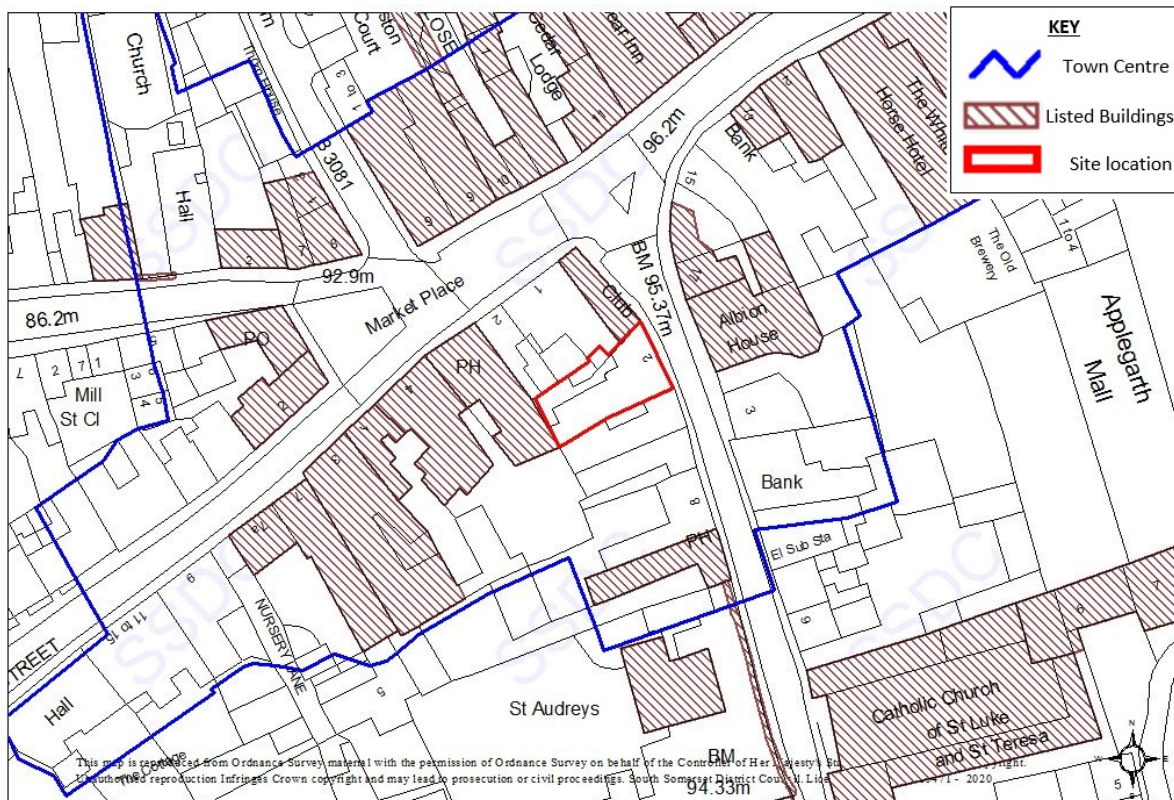


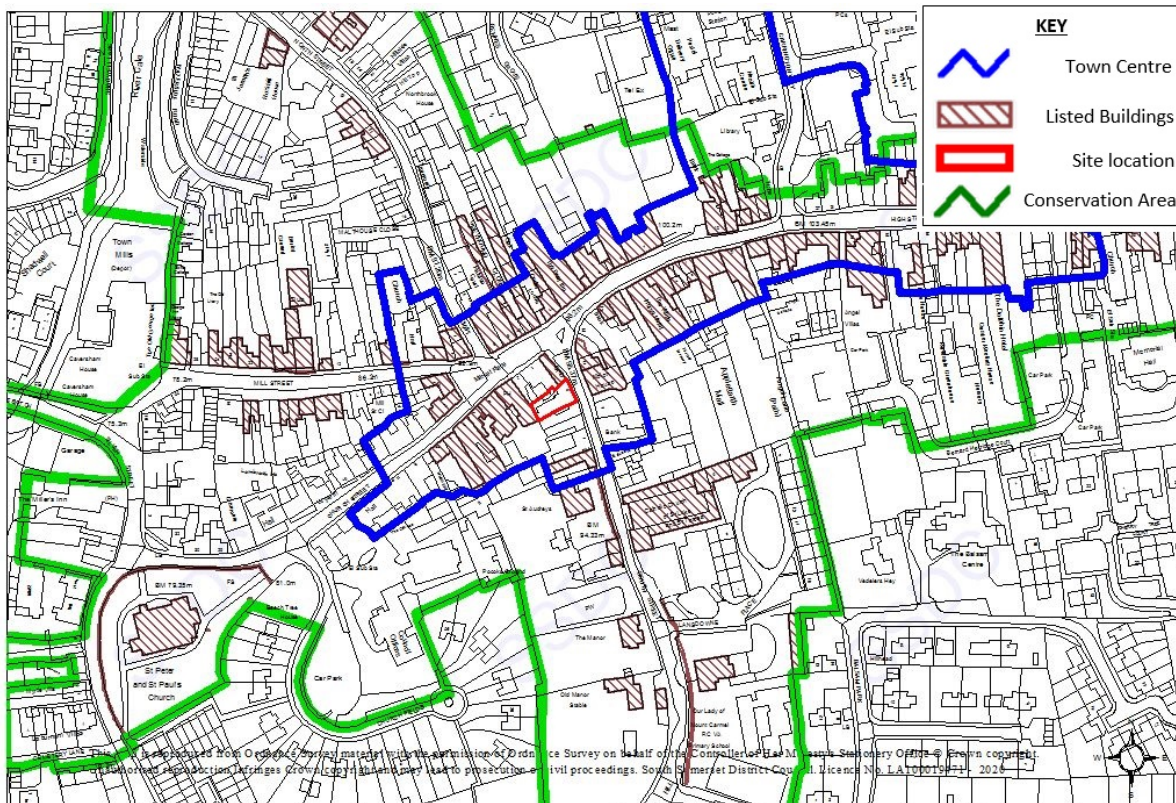
## Officer Report on Planning Application: 19/01725/FUL

<b>Proposal:</b>	Change of use of ground floor/basement from a cafe (Use Class A3) to a residential unit and alterations to rear elevation.
<b>Site Address:</b>	2 South Street, Wincanton BA9 9DL
<b>Parish:</b>	Wincanton
<b>WINCANTON Ward (SSDC Member)</b>	Cllr N Colbert Cllr C Winder
<b>Recommending Case Officer:</b>	David Kenyon Tel: 01935 462091 Email: david.kenyon@southsomerset.gov.uk
<b>Target date:</b>	13th September 2019
<b>Applicant:</b>	Mr Christopher Bristow
<b>Agent: (no agent if blank)</b>	Clive Miller Planning, Sanderley Studio Kennel Lane Langport TA10 9SB
<b>Application Type:</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR COMMITTEE REFERRAL

As the officer's recommendation is contrary to the opinion of the Town Council, the application was referred to the Ward Members. One of the Ward Members has expressed disagreement with the officer's recommendation. He has stated that, because the site is in a commercial area, any changes of use of commercial premises in the town centre to residential would destroy the centre of the town and would be against the local desire to support the town centre's regeneration. It has been requested the application be referred to Committee for consideration and determination and, in the absence of any expressed comments from the Area Chair to the contrary, the application is duly referred to the Area East Committee.





