

APPENDIX A

EXTRACT FROM AREA WEST COMMITTEE AGENDA – 18TH APRIL 2007

OFFICER: Andrew Gunn (01935) 462192 [Item 3]
APPL.NO: 06/04544/FUL APPLICATION TYPE: Full Application
PARISH: Crewkerne WARD: CREWKERNE TOWN
DESCRIPTION: Conversion of redundant factory into 11 Flats and 1 House (GR 344038/109833)
LOCATION: Bonsoir of London, Abbey Street, Crewkerne, Somerset TA18 7HY
APPLICANT: Bonsoir of London Ltd
AGENT: Humberts Commercial (Yeovil), 32 Hendford, Yeovil, Somerset BA20 1TR
DATE ACCEPTED: 4 December 2006

REASON FOR REFERRAL TO COMMITTEE:

At the request of the Chair due to the significance of the application to the town.

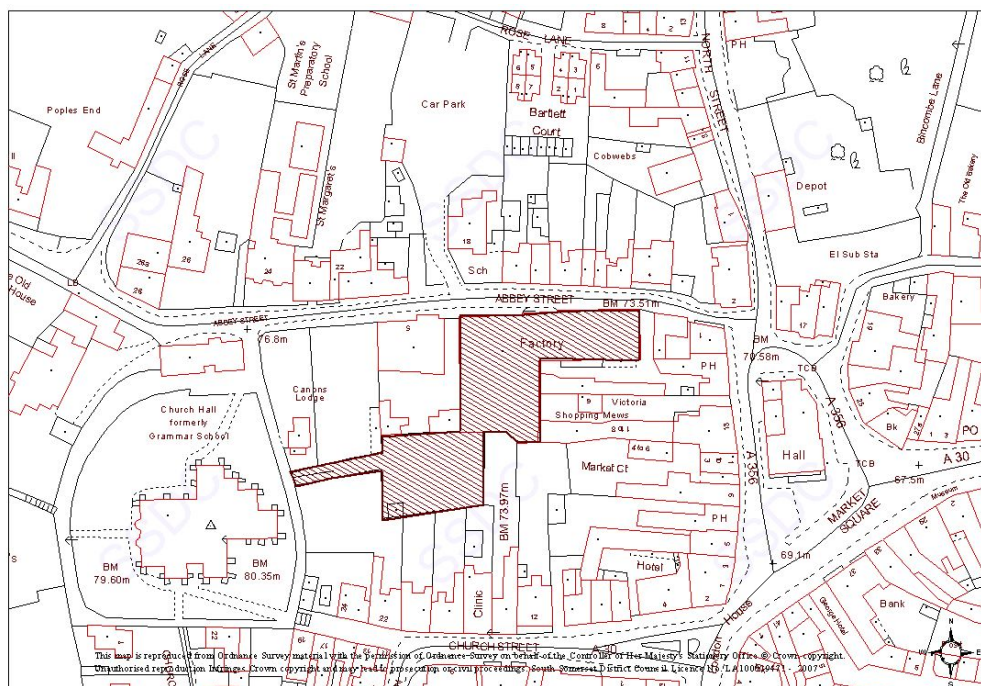
SITE DESCRIPTION AND LOCATION:

This listed building application relates to the former factory, warehouse and offices used by the clothing manufacturer Bonsoir of London. This former use ceased in 2005. The site occupies a central location in Crewkerne on the southern side of Abbey Street. The site comprises a late Grade 2 listed Georgian private dwelling, which comprises 3 storeys. This is mainly constructed of Ham stone under a pitched slate roof.

Two later factory buildings are located on either side of the Georgian dwelling. The first is a 3 storey Victorian factory to the west, built mainly from brick and a slate roof, and a 'Palazzo' style factory to the east. The Victorian factory building has been extended with a modern rear extension built from steel fabricated roof and cement fibre roof sheets. Both of these are listed in their own right.

There is a further 3 storey building at the eastern end of the site which is linked to the main units by a high timbered archway. This has been referred to as The Barn and is constructed from stone with a pitched cement fibre roof. This is in particularly poor condition. At the western end there is a covered access way, wide enough for a single vehicle. All of the various buildings subject of this application face onto Abbey Street.

To the rear of the site and accessed via the western access is a reasonably sized garden, which leads via a footpath to St Bartholomew's Church. A 2 metre high southern boundary wall constructed mainly from random rubble limestone is also a very important historical feature of the site.



PROPOSAL:

This proposal seeks consent to revert the Georgian building back into a private dwelling house, the creation of 11 new apartments and 1 ground floor open plan office. The planning application has been supported by a Design and Access Statement, a Heritage Statement, an Economic Viability Report and a Bat and Bird Survey.

Six of the apartments will be located in the Victorian building to the west of the house with two on each of the three floors. Three larger apartments will be created in the Palazzo block to the east of the Georgian House, with 1 apartment on each floor. The Georgian dwelling will revert to one house whilst the barn to the far east of the site will contain an office on the ground floor with an apartment on the first and second floor.

Access to the development is via the existing access located off Abbey Street. Two parking spaces are to be provided for the house with 12 further spaces at the rear of the site for the apartments. The scheme proposes a communal garden for occupiers of the apartments with a private garden for the dwelling.

In terms of the more significant changes will be the new link block to replace the existing link between the 2 stone factories. This will be partially glazed to the front and will contain a lift and independent stair to all floors. The roof will reuse or replicate the distinctive scissor timber trusses to the existing roof. The stair will be independent of the walls of the historic buildings so as to minimise the impact on the historic fabric. Also, the most significant new build will be the service core, which is to abut the 'lightwell' at the rear of the barn building. This will provide a lift and stair to all floors. Other works involve new timber windows to the barn building along with refurbishment of existing windows and doors. Other than refurbishment, the front of the site as it faces Abbey Street will be largely unaltered other than the new link between the barn and the factory building. The appearance of the rear will alter in terms of the loss of the outbuilding and the new link building.

The Heritage Statement assesses the special interest and historic significance of the buildings, dealing with each of the buildings in turn. For each building, a full description is given outlining the materials, special features, openings and internal details. It also details the elements of the existing buildings that are to be demolished/removed. This mainly relates to the more modern additions but for all of the elements to be removed/demolished, full justification and mitigation measures have been outlined. The Heritage Statement is a 54 page document and therefore, it is not proposed to repeat it within this report but it is available to read in full on the Council's website.

RELEVANT HISTORY:

06/00551/LBC - Conversion of redundant factory into 12 apartments, and re-conversion of offices into 1 house. Application Refused (5th May 2006).

06/00555/FUL - Conversion of redundant factory into 12 apartments, and re-conversion of offices into 1 house. Application Refused (5th May 2006).

05/01512/LBC - Conversion of redundant factory into 12 apartments, and re-conversion of offices into 1 house. Application withdrawn.

05/01513/FUL - Conversion of redundant factory into 12 apartments, and re-conversion of offices into 1 house. Application withdrawn.

POLICIES:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

Relevant Development Plan Documents
Regional Spatial Strategy:

Structure Plan
Policy 9 - The Built Historic Environment.

South Somerset Local Plan
EH1 - Conservation Areas
EH2 - Demolition of Buildings in Conservation Areas.
EH3 - Change of use of Listed Buildings and Alterations to Listed Buildings.
ST6 - Quality of Development.
ME6 - Retention of Employment Land and Premises.
TP7 - Residential Parking Provision.

PPG 15.

CONSULTATIONS:

Town Council:

Recommend Refusal again on the grounds that the committee strongly believes that there is great potential for commercial use. The marketing of the property has still not been properly tested for alternative uses other than for dwellings. The committee requests that the representation from The Stokes Partnership is forwarded to the SSSC Economic Development Officer to investigate.

Conservation Officer:

Proposals for changes of use to listed buildings must be justified and the best use will often be for which they were designed. Not all original uses remain viable and alternatives may need to be found. The selection of a use must balance viability with compatibility with the historic fabric, interior and setting of the building. I am making the assumption that other uses, possibly more compatible with the buildings such as office use have been explored and rejected for substantive reasons and that the change can be justified in respect of planning policy.

The former house could clearly be converted back to a dwelling to its advantage but the conversion of the mill buildings to residential use will alter their character significantly. This application appears to be very similar to the previous application with the exception of the additional 'Heritage Statement'. This is a thorough exploration of the significance and (some of) the impact that conversion to residential use would have. This serves to address many of the concerns I held previously although, if a consent is to be granted, there must be extensive conditions. I am satisfied by the principles expressed in the statement but the drawings are unfortunately small and inadequately annotated. The impact that conformity, partial or complete, with the building regulations will have upon the historic fabric is not demonstrated. It would be preferable to have this information now but would in any case need to be covered by condition.

I withdraw objections I raised previously in respect of patio doors and the glazed cedar elevation to the link building. I remain of the view that the irregular line of the proposed kerb to the Abbey Street frontage is inappropriate to the setting and the Conservation Area and would wish to see this set out straight to reflect the form of the street. There is no explanation or justification for the demolition and rebuilding of the various boundary walls. This cannot be approved without more information. Similarly the alterations proposed to the south elevation of the barn are not justified. I would prefer use of existing openings and minimisation of other changes. A number of detailed conditions are then listed.

English Heritage:

Comments are awaited with regard to the impact of the development on the adjacent Grade 1 listed Church.

Highway Authority:

The Highway Authority have commented that the same comments apply as before. This relates to the submission of a Highway Audit, which was received by the local planning authority after the previous application had been refused. It related to concerns in relation to

the proposed narrowing of Abbey Street, the restriction of vehicles turning right into the site and those turning left out of the entrance and conflict with pedestrians. For each of these issues, recommendations have been forwarded. This audit has been forwarded to the agent. The details of any amended plans received will be reported orally at Committee.

Landscape Officer:

A detailed landscape proposal will be a requirement of any planning consent, based upon the layout plan, drawing no; BS/CK/plan/01 rev Nov 06.

Ecologist:

If this application is permitted, I recommend the attached condition (precautionary measures for bats and informative (nesting birds)).

Economic Development Officer:

No objections.

The Economic Development Officer had made the following comments with regard to the previous application:

'I had originally considered that the building still offered employment potential but after my visit and subsequent discussion with our ED consultant realize the difficulties that employment use would present. In summary, parts of this site are quite derelict and required major works. These are costs that would be difficult to recover in a realistic timeframe if we insist on workspace within the building, and will cast doubts on the overall viability of the proposed project. I am mindful of how long this site has been on the market and am aware of how difficult it has been to bring forward. Crewkerne has a reasonable supply of employment premises on the market and at this time, the loss of this site would not present a significant loss of employment opportunity to the locality'.

With regard to the current planning application, the case officer has spoken to the Economic Development officer who has reiterated the above comments. A 6 page list was handed to the case officer by the Economic Development Officer outlining the currently available employment units in the town.

REPRESENTATIONS:

4 letters have been received, 3 of which raised objection to the scheme and 1 making comment about possible vehicular access to their property from the application site.

In summary, the objections concern the following:

- do not believe that the token office unit addresses previous issues raised
- little effort has been made to test the market for other viable uses other than for residential use
- interested parties have contacted the agents regarding other uses but have received no response.
- The Bonsoir site is a key site in the town and its future should be reviewed within the context of the long term plans for the town.
- Negative impact on the listed buildings and Conservation Area
- Highly dangerous and sub standard access arrangements and increased traffic
- No material change to the previous application to overcome initial objections
- No evidence of marketing the property for employment land
- Strong demand for offices in converted buildings in Crewkerne
- Will be a growing demand for offices with the arrival of Waitrose and additional housing in the town.
- Employment land should be retained to provide balanced land uses.
- Expanding service sector in the town is looking for sites such as Bonsoir in the town centre and not the industrial estate.

CONSIDERATIONS:

It is considered that there are 2 key considerations with regard to this planning application. The first relates to the loss of employment buildings and land, and secondly, whether the proposed development would adversely affect the character of the listed buildings, their setting or any special architectural or historic interest the buildings may possess.

With regard to the loss of employment buildings and land, the previous application was refused on the basis of no overriding need for the development that outweighs the employment value of the land and premises, limited comparable employment land within the locality and insufficient environmental benefits from using the site for residential reuse.

Policy ME6 of the South Somerset Local Plan is the key policy with regard to the loss of employment land and buildings. The crucial element of this policy is that the development will not be permitted where the loss would have 'a significant adverse effect on employments opportunities'. It is accepted that no proven need for residential use has been established nor that significant environmental benefits would necessarily result. However, this is not the key thrust of the policy. It is whether the employment loss would be significant.

In this regard, there are several key issues to consider. The evidence of the Economic Development Officer is that the loss could not be considered significant. The 6 page list of currently vacant employment units within the town demonstrate that there is a large amount of employment space currently available. Thus, it would be difficult to demonstrate that the loss of this site would have a significant adverse effect on employment opportunities.

The viability study is supported by the Economic Development Officer i.e. costs of conversion for non- residential are too high in relation to the possible rental returns. Furthermore, whilst no evidence has been submitted with this application to show what if any marketing has been undertaken, this is not a requirement of Policy ME6.

However, the final and probably most important issue is that without sound evidence that the loss would be significant, it is very difficult to defend this position at a planning appeal. This was recently reflected in an appeal decision in Wincanton regarding an employment site (Cale House, Station Road). Insufficient evidence was available to demonstrate that a significant adverse impact on employment opportunities would occur. A review of employment sites within South Somerset is to be undertaken shortly. However, with the evidence currently available, it is not considered that this development would create a significant adverse effect on employment opportunities.

The previous application for listed building consent (06/00551/LBC) was refused because the applicant had failed to supply the additional information required by the Local Planning Authority in terms of a full Design and Access Statement and a Justification and Impact Assessment. These are necessary to enable proper consideration to be given to the scheme.

This current listed building application, which is very similar to the previous proposal, has been supported by both a Design and Access Statement and a Justification and Impact Assessment. The Conservation Manager has carefully assessed these documents and many of his concerns that were raised previously have now been withdrawn. However, as outlined above, there still remain some aspects of the scheme that need justification i.e. demolition and rebuilding of boundary walls and alterations to the south elevation of the building 1. These further details/justification have been sought from the agent. A condition will be added to ensure that these works are not undertaken unless they have been justified and agreed by the Conservation Manager.

The Highway Authority submitted an audit report with the previous application. As outlined above, this sought highway improvements regarding the width of the road and improvements to the vehicular access for both road users and pedestrians. This report has been forwarded to the agent and amended plans have been requested. The Highway Authority have made recommendations in order to overcome these concerns. These include considering the need for 2 build-outs. A narrowing could be provided at the eastern end alone. Signing and lining would be required to indicate that westbound vehicles have to give way to eastbound vehicles. In terms of the current restrictive nature of the access, maintaining a carriageway width of 5m at the western end of the development would overcome this problem. In terms of the pedestrian issue, improved visibility splays at the exit are required. Other measures

required would be the funding by the developer of double yellow lining along the south side of Abbey Street for the length of the development and on the northern side opposite any narrowing sections. Amendments have been sought from the agent and any details received will be reported orally at committee.

Comments are awaited from English Heritage with regard to the impact of the development on the setting of St Bartholomew's Church. However, during consideration of the previous application, it was not considered that this proposal would harm the setting of the church. Furthermore, it is considered that the proposals preserve the character and appearance of the Conservation Area.

The conclusions of the Bat and Bird Survey are that a few bats have used the barn and the adjacent factory building but that no evidence of nesting birds has been found. As recommended by the Council's ecologist, a condition and informatives will be imposed on any consent in relation to ensuring works are undertaken in an appropriate and sensitive manner in case of disturbing nests or bat roosts.

CONCLUSION:

It is considered that this development would not result in significant adverse effect on employment opportunities. Furthermore, the proposed development will not adversely affect the character of the listed buildings nor their settings and will preserve the character and appearance of the Conservation Area.

RECOMMENDATION:

Application Permitted with Conditions and subject to the receipt of satisfactory amended plans with regard to highway improvements and further justification with regard to the boundary walls, and amended plans with regard to the roadside kerb and south elevation of the barn building.

The proposal, by reason of its size, scale and materials, respects the character of the area, and causes no demonstrable harm to residential amenity. It also preserves the character and appearance of the Conservation Area and the Listed Buildings in accordance with the aims and objectives of policy ST5, EH1 and EH3 of the South Somerset Local Plan 2006.

1. 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.

2. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to protect the character of the listed building in accordance with Policies EH3, ST5 and ST6 of the South Somerset Local Plan 2006.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed.

Reason: To protect the character and appearance of the listed building in accordance with Policy EH3 of the South Somerset Local Plan 2006.

4. All new external walls and alterations and making good to existing walls shall be constructed and carried out in matching natural materials (including the matching of pointing and coursing) samples of which shall have been submitted to and approved in writing by the Local Planning Authority before any of the development hereby permitted is commenced.

Reason: To protect the character and appearance of the listed building in accordance with Policy EH3 of the South Somerset Local Plan 2006.

5. Before the development hereby permitted shall be commenced details of all eaves/fascia board detailing, guttering, downpipes and other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To protect the character and appearance of the listed building in accordance with Policy EH3 of the South Somerset Local Plan 2006.

6. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual and residential amenity in accordance with Policies ST5 and ST6 of the South Somerset Local Plan 2006.

7. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that adequate opportunity is afforded for investigation of archaeological or other items of interest.

8. Should a bat or bats be encountered while work is being carried out on the property, work must cease immediately and advice obtained from the applicant's consultants or the government's advisers on wildlife, Natural England. Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained. As a further precaution, undertaking demolition work during the months of March to May or September to November is preferable, in order to avoid the main hibernation and breeding seasons when bats are most sensitive to disturbance.

Reason: To ensure the conservation of legally protected species in accordance with Policy EC8 of the South Somerset Local Plan.

9. The areas allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby approved.

Reason: In the interests of highway safety.

10. The dwelling and apartments hereby permitted shall not be first occupied until the parking spaces for the dwelling and apartments have been fully constructed and approved in writing by the local planning authority.

Reason: In the interests of highway safety.