

Application Number	2023/2349/FUL
Case Officer	Kirsty Black
Site	The Flat Above Salon Victoria Square Evercreech Shepton Mallet Somerset
Date Validated	17 January 2024
Applicant/ Organisation	M Phillips
Application Type	Full Application
Proposal	Change of use to self-contained residential flat.
Division	Mendip South Division
Parish	Evercreech Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Claire Sully Cllr Alex Wiltshire

What three words: ///noticing.forwarded.husky

Referral to Planning Committee

In accordance with the scheme of delegation and in the interest of probity, this application will be presented at the Planning Committee, because the applicant is related to a member of staff at Somerset Council.

Description of Site, Proposal and Constraints:

The application concerns the first floor flat situated above the "Beehive" hair salon, on Victoria Square in Evercreech. The residential studio flat is currently ancillary to the ground floor business use of the property and forms part of a semi-detached, 2-storey end of terrace Victorian property. The building itself comprises natural stone elevations with ashlar coping stones to the parapets and composite slate pitched roofs. It is located opposite the Queen's Road junction, near the Co-operative Convenience Store in the centre of the village of Evercreech. There is no dedicated parking associated with the property. It is sited within the designated Conservation Area and adjoins a Listed Building.

This application seeks consent for the change of use of the first floor studio flat that is currently ancillary to the ground floor commercial unit to one that is an independent, self-contained studio flat. The proposal does not involve any alterations to be carried out to the existing building and residential parking will continue to be on-street.

Consultation/Representation:

Divisional Member: No comments received.

Parish Council: Raise objections to the proposal because more consultees should have been consulted, did not include all nearby residents and due to the lack of parking/highways.

Officer note: In line with the Planning Procedure all adjoining premises were consulted as part of the planning process. As the principal use of residential will not change as a result of the development, no further consultation was considered necessary.

Somerset Council Waste Services: Raise concerns about the storage of waste at the proposed conversion. There appears to be no outside space to store a wheeled bin or recycling containers. Bins and recycling containers must not be stored on the pavement/highway, indeed we have previously removed bins in this area which were stored as such, owing to complaints about it.

Neighbours: No local representations received.

All representations and consultations responses received in respect of the application, if any, have been considered in full. Full details of all consultation responses can be found on the Council's website <https://publicaccess.mendip.gov.uk/online-applications/>

Planning History:

None

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies (Post JR Version)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 – Mendip Spatial Strategy
- CP2- Housing
- DP1 - Local Identity and Distinctiveness
- DP3 - Heritage Conservation
- DP7 - Design and Amenity
- DP9 and DP10 - Highway Safety

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)

Assessment of relevant issues:

Principle of development

Policy CP1 states that to enable the most sustainable pattern of growth, the majority of development will be directed towards the five principal settlements (Frome, Shepton Mallet, Wells, Glastonbury and Street). This application site is sited within the confines of the Development Limits of Evercreech, defined as a Primary Village.

Policy CP2 states that the delivery of new housing will be secured from three sources (a) Infill, conversions and redevelopments within Development Limits defined on the Proposals Map, (b) Strategic Sites identified on the Key Diagrams for each town associated with Core Policies 6-10 and (c) other allocations of land for housing and, where appropriate, mixed-use development, outside of Development Limits through the Site Allocations process. The creation of an independent, self-contained studio flat would accord with the requirements of CP2 and the strategy for the delivery of housing. The principle of development inside development limits is therefore considered acceptable

Character and Appearance

The flat is set back from the front elevation of the property and is not overtly visible from the public realm. As the proposal does not involve any works being carried out the existing

residential flat, there will be no loss of existing architectural details or materials to the building and the established street scene and local character will be preserved.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area and accords with the policies referred to in the policy section above.

Residential Amenity

The proposal continues the existing residential use of the flat but instead of being ancillary to the ground floor business it will be an independent self-contained flat. The continued residential use of the first floor does not give rise to any additional impact to local residential amenity. It is considered therefore that it accords with the policies referred to in the policy section above.

Conservation Area

There is a duty placed on the Council under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

The Victorian properties along the High Street form an important part of the Evercreech Conservation Area and make a positive contribution to its character and appearance. The proposed development simply seeks to make an independent self-contained flat without any proposed works and thus it will not affect any views to and from the Conservation Area. Additionally the change from ancillary to independent residential use would not affect the character of the conservation area.

In this case it is considered that no harm to the significance of the heritage asset or its setting would occur and that the proposed development would at least preserve the character and appearance of this part of the Conservation Area and its setting. The proposal accords with Policy DP3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework.

Impact on the setting of a Listed Building

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, that the local planning authority 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. Here it is considered that the proposal

is consistent with the aims and requirements of the primary legislation and Planning Policy and guidance. The Retreat is a grade II Listed residential building that adjoins the application site and it is considered that the continued residential use of the first floor above the salon would not have an unacceptable impact on the listed building or its setting and would preserve the significance of the designated Heritage asset. The proposal accords with Policy DP3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework.

Highways

Concern was raised by the Parish Council regarding the availability of parking, Whilst it is acknowledged that there is no dedicated parking associated with the residential flat, that is the case with the existing shop with ancillary flat. The change to an independent flat is not considered to discernibly intensify the parking requirement. Furthermore it is considered that there is sufficient on-street parking available within the local area.

The parking arrangements are acceptable and maintain highway safety standards. The proposal is therefore considered to accord with the policies referred to above.

Refuse Collection

Concern has been raised by the Somerset Council Waste Services over the storage of waste as there appears to be no outside space to store a wheeled bin or recycling containers. They comment that bins and recycling containers must not be stored on the pavement/highway. The applicant confirms that there is existing storage space provided for the wheeled bins and recycling containers for use by the existing flat in the courtyard on site and that this will continue to be the case for the proposed self-contained studio flat. It is therefore considered that there is adequate storage space for refuse and recycling.

Environmental Impact Assessment

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Equalities Act

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability,

gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Recommendation

Approval

Conditions

1. Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2. Plans List (Compliance)

This decision relates to the following drawings: EXISTING AND PROPOSED FLOOR PLAN and LOCATION PLAN received 15th of December 2023.

Reason: To define the terms and extent of the permission.

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.

2. Condition Categories

Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the Planning Portal, see council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.