## SITE DESCRIPTION AND PROPOSAL

The subject premises fronts on to South Street, Wincanton and comprises the ground floor and basement, which is understood to have once accommodated six separate retail units. In the more recent past a charity shop has operated from the premises and planning permission was granted for a café associated with the charity shop. Subsequently it was used as a café/restaurant until February 2018 following which, after the unfortunate demise of the owner, it has remained vacant despite marketing. The first and second floors are in residential use, access to which is from a side door on the front elevation.

The building itself stands within Wincanton's Conservation Area and also adjoins the Town Hall which is a listed Grade II building. The building has an attractive façade constructed in stone and is in a prominent position close to the centre of Wincanton.

Planning permission is sought for the change of use of the ground floor and basement of the property into a 3 bedroom residential unit. The ground floor would accommodate a sitting room and bedroom at the front of the property with kitchen and two en-suite bedrooms to the rear. The basement would be used for ancillary domestic storage. External alterations would be limited to the installation of a new window at the rear to serve one of the bedrooms and the erection of a small single storey bike storage shed in the rear yard. No alterations are proposed to the front elevation except for the removal of the existing fascia.

## HISTORY

11/00002/FUL. Change of use of the ground floor from A1 retail to A3 cafe, including some ancillary retail space and external and internal works.  
Application permitted with conditions 01.03.2011.

10/04466/S73. The variation of condition 01 of 02/01784/COU to extend opening hours.  
Withdrawn.

02/01784/COU. Change of Use of one unit to be a café.  
Application permitted on 23.08.2002 subject to restriction on opening hours from 09.00 to 16.00 hours Mondays to Saturdays.

841321. Conversion of the existing shop premises and storage area into seven retail units.  
Approved Sept 1984.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12 and 14 of the NPPF 2019 state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a general duty on local planning authorities when determining planning applications as respects listed buildings and states:

"In considering whether to grant planning permission, or permission in principle, for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Similarly, Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a general duty on local planning authorities when determining planning applications as respects conservation areas and states:

"In the exercise, with respect to any buildings or other land in a conservation area.....special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

For the purposes of determining current applications the Local Planning Authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006-2028 (adopted March 2015) and the Wincanton Neighbourhood Plan 2018-2028.

### **Policies of the South Somerset Local Plan (2006-2028)**

SD1 - Sustainable Development  
SS1 - Settlement Strategy  
TA5 - Transport Impact of New Development  
TA6 - Parking Standards  
EQ2 - General development  
EQ3 - Historic Environment

### **Wincanton Neighbourhood Plan**

Policy 2 - Key Buildings and Spaces  
Policy 7 - Housing Types

### **National Planning Policy Framework - February 2019**

Chapter 5 - Delivering a sufficient supply of homes  
Chapter 9 - Promoting sustainable transport  
Chapter 12 - Achieving well - designed places  
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

## Chapter 16 - Conserving and enhancing the historic environment

### **National Planning Practise Guidance**

#### **Other Relevant Documents**

Somerset County Council Parking Strategy (SPS) (September 2013) and Standing Advice (June 2017)

Wincanton Town Centre Strategy and Action Plan (September 2019)

- Chapter 3 sets out the "Vision and Strategic Objectives" for the town centre. Five identified 'visions' are set out and are supported by 6 strategic objectives.
- Chapter 4 "Town Centre Strategy".

### **CONSULTATIONS**

#### **Wincanton Town Council**

Unanimous recommendation of refusal. The Council has concerns about the parking, additional bins on the narrow pavement and considers this application overdevelopment. At a recent residents' meeting all agreed these premises should remain as a restaurant.

**County Highways** - Standing advice applies.

#### **SSDC Highways Consultant**

It would appear that the proposed residential unit would not have the benefit of any off-road parking. However, given the location of the site within the town centre, close to public car parks, it is considered to be a sustainable location for a car-free development, particularly as the use of the ground floor/basement as a café would have generated significantly more traffic (by customers, staff and servicing/deliveries) and a higher demand for parking than that associated with a residential unit. Accordingly, no highways objection is raised.

#### **SSDC Environmental Health**

Initially, an acoustic report was requested to demonstrate that acceptable noise levels are experienced by the occupants and that the development would not impinge on commercial properties around it. However, following subsequent clarification received from the applicant (set out below), the EHO has now recommended no objections.

#### **Town Centre Regeneration Manager**

Makes reference to the aims and objectives of the Wincanton Town Centre Strategy and Action Plan. The Strategy seeks to boost footfall and vitality in the town centre. It promotes residential at specific sites but there is also a desire to preserve commercial at ground floor in the heart of the town.

### **REPRESENTATIONS**

32 neighbouring properties and other third parties have been individually notified, a site notice displayed and an advertisement has been placed in the local newspaper. One representation objecting to the proposal and three representations offering support have been received. Copies of those representations are available for inspection on the website but they are set out in full below, including the addresses of the owners/occupiers who submitted the representations.

#### Objection

6 Blackmore Chase, Wincanton

*This property is near a busy road junction and narrow road. Dangerous congestion is bound to*

*occur with residents stopping to unload or drop-off / pick up passengers. There is already more than enough housing in Wincanton and this property would be much better as a restaurant or shop.*

#### Support

Flat 1, 2 South Street

*Having lived here for many years, the restaurant, although a lovely place, suffered from low foot fall. There have been a few cafes/restaurants here for the last 10 years and appear to change every few years, with new owner. Following the sad passing of the previous restaurant owner the premises has sat for long time close approaching 2 years with no interest. This can only prove that potential restaurateurs could not see any advantage or good business plan in purchasing and re-opening the restaurant.*

*Although we would love to have a new restaurant, if people within the profession were not tempted who would be? And that limited interest will be even less now with the high possibility of the introduction of parking charges.*

*As for the conversion into a large flat, I think they have looked logically at the design and shape of the building and rather than fill will lots of small flats, designed a modern spacious functional apartment. Which I believe can only improve South Street rather than a dishevelled building.*

4 South Street

*To convert a former cafe - of which there are two just around the corner - to a much needed dwelling must be a good move. An application which leaves the present upper floor tenants in situ must also be a bonus. I think this is an admirable application and therefore support it.*

