following Local plan policies are considered to be relevant:

SD1- Sustainable Development
SS2- Development in Rural Settlements
EP15 - Protection and provision of local shops, community facilities and services
EQ7- Pollution Control
EQ3 - Historic Environment
EQ2 - General development
SS2 - Development in rural settlements
TA5 - Transport impact of new development
TA6 - Parking standards

National Planning Practice Guidance:

The following sections have the most relevance:

- Determining an application.
- Conserving and enhancing the historic environment
- Design

Merriott Village Plan (2014)

The Merriott Village Plan is a material consideration.

Other Policy Considerations

Somerset County Council Parking Strategy (March 2012)

CONSULTATIONS

Merriott Parish Council:

They have concerns regarding parking in Sandy Hole and the potential for congestion in Church Street at busy times - e.g. church services, school pick ups etc.

They also have concerns over disturbance to the residential population and would not be in support of 7 days opening a week and extended opening hours.

No other comments.

Response to amended plans:

No additional comments to make.

SDDC Conservation Officer:

Response to amended plans:

Much better.

Gates still shown arched on elevation and flat on large scale drawings.

We need to detail the making good in the courtyard, and any alterations to the outbuildings. I suspect a lot of work may be required here. Also colour finish of gates. Etc.

First response:

I am generally supportive of the new use of this building.

I have commented separately on the signs and lighting.

Internally I am happy with the proposal.

Externally I am happy with the new gateway to form an access into the yard, but would question if this should be 2m wide and would look to have a wooden solid gate to maintain the wall line, rather than a metal gate with railings. I have since found a drawing of a wooden gate, but still question the width and the curved top.

There are two proposed drawings of the new door and service area. Drawing no FSS-PL-07 is much preferred over FSS-SK-07. We need to know the external colour finish for the doors.

There are no details of the covered walkway. These need to be submitted and I am concerned about the height and appearance of this as described. It may be better to route this around to the east side of the courtyard.

There is no detail of the alterations to the fireplaces to return them to be operational.

We need to condition making good, and the new east boundary trellis. This may be better as a fence.

Please ensure you copy HE regarding the setting of the Church.

Historic England:

No comments to make.

SDDC Environmental Health Officer:

First response:

As per our telephone discussion, I agree that the refuse store appears to be quite small and restrictive and I suggest the following paragraph is included as a comment in the planning response:

"The proposed new refuse store at the side of the courtyard is very restricted in size and therefore limited in the amount of waste that can be kept there. If this proposal is to remain in it's present form, great care must be taken to properly manage the storage of refuse on the premises, which may need more frequent collections to be arranged".

Second response:

I can confirm that I would recommend the removal of the provision of outdoor seating in order to protect the amenity of nearby residential properties.

Highway Authority:

Standing Advice applies

SSDC Highway Consultant:

You will recall my initial comments on this application as follows:

According to the SPS, given the location of the site and the type of use proposed (A3 use class), the scheme should provide parking for 11 cars and 9 cycles. Given the intention of the café to become a 'Feed Station' for cyclists the required level of cycle parking (using Sheffield type stands) should be seen as a minimum. No car parking would be provided. On road parking along the frontage of the church could be an option. The junction of Sandy Hole with Church Street should be assessed as it appears to be substandard. I would be concerned if vehicles seek to park along Sandy Hole as it could lead to a significant increase in use of the junction. It would be useful if an analysis could be carried out to assess the availability of on-road parking along Church Street.

Additional information, photographs and plans have subsequently been submitted by the applicant, including a car parking survey covering Church Street and Sandy Hole on a weekday (Tuesday 21 November) and weekend day (Saturday 18 November) and a plan showing the extent of visibility splays available at the junction of Sandy Hole with Church Street. The site has been visited both during the morning peak hour at the time when pedestrian and vehicular movements associated with the nearby primary school were at their peak, and also late morning when traffic movements in the area were lighter.

The main issues are as follows:

Parking - The proposed development is likely to lead to a demand for the parking of private vehicles by customers and staff of the proposed café. While the scheme offers no off-road parking, on-road parking particularly on Church Street, appears available on most days. I acknowledge that when services are taking place at the church, particularly weddings, christenings and funerals, on road parking will be limited. However, I understand that the extant use of the building falls under a D1 use class and that uses under this classification could give rise to a significant demand for parking. In my opinion, the level of car parking that could be required to accommodate events that could be held at the building under its extant D1 use is likely to be significantly greater than that for the proposed café use. I believe a café in this location is more likely to be used by local people who may walk to the premises and that customers arriving by car would be more sporadic than that which could occur under the existing D1 use. Therefore, on balance, I believe the lack of any off-road car parking is unlikely to cause a significant problem in this case. I have considered the level of movements that occur around the school peak hours, but I believe that the use of the café during these times, particularly during the morning peak hour period, is likely to be less intensive. From the car parking surveys that have been conducted, it would appear that Sandy Hole is already well used for the parking of existing vehicles and therefore if customers do arrive by car, I anticipate them using Church Street rather than Sandy Hole. I note that the development scheme would provide a significant number cycle parking facilities (in the form of cycle racks within the courtyard area) in order to accommodate its objective to become as 'Feed Station' for cyclists.

