

Officer Report on Planning Application: 09/02775/FUL

Proposal :	The installation of a new shop front, 2 no. refrigerated stores, security fencing, 2 no. lean-to's and replacement of existing plant (GR 343344/116881)
Site Address:	4 St James Street South Petherton Somerset
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Members)	Mr Paull Robathan (Cllr) and Mr Keith Ronaldson (Cllr)
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	14 December 2009
Applicant :	Co-operative Group (CWS) Ltd
Agent: (no agent if blank)	Wellsfield Associates 80 High Street, Hadleigh, Essex SS7 2PB
Application Type :	Minor Retail less than 1,000 sq.m or 1ha

BACKGROUND

At the meeting in November 2009, Joint Area Committee - North RESOLVED:

1. That application reference 09/02775/FUL be deferred to the January meeting of the Committee to seek additional information from the applicant in relation to sections 6, 7 & 11 of application form.
2. Officers to arrange a meeting with applicants, Parish Council and Ward Members to discuss future deliveries to the shop

The applicant has proved the following in relation to the application form:-

- 6: the entrance door to the front elevation has been repositioned by less than 1.5metres within the shopfront from its original position. It can be argued that there is no change to the access to the public highway (footpath), as there is no alteration in the width or type of entrance and it remains within the same elevation.
- 7: it can be argued that the section of this question relating to storage and collection of trade waste should have been answered 'yes', with supplementary information stating 'trade waste bins and collections as existing'. However these collections are existing and therefore form no part of the works applied for.
- 11: this question has been answered correctly as it refers to the number of parking spaces provided on site. It does not relate to the size of vehicles, nor does it refer to parking (or vehicles) which are not on the site, such as those on the public highway or the parish council's car park.

A site meeting was held on 4 December 2009 including both Ward members, representatives of the Parish Council, a planning officer, the Area Development Manager, representatives of the Co-op (including the branch and regional managers, a transport manager, a health and safety officer) and members of the public. At this meeting it was agreed that it is feasible to provide a lorry sized parking space within the

adjacent car parking. The Co-op has agreed to provide plans to show this and will investigate any funding that they may be able to contribute. At the time of writing this was in hand and an update for member's information will be made to the committee.

November's officer's report follows, although with an up-dated conclusion. The officer recommendation is to approve the application.

SITE DESCRIPTION AND PROPOSAL



The Co-op supermarket is located alongside the car park in the middle of the village it is within the development and conservation areas and is part of the primary shopping frontage.

The proposal follows an earlier permission ref:08/04508/FUL that was for a much bolder scheme. The current proposal includes storage to the rear, a covered way between the rear entrance to the site and the building, a new shop front and security fencing that is proposed to enclose the storage unit referred to above.

HISTORY

09/02091/FUL - Installation of a new shop front. Withdrawn.

08/04508/FUL - Demolition of outbuilding and extension and the construction of new extension to convenience store and removal of 4 trees. Approved.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under 54A 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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires - (1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Relevant Development Plan Documents:

Regional Spatial Strategy

VIS1 - Expressing the Vision

VIS2 - Principles for Future Development

EN4 - Quality of the Built Environment

EN3 - The Historic Environment

Somerset and Exmoor National Park Joint Structure Plan 2000

STR1 - Sustainable Development

STR5 - Development Inside Towns, Rural Centres and Villages

Policy 9 - Historic Environment

South Somerset Local Plan

ST5 - Principle of Development

ST6 - Quality of Development

EH1 - Conservation Area

PPS's and PPG's.

PPS1 - Delivering Sustainable Development

PPS6 - Town Centres

Sustainable Community Strategy

Goal 7 - Distinctiveness.

Goal 8 - High quality homes, buildings and public spaces

CONSULTATIONS AND REPRESENTATIONS

Statutory Consultees

Town/ Parish Council - South Petherton Parish Council recognise the value of having the Co-op in South Petherton but they have a number of concerns about this application and recommend refusal until these points can be addressed. These being:

- The need to have a delivery vehicle management plan as St James Street is at its narrowest point outside 4 St James Street.
- The need to address the noise coming from the additional refrigeration units as this is in a residential area.
- From the plan it is not clear where the security fence will be erected the application does not include any detail of where rubbish will be stored. This would need to be within the curtilage of the property and it would not be acceptable visually or from a safety point of view for that to be on the pavement or in the car park.

- Although this application is for smaller premises than the previous application for this site which was an extension to the premises, the number of delivery vehicles is likely to be similar and since the last application was made the size of the delivery vehicles has increased. Last time there was a site meeting to consider this aspect and since that application the opportunity to increase parking where the school zigzags are is no longer an option as the school will be using that entrance from September. This would indicate the need for another site meeting to find a solution to where the delivery vehicles will park. (NOTE: Further discussion took place although no subsequent alteration is made to the application).

