

AGENDA ITEM NO: 8/3(c)

Parish:	Downham Market	
Proposal:	Change of Use of restaurant to flat	
Location:	51 - 53 Bridge Street Downham Market Norfolk PE38 9DW	
Applicant:	Ms P Kittisak	
Case No:	16/01012/CU (Change of Use Application)	
Case Officer:	Mr Bryan Meredith	Date for Determination: 21 July 2016 Extension of Time Expiry Date: 5 August 2016

Reason for Referral to Planning Committee – The views of Downham Market Town Council is contrary to the Officer recommendation.

Case Summary

The site lies within an area designated as Built Environment Type C of the Local Plan Proposals maps for Downham Market and within the settlement boundary of policy DM2 of the emerging Site Allocations and Development Management Policies document.

Downham Market is classified as a Main Town according to Policy CS02 of the Local Development Framework Core Strategy.

The application site lies on the southern side of Bridge Road, Downham Market within the designated Downham Market Conservation Area. The site area is 126.58m².

The application seeks permission to change the use of the existing restaurant at 51-53 Bridge Street, Downham Market and convert it into a flat.

Key Issues

Principle of Development
Form and Character
Neighbour Amenity
Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The application proposes the change of use of the existing restaurant to a flat on a site which is measured at approximately 126.58m² to the south of Bridge Street, Downham Market. Downham Market is defined as a Main Town in the Core Strategy.

Downham Market is defined as a Main Town under the settlement hierarchy of Policy CS02 of the Council's adopted Core Strategy (2011).

SUPPORTING CASE

The application is accompanied with a Heritage Statement and a Design and Access Statement which describes the current use, the proposed use and that there are no negative effects of this proposal.

The supporting statement sets out details addressing matters of the proposals use, scale, layout, appearance, and the access and transport to the site. In particular the statement states that:

- The proposal respects the nature of the existing building and its setting.
- The overall scale of the main structure will remain unaffected.
- The highest part of the building will remain unaffected and the proposed frontage of the building will not change.

The Heritage Statement acknowledges that the property is a listed building but states the impact of this conversion would be minimal as no exterior alterations are proposed. The applicant has submitted the proposal for change of use as they have been unable to sell the restaurant.

Relevant Planning History:

16/01013/LB: - Listed Building Application: conversion of restaurant to flat - 51 - 53 Bridge Street, Downham Market, Norfolk, PE38 9DW;

16/01012/CU: - Change of use of restaurant to flat - 51 - 53 Bridge Street, Downham Market, and Norfolk, PE38 9DW;

16/00268/CU: Application Permitted: 15/04/16 - To sell takeaway food from the existing restaurant - 51 Bridge Street, Downham Market, Norfolk, PE38 9DW;

15/01610/LB: Application Withdrawn: 22/12/15 - Listed building application for conversion of restaurant to flat - Dangs Thai Restaurant, 51 Bridge Street, Downham Market, Norfolk, PE38 9DW;

15/01609/CU: Application Withdrawn: 22/12/15 - Conversion of restaurant to flat - 51 Bridge Street, Downham Market, Norfolk, PE38 9DW;

05/00310/CU: Application Permitted: 23/03/05 - Change of use and alterations of workshop to form staff accommodation - 55 Bridge Street, Downham Market, Norfolk, PE38 9DW;

04/01229/CU: Application Permitted: 30/06/06 - Retention of change of use from retail to hot food takeaway including modified flues - 55 Bridge Street Downham Market, Norfolk, PE38 9DW;

05/02083/F: Application Permitted: 30/11/05 - Covered walkway between kitchen and store - 51-53 Bridge Street, Downham Market, Norfolk, PE38 9DW;

05/02326/LB: Application Permitted: 19/12/05 - Covered access way - Dangs Thai Restaurant, 51 - 53 Bridge Street, Downham Market, Norfolk, PE38 9DW;

2/98/0899/F: Application Permitted: 08/09/98 - Alterations and extension to restaurant - 51 - 53 Bridge Street, Downham Market, Norfolk, PE38 9DW;

2/98/1127/A: Application Permitted: 15/09/98 - Illuminated projecting sign - 51 - 53 Bridge Street, Downham Market, Norfolk, PE38 9DW;

2/98/0900/LB: Application Permitted: 08/09/98 - Alterations and extension to restaurant including projecting sign - 51/53 Bridge Street, Downham Market, Norfolk, PE38 9DW;

Consultations:

Parish Council: Downham Market Town Council recommended refusal commenting:

'The principal is the loss of retail space in the town centre and creating a replacement dwelling i.e. the proposed development by reason of the loss of retail floor space, would adversely affect the vitality and viability of Downham Market Town Centre. Regardless of this principal, the application is not supported due to concerns of fire safety requirements'.

Local Highway Authority: An approval of the application would ultimately result in a reduction in traffic visiting the site and as a result I believe that it would be difficult to substantiate an objection to the application on highway grounds.

Environmental Quality: Based on the information supplied, I have no comments to make regarding contaminated land or air quality.

Representations:

None

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

PLANNING POLICIES

The King's Lynn and West Norfolk Local Plan (1998) contains the following saved policies that are relevant to the proposal:

4/21 - indicates that in built-up areas of towns or villages identified on the Proposals Map as Built Environment Type C or D development will be permitted where it is in character with the locality.

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS04 - Downham Market

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PRE-SUBMISSION DOCUMENT

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

OTHER GUIDANCE

Downham Market by Design 2007

PLANNING CONSIDERATIONS

- Principle of Development
- Form and Character
- Neighbour Amenity
- Highway Safety
- Other Material Considerations

Principle of Development

The application site falls within Built Environment Type 'C' of the saved Local Plan (1998) Inset Map for Downham Market and within the development boundary in Policy DM2 of the emerging Site Allocations & Development Management Policies document (2015).

The proposal seeks the change of use of the premises from Class A3 (restaurant and cafes) to Class C3 (dwellinghouse). No external alterations are proposed therefore this application merely seeks permission for the change of use. Furthermore, it is not considered that the change of use in itself would harm the character or appearance of the listed building or Downham Market Conservation Area.

The proposal would change the existing restaurant unit, which the owner has been unable to sell; to provide accommodation to the property and as a result ensuring the usage of the property, in this town centre location is maintained. The principle of the change of use is deemed acceptable as there are established dwellings on Bridge Street which are set in both use class A3 (food and drink) and C3 (residential).

Paragraph 23 of the NPPF states that Local Planning Authorities should allocate a range of suitable sites to meet the type of retail needs in town centres. The loss of the restaurant, defined as a Main Town centre use in the NPPF is deemed to be negligible considering the similar uses in nearby neighbouring locations in Downham Market. Policy DM10 of the emerging Site Allocations & Development Management policies document sets out the priority to maintain Downham Market as a major retail centre in the Borough but in this case the applicant has been unable to sell their business and the loss of this restaurant is judged to have a minimal impact in the area.

In light of the above and current policy position, it is therefore considered that the principle of the proposed change of use is acceptable.

Form and Character

The site is located centrally on Bridge Street. To the west of the application site there is a pedestrian access to the rear of the property. To the east of the application site there is an existing retail unit neighbouring the site. South of the site is the garden/ amenity areas to the rear of the property.

As the property is a Grade II listed building, the change of use would have a positive impact with the ongoing use and maintenance of the building for residents residing here.

In terms of form and character, the application does not propose alterations to the exterior of the building and as a result will not alter the properties setting in the Conservation Area.

Neighbour Amenity

The application seeks planning permission for the change of use of the building only. The proposed elevations plan submitted with the proposal shows that no external alterations are included with the proposal and as a result does not compromise the amenities of either existing neighbouring properties. In addition the change from a restaurant to a dwelling will be potentially beneficial in terms of the amenities of neighbouring residential and other uses.

Highway Safety

NCC Highways Authority does not wish to restrict the granting of permission and further state that an approval of the application would ultimately result in a reduction in traffic visiting the site.

Other Material Considerations

Downham Market Town Council recommend refusal of the application stating the loss of retail space in the town centre would adversely affect the vitality and viability of Downham Market town centre. This issue is dealt with in the principle of development section above.

The proposal raises no specific issues in relation to crime and disorder.

CONCLUSION

The site lies within the development boundary of Downham Market, which is designated as a Main Town in policy CS02 of the Core Strategy. The designation of a Main Town seeks to enhance its role in delivering opportunities for residential development, although it also has a function in providing services for residents in the town and the wider area.

The proposed change of use would utilise the existing property and would have no detrimental effect on the listed building. The proposal would result no harm to residential amenity, and the loss of the restaurant is not considered to harm the overall function of the town centre. As a result the proposal complies with the provisions of the National Planning Policy Framework (2012) as well as Policies CS01, CS04 and CS08 of the Core Strategy (2011) and with emerging Site Allocations & Development Management Policies document and should be approved with the following conditions. It is therefore recommended that planning permission be granted subject to conditions.

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 hereby permitted shall be carried out in accordance with the following approved plans titled:
 - Site Plan, scale 1:500, date received 26/05/2016
 - Proposed Floor Plans & Elevation, scale 1:100, date received 26/05/2016.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.