

Officer Report on Planning Application: 14/04342/FUL

Proposal :	Partial change of use from dwelling to not-for-profit art gallery (D1), retail (A1) and associated alterations (gr 368363 / 135003)
Site Address:	The Old Coach House Coombe Street Bruton
Parish:	Bruton
BRUTON Ward (SSDC Member)	Cllr A M Groskop
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	28th November 2014
Applicant :	Mr Benedict Nicolson
Agent: (no agent if blank)	
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee at the request of the ward member, and with the agreement of the area chair, in order to allow concerns raised locally to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The proposal seeks permission for the change of use of an existing dwelling to a mixed use of dwelling (C3), not-for-profit art gallery (D1), and retail (A1), and for associated physical alterations. The property consists of a three storey terraced house, finished in natural stone, with clay and stone roof tiles and painted timber window frames. The dwelling is a grade II listed building and is close to various residential properties; including other grade II listed buildings. The site is located within a development area and a conservation area as defined by the local plan.

The proposed alterations are predominantly internal alterations to facilitate the proposed gallery use and required as part of the general restoration of the building. It is proposed to provide a hanging sign to the exterior front elevation of the building. There would be no clear delineation inside the building between the different uses, with gallery space provided on the ground and first floor, and living accommodation provided on the ground and third floor, with the circulation space on the ground and first floor space shared between the uses. The proposed retail element of the use would be ancillary to the gallery part of the use. It is not proposed to include the outdoor space within the gallery or retail use.

HISTORY

14/04343/LBC - Proposal for partial change of use from dwelling to not-for-profit art gallery (D1), retail (A1) and associated alterations - Pending consideration

09/04860/FUL - The erection of a 1.8 metre high boundary wall - Application permitted with conditions 12/03/2010

10/00297/LBC - The erection of a 1.8 metre high boundary wall - Application permitted with conditions 12/03/2010

96/00688/LBC - Carry out alterations to garage block - Application permitted with conditions
07/05/1996

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 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 development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (Adopted April 2006):

Policy EH1 - Conservation Areas
Policy EH3 - Alterations to Listed Buildings
Policy EH5 - Setting of Listed Buildings
Policy ST5 - General Principles of Development
Policy ST6 - The Quality of Development

National Planning Policy Framework

Chapter 7 - Requiring Good Design
Chapter 12 - Conserving and Enhancing the Historic Environment

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments
Goal 4 - Services and Facilities
Goal 8 - High Quality Homes

CONSULTATIONS

Bruton Town Council - Various comments have been received from various members of the Town Council expressing different views. However, the chair of the Town Council has clarified that it is the original recommendation of the Town Council planning committee that stands. As such it must be considered that the Town Council recommend refusal on the following grounds:

- The location of the gallery is not suitable to accommodate the extra traffic that will result, due to difficulties in on street parking, overcrowded car parks, the substandard junction at the bottom of Coombe Street, and the very narrow pavements.

County Highway Authority - Refers to standing advice

SCC Archaeology - No objections

SDDC Conservation Officer [in relation to the concurrent listed building consent application] - States that he has no objection to the low key change of use. He states that the building will be little altered and will still be managed as a single entity, easily capable of reinstatement as a single dwelling in the future. He suggests the use of conditions to control details of repointing, details of the making good to the underside of the staircase, details of the new balustrade, the agreement of a door schedule, and details of the hanging sign bracket.

SDDC Area Development - Notes that changes of use from residential to commercial uses in

town centres are, in principle, welcome. They note and agree that there are traffic and parking issues in the locality. They state that their occasional snap-shot surveys, of both on and off street parking for 2014 show that there is normally around 10-15% capacity on the high street, but that the town centre car parks are normally full. They state that additional spaces are normally available at the overspill car park on the corner of Silver Street and Station Road. They note that road safety is a local concern, but suggest this is a pre-existing issue that can only be addressed by traffic calming measures. They conclude that the proposal will not have an adverse impact and that it offers the benefit of encouraging more footfall and spending in the town centre.

SSDC Economic Development - Understands logic behind building on Bruton's reputation of being a focus of art, and with the opening of the prestigious gallery at Durslade Farm, the applicant has seen an opportunity to add to the 'Bruton offer'. He notes the predicted traffic flows and suggests that the number of additional cars to the area are not dissimilar to what would have been generated by the two public houses which have recently closed in the vicinity. He raises a concern with the suggested opening hours, which he suggests may raise amenity issues.

