

Area West Committee – 18th August 2010

Officer Report On Planning Application: 10/00454/FUL

Proposal:	Conversion and extension of existing garage/workshop into one dwelling (GR 332201/108611)
Site Address:	The Phoenix Hotel 15 Fore Street Chard
Parish:	Chard
COMBE (CHARD) Ward	Mr M Wale (Cllr)
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	14th April 2010
Applicant :	JAK Rentals Ltd
Agent: (no agent if blank)	Mr Nick Manning Rose Cottage School Lane South Chard Chard Somerset TA20 2SA
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is put before the Committee as the applicant is the husband of a Ward Member.

SITE DESCRIPTION AND PROPOSAL



The site comprises an area of disused land along with a garage workshop building that forms part of line of buildings situated at the rear of The Phoenix Hotel. The building is listed in

association with the Grade II listed hotel. The area is characterised by long burgage plots running from north to south with the majority being retail on the frontage with residential gardens at the rear.

The application proposes the conversion and extension of the garage/workshop element of the larger building to provide a three-bedroom dwelling. A small garden would also be provided along with allocation of existing parking spaces.

The site is within both the development area and conservation area of Chard.

HISTORY

10/00455/LBC Conversion and extension of existing garage/workshop into one dwelling. Associated listed building application. Pending consideration.

09/02931/FUL Conversion and extension of existing garage/workshop into four flats. Withdrawn 20/10/2009

09/02932/LBC Conversion and extension of existing garage/workshop into four flats. Withdrawn 20/10/2009

02/01703/LBC Internal alterations and amended fenestration to existing conservatory. Approved 2002.

02/00547/FUL Proposed erection of 3-bedroom house (manager's accommodation). Withdrawn 2002.

99/01405/LBC Alterations to existing signage. Approved 1999.

99/01008/LBC Internal alterations. Approved 1999.

930228 Erection of foodstore, petrol filling station and additional shop units with associated parking and service areas, 17 residential units and replacement youth club and library. Refused 1994.

910801 Alterations, conversion of existing buildings into 13 shop units and bar with 3 flats, staff accommodation over and the erection of a multiuse building and provision of parking facilities. Approved 1991.

910800 Alterations, conversion of existing buildings into 13 shop units and bar with 3 flats, staff accommodation over and the erection of a multiuse building and provision of parking facilities. Withdrawn 1992.

901286 and 901287 (LBC) Alterations, conversion of existing buildings into 13 shop units and bar with 3 flats, staff accommodation over and the erection of a multiuse building for either offices, library or civic. Refused 1991.

871847 Conversion of outbuildings to 6 shop units. Refused 1987. Associated Listed Building application 871932 withdrawn.

860708 and 860834(LBC) Alterations and the erection of an extension. Approved 1986.

842239 The use of storeroom at The George Hotel, Fore Street, Chard as a pottery workshop and for the sale of pottery items manufactured on the premises. Approved 1985.

782082 The use of store rooms at the rear of The George Hotel, Fore Street for the sale of second hand furniture. Refused 1979.

POLICY

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 decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

Relevant Development Plan Documents

Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policies:-

- STR1 Sustainable Development
- STR5 Development in rural centres and villages
- 8 Outstanding Heritage Settlements
- 9 The Built Historic Environment

South Somerset Local Plan 2006:

Policies:-

- ST2 Development Areas
- ST5 General Principles of Development
- ST6 The Quality of Development
- EH1 Conservation Areas
- EH3 Changes of use of Listed Buildings and Alterations to Listed Buildings
- EH12 Areas of High Archaeological potential

The starting point for the exercise of listed building control is the 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' (section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function.

Section 72 of the Listed Buildings Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This requirement extends to all powers under the Planning Acts, not only those that relate directly to historic buildings. The desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals that are outside the conservation area but would affect its setting, or views into or out of the area.

Also relevant are the requirements of PPS5 Planning for the Historic Environment.

CONSULTATIONS

Chard Town Council - 'The Committee could not make a recommendation on this application as three of the five members declared a personal and prejudicial interest and the meeting was therefore inquorate.'

Conservation Officer - Verbally confirmed no objection subject to the imposition of appropriate conditions.

County Highway Authority - 'As I am sure you are aware the Highway Authority in previous applications served off this access have raised no objection. However, the Highway Authority has consistently raised concerns regarding the standard of the existing vehicular access. The site is served by the existing hotel access passing under a narrow archway and emerging across a well-used footway in the centre of Chard. Inter-visibility between pedestrians and

emerging vehicles is non-existent, such that conflict may arise if drivers do not exercise extreme caution and blockage of the footway inevitably occurs while vehicles wait to pull out.

However, it is noted that the site is located within the centre of the town within close proximity of the local services of the town such as education, employment opportunities, health, retail and leisure. The site is also located close to the main bus stop within the town. As a consequence, it could be argued that given the site's location car use by the occupants of the dwelling would be minimal with most journeys being made by alternative modes of transport.

It is also noted that the Highway Authority in the previous application (09/02931/FUL) made similar comments to those above and did not raise an objection. Given that this proposal is seeking a reduction in the number of units from 4 flats to that of one dwelling it is considered that the traffic movements in connection with this proposal are likely to be considerably less. As a consequence, it may be unreasonable for the Highway Authority to raise an objection to the proposal.'

However, in the event of permission being granted they recommend that a condition be imposed.

They have confirmed that these comments apply to the amended plans.

Area Engineer - No comments.

REPRESENTATIONS

3 representations were received in response to the original plans: one in support with two responses objecting to the development. The supporting response makes the following comments:

- 1) Delighted to see such investment being proposed and would hope proposals are approved.
- 2) Consider the ground floor layout odd but probably no reason to refuse.