Woolfields Farm, Milton on Stour

*In my view there is too much empty retail space in Wincanton, and it is likely to stay this way for the foreseeable future; whereas there is always a need for residential space.*

*This application for a roomy ground floor flat gets my full support as it addresses this need, and would be particularly good for a larger family or elderly couple needing ground floor access. There is also the possibility of use as a living & working space for a home-based worker.*

*The chance of it opening as a restaurant, or indeed any other business, is minimal at best and so a flexible approach to its future will make great sense.*

## **CONSIDERATIONS**

### **Principle of Development**

*Adopted South Somerset Local Plan, Wincanton Neighbourhood Plan and NPPF*

The site is located within the defined Development Area as identified in the Local Plan and is therefore considered to be, in principle, a sustainable location for new development. The NPPF places an emphasis on there being a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This is reflected in Local Plan Policy SD1.

Policy SS1 defines Wincanton as a primary market town where provision will be made for housing, employment, shopping and other services that increase their self-containment and enhance their roles as service centres. The Local Plan Map for Wincanton identifies the site as being within the "Town Centre". There is no "Primary Shopping Area" and no "Primary Shopping Frontage" identified for the town.

For clarity, various documents, including the Local Plan and the NPPF make reference to "**Main town centre uses.**" Such uses are defined within the National Planning Policy Framework as:

*Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).*

In general, policies applicable to development proposals within the town centre are EP2, EP9, EP11 and EP12. In this particular instance:

Policy EP2 relates to office development so is not applicable in respect of this current application.

Policy EP9 sets out the retail hierarchy of settlements within the District, within which Wincanton is a Market Town in retail terms.

Policy EP11 refers to the sequential approach to the location of main town centre uses. The current proposal is not for a main town centre use and thus this policy is not applicable.

Policy EP12 relates to proposals for retail developments and therefore is of no relevance to the determination of this application.

Also, to avoid any possible ambiguity, Policies EP13 and EP15 do not apply in this instance. Policy EP13 refers to changing the use of ground floor retail (A1) uses to non-retail uses within the defined Primary Shopping Frontages. Wincanton has no defined Primary Shopping Frontage indicated in the Local Plan and the ground floor use of the premises in this instance is A3, not A1.

Policy EP15 relates to the protection and provision of local shops, community facilities and services in Rural Centres and Rural settlements. Wincanton is a Primary Market Town, not a Rural Centre or Rural Settlement.

The former restaurant has been empty for approximately two years following the death of the former owner and has been on the market. There are other restaurants elsewhere in the town centre so the loss of the restaurant would not result in the total loss of such an A3 use from the town centre.

Neither the adopted Local Plan nor the Wincanton Neighbourhood Plan contain any specific policies that prohibit the proposed use of the ground floor of the premises to a residential use.

Chapter 7 of the NPPF relates to "Ensuring the vitality of town centres". Paragraph 85 advises that planning policies should promote the long term vitality and viability of town centres by, amongst other considerations, allowing a suitable mix of uses (including housing) and there should be a recognition that residential development often plays an important role in ensuring the vitality of centres and there should be an encouragement of residential development on appropriate sites.

In addition, the Government's Planning Practise Guidance (PPG) recognises the role that residential development can play in helping the vitality and viability of town centres. "A wide range of complementary uses can, if suitably located, help to support the vitality of town centres, including residential, employment, office, commercial, leisure/entertainment, healthcare and educational development." Paragraph: 001 Reference ID: 2b-001-20190722 Revision date: 22 07 2019.

*Wincanton Town Centre Strategy and Action Plan*

Reference should also be made to the Wincanton Town Centre Strategy and Action Plan (September 2019).

This Strategy was subject to a public consultation exercise which ran for ten weeks from January 2019. In addition to formal responses the consultation strands included:

- Two well publicised 'drop-ins' attended by around 130 people,
- Town centre business engagement,
- Secondary school tutor group participation using the 'bite-sized' format' and
- Presentations to key organisations such as the Town Council and the Chamber of Commerce

Overall, approximately 250 people engaged in the consultation.

The main issues identified through the consultations were:

- Loss of car parking,
- Charging for use of public car parks,
- The level of proposed residential development,
- The need to enhance the retail offer,
- Limited number of events/markets, and
- Limited mix of uses.

The revisions to the Strategy were informed by the consultations and these were approved (having been discussed with the Town Council) by the Area East Planning Committee. The final document was published during September 2019.