Junction of Sandy Hole/Church Street - When emerging from Sandy Hole, the visibility splay to the left is extensive, significantly in excess of the required standard. To the right, the sightline is below standard although some vegetation growing from the hedge fronting the property on that corner of the junction which could legitimately be cut back (as it appears to overhang the highway) would improve the splay slightly in that direction. The concern I have is for cyclists who have left the café then seeking to turn right at the junction having sufficient visibility to oncoming traffic travelling eastbound along Church Street. I am mindful that the highway authority has referred this application to its Highways Development Control Standing Advice document. That guidance sets out visibility criteria for new accesses and junctions. However, this is an existing junction. You will recall the appeal decision in Broadway where this issue was raised by the inspector. It would appear that there have been no recorded personal injury accidents

at the junction in at least the last 19 years. While it is acknowledged that the use of the junction would increase as a result of the proposed development, particularly by cyclists, the fact that no injury accidents have been recorded at the junction is compelling evidence given the use of the junction by existing traffic and the use of the building and subsequent use of the junction that could occur under the building's extant planning status. While not an over-riding factor in this case, I am also mindful that cyclists are likely to encounter other road junctions within the area that are equally as, if not more substandard. In addition, there is the opportunity to join Church Street from Sandy Hole by positioning yourself further to the east of the centreline of the junction to improve visibility to the west should cyclists seek a better view to on-coming traffic from the west.

In summary, therefore, I am minded to support the application, mainly on the basis that the traffic generation and demand for parking that could occur with the fall-back position, i.e. the continuation of the extant D1 use of the building, could in my opinion lead to a more significant parking demand and volume of traffic being generated, albeit perhaps not on a daily basis. The requirement for parking and the number of vehicles likely to be generated by the proposed café use may be more regular but, in my opinion, would be less intensive.

In the event that planning permission is required, I recommend conditions are imposed securing the details as shown on the submitted plans.

REPRESENTATIONS

Following consultation, representations have been received from 8 households, 6 objecting to the application and two in support. One of the letters of support is from the Parochial Church Council to All Saints Church. The following comments are made:

Highway impacts:

- Concerns over a lack of car parking- pressure from school, church services and associated activities etc.
- Concerns over highway safety due to the busy nature of the road/junction, substandard highway network and existing surrounding uses such as the school.
- Concerns over access/manoeuvring for delivery vehicles.

Other matters:

- Loss of privacy for people tending recent graves near to the building.
- No need for another café in the village given that there are other catering facilities within the village.
- Adverse impact on neighbour amenity- inappropriate commercial use in a residential area.
- Adverse impact on drainage system.
- Concerns over illuminated signs.

Support:

- Proposal will secure the future use of the building.
- General benefit to the community. Modest alterations- not detrimental to the building.
- Employment generation.
- Can there be a restriction on opening hours in the evening?
- Can the following highway mitigation measures be put in place:
 1. Single or double yellow lines on the opposite side of Church Street to ensure free flow of traffic.
 2. Introduction of a 20mph speed limit along Church Street.

CONSIDERATIONS

PRINCIPLE OF DEVELOPMENT:

There are a number of Local Plan policies and sections within the NPPF that are relevant to this proposal. As stated above, development proposals must be determined in accordance with the development plan unless material considerations indicate otherwise.

Policy EP 15; 'Protection and provision of local shops, community facilities and services', states:

Provision of new community facilities and services will be supported. Proposals that would result in a significant or total loss of site and/or premises currently or last used for a local shop, post office, public house, community or cultural facility or other service that contributes towards the sustainability of a local settlement will not be permitted except where the applicant demonstrates that:

- alternative provision of equivalent or better quality, that is accessible to that local community is available within the settlement or will be provided and made available prior to commencement of redevelopment; or
- there is no reasonable prospect of retention of the existing use as it is unviable as demonstrated by a viability assessment, and all reasonable efforts to secure suitable alternative business or community re-use or social enterprise have been made for a maximum of 18 months or a period agreed by the Local Planning Authority prior to application submission.

Policy SS2 states (inter alia) that development in Rural Settlements will be strictly controlled to various types of development, including those that create or enhance community facilities and services to serve the settlement".

In addition there is general support for the development of community facilities within paragraphs 28 and 70 of the NPPF.

Having regard to the above, there is general policy support for the principle of the proposal, however the acceptability depends on the site specific planning considerations and compliance with the relevant development plan policies relating to matters such as neighbour amenity, highway and heritage impacts. These matters are assessed against Local Policies EQ2, EQ3, TA5 and TA6.

CHARACTER AND APPEARANCE/IMPACT ON THE LISTED BUILDING:

The proposal would necessitate relatively minor alterations to the listed building. The most noticeable external alteration would be the provision of signage. This is being dealt with under separate listed building consent application and are considered to be acceptable.

