

Area West Committee – 19th October 2011

### 13. 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 20.

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.*

## Planning Applications – October 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.*

<b>Page</b>	<b>Ward</b>	<b>Application</b>	<b>Proposal</b>	<b>Address</b>	<b>Applicant</b>
1	Crewkerne Town	11/02224/FUL	The erection of a pair of semi-detached houses	Land Adjoining 6 Bowditch Row South Street Crewkerne	Jacobs Partnership Llp
12	Crewkerne Town	11/02209/LBC	Application for the demolition of curtilage structures prior to the erection of a pair of semi detached dwellinghouses	Land Adjoining 6 Bowditch Row South Street Crewkerne	Jacobs Partnership Llp
17	Crewkerne Town	11/03468/FUL	The installation of a photovoltaic array in rear garden.	The Old Post Office Middle Street Misterton	Mr John Richardson

## Area West Committee – 19th October 2011

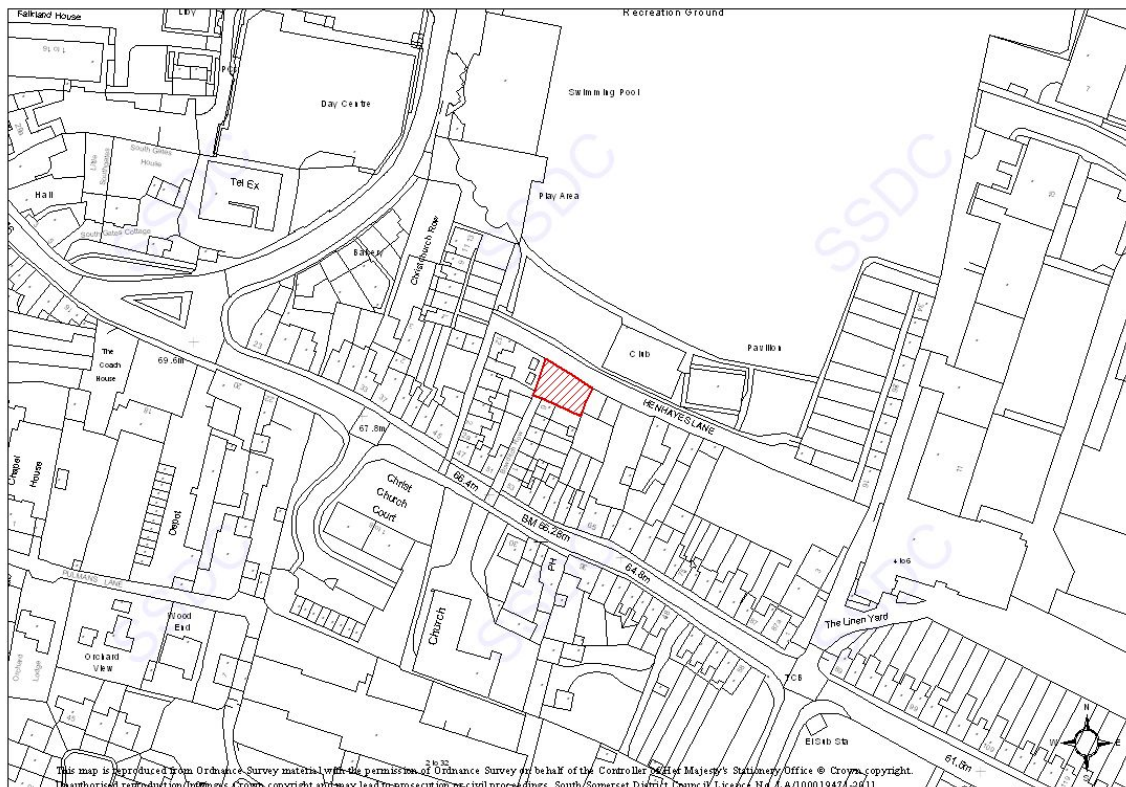
### Officer Report On Planning Application: 11/02224/FUL

<b>Proposal:</b>	The erection of a pair of semi-detached houses (GR 344313/109548)
<b>Site Address:</b>	Land Adjoining 6 Bowditch Row South Street
<b>Parish:</b>	Crewkerne
<b>CREWKERNE TOWN Ward (SSDC Member)</b>	Mr M Best (Cllr) Mr J Dyke (Cllr) Mrs A M Singleton (Cllr)
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date:</b>	4th August 2011
<b>Applicant:</b>	Jacobs Partnership Llp
<b>Agent: (no agent if blank)</b>	
<b>Application Type:</b>	Minor Dwellings 1-9 site less than 1ha

### REASONS FOR REFERRAL TO COMMITTEE

The application is to be considered by Area West Committee at the request of the Ward Members, with the agreement of the Area Vice Chair. It is felt that the issues should be given further consideration by members, as a result of objections raised by the Town Council and local residents. Of particular concern is the potential overdevelopment of the site and impact on highway safety and the amenities of local residents and future occupiers.