SSDC Environmental Protection Units - No comments

REPRESENTATIONS

Two letters of support were received from the occupiers of neighbouring properties, one of which was on the condition that the opening hours are amended and the parking issues are properly assessed. They support for the economic and cultural benefits to the town.

Letters of objection have been received from the occupiers of 13 neighbouring properties. Objections were raised on the following grounds:

- The street is not suitable for commercial properties, which would be better sited on the High Street.
- There is a lack of available parking and the proposal will exacerbate an existing problem.
- The junction of Coombe Street with High Street and Quaperlake Street is dangerous and the pavements are narrow. The proposal will exacerbate the issue.
- The noise and disturbance of premises opening from 9am to 9pm seven days a week is unacceptable and inappropriate.
- The commercial gallery will overlook the objector's sitting room and bedroom.
- The number of visitors quoted in the application form appears to be understated.
- Delivery vehicles could block the right of access for residents of St David's Place or access by emergency vehicles
- The proposal could increase footfall through St David's Place and along Coombe Street affecting the privacy of residents and increasing noise levels.
- The building is a grade II listed building in a conservation area and should not be allowed to change use or to put a sign up.
- The proposed access is not suitable for disabled visitors.
- The proposal could set a precedent for future changes of use in the vicinity.
- The division of uses within the building needs to be made clearer.
- There are various errors within the submitted application documents.
- The proposal will exacerbate parking issues in Tolbury Mill. This will make access impossible for emergency vehicles.

CONSIDERATIONS

History and Principle of Development

The proposal represents the change of use of an existing dwelling to a relatively low-key commercial use. All the site is not within the defined town centre of Bruton, it is very close (approximately 62 metres) to the town centre and primary shopping area as defined by the local plan. As such, the location is considered to be a sustainable location for the type of development proposed and in accordance with the aims and provisions of the NPPF.

The occupier of a neighbouring property has argued that the street is not appropriate place for a commercial property, and the proposal would be better suited to the high street. Whilst it could be argued that the proposal might be better suited to the high street, there are no specific policies restricting such uses in predominantly residential locations. There are residential amenity issues in this regard, but these are discussed later in this report. There are no 'in principle' objections to the proposed use in this location.

A neighbour has raised suggested that the proposed uses should be better defined. It is considered that the extent of the proposed uses can be satisfactorily controlled through the imposition of appropriate conditions on any permission issued.

Visual Amenity

The SSDC Conservation Officer was consulted on the concurrent listed building consent application as to the impact on the listed building and the conservation area. He raised no objections to the scheme, concluding that the building would be little altered and would still be managed as a single entity, easily capable of reinstatement as a single dwelling in the future. He recommended the use of several conditions to control detailing, all of which are considered to be reasonable.

As such, notwithstanding local concerns in this regard, the proposal is considered to preserve the character of the conservation area and the character and setting of the listed building in accordance with saved policies EH1, EH3, EH5, ST5, and ST6 of the local plan.

Residential Amenity

Concerns have been raised locally regarding the impact of the proposal on the residential amenity of adjoining occupiers particularly in regard to the opening hours stated in the application form, which are 9am - 9pm seven days a week. It is considered that the concerns in this regard are completely reasonable and that such opening hours would have an adverse impact on residential amenity through disturbance. However, it is considered that the opening hours could be limited through an appropriate condition on any permission issued. The applicants have agreed that 8am to 6pm Monday to Saturday and 10am to 4pm on Sundays would be reasonable, providing that they can have a limited number of later opening days per year in order to hold specific events. It is considered that if this later opening is limited to 9pm and that there would be no more than 12 events per year, the impact on the amenity of local residents would not be so severe as to warrant refusal of the scheme. Other concerns have been raised in regard to the impact of the proposal on residential amenity relating to increased footfall, increased disturbance, and increased overlooking. However, there will be no additional windows in the property so the level of overlooking will be unchanged, and with the above limit on opening hours it is considered that any increase in footfall would be adequately controlled to a reasonable level. The SSDC Environmental Protection Unit was consulted and raised no objections.

Therefore the proposal would not cause demonstrable harm to residential amenity in accordance with saved policies ST5, and ST6 of the local plan.

Highways

The highway authority was consulted and referred to their standing advice. There are no alterations proposed to the access and parking arrangements so the standing advice is not relevant.

