

<b>Parish:</b>	<b>Terrington St Clement</b>	
<b>Proposal:</b>	<b>Change of use from sorting office/vehicular garage/store to takeaway including a temporary 7m2 walk in refrigerator unit, with part retrospective alterations to windows and doors and timber cladding to exterior.</b>	
<b>Location:</b>	<b>The Post Office 69 - 75 Churchgate Way Terrington St Clement King's Lynn</b>	
<b>Applicant:</b>	<b>Mr Jack Slingsby</b>	
<b>Case No:</b>	<b>19/01498/F (Full Application)</b>	
<b>Case Officer:</b>	<b>Bradley Downes</b>	<b>Date for Determination:</b> <b>22 October 2019</b> <b>Extension of Time Expiry Date:</b> <b>6 December 2019</b>

**Reason for Referral to Planning Committee** – Called in by Cllr Squire

**Neighbourhood Plan:** No

### **Case Summary**

The site lies on the west side of Churchgate way, opposite the Terrington St Clement Community School and Nursery. It lies within the development boundary for Terrington St Clement, which is designated as a Key Rural Service Centre in Policy CS02 of the Core Strategy 2011. To the south lies rows of terraced houses, and further to the south east is the Terrington St Clement Grade I listed church. The application is for a change of use of the existing post-office and shop into a butchers and hot food takeaway, with the erection of a walk-in fridge to the front for the cold storage of the produce. The development also involves the replacement of all windows and doors on the building, and cladding of the exterior with horizontal timber boards. The application is part retrospective, because the development has commenced but not completed.

### **Key Issues**

Principle of development  
Impact on character and appearance  
Impact on neighbour amenity  
Highway safety  
Other material impacts

### **Recommendation**

**APPROVE**

## **THE APPLICATION**

The site lies on the west side of the Churchgate way, opposite the Terrington St Clement Community School and Nursery. It lies within the development boundary for Terrington St Clement, which is designated as a Key Rural Service Centre in Policy CS02 of the Core Strategy 2011. To the south lies rows of terraced houses, and further to the south east is the Terrington St Clement Grade I listed church. The application is for a change of use of the existing post-office and shop into a butchers and hot food takeaway, with the erection of a walk-in fridge to the front for the cold storage of the produce. The development also involves the replacement of all windows and doors on the building, and cladding of the exterior with horizontal timber boards. The application is part retrospective, because the development has commenced but not completed. The previous post office use was still open as of June 2016.

## **SUPPORTING CASE**

The general feeling in the locality has been positive with a number of village folk approaching me to discuss how happy they are to see the former historically important building be bought back into use once again and how excited they are to have a local butchers in the village. I find it concerning that an anonymous objection made through the Councillor can delay the project and question both the officer's recommendation for approval and the County Council Highway Officer's comments that there would seemingly be no increase in traffic generation. In addition, the Change of Use also has the Parish Council's support, for which I am extremely grateful.

Churchgate Way can be a busy road, especially at school dropping off and picking up times however, the traffic speed is limited outside of the development with "Keep Clear" markings to both sides of the road directly adjacent the site access. There is also a bus stop close to the North of the access, clearly marked indicating no vehicular stopping in the space. With the "Keep Clear" zones and the bus stop in proximity added to the 20mph speed limit, the site access allows for a good level of visibility.

The site allows for customer parking to the front which will be limited, allowing customers to manoeuvre in and out of the site safely and with caution. Deliveries to and from the site will take place prior to school "drop off" periods and after school collection times and I am prepared to accept any condition on an approval with regards to supply and delivery traffic to and from the project. I would argue that with the correct measures in place and management of the site, there would be less traffic generated in and out of the access itself than there was with the frequency of the post office and sorting office vans coming and going.

I really do hope that the Planning Committee will look upon this project for its merits. This project renews the use of a building of historical interest, provides a service to the people of the village, provides an employment opportunity once approved with further opportunities further in the future and sees a local long term resident family build a local business for local people.

## **PLANNING HISTORY**

No relevant planning history

## **RESPONSE TO CONSULTATION**

### **Terrington St Clement Parish Council: SUPPORT**

#### **Local Highways Authority: NO OBJECTION**

Arguably the traffic generation for both class uses (existing and proposed), would be similar and as a result I believe that it would be difficult to substantiate an objection to the application on highway safety grounds.

#### **Conservation Officer: NO OBJECTION**

This property is within the Terrington St Clement Conservation Area and is noted as being an important unlisted building. I have no objection to the proposed change of use. The existing render is comparatively new, but is more in keeping with the character of the conservation area than the timber cladding proposed. I would also prefer to see replacement timber windows rather than uPVC as proposed.

The proposed materials are not traditional or characteristic of the Conservation Area and Section 72 of The Act requires the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area when determining applications which affect them. The NPPF states that less than substantial harm should be weighed against the public benefits of a proposal including, where appropriate, securing its optimum viable use.

The building is currently empty and whilst I would not agree that it is derelict, it does look a little run down and if its not used it will inevitably deteriorate to the detriment of the street scene and the Conservation Area overall. Having spoken to the applicant I understand that viability, and to a lesser extent hygiene, need to be considered in this particular instance. Bearing that in mind, I would accept the use of uPVC subject to the windows being changed to a more traditional style by removing the glazing bars and installing plain side-hung flush casements in the former sorting office, and adding a central glazing bar to the large glass panel in the side of the former shop. In addition, composite doors would be better than uPVC but cheaper than timber.

I recommend conditions requiring details of the windows and a sample of the timber cladding.

Subject to the above I feel able to support the application on the basis that the harm caused by the use of non-traditional materials could be weighted against the public benefits in terms of bringing an empty building back into viable use and providing an amenity to the village.

#### **CSNN: NO OBJECTION**

Because of the location of this premises in a residential area I need additional information in relation to noise and odour. With regard to the cooking I need to know the positioning and technical details of any ventilation systems to be used. Likewise with the walk-in-fridge I need to know the positioning and sound power levels of any chiller units.

In terms of deliveries, I understand a condition is being considered in order to reduce the impact on traffic at certain times in this busy area which is close to two schools. I would want to ensure that there are no deliveries before 07:00 and none after 19:00.

**Following submission of the above information and re-consultation:** The new details address the concerns I had when I made my initial comments. Please can the following

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conditions be applied. Opening hours shop Mon to Sat 07:00 to 17:00, and takeaway Mon Sat 09:00 to 17:00. The condenser unit installed shall be installed as per the attached specification and will be fixed securely to the refrigerator itself on acoustic anti-vibration matting. All extraction ventilation and chilling will be assessed every 6 months, serviced annually and maintained as required in order to reduce operation noise pollution. The reason for requesting the conditions is to protect local residents from experiencing an adverse impact from noise and odour in relation to the proposed change of use.

## **REPRESENTATIONS**

**One** anonymous letter was received which **objected** to the planning application. The letter raised the following concerns:

Existing on-street parking already causes issues, with cars needing to drive on the wrong side of the road when travelling north along Churchgate Way.

Cars attempting to use the parking spaces may not see pedestrians on the pavement due to the on-street parking. Similarly, children may not be aware of cars trying to park in these spaces.

The bus stop often blocks the front of the proposed shop so any cars wishing to enter will need to queue behind the bus or find alternative parking, increasing congestion.

3 designated spaces may not be enough so additional on-street parking would be likely to occur.

There is a private track to the north of the site, which would likely see increased use by people wishing to park or turn. This would incur additional costs for the residents.

The butcher's shop is proposing to open during times which overlap with the start and end of the school day; both of which are busy periods.

There is no space for delivery lorries/vans without blocking either the proposed parking spaces, the bus stop, or the private track. In addition, where are the staff going to park if they need to drive to work.

## **LDF CORE STRATEGY POLICIES**

**CS01** - Spatial Strategy

**CS02** - The Settlement Hierarchy

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

**CS10** - The Economy

## **SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016**

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

## **DM2 – Development Boundaries**

## **DM15 – Environment, Design and Amenity**

### **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

### **PLANNING CONSIDERATIONS**

The main considerations in the determination of this application are:

- Principle of development
- Impact on character and appearance
- Impact on neighbour amenity
- Highway safety
- Other material impacts

#### **Principle of Development**

Paragraph 80 of the NPPF says that planning decisions should help create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs. Paragraph 83 says that planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas, both through the conversion of existing buildings and well-designed new buildings. Decisions should also enable the development of accessible local services and community facilities, such as local shops. Lastly, section 11 concerns the effective use of land, and paragraph 118 states that decisions should give substantial weight to the value of using suitable brownfield land within settlements for identified needs, and support appropriate opportunities to remediate despoiled, degraded or derelict land.

The site falls within a Key Rural Service Centre, as designated in Policy CS02 of the Core Strategy 2011. Policy CS01 states that significant emphasis will be placed on brownfield redevelopment within the towns and villages, and that the strategy in rural areas is to ensure strong, diverse economic activity, while maintaining a high quality environment. Policy CS02 goes on to say that in Key Rural Service Centres, limited growth of a scale and nature appropriate to secure the sustainability of the settlement will be supported within the development limit. Policy CS06 says that within all villages, priority will be given to retaining local business sites, and it supports the conversion of existing buildings for business purposes where it will be beneficial to local economic and social needs.

Moving on to the SADMPP 2016, Policy DM2 states that development will be permitted within the development boundaries of settlements, provided it is in accordance with the other policies in the local plan. Policy DM9 of the SADMPP 2016 says that the Council will encourage the retention of existing community facilities (such as local shops), particularly in areas with poor levels of provision, and in areas of major growth.

The application is proposing to retain an existing rural employment site which has historically functioned as a community facility (being used as a post office and shop for some 70 years). The proposed use of the former post room as a takeaway deli is a facility that Terrington St Clement does not currently have, and as Terrington St Clement already has a number of

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shops and a post office, the development would contribute to an increased diversity of services, and be in accordance with the principles of sustainable development outlined above, by encouraging more local trips and ensuring the vitality of the rural community. As such, the principle of development is considered acceptable.

### **Impact on character and appearance:**

The proposed brown upvc timber effect windows and timber cladding have already been installed (the cladding not yet colour treated). The colouration of the timber cladding will be the subject of a condition. The previous windows and doors were painted timber and the front elevation was pebble-dash. It is considered that the replacement of timber windows with upvc windows and the addition of timber cladding has a potential to adversely affect the character and appearance of the Conservation Area, hence they have been the subject of particular consideration.

The Conservation Officer has established that they would find the proposal acceptable, given the benefits of the scheme would outweigh any adverse visual impact as long as the windows and timber cladding are acceptable. The majority of the building is set back in the street scene in relation to the buildings either side and there are other examples of brown upvc windows in the locality. With these factors taken into account, it is considered the proposed timber cladding and brown upvc windows would preserve the character and appearance of the Conservation Area.

The proposed walk-in fridge to the front of the building will not have any significant impacts on the character and appearance of the area, due to its small scale and the proposed exterior cladding to match the rest of the development.

### **Impact on Residential Amenities**

The proposed walk-in-fridge unit would not have any significant overbearing or overshadowing impact due to its small scale. There will be no new window openings, only replacements of existing, therefore no significant overlooking would result from the proposed development. The section of the building to be changed from a sorting office to a hot food takeaway will generate some additional noise and odour, as a result of the cooking, ventilation and chilling required. Details of the proposed ventilation and refrigerator have been provided. A commercial scale chilling unit for the walk in fridge is proposed, while the proposed extraction for the kitchen and serving area consists of domestic scale extractors. The Community Safety and Neighbourhood Nuisance Officer is satisfied that the submitted specifications of this equipment would not have any significant adverse noise or odour impacts on the amenity of neighbouring occupiers. No flues are proposed.