### SITE DESCRIPTION AND PROPOSAL



The application relates to an area of land to the side of 6 Bowditch Row, which is one of a terrace of grade II listed cottages off South Street, Crewkerne. It is within the Crewkerne defined development area and is also within the local conservation area. The site formerly comprised a derelict garage and lean-to shed, which was granted consent for demolition

under application 10/04796/LBC and was bounded by natural stone walls alongside the boundary with Henhayes Lane, to the north and stone and brick along the west boundary. The site has previously been used as part of the residential curtilage of 6 Bowditch Row and as such the buildings and boundary walls are considered to be listed in association with the adjoining listed terrace in Bowditch Row.

Previous consents for planning permission (08/03982/FUL) and listed building consent (08/03983/LBC) were also granted for the partial demolition, rebuilding, alterations and extension of the outbuildings to provide a separate individual dwelling.

This application is made for the erection of a pair of semi-detached dwellings. The development will take the form of a single dwelling fronting Henhayes Lane, with a smaller dwelling within a wing to the rear running parallel to Bowditch Row. The development is proposed to be constructed using natural stone with double Roman roof tiles. Private amenity space is to be provided to the rear and side of the dwellings and a garden terrace is proposed to the side of the east of the dwelling above a proposed parking area. An existing vehicular access from Bowditch Row is proposed to be closed, with the boundary treatment comprising timber gates to retain pedestrian access, as appropriate. The other boundaries will be finished with natural stone walls.

## **HISTORY**

11/02224/FUL: The erection of a pair of semi-detached houses - Pending consideration.

10/04796/LBC: Listed building consent granted for the demolition of garden shed and garage (outbuildings and curtilage structures).

08/03982/FUL and 08/03983/LBC: Planning permission and listed building consent granted for demolition, alterations and extension to convert premises to form one unit of living accommodation with no parking provision.

06/01872/FUL and 06/01873/LBC: Planning permission and listed building consent refused for a barn conversion including part demolition and rebuilding.

05/02215/FUL: Planning permission refused for proposed erection of terrace of 3 no. dwellings.

05/02151/FUL: Planning permission refused for the proposed conversion and extension of existing outbuilding to form 1 no. three bed roomed dwelling.

05/01099/FUL and 05/01095/LBC: Planning permission and listed building consent granted to extend and convert existing outbuilding to form 2 bed dwelling.

## **POLICY**

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

### Relevant Development Plan Documents

Somerset and Exmoor National Park Joint Structure Plan:  
STR1 - Sustainable Development  
Policy 9 - Built Historic Environment  
Policy 49 - Transport Requirements of New Development

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

EH1 - Conservation Areas  
EH3 - Listed Buildings  
EH5 - Development Proposals Affecting the Setting of Listed Buildings  
EH12 - Areas of High Archaeological Potential and Other Areas of Archaeological Interest.  
EP9 - Demolition and Construction Sites.

Policy-related Material Considerations:

South Somerset Sustainable Community Strategy  
Goal 8 - Sustainably sited and constructed high quality homes, buildings and public spaces where people can live and work in an environmentally friendly and healthy way.

## **CONSULTATIONS**

*Town Council*

12th September 2011 Recommend REFUSAL on the grounds of:

- A) Overcrowding on the site
- B) Insufficient parking space in a very narrow lane

11th July Recommend REFUSAL on the grounds of

- A) Overcrowding on the site
- B) Insufficient parking space
- C) Out of keeping with other properties in the vicinity and in the Conservation Area

*SSDC Technical Services*

No comments.

*County Highway Authority*

7th September 2011 Further to our conversation earlier today and the details set out in your email received on 6th September 2011. It is apparent that the applicant has indicated that the area inside the site will be used for manoeuvring vehicles rather than a turning area. As a consequence it is likely that the proposal would result in vehicles manoeuvring on the highway.

I have since checked our Road Record, which indicates that Henhayes Lane is designated as an Unclassified Highway. As a consequence the Highway Authority cannot request that turning is provided within the site, although it would be desirable for them to do so.

Taking this information into account I therefore further comments to add to my initial observations.

12th July 2011 The proposal relates to the erection of a pair of semi-detached dwellings.

From the details provided in the Design and Access Statement one parking space will be provided for the dwelling, which has access onto Henhayes Lane, whilst the dwelling on Bowditch Row will be car free.

It is apparent that Henhayes Lane as a means of vehicular access is substandard. Its restricted width and poor alignment makes it extremely difficult for two vehicles to pass. There are also concerns relating to the level of visibility achieved at its junction with the A356. However, on balance the visibility achieved at its junction with the County Route is significantly greater than that achieved from the junction of Bowditch Row. As a consequence vehicle access via Henhayes Lane could be seen as being acceptable.

From the details provided it is apparent that the proposed dwelling at 7 Bowditch Row will be car free. Whilst the Highway Authority remains cautious about car free development, it should be noted that the proposal is within walking distance of the local services such as retail and leisure. It is noted that the site is connected to these facilities by continuous footways and pedestrian facilities. In addition the main bus stop of the town linking Crewkerne with other principal settlements is within easy walking distance. As a consequence car free development could be considered acceptable in this instance.