The following extracts from the Wincanton Town Centre Strategy and Action Plan are of relevance.

- Chapter 2 "Setting the Context", on page 9 it states that "*The Council Retail Study identified the town centre had a high vacancy rate of over 18% (at January 2017) which was well above the national average. While the perception of vacancies has fallen, there remain a number of prominent long term vacant and underused units and buildings in the town centre which reduce the quality and perception of the centre. There is strong support from stakeholders to encourage alternative re-use options, particularly for employment and, where appropriate, residential uses where it would not detract from other main town centre uses.*"
- Page 19, Chapter 3 sets out the "Vision and Strategic Objectives" for the town centre. Five identified 'visions' are set out, including for the town centre to become a place that "*is well used and a thriving place to live, work and visit; has an enhanced retail, community and social function that encourages visits during the day and evening; and has a wider mix of uses, including commercial floorspace and quality housing that supports enterprise, creativity and vibrancy.*"
- Page 19, Chapter 3 goes on to point out that the Vision for the town centre is supported by 6 strategic objectives. Objective 2 relates to mixed uses and to "*encourage a wider mix of uses, including new employment, homes, community, leisure and creative enterprises.*"
- Page 20, Chapter 4 "Town Centre Strategy" specifically states that the key strategic objectives concentrate on three inter-related main themes, one of which is "*Broadening the mix of uses to enhance footfall by residents and visitors*" and that "*The main objectives of this Strategy is to promote and emphasise the convenience of Wincanton town centre as an attractive, reliable and mixed-use hub which responds better to the needs of its local community and catchment.*"
- And the same chapter on page 20 goes on to say "*...the Strategy needs to focus beyond retail to generate activity through a wider range of uses and footfall generators*"

*such as employment, community, recreational, cultural, entertainment and residential uses."*

- Page 28, it states "*Within the town centre, .....opportunities for the reuse of vacant and underused buildings will be encouraged which support main town centre uses at ground floor level and accord with planning policy. Opportunities for residential use over ground floor uses will also be encouraged where appropriate, subject to development management considerations."*

The aim of the Wincanton Town Centre Strategy is to support the regeneration of the town centre. This includes residential uses within the town centre. This reflects the general guidance offered within the NPPF and the Planning Practise Guidance.

The application site has a prominent frontage in South Street in close proximity to the Market Place, with its primary retail and service sector role for the town. Until early 2018, when the business closed in unexpected circumstances, the premises had operated for a number of years as a café/restaurant with strong local offer and regular clientele.

A key aspiration of the Town Centre Strategy is to achieve a reduction in the town centre vacancy rate through the beneficial reuse of long-term vacant properties. The scope for reoccupation, including temporary uses or appropriate, change of use, can take time but remains an ongoing priority for generating activity and footfall in the town centre. The potential to enhance restaurant uses in the town centre is considered particularly important for supporting the diversification of the evening economy. The limited restaurant provision in the town centre is recognised in the stakeholder SWOT analysis ('Weaknesses') contained in the report

Whilst the Strategy does promote town centre living on a number of new sites, it also seeks to enhance the retail and social function of the town, identifying new sites for retail/ business frontages. Encouragement is given for opportunities to reuse vacant or underused ground floors of buildings in the town centre which support main town centre uses, with residential use over ground floor uses also being encouraged. However, the Strategy does not specifically exclude the reuse of vacant or underused buildings at ground floor level for residential accommodation.

It is acknowledged that the Wincanton Town Centre Strategy and Action Plan has been subject to public consultation and endorsed by the Area East Committee. However, it must also be noted that, unlike Neighbourhood Plans, the Strategy and Action Plan has not undergone independent Examination and therefore does not form part of the statutory Development Plan. Therefore, whilst the Wincanton Town Centre Strategy and Action Plan is a material consideration, it can only be afforded limited weight of the purposes of determining this application. Where any conflicts may occur between the adopted Development Plan and the Wincanton Town Centre Strategy and Action Plan, the adopted Development Plan must prevail.

In this respect legal advice has been sought as to the status and weight to be given to policies contained in the adopted Local Plan and Neighbourhood Plan and also to the Wincanton Town Centre Strategy and Action Plan when considering the merits of the current planning application submission.

The Council's Lawyer agrees that neither the adopted Local Plan nor the Wincanton Neighbourhood Plan appear to contain any specific policies that prohibit the proposed use of the ground floor of the premises to a residential use. The Lawyer also agrees that the Wincanton Town Centre Strategy has not undergone the same scrutiny and outside examination as the Local Plan and Neighbourhood Plan and therefore it does not form part of



the Development Plan documents but nevertheless would be a material consideration to the determination of a planning application.