Although the application form states that the opening hours for the shop and takeaway would be from 09:00 to 17:00, the opening hours condition suggested by the CSNN officer would need amendment. Firstly, the use of the shop as it exists is currently unrestricted, so it would not be reasonable to impose an opening hours restriction on the shop portion of the development. Also, restricting the opening hours of the takeaway until 17:00 is considered onerous, because visits to the premises during the late afternoon and early evening would not generate a significant level of noise and disturbance considering the relatively low intensity of the takeaway use proposed. Operating up to 19:00 instead would be acceptable, even if the applicant does not wish to open that late, the business should not be unduly restricted. Also, it is also not reasonable to restrict delivery hours, because the existing shop and post office had no restriction on their deliveries.

A condition will be imposed such that the refrigerator unit will be installed in accordance with the submitted specifications. In addition, the decision should be conditioned to restrict the

installation of any further ventilation, extraction, chilling or flues to require the specific granting of planning permission.

### **Highway Safety:**

The Local Highway Authority Officer had no objection to the planning application because the use of the building as a butchers shop and takeaway would not be likely to generate any significantly different levels of traffic than the existing post office / shop use. As such, it is considered the proposed development would have no significant impacts on highway safety.

The concerns of the anonymous objecting letter were noted, but as all the same issues would have been present with the existing post office / shop use, the proposed development is not resulting in any significant increase in risks to highway safety.

### **Other Material Considerations**

Section 17 of the Crime and Disorder Act 1998 requires Local Authorities to consider the implications for crime and disorder in the carrying out of their duties. The application before the Committee will not have a material impact upon crime and disorder.

### **CONCLUSION**

Given the site is located within the development boundary of a key rural service centre, with an existing commercial use, the principle of development is considered acceptable. Subject to the conditions relating to the proposed materials, on balance the proposal would have a neutral impacts on the character and appearance of the street scene and the conservation area. In addition, the wider public benefits of bringing the semi-derelict community facility back into use are considered to weigh in favour of the application. Lastly, subject to the conditions suggested by the CSNN Officer (as amended), the development would not have any significant adverse impacts on the residential amenity of neighbouring occupiers

For the reasons outlined above, it is recommended that the Planning Committee approve the planning application, subject to the following conditions.

### **RECOMMENDATION:**

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

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans. Dwg nos. SL2 (Location Plan and Proposed Site Plan), and SL1 (Proposed Floor Plan and Elevations).
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: Within 1 month from the date of this permission, details of the colour treatment of the proposed timber cladding shall be submitted to the Local Planning Authority for approval. Subsequently, within a period of 2 months from the date details are approved by the LPA, the colour treatment shall be implemented in accordance with those approved details and retained thereafter.
- 2 Reason: Such that the visual impacts of the development on the character and appearance of the Conservation Area would have less than substantial harm against the public benefits of the scheme, in accordance with the NPPF.

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- 3 Condition: The takeaway use hereby permitted as indicated on the approved plan as "COOKING/SERVING AREA" shall be open to the public only between the hours of 09:00 and 19:00 on Monday to Saturday, and 9:00 to 15:00 on Sunday.
- 3 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.
- 4 Condition: The proposed ventilation, extraction and refrigeration shall be installed in accordance with the submitted details comprising the "Chiller Specifications" (received 30/10/2019), and "Applicant Chiller and Extraction Information" (received 30/10/2019).
- 4 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.
- 5 Condition: No ventilation, extraction, flues, refrigeration, or any other plant for the purpose of chilling / freezing, ventilation or extraction other than that approved by this application shall be allowed to be installed on or in the butchers shop and takeaway use hereby permitted without the granting of specific planning permission.
- 5 Reason: In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order.