Drawing No. JP03/1120/03 shows parking and turning area for No.14. This would need to be properly consolidated and surfaced with appropriate surface water drainage provided. The turning area is confined and I am concerned that it does not provide sufficient space to allow a turning manoeuvre to be completed. I would therefore require an amended drawing to be submitted showing that a car can turn and leave the site in a forward gear.

At the point of access onto Henhayes Lane visibility is limited in either direction. This would usually be a cause of concern to the Highway Authority however from my site visit it is apparent that a number of dwellings along this section of highway provide a similar type of access to the highway. As such it would be inappropriate to object to this proposal on these grounds.

Taking into account the above information I raise no objection to this proposal and if planning permission were to be granted I would require the following conditions to be attached.

- Before the dwelling hereby permitted is first occupied a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority.
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.
- The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

PLEASE NOTE:

Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, South Somerset Area Highway Office, Mead Avenue, Houndstone Business Park, Yeovil, Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.

*County Archaeology*

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

*SSDC Conservation Officer*

Thank you for your consultation on this application.

You will be aware that the site is within the curtilage of a listed building and in a conservation area.

The main issues are the setting of the listed building and the requirement to have regard to the desirability to preserve and enhance the conservation area (Sections 16 and 72).

You will recall that there have been detailed negotiations with both myself and Adron (Conservation Manager) in relation to the design and a number of options have been discussed. We are now at a point that we are happy with the proposal in relation to the setting of listed building and the conservation area.

Clearly there are a number of matters, which need to be conditioned to ensure a high quality development, and I would be happy to discuss these with you as necessary.

## **REPRESENTATIONS**

The application has been advertised by press and site notice for the requisite period. Between this application and the associated application for listed building consent, there have been 6 letters received from local residents, mostly raising objections but also some general observations. The main points raised include:

- There are current difficulties with parking in and around the Henhayes Lane area. Currently the free parking is used by town centre workers and causes difficulty to homeowners. The erection of two houses will further increase parking problems in Henhayes Lane.
- The junction of Henhayes Lane with South Street is dangerous, particularly due to motorists speeding along South Street with no consideration to those exiting Henhayes Lane. Exiting is made more difficult by cars parked either side of the exit. The addition of two more houses with potential 2-4 more cars would be inappropriate.
- The area is already full of houses and cars, the latter of which is already a risk to pedestrians.
- There is already a high density of development in the area. The proposed development is too large, too high and will dwarf other properties in the vicinity.
- The original building was a brick shed and the new build should be no bigger. The pair of semis that have replaced another workshop already cut out the views of properties along South Street and this would complete the enclosure (of the boundary with Henhayes Lane).
- Is there a planning requirement to remove the existing vehicular access along Bowditch Row? Could this remain to provide parking as per the original garage?
- Does the masonry and timber wall with the boundary of no. 6 Bowditch Row refer to a double boundary with 'no-man's land' in between? This could lead to accumulation of debris and growth of weeds.
- The elevated amenity space does not appear to detail method of construction i.e. timber or steel.
- The 1.8m translucent barrier on the south side would appear to overcome any concern of overlooking properties.
- The proposed dormer windows are out of keeping with this part of the conservation area. Roof lights would be more appropriate.
- The development of the adjoining property 'The Barn' would appear to set a precedent for development as that started off as an outbuilding too. However, object to proposed ground floor windows on northern elevation. On 'The Barn' development, these were not permitted so as to retain the original appearance of the building.
- The large first floor opening, with Juliet balcony, on the northern elevation is out of keeping with the conservation area.
- The proposed gates onto Bowditch Row are retained to replicate the original garage doors. Could the pitched shape of the garage roof also be copied?
- The details of vehicle parking, indicated within the application form, refers to the loss of existing parking space and provision of new access off Henhayes Lane. When approval was granted for the development of 'Henhayes Cottage', the decision indicated that there would be no further access allowed off Henhayes Lane. This was adhered to in the development of 'The Barn', with the proviso that public parking was in easy walking distance. The provision of an access would reduce the limited amount of parking spaces along Henhayes Lane and existing residents will have to find spaces further afield and also make parking in this already congested area impossible.

Since being referred to Ward Members, a further two letters of support have been received, making the following points:

- The site is an absolute eyesore, a patch of scrub with dangerous precarious walls and rusty flapping roofs, which can be seen from both neighbouring properties, the occupiers of which would like to see developed as soon as possible.
- The developer has gone out of their way to consider the wishes of neighbours, who have no complaints.
- Neighbours at no. 10 Henhayes and 6 Bowditch Row have no concerns in regard to the height of the building or potential impact on residential amenity.
- Parking is not an issue. The major cause of the lack of parking is from staff of local shops and services. Henhayes Lane should be made resident parking only. The lack of vehicular access from Bowditch Row is welcome as this is a very serious concern.

## **CONSIDERATIONS**

### Principle of Development

The application relates to the erection of two semi-detached dwellings within an area of land, formerly used as residential curtilage of 6 Bowditch Row. The site is within the Crewkerne defined development area and as such development is considered acceptable in principle subject to being in accordance with other Development Plan policies and proposals. The site is within the local conservation area, forms part of what is considered to be part of the 'listed curtilage' of the listed terrace forming Bowditch Row and proposes a new vehicular access onto Henhayes Lane, a narrow lane running parallel to South Street. The main considerations are the impact of the proposal on the setting and appearance of the conservation area, adjoining listed terrace and the general character of the locality, impact on highway safety and impact on residential amenity of the occupiers of neighbouring properties. It is noted that consent has already been granted for the rebuilding and partial conversion of recently demolished outbuildings, providing a new dwelling with no provision for parking within the site.