Further legal advice offered to the Committee is that the weight attributed to the factors making up a decision is a matter for the decision maker. The law requires that decisions should be taken in accordance with the development plan, unless material considerations indicate otherwise (s38A Planning and Compensation Act 2004 and s70 of the Town and Country Planning Act 1990). Material considerations can include those essential factors that still need to be considered outside of the Development Plan documents (these would specifically include the NPPF). These factors must have a planning purpose in order to be a material consideration - so although something might be desirable, it could also be immaterial.

The decision maker must weigh up the appropriate policies in the Development Plan with those other identified material planning considerations to decide where the balance of their decision lies. If a decision maker decides their decision is to refuse contrary to an officer's recommendation for approval, they must be able to justify that decision and provide clear, precise, unambiguous reasons against the development plan and other material consideration, to avoid costs being awarded against the Council should the matter be appealed.

With such legal advice in mind, it is considered that the Town Centre Strategy document cannot be taken as an overriding material consideration to justify the refusal of planning permission for this current proposal which could be reasonably defended at any subsequent appeal. This is because of the limited weight that can be afforded to the Town Centre Strategy document in the planning decision-making process, together with the lack of any policy within the document specifically prohibiting any proposals for change of use within the town centre involving the loss of (ground) floor space used for main town centre uses.

#### *Supporting Information from Landowner*

Mindful of the Town Council's objections to the proposal, and following requests from the case officer to the applicant's agent for additional information, the following comments have been made in support of the application by the landowner.

**"Marketing.** *The previous owner, Geoffrey Redfearn, died in February 2018 and the cafe closed immediately. Executors instructed Hambledon estate agents (01963 340000) in March 2018 who had only one serious enquiry from a client who backed out in February 2019 for the reasons given in the letter which you forwarded to Mr Kenyon last August. Marketing was then passed to Symonds & Sampson estate agents (01258 473766) who auctioned it in March 2019. Only one bid was made before we bought the property, showing the general lack of interest. The restaurant kitchen and contents were offered by separate negotiation but, as we did not want them, they were disposed of after the auction. I am told that the cost of re-fitting out the kitchen would be in the region of £30/40,000.*

*Both agents advertised it locally with boards and details in their offices, more widely via the Blackmore Vale magazine and nationally via Rightmove, Zoopla, etc. They did not employ specialist agents as no trading records were available and it was not a going concern. Both mentioned the possibility of other uses, subject to change of use, in their sale particulars. I am forwarding copies of these separately.*

**Economic development and viability.** *In the absence of any trading records it may be helpful to refer to the Comment by Andrew Langley on the SSDC website. As a long term resident of No. 2 and a friend of the late Geoffrey Redfern, he was aware of the very modest success of his, and previous owners', attempts to run a restaurant on this site. A particular problem is the lack of any private parking. Public parking nearby is limited to 30 minutes during the day and occupied by residents in the evenings. Re EP15, there are two existing alternative sites for a restaurant, both in a more central position and with access to parking. The White Horse Hotel, with planning consent for a restaurant since 2017, is on the High Street and has its own car*

*park. The Brick House, Carrington Way, also with consent since 2017, is on the edge of the central public car park. The problem, it seems, is not lack of premises but lack of anyone prepared to risk such an investment. We have already pointed out the additional disadvantage of having two competing cafe/restaurants immediately round the corner in Market Place.*

*South Street has become increasingly residential in recent years. The former bakery at No 4 is now flats with a tiny lock-up shop and Paupers at No 6, another failed restaurant, is now also residential. On the other side of the road No 5, a former butchers, is now flats and the former NatWest bank has six flats on the upper floors while the ground floor has been withdrawn from sale due, presumably, to lack of interest. There are now only two remaining retail premises further along - the Chinese Takeaway and the Nog Inn - and it is rumoured that one of these may close before long.*

*Strategic Objective No (2) in the Town Strategy is to encourage a wider mix of uses, including new employment, homes, etc. It is our intention, if permission is granted, to market the suggestion that part of the large front area of the flat (shown as a bedroom on the plans) could be used as a studio, office or even a small shop (subject of course to planning) but we did not want to include this in our application as it would restrict the available options."*

In summary, it is considered that there are no pertinent policies within the adopted South Somerset Local Plan and the Wincanton Neighbourhood Plan against which any refusal of planning permission could be based. Therefore, there is no overriding planning objection in principle to converting the ground floor and basement of no. 2 South Street, Wincanton from a café/restaurant (Class A3) use to a residential unit (Class C3).

