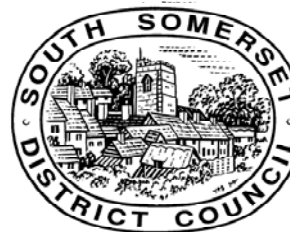


South Somerset District Council

Notice of Meeting



Area West Committee

Making a difference where it counts

Wednesday 20th April 2011

7.00 pm

Henhayes Centre, South Street Car Park, Crewkerne Somerset TA18 8DA

(Please note change in commencement time and venue - see location plan overleaf)

The public and press are welcome to attend.

Disabled Access is available at this meeting venue.



If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Andrew Blackburn** on Yeovil (01935) 462462
email: andrew.blackburn@southsomerset.gov.uk

This Agenda was issued on Monday, 11th April 2011

Ian Clarke, Assistant Director (Legal & Corporate Services)

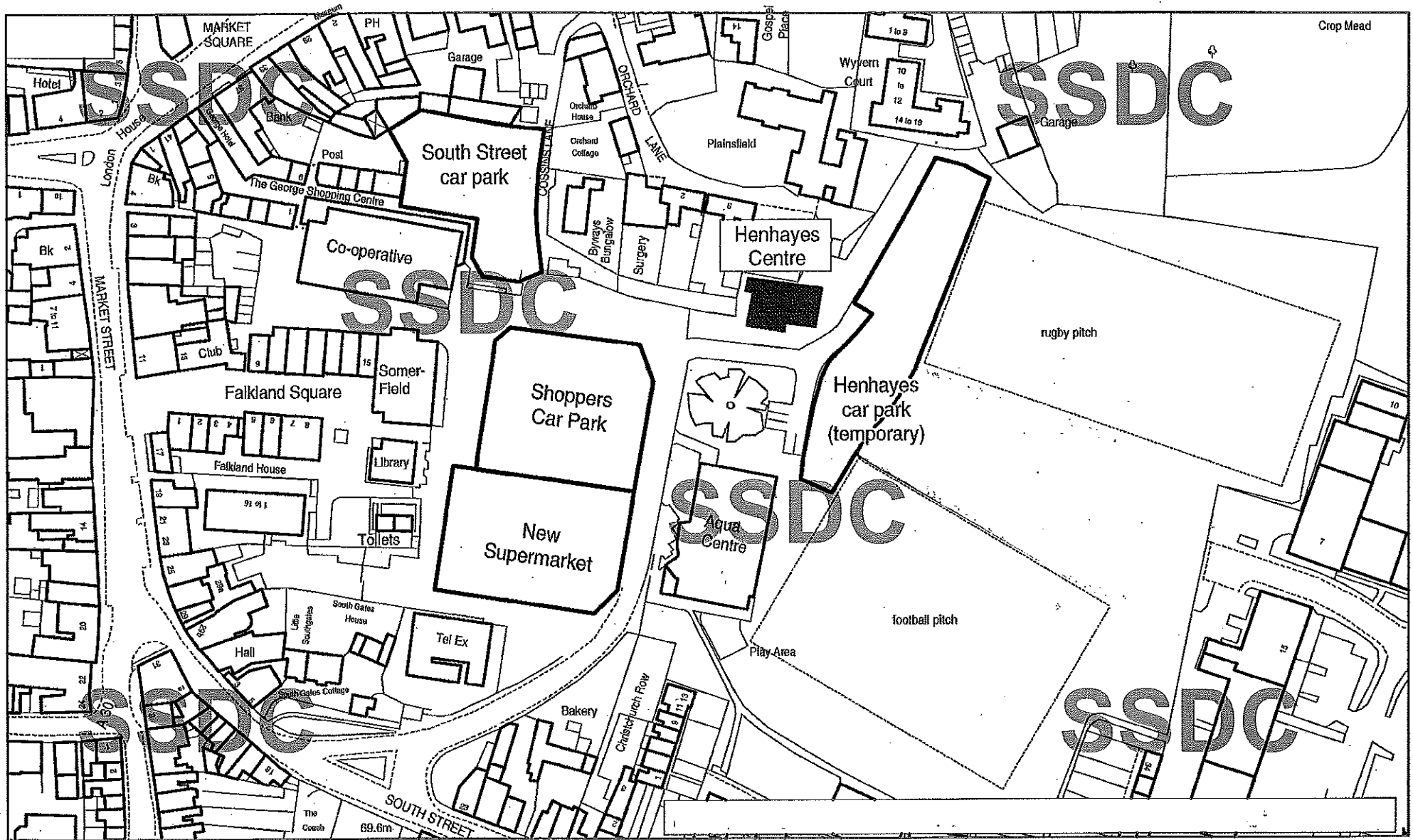


2007-2008
Neighbourhood and
Community Champions:
The Role of Elected Members
2006-2007
Improving Rural Services
Empowering Communities
2005-2006
Getting Closer to Communities

This information is also available on our
website: www.southsomerset.gov.uk



INVESTOR IN PEOPLE



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Area West Membership

Chairman: Kim Turner
Vice-Chairman: Michael Best

Simon Bending
David Bulmer
Geoff Clarke
Carol Goodall
Jenny Kenton

Nigel Mermagen
Robin Munday
Ric Pallister
Ros Roderigo
Dan Shortland

Angie Singleton
Andrew Turpin
Linda Vijeh
Martin Wale

Somerset County Council Representatives

Somerset County Councillors (who are not already elected District Councillors for the area) are invited to attend Area Committee meetings and participate in the debate on any item on the Agenda. **However, it must be noted that they are not members of the committee and cannot vote in relation to any item on the agenda.** The following County Councillors are invited to attend the meeting:-

Councillor Cathy Bakewell, Councillor John Dyke, Councillor Anne Larpent and Councillor Jill Shortland.

South Somerset District Council – Corporate Aims

Our key aims are: (all equal)

- Increase economic vitality and prosperity
- Enhance the environment, address and adapt to climate change
- Improve the housing, health and well-being of our citizens
- Ensure safe, sustainable and cohesive communities
- Deliver well managed cost effective services valued by our customers

Scrutiny Procedure Rules

Please note that decisions taken by Area Committees may be "called in" for scrutiny by the Council's Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.

Consideration of Planning Applications

Planning applications will be considered shortly after 7.00 p.m. The public and representatives of Parish/Town Councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A representative from the Area Highways Office will be available half an hour before the commencement of the meeting to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset Highways direct control centre on 0845 345 9155.

Members Questions on Reports prior to the Meeting

Members of the Committee are requested to contact report authors on points of clarification prior to the Committee meeting.

Information for the Public

The Council has a well-established Area Committee system and through four Area Committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by Area Committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. Members of the public can view the council’s Executive Forward Plan, either online or at any SSDC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At Area Committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the Area Committee Chairman’s discretion, members of the public are permitted to speak for up to up to 3 minutes on agenda items; and
- see agenda reports.

Meetings of the Area West Committee are held monthly at 5.30 p.m. on the 3rd Wednesday of the month in venues throughout Area West.

