

49/2007/074

MR ANDREW JOHNSON

CHANGE OF USE FROM OFFICE TO RESTAURANT AND TAKE AWAY AT 3 SILVER STREET, WIVELISCOMBE

308120/127821

FULL

PROPOSAL

No 3 Silver Street is located in the centre of Wiveliscombe adjacent to The Square, and within the designated Conservation Area. It is a two storey building with a double shop front to the street elevation and a small courtyard to the rear. No on-site parking is available.

The proposal comprises the change of use of the property, which is currently empty but was formerly a Chartered Accountants office, to a restaurant and take-away. An extract duct is also proposed from the kitchen through the rear roof.

CONSULTATIONS AND REPRESENTATIONS

DRAINAGE OFFICER - No observations

PARISH COUNCIL - Supports

CONSERVATION OFFICER – If Environmental Health confirm that the proposed site and height of the extract vent will conform to their requirements, I do not believe that such will adversely affect the character of the Conservation Area or setting of adjacent Listed Building. (Environmental Health Officer confirm that size and height of duct is satisfactory).

ENVIRONMENTAL HEALTH OFFICER – I have considered the details submitted regarding the kitchen extraction system and the proposed elevations of the flue. The details which have been submitted are satisfactory but I would advise that provision for carbon filters are built into the system so if odours are a problem in the future carbon filters can be installed easily. As such I would recommend both odour and noise conditions.

COUNTY HIGHWAYS AUTHORITY – The proposal is located in the centre of Wiveliscombe in close proximity to public car parks. The stretch of highway located outside of the development is narrow and can only accommodate single file traffic, in addition there are double yellow lines either side of the highway, to prevent vehicles stopping/parking in this area.

There is a general assumption that the nature of take-aways can lead to on street parking in close proximity of the site. However given the parking restrictions and width of the highway outside of the site this should discourage people from parking illegally in close proximity of the site. With regard to the issue of illegally parked

vehicles on the highway in particular on double yellow lines, this is a police matter in terms of enforcement. The drivers of such vehicles have to take responsibility for their own actions with regard to appropriate and safe places to stop and park. Many take-aways offer a delivery service so this could help reduce the number of customers driving directly to the premises.

The proposal is located within the town centre in easy walking distance of public parks and on-street parking in High Street, North Street and West Street.

Taking the above points into consideration I don't consider that the proposal would result in significant increase in traffic over and above that which currently utilises this particular stretch of highway, therefore I would not wish to raise a highway objection to the proposal.

35 LETTERS OF SUPPORT - have been submitted on the following grounds:

- The quality of this business and their cuisine is impressive;
- The applicants are supportive of Somerset Food links and the community in general;
- The use would be of great benefit to the town and surroundings;
- There is a lack of good Indian restaurants in the locality;
- The use would make a huge economic contribution to the area;
- And the use would help to maintain Wiveliscombe's vitality

ONE OF THESE LETTERS OF SUPPORT - suggests that permission be made personal to the applicant because any subsequent owners may be more problematic and that parking controls must be enforced. Another of the letters of support suggest that opening hours be realistic and not restrictive.

24 LETTERS OF OBJECTION - have been submitted, together with a petition of objection of 33 signatures, together with numerous letters and e-mails of objection from the same immediate neighbour.

Grounds of objection include the following:

- The use will detract from the character of this predominantly residential street
- Traffic will increase significantly in the vicinity and highway safety would accordingly be prejudiced
- Residential amenity would be affected by odours, noises, smoking, increased vermin, litter and anti-social behaviour etc
- Virtually all of Silver Street residents object
- Public car parks are already full in the evening and parking problems would be exacerbated
- The adjoining property is a flying freehold with rooms including bedrooms directly above the proposed restaurant
- There would be increased fire risk
- Storage and disposal of refuse is of great concern

- The proposed flue would be unsightly and adversely affect the setting of adjacent listed buildings and the character and appearance of the Conservation Area
- The proposal contravenes the European Convention on Human Rights
- Take-away packaging cannot be recycled
- And no disabled toilet is proposed.

POLICY CONTEXT

Policies S1 and S2 of the Taunton Deane Local Plan seek to safeguard inter alia The character of buildings, visual and residential amenity and road safety. Transport policies in the Local Plan seek to promote sustainable transport. Policy EN14 seeks to resist developments which would adversely affect Conservation Areas and Policy EN16 developments which would adversely affect the setting of listed buildings. Policy WV4 supports proposals for development which complements the existing range of shopping facilities and which create diversity and interest in the central area of Wiveliscombe. The explanatory paragraph to the policy advises – “A positive approach will be adopted towards proposals for uses such as restaurants, cafes, public houses, leisure and arts facilities, which add to the vitality and viability of the shopping centre.”

ASSESSMENT

The property is centrally located, and in general terms in accordance with Policy WV4, uses such as restaurants are to be supported because they add to the vitality and viability of the central area of Wiveliscombe. Notwithstanding this, the LPA has to be satisfied that road safety, visual amenity, and residential amenity are not adversely affected.

With regard to highway safety, the County Highways Authority are clear and concise in their statement which raises no objection. In respect of visual amenity, the only external alteration proposed is the installation of a relatively discreet flue in the rear elevation, and the Conservation Officer advises that neither the character/appearance of the Conservation Area nor the setting of listed buildings would be adversely affected.

Finally, in respect of residential amenity, the Environmental Health Officer raises no objection subject to imposition of restrictive conditions to control noise and smells. Whilst the issue of litter and anti-social behaviour are issues that need to be considered, they are not deemed to be such concerns as to warrant refusal in this case.

The proposal use in therefore considered acceptable, subject to imposition of appropriately restrictive conditions, including one which limits opening hours to those suggested by the applicant, namely 11:00hrs to 22:00hrs.

RECOMMENDATION

Permission be GRANTED subject to conditions of time, noise, odours and opening hours.

REASON(S) FOR RECOMMENDATION:-

The proposal would contribute to the vitality and viability of Wiveliscombe Central Area, would not adversely affect the character and appearance of the Conservation Area, nor the setting of listed buildings and would not unduly affect visual amenity, residential amenity or road safety. Accordingly, the proposal complies with Taunton Deane Local Plan policies S1 (General Requirements), S2 (Design), EN14 (Conservation Areas), EN16 (Listed Buildings) and WV4 (Shopping and Services).

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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NOTES: