

Officer Report On Planning Application: 15/04985/FUL

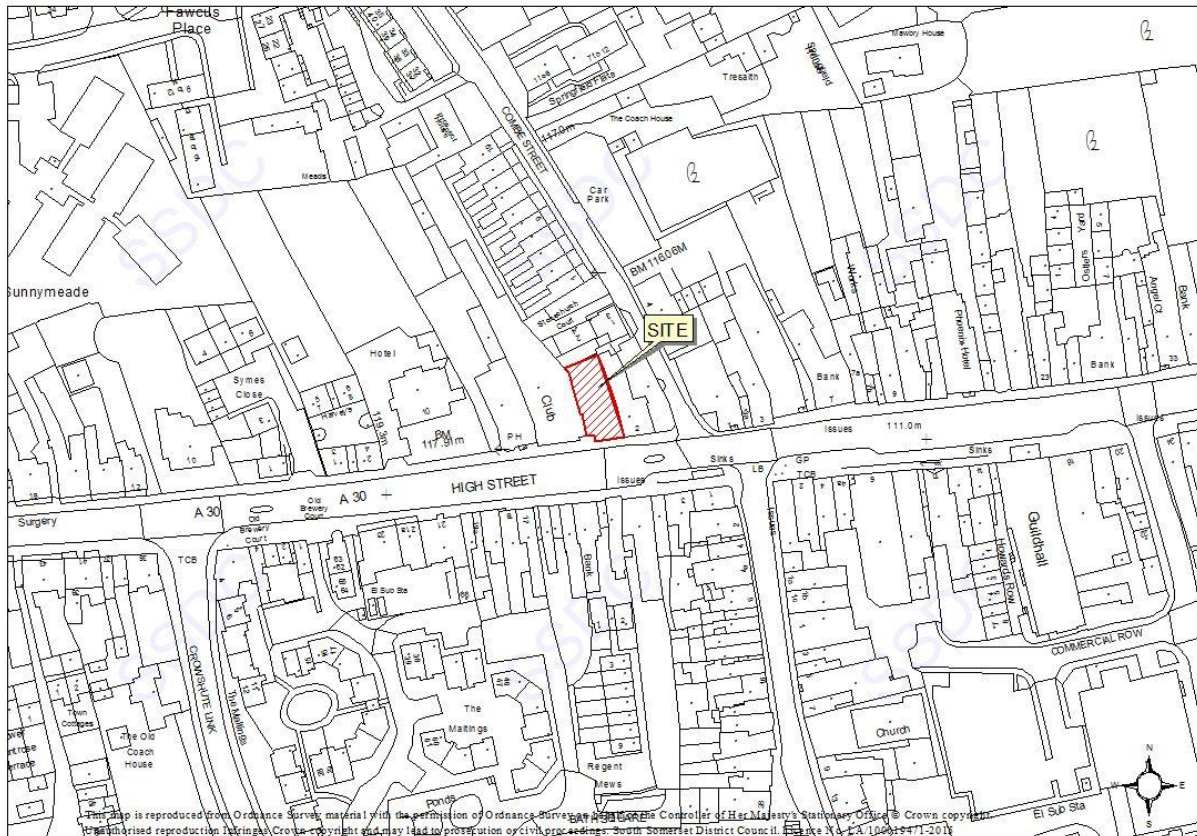
Proposal:	Alterations to front elevation and the change of use of shop (ground floor and first floor) to 1 No. dwellinghouse (GR 332094/108588)
Site Address:	L Wyatt Tv High Street Chard
Parish:	Chard
COMBE (CHARD) Ward (SSDC Member)	Cllr A Broom
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date:	7th January 2016
Applicant:	Mr & Mrs A Kenton
Agent: (no agent if blank)	Paul Rowe Caparo 11 Mervyn Ball Close Chard Somerset TA20 1EJ
Application Type:	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Committee as the applicant is a District Councillor.

SITE DESCRIPTION AND PROPOSAL





The application property is situated at the top of the High Street within Chard. It forms the end of a terrace of three properties that was used as a retail unit on both ground and first floors. The premises front the High Street and adjoin a retail unit to the east and the Conservative Club to the west with residential properties at the rear.

The application proposes the change of use of the property into a four bedroomed dwelling. The plans include the removal of the existing shop front to be replaced by windows that replicate the existing first floor windows. No formal parking space is proposed although there is space at the side of the property that could be used to park at least two vehicles.