Agendas and minutes of Area Committees are published on the Council’s website www.southsomerset.gov.uk

The Council’s Constitution is also on the web site and available for inspection in council offices.

Further information about this Committee can be obtained by contacting the agenda co-ordinator named on the front page.

Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 5 of the Council’s Constitution.

Public Question Time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the Chairman of the Committee. Each individual speaker shall be restricted to a total of three minutes.

Planning Applications

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the Public Question Time session.

Comments should be confined to additional information or issues, which have not been fully covered in the officer’s report. Members of the public are asked to submit any additional

documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the Planning Officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The Planning Officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the Committee Chairman's discretion, members of the public are permitted to speak for up to 3 minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

Town or Parish Council Spokesperson
Objectors
Supporters
Applicant/Agent
County Council Division Member
District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

The same rules in terms of public participation will apply in respect of other agenda items where people wish to speak on that particular item.

If a Councillor has declared a personal and prejudicial interest

Under the new Code of Conduct, a Councillor will be afforded the same right as a member of the public, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

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Area West Committee

Wednesday 20th April 2011

Agenda

Preliminary Items

1. **To approve as a correct record the minutes of the previous meeting held on 16th March 2011**
2. **Apologies for Absence**
3. **Declarations of Interest**

In accordance with the Council's Code of Conduct, which includes all the provisions of the statutory Model Code of Conduct, Members are asked to declare any personal interests (and whether or not such an interest is "prejudicial") in any matter on the agenda for this meeting. A personal interest is defined in paragraph 8 of the Code and a prejudicial interest is defined in paragraph 10. In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under the code of conduct.

Planning Applications Referred to the Regulation Committee

The following members of this Committee are also members of the Council's Regulation Committee:

Cllr Mike Best
Cllr Kim Turner
Cllr Linda Vijeh

Where planning applications are referred by this Committee to the Regulation Committee for determination, in accordance with the Council's Code of Practice on Planning, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. **Public Question Time**

This is a chance to ask questions, make comments and raise matters of concern.

Parish/Town Councils may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town.

Anyone wishing to raise matters in relation to items on the agenda may do so at the time the item is considered.

5. Chairman’s Announcements

Page Number

Items for Discussion

6. Feedback on Planning Applications referred to the Regulation Committee1

7. Planning Appeals.....2

8. Planning Applications3

9. Date and Venue for Next Meeting4

THE SCHEDULE OF PLANNING APPLICATIONS APPEARS AFTER PAGE 3.

Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council’s Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.

Area West Committee – 20th April 2011

6. Feedback on Planning Applications referred to the Regulation Committee

There is no feedback to report on planning applications referred to the Regulation Committee.

Area West Committee – 20th April 2011

7. Planning Appeals

Strategic Director: Rina Singh (Place and Performance)
Assistant Director: Martin Woods (Economy)
Service Manager: David Norris, Development Manager
Lead Officer: David Norris, Development Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

Recommendation

That the report be noted.

Background

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

Report Detail

Appeals Lodged

Informal Hearing

Broadway – The use of land as a site for one mobile home (private gypsy and traveller caravan site), land OS 4724 Hare Lane – Mr. D. Whiteway – 10/02754/COU.

Background Papers: *Application file – 10/02754/COU.*

Area West Committee – 20th April 2011

8. Planning Applications

Strategic Director: Rina Singh (Place and Performance)
Assistant Director: Martin Woods (Economy)
Service Manager: David Norris, Development Manager
Lead Officer: David Norris, Development Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

The schedule of applications is attached following page 3.

The inclusion of two stars (**) as part of the Assistant Director's (Economy) recommendation indicates that the application will need to be referred to the Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to Regulation Committee even if it has not been two starred on the agenda.

Human Rights Act 1998 Issues

The determination of the applications which are the subject of reports in the schedule are considered to involve the following human rights issues:-

Article 8: Right to respect for private and family life

- (i) Everyone has the right to respect for his private and family life, his/her home and his/her correspondence.*
- (ii) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interest of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.*

The First Protocol

Article 1: Protection of Property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Each report considers in detail the competing rights and interests involved in the application. Having had regard to those matters in the light of the convention rights referred to above, it is considered that the recommendation is in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

Background Papers: *Individual planning application files.*

Area West Committee – 20th April 2011

9. Date and Venue for Next Meeting

There is no meeting scheduled to take place in May because of the forthcoming local elections. Members are asked to note, therefore, that the next scheduled meeting of the Committee will be held on Wednesday, 15th June 2011 at 5.30 p.m. Venue to be arranged.

Planning Applications – April 2011

Members to Note:

*The inclusion of two stars (**) as part of the Assistant Director's (Economy) recommendation indicates that the application will need to be referred to the Regulation Committee if the Area Committee is unwilling to accept that recommendation.*

The Lead Planning Officer at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to Regulation Committee even if it has not been two starred on the agenda.

Page	Ward	Application	Proposal	Address	Applicant
1	Ilminster Town	11/00750/CON	Demolition of redundant bus shelter and public conveniences	Public Conveniences West Street Ilminster	South Somerset District Council
5	Ilminster Town	11/00612/R3D	Demolition of redundant bus shelter and public conveniences and the erection of a dwellinghouse with garden and parking space	Public Conveniences West Street Ilminster	South Somerset District Council
12	Crewkerne Town	11/00124/FUL	Internal and external alterations and the conversion of disused Sunday school to form 4 No. flats. (Revised Application)	Sunday School Rooms Rear of Crewkerne Baptist Church North Street Crewkerne	Betagold Ltd
21	Crewkerne Town	11/00125/LBC	Internal and external alterations and the conversion of disused Sunday school to form 4 No. flats. (Revised Application)	Sunday School Rooms Rear of Crewkerne Baptist Church North Street Crewkerne	Betagold Ltd
28	Parrett	11/00264/FUL	Alterations, the erection of a two storey extension to dwellinghouse and the erection of a detached garage with games room in roof	Sunnybrook Lower Street West Chinnock	Mr M Bennett

Area West Committee – 20th April 2011

Officer Report on Planning Application: 11/00750/CON

Proposal:	Demolition of redundant bus shelter and public conveniences (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:	Other Conservation Area Consents

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.

HISTORY

11/00612/FUL - Demolition of redundant bus shelter and public conveniences and the erection of a dwellinghouse with garden and parking space. 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: -

8 - Outstanding Heritage Settlements

9 - The Built Historic Environment

11 - Areas of High Archaeological Potential

South Somerset Local Plan 2006:

Policies: -

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

PPS5 Planning for the Historic Environment

South Somerset Sustainable Community Strategy

Goal 7 - Distinctiveness

Goal 8 - Quality Development

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.'

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 proposed development of this site is to be considered under planning application 11/00612/R3D (also on the agenda), with only the demolition of the existing building considered under this application for conservation area consent.

Local Plan policy EH2 states that development proposals which involve the demolition of a building, or part of a building, whether listed or not, will not be allowed unless the development preserves or enhances the conservation area. A condition linking demolition to a programme of redevelopment will be imposed where it is considered important to prevent unsightly gaps in the conservation area.

In this case, the building is of 1950's design and has no historic merit, it has been subject to some graffiti due to its disused state. It is not considered to make any positive contribution to the setting or appearance of the conservation area. As a result, it is not considered that its removal will have a significant adverse impact upon the conservation area and would not leave an unsightly gap. As such, the proposed removal of this building will preserve the character and appearance of the conservation area.

RECOMMENDATION

That Conservation Area Consent be granted.

JUSTIFICATION

The removal of this building from the Conservation Area is considered appropriate providing there is a suitable form of redevelopment of the site. This would preserve the character and appearance of the Conservation Area in accordance with the aims and objectives of policy EH2 of the South Somerset Local Plan.

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 be carried out in accordance with the following approved plans: Drawing No.'s 1128/01 received 14 February 2011.

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

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.

Area West Committee – 20th April 2011

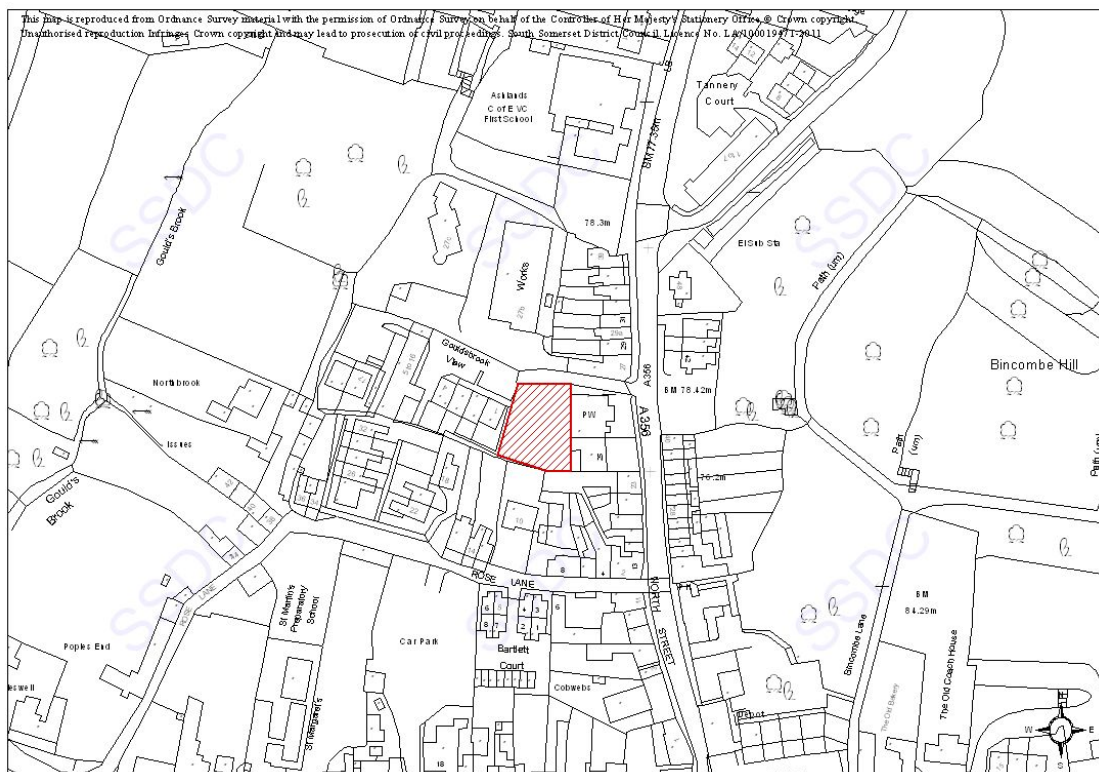
Officer Report on Planning Application: 11/00124/FUL

Proposal:	Internal and external alterations and the conversion of disused Sunday school to form 4 No. flats. (Revised Application) (GR 344071/110002)
Site Address:	Sunday School Rooms Rear of Crewkerne Baptist Church North Street Crewkerne
Parish:	Crewkerne
CREWKERNE TOWN Ward (SSDC Member)	Mr. M Best (Cllr) Mr G S Clarke (Cllr) Mrs A M Singleton (Cllr)
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date:	25th March 2011
Applicant:	Betagold Ltd
Agent: (no agent if blank)	Mr David Beresford-Smith 30 The Chase High Banmerdown Batheaston Bath Somerset BA1 7JZ
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Committee at the request of the Ward Members in agreement with the Vice-Chairman because of the comments made by the Inspector in the 2006 appeal decision (Appendix A).

SITE DESCRIPTION AND PROPOSAL



The application relates to the Sunday school buildings to the rear of Crewkerne Baptist Church, a Grade II listed building located on North Street, Crewkerne. The church directly fronts onto North Street and is bounded by residential properties and light industrial uses. The former manse is attached to the south of the building.

The application seeks full planning permission for change of use of the rear buildings into four flats, the Church, which has recently been refurbished, will remain as a place of worship.

The site is within the development area and conservation area of Crewkerne.

HISTORY

11/00125/LBC - Internal and external alterations and the conversion of disused Sunday school rooms to form 4 No. flats (Revised Application) - Associated application, pending consideration.

10/04217/FUL - Internal and external alterations and the conversion of disused Sunday school to form 4 No. flats. Application withdrawn.

10/04235/LBC - Internal and external alterations and the conversion of disused Sunday school to form 4 No. flats. Application withdrawn.

06/04126/FUL - Change of use and alterations to provide seven residential units. Refused 8/5/2007, subsequent appeal dismissed.

06/04131/LBC - Change of Use and Alterations to Provide 7 Residential Units. Refused 24/1/2007, subsequent appeal dismissed.

06/00982/LBC - Alteration to Accommodate Change of Use to 6 Residential Units - Application withdrawn.

06/00985/FUL - Change of Use and Alterations to Provide 6 Residential Units - Application withdrawn.

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.

National Guidance
PPS1 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

Crewkerne Town Council:-

Recommend refusal on the grounds of over development and adverse impact on the neighbour's amenities.

County Highway Authority:-

'The proposed development is located in the town centre of Crewkerne within walking distance of all services and facilities. Consequently, it could be argued that this is a suitable location for a car free development.

In detail, the lack of parking provision made within the site means that vehicles in connection with the development are likely to park on the public highway. However, given the fact the Baptist Church does not benefit from having off-street parking means that this is the present scenario. The vehicular traffic related to the church use is likely to be similar to that of the residential use proposed, especially at weekends, and as such it would be unreasonable for the highway authority to raise an objection on this matter. If there were to be no provision of parking facilities for vehicles within the curtilage of the site, the highway authority would like to see facilities made available for at least 6 bicycles.

If the planning authority feel that the building is suitable for conversion from the church to the residential use then I would advise you that from a highway point of view there is no objection to this proposal.'

This is subject to a condition requiring the provision of a covered and secure cycle rack.

Environment Agency:-

No comment.

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.

MOD Defence Estates Safeguarding:-

No safeguarding objections.

Area Engineer, Technical Services Department:-

No comments.

REPRESENTATIONS

Three letters of objection have been received, two from neighbouring residential properties and one from a neighbouring business. Their comments are summarised as follows:-

1. Concerned about provision of parking as there is already an existing problem for residents. Do not want further competition for parking.
2. Concerned that the windows on the side elevation should not open onto neighbouring garden.
3. The windows will cause light pollution and be a security issue to neighbouring problem.
4. If the windows were to be blocked up, as promised by the builder, they would have no issue with the planning application.
5. The local business is concerned about the problems that may be caused by construction traffic blocking the access to the premises and possible use of their land for parking by future residents.

CONSIDERATIONS

The main considerations in this case relate to the impact on; the character and historic integrity of the listed building and conservation area; highway safety issues and parking and; residential amenity.

This application is a re-submission of a previously withdrawn application.

Impact of the development upon the listed building and conservation area

In terms of the change of use of the building to residential use, PPS3 actively encourages the re-use of redundant buildings within vibrant town centres to this kind of use. However, as the buildings are listed one also has to take account of how the re-use will impact upon the interior or the building. Unlike the previous application that was refused and later dismissed at appeal, the main Baptist Church will be retained and it is now only proposed to change the use of the rear rooms. The appeal decision mainly relates to the Inspector's concerns about the impact of a residential conversion upon the interior of the Church. Now that the Church is to be retained as a place of worship, it is considered that the proposals have adequately addressed the previous appeal decision.

In terms of the detailing regarding the actual alterations involved in creating four residential units, it is felt that the proposed works have been carefully considered and fully respect the historic fabric and features of the rear building. The only significant alteration is the insertion of a new wall within the main hall to separate this space into two flats. However, the interior space will not be altered and will remain at a full height, furthermore the wall will not cut across any of the large windows. As such, it is considered that the proposed conversion has been sensitively designed and is appropriate in the context of the listed building.

With regard to possible impacts upon the conservation area, there are very few changes proposed to the exterior of the building. Two windows will be blocked to protect neighbouring amenity but these windows face into the neighbouring property and the elevation is not visible in the wider context of the conservation area. As such, it is considered that the proposal will preserve the character and appearance of the conservation area.

Highways and Parking Issues

In terms of parking provision, the proposal involves no parking for future residents. Comments from Highways indicate that they have no objections to the proposal as the building is located within the town centre where parking provision is not essential as residents have facilities to hand and can be reliant on public transport in line with guidance in PPS3. In addition, the current use could generate significant traffic movements and demand on parking, the proposed use is likely to generate less movements and less demand for parking. As such, it is considered that the proposal is acceptable in terms of impact upon parking and highway safety.

Impact upon residential amenity

At present there are a number of windows that overlook the neighbouring property 'The Manse'. There are two windows within a small two storey element in close proximity to The Manse and these provide for direct overlooking of the residential property. It is proposed that these two windows be entirely blocked up from the inside so as to preclude any form of overlooking. There are a number of other windows further down the building on a single storey element that are currently glazed in obscure glass up to a height of 1.8 metres. It is intended that these windows be retained with the obscure glass to protect neighbours from overlooking. As such, it is considered that the application has adequately addressed the issue of overlooking and that the conversion will not result in a significant loss of amenity to the neighbouring property.

In terms of light pollution, it is important to note that this building has an existing community use and could be regularly used in the evenings. It is not considered that the development will result in a significant increase in light pollution when compared to that possible with the existing use.

Summary

The proposed conversion is felt to have been sensitively considered and will respect the character and fabric of the listed building and preserve the character and appearance of the conservation area. There will be no further demand upon parking than that possible with the existing use and it is not considered that the proposal will adversely impact highway safety. The plans show alterations to the existing windows to ensure that the neighbouring property will not be overlooked, as such; it is not considered that the proposal will result in such a significant loss of amenity as to justify a refusal of this application.

RECOMMENDATION

Approve

JUSTIFICATION

The proposed change of use of the building into four residential flats 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 preserves the character and appearance of the conservation area and therefore accords with the provisions of PPS 5. Furthermore, it causes no demonstrable harm to residential amenity or highway safety in accordance with the aims and objectives of policies ST5, ST6, EH1, EH3 and TP7 of the South Somerset Local Plan 2006.

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 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.

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

3. Prior to the development hereby approved being first brought into use the existing ground and first floor windows in the south elevation of Unit 3 shall be blocked up from the inside in accordance with the details shown on Drawing No. 7049/16212/F and shall be permanently retained and maintained in this fashion thereafter.

Reason: In the interests of residential amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

4. Prior to the development hereby approved being first brought into use details showing the proposed method for the obscure glazing and restricted opening of the existing retained windows in the ground floor south elevation and the new window in Unit 3 shall be submitted to and agreed in writing by the Local Planning Authority. Once the details are agreed and the approved windows installed the windows shall be permanently retained and maintained in the approved fashion thereafter.

Reason: In the interests of residential amenity in accordance with Policy ST6 of the South Somerset Local Plan (2006).

5. The development hereby permitted shall not be occupied until a covered and secure cycle rack facility has been provided within the site capable of accommodating at least 4 bicycles in accordance with a design specification to be submitted to and approved in writing by the Local Planning Authority and to be constructed in accordance with those details that have been approved.

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.

6. No work shall be carried out on site unless details of the design, materials and external finish for all new doors, new and existing windows (to include details regarding the type of glazing and obscure glazing), new boarding and new 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 and conservation area in accordance with policies EH1 and EH3 of the South Somerset Local Plan (2006).

7. All of the windows hereby approved shall be traditional side hung balanced casements (with equal sized panes of glass).

Reason: To safeguard the character of the listed building and conservation area in accordance with policies EH1 and EH3 of the South Somerset Local Plan (2006).

8. No work shall be carried out on site unless details of the roof lights have been submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing, the roof lights shall be top hung and flush with the roof covering. 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 and conservation area in accordance with policies EH1 and EH3 of the South Somerset Local Plan (2006).

9. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.'s 7064/16357/A, 7049/16360 and 7049/16219 received 6 January 2011; 7049/16247/A received 19 January 2011; 7049/16212/F received 28 January 2011; and 7049/16246/G received 16 March 2011.

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

Appendix A



Appeals Decision

Site visit made on 30 August 2007

by **David Nicholson** RIBA IHBC

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
2 October 2007

Appeal A: APP/R3325/E/07/2044943

North Street Baptist Chapel, North Street, Crewkerne TA18 7AL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Brookvale Homes against the decision of South Somerset District Council.
- The application Ref 06/04131/LBC, dated 6 November 2006, was refused by notice dated 24 January 2007.
- The works proposed are alterations to accommodate change of use to 7 residential units.

Appeal B: APP/R3325/A/07/2044929

North Street Baptist Chapel, North Street, Crewkerne TA18 7AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Brookvale Homes against the decision of South Somerset District Council.
- The application Ref 06/04126/FUL, dated 6 November 2006, was refused by notice dated 8 May 2007.
- The development proposed is the change of use and alterations to provide 7 residential units.

Decision

1. I dismiss Appeal A and I dismiss Appeal B.

Reasons

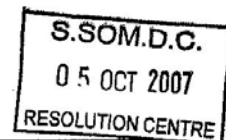
2. North Street Baptist Chapel was built in the 1820s and 1830s with a façade added around 1880. It is listed at Grade II. The chapel is roughly square and double height with a gallery to 3 sides. To the rear is a hall, formerly a schoolroom, and a number of smaller rooms built around an internal courtyard. The proposal would convert the whole building to residential use. The chapel would be kept as a single unit, with a glazed screen around the gallery, while the rear buildings would be divided into 6 smaller units. On the outside there would be minor alterations to the side elevations and to those facing into the courtyard.
3. In my assessment the chapel has survived well and undergone few significant alterations to its 19th century form. It remains in the same use and is essentially open to the public. The chapel has retained its open galleries and fittings. I find that the continuing use and surviving details are important aspects of its special architectural and historic interest.

S.SOM.D.C.
05 OCT 2007
RESOLUTION CENTRE

4. The proposed residential units would leave the street façade unchanged while elsewhere external alterations would be kept to the minimum to achieve the conversions. Nonetheless, the internal gallery would be enclosed and the rear hall would be sub-divided. While the building currently has a community and institutional function, residential use would be both private and domestic. In my view this change in access and activity, as well as the physical alterations, would detract from the chapel's special interest and so cause significant harm to the listed building. To the extent that these changes would be apparent from the public realm, the proposal would also fail to preserve or enhance a building which I consider makes a positive contribution to the Crewkerne Conservation Area.
5. I accept that the best way to preserve listed buildings is usually to keep them in active use. The appellant has advised me that the building no longer meets the needs of the congregation. Nevertheless, it is still in use as a chapel, has not been declared redundant, and I have limited evidence that it could not continue as a chapel for some time to come. Alternatively, in my experience, another community or institutional use would be likely to cause less harm to the special interest of the listed building and to require fewer alterations. I have little to show that a less extreme change of use is not feasible or that the market for such a use has been thoroughly and realistically tested.
6. For the above reasons, I find that the proposal would therefore be contrary to government advice in Planning Policy Guidance Note 15: *Planning and the Historic Environment*, that: 'Many churches, of all denominations, when no longer required for worship may nevertheless have a continuing and valuable contribution to make to the community in terms of architecture, art, social and local or national history'. It would also conflict with relevant South Somerset Local Plan policies which seek to preserve the architectural and historic interest of listed buildings.
7. With regard to Appeal B, existing windows along the side elevation overlook the garden to The Manse. I have few details on how the rooms behind these are currently used. The proposals would convert some of these rooms into bedrooms and one to a kitchen/dining room. While there would be few alterations to the windows, I would expect these rooms to be in regular daily and evening use. To my mind this would be likely to increase the frequency and intensity of overlooking and this adds to the harm I have found above and would conflict with Local Plan Policy ST6 which seeks to protect residential amenity.
8. For the reasons given above and having regard to all other matters raised, including the constraints of the Disability Discrimination Act, Part M of the Building Regulations, and the benefits of additional housing, I conclude that both appeals should fail.

David Nicholson

INSPECTOR



Area West Committee – 20th April 2011

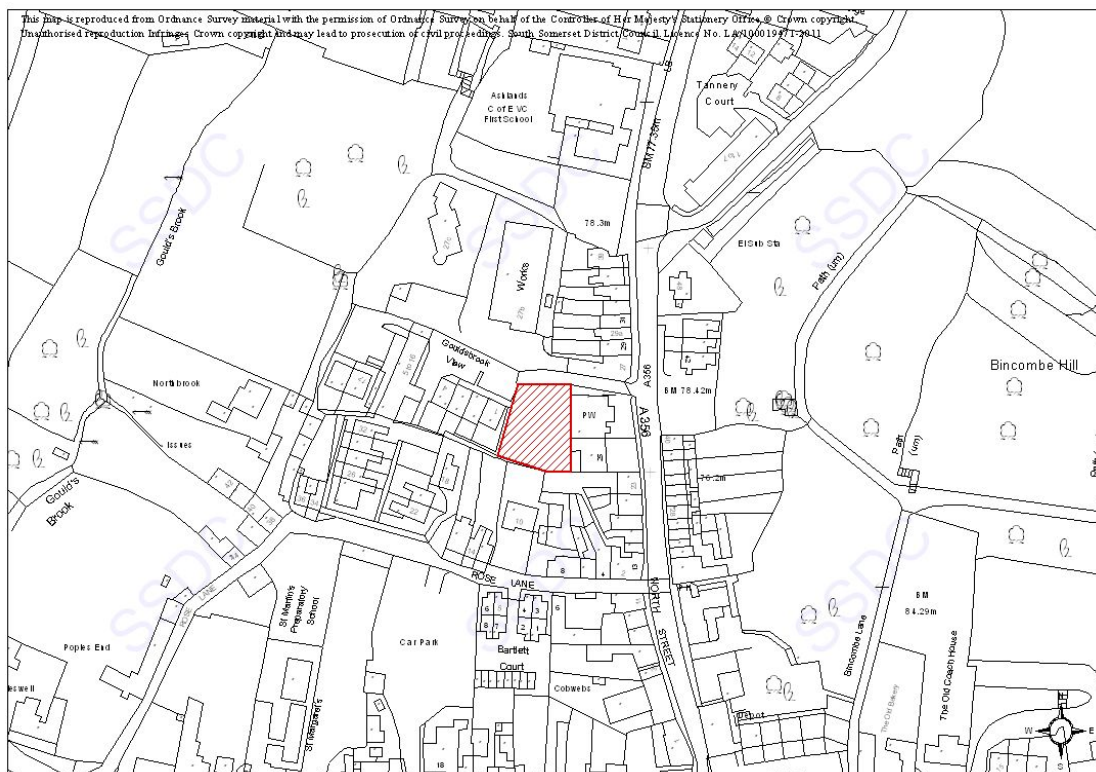
Officer Report on Planning Application: 11/00125/LBC

Proposal :	Internal and external alterations and the conversion of disused Sunday school to form 4 No. flats. (Revised Application) (GR 344071/110002)
Site Address:	Sunday School Rooms Rear of Crewkerne Baptist Church North Street Crewkerne
Parish:	Crewkerne
CREWKERNE TOWN Ward (SSDC Member)	Mr M Best (Cllr) Mr G S Clarke (Cllr) Mrs A M Singleton (Cllr)
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	25th March 2011
Applicant :	Betagold Ltd
Agent: (no agent if blank)	Mr David Beresford-Smith 30 The Chase High Banmerdown Batheaston Bath Somerset BA1 7JZ
Application Type :	Other LBC Alteration

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Committee at the request of the Ward Members in agreement with the Vice-Chairman because of the comments made by the Inspector in the 2006 appeal decision.

SITE DESCRIPTION AND PROPOSAL



The application relates to the Sunday school buildings to the rear of Crewkerne Baptist Church, a Grade II listed building located on North Street, Crewkerne. The church directly fronts onto North Street and is bounded by residential properties and light industrial uses. The former manse is attached to the south of the building.

The application seeks listed building consent for works to facilitate the change of use of the rear buildings into four flats, the Church, which has recently been refurbished, will remain as a place of worship.

The site is within the development area and conservation area of Crewkerne.

HISTORY

11/00124/FUL - Internal and external alterations and the conversion of disused Sunday school rooms to form 4 No. flats (Revised Application) - Associated application, pending consideration.

10/04217/FUL - Internal and external alterations and the conversion of disused Sunday school to form 4 No. flats. Application withdrawn.

10/04235/LBC - Internal and external alterations and the conversion of disused Sunday school to form 4 No. flats. Application withdrawn.

06/04126/FUL - Change of use and alterations to provide seven residential units. Refused 8/5/2007, subsequent appeal dismissed.

06/04131/LBC - Change of Use and Alterations to Provide 7 Residential Units. Refused 24/1/2007, subsequent appeal dismissed.

06/00982/LBC - Alteration to Accommodate Change of Use to 6 Residential Units - Application withdrawn.

06/00985/FUL - Change of Use and Alterations to Provide 6 Residential Units - Application withdrawn.

POLICY

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'

PPS5: Planning for the Historic Environment is applicable. This advises that 'there should be a presumption in favour of the conservation of designated heritage assets and the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset 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, including scheduled monuments, 14 protected wreck sites, battlefields, grade I and II* listed buildings and grade I and II* registered parks and gardens, 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:

Somerset and Exmoor National Park Joint Structure Plan
Policy 9 - Historic Environment

South Somerset Local Plan (Adopted April 2006)
EH1 - Conservation Areas
EH3 - Changes of use of Listed Buildings and Alterations to Listed Buildings
EH12 - Areas of High Archaeological potential

CONSULTATIONS

Crewkerne Town Council:-

Recommend refusal on the grounds of over development and adverse impact on the neighbour's amenities.

The Conservation Officer comments:-

No objection subject to the imposition of conditions.

REPRESENTATIONS

None received.

CONSIDERATIONS

In terms of the change of use of the building to residential use, PPS3 actively encourages the re-use of redundant buildings within vibrant town centres to this kind of use. However, as the buildings are listed one also has to take account of how the re-use will impact upon the interior or the building. Unlike the previous application that was refused and later dismissed at appeal, the main Baptist Church will be retained and it is now only proposed to change the use of the rear rooms. The appeal decision mainly relates to the Inspector's concerns about the impact of a residential conversion upon the interior of the Church. Now that the Church is to be retained as a place of worship, it is considered that the proposals have adequately addressed the previous appeal decision.

In terms of the detailing regarding the actual alterations involved in creating four residential units, it is felt that the proposed works have been carefully considered and fully respect the historic fabric and features of the rear building. The only significant alteration is the insertion of a new wall within the main hall to separate this space into two flats. However, the interior space will not be altered and will remain at a full height, furthermore the wall will not cut across any of the large windows. As such, it is considered that the proposed conversion has been sensitively designed and is appropriate in the context of the listed building.

RECOMMENDATION

That Listed Building Consent be granted.

JUSTIFICATION

The propose change of use of the building into four residential flats 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 accords with the provisions of PPS 5 and policy EH3 of the South Somerset Local Plan 2006.

SUBJECT TO THE FOLLOWING:

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 works hereby granted consent shall be completed in all respects within 12 Months of the commencement of the works hereby approved, unless otherwise agreed in writing. Written notice of the date of the commencement of the approved works shall be given to the Local Planning Authority.

Reason: To ensure that the works hereby approved are completed and/or not left in a partially completed state for a protracted period detracting from the character and appearance of the listed building.

3. No work shall be carried out on site unless particulars of the materials (including the provision of samples where appropriate) to be used for any new 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: To safeguard the character of the listed building and conservation area in accordance with policies EH1 and EH3 of the South Somerset Local Plan (2006).

4. No works shall be undertaken on site unless the following details have been submitted and a sample panel provided on site for inspection and written approval of the Local Planning Authority:
 - a) Full details, including elevational drawings, to indicate the areas to be repointed.
 - b) Details of the method of removal of existing pointing. In this regard mechanical tools shall not be used,
 - c) Details of the mortar mix, and
 - d) A sample panel of new pointing that shall be carried out in the agreed mortar.

Reason: To safeguard the character of the listed building and conservation area in accordance with policies EH1 and EH3 of the South Somerset Local Plan (2006).

5. No work shall be carried out on site unless details of the design, materials and external finish for all new doors, new and existing windows (to include details regarding the type of glazing and obscure glazing), new boarding and new 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 and conservation area in accordance with policies EH1 and EH3 of the South Somerset Local Plan (2006).

6. All of the windows hereby approved shall be traditional side hung balanced casements (with equal sized panes of glass).

Reason: To safeguard the character of the listed building and conservation area in accordance with policies EH1 and EH3 of the South Somerset Local Plan (2006).

7. The sash windows hereby approved shall be traditional weight balanced type, not spring balanced, unless otherwise agreed in writing by the LPA.

Reason: To safeguard the character of the listed building and conservation area in accordance with policies EH1 and EH3 of the South Somerset Local Plan (2006).

8. The windows comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any work on the development hereby permitted is commenced.

Reason: To safeguard the character of the listed building and conservation area in accordance with policies EH1 and EH3 of the South Somerset Local Plan (2006).

9. No work shall be carried out on site unless details of the roof lights have been submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing, the roof lights shall be top hung and flush with the roof covering. 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 and conservation area in accordance with policies EH1 and EH3 of the South Somerset Local Plan (2006).

10. No work shall be carried out on site unless the method and detail of the blocking up of existing internal and external openings have been submitted to and agreed in writing by the Local Planning Authority.

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

11. No works are to be undertaken to any structural timbers until details of any alteration have been submitted to and approved in writing by the Local Planning Authority. The works will only be undertaken in accordance with the agreed details, and if found to be impracticable will cease until an alternative has been agreed. Any intervention into historic fabric will be minimal with the introduction of additional timber or steel to the structure always being preferred to the replacement of timber.

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

12. No work shall be carried out on site unless details of all new services to all bathrooms, kitchens etc, including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. 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 in accordance with Policy EH3 of the South Somerset Local Plan 2006.

13. No work shall be carried out on site unless details of all new and replacement plasters, renders, floor surfaces, ceilings etc, including any making good of any existing structure abutting any of those to be demolished, have been submitted to and approved in writing by the Local Planning Authority. 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 in accordance with Policy EH3 of the South Somerset Local Plan 2006.

14. No work shall be carried out on site unless details of the lintels to all new openings, including those in any new build, and the treatment to the surrounds of the window and doorway openings 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 listed building in accordance with Policy EH3 of the South Somerset Local Plan 2006.

15. No work shall be carried out on site unless details of the new staircases and balcony details, including detailed design, materials and finish are to be 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: In the interests of the special architectural and historic interests of the listed building in accordance with Policy EH3 of the South Somerset Local Plan 2006.

16. No work shall be carried out on site unless a door schedule has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include a survey of all existing doors, an estimate of age and significance, which doors to be retained in situ and doors to be re-sited and to what location. Any alterations to the doors must be specified.

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

17. No work shall be carried out on site unless full construction details of the new partitions and finishes have been submitted to and agreed in writing by the Local Planning Authority. Such details shall show new partitions scribed around, not cut into the existing cornices, skirting or other features.

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

18. Consent is hereby granted to the removal of the existing fireplace and surround as set out in the approved plans. No works are to commence on the replacement/new fireplace and surround until full details of the new works 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 listed building in accordance with Policy EH3 of the South Somerset Local Plan 2006.

19. No work shall be carried out on site unless details of upgrading to existing floors and walls to improve acoustic and fire separation between the units has been submitted to and agreed in writing by the Local Planning Authority.

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

20. There shall be no alterations to the existing panelling on the access staircase between Flats 1 and 2 or within the existing church hall unless otherwise agreed in writing by the Local Planning Authority.

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

21. No work shall be carried out on site unless details of the proposed downstands in Unit 4 (to be installed where walls are to be removed as shown on Drawing No. 7049/16212/F) have been submitted to and agreed in writing by the Local Planning Authority.

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

22. All electrical, gas and telephone services to the development shall be run underground/internally. 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 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.

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

23. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.'s 7064/16357/A, 7049/16360 and 7049/16219 received 6 January 2011; 7049/16247/A received 19 January 2011; 7049/16212/F received 28 January 2011; and 7049/16246/G received 16 March 2011.

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

Informatives:

1. No consent is granted to any change to rainwater goods, window colours or removal of internal surfaces except where required as part of the application.
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Area West Committee – 20th April 2011

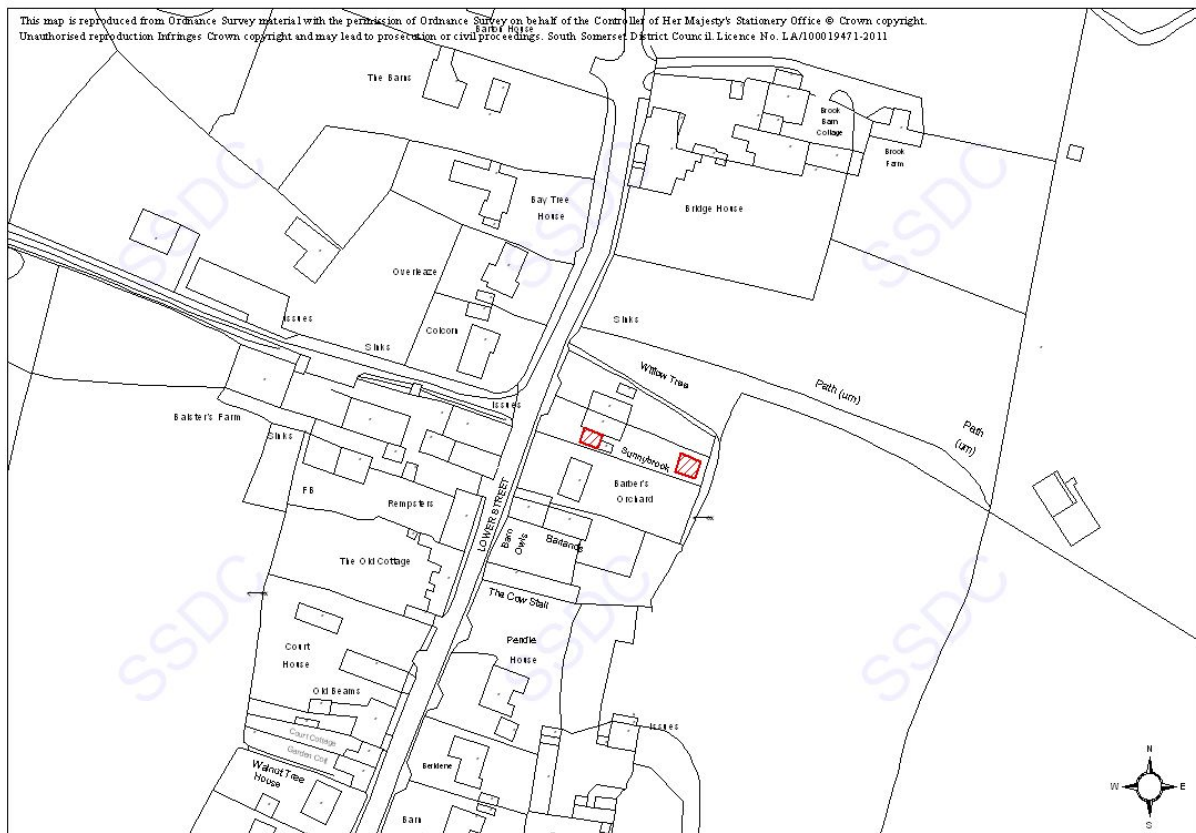
Officer Report on Planning Application: 11/00264/FUL

Proposal :	Alterations, the erection of a two storey extension to dwellinghouse and the erection of a detached garage with games room in roof (GR 346900/113685)
Site Address:	Sunnybrook Lower Street West Chinnock
Parish:	West Chinnock
PARRETT Ward (SSDC Member)	Mr R J T Pallister (Cllr)
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	1st April 2011
Applicant :	Mr M Bennett
Agent: (no agent if blank)	Smith Planning & Design Limited Wayside Fivehead Taunton Somerset TA3 6PQ
Application Type :	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Committee at the request of the Ward Member in agreement with the Vice-Chairman because of the comments received from the Landscape Officer.

SITE DESCRIPTION AND PROPOSAL



The application property is a semi-detached dwelling of 1970's construction that sits to the north of the village. It faces the road and is bounded by residential development to both sides and open fields to the rear.

The application proposes the erection of a two storey side extension (to include an access way to the rear at ground floor level) and a detached double garage at the bottom of the garden that includes the provision of a games room within the roofspace.

The property is situated within the development area and conservation area of West Chinnock. The land is also designated as Flood Zone 2 and 3.

HISTORY

831321 - Erection of an extension to dwelling. Approved 1983.

751432 - Erection of a pair of semi-detached houses. Approved 1975.

96657 - Erection of bungalow and double garage and formation of vehicular access. Refused 1973.

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

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 5: Planning for the Historic Environment.

PPS 25: Development and Flood Risk

South Somerset Sustainable Community Strategy

Goal 7 - Distinctiveness

Goal 8 - Quality Development

CONSULTATIONS

West Chinnock Parish Council:-

No objections.

County Highway Authority:-

No observations.

Landscape Officer:-

The proposed site lays within the Conservation Area of West Chinnock, and broadly conforms to the general pattern of development to the east of both Higher and Lower Street, in that it is a single plot depth, and addresses the main street. Whilst the property is a relatively modern (20th century) building, due to its setting within the Conservation area, the highest standards apply when considering design proposals.

There are three issues that cause concern;

1) The application form states there to be no trees in close proximity, yet on inspection of the site, there is a mature ash on the rear boundary of the adjoining garden, which appears to be circa 7 metres of the garage proposal; clearly within 'falling distance' and potentially having a root protection zone that would encompass the garage's NE corner. As a substantial tree within the Conservation Area, this merits protection, and the application may need to advise how works will avoid adverse impact upon the ash tree.

2) With a few exceptions, the general characteristic of the east side of the Conservation Area appears to be single plots, with no secondary structures to their rear. This proposal not only places a secondary form within the rear of the plot, but one that is large scale. It is notable that the surface area of its southern gable is only 9% less than the corresponding gable of the proposed house extension. Not only is the proposal at variance with the predominant character of the CA, but the scale is disproportionately large.

3) A local footpath lays to the south of the site, which forms part of the Liberty Trail regional recreational path. From this path there are views toward the conservation area, and the Bridge House group of listed buildings with their mature tree surround. The proposed garage will intervene in views toward the Bridge House area, and draw the eye as an incongruously scaled element within the Conservation area. Given the weight one would attach to the Liberty Trail as a visual receptor, and mindful of local plan policy EH1, the proposal before us is too large, and arguably in the wrong place.'

Environment Agency:-

Refer to standing advice.

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.

In response to the comments of the Landscape Officer, the agent has made the following comments:-

1. The proposed garage is outside of the canopy of the tree in question as we do not believe it was necessary to make mention of the tree. My client also states the following: The ash

tree is far enough away for the roots to not be a problem 7m+. I have dug in that corner and the only roots found are from an old willow which died years ago. The roots of an ash grow towards water which is provided in abundance the other side of our next door neighbours garden, an old brook / ditch which is always wet. The tree appears to be leaning towards my neighbours far side of his garden.

2. We do not agree that the scale is disproportionately large, it is subservient to the main dwelling, set in a rear garden where one would normally expect to see subservient buildings such as this. As such we do not think it is harmful to the conservation Area. Furthermore as far as the character of the area is concerned we believe it is diverse with no cohesive elements. With barn conversions extending further than the usual building line as well as the farm and other building and the bungalow behind the Muddled Man pub. There is also the cricket pavilion which has been built quite recently. This is a long way behind the building line. We would be prepared to clad the gable in wood if this would help to further underline the subserviency of the garage. Please also note the garage will be used to house vehicles which would otherwise be parked in the garden.

3. The footpath which is part of the Liberty Trail exits the road next to the Muddled Man pub and crosses the fields at 90 degrees to the road. Yes you could see the garage from the footpath but no more so than all of the houses including our own. See google maps. Saying that the garage would intervene with views towards the Bridge House area is not cogent as you need to look across gardens, and Bridge House is shielded by large well developed trees, and hedgerows.'

REPRESENTATIONS

Four letters of support have been received from local residents, their comments are summarised as follows:-

1. There will be no effect upon neighbours or the surrounding area when the building work is carried out in the same materials as the current house.
2. The planned development seems appropriate and proportional to the current house.
3. Applicants run a small business in West Chinnock on an industrial site. They have made it clear that the proposal is solely a residential development thus contradicting mindless rumours.
4. As a community we should do our best to assist the younger generation and keep them in the village if at all possible.
5. The proposed development is fairly standard and will not have any material effect on the next-door bungalow.

CONSIDERATIONS

It is considered that the main planning issues with regard to this application are:-

1. impact upon the house and the conservation area
2. impact upon neighbouring amenity and;
3. flooding issues

1) Impact upon the house and conservation area

In design terms, the proposals are considered to be acceptable. Whilst the extension to the house includes a large opening at ground floor level to facilitate rear access, it is considered that as the extension is set back from the front elevation of the property this will not be unduly harmful to either the appearance of the property or the street scene in general. The extension is to be constructed in matching materials to the house and the fenestration details replicate those of the existing house.

The garage whilst large is to be situated at the rear of the house and with the existing screening around the site and the presence of existing buildings within the vicinity it is not considered that the building will appear unduly prominent within the area. Whilst the views of

the Landscape Officer are noted, it is felt that the proposed building will be 'read' against the existing built form within the vicinity. There are a number of buildings in the rear of the houses along Lower Street and it is not considered that the proposed garage would appear as an unusual feature at the rear of the properties. The front of the garage will be constructed in matching materials to the existing house with render to the sides and rear. Details of the materials can be restricted via the imposition of a planning condition to ensure that they are appropriate within the context of the conservation area. As advised above, the applicant has agreed that part of the building be clad in timber in order to further ensure that the building appears as an ancillary and rural structure that sits appropriately within the landscape. In the circumstances, whilst fully considering the comments of the Landscape Officer, it is not felt that the garage will result in such a significant adverse impact upon the conservation area as to justify refusal of the application.

With regard to the Ash tree on the neighbouring property, this is on the far side of the neighbouring boundary and aerial photography and scaling from the plans show that the development would not be within the tree's canopy.

The proposed extension and garage are therefore considered to be acceptable in design terms and will preserve the character and appearance of the conservation area.

2) Impact upon neighbouring amenity

In terms of the two storey extension, it is considered that the proposal will not have a significant impact upon neighbouring amenity as the adjoining bungalow has no openings in its side elevation facing the application site. In addition, as both the application house and the adjoining bungalow face west the development is unlikely to result in any significant loss of light or result in undue overshadowing.

With regard to the proposed garage, whilst it is recognised that this is a relatively large building, it is to be located at the rear of the application site at the bottom of the garden. It is not considered that it would result in a significant loss of light or overshadowing due to the orientation of the adjoining properties. As such, it is not considered that the development would result in such a notable loss of amenity as to justify refusal of the application.

3) Flooding issues

The application includes documentation stating that the floor area will be set no lower than existing levels and flood proofing has been incorporated where appropriate. As such, the applicants are considered to have satisfactorily addressed the flooding issues resulting from the proposal. It should be noted that the floor areas proposed are under the permitted development allowances for extensions and outbuildings.

Summary

The proposals are considered to be of a suitable design that respects the design of the existing house and will preserve the character and appearance of the conservation area. It is not considered that the proposal would result in such a loss of amenity to neighbouring properties as to justify refusal of the application.

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 in accordance with the aims and objectives of policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006 and advice contained within PPS 5 'Planning for the Historic Environment'.

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: To safeguard the character and appearance of the conservation area and to accord with policies ST5, ST6 and EH1 of the South Somerset Local Plan 2006.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.'s 11/1136/01, 11/1136/02 and 11/1136/03 received 21 January 2011 and 11/1136/04A received 4 February 2011.

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