Objections have been received from local residents and the Town Council, particularly in regard to the scale and appearance of the development, its impact on the conservation area and the impact on highway safety due to limited on-site parking provision and loss of on-street spaces.

### Historic Context, Scale and Appearance

The site is located along Henhayes Lane, which is sited to the north of South Street and to the south of the local recreation ground. Henhayes Lane comprises a terrace of properties running perpendicular with the access onto South Street before turning eastwards to run parallel to South Street. This part of the lane has a mix of development comprising a few residential properties, garages and boundary walls to the rear of properties fronting South Street, before ending at the 'Linen Yard' development, with a further terrace of properties to the north.

Saved policy ST6 of the South Somerset Local Plan requires the proposal, in terms of density, form, scale, mass, height and proportions, should respect and relate to the character of its surroundings. Similarly, saved policy ST5 states that it should respect the form, character and setting of the locality. In regard to the historic context, saved policy EH1 requires development that would affect the setting or views in and out of a conservation area to preserve or enhance the character and appearance of that area. Saved policy EH5 also requires development to have no adverse affect on the setting of a listed building or its contribution to the local scene.

The proposed development includes the provision of a pair of semi-detached dwellings, although the design is such that the development will have the appearance of a detached dwelling as a larger dwelling is proposed fronting Henhayes Lane with a smaller unit to the rear, within the wing running parallel to Bowditch Row. Comments have been received



relating to the design of the dwellings, particularly in relation to fenestration, and the size and scale, leading to overdevelopment of the site.

In terms of design and impact on the setting of the conservation area and listed buildings, the applicant has carried out additional pre-application discussions with the Local Planning Authority, resulting in amended plans being received to revise certain elements, including the removal of some dormer windows and the Juliet balcony to the front elevation, as well as other alterations to fenestration and external appearance. The resulting scheme has been considered by the Council's Conservation Unit and is now deemed to be acceptable. The proposed materials finish is in natural stone, with clay double roman tiles, which is appropriate for the area. The roof tiles are specified as 'Farmhouse Red' by Monier Redland, or equal manufacturer. While the use of clay tiles is consistent with the other properties along Henhayes Lane, the exact finish will be dependent on how this relates to the locality. As such, a condition will be imposed to agree the final colour and finish of the roofing tiles, as well as requiring a sample panel of the natural stone finish.

It is considered that the proposal relates to the character of the properties within the locality and has no detrimental impact on the setting and appearance of the conservation area or adjacent listed buildings. The design and scale is in keeping with the other properties along Henhayes Lane and retains key gaps within the street scene.

In regard to overdevelopment of the site, it is acknowledged that the amenity space associated with each dwelling is limited, however the spatial pattern of development in the locality varies greatly, with plots being larger, and in many cases, smaller than the application site. In terms of impact on the general street scene, the proposal will be sited so as to be almost the width of the plot, a pattern of development that is prevalent in the area, which comprises mainly terraced or semi-detached properties within narrow plots.

The provision of a parking space within the site has necessitated breaking through the boundary, however the new boundary treatment comprising natural stone wall and gates is set flush with the existing frontage and will provide continuity in the street scene, while also retaining a break in built form between the application site and that to the east.

Overall, it is considered that the proposed development respects and relates to the character of the properties within the immediate vicinity, preserves the character and appearance of the conservation area and has no adverse affect on the setting of the adjacent listed buildings.

#### Residential Amenity

The proposed dwellings have been carefully designed to take into account the position of neighbouring properties, which surround the application site on three sides. In regard to overlooking of neighbouring properties and private amenity space, the openings are mostly positioned so as to take advantage of the views over the recreation ground to the north or face blank gable elevations of the properties to either side of the site. There is one bedroom window in the rear dwelling, which faces in the direction of the rear of properties to the west, however any views would be similar to those already gained from the existing terrace in Bowditch Row and are not considered to be unusual within this more urban context. The main area of concern in regard to any overlooking is the provision of a first floor terrace extending off the east gable of the proposed dwelling, to offer additional amenity space for occupiers of the dwelling. Views from this terrace could potentially overlook the rear gardens of the Bowditch Row properties. This issue has been considered however and it is proposed to provide a 1.8m high obscure glass balustrade to the rear of the terrace. The proposed screening will address any overlooking issues, although a condition will be required for this to be provided prior to occupation of the dwellings and retained/maintained thereafter.

The dwellings are to be positioned within the site so as to be set away from any openings in neighbouring properties and also not to extend beyond rear elevations. The siting is such that there will be no overshadowing of neighbouring properties or overbearing impact. One of the neighbouring occupiers of a property facing South Street has objected on grounds that the development will cut off views to the north and complete the enclosure of Henhayes Lane.

While these comments are noted, the loss of a view is not a material planning consideration. The distance of the proposed dwellings from the properties fronting South Street is just over 30m so there will be no overbearing impact on these properties. While the development will lead to some increased enclosure of Henhayes, the development still retains gaps in the built form, as referred to earlier, and it is noted that the previously approved scheme for conversion of the recently demolished outbuildings, was only marginally narrower than this scheme.

While not entirely a residential amenity issue, one comment refers to the proposed masonry and timber boundary treatment between the site and 6 Bowditch Row and queries whether there would be a `double` boundary creating a small unmanaged area between the two sites. By way of reassurance, no such arrangement is proposed. There is a second line shown on the proposed floor plans but this is identified on the east elevation plan as a change in levels rather than a second boundary treatment.

Taking all the above into account, it is considered that the proposed development will cause no unacceptable harm to the residential amenity of the occupiers of neighbouring properties.

### Highway Safety

The application site fronts Henhayes Lane, although there is currently no access at present. There is however an existing access along the narrow Bowditch Row, directly onto South Street. The proposal includes the creation of a new access onto Henhayes Lane, with the current access from Bowditch Row being closed to vehicles. It is proposed to retain a set of gates onto Bowditch Road for access to the amenity space behind, with a masonry upstand provided so that vehicular access to the site is controlled. It may be that the masonry upstand will be unable to prevent all types of vehicles entering the site so it is considered appropriate to impose a condition to agree a scheme to ensure that no access is possible at all. The new access will provide a parking space for one of the dwellings, with the other proposed to have no parking provision.

The greatest level of concern in regard to this development would appear to relate to the levels of parking proposed, limited amount of on street parking locally and the potentially dangerous junction and narrow width of Henhayes Lane. The objections relate to the potential impact on highway safety and levels of parking available to existing residents.

The County Highway Authority have considered the proposal and have ultimately raised no objections. There is concern about additional traffic accessing Henhayes Lane, due to the narrow width, poor alignment and levels of visibility at the junction with South Street, however it is noted that the existing access via Bowditch Row is very poor. The County Highway Authority consider the dangers posed by the existing access to be significantly greater than the potential increase in use of Henhayes Lane. It is therefore necessary to condition the agreement of a scheme to permanently prevent access to the site via Bowditch Row. It is noted that the Highway Authority would like to see turning space provided within the site, however this is not proposed, although there is room to park more than one car off the street. While there is the preference for vehicles to be able to enter and leave the site in a forward gear, Henhayes Lane is an unclassified road and as such there is no requirement for this. As such, the Highway Authority have raised no further objection in this regard.

There are also no objections raised by the Highway Authority in regard to the provision of one unit with no parking provision. While it is acknowledged that there is very limited on street parking in the immediate vicinity, the site is closely related to local services by continuous footways. There is also nearby access to public transport and local car parks. Concerns have been received from local residents who are concerned that the development will lead to increased pressure on parking along Henhayes Lane, as a result of additional dwellings along with reduction in spaces along the lane in order to provide the new access. The local residents feel that this could pose a risk to highway safety, as well as inconveniencing existing users of the lane. While there could potentially be a small reduction in the number of spaces available for on street parking, it is not considered that this would be a risk to highway safety. There are only a finite number of on street spaces available along Henhayes Lane and South Street, with other areas being too narrow to park or being restricted. It is not considered

likely that the proposed development would lead to parking in an uncontrolled or dangerous manner. Overall, no objections have been raised by the County Highway Authority and as such it is not considered that the proposal as a whole will be detrimental to highway safety.

### Conclusion

Overall, the proposed development comprising two dwellings, is considered to be acceptable as it respects and relates to the character of the area, preserves the character and appearance of the conservation area and has no adverse impact on the setting of the adjacent listed buildings. Furthermore, it is considered that there will be no unacceptable harm caused to the residential amenity of neighbouring residents or to highway safety. Therefore, the recommendation to Members is to grant planning permission subject to the conditions set out below.

### **RECOMMENDATION**

Approval with conditions.

### **JUSTIFICATION**

The proposed development, by reason of size, scale, design and materials, respects the character of the area, preserves the setting and character of the conservation area, does not adversely affect the setting of the local listed buildings and is not considered to cause any unacceptable harm to residential amenity or highway safety, in accordance with the aims and objectives of PPS5, policies 9, 49 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST5, ST6, EH1 and EH5 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. The development hereby permitted shall be carried out in accordance with the following approved plans: `JP03/1120/02`, received 9th June 2011 and `JP03/1120/03a`, `JP03/1120/008a` and `JP03/1120/09a`, received 17th August 2011.

**Reason:** For the avoidance of doubt as to the development authorised and in the interests of proper planning.

3. No works shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority;

(a) materials and colour finish (including the provision of samples and a sample panel, indicating materials, coursing, bonding, mortar profile, colour, and texture along with a written detail of the mortar mix) to be used for all external walls and roofs;

(b) the design, materials and external finish for first floor terrace, all new doors, windows, boarding and openings (including new gates forming part of the boundary treatment);

(c) details of the recess of all windows and doors;

(d) the design and materials of all roof eaves, verges and abutments; and

(e) position of meter cupboards and gas boxes (not to be positioned on the north elevation of the dwellings hereby approved).

