

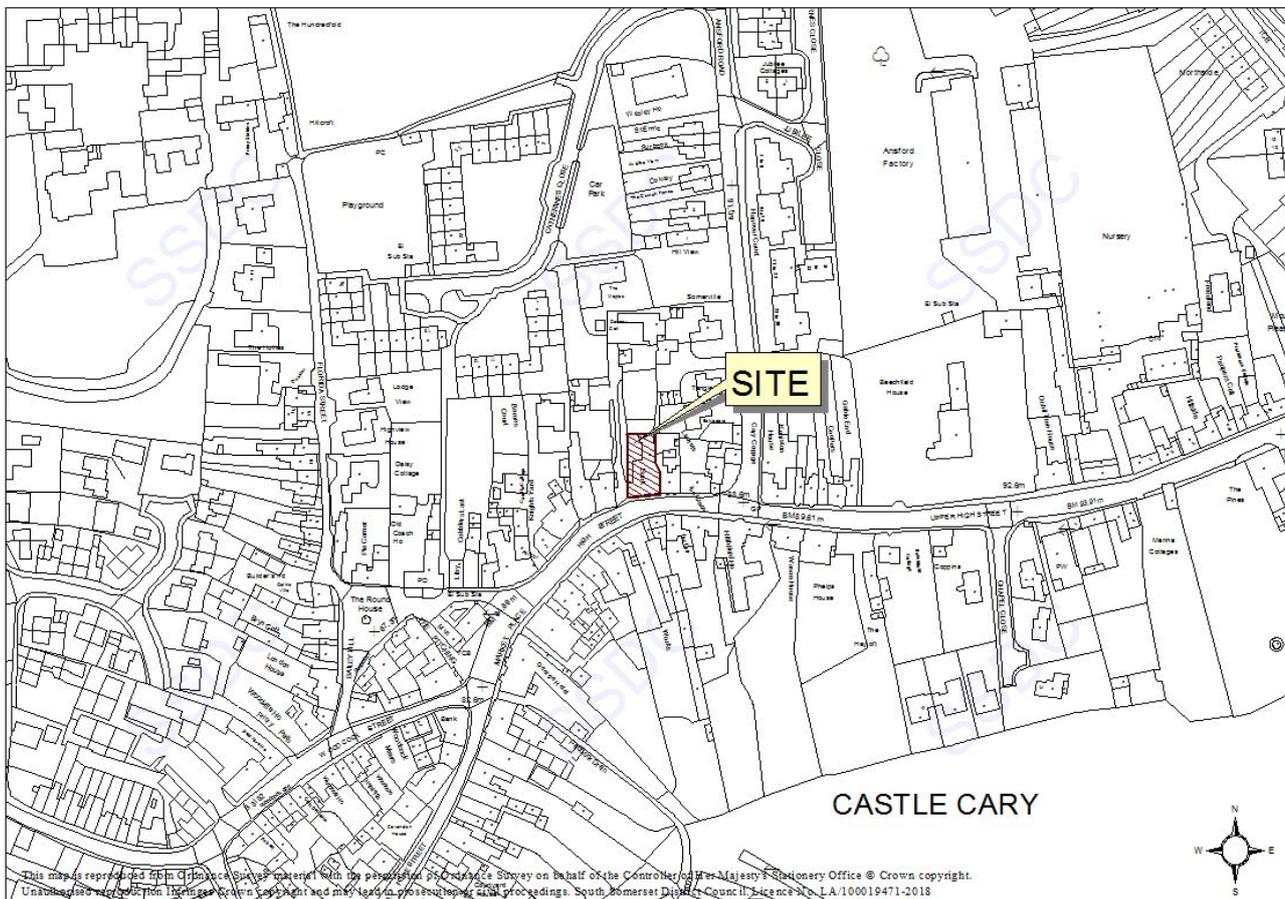
Officer Report On Planning Application: 18/02668/LBC

Proposal :	Internal and external refurbishment works (Revised Application)
Site Address:	37 High Street Castle Cary Somerset
Parish:	Castle Cary
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	17th September 2018
Applicant :	Mr And Mrs Tim And Jordan Oliver
Agent: (no agent if blank)	Wright Consult LLP Bay Tree Cooks Lane West Cranmore Somerset BA4 4RH
Application Type :	Other LBC Alteration

REASON FOR REFERRAL

This application is referred to committee at the request of the Ward Member as agreed by the Vice Chair. This application for Listed Building Consent is linked to the previous item on the agenda and it is suggested the two matters be considered together.

SITE DESCRIPTION AND PROPOSAL



Section 16 of the Listed Building and Conservation Areas Act is the starting point for the exercise of listed building control. This places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

NPPF: Chapter 16 - Conserving and Enhancing Historic Environment is applicable. This advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Whilst Section 38(6) of the 2004 Planning Act is not relevant to this listed building application, the following policies should be considered in the context of the application, as these policies are in accordance with the NPPF:

Relevant Development Plan Documents:

Policies of the South Somerset Local Plan (2006-2028)

Policy EQ3 - Historic Environment

CONSULTATIONS

Parish Council - Recommends refusal. They identify the following key issues:

Noise: the vent system in the main kitchen (for the cooker and other equipment) appears to not be of a standard robust enough for a commercial kitchen. The concern is that windows/doors will therefore be opened disturbing the resident in the maisonette upstairs & neighbours with noise & odours.

Noise: the wood fired stove in the secondary kitchen is immediately under the bed of the maisonette's occupant with a fanned vent under her bedroom floor leading to a fanned duct in her bedroom chimney. This has background noise potential and could be a fire hazard. We question the need for the wood-fired stove.

Noise: disturbance to upstairs resident & neighbours from the diners arriving/ departing

Odours: apart from food preparation in kitchen (see above), the visitor lavatory vent has a long duct designed to emit outside the kitchen window of maisonette. It is not clear why this vent cannot be immediately outside the toilets' blank wall - through the flat roof.

Vibration from extraction fans in the kitchens are likely to disturb the upstairs resident

Fire Risk heightened by planned installation of an internal wood fired oven

Other issues raised by local residents

Overlooking: A previously opaque un-opening window has been replaced by an opening clear glazed window in main dining area on East side of building looking directly onto a neighbouring private residence.

Opening Hours: Restaurant opening hours will disturb local residents late into the evenings

Land use: this building & its location would appear to be much more suitable for adaptation to retail or office space."

SSDC Conservation Officer -

"The generous proportions of the building lend themselves to restaurant use and there are few internal alterations proposed. Furthermore the proposal will provide a positive contribution to the street scene and ensure the building has a viable use into the future, instead of it remaining in its current redundant state. I have no objections to this application."

REPRESENTATIONS

None received

CONSIDERATIONS

As the property is a grade II listed building by association and within a conservation area, the SSDC conservation officer was consulted in regard to visual amenity. She raised no objections to the proposal, noting that the generous proportions of the building lend themselves to restaurant use and there are few internal alterations proposed. She states that the proposal will provide a positive contribution to the street scene and ensure the building has a viable use into the future, instead of it remaining in its current redundant state.

As the opinion of the conservation officer is considered to hold considerable weight in applications of this nature, the proposal is not considered to have a negative impact on the character or setting of the listed building.

It is therefore considered that the proposal does not adversely affect the character of the listed building in accordance with the NPPF, and policy EQ3 of the South Somerset Local Plan.

The concerns of the parish council are noted. However, these relate to planning issues and are better considered as part of the concurrent application for planning permission for a change of use.

As such the proposal should be recommended for approval.

RECOMMENDATION

Grant consent for the following reason:

01. The proposal, by reason of its materials and design is considered to respect the historic and architectural interests of the building and is in accordance with policy EQ3 of the South Somerset Local Plan, and the provisions of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The works hereby granted consent shall be begun before the expiration of three years from the date of this consent.

Reason: As required by Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 6121W-15B and 6121W-16C dated 28 August 2018 on the Council's website.

Reason: For the avoidance of doubt and in the interests of proper planning.
