

Area West Committee – 20th April 2011

Officer Report on Planning Application: 11/00612/R3D

Proposal :	Demolition of redundant bus shelter and public conveniences and the erection of a dwellinghouse with garden and parking space (GR 335893/114688)
Site Address:	Public Conveniences West Street Ilminster
Parish:	Ilminster
ILMINSTER TOWN Ward (SSDC Member)	Mrs C Goodall (Cllr) Mrs K T Turner (Cllr)
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	19th April 2011
Applicant :	South Somerset District Council
Agent: (no agent if blank)	
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Area West Committee as the District Council is the applicant.

SITE DESCRIPTION AND PROPOSAL



The application relates to the disused single storey gentlemen's toilets/bus shelter that sit at the exit of West Street car park just to the north-west of Ilminster town centre. The building is located at the end of a row of terraced properties (two of which are listed) that include shops on the ground floor with flats above. The adjoining property is however a two storey dwelling.

The application proposes the demolition of the existing building and the erection of a two storey dwelling with rear garden and parking area. The proposal will lead to the loss of two parking spaces (one disabled and one standard) to make way for the parking and garden. However, two spaces have recently been gained in the car park following the removal of the recycling bins.

The site is situated within the development area and conservation area of Ilminster.

HISTORY

11/00750/CON - Demolition of redundant bus shelter and public conveniences. Associated application - also on the agenda.

821024 - Regulation 4: The refurbishment of existing ladies and gent's toilets and the provision of disabled persons accommodation on land adjoining the car park. Approved 1982.

38754/1 - Erection of two blocks of public conveniences and construction of a car park. Approved 1959.

38754 - Construction of a car park and public conveniences and the formation of access. Approved 1958.

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

STR2 - Ilminster

STR4 - Development in Towns

8 - Outstanding Heritage Settlements

9 - The Built Historic Environment

11 - Areas of High Archaeological Potential

49 - Transport Requirements of New Development

South Somerset Local Plan 2006:

Policies: -

ST2 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EH1 - Conservation Areas

EH12 - Areas of High Archaeological potential

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.

National Guidance

PPS 1 Sustainable Development

PPS 3 Housing

PPS5 Planning for the Historic Environment

South Somerset Sustainable Community Strategy
Goal 7 - Distinctiveness
Goal 8 - Quality Development
Goal 9 - Homes

CONSULTATIONS

Ilminster Town Council: -

Recommend refusal.

The Committee accepts the recommendations of Highways but express concern at the clarity of the plans. There is reference to the reconfiguration of parking within the car park but no mention of whether there is loss of any parking within the car park itself. Members object most strongly to any loss of car parking in recognition of the fact that the town is suffering from a lack of parking spaces in general.'

County Highway Authority: -

The site is located within the development boundaries for Ilminster in close proximity to the local services and facilities of the settlement such as education, health, retail and leisure and as such there is no objection to the proposal in principle.

In detail, the proposed unit has been provided with one off road parking facility which given the proximity of the site to the towns facilities is considered acceptable.

The one area of concern is the lack of visibility achieved by vehicles emerging from the parking area into the public car park. Whilst it is acknowledged that traffic speeds at this point are relatively low an element of visibility should be provided.

As a result, I would advise you that from a highway point of view there is no objection to the proposal.'

However, in the event of permission being granted the County Highway Authority recommend that conditions be imposed.

Conservation Officer: -

Comments will be reported at the meeting.

Development Control Archaeologist at Somerset County Council: -

Advises that there are limited or no archaeological implications to the proposal and they therefore have no objections.

Area Engineer, Technical Services Department: -

No comments.

REPRESENTATIONS

None received.

CONSIDERATIONS

The site is within the development area of Ilminster and as such local plan policy states that, in principle, the town is a suitable location for development. However, this is subject to compliance with other local plan policies. In this case the main issues are considered to be the impact of the development upon: -

- 1) The setting of the conservation area
- 2) Neighbouring amenity
- 3) Highway safety and parking provision

1) The setting of the conservation area

The existing building is of typical 1950's design and is very simple in its form and design. Whilst not detracting from the conservation area, the building contributes little to the overall character of the area and as such there is no objection to its removal. In terms of the proposed dwelling, this is felt to be a sensitively designed proposal that carefully follows the existing design of the terraced row. The building is to be subservient to the existing building to which it will be attached and includes matching windows and doors that replicate those within the area. Conditions can be imposed to ensure that the building is constructed in traditional local stone with timber windows and doors.

The garden will be created at the rear of the building and will be enclosed via the erection of a new stone wall. This is typical of the rear gardens within the area, the majority of which are enclosed by traditional stone walls.

The proposed development is considered to represent an improvement over the existing situation and as such the proposal will enhance the character and appearance of the conservation area.

2) Neighbouring Amenity

The proposed house will adjoin an existing residential property and it is likely that some inter-looking and overlooking will result. However, whilst there is a side window on the adjoining property this serves a staircase and as such there will be no direct overlooking of the proposed property's garden. Due to the slight angle of the new dwelling with the existing it is not considered that there will be undue overlooking of the neighbouring garden. It is noted that this is a densely developed town centre site where overlooking is common and an accepted part of urban living. As such, the proposal is considered to be acceptable in terms of its impact upon neighbouring amenity and upon the amenity of future occupiers of the dwelling.

3) Highway safety and parking provision

The property will make use of the existing entrance and exit for the car park and as these are considered acceptable it is not considered that the proposal will lead to any adverse impacts upon highway safety. The County Highway Authority supports this view.

In terms of the parking arrangements the proposed development will lead to the loss of two parking spaces, one of which is a disabled space. However, until recently the recycling bins took up two spaces and therefore there is no net loss of parking in the car park. There will remain two disabled parking spaces, which are considered to represent an acceptable proportion of the spaces in the car park. As such, it is not considered that the application can be refused in terms of its impact upon parking provision within the town.

Summary

The proposed development is considered to be a well-designed scheme that will enhance the character and appearance of the area without adversely impacting upon residential amenity or highway safety.

RECOMMENDATION

Approve.

JUSTIFICATION

The proposal, by reason of its size, scale and materials, preserves the character and appearance of the conservation area and causes no demonstrable harm to residential amenity or highway safety in accordance with the aims and objectives of policies STR1, STR2, STR4, 8, 9 and 49 of Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011; Policies ST2, ST5, ST6, EH1 and TP7 of the South Somerset Local Plan (2006) and advice contained within PPS1, PPS3 and PPS5.

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. 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 the special architectural and historic interests of the conservation area and in accordance with policy EH1 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 garages/outbuildings shall be erected without the prior express grant of planning permission.

Reason: In the interest of residential amenity and the character of the conservation area further to policy ST6 of the South Somerset Local Plan (2006).

4. 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: In the interest of residential amenity and the character of the conservation area further to policy ST6 of the South Somerset Local Plan (2006).

5. 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: In the interest of residential amenity and the character of the conservation area further to policy ST6 of the South Somerset Local Plan (2006).

6. No work shall be carried out on site unless full details of the boundary walls, including the materials, coursing, bonding and coping; mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing and supported with a sample panel to be provided at a time to be agreed in writing. The work shall be carried out in accordance with the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work.

Note: on sloping sites, the top of the wall should run with the slope of the land and not be stepped.

Reason: In the interests of the special architectural and historic interests of the conservation area and in accordance with policy EH1 of the South Somerset Local Plan 2006.

7. No work shall be carried out on site unless details of the design, materials and external finish for all new doors, windows, 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. (It is expected that the windows will be of a balanced design).

Reason: In the interests of the special architectural and historic interests of the conservation area and in accordance with policy EH1 of the South Somerset Local Plan 2006.

8. 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 conservation area and in accordance with policy EH1 of the South Somerset Local Plan 2006.

9. 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 the interests of the special architectural and historic interests of the conservation area and in accordance with policy EH1 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. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level forward of a line drawn 2.0 metres back and parallel to the nearside carriageway edge over the entire site frontage. Such visibility shall be fully provided before the development hereby permitted is first occupied and shall thereafter be maintained at all times.

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.

13. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.'s 21, 1128/55, 1186-51 and 1186-54 received 14 February 2011; and 1128/50, 1128/52, 1128/53 and 1128/57 received 22 February 2011.

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