

Area West Committee – 16th February 2011

**Officer Report on Planning Application: 10/03965/FUL**

<b>Proposal:</b>	Alterations, the erection of a single storey and two storey extensions and conversion of existing building into a single dwellinghouse (GR 335363/115044)
<b>Site Address:</b>	Building East of 22 Winterhay Lane Ilminster
<b>Parish:</b>	Ilminster
<b>ILMINSTER TOWN Ward (SSDC Members)</b>	Mrs. C Goodall (Cllr) Mrs. K T Turner (Cllr)
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date:</b>	6th January 2011
<b>Applicant:</b>	Mr Steven Crabb
<b>Agent: (no agent if blank)</b>	Peter Smith Frontell House West Coker Hill Yeovil Somerset BA22 9DG UK
<b>Application Type:</b>	Minor Dwellings 1-9 site less than 1ha

**REASON FOR REFERRAL TO COMMITTEE**

The application is to be considered by Area West Committee at the request of Cllrs. Turner and Goodall, with the agreement of the Area Vice-Chair, Cllr Best. It is felt that the issues should be given further consideration by members.

**SITE DESCRIPTION AND PROPOSAL**



This application relates to a detached brick-built, former commercial building. It is now redundant from its original purpose and has for some time been used for domestic storage. The building and its curtilage are within the Ilminster defined development area. The site is accessed off Winterhay Lane, via an agricultural track, which leads to the fields beyond. This track also provides access to the neighbouring four terraced cottages, to the rear of the properties to the north, which front Winterhay Lane and to a recreation field immediately opposite the site.

The application is made to extend the building to the front and side and convert for use as a separate dwelling. The extensions are proposed to be constructed using brick of a similar appearance to the existing building and slates to match. The curtilage will be separated from the surrounding properties by a 1.8m timber fence.

## **HISTORY**

No relevant recent history.

## **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 decision 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:  
STR1 - Sustainable Development  
Policy 49 - Transport Requirements of New Development

South Somerset Local Plan 2006:  
ST5 - General Principles of Development  
ST6 - The Quality of Development  
EC8 - Protected Species

Policy-related Material Considerations:

PPS's/PPG's  
Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Statement 3: Housing

South Somerset Sustainable Community Strategy  
Goal 8 - Sustainably sited and constructed high quality homes, buildings and public spaces where people can live and work in an environmentally friendly and healthy way.  
Goal 11 - Protection and enhancement of our natural environment and biodiversity.

## **CONSULTATIONS**

*Town Council:* Recommend approval subject to the use of materials, including roof tiles, which fit in with the local street scene.

*SSDC Technical Services:* No comments.

*SSDC Environmental Protection Unit:* No objection on basis of submitted information, in relation to potential for contaminated land. No conditions requested.

*Natural England:* Based on the findings of the Ecological Survey undertaken by Michael Woods Associates, November 2010, I can confirm that Natural England has no objection to

the application in respect of species especially protected by law, subject to the following conditions:

The recommendations and bird and bat enhancement measures set out in section 7 of the Ecological Survey are completed in full. The completed approved enhancement measures will thereafter be retained. As recommended in the report, it is important that a pre-demolition inspection of the building by an appropriately experienced ecologist is undertaken, to confirm the continued absence of bats and nesting birds within the building.

*SSDC Ecologist:* I'm satisfied with the submitted Ecological Survey Report, which did not identify any significant constraints to the proposed development and concluded that there were unlikely to be any significant biodiversity/wildlife impacts. Section 7 of the report contains a number of recommendations regarding precautionary measures to employ in order to minimise risk of impact to any protected species that could potentially be encountered during works. It may be worth using an informative to bring attention to these.

*County Highway Authority:* The site is located within the development boundaries for Ilminster within close proximity of the local services and facilities of the settlement and as such there is no objection to the proposal in principle.

In detail, the Highway Authority has concerns relating to the proposed means of access to the site. The private track over the majority of its length is restricted in width to such an extent that two vehicles are unable to pass. This is also the case at its junction with Winterhay Lane and as such in the event of two vehicles meeting at this point manoeuvring on the highway is likely to take place with consequent additional hazards to all road users.

It is also noted that the visibility currently achieved by vehicles emerging from this side track on to Winterhay Lane is restricted due to the presence of boundary vegetation in connection with Nos 20 and 23 Winterhay Lane either side. It appears from the submitted block plan that this land is not within the control of the applicant and as such significant improvements are unable to be secured as part of this proposal.

As a result of the above limitations the Highway Authority would not wish to see a proposal that is likely to result in a significant increase in vehicular movements at this point. It is noted in the design and access statement that the current use of the building is storage in connection with the main dwelling and therefore the proposal to convert the building into a separate unit of residential accommodation is likely to result in this increase.

