

Area West Committee – 17th October 2012

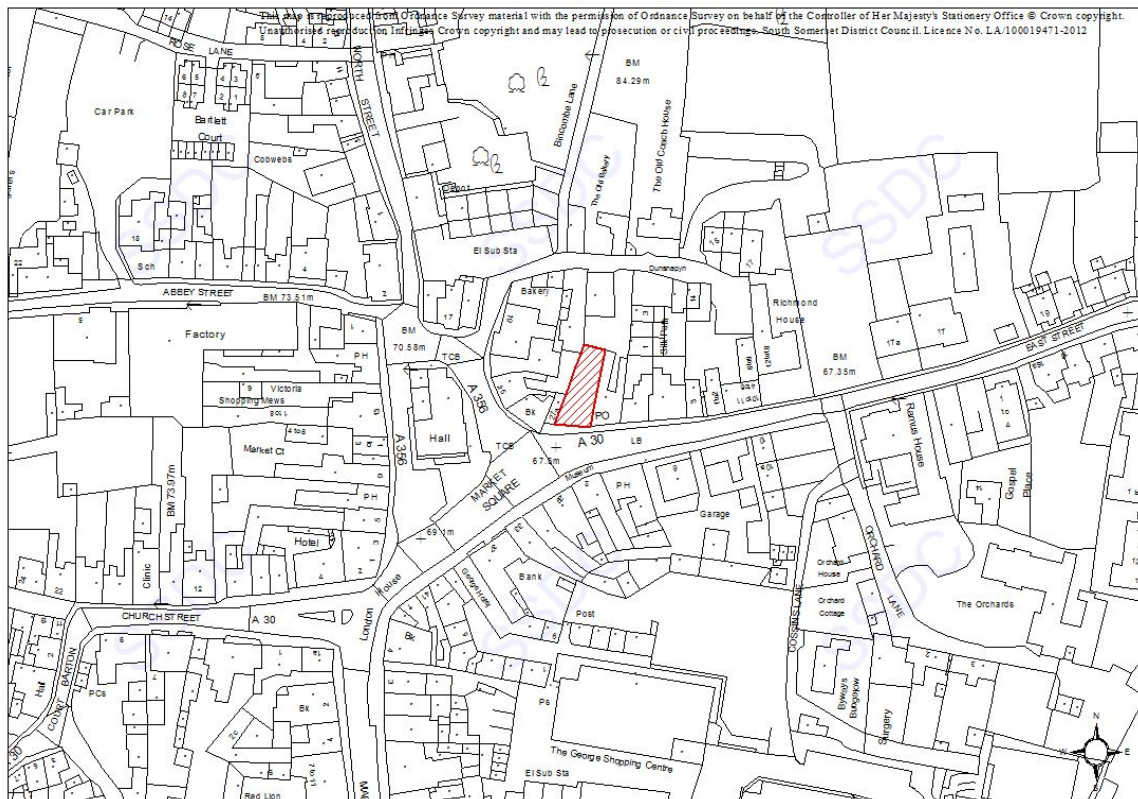
Officer Report On Planning Application: 12/02967/FUL

Proposal:	Change of use of ground floor from A2 (Financial and Professional) to A5 (Hot Food Takeaway) (GR 344171/109831)
Site Address:	1-3 East Street Crewkerne Somerset
Parish:	Crewkerne
CREWKERNE TOWN Ward (SSDC Member)	Mr J Dyke (Cllr) M Best (Cllr) Ms A M Singleton (Cllr)
Recommending Case Officer:	Diana Watts, Tel: (01935) 462483 Email: diana.watts@southsomerset.gov.uk
Target date:	17th September 2012
Applicant:	Mr Shi Yun Chen
Agent: (no agent if blank)	Mr Chris Baranowski Higher Dairy House Allowenshay, Hinton St George, TA17 8TB
Application Type:	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE

This application is before Committee at the request of the Ward Member, with the agreement of the Vice Chairman. It is felt that the application should be given further consideration by members, to consider the potential impact of the proposed development on highway safety, particularly in view of the existing parking problems in the town centre.

SITE DESCRIPTION AND PROPOSAL



1-3 East Street consists of a mid terraced building situated in the town centre of Crewkerne. It was previously occupied by an estate agent and lies between a post office/shop and a bank. It is located within the Development Area, the Conservation Area and the primary shopping area of Crewkerne.

This is a full application seeking planning permission to change the use of the ground floor from A2 financial and professional services to A5 hot food takeaway. The proposed opening hours would be Mon- Sat (incl) 12.00-14.00 and 17.00-23.00, and Sundays/bank holidays 17.00-23.00 only. There would be 4 full-time equivalent employees. Physical alterations proposed include a new timber front entrance door to the east side of the existing openings with a top light above the doorway. External air conditioning vertical ducting would be provided to the rear and would extend above the ridge of the main roof by 1.2m. It would be clad in brick slips and an amended drawing has been provided to show a corbel detail in order to give the impression of a traditional chimney.

