

Officer Report on Planning Application: 15/00084/COU

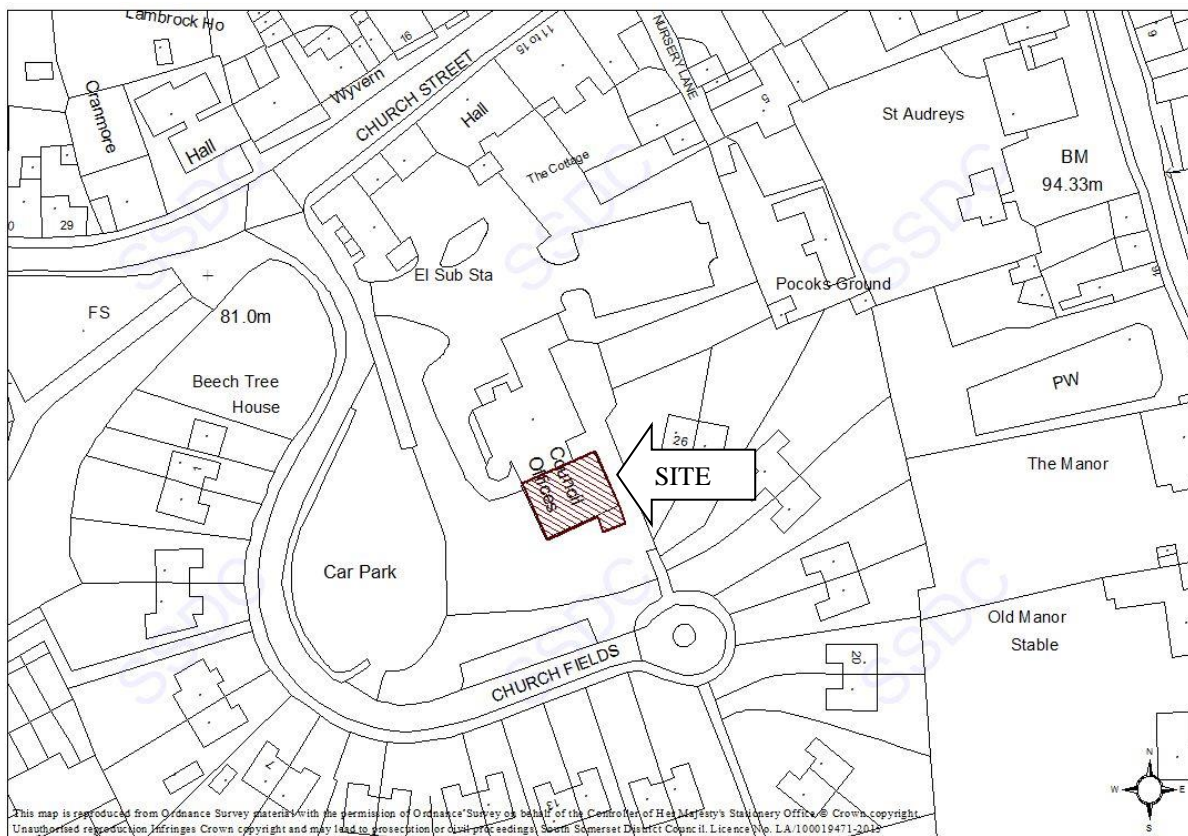
Proposal :	Change of use of lower ground floor area of building (south wing) to a nursery (GR 371217/128486)
Site Address:	South Somerset District Council Churchfield Wincanton
Parish:	Wincanton
WINCANTON Ward (SSDC Member)	Cllr Nick Colbert Cllr Colin Winder
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	3rd March 2015
Applicant :	SSDC Property Services
Agent: (no agent if blank)	
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee as the applicant is South Somerset District Council.

SITE DESCRIPTION AND PROPOSAL





The proposal seeks permission for the change of use of the lower ground floor of the building and an area of the curtilage from an office to a children's day nursery. The property is a three storey building in use as council offices and as a police station. The building is finished in natural stone. The site is located close to various residential properties. The site is located within a development area and a conservation area as defined by the local plan. The internal area to change use includes a small extension to the building with planning permission, but not yet built.

HISTORY

14/04613/FUL - Erection of a single storey extension to south wing of building - Application permitted with conditions 17/12/2014

08/00898/FUL - Alterations and extension to be used as a cell to provide facility for police service (re-submission) - Application permitted with conditions 17/04/2008

08/00511/ADV - Display of one non-illuminated free standing directional sign - Application withdrawn 05/03/2008

07/05543/FUL - The installation of external hatch phone/screed unit - Application permitted with conditions 29/02/2008

07/04529/FUL - Alterations and extension to be used as a cell to provide facility for police service - Application permitted with conditions 26/11/2007

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are 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 saved policies of the South Somerset Local Plan 2006. On the 8th January 2015, South Somerset District Council received the Inspector's Report into the emerging South Somerset Local Plan (2006 - 2028). The conclusion of the report is that the local plan is 'sound', subject to a number of agreed modifications.