As a result, of the above I would recommend that the application be refused on highway grounds for the following reason:

1. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and Policy ST5 of the South Somerset Local Plan since the increase in the use made of the sub-standard junction of the private track with Winterhay Lane such as would be generated by the proposed development, would be prejudicial to highway safety.

## **REPRESENTATIONS**

The application has been advertised by site notice for the requisite period. No responses have been received.

## **CONSIDERATIONS**

### **Principle of Development**

The application site is located within the development area of Ilminster and therefore the conversion of this building into a dwelling is generally acceptable provided that it is in accordance with other Development Plan policies and proposals.

The building is a former commercial property but has long since been redundant and has recently been used for domestic storage purposes. Referred to as 'The Old Dairy' or the 'Old Creamery', it is thought that this was the site of the original Horlicks Dairy. The building is of a traditional appearance and construction but is not listed.

The Town Council have supported the application subject to the materials, particularly roof tiles, fitting in with the local street scene. The proposed extensions are to the front and side and are proposed to be constructed using matching brick and slate so as to generally retain its existing character. In particular, the existing slates will be reused where possible and new ones will match. This is in keeping with the existing building and the adjacent properties, which also have slate roofs. Extension to the front of a building requires careful consideration so as to respect the general building lines and avoid having a detrimental impact on the overall appearance of the street scene. In this case, the property is located along a track off Winterhay Lane, in which are sited only the application site and four neighbouring terraced cottages. It is considered that protrusion to the front is acceptable in this case and does not detract from the setting of the locality. It would have been preferable to extend to the rear but the site is limited in size and it is accepted that the current proposal is the most efficient way to make use of the site.

It is regrettable that the front (north) elevation wasn't able to retain the more characteristic three centred windows but the need to extend to the front and provide additional openings makes this difficult. Overall, consideration has to be given to the fact that this is not a listed building and its demolition and replacement could also be acceptable in principle. It is considered that the proposal is the best option for the retention of a good quality local traditional building. The development is considered acceptable on design grounds and retains a sense of the character of this traditional building.

### **Residential Amenity**

The building is located at the end of the access track, with views over fields to the east, towards a recreation ground to the north and towards neighbouring properties to the south and west. The views to the west are directly towards the neighbouring property, no. 22 and no. 19 behind. There is only one ground floor opening proposed in this elevation, which will be created by altering an existing door. As this is at ground level, there are no concerns about the potential for overlooking. In the event of permission being granted, it would be appropriate to impose a condition restricting new openings from being made in this elevation.

The south facing elevation, looks out over part of the rear garden of no. 19 Winterhay Lane. The views however, are only over the far eastern edge of what is a large residential curtilage, stretching some way to the south. Any views will be limited and will not directly overlook the neighbouring dwellings themselves or private amenity spaces. As such, it is not considered that there will be any unacceptable harm caused to the residential amenity of neighbouring occupiers as a result of this development.

The building itself is sited at a good distance from its neighbours and will not cause any harm by way of overshadowing or overbearing impact.

### **Ecology**

An ecological survey has been provided with the application, as the proposal relates to the extension and alteration of a redundant building. The findings of the survey report no significant constraints to development but suggested measures to mitigate for the potential loss of habitat. Both the Council's Ecologist and Natural England support the findings and have raised no objection subject to conditioning the carrying out of the recommendations.

### **Highway Safety**

The County Highway Authority have raised concerns about the proposed development of this site. The track is restricted for most of its width, including the junction with Winterhay Lane, and does not allow two vehicles to pass. It is the view of the Highway Authority that two

vehicles meeting at this point would be likely to lead to manoeuvring on the highway, which could consequently lead to additional hazards for all road users. The Highway Authority are also concerned about the visibility achieved at the junction with Winterhay Lane as a result of the presence of boundary vegetation within the residential curtilages of neighbouring properties. As this land is outside the applicant's control, improvements will not be able to be secured at this point.

The existing use of the building is for domestic storage purposes so the development will lead to some increase in vehicular movements at this point. The Highway Authority would not wish to see an increase in movements due to limitations identified in relation to the existing means of access and have therefore recommended refusal of the application.

## **CONCLUSION**

Overall the proposed development of this site is considered to be acceptable in principle in all regards other than its impact on highway safety. The proposed extension will adequately respect the character and appearance of the property and its surroundings and is not considered to cause unacceptable harm to the residential amenity of the occupiers of neighbouring properties. However, the County Highway Authority have identified a risk to highway safety from increased vehicular movements, due to the restricted width of the access track and limited visibility at the junction with Winterhay Lane. As a result it is necessary to recommend refusal for the proposed development. The recommendation to members therefore, is to refuse planning permission.

## **RECOMMENDATION**

Refuse.

## **FOR THE FOLLOWING REASON:**

1. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and Saved Policy ST5 of the South Somerset Local Plan since the increase in the use made of the sub-standard junction of the private track with Winterhay Lane such as would be generated by the proposed development, would be prejudicial to highway safety.
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