### **Impact on Designated Heritage Assets**

Whilst the application site building is not listed in its own right, nevertheless it adjoins the Town Hall which is a Grade II Listed Building. The site lies within the Wincanton Conservation Area. The application proposal has therefore been advertised by way of site notice and newspaper advertisement as affecting the setting of an adjoining Listed Building and being within a conservation area.

External alterations being proposed are minor, being the insertion of a new window to serve a bedroom at the rear of the property and the erection of a small bike store (3m x 4.8m x 3.8m high) in the rear yard adjoining the end of the building.

The proposed external works would result in no harm being caused to the setting of the adjoining Listed Building and would cause no significant and demonstrable harm to the character and appearance of the Conservation Area.

As such, the proposal does not conflict with the statutory requirements set out in Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, nor does it conflict with Policies EQ2 and EQ3 of the Local Plan, Policy 2 of the Wincanton Neighbourhood Plan or relevant heritage guidance within the NPPF.

### **Highway Safety**

Local Plan Policy TA5 requires all new development to ensure that the expected nature and volume of traffic and parked vehicles generated by the development would not have a detrimental impact on the character or amenity of the area and would not compromise the safety and/or function of the local or strategic road networks in terms of both volume and type of traffic generated.

Paragraph 109 of the NPPF states that development should only be prevented or refused on

highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 106 of the NPPF advises that maximum parking standards for residential and non-residential development should only be set where there is clear and compelling justification that they are necessary for managing the local road network.

It is acknowledged that the proposed residential unit would not have the benefit of any on-site parking and therefore future owners/occupiers of that unit would rely on parking on street or in public car parks in the town. Such concern has been raised by Wincanton Town Council as part of its reasons to object to the proposal. However, this was the same scenario for the former café/restaurant use whereby the owner, staff and customers would have had the same parking issues to overcome.

The Highway Consultant has advised that, whilst the proposed residential unit would not have the benefit of any off-road parking, nevertheless given the location of the site within the town centre, close to public car parks, it is considered to be a sustainable location for a car-free development, particularly as the use of the ground floor/basement as a café would have generated significantly more traffic (by customers, staff and servicing/deliveries) and a higher demand for parking than that associated with a residential unit. Accordingly, he has raised no highways objection.

Whilst noting the concern raised by the Town Council about the lack of on-site parking, the Highway Consultant has raised a valid point that the traffic generated to a restaurant/café at the site, and associated parking demands, would potentially be greater than those associated with a new residential flat on the ground/basement levels. The County Council's parking Strategy allows for a flexibility in on-site parking provision in sustainable locations such as this. In addition, the traffic generated to the site would not be 'severe' to use the NPPF terminology.

As such, it is considered that the lack of on-site parking in this sustainable, town centre location would not be an overriding reason to justify a refusal of planning permission. The proposed development would thus accord with Policy TA5 and relevant guidance within the NPPF.

### **Impact on Residential amenity**

The proposal would not adversely affect residential amenity, both in terms of the change of use of the ground floor and basement to a residential use and the external works associated with the development. In this respect, no objections have been raised by any neighbouring properties in terms of potential neighbour detriment.

An initial request was made by the Environmental Health Officer for the submission of an acoustic report to demonstrate that acceptable noise levels are experienced by the occupants and that the development would not impinge on commercial properties around it. In response, the following comments were submitted by the landowner.

*The Red Lion pub closed in 2017 and has since turned into the Seed Cafe which is only open in the daytime with occasional small music nights in the evening. The kitchen is in a single storey building which backs onto the yard at the end of No 2 and the extraction is on the far side in an open area. Any music would be in the main building fronting on the Market Place. It may be worth pointing out that the occupants of the 1st and 2nd floor flats of No. 2 have lived there since 2007 and 2001 respectively and have never felt the need to complain about noise or cooking smells. The Bear is approximately 50 yards away from No. 2 on the far side of Market Place. There could be up to 100 existing residents within a 50 yard radius of this pub and I fail to understand why one new resident should pose a threat to their business. The plans for the flat include wide-space supplementary glazing to minimise noise from the street and a positive*

*input ventilation system to introduce filtered air from the south side of the building which appear to satisfy Building Control.*

Mindful of such comments, the EHO has accepted that the proposed development would not cause unacceptable detriment to residential amenity and has raised no objections.

As such the proposal does not conflict with Policy EQ2 of the Local Plan.

### **Other Matters**

Wincanton Town Council has raised concerns in respect of additional bins on the narrow pavement and it considers this application to be overdevelopment.