A Design and Access Statement has been submitted to explain and support the proposal:

- a previous application 12/00833/FUL was withdrawn to address the concerns of the Town Council and to investigate the efficacy of the proposed specialist air conditioning equipment.
- this application differs from that application in that the residential element has been removed and the air conditioning unit upgraded to ensure that all odours are kept away from the surrounding properties.
- the building is under single ownership but this application relates only to the ground floor.
- the owner of the property is currently running a Chinese takeaway business in Market Square and proposes to move his business to this building.
- the whole of the ground floor would be used for the proposed use.
- there is minimal noise associated with a Chinese takeaway and the air conditioning unit would be fitted with noise attenuation measures.
- a specialist air conditioning company has designed and would install a purpose built unit that would take away all odours from the building and consultations have been undertaken with the Environmental Health Officer.
- the residential element has been removed from the scheme so there would be no requirement for permanent car parking and there are numerous areas for parking within the immediate vicinity, including limited free parking spaces and paid car parks.
- design amended to indicate an area in the external rear courtyard for bin storage and on refuse day collections, they would be taken out for collection.

HISTORY

12/00833/FUL - Change of use of ground floor from A2 to A5 - withdrawn
 99/00457/ADV - Signs and lettering - permitted

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.

The Development Plan comprises the Somerset and Exmoor National Park Joint Structure Plan Review, and the South Somerset Local Plan (adopted April 2006).

The policies of most relevance to the proposal are:

Somerset and Exmoor National Park Joint Structure Plan

STR1 - Sustainable Development

STR2 - Towns

49 - Transport Requirements

9 - The Built Historic Environment

South Somerset Local Plan (Adopted April 2006)

ST6 - Quality of Development

ST5 - General Principles for Development

EH1 - Conservation Areas

MC4 - Other uses in Town Centres

EP9 - Control of other potentially polluting uses

Policy related material considerations

National Planning Policy Framework - March 2012

Chapter 1. Building a strong competitive economy

Chapter 2. Ensuring the vitality of town centres

Chapter 4. Promoting Sustainable Transport

Chapter 7. Requiring Good Design

Chapter 12 - Conserving and Enhancing Historic Environment

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

CONSULTATIONS

Crewkerne Town Council - Recommend REFUSAL on the following grounds:

- The Council has serious highway concerns about additional on-street parking at such a busy, major junction in the town centre. Councillors are very aware that there are existing inconsiderate parking problems in the proximity of the mini-roundabout which cause traffic hold ups and congestion. The availability of short term on-street parking is already at a premium throughout the day so there is a perceived detrimental impact to public safety.
- The concerns expressed by the Environmental Health Officers about the air extraction are supported.
- The Council is unconvinced about the suitability and siting of the property for a take-away facility.

County Highway Authority - In terms of the A5 use I would like to make the applicant aware that the Highway Authority would not wish to see any vehicles parking directly outside of the development given the close proximity to the roundabout on East Street. This would normally result in a recommendation of refusal from the Highway Authority as these vehicles would cause disruption by interrupting the free flow of traffic for other road users. It is noted that similar concerns have been raised by Crewkerne Town Council.

However, it is likely that most of this proposal's operating hours will not overlap with those of the existing businesses in the town centre, and it was noted during my site visit

that there are a number of on street parking spaces in close proximity to the application site. Therefore it is likely that any traffic generated by this proposal will utilise these spaces.

Therefore based on the above information I raise no objection to this proposal.

Environmental Protection Officer –

I acknowledge that currently the apartment is not part of this planning application, but should a future application be received to change the use from business to residential, the applicant should be made aware that we will require any subsequent change of use to be tied in to the take away business through a section 106, restricting occupancy to the owners or employees of the business.

Reason: Any future occupiers will possibly be subject to odours and noise from the take away business.

The proposed extraction system would appear to be sufficient to protect the amenities of other local residential properties, and I would recommend that a condition be included to cover maintenance of the installed system.

Technical - no comment.

REPRESENTATIONS

Neighbouring properties have been notified and a site notice posted (Conservation Area). No representations have been received.

CONSIDERATIONS

The main issues are:

1. Use

The provision of a variety of uses and activities in town centres is important in maintaining their vitality and viability. Shopping is the main use but other business uses such as banks, building societies, estate agents, pubs/restaurants and clubs can add to the vitality and viability by providing services that can be combined with shopping. Similarly, community facilities providing medical, educational, arts and leisure services also enhance a centre's attractiveness.

This site lies within a primary shopping area and policy MC4 states that within town centres but outside primary shopping frontages, a variety of uses (including premises for the sale of food and drink for consumption on or off the premises) will be permitted except where proposals would create a concentration of such uses where the cumulative impact would be harmful to the vitality and viability of the centre.

