

Area North Committee – 28 March 2012

## Officer Report on Planning Application: 11/02676/FUL

<b>Proposal :</b>	Erection of a shop and Post Office (GR 335226/122939)
<b>Site Address:</b>	Crown Inn, Ganges Hill, Fivehead
<b>Parish:</b>	Fivehead
<b>ISLEMOOR Ward (SSDC Member)</b>	Cllr Sue Steele
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date :</b>	26th August 2011
<b>Applicant :</b>	Mr And Mrs S Chastell
<b>Agent: (no agent if blank)</b>	Smith Planning & Design Limited Wayside Fivehead, Taunton TA3 6PQ
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application has to be determined by committee as the officer's recommendation is contrary to the view of the Highway Authority with regards to highway safety.

### SITE DESCRIPTION AND PROPOSAL



The application site forms part of the public house curtilage, located in the village of Fivehead that is a settlement in the countryside without development limits.

The public house has rendered elevations under a clay tile roof. The proposal seeks the erection of a shop and Post Office at the front of the public house. The unit is free standing and separated from the main building by a 1.6 metre covered gap. The unit measures 6.3metres by 5.7metres with eaves 2.4 metres, and ridge 3.8 metres above ground level. The unit is proposed to be constructed using natural stone to match the boundary wall, with render to the other elevations and clay tiles over, to match the public house.

The proposed hours for the shop and Post Office unit are given as Monday to Saturday 7am to 6pm, and Sundays and Bank Holidays 8am to 2pm. Sales of bread and milk, newspapers and other basics have lawfully commenced from the public house. There are no restrictions on the hours of operation for the public house.

A 2003 permission for three dwellings to the rear of the site required parking spaces within the pub's parking area to be kept clear and capable of use. Since then a pub garden has been introduced with the loss of three spaces. The proposed extension removes a further three spaces, although the shop's presence makes it more difficult to use a fourth parking space. The proposal offers 8 parking spaces, of which one would be hamstrung by the presence of the proposed development.

## RELEVANT HISTORY

- 10/05097/FUL. The Erection of a Smokers Shelter. Approved.
- 04/01558/FUL. Amendments of Conditions Nos. 2 (approved plans) and 9 (materials) of decision 03/02327/FUL. Withdrawn.
- 03/02337/FUL. Demolition and Reconstruction of attached garage. Approved.
- 03/02327/FUL. Extension and alterations to existing pub and erection of 3no. dwellings (revised app. 03/01452/FUL). Approved. Condition 07 required 14 parking spaces for the pub car park to be kept clear for use. The setting out of the pub garden removed 3 spaces contrary to condition 07. In the event that the current application is granted the enforcement breach of condition will cease.
- 03/01452/FUL. Extension and alterations to existing pub and erection of 3 no. dwellings. Withdrawn.

## 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.

Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

For the purposes of determining current applications the local planning authority accords significant weight to the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review, and the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Save policies of the Somerset and Exmoor National Park Joint Structure Plan Review

1991-2011:

Policy STR1 - Sustainable Development  
 STR6 Development Outside Towns, Villages and Rural Centres.  
 Policy 9 Historic Environment  
 Policy 49 Transport  
 Policy 48 Access and Parking.

Save policies of the South Somerset Local Plan:

Policy MS3 supports proposals for small-scale shop in settlements that are not defined development areas, provided that they are on a scale commensurate with the shopping needs of the settlement or immediate locality.  
 Policy ST5 - General Principles of Development  
 Policy ST6 - The Quality of Development  
 Policy ST3 Development Area  
 Policy EH5 Setting of Listed Buildings  
 Policy EH12 Areas of High Archaeological Potential  
 Policy TP6 Non-Residential Parking Provision.

National Guidance

PPS1 Sustainable  
 PPS4 Planning for Sustainable Economic Growth  
 PPS5 Planning and the Historic Environment

South Somerset Sustainable Community Strategy  
 Goals 1, 7, 8

## CONSULTATIONS

**FIVEHEAD PARISH COUNCIL** - Supports.

**COUNTY HIGHWAY AUTHORITY** - Objection on the grounds that the Highway Authority considers that new development should make appropriate provision for parking for users of the pub and shop, and if sufficient onsite parking and turning is not provided it will/could result in vehicles parking on the adjoining highway network to the detriment of highway safety. Recommend refusal of the application for the following reason:

1. It has not be demonstrated as part of the application that adequate provision can be made on the site for the parking of vehicles in a satisfactory manner in respect of the proposed and existing use, and is likely to encourage the parking of vehicles on the public highway. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000).

**AREA ENGINEER** - No comment

**ENGLISH HERITAGE** - Take expert advice from the council's conservation officer.

**CONSERVATION OFFICER** - No objection.

**ENVIRONMENTAL PROTECTION** - No objections.

**AREA NORTH DEVELOPMENT** - I am very supportive of this application as contributing to local quality of life in Fivehead, specifically by maintaining the vitality and availability of local services and social spaces, providing you are satisfied with the detail of form and design etc as appropriate.

As you will be aware, the economy of scale for the private sector to provide services to small rural communities is steadily diminishing, yet certain services remain essential to local quality of life and may require difference ways of working.

Increasing the range of services available at the pub, will make both the pub more attractive, and allow the residents to have access to basic shopping needs with less need to travel or only shop on-line. There are also known social benefits from the opportunity to meet & greet ones fellow residents close to home!

The business case behind the proposal may not be 100% successful since it's about combining uses, and not everyone wants to shop in a pub or drink in a shop, however this is for the business to work out, and I wish him / her every success with their venture. I am aware of other pubs that have done similar things with good results.

**ARCHAEOLOGY** - No objection.

## **REPRESENTATIONS**

A site notice (General Interest) was posted on site and 5 Neighbour notification letters issued. There have been 17 responses. Three object. Fourteen support the proposal.

Objectors:

- Early morning deliveries from 3.30am
- All night deliveries
- Disturbance and noise.
- Long hours from 7am to midnight
- Lack of parking, loss of existing spaces and additional from shop.
- Proximity of shop to neighbouring dwellings and height
- Loss of views of church

Supporters:

- Local need and community support
- Vital community facility
- Valued community resource

## **CONSIDERATIONS**

The main considerations concern the principle of development, character and appearance, neighbour amenity and highway safety.

### **Principle of Development**

The existing village shop closed in August following the retirement of the owners who have sought for several years to sell the premises as a going concern, but without success. The current application is made on the basis of providing the community with an alternative outlet, which is centrally located in the village. Policy MS3 is of particular relevance and supports small-scale shops that serve a local need.

The application seeks a shop and post office. This could be considered an extension to the lawful use that allows a Change of Use to A1 retail premises without permission and certainly permits ancillary sales from the pub premises. The applicant has already begun to do this. In considering this application there is a need to consider impact derived from an intensification of use and impact arising from the new build, and the reduction in onsite parking.

**Character and Appearance:**

The site forms part of the setting of the grade 1 listed church that is a little further down the lane. The proposal seeks a small-scale freestanding structure located at the front of the public house within the area of parking. The elevations that overlook the parking area will match the render finish and tiled roof of the public house. The building's appearance and relationship to the main building and to the boundary wall off which the building is proposed to be built is considered acceptable.

**Neighbour Amenity**

The shop unit is proposed to be built off the existing wall alignment, 8metres from the front elevation of the nearest dwelling, with eaves at 2.4metres with an overall ridge height of 3.8metres. Its scale is Permitted Development in considering a similar build within a dwelling's curtilage, and this measurement suggests its scale is acceptable.

Objectors have raised the issue of noise, disturbance and longer hours and have commented on the existing delivery arrangements with the setting up of retail sales from the pub premises. Notwithstanding the problems experienced with early deliveries, described by the applicant as 'bedding in', this is a lawful use of the site. It is also noted that other near neighbours that overlook the site supports the proposal.

Further, it is considered that the proposed building acts to screen some of the activities at the front of the public house, with access to the shop kept away from the occupants of St Martins View. It is noted that any intensification in use on site is likely to be mitigated with the respective uses differing in their peak time use. On this basis it is considered that neighbour amenity will not be materially affected.

**Highway Safety**

The Highways officer requires a minimum of 11 parking spaces. As part of the application process the applicant was invited to submit a drawing to maximise the extent of the land available to secure an optimum level of parking provision with a view of addressing Highway safety concerns. The applicant refused the opportunity, and while their email of 30 November 2011 refers to having drawn up a possible rearrangement that showed 9 parking spaces the drawing was never submitted.

The applicant has observed that Church services result in on-road parking, and it is noted that the former village shop operated without any off road parking. The majority of users are likely to arrive on foot. Most on-road parking will occur without conflict with church services and on this basis, given the local interests in support of a widely supported local service, the planning officer is supportive of the application.

**RECOMMENDATION****GRANT CONDITIONAL PERMISSION**

Notwithstanding the limited on-site parking, which must be balanced against local need for a village shop and the availability of on road parking, the proposed development by reason of its size, scale and materials, respects the character of the area and causes no demonstrable harm to residential amenity preserves the setting of the listed building and would not be prejudicial to highway safety in accordance with the aims and objectives of policies ST5, ST6 and EH5 of the South Somerset Local Plan.

**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: 01 and 02 received 1 July 2011.

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

03. The use class hereby permitted for the shop unit is A1 Retail Sales, only.

Reason: To avoid any ambiguity as to what is approved.

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