

PLANNING APPLICATION REPORT

Case Officer: Matthew Jones

Parish: Okehampton **Ward:** Okehampton South

Application No: 0436/16/COU

Agent/Applicant:

Miss Monika Pieprzyk

The Lodge

Castle Road

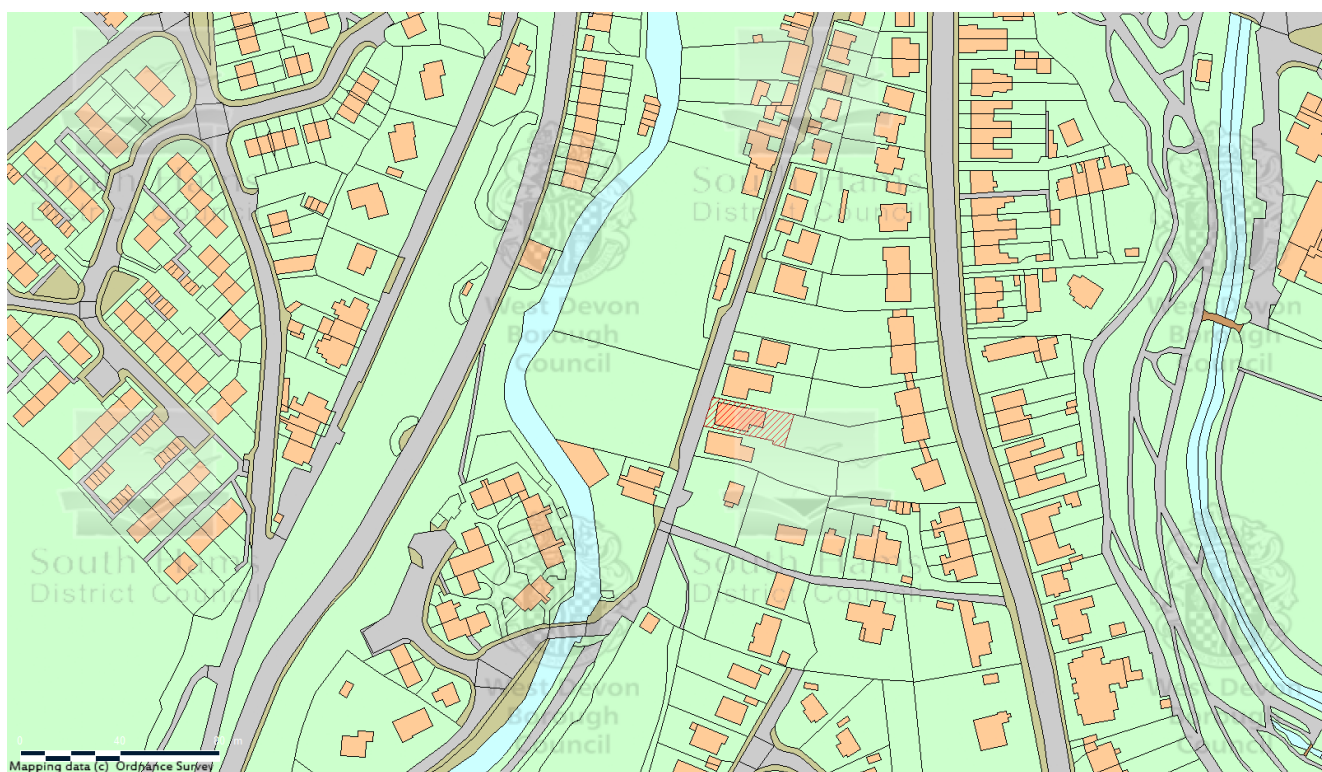
Okehampton

EX20 1HZ

Site Address: Kingswood, Castle Road, Okehampton, Devon, EX20 1HX

Development: Change of use from private garage (C3) to furniture shop (A1)

Reason item is being put before Committee: The ward members have requested that this application is taken to planning Committee due to concerns regarding highways safety and the impact of the development on highways infrastructure



Recommendation: Conditional approval

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice. Notwithstanding other illustrative plans in documents hereby approved, this permission relates only to the floor space edged in green as shown on approved plan WDBC1 received by the Local Planning Authority on 26 June 2016

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. The A1 use hereby approved shall be restricted only to the sale of furniture and associated householder goods

Reason: The specific use applied for is considered acceptable but an alternative A1 would require consideration on its own merits within a separate planning application.

4. Opening hours of, and deliveries to, the A1 use hereby permitted shall be restricted to 08:00 – 18:00 Monday – Saturday, with no opening on Sundays or Bank Holidays.

Reason: To ensure that the development maintains an appropriate impact on the amenity of neighbouring dwellings

Key issues for consideration:

The main issues are access, parking, the impact of the proposal on the amenity of neighbouring properties, the impact of the proposal on the retail vitality of Okehampton shopping area and any impact on the character and appearance of Okehampton Conservation Area.