The Somerset Parking Strategy does not suggest an optimum parking level for the type of use proposed, instead stating that each proposal would be looked at on a case to case basis. Whilst the highway authority has not provided any advice in this regard there is a significant level of concern raised locally in regard to the parking provision and the impact on highway safety. Whilst it is clear from the town council response and the data supplied by the area development officer, that there are parking and highway safety issues in Bruton, it is considered that as the proposal sits within a town centre location it would be very difficult to sustain an argument for refusal. The proposal is unlikely to be any more demanding on parking provision than other town centre uses, and to argue that the parking provision within Bruton as a whole is inadequate would be to effectively place a moratorium on economic development within the town centre of Bruton.

On this basis it is not considered that the proposal is likely to have a severe impact on highway safety and will therefore accord with the aims and provisions of the NPPF.

Other Matters

A neighbour has raised a concern that deliveries to the site could block pedestrian access or emergency vehicle access to the existing residential properties to the rear. Whilst the concern is noted any blocking of pedestrian access would be a matter between the interested parties, and delivery vehicles could be moved in emergency situations. As discussed above, the impact on highway safety is unlikely to be severe and therefore not a reason to refuse the scheme.

A concern has been raised that the proposed access to the building is not suitable for disabled visitors. This is matter that is controlled through legislation outside of the scope of the planning process, and will need to be addressed separately by the applicant.

A concern has been raised regarding the possible precedent set by any approval. An approval would not set a precedent as every application would be considered on its own merits.

A concern has been raised that there are various errors within the application documents and within the responses from various consultees. The concerns are noted, but the application has been assessed as satisfactorily accurate and the consultee responses are from technical experts and are assumed to be satisfactory.

Conclusions

Accordingly the proposal is considered to comply with policies EH1, EH3, EH5, ST5 and ST6 of the South Somerset Local Plan and the aims and objectives of the NPPF.

RECOMMENDATION

Permission be granted for the following reason:

01. The proposed use is considered to be acceptable in this location and, by reason of its size, scale and materials, respects the character of the conservation area, and causes

no demonstrable harm to residential amenity or the character and setting of the listed building in accordance with the aims and objectives of Policies EH1, EH3, EH5, ST6 and ST5 of the South Somerset Local Plan (Adopted April 2006) and the aims and provisions of the NPPF.

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: plans and elevations received 24 September 2014 as amended by e-mail from the applicant received 28th and 29th October 2014.

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

03. The art gallery and retail elements of the use hereby permitted shall not be operated outside the hours of 8am to 6pm Monday to Saturday and 10am to 4pm on Sundays, except on up to 12 days per calendar year, when the opening hours can be extended to 8am to 9pm.

Reason: In the interests of residential amenity and in accordance with policy ST6 of the South Somerset Local Plan.

04. The outdoor area to the rear and north of the property shall only be used for purposes ancillary to the residential use of the property and for no other purposes whatsoever, including for purposes ancillary to the use of the property as an art gallery.

Reason: In the interests of residential amenity and in accordance with policy ST6 of the South Somerset Local Plan.

05. The art gallery and retail uses hereby permitted shall be limited to the rooms labelled 'Gallery - Front Room', 'Gallery Room 1', 'Gallery Room 2', 'Gallery Room 3', and the circulation space and ground floor WC as indicated on the submitted plans received 24 September 2014.

Reason: To determine the scope of the permission and in the interests of residential amenity in accordance with policy ST6 of the South Somerset Local Plan.

06. The retail element of the use hereby permitted shall only be operated insofar as it is ancillary to the art gallery element of the use hereby permitted, and shall at no time be operated as a standalone retail use.

Reason: To determine the scope of the permission and in the interests of residential amenity in accordance with policy ST6 of the South Somerset Local Plan.

07. No works shall be carried out to repoint the building unless the following details have been submitted and a sample panel provided on site for inspection and written approval of the Local Planning Authority:

a) Full details, including elevational drawings, to indicate the areas to be repointed.

- b) Details of the method of removal of existing pointing. In this regard mechanical tools shall not be used,
- c) Details of the mortar mix, and
- d) A sample panel of new pointing that shall be carried out in the agreed mortar.

Reason: In the interests of visual amenity and in accordance with policies EH1, EH3, EH5, ST5, and ST6 of the South Somerset Local Plan.

08. No work shall be carried out to fit the hanging sign to the front of the building unless details of the hanging sign bracket have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with policies EH1, EH3, EH5, ST5, and ST6 of the South Somerset Local Plan.