**Reason:** In the interests of visual amenity and to safeguard the character and appearance of the conservation area and listed buildings, in accordance with policies STR1 and 9 of the Somerset and Exmoor National Joint Structure Plan

Review and saved policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

4. The roof lights hereby permitted shall be fitted flush with the roof covering and of conservation type design, in accordance with details as indicated on approved plan `JP03/1120/09a'. 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 visual amenity and to safeguard the character and appearance of the conservation area and listed buildings, in accordance with policies STR1 and 9 of the Somerset and Exmoor National Joint Structure Plan Review and saved policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

5. Details of all new guttering, down pipes and other rainwater goods shall be as indicated in the roof drainage detail `JP03/1120/App C', received 9th June 2001. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of visual amenity and to safeguard the character and appearance of the conservation area and listed buildings, in accordance with policies STR1 and 9 of the Somerset and Exmoor National Joint Structure Plan Review and saved policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

6. 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 visual amenity and to safeguard the character and appearance of the conservation area and listed buildings, in accordance with policies STR1 and 9 of the Somerset and Exmoor National Joint Structure Plan Review and saved policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

7. The finished floor levels and ridge heights of the dwellings hereby permitted shall be carried out in accordance with the details as shown on approved plans `JP03/1120/03a', `JP03/1120/008a' and `JP03/1120/09a'. Such approved details, shall not be altered without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of visual and residential amenity and to safeguard the character and appearance of the conservation area and listed buildings, in accordance with policies STR1 and 9 of the Somerset and Exmoor National Joint Structure Plan Review and saved policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

8. Before the dwellings hereby approved are first occupied, an obscurely glazed balustrade of 1.8m in height shall be fitted to the first floor terrace, in accordance with details as shown on approved plans `JP03/1120/03a', `JP03/1120/008a' and `JP03/1120/09a' and shall be permanently retained and maintained in this fashion thereafter.

**Reason:** In the interests of residential amenity in accordance with saved policy ST6 of the South Somerset Local Plan 2006.

9. There shall be no vehicular access to the site from Bowditch Row. The development hereby approved shall not be commenced until the existing access onto Bowditch Row has been closed to vehicular traffic, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and shall thereafter be permanently maintained as such.

**Reason:** In the interests of highway safety, in accordance with policy 49 of the Somerset and Exmoor National Joint Structure Plan Review and saved policy ST5 of the South Somerset Local Plan.

10. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use.

**Reason:** In the interests of highway safety, in accordance with policy 49 of the Somerset and Exmoor National Joint Structure Plan Review and saved policy ST5 of the South Somerset Local Plan.

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

**Reason:** In the interests of highway safety, in accordance with policy 49 of the Somerset and Exmoor National Joint Structure Plan Review and saved policy ST5 of the South Somerset Local Plan.

12. 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 the dwellings or outbuildings erected without the prior express grant of planning permission.

**Reason:** In the interests of visual and residential amenity and to safeguard the character and appearance of the conservation area and listed buildings, in accordance with policies STR1 and 9 of the Somerset and Exmoor National Joint Structure Plan Review and saved policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

13. 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 dwellings without the prior express grant of planning permission.

**Reason:** In the interests of visual and residential amenity and to safeguard the character and appearance of the conservation area and listed buildings, in accordance with policies STR1 and 9 of the Somerset and Exmoor National Joint Structure Plan Review and saved policies ST5, ST6, EH1 and EH5 of the South Somerset Local Plan 2006.

14. No development shall be undertaken unless a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of the hours of construction, routing for construction vehicles (including measures to ensure that all deliveries are made via Henhayes Lane, with no site traffic accessing via Bowditch Row), all parking for construction and contractor's vehicles, measures to reduce noise and dust from the site and details of site fencing and security for the duration of the construction works. The development shall thereafter be carried out in accordance with such details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of visual and residential amenity and to safeguard the character and appearance of the conservation area and listed buildings, in accordance with policies STR1 and 9 of the Somerset and Exmoor National Joint Structure Plan Review and saved policies ST5, ST6, EH1, EH5 and EP6 of the South Somerset Local Plan 2006.

