CASE OFFICER'S REPORT

Application Reference:	PL/2023/07202
Application Type:	Removal/variation of conditions
Site Inspection:	
Consultation ends:	21 September 2023
Case officer:	Adrian Walker

Site Address:	6 High Street, Purton, Swindon, SN5 4AA
Proposal:	Removal/Variation 3 relating to application 20/05358/FUL (Change of use from restaurant to staff accommodation, creation of 3 flats to first and second floors and internal alterations)
Recommendation:	Approve with Conditions

SITE CONTEXT

The application site is located in the centre of Purton, on the north west side of the High Street. It comprises a two-storey semi-detached property adjoining the back edge of the footway as well as land to the rear. The ground floor of the building is laid out as a restaurant, with dining areas at the front and a kitchen at the rear. The premises is currently vacant as the former restaurant has now closed.

The adjoining building to the west (No. 7 High Street) is a grade II listed building and a former public house. Both, 6 and 7 High Street, lie within the Purton Conservation Area.

PROPOSAL

Removal/Variation 3 relating to application 20/05358/FUL (Change of use from restaurant to staff accommodation, creation of 3 flats to first and second floors and internal alterations).

PLANNING HISTORY

PL/2023/01829- Proposed change of use from restaurant to two ground floor flats. Pending Consideration.

PL/2022/08460 - Notification for Prior Approval under Part 3, Class MA to Convert the Former Restaurant into 2no. Flats – Refused 25/01/2023

21/01315/DOC - Discharge of Conditions 5 & 6 of 20/05358/FUL – Approved 07/04/2022

20/05358/FUL – Change of use from restaurant to staff accommodation, creation of 3 flats to first and second floors and internal alterations. Approved subject to conditions – 30 September 2020.

14/09781/FUL – Recess Front Door for Disabled Access. Bay & Canopy Alterations. Approved subject to conditions – 22 December 2014.

N/96/00373/S73 – Variation of condition no. 2 relating to N/95/0221/F – to permit the sale of food for consumption off premises. Approved subject to conditions – 15 April 1996.

N/95/02414/S73 – Variation of condition nos. 3 & 6 relating to N/95/0221/F – amended landscaping & parking including retention of existing garages. Approved subject to conditions – 14 February 1996.

N/95/02154/ADC – Externally illuminated hanging sign. Approved subject to conditions – 14 February 1996.

N/95/00221/FUL – Change of use from A1 (Chemist Shop) to A3 (Restaurant). Approved subject to conditions – 10 April 1995.

POLICIES

NPPF (2023)

Wiltshire Core Strategy Jan 2015 (WCS): Core Policies 1, 2, 10, 57, 58, 60, 61, 62

GUIDANCE

Purton Neighbourhood Plan 2018

Technical housing standards – nationally described space standard 2015

National Design Guide Ministry of Housing, Communities & Local Government (2019)

Site Planning for sunlight and daylight: a guide to good practice' Building Research Establishment (1991)

ISSUES

- Living Conditions of Future Occupiers

CONSULTATIONS

Purton Parish Council: object due to highways access.

Officer comment: The proposal does not involve any changes to the access arrangements. The proposal is not considered to have any impact on the highway.

REPRESENTATIONS

Public Consultation: One comment was received in support of the application.

ASSESSMENT:

Variation of Condition 3 relating to application 20/05358/FUL (Change of use from restaurant to staff accommodation, creation of 3 flats to first and second floors and internal alterations).

Condition 3 of 20/05358/FUL states:

The labelled staff studio flat is to be only occupied by a person solely employed in the business occupying the plot edged red on the attached plan.

REASON: Given the size of the flat permission is only granted on the basis of it being used for staff accommodation.

This condition was considered necessary as the internal area for the studio flat is only 32 sq m and there was a need for accommodation for workers in the restaurant below. Nationally described space standards require 1 person flats with a shower to be a minimum of 37 sq m.

An application to convert the restaurant to flats is currently under consideration and is recommended for approval. Without a business on the site the condition will be unable to be complied with.

Living Conditions of Future Occupiers

CP57 of the WCS seeks to avoid creating developments with unacceptable low levels of privacy and amenity and avoid the unacceptable loss of privacy and amenity to adjacent buildings. CP57 also requires all new development to have regard to the compatibility of adjoining buildings and uses, the impact of amenities of existing occupants and ensuring that appropriate levels of amenity are achievable within the development itself. In addition, NPPF paragraph 130 (f) states that planning policies and decisions should ensure that developments 'create places that are safe, inclusive and accessible and which promote health and wellbeing with a high standard of amenity for existing and future users'

Internal amenity
The proposal would not provide sufficient internal amenity in accordance with nationally described space standards. It is therefore considered that the flat would not provide sufficient living conditions as a permanent residential dwelling. The applicant has provided evidence from a local service provider to show that there is demand for temporary accommodation for local workers moving into the area whilst they find more permanent accommodation. It is therefore considered that amending the condition to allow for the unit to be rented out as temporary accommodation would be acceptable.

The proposed condition would state;

The studio flat on the first floor is to be rented out on a temporary basis only. It shall not be occupied/rented/leased for a period of time longer than six months to the same tenants/tenants.

REASON: Given the size of the flat permission is only granted on the basis of it being used for temporary accommodation.

CONCLUSION

The proposal does provide acceptable living conditions of future occupiers on a temporary na, neighbouring residential amenity and highway safety. The development is considered to be in accordance with National and Local Policy and it is recommended for approval.

Recommendation: Planning permission be approved with conditions;

Conditions: (4)

1 *The development hereby permitted shall be begun before the expiration of three years from 30 September 2020 (development already commenced). REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2 The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed drawing 20/0504/03E received 17th August 2020 Parking and refuse 20/0504/04 received 13th August 2020 REASON: For the avoidance of doubt and in the interests of proper planning.

3 The studio flat on the first floor is to be rented out on a temporary basis only. It shall not be occupied/rented/leased for a period of time longer than six months to the same tenants/tenants.

REASON: Given the size of the flat permission is only granted on the basis of it being used for temporary accommodation.

4 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. REASON: Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

Informatives: (2)

7 INFORMATIVE TO APPLICANT: Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

8 INFORMATIVE TO APPLICANT: The applicant is advised that this permission authorises conversion to flats only and the takeaway buisness needs to adhere to the conditions placed on the original permission for the restraunt.