County Highway Authority - No observations

County Archaeologist - No objection

Others

SSDC Technical Services - No comment

Environmental Protection - As long as the recommendations contained in the report are adhered to I have no problems.

Historic Conservation - No objection.

9 neighbour notifications were issued. A Site Notice (conservation area) was posted. No responses have been received.

PLANNING CONSIDERATIONS

The main consideration relates to the visual appearance of the proposal and can be taken in two parts, namely, the shop front, and rear service area. Other matters arising include noise, and deliveries.

Shop front:

This brings the shop front forwards in line with the front elevation of the building with the works in part offering improved access to the premises. The design is considered acceptable and an enhancement of the building.

Storage:

This involves the installation of refrigerated stores to the rear of the building enclosed by security fencing. A lean to covered area is provided from the rear entrance into the site with access to the building and provides covered storage and cover for staff between the storeroom and the shop floor. All other matters such as replacement of the external plant are considered acceptable.

The site bounds the public car park and the back land is currently overgrown and neglected with the proposal seeking that part of the site nearest the buildings. The works would not be seen located within the site and with a wall or enclosure in excess of 2 metres and this will be conditioned to form part of the development.

On-Road Loading of Delivery Lorries:

The scale and nature of the application is to improve the back of shop arrangements rather than to extend the shop floor and increase the number of deliveries. The Co-op explain that the improvements will not lead to additional lorries, and notwithstanding the efficiencies proposed it is considered that there will not be any material increase in vehicular activity. Given this position County Highways have no observations to make.

Other Matters:

Linked to the perceived on-road parking problems the Parish Council's concerns centre on the on-road loading of delivery lorries and following their consultation response further discussion took place to resolve the Parish Council's concerns. A scheme for off road parking using the public car park, owned by the Parish Council, was considered. However, the provision of a ramp giving access to the rear of the co-op threatening further parking spaces became an obstacle and the applicant was unable to provide for this within their own land. The applicant therefore asked for their original proposal to be determined.

The applicant's agent advises that it is the Co-op's intention to close the other unit in St James Street, hence the improvements to the site subject of the current application. The agent advises that there is no timescale for any closure of the other unit. It is considered that its closure effectively reduces the retail floor space and notwithstanding the efficiencies envisaged the scale and extent of the proposal having been reduced in comparison to the earlier approval ref: 08/04508/FUL the impact on the highway is considered not to be materially different from the existing situation, and given this there is little scope to seek the additional works to provide off road loading/ unloading.

CONCLUSION

The Co-op supermarket provides a valued service to the local community and the works although of a relatively temporary nature help improve the accommodation rather than develops and extends the provision. With the development at the rear of the site screened from off site the utilitarian nature of the proposal and the public interest that arises in support of the supermarket's continued presence, this aspect of the development is considered acceptable and will have no detrimental effect on its locality.

The proposed shop front is considered an enhancement, and the lack of an agreement to achieve an off road loading improvement is not considered sufficient to warrant a refusal.

The number of deliveries, whether increased or not in the run up to Christmas is plausibly linked to the re-launched store and the need to showcase the store to the local community. The actual scale of the retail shop floor does not suggest such a significant increase in activity or turn over once things settle down that results in a reasonable demand to secure off road facilities.

RECOMMENDATION

APPROVE

01. The proposal, by reason of its size, scale and materials, causes no demonstrable harm to residential amenity or to the character and setting of the property and its locality in accordance with the aims and objectives of policies ST6 of the South Somerset Local Plan (2006).

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. Before any development takes place drawings at an appropriate scale shall be submitted to and agreed in writing that identify the joinery details in cross section related to the shop front.

Reason: In the interests of the character and appearance of the conservation area further to policies EH1 and ST6 of the South Somerset Local Plan.

03. Before development hereby permitted takes place details showing the boundary treatment between the co-op site and the length of the public car park shall be submitted to and agreed in writing by the Local Planning Authority. Such details as may be agreed shall ensure that the height will screen the structures at ground floor level within the site. The detailed scheme shall be undertaken as part of the development, its completion date to be agreed in writing by the Local Planning Authority if more than 3 months following commencement of the development hereby permitted. The boundary treatment as agreed in writing shall thereafter be retained as part of the development.

Reason: In the interests of visual amenity further to policy ST6 of the South Somerset Local Plan.

04. Details of rubbish storage within the site and collection of rubbish shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is first used, and shall thereafter be carried out in accordance with the details as agreed in writing.

Reason: In the interests of visual amenity further to policy ST6 of the South Somerset Local Plan

05. Operations of the refrigeration unit(s)/ plant shall adhere to the details given in the Acoustic Assessment by Belair Research Limited dated 12th May 2008.

Reason: In the interests of neighbour amenity further to policy ST6 of the South Somerset Local Plan