The site is within the defined development area, town centre and conservation area of Chard but outside of the Primary Shopping Area and Primary Shopping Frontage.

HISTORY

98/02828/FUL - Installation of security shutters. Approved 28/5/1999.

96/01983/FUL - Installation of windows/door security shutters. Refused 26/11/1996.

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 decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

Relevant Development Plan Documents

South Somerset Local Plan 2006-2028:

SD1 - Sustainable Development

SS1 - Settlement Strategy

EQ2 - General Development

EQ3 - Historic Environment

National Planning Policy Framework (March 2012):

Chapter 2 - Ensuring the Vitality of Town Centres

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and enhancing the historic environment

National Planning Practice Guidance:

- Design
- Conserving and enhancing the historic environment
- Ensuring the Vitality of Town Centres
- Health and Wellbeing
- Noise

Section 72 of the Listed Buildings Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This requirement extends to all powers under the Planning Acts, not only those that relate directly to historic buildings. The desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals that are outside the conservation area but would affect its setting, or views into or out of the area.

CONSULTATIONS

Chard Town Council:

'This application was considered under instruction from the ward members given the timescale for consideration

We have received the following concerns regarding the application:

- *Location: proximity to noise generators due to nearness to businesses currently trading there*
- *The property currently has shutters which are there as a protection against damage being done at night. If these shutters are removed what will the potential impact be on the residential property?*
- *Parking: if this is to be a 4 bed property, where will the associated cars park & is this relevant?*

We therefore do not approve the proposal.

However, we would like taken into consideration that the proposal has been made by two current members of Chard Town Council. Due to this, we request that this application is considered by a full Area West Committee meeting.'

County Highway Authority:

Advise that Standing Advice is applicable to this application.

Highways Consultant (SSDC):

'The proposed development is unlikely to generate significant additional traffic and demand for parking over and above the existing retail use. Therefore, given the town centre location, no highway objection is raised. Cycle parking should be secured if possible.'

Environmental Health Officer:

'In respect of this application I would recommend refusal for the following reasons:

- The premises is situated on the main commercial street in Chard*
- There are two licenced establishments in close proximity to the premises*
- There are several take-away's in close proximity to the premises*
- There will be a significant amount of foot fall from the commercial businesses situated nearby, often at unsocial hours, which, in my opinion, would be detrimental to the amenity of a two storey residential property in this area.*

However, whilst I would not consider this premises suitable for COU to 1 dwelling house, I would consider the cou for the first floor to residential and ground floor remaining commercial, which would be in keeping with the commercial nature of this predominantly commercial area.'

Crime Prevention Design Advisor:

No objection - subject to comments:

'Consider access control, fencing with gate to deter/prevent pedestrians from randomly entering the yard space to the property. Particularly to deter offensive behaviour from patrons using nearby drinking/eating establishments.'

Senior Historic Environment Officer (SCC):

'As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.'

REPRESENTATIONS

None received.

APPLICANT'S CASE

In response to the comments of the Town Council and the Environmental Health Officer, the applicants have responded:

- There are other residential properties in the immediate area of the application site, which have sought and received a planning approval in the recent past.
- Shutters were there for the security of the shop, the shop front plate glass window will be removed, the fenestration will be altered and the new window openings will receive double glazed units. Similar properties in the area do not suffer from broken windows in the normal day to day life.
- If deemed necessary on site parking can be provided for two vehicles one in the garage and one in the front of the garage.
- The location and proximity of the site to both commercial licensed establishments and takeaways is one that is not uncommon. This can be seen at the eastern end of the town where applications have been approved for the conversion of the former Chard Working Men's Club into residential use.

- With respect to the amount of footfall this is common to the application site and properties in Fore Street where there are ground floor flats. The application seeks to create a dwelling with bedroom accommodation on the first floor and argue that this is not detrimental to the amenity of the dwelling and therefore alleviates potential for perceived noise nuisance.
- To keep the ground floor as commercial is not a viable option; the former business ceased trading as it was not supported and became unsustainable. The only viable option for the property was a change of use to full residential and essentially re-instating the property to its former status.

CONSIDERATIONS

Principle

The property is situated outside of the primary shopping area and primary shopping frontage, this change of use is therefore supported as the introduction of residential units within town centre locations is encouraged by both local and national policies which seek to ensure the vitality of town centres.