## Area West Committee – 19th October 2011

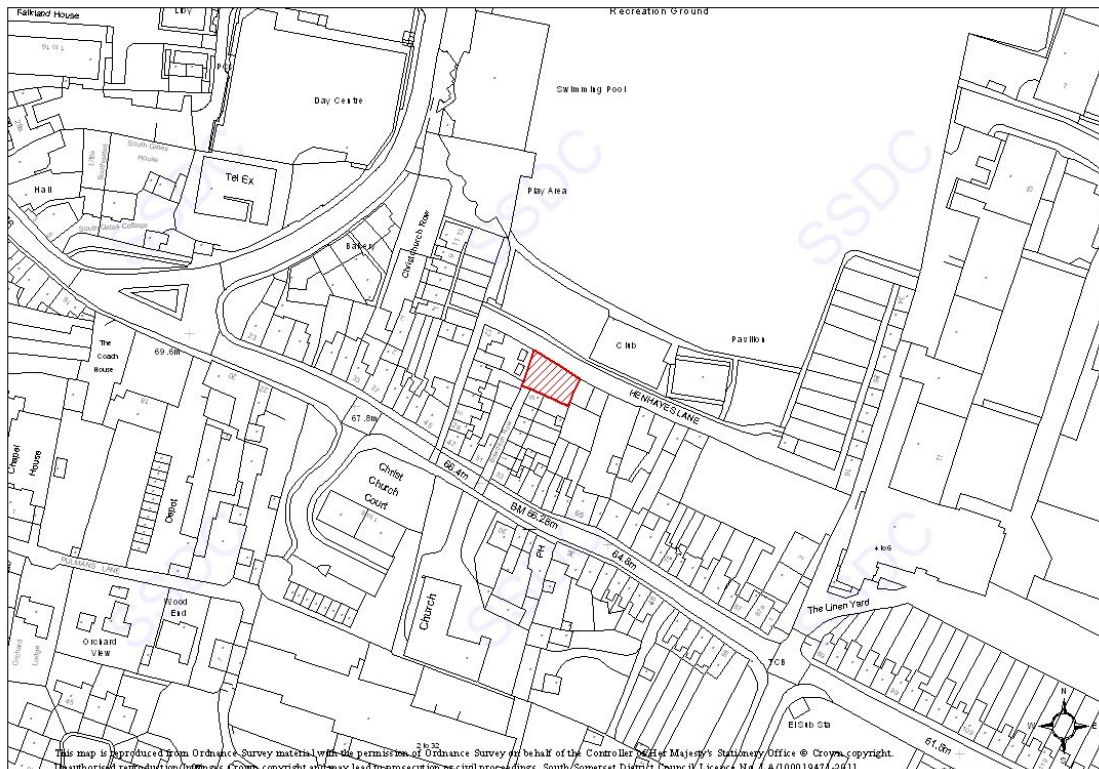
### Officer Report on Planning Application: 11/02209/LBC

<b>Proposal:</b>	Application for the demolition of curtilage structures prior to the erection of a pair of semi detached dwellinghouses (GR 344313/109548)
<b>Site Address:</b>	Land Adjoining 6 Bowditch Row South Street
<b>Parish:</b>	Crewkerne
<b>CREWKERNE TOWN Ward (SSDC Member)</b>	Mr M Best (Cllr) Mr J Dyke (Cllr) Mrs A M Singleton (Cllr)
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date:</b>	4th August 2011
<b>Applicant:</b>	Jacobs Partnership Llp
<b>Agent: (no agent if blank)</b>	
<b>Application Type:</b>	Other LBC Alteration

### REASONS FOR REFERRAL TO COMMITTEE

The application is to be considered by Area West Committee at the request of the Ward Members, with the agreement of the Area Vice Chair. It is felt that the issues should be given further consideration by members, as a result of objections raised by the Town Council and local residents.

### SITE DESCRIPTION AND PROPOSAL



The application relates to an area of land to the side of 6 Bowditch Row, which is one of a terrace of grade II listed cottages off South Street, Crewkerne. It is within the Crewkerne defined development area and is also within the local conservation area. The site formerly

comprised a derelict garage and lean-to shed, which was granted consent for demolition under application 10/04796/LBC and was bounded by natural stone walls alongside the boundary with Henhayes Lane, to the north and stone and brick along the west boundary. The site has previously been used as part of the residential curtilage of 6 Bowditch Row and as such the buildings and boundary walls are considered to be listed in association with the adjoining listed terrace in Bowditch Row.

Previous consents for planning permission (08/03982/FUL) and listed building consent (08/03983/LBC) were also granted for the partial demolition, rebuilding, alterations and extension of the outbuildings to provide a separate individual dwelling.

This application is made to allow the demolition of curtilage structures i.e. boundary wall and outbuildings. These structures have been lawfully demolished in line with the consent granted under 10/04796/LBC. However, that consent requires the developer to reinstate a boundary wall; clearly that would be at odds with the current intention to redevelop the site in line with the approval sought under planning application 11/02224/FUL. Accordingly this application for listed building consent is necessary to agree demolition without the previously agreed replacement boundary.

## **HISTORY**

11/02224/FUL: The erection of a pair of semi-detached houses - Pending consideration.

10/04796/LBC: Listed building consent granted for the demolition of garden shed and garage.

08/03982/FUL and 08/03983/LBC: Planning permission and listed building consent granted for demolition, alterations and extension to convert premises to form one unit of living accommodation.

06/01872/FUL and 06/01873/LBC: Planning permission and listed building consent refused for a barn conversion including part demolition and rebuilding.

05/02215/FUL: Planning permission refused for proposed erection of terrace of 3 no. dwellings.

05/02151/FUL: Planning permission refused for the proposed conversion and extension of existing outbuilding to form 1 no. three bed roomed dwelling.

05/01099/FUL and 05/01095/LBC: Planning permission and listed building consent granted to extend and convert existing outbuilding to form 2 bed dwelling.