It is considered that a hot food takeaway which is classified as an A5 use would be appropriate in this location given that there is still a good mix of retail, financial and professional services, restaurants and cafes, and drinking establishments at this end of the town. It is not felt that there would be an overconcentration of hot food takeaways which would be detrimental to the vitality and viability of the centre.

2. Residential amenity

It is important that the use would not disturb residents living close to the site in terms of noise and odour.

It is considered that given its town centre location and that the air conditioning unit would include noise attenuation measures, the proposed hours of opening of the takeaway would not have a significant detrimental impact on residents in the area. Furthermore, no objections have been received.

The issue of odour pollution has now been carefully investigated following the objections raised by the Environmental Protection Officer to the previous application. He is now satisfied that the proposed extraction unit would be of the highest specification to protect the amenities of nearby residents. He has also advised that, if for example, an application was submitted to change the use of part of the building to residential, then its use should be tied in to the takeaway business through a section 106 agreement, restricting occupancy to the owners or employees of the business. Bearing in mind the permitted use of the upper floor for A2 office use, it would also be important to ensure control over its occupation, given the possibility of odours permeating through the old floors and ceilings. A section 106 agreement to tie the ownership of these upper floors to the takeaway business would be necessary. The applicant has confirmed that he would accept such a restriction.

3. Highway safety

The Town Council's concerns about adding to the existing inconsiderate parking problems in the proximity of the mini-roundabout are appreciated and this has been drawn to the Highway Authority's attention. The comments about the availability of short term on-street parking is also appreciated.

However, the Highway Authority has advised that it is likely that most of this proposal's operating hours would not overlap with those of the existing businesses in the town centre, and that there are a number of on-street parking spaces in close proximity to the application site, which could be used by any traffic generated by this proposal. It is considered therefore, that in view of this advice, it would be unreasonable to refuse this takeaway on the grounds of a lack of parking provision, especially when there are other similar situations in the town centre.

4. Conservation Area

The additional timber door proposed to the front elevation would not appear out of place in the street scene and would not detract from the shopfront.

The steel extraction duct proposed to the rear of the building would be clad in brick slips, with corbel detailing where it would protrude above the ridge of the main roof. The addition of such ducting is often a sensitive issue, but particularly where the building lies in the Conservation Area. However, it would be on the rear of the building, extending up from the existing flat roof and would, with the help of the brick slips and corbel detail, reflect the appearance of a chimney. It would also be seen amongst a variety of roof styles, extensions and features and it is felt that it would have a negligible impact on the streetscene and given this context, it would safeguard the character and appearance of the Conservation Area.

RECOMMENDATION

The application be approved subject to:-

a) the prior completion of a section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, the said planning permission to cover the following items/issues:

- i) Ensure that the whole building known as 1-3 East Street, Crewkerne, is retained in the same ownership as the A5 takeaway business being operated on the ground floor or any subsequent permitted change of use to A4 (Drinking Establishments) or A3 (Restaurant and Café).

JUSTIFICATION

01. It is considered that due to the nature of the use and the form, scale and design of the external alterations, the proposed development would safeguard the character and appearance of the Conservation Area, cause no demonstrable harm to residential amenity or highway safety in accordance with the aims and objectives of policies ST5 (General Principles for Development), ST6 (Quality of Development), EP9 (Control of other potentially polluting uses) and EH1 (Conservation Areas) of the South Somerset Local Plan (Adopted April 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. The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan, block plan, photographs of north elevation and south elevation, air conditioning unit/extraction details, drawing nos 1218.01/02/03/04/05/06/07/08/09/10 received 23 July 2012 and 1218.11 received 24 August 2012, amended Design and Access Statement and amended ownership details received 9 August 2012.

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

03. The use hereby approved shall not operate other than between 12.00-14.00 and 17.00-23.00 Mon- Sat (incl) and Sundays/bank holidays 17.00-23.00.

Reason: To safeguard the amenities and character of the area to accord with policies ST6 and EP9 of the South Somerset Local Plan 2006.

04. The development hereby approved shall not be commenced unless details of the colour/finish of the door hereby approved, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with policies ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006).

05. The development hereby approved shall not be commenced unless samples/details of the brick slips and mortar to be used to clad the ducting hereby approved, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with policies ST6 and EH1 of the South Somerset Local Plan (Adopted April 2006).

06. The extraction unit shall be installed in accordance with the details submitted with the application and shall be fully operational before the use hereby approved is first commenced. The approved system following its installation shall be thereafter be permanently retained and maintained.

Reason: To safeguard the amenities of the area to accord with policies ST6 and EP9 of the South Somerset Local Plan 2006.

Informatives:

01. The applicant should contact the Local Planning Authority to discuss the need for Advertisement Consent for any proposed signage for the business.
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