It should also be noted that if the site were not in a conservation area, this proposed change of use would be likely to constitute 'permitted development'.

Impact upon the conservation Area

The existing shopfront is a 1970's style installation (with roller shutter) and as such there is no objection to its removal. The proposal will see the replacement of the shopfront with windows that will match those in the existing property, appropriate conditions can be imposed to ensure that the works are finished in matching render to the existing building. In the circumstances, it is felt that the proposal will preserve the character and appearance of the conservation area.

Highway Safety and Parking Provision

The existing uses of a TV shop and hairdressers could generate a significant amount of traffic movements and related car parking. It is considered that the change of use to residential would not result in significant traffic and demand for parking over and above the existing retail uses.

There is potential for two cars to be parked adjacent to the property and given the town centre location, it is considered that the proposal is acceptable in respect of parking provision.

Residential Amenity

In terms of the potential impact upon surrounding residential properties, no additional windows are proposed in the rear elevation and, as such, no new overlooking will be introduced. There are windows in the rear elevations of the surrounding properties and the rear garden will therefore be overlooked, however, this is not an unusual situation within a town centre location and is not considered unacceptable in this context.

Both the Town Council and the Environmental Health Officer have concerns about the potential disturbance that could be caused to the future occupiers of the property through the close proximity of drinking establishments. However, given that the use of the first floor as two flats would constitute permitted development, it is considered difficult to substantiate a

reason for refusal on the grounds of amenity. The main concerns seem to be in relation to noise generated in the evenings but given the bedrooms will be on the first floor it is not felt that there is a significant difference between a house and a flat when it comes to night time noise. The Environmental Health Officer has confirmed that there have been no recent noise complaints in the vicinity.

In terms of the comments of the Crime Prevention Design Advisor, a condition can be imposed seeking details of the boundary treatments.

The Town Council have referred to the shutters which are to be removed. However, the large display window is to be removed and replaced with two windows of domestic scale. There are no other shutters within the vicinity and as such it is not considered that the removal of the shutters constitutes a reason to refuse permission. It could even be argued that the removal of the shutters will improve the appearance of the building and consequently the conservation area.

In the circumstances, given the general policy support for residential uses within town centres and that there are existing residential properties within the immediate vicinity, it is not considered that it would be reasonable to refuse this application on the grounds of the amenities of future residents.

Affordable housing contribution

Policy HG4 of the Local Plan requires a contribution towards affordable housing. This takes the form of a commuted sum equivalent to 5% of the floor area of the development, at rates identified in the Local Plan. The total relevant floor area of the development is 136 sq. m, and the contribution would be £2720. The contribution is to be secured by Agreement, which would need to be signed prior to grant of permission. The applicant is agreeable to this requirement.

Summary

As the property is located outside of the primary shopping area and primary shopping frontage, the principle of the change of use from retail to residential use is supported in principle. It is not considered that the proposal will unduly impact upon the amenities of existing residents and given the previous uses and town centre location there is sufficient parking available. Whilst the concerns of the Town Council and Environmental Health Officer are noted, it is not considered that the amenities of future residents would be so adversely impacted as to justify a refusal of planning permission in this instance.

S.106 AGREEMENT

A contribution is payable towards the provision of affordable housing. This contribution is to be secured by a S106 Agreement to be signed prior to issue of permission.

RECOMMENDATION

That application reference 15/04985/FUL be approved subject to:-

a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to ensure that:-

1. A contribution, payable on occupation of the dwelling, is made available to the

Council towards the provision of affordable housing, in terms of the provisions of Policy HG4 of the South Somerset Local Plan.

and

b) the following conditions:

01. The proposed residential use is considered to be appropriate within this town centre location which is characterised by a mix of uses including commercial and residential. The proposal will not adversely impact upon existing residential amenity or highway safety and the alterations to the building frontage will preserve the character and appearance of the conservation area.

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 (except where directed otherwise by the conditions below): KWCOUP3 dated 6 November 2015; and KWCOUP1 and KWCOUP2 dated 12 November 2015.

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 (including any rooflights) and doors;
- d. particulars of all boundary treatments and hard surfacing materials. Such details shall include the use of porous materials to the parking and turning areas;

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 policy EQ3 of the South Somerset Local Plan 2006-2028.

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to this building without the prior express grant of planning permission.

Reason: To safeguard the character and appearance of the conservation area in accordance with policy EQ3 of the South Somerset Local Plan 2006-2028.