The Conservation Officer does not object to the amended plans and has requested conditions to deal with details. Other details such as the colour/finish of new doors, alterations to the fireplaces, external boiler vent can be conditioned.

Historic England have not provided detailed comments on the proposal. Having regard to the above it is considered that the proposal would respect the historic character of the listed building and the setting of the Grade II* listed church in accordance with Policy EQ3 of the South Somerset Local Plan (2006-2028)

RESIDENTIAL AMENITY:

Concerns have been raised by local residents about the impact on amenity by way of noise and general disturbance. It is considered that the proposal would be acceptable in this regard. The applicant has proposed opening hours of 08.00-18.00 Monday to Sunday. Within a residential area, some uses with these opening hours may not be considered appropriate, however given the use as a café it is considered that it would be sufficiently 'low key' so as to have an acceptable impact on neighbour amenity. It is acknowledged that the garden of the adjoining dwelling on the opposite side of the street is approximately 7 metres away, however the outdoor seating area is relatively small so the numbers of users would be limited. The Councils Environmental Protection department have recommended that

tables and chairs are not provided within this area, however in this instance it is considered that the potential impacts would not be sufficiently great to warrant a condition restricting tables and chairs within the yard. Additionally, regard is also given to the lawful use of the building which would allow uses such as creches, day nurseries, schools to operate within the site on an unrestricted basis. Given these considerations it is considered that there are insufficient grounds to warrant a restrictive planning condition preventing tables and chairs within the yard area. Notwithstanding these considerations it is considered appropriate to restrict amplified music within the exterior areas of the site and as such a condition is included within this decision.

An objection has been received on the basis of the impact on recent graves within the church yard and the implications for people tending to the graves as they are overlooked by existing windows within the building. These windows are directly adjacent to the graves and serve the seated café area and the kitchen/servers area. In planning terms the impact of these windows would normally be acceptable as they are existing windows and the building can currently lawfully be used for a variety of uses. On balance, in planning terms it is therefore not reasonable to insist in obscure glazing to these windows via a planning condition. Given the sensitivity of the issue, it has been raised in discussions with the applicant as internal curtains or blinds to the lower sections of the windows would mitigate the concerns.

Having regard to the above, it is considered that the proposal would have an acceptable impact on neighbour amenity and would therefore comply with Policy EQ 2 of the South Somerset Local Plan (2006-2028).

HIGHWAY SAFETY:

Concern has been raised by local residents about the highway and parking impact. The Councils highway consultant has considered the application in detail and has carried out an assessment on site. The Highway Consultants comments are included within the consultee section of this report.

In summary, the two main areas identified for consideration are the impact in relation to on street parking and the visibility splay at the junction of Sandy Hole and Church Street. In summary, it is considered that the impact on parking will not be significant to a degree that would warrant refusal. It is considered that a significant proportion of customers would be local and would walk to the site and that movements are likely to be spread throughout the day rather than having intense peak periods that would be generated by the buildings previous use as a Sunday school.

The safety implications of the adjacent junction have been considered and judged to be acceptable. There are numerous factors cited by the Highway Consultant including the existing extant lawful use of the building, the lack of recorded accidents and injuries at the junction and the fact that cyclists visiting the café are likely to encounter many similar and worse junctions over the course of a ride. Overall, given the above factors it is considered that the highway implications of the proposal would be acceptable and accordingly it is considered that the proposal would accord with Policies TA5 and TA6 of the South Somerset Local Plan (2006-2028).

RECOMMENDATION:

Grant permission subject to conditions

01. The proposed change of use would represent an appropriate reuse of the listed building and would not harm the setting of the Grade II* listed Church. It would provide a community facility within the village and would have an acceptable impact on neighbour amenity, highway safety and parking provision. Accordingly the proposal would accord with Policies EP15, EQ2, EQ3, TA5 and TA6 of the South Somerset Local Plan (2006-2028) and paragraphs 28 and 70 of the National Planning Policy Framework (2012).

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. Other than as required by conditions the development hereby permitted shall be carried out in accordance with the following approved plans:.FSS-PL-03A; 01A; 02D; 07A; 08A only.

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

03. The use hereby permitted shall not be open to customers outside the following times: 08.00-18.00, Mondays to Sundays.

Reason: In the interests of residential amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

04. The cycle storage detailed on plan No. FSS-PL-08A, FSS-PL-01A shall be installed prior to the commencement of the use hereby permitted. The approved cycle details shall be retained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable transport options in accordance with Policy TA6 of the adopted South Somerset Local Plan (2006 - 2028).

05. No system of public address, loudspeaker, amplifier, relay or other audio equipment shall be operated on any building or otherwise on any part of the subject land.

Reason: In the interests of residential amenity in accordance with Policy TA6 of the adopted South Somerset Local Plan (2006 - 2028).

Informatives:

01. The proposed new refuse store at the side of the courtyard is very restricted in size and therefore limited in the amount of waste that can be kept there. If this proposal is to remain in it's present form, great care must be taken to properly manage the storage of refuse on the premises, which may need more frequent collections to be arranged