## **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'

PPS 5: Planning for the Historic Environment is applicable. Applicants for listed building consent must be able to justify their proposals. They will need to show why works which would affect the character of a listed building are desirable or necessary. They should provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

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, as these policies are in accordance with PPG 15

## Relevant Development Plan Documents

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

South Somerset Local Plan 2006:

EH1 - Conservation Areas

EH2 - Demolition of Buildings in Conservation Areas

EH3 - Listed Buildings

EH4 - Demolition of Listed Buildings

EH5 - Development Proposals Affecting the Setting of Listed Buildings

## **CONSULTATIONS**

*Town Council*

12th September 2011 Recommend REFUSAL on the grounds of:

- A) Overcrowding on the site
- B) Insufficient parking space in a very narrow lane

11th July Recommend REFUSAL on the grounds of

- A) Overcrowding on the site
- B) Insufficient parking space
- C) Out of keeping with other properties in the vicinity and in the Conservation Area

*SSDC Technical Services*

No comments.

*SSDC Conservation Officer*

Thank you for your consultation on this application.

You will be aware that the site is within the curtilage of a listed building and in a conservation area.

The main issues are the setting of the listed building and the requirement to have regard to the desirability to preserve and enhance the conservation area (Sections 16 and 72).

You will recall that there have been detailed negotiations with both myself and Adron (Conservation Manager) in relation to the design and a number of options have been discussed. We are now at a point that we are happy with the proposal in relation to the setting of listed building and the conservation area.

Clearly there are a number of matters, which need to be conditioned to ensure a high quality development, and I would be happy to discuss these with you as necessary.

## **REPRESENTATIONS**

The application has been advertised by press and site notice for the requisite period. Between this application and the associated application for planning permission, there have been 8 letters of representation received from local residents. The points raised relate to the planning issues and as such are addressed in consideration of that application. No objections have been raised directly in relation to the works proposed under this application for listed building consent or in regard to the impact of the proposed development on the setting of the adjoining listed terrace.



## **CONSIDERATIONS**

This application is made for listed building consent for the demolition of structures on site prior to the erection of a pair of semi-detached dwellings, currently being considered under planning application 11/02224/FUL. Consent has recently been granted for the demolition of boundary walls and an outbuilding and replacement with a new boundary wall. These works, approved under consent 10/04796/LBC, had been commenced at the time of this application being received and all curtilage structures have now been demolished. A number of objections have been received in regard to the overall scheme of redevelopment. The points raised relate to the planning issues and as such are addressed in consideration of that application.

Saved policy EH2 of the South Somerset Local Plan states "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". Similarly, saved policy EH4 states "there is a general presumption in favour of the retention of listed buildings. Applications for the total or partial demolition of a listed building will not be permitted unless ... consideration has been given to the condition of the building and the cost of repair and maintaining it in relation to its importance and the value derived from its continued use".

In considering the principle of the demolition of the curtilage structures, the wall and buildings were in a dilapidated state and while being historic, had been altered significantly. It was considered that these structures were not of such importance that their loss would be damaging to the listed building. In this respect, it is considered that the loss of the outbuildings and the replacement of the boundary walls were acceptable in principle. The main concern is how the site will be left following demolition and whether this will adversely affect the setting of the adjoining listed building and the surrounding conservation area. The previous consent included the rebuilding of a new wall to contain a grassed area to the side of 6 Bowditch Row. This application is to allow the demolition but with an alternative scheme of redevelopment in line with the concurrently running application for planning permission.

The proposed scheme of redevelopment is considered to be acceptable as it relates to the character of the properties within the locality and has no detrimental impact on the setting and appearance of the conservation area or adjacent listed buildings. As such, there is no objection to the demolition of the curtilage structures. Therefore, the recommendation to Members is to grant planning permission subject to the conditions set out below.

## **RECOMMENDATION**

Grant consent with conditions.

## **JUSTIFICATION**

The proposed works are considered acceptable, do not adversely affect the character and setting or the historic and architectural interests of the Listed Building and both preserve and enhance the character and appearance of the conservation area, in accordance with the aims and objectives of PPS5, policy 9 of the Somerset and Exmoor National Joint Structure Plan Review and saved policies EH1, EH2, EH3, EH4 and EH5 of the South Somerset Local Plan 2006.

## **SUBJECT TO THE FOLLOWING:**

1. Notwithstanding the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 this consent shall be deemed to have been implemented on 21st September 2011 as prescribed by Section 8 of the above Act.

**Reason:** To comply with section 8 of the above Act.

2. Within 3 months of the date of this decision notice, all material resulting from demolition that is not to be reused in any redevelopment of the site shall be removed in accordance with a scheme, which shall be submitted to and agreed in writing by the Local Planning Authority. In the event that redevelopment does not commence within 6 months of the date of this consent the site shall be secured in accordance with a scheme of works for the making good of boundary treatments that shall have been submitted to and agreed in writing by the Local Planning Authority. Once implemented, such scheme shall be maintained until redevelopment commences unless otherwise agreed in writing by 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 conservation area and nearby listed buildings, in accordance with PPS5 and saved policies EH1, EH3 and EH5 of the South Somerset Local Plan 2006.

---

Area West