Site Description:

The application site is a detached dwelling over three floors. The ground floor provides pedestrian access and has an integrated garage and store, with the garage fronted by two narrow garage doors. Access is from Castle Road to the west, via a front parking area. The residential curtilage of neighbouring dwellings is to the north and the south. The majority of properties have parking integrated in this way. There is limited on street parking and double yellow lines restrict vehicle parking.

The site is within the Okehampton Development Boundary and within the town's Conservation Area. The planning application has been correctly advertised, including by the posting of site notices at the site.

The Proposal:

Planning permission is sought for the Change of Use of the garage and store of the dwelling into a retail unit. No physical alterations are proposed.

Consultations:

- County Highways Authority

No objection (detailed comments within file)

- Environmental Health Section

No objection subject to condition restricting opening hours: *'I believe it would be pertinent to attach a condition to restrict opening hours of the shop to 08:00 – 18:00 Monday – Saturday, with no opening on Sundays or Bank Holidays. This being in order to protect neighbouring residential amenity'*

- Okehampton Town Council

Objection – due to impact on neighbouring dwellings, access, congestion and potential road blockages

Representations:

2 letters of representation have been received at the time of writing this report. Comments made within the submitted letters are summarised as follows:

- Will increase traffic and therefore challenge highways safety
- No notice have been posted at the site
- The road could be blocked blocking access for emergency vehicles
- Location not suitable for a business

Relevant Planning History

None

Analysis

Principle of Development

Local planning policy seeks to promote retail uses within Town Centres and requires applicants to consider more favourable, centrally located sites sequentially in order to justify a new unit outside of the local centre.

Okehampton does not have a zoned town centre designated within the current Development Plan, although, the primary frontages are identified in the area in and around Fore Street. The Post Office is approximately 240m from the site which clearly provides a community function and it, and the area surrounding it, is considered to be within the Town Centre

The applicant has not provided a sequential assessment of alternative sites. However, officers have undertaken research which identifies that there are not proportionally similar retail units currently available to let within the town centre. Officers are also not aware of a second hand furniture shop within Okehampton.

Overall, although this site can most sensibly be argued to be outside of the Town Centre, it is very close by and within easy walking distance. This close proximity, the relatively diminutive size of the unit, and the absence of a proportionate and available alternative in a more central location leads officers, on balance, to conclude that the proposed unit will not negatively impact the retail vitality of Okehampton Town Centre

Access and Parking

The application site is in a sustainable location with regard to access to services, being easy walking distance to the range of services and transport options available in the town. The Council does not prescribe minimal parking requirements and for these reasons the loss of the parking serving the dwelling is not considered to be unacceptable. It is also important to note that the garage is accessed via two extremely narrow doors, which effectively render the garage unusable, meaning that the only parking the dwelling relies on, in reality, is the parking apron to the front.

This area would now become a space allowing a customer or the operator to load and unload a vehicle. Furthermore, the applicant lives next door which means that the entire parking area in front of these two properties and a car port are all available to serve the two dwellings and the shop. Overall, this larger parking area is considered to allow the off street parking for a car for each property and a space for the shop. For these reasons and for those given in the response from the highways officer, officers conclude that the parking and access arrangements are satisfactory.

The comments raised by third parties and the Town Council are noted. However, the blocking of a highway is an offence under separate legislation and the locality already benefits from waiting restrictions which should prevent inappropriate parking and ensure access for emergency vehicles.

Neighbour Impact

Policy supports new commercial uses within residential areas unless the proposal would lead to '*Significant adverse harm to the character of the area or to the amenities of adjoining properties.*' The affected properties are those on both sides and the dwelling above the shop. The neighbour to the north, in particular, has a balcony close to the proposed shop.

Although the provision of a shop in this location will have an impact on neighbour amenity, officers have the ability to impose a condition restricting opening hours. With this in mind, officers can conclude that the impact will be acceptable. The opening hours suggested by officers are 08:00 – 18:00 Monday – Saturday, with no opening on Sundays or Bank Holidays.

A different type of shop, such as a pet shop, could have an entirely different impact on neighbour amenity and it is therefore reasonable to impose a condition restricting the use specifically to a furniture shop.

Conservation Area

This proposal includes no operational development and the provision of a shop within this location will not harm the character or appearance of the Conservation Area.

Conclusion

The comments made by the Town Council and by interested third parties are considered within the above analysis. For the reasons outlined above this application is considered acceptable. The application is therefore recommended for approval subject to conditions.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development
SP5 – Spatial Strategy
SP10 – Supporting the Growth of the Economy
SP 12 – Retailing
SP18 – The Heritage and Historical Character of West Devon
SP20 – Promoting High Quality Design

West Devon Borough Council Local Plan Review 2005(as amended 2011)

BE1 – Conservation Areas
H41 – Business Use in Residential Areas
R1 – Core Shopping Frontage
T1 – Walking and Cycling
T2 – Pedestrian and Cyclist Safety
T8 – Car Parking
T9 – The Highway Network

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.