

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.

Relevant Development Plan Documents :

Somerset and Exmoor National Park Joint Structure Plan Review
STR1 - Sustainable Development
9 - The Built Historic Environment

South Somerset Local Plan (Adopted April 2006)
ST5 - General Principles of Development
ST6 - The Quality of the Development
MS1 - Local Shopping and Services
EH1 - Conservation Areas

CONSULTATIONS:

Parish Council

"The two flats will be a contributing factor to the already existing parking problem on Middle Street. The applicants stated that the addition of only one car would result from the two flats, but we felt they cannot restrict the number of vehicles in use with each flat or the size or type (van or Lorry). Also they will expect to have visitors. Traffic has grown considerably since 2002; with the shop it was passing trade during opening hours not day and night parking. We feel we owe the people of Misterton great care on reaching a decision on this application and until the current on going traffic problems of Middle Street are resolved, we cannot give our consent to any plans that could include more vehicles parked overnight."

Highways

"The site is located within the development boundaries of Misterton and as such there is no objection to the proposal in principle.

In detail, there are no off-street parking facilities provided for the development and as such vehicles in connection with the residential unit will be forced to park on the A356, which is likely to interrupt the free flow of traffic and increase the hazards for all road users at this point. However, it is noted that the site was a former post office/shop, which would have generated significant levels of traffic including larger delivery vehicles, which would have also parked on the highway at this point.

On balance the proposal to convert the former post office/shop into a residential unit is likely to reduce the potential for parking on the highway and as such it may be unreasonable to raise an objection to the proposal on highway grounds."

Economic Development Officer

"I understand that these premises have not been used for commercial retail activity for some considerable time and that the premises are currently in a semi dilapidated state. On the grounds that the community have accepted the loss of this facility and that there is neither loss of employment, nor a business, I raise no objections to this application on economic grounds."

Technical Services

No comment.

REPRESENTATIONS:

None received.

CONSIDERATIONS:

The main issues in relation to this application are its impact on: the residential amenity of neighbouring properties, the character and appearance of the conservation area; the loss of a local service/employment/business and highway safety/parking.

Residential amenity

It is considered that the proposal would not unacceptably harm the residential amenity of neighbouring properties by disturbing, interfering with or overlooking such properties.

Conservation area

There are no external alterations proposed to the building. As such, it is considered that the scheme would preserve the character and appearance of the conservation area.

Loss of a local service/employment/business

The premises have not been in operation as a post office since 2002. As such, no local service would be lost by the proposal. The Economic Development Officer raises no objection to the scheme, as no loss of business or employment would occur.

Highway safety/parking

The Parish Council's comments about parking issues are noted. However, when the post office business was in operation, it would have generated significant levels of traffic, including larger delivery vehicles, which would have parked on the highway at this point. Whilst the lack of off-road parking is not ideal, the premises' use as a dwelling would be likely to generate significantly less on-road parking than previously. As such, the Highway Authority has raised no objection to the scheme, and it is considered that the change of use would be acceptable in relation to highway safety and parking issues.

RECOMMENDATION:

Application Permitted with Conditions

The scheme is acceptable in terms of its impact on the residential amenity of neighbouring properties, the character and appearance of the conservation area and highway safety. Furthermore, given that the premises have been empty since 2002, the change of use would not result in the loss of a local service, the loss of employment, or the loss of a business. As such, the scheme accords with policies ST5, ST6, MS1 and EH1 of the South Somerset Local Plan (adopted 2006) and policies STR1 and 9 of the Somerset and Exmoor National Park Joint Structure Plan Review.

1. 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.