On the first matter, the landowner has advised that a domestic wheelie bin can be accommodated in the recessed front entrance and would not be put on the pavement. Also a restaurant would have to put one or more commercial bins on the pavement on a regular basis. Noting such comments, it is considered the proposed use as a residential unit would not exacerbate the situation regard wheelie bins when compared to the former restaurant use and its need for wheelie bins. This would not be a demonstrable and significant reason to refuse this application proposal.

On the second issue of overdevelopment the Town Council has not clarified what it means by 'overdevelopment'. The ground floor and basement areas are sufficiently large enough to provide for a single residential unit of accommodation and it is not uncommon in town centre locations for buildings to be sub-divided into various flats and maisonettes. Again it is not considered that this objection advanced by the Town Council is of such an overriding nature as to justify a refusal of planning permission.

In support of the proposal, there would be a very modest social benefit in the provision of one house and the contribution one household may make to the local community. In economic terms, there would be jobs generated during conversion works and to the local economy from one new household. In addition the proposal would help boost the supply of housing, albeit in a minor way.

### **Planning obligations and CIL**

As this proposal is for less than 10 units the LPA will not be seeking any contributions towards leisure and recreational facilities or other local or district wide obligations, in accordance with the High Court of Appeal decision (SoS CLG vs West Berks/Reading) made in May 2016, which clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less. For the same reason the LPA does not seek any affordable housing obligation.

The scheme will be liable for the Community Infrastructure Levy (CIL) at £40 per m<sup>2</sup> and it is noted that the applicant has submitted a completed Form. It must be for the developer to establish, at the appropriate juncture, whether any exemptions or relief applies.

### **Conclusions**

The proposal is considered to be acceptable in this sustainable town centre location, and would help compliment a broader mix of uses in the town centre as advocated by Government guidance within the NPPF and associated Planning Practise Guidance. There are no specific policy objections within the adopted South Somerset Local Plan and Wincanton Neighbourhood Plan to residential uses at ground floor level of buildings within the town centre.

The Wincanton Town Centre Strategy and Action Plan provides encouragement to reuse vacant or underused ground floors of buildings in the town centre which support main town centre uses, with residential use over ground floor uses also being encouraged. However, the Strategy does not specifically exclude the reuse of vacant or underused buildings at ground floor level for residential accommodation. In any event, this document has only limited weight in the planning decision-making process.

In terms of other material planning considerations, the proposal would cause no demonstrable harm to the setting of the adjoining Listed Building or to the character and appearance of the Conservation Area or visual amenity in general. Likewise there would be no adverse impact on residential amenity or highway safety to justify a refusal of planning permission.

As such, the proposed development accords with Policies SD1, SS1, EQ2, EQ3 and TA5 of the South Somerset Local Plan and relevant guidance in the NPPF and its associated Planning Practise Guidance and is recommended for approval.

## **RECOMMENDATION**

Permission be granted for the following reason:

01. The proposal is considered to be acceptable in this sustainable town centre location, and would help compliment a broader mix of uses in the town centre as advocated by Government guidance within the NPPF and associated Planning Practise Guidance. There are no specific policy objections within the adopted South Somerset Local Plan and Wincanton Neighbourhood Plan to residential uses at ground floor level of buildings within the town centre. The Wincanton Town Centre Strategy and Action Plan provides encouragement to reuse vacant or underused ground floors of buildings in the town centre which support main town centre uses, with residential use over ground floor uses also being encouraged. However, the Strategy does not specifically exclude the reuse of vacant or underused buildings at ground floor level for residential accommodation. In any event, this document has only limited weight in the planning decision-making process.

In terms of other material planning considerations, the proposal would cause no demonstrable harm to the setting of the adjoining Listed Building or to the character and appearance of the Conservation Area or visual amenity in general. Likewise there would be no adverse impact on residential amenity or highway safety to justify a refusal of planning permission.

As such, the proposed development accords with Policies SD1, SS1, EQ2, EQ3 and TA5 of the South Somerset Local Plan and relevant guidance in the NPPF and its associated Planning Practise Guidance.

## **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 drawings:

Site Location Plan,  
Drawing no. ARD/01/04: Existing Basement and Ground Floor Layout,  
Drawing no. ARD/04/07: Proposed Ground and Basement Layout,  
Drawing no. ARD/06/07: Existing and Proposed Elevations,

and the external surfaces of the new window and extension shall be of materials as indicated on the submitted application form. No other external finishing materials shall be used without the prior written approval of the Local Planning Authority.

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

**Informatives:**

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email [cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk)