

## AGENDA ITEM NO: 8/1(a)

<b>Parish:</b>	Heacham	
<b>Proposal:</b>	Conversion of property from shop and first floor flat to a two bed house and a 3 bed house	
<b>Location:</b>	46 High Street Heacham King's Lynn Norfolk	
<b>Applicant:</b>	Mr R Cursley	
<b>Case No:</b>	16/01075/F (Full Application)	
<b>Case Officer:</b>	Mrs Jade Calton	<b>Date for Determination:</b> 9 August 2016

**Reasons for Referral to Planning Committee** – The views of Heacham Parish Council are contrary to Officer Recommendation

### Case Summary

The application site comprises a two storey attached building, currently a vacant shop at ground floor with residential above, situated on the eastern side of High Street, Heacham.

The application proposes to change the use of the shop and first floor flat to a two bed dwelling and a 3 bed dwelling.

Heacham is classified as a Key Rural Service Centre within the Core Strategy Settlement Hierarchy.

### Key Issues

Principle of development;  
Form and character of the area;  
Impact on neighbour amenity;  
Highway safety; and  
Other material considerations

### Recommendation

**APPROVE**

## INTRODUCTION

Consideration of the application was deferred at the Committee meeting of the 4<sup>th</sup> October to seek clarification on the parking provision. Both the applicant's agent and Norfolk County Council have been contacted to seek clarification of their positions and the section on 'Highways' has been amended in light of these discussions.

## **THE APPLICATION**

The application site comprises a two storey attached building, currently a vacant shop at ground floor with residential above, situated on the eastern side of High Street, Heacham.

The application seeks permission for the change of use of the retail element of the flat-roofed section to the street frontage with the addition of a first floor extension above.

The extended building would be subdivided vertically, with the front section of the building forming a two bedroom dwelling, and the rear section of the building comprising a three bedroom dwelling, all bedroom accommodation being provided at first floor level with kitchen and living rooms provided at ground floor level.

There is a single driveway to the northern side of the property, in the ownership of the derelict cottage further to the east (but over part of which the subject property has a right of way), bounding a carrstone wall, dividing the site from an adjoining vehicular access of the property to the immediate north of the site. On the northern side of the building is a projecting first floor side lean-to above a void 'carport' below. It is proposed to re-open some formerly bricked-up openings.

To the southern side of the building is an area of walled garden space with mature conifer hedge to the frontage and close-boarded fence to the rear, the southern-most extent is bounded by a single carrstone dwelling adjacent to an existing row of cottages. It is proposed to create a new vehicular access into the amenity space, including parking provision to serve the three-bedroom unit to the rear, whilst retaining a modest enclosed space for the new front unit as amenity area only.

## **SUPPORTING CASE**

The application is accompanied by a Planning Statement which offers the following supporting case:-

"The proposal intends to bring a vacant commercial building back into practical residential re-use, incorporating a form and design conducive to the local built environment. The existing business use has been superseded by alternative convenience shopping for comparative goods, and business re-use has not been feasible given the amount and variety of retail activity further north on the High Street.

The change of use of the building and sympathetic alterations proposed are considered to be appropriate in this locality and will bring about positive changes to the street scene, local amenity and highway safety issues. Furthermore, given the nature of the settlement, the proposal is considered to represent a sustainable form of development.

Accordingly, it is considered that the proposal accords with saved Policy 4/21 of the King's Lynn & West Norfolk Local Plan 1998, Policies CS01, CS02, CS06, CS08 and CS09 of the adopted Core Strategy 2011, Policies DM2, DM9, DM15 and DM17 of the emerging Development Management Policies of the submitted SSA&DMP and the provisions of the National Planning Policy Framework.

Policy DM9 of the submitted Development Management Policies of the emerging Local Plan relates to the Council encouraging the retention of existing community facilities and its resistance to the loss of such facilities, in particular in areas of poor provision. Where alternative provision is supplied elsewhere in the settlement, criteria relating to marketing to assess local demand and provision already being addressed will not be required. A Tesco

Express store has been constructed on the site of a former public house on Lynn Road to the immediate east of the junction with High Street, approximately 150m from the application site. As a one-stop convenience store with onsite car parking, this has undoubtedly undermined the trading position and customer base of the former newsagents at the southern end of the High Street and which has contributed to the closure of the business”.

## **PLANNING HISTORY**

There is no recent relevant planning history on the site.

## **RESPONSE TO CONSULTATION**

**Parish Council: OBJECT** - The development of the garden is destroying the character of the traditional cottage arrangements and access and egress to the proposed parking area will have very limited visibility thus causing problems.

**Highways Authority: NO OBJECTION** conditionally. Note: this position has been confirmed since the 4<sup>th</sup> October committee meeting.

## **REPRESENTATIONS**

None received.

## **NATIONAL GUIDANCE**

**National Planning Policy Framework** – sets out the Government’s planning policies for England and how these are expected to be applied.

**National Planning Practice Guidance** - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS08** - Sustainable Development

**CS10** - The Economy

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT**

**DM1** – Presumption in Favour of Sustainable Development

**DM15** – Environment, Design and Amenity

**DM9** - Community Facilities

## **PLANNING CONSIDERATIONS**

The main considerations in the determination of the application are:

- Principle of development;
- Form and character;
- Impact on residential amenity; and
- Highway safety; and
- Other Material Considerations

### **Principle of Development**

Heacham is classified as a Key Rural Service Centre within the settlement hierarchy of the Core Strategy. Such centres are considered to help sustain the wider rural community. They provide a range of services that can meet basic day-to-day needs. Local scale development will be concentrated in identified Key Rural Service Centres.

Part of the proposal includes the change of use of the former convenience store which should be assessed against Core Strategy Policy CS10: The Economy and emerging Development Management Plan Policy DM9: Community Facilities.

These local policies aim to retain land or premises currently or last used for employment purposes and that are deemed a community facility unless it can be demonstrated that:-

- Continued use of the site is no longer viable;
- Use of the site for employment purposes gives rise to unacceptable environmental or accessibility problems;
- An alternative use or mix of uses offers greater potential benefits to the community in meeting local business needs, or in delivering the Council's regeneration agenda.

DM9 goes on to say "Development that would lead to the loss of an existing community facility will be refused consent unless:-

- The area is currently well served by the type of use which is to be lost; or
- In the case of shops or pubs/restaurants the applicant can demonstrate genuine attempts to market and sell the use as an ongoing concern".

The shop / newsagent ceased trading towards the end of 2015 as demand decreased given the opening of a Tesco Express store approximately 150m to the east of the site on High Street. The Tesco store has an associated car park which encourages customers to use the facility over smaller similar commercial units within the High Street.

There is a well-established small shopping core of mixed commercial uses within close proximity to the north of the site which offer a range of convenience goods and services. On this basis, it is your officer's opinion that the proposal to change of use of the vacant shop to residential is justified as the community is well served by other uses and its loss will therefore not cause harm to the vitality of the area or to the local economy, in accordance with the abovementioned policies.

Furthermore, there would be benefits to the community by providing two dwellings (net gain of one) which will contribute to the much needed housing within the Borough.

In principle the change of use and subdivision of the property to form two dwellings is acceptable, subject to other policy and material considerations.

## **Form and Character**

The area is mixed in character in terms of its uses and form of buildings. The existing building is attached at the rear to an existing terrace of cottages, and the proposal would add a further two terraced cottages based on the existing footprint of the building.

The existing property comprises a timber and glazed shop front at ground floor level, with a recessed painted render first floor to the frontage, carrstone lump to the northern flank elevation, red brick to the southern two-storey flank, and natural slate to the roof.

The proposed changes to the existing property are relatively modest, including a first floor, two storey extension over the flat roof shop element to the front of the building; new and altered fenestration and creation of a new vehicular access, parking and turning.

The design of the proposed extensions to the front incorporates a bay window and carrstone facings to reflect similar development adjacent to and in the vicinity of the application site.

The mixed character of the area comprises residential uses, some with on-site parking and some with on-street parking. And because it's a traditional High Street, some properties have small private gardens.

The only amenity space associated with the property is situated to the south side of the building. It is proposed to subdivide the garden area into two; one smaller section for the new 2 bed dwelling to the front, with a new boundary fence to its perimeter, and a larger section providing a garden area and a parking and turning area associated with the tree bed dwelling to the rear.

The proposed development as a whole would relate to the established form and character of the area, including the size of the gardens and the provision of parking on-site.

## **Impact on Residential Amenity**

Neighbouring residents that may be affected by the proposal are located to the north and the east of the application site. There is adequate distance between the existing building and any neighbouring property to the south.

The only new windows to the first floor of the northern elevation of the property will serve a bathroom, which is non-habitable and can be obscurely glazed by the occupier. The bedroom window to the first floor northern elevation facing west originally served a kitchen within the existing flat so the impact of any overlooking would not be materially increased as both rooms are habitable. The windows to the first floor southern elevation are existing and currently serve bedrooms and a sitting room so any outlook from them, albeit too acute to affect the neighbours to the east, would not materially increase any impact.

## **Highway safety**

There is no parking associated with the current uses of the building, i.e. the shop and 1st floor two bedroom flat. The drive way to the north of the building is not within the ownership of the applicant and is associated with the derelict cottage to the rear of the application site; it is not available for use either by the shop or the flat. The flat is currently empty but residents would previously have parked on-street.

The proposal would result in the creation of a 2 bed and a 3 bed property. Residents of the 2 bed property will have to use on-street parking whilst the 3 bed property is provided with parking for 2 vehicles on land to the south of the building. Access is provided to this land by

removing an existing Leylandii hedge on the western boundary and creating a gap in the existing brick wall at the back of the pavement. The wall is approximately 1m high.

The Parish Council expressed concerns at the visibility from the new access. However, there is no objection from the Local Highway Authority to the new access subject to a condition to secure a visibility splay. With the removal of the hedge and the low height of the existing wall, the required splay can be achieved.

The County Council has indicated that there is some betterment as a result of the proposal in that it removes the parking demand generated by the shop and creates off-street parking for one of the flats.

## **CONCLUSION**

The proposed development is acceptable in principle and in keeping with the character of the area. There are no significant impacts upon the amenity of existing residents and, notwithstanding the concerns of the Parish Council, safe access can be achieved. Permission may, therefore, be granted.

## **RECOMMENDATION:**

**APPROVE** subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development shall be carried out in accordance with drawing 1607/02.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Prior to the first occupation of the 3 bedroom unit hereby permitted the new vehicular access shall be provided and thereafter retained at the position shown on the approved plan (drawing number 1607.02) in accordance with the highway specification (Dwg. No. TRAD 1) attached. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 3 Reason To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.
- 4 Condition Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or other means of obstruction shall be erected across the approved new access unless details have first been submitted to and approved in writing by the Local Planning Authority.
- 4 Reason In the interests of highway safety.

- 5 Condition Prior to the first occupation of the 3 bedroom unit hereby permitted a visibility splay measuring 2.4 x 33 metres shall be provided to each side of the new access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.
- 5 Reason In the interests of highway safety
- 6 Condition Prior to the first occupation of the development hereby permitted the proposed access, on-site car parking and turning area shall be laid out in accordance with the approved plan and retained thereafter available for that specific use.
- 6 Reason In the interests of highway safety.