

## Officer Report On Planning Application: 16/03186/FUL

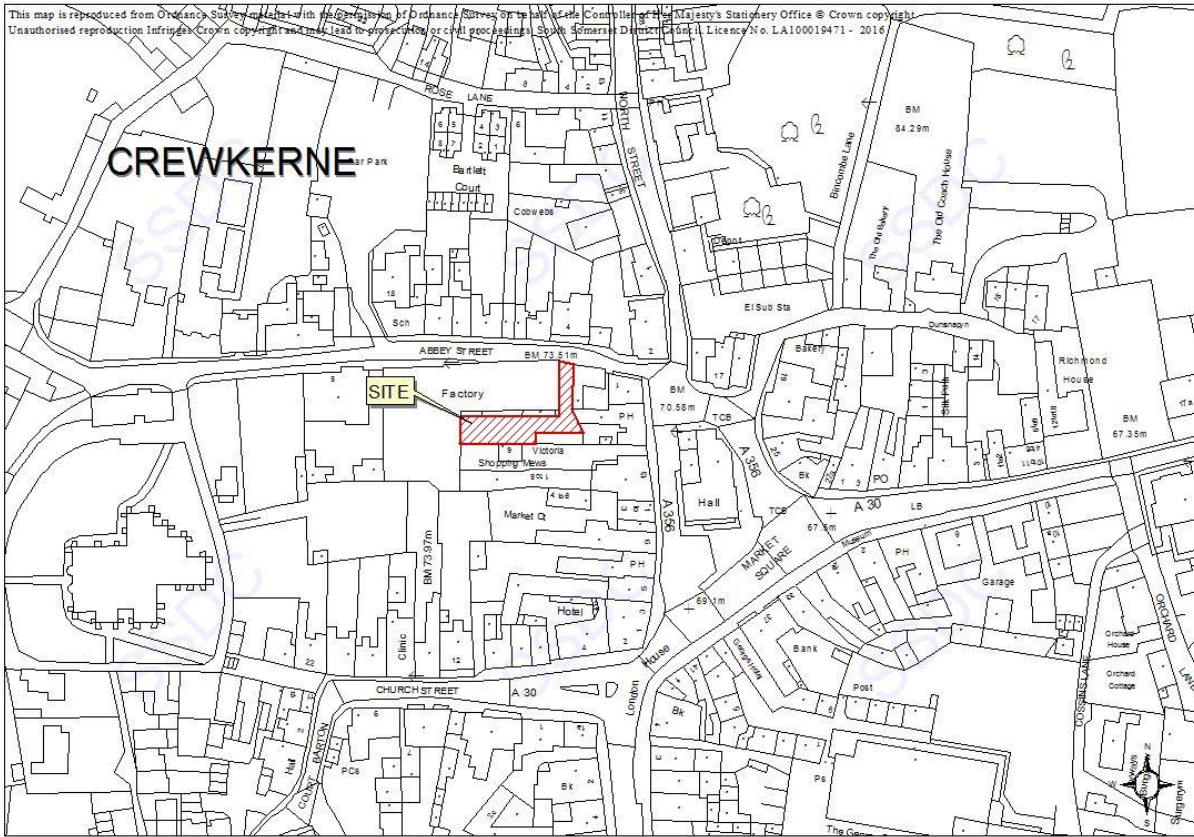
<b>Proposal :</b>	Conversion of outbuilding into 2 No. dwellings.
<b>Site Address:</b>	Kings Arms Market Square Crewkerne
<b>Parish:</b>	Crewkerne
<b>CREWKERNE TOWN Ward (SSDC Member)</b>	Cllr M Barrett Cllr M Best Cllr A M Singleton
<b>Recommending Case Officer:</b>	Louisa Brown Tel: (01935) 462344 Email: louisa.brown@southsomerset.gov.uk
<b>Target date :</b>	20th September 2016
<b>Applicant :</b>	Mr Richard Hall
<b>Agent: (no agent if blank)</b>	Mr Barry Buckley Castellum Tinneys Lane Sherborne Dorset DT9 3DY
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

Two of the ward members, in agreement with the area chair, have requested that it goes to committee so that the planning merits can be discussed in more detail

### SITE DESCRIPTION AND PROPOSAL





This is an application seeking full planning consent for the change of use and conversion of outbuildings into 2 no. dwellings. The site is located to the rear of the Kings Arms public house to the west of Market Square in Crewkerne. The site is within a conservation area and the property is Grade II listed, with listed properties on all the boundaries.

The site is within the town centre and is surrounded by commercial and residential properties. Pedestrian and vehicular access is to the north of the site onto Abbey Street.

## HISTORY

Relevant history:

883620: the demolition of outbuildings and the conversion of function room, store and skittle alley into eight dwellings - refused 15/02/89

883621: Listed Building consent - the demolition of outbuildings and the conversion of function room, store and skittle alley into eight dwellings - refused 15/02/89

901042: alterations and conversion of public house and outbuildings into retail shop, wine bar and six no. dwellings - Approved 29/08/90 (part of Victoria Mews)

901043: alterations and conversion of public house and outbuildings into retail shop, wine bar and six no. dwellings - Approved 29/08/90 (Part of Victoria Mews)

## POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as

amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS4 - District Wide Housing Provision

Policy SS5 - Delivering New Housing Growth

Policy EQ2 - General Development

Policy EQ3 - Historic environment

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

National Planning Policy Framework

Core Planning Principles

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

## **ENVIRONMENTAL IMPACT ASSESSMENT**

None required

## **CONSULTATIONS**

### **Crewkerne Town Council:**

Recommend approval

Amended Plans:

Requested an extension of time to comment, however this would not fall within the determination date.

### **SCC Highway Authority:**

Standing advice

### **SDDC Highway consultant:**

"I visited the site last Wednesday. The access to the site is located between buildings. It is very narrow and offers no visibility for vehicles emerging from it. It is accepted that the speed of traffic past the site is not excessively high but as there is no margin on the southern side of Abbey Street, vehicles associated with the proposed dwelling would emerge virtually blind onto the public highway.

In light of the extremely substandard visibility splays at the point of access, I believe the local planning authority should be refusing the application for highways reasons on the grounds of

increased use of an existing access that does not incorporate the necessary visibility splays."

**Environmental Protection unit:**

"Due to the very close proximity of the proposed conversion to the licensed premises I would have to recommend that the application is refused, due to the potential for noise from the Kings Arms causing a loss of amenity to the future occupiers.

Current licensing Legislation means the Kings Arms can play live music from 08:00hrs till 23.00hrs without the need to obtain any permission from this authority.

Therefore future complaints that may be received from potential purchasers of the development could affect the financial viability of the licensed premises."

**Conservation Officer:**

"These outbuildings are to the rear of the listed public house, and adjoin other listed buildings.

They have been repaired when the rear (south) wall collapsed in the recent past. There is little inside of any interest, but they do show the signs of a previous first floor which has been removed.

I am happy with the internal alterations. A new floor should help stabilise the structure further.

There does seem to be an excess of large regularly spaced roof lights, and I think this can be improved by removing and reducing the size of some of these roof lights.

Otherwise condition the details of the windows and doors."

Amended plans comments:

"This is improved but there needs to be some more variation of size and position or by grouping them together which appears to look better. I have left you a sketch."

**REPRESENTATIONS**

Twenty-one neighbours were notified and a site notice displayed. Three letters of support have been received, supporting the use of the access and stating it is not unsafe, supporting the overall design and supporting the need for additional housing in the town.

**CONSIDERATIONS**

The proposal seeks to convert the outbuildings to the rear of the public house into 2 no. units, consisting of a 1 no. bedroom and a 2 no. bedroom dwelling.

The main considerations of this application are the principle of conversion to residential, impact on visual amenity, the conservation area, listed building, residential amenity and highway safety.

**Principle of Development:**

The general principle of additional housing within Crewkerne is acceptable and complies with policies SS1, SS4 and SS5 of the South Somerset Local Plan. This is subject to its compliance with other local plan policies to be assessed within this report.

**Visual Amenity, Conservation Area, Listed building:**

The conversion will see the following external alterations made:

- Existing boarded area on the north elevation will be made into windows
- All other existing opening to remain and be re-instated, with one window becoming a doorway.
- Existing corrugated roof sheeting to be replaced with natural slate

- The insertion of 6 no. rooflights on the south elevation.

The conservation officer has raised no objection to the overall conversion, but did raise concern over the rooflights initially stating:

"...There does seem to be an excess of large regularly spaced roof lights, and I think this can be improved by removing and reducing the size of some of these roof lights."

Amended plans have been submitted showing a reduction in size to 2 no. rooflights and the conservation officer has stated that this is an improvement but requests that there is more variation to size and positioning. However in the conservation officers original comments no request for the positioning was made. The amended plans show that 2 no. of the rooflights have been reduced in size and on balance it is considered that the amended rooflight design does not cause substantial harm to the listed buildings character or setting.

It is considered, that given the limited nature of the external alterations there will be no adverse impact on visual amenity, the character of the conservation area or the setting and character of the listed building in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

#### **Residential amenity:**

Given the location of the outbuildings to be converted, within a small courtyard area, it is considered that there will be no adverse impact on residential amenity from the proposed new units to other neighbouring properties. However there is concern over the impact of residential amenity to future occupiers of the proposed dwellings.

This is due to the location of the conversion, which results in there being limited private outdoor amenity space, as the area to the front of the proposed dwellings is to be used for parking of vehicles. The Core Planning Principles of the NPPF states that planning should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings."

Additionally the small area available will have a perceived sense of overlooking from the converted flats to the north of the site, along with an overbearing impact as they are three storeys high. This will result in a poor standard of outdoor amenity space and partial overlooking into the windows on the north elevation of the development.