Under the terms of Paragraph 216 of the National Planning Policy Framework (NPPF) weight should be given to relevant policies in emerging plans according to "the stage of preparation" and therefore the emerging local plan must be given substantial weight in decision-taking and it is therefore essential that the development is considered against all relevant policies.

On this basis the following policies are considered relevant:-

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

Policy SD1 - Sustainable Development
Policy SS1 - Settlement Strategy
Policy TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards
Policy EQ2 - General Development

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

Policy EH1 - Conservation Areas
Policy ST5 - General Principles of Development
Policy ST6 - The Quality of Development

National Planning Policy Framework

Chapter 1 - Building a Strong, Competitive Economy
Chapter 7 - Requiring Good Design

CONSULTATIONS

Town Council - Recommends approval

County Highway Authority - Refers to standing advice

SSDC Environmental Protection Unit - States that experience has shown that institutions of this nature have the potential to cause localised noise issues, however given the location and context of this application he does not think there is an overriding issue here. He recommends the use of a condition to ensure all hard surfaces within any play areas are padded to dampen noise from play activities. He additionally recommends an informative to suggest that the operator should maintain, implement and adapt as required a noise management plan.

SCC Archaeology - No objections

REPRESENTATIONS

One letter of objection received from the proprietor of a nursery business elsewhere in Wincanton. One letter of objection received from the occupier of a neighbouring property. Objections were raised on the following grounds:

- The proposed nursery business is not required in Wincanton, as there is already sufficient capacity for existing and future demand. As such, the viability of the objector's business and the careers of his staff could be adversely impacted.

- Concern that the proposal will exacerbate existing parking issues in the area, especially if the children from the nursery and the primary school are to be collected at the same time.

CONSIDERATIONS

Principle

The emerging local plan designates Wincanton as a Primary Market Town "...where provision will be made for housing, employment, shopping and other services that increase their self containment and enhance their roles as service centres. "The site is within a development area as defined by the existing local plan. As such, the principle of this type of business in this location is considered to be policy compliant.

The owner of a nursery business elsewhere in Wincanton has raised an objection on the grounds that the proposed provision is not necessary, and could therefore jeopardise the viability of the objector's business and the careers of his staff. However, the planning system does not exist to protect the private interests of individual business owners, or even the careers of their employees. Instead the market must be allowed to operate in this respect.

Visual Amenity

There is an extension to the building that would be used by the proposed nursery that has been granted planning permission but not yet built. Minor alterations to the fencing arrangements are also proposed. As such, the impact of the proposed development on the visual amenity area is considered to be minor and entirely acceptable.

Residential Amenity

The SSDC Environmental Protection Unit was consulted as to the likely noise impacts on the occupiers of neighbouring properties. They noted that this type of business has the potential to generate localised noise impacts. However, they were comfortable in this particular case that there was not an overriding issue, subject to a condition and informative on any permission issued.

There are no other issues arising in relation to residential amenity.

Highways

The highway authority has referred to their standing advice. The highway authority have previously stated that when they refer to their standing advice in relation to change of use applications, it indicates that they have assessed the number of vehicle movements likely to be associated with the existing use against the number of movements likely to be associated with the proposed use, and concluded that they will be broadly similar. Given that there will be no decrease in parking provision, and an existing area of parking (10 spaces) currently used by the public will be signed to make it clear is for use only in association with the proposed nursery use, there will be no demonstrable harm to highway safety in relation to parking issues. No changes are proposed to the existing access arrangements.

A neighbour has raised a concern that the proposal will exacerbate existing parking issues. However, as discussed above, the proposed use is not considered likely to generate significantly more vehicle movements than the existing permitted use, albeit that the currently available accommodation is underused.

Conclusions

Accordingly the proposal is considered to comply with policies EH1, ST5 and ST6 of the South Somerset Local Plan, emerging local plan policies SD1, SS1, TA5, TA6, and EQ2, 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 causes no demonstrable harm to residential amenity or highway safety in accordance policies EH1, ST5 and ST6 of the South Somerset Local Plan, emerging local plan policies SD1, SS1, TA5, TA6, and EQ2, and the aims and objectives 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: 1289-60 received 22 December 2014 and 1289-61 received 06 January 2015

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

03. The area marked in pink on the submitted floor plan, 1289-60 received 22 December 2014, shall be used as children's day nursery and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of residential amenity and in accordance with policy ST6 of the South Somerset Local Plan and policy EQ2 of the emerging local plan.

04. Any hard surfaces provided within the outside area, to be used in conjunction with the use hereby permitted, should be padded with a soft material in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To dampen noise from play activities in the interests of residential amenity and in accordance with policy ST6 of the South Somerset Local Plan and policy EQ2 of the emerging local plan.

05. The children's day nursery use hereby permitted shall not be operated outside the hours of 8am to 6pm Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays.

Reason: In the interests of residential amenity and in accordance with policy ST6 of the South Somerset Local Plan and policy EQ2 of the emerging local plan.

Informatives:

01. The applicant's attention is drawn to the comments of the SSDC Environmental Protection Unit who have recommended that the operator of the nursery should maintain, implement and adapt as required a noise management plan.