The objectors make the following comments:

- 1) Concerned about lack of notification (Officer note: This has been corrected)
- 2) Same comments apply as on previous application
- 3) Concern that the window on the north elevation will result in overlooking of adjoining properties
- 4) The development opposite has no windows in east elevation in order to protect neighbouring amenity.

A further letter of objection has been received in response to the amended plans repeating their earlier concerns about loss of outlook and privacy.

CONSIDERATIONS

It is considered that the main planning considerations with regard to this proposed development are:

- 1) Impact of the proposed development upon the wall of a listed building and the conservation area.
 - 2) Impact of the proposed development upon neighbouring residential amenity.
- 1) Impact of the proposed development upon the wall of a listed building and the conservation area

The plans have been amended in line with the advice of the Conservation Officer. The proposed addition has been redesigned as a longer and thinner addition that better relates to the existing building. The new addition will be constructed in

matching materials and incorporates design features such as brick quoins and brick detailing around the windows that reflect details in the existing building. The alterations to the existing building are considered to be relatively minor and are in the form of additional windows that again have been designed to reflect the existing windows and openings. Therefore, subject to the imposition of appropriate conditions, it is now considered that the proposal both respects the Grade II listed building and also preserves the character and appearance of the conservation area.

2) Impact of the proposed development upon neighbouring residential amenity

The nearest residential properties are the newly built and converted flats opposite, whilst there will be a close relationship (12 metre separation) between the two sets of properties, this is characteristic of a mews type of development within a town centre location and is therefore considered acceptable. With regard to the larger properties to the north of the site these are sited at a greater distance and are screened by mature trees and hedging, as such, it is not considered that the development would have such a significant adverse impact upon residential amenity as to justify a refusal of this application. In terms of the east elevation, three rooflights are proposed, two of these are high level and would result in no overlooking, the other would provide light to a corridor and again there would be no overlooking.

As such, the proposal is considered to be acceptable in terms of its impact upon surrounding residential properties.

SUMMARY

The proposed extension is now considered to be of an acceptable design that will form an appropriate addition to this attractive building. The plans include the provision of a good-sized garden and allocated parking. Furthermore, it is not considered that the development would have such a significant adverse impact upon neighbouring residential amenity as to justify refusal of the application.

RECOMMENDATION

Approve.

JUSTIFICATION

The proposal by reason of its limited/informed intervention into the historic fabric of this listed building is considered to respect the historic and architectural interests of the building and will preserve the character and appearance of the conservation area. Furthermore, the proposal will cause no demonstrable harm to residential amenity or highway safety. The proposal therefore accords with the policies ST5, ST6, TP7, EH1 and EH3 of the South Somerset Local Plan 2006 and the provisions of PPS 5.

SUBJECT TO THE FOLLOWING:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

2. No work shall be carried out on site unless 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. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.) Slate hooks shall not be used.

Reason: In the interests of the special architectural and historic interests of the listed building and in accordance with policy EH3 of the South Somerset Local Plan 2006.

3. Before the development hereby approved is commenced, a sample panel of the local natural stonework, indicating colour, texture, coursing and bonding, shall be provided on site for inspection and agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area and to accord with policies ST5 and ST6 of the South Somerset Local Plan 2006.

4. No work shall be carried out on site unless details of the design, materials and external finish for all new doors, windows, rooflights, boarding and openings have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To safeguard the character of the listed building in accordance with policy EH3 of the South Somerset Local Plan 2006.

5. No work shall be carried out on site unless design details of all roof eaves, verges and abutments, including detail drawings at a scale of 1:5, and details of all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been 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: In the interests of the special architectural and historic interests of the listed building and in accordance with policy EH3 of the South Somerset Local Plan 2006.

6. No work shall be carried out on site unless details of the method of the blocking of all doorways and windows shown on the approved plans have been submitted to and approved in writing by the Local Planning Authority. This will include materials and finish: pointing and coursing; any doors and architraves to be left in situ; and any reveal; Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of the special architectural and historic interests of the listed building and in accordance with policy EH3 of the South Somerset Local Plan 2006.

7. All electrical and telephone services to the development shall be run underground. All service intakes to the dwelling(s) shall be run internally and not visible on the exterior. All meter cupboards and gas boxes shall be positioned on the dwelling(s) in accordance with details, which shall have been previously submitted to and approved in writing by the local planning authority and thereafter retained in such form. On (all) buildings satellite dishes shall be of dark coloured mesh unless fixed to a light coloured, rendered wall, in which case a white dish should be used. Satellite dishes shall not be fixed to the street elevations of the buildings or to roofs. All soil and waste plumbing shall be run internally and shall not be visible on the exterior unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure that the development accords with the character of the area in accordance with Policy ST6, EH1 and EH5 of the South Somerset Local Plan as 2006.

8. 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 additional windows, including dormer windows, or other openings (including doors) shall be formed in the building, or other external alteration made without the prior express grant of planning permission.

Reason: To safeguard the character and appearance of the area and to accord with policies ST5 and ST6 of the South Somerset Local Plan 2006.

9. 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), there shall be no extensions to this building without the prior express grant of planning permission.

Reason: To safeguard the character and appearance of the area and to accord with policies ST5 and ST6 of the South Somerset Local Plan 2006.

10. 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: To safeguard the character and appearance of the area and to accord with policies ST5 and ST6 of the South Somerset Local Plan 2006.

11. The area allocated for parking on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and to accord with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011.

12. The development hereby permitted shall be carried out in accordance with the following approved plans: location plan and site plan stamped 10/00454/FUL received 08/02/2010 and; drawing numbers GC/P01/G, GC/P02/G, GC/P03/G, GC/P04/G, GC/P05/G and GC/P06/G received 18/06/2010.

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