Environmental Protection was consulted and has raised an objection to the proposal due to the adverse impact of noise and disturbance that the existing public house will have on the residential units. As such future complaints of noise could affect the financial viability of the public house. The agent has been made aware of this and has confirmed via email that the applicant is prepared to enter into a Section 106 agreement to ensure that the converted buildings are not sold off separately to the public house but are rented only.

The Environmental Protection Team were re-consulted and have verbally stated that irrespective if the living accommodation is occupied by tenants or not their previous comments still apply as the adverse impact would still be significant to the occupiers and complaints could arise either through the EPU or housing standards. As such it is considered that this new proposal does not overcome the issues raised as the conversions whether sold or let will still be Use Class C3, which is considered to be inappropriate in this location.

It is considered that the proposed conversion will result in an adverse impact on the future occupier of the dwellings by reason of poor amenity space, a sense of overlooking, overbearing and noise disturbance and as such is contrary to the aims and objectives of policy EQ2 of the south Somerset Local Plan and the NPPF.

**Highway safety:**

There are two aspects of highway safety to assess and these are the access and visibility and parking provision and turning.

**Parking Provision and turning:**

The parking strategy requires the optimum level of 3.5 spaces in this location and provision for 3 no. spaces has been provided. It is considered that the level of parking is acceptable within this town centre location.

The plans show an area of turning and the parking layout, given the constraints of the site it is considered that there will be an awkwardness of manoeuvring to access parking bay no. 1 if other cars are parked in spaces 2 and 3. In addition there will be difficulty for any of the cars to turn easily within the site and exit in a forward gear.

**Access and Visibility:**

There is a current access to the site, though this is only used in connection with staff for the public house at present. The proposal was discussed with county highways and they verbally confirmed that the introduction of 2 no. dwellings will result in additional traffic movements of up to 6-8 per dwelling per day which is a different trip pattern for the public house. As such it is considered that there will be an increase in traffic. The increase in traffic is not an issue by itself, however the visibility of the access is considered to be inadequate and as such the increase in traffic would result in an increased use of this inadequate access.

There is no pavement on the southern side of Abbey Street, where the access comes out onto, and there are high buildings either side; as such there is inadequate vehicular visibility in either direction. Additionally there is inadequate pedestrian visibility, causing concern over occupiers of the dwellings entering and exiting the site.

The highway authority has referred to standing advice and the SSDC highway consultant has stated, "The access to the site is located between buildings. It is very narrow and offers no visibility for vehicles emerging from it. It is accepted that the speed of traffic past the site is not excessively high but as there is no margin on the southern side of Abbey Street, vehicles associated with the proposed dwelling would emerge virtually blind onto the public highway."

It is considered that the visibility splays, and turning area are inadequate to serve the proposed development and would result in a severe impact on highway safety contrary to the County Highways Standing Advice, policy TA5 of the South Somerset Local Plans and paragraph 32 of the NPPF.

**Other Matters:**

**Affordable Housing Contributions:**

Following the recent court of Appeal decision, South Somerset District Council will not be seeking affordable housing contributions from schemes of 10 or less dwellings or where the gross floor area of buildings is less than 1000 sq. m. in line with the statement made by the Minister for Housing and Planning

**CONCLUSION**

Whilst the principle of the conversion is considered to be acceptable and the need for additional housing acknowledged, it is considered that those reasons alone do not outweigh the harm that would be caused to residential amenity and highway safety contrary to policies EQ2 and TA5 of the South Somerset Local Plan and the NPPF.

## **RECOMMENDATION**

Refuse

### **SUBJECT TO THE FOLLOWING:**

01. The proposal is contrary to policy TA5 of the South Somerset Local Plan and paragraph 32 of the NPPF, since the existing access, by reason of its severely restricted visibility (for both vehicles and pedestrians), in both directions and lack of adequate radii, is considered unsuitable for use in connection with the development proposed.
02. The proposal does not incorporate adequate turning facilities to enable a vehicle to enter and leave the highway in a forward gear or to adequately access the parking spaces, which is essential to highway safety. The proposal is therefore contrary to policy TA5 of the South Somerset Local Plan and paragraph 32 of the NPPF.
03. The proposed development, by reason of its location within a confined courtyard, will have a poor amenity space due to the perceived overlooking and overbearing nature from the three storey high flats on the north boundary, thus resulting in unacceptable living conditions for future occupiers contrary to the aims and objectives of Policy EQ2 of the South Somerset Local Plan (2006-2028) and the NPPF.
04. The proposed development for Use Class C3 (either sold or rented), by reason of their location to the rear of a public house, will result in noise disturbance and as such will result in unacceptable living conditions for future occupiers contrary to the aims and objectives of Policy EQ2 of the South Somerset Local Plan (2006-2028) and the NPPF

### **Informatives:**

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
  - offering a pre-application advice service, and
  - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case pre-application advice was sought, and the applicant was advised in 2013 that there were concerns over the visibility and impact on the residential amenity, by reason of noise disturbance and overlooking. The issue of visibility splays was reiterated again to the agent in reply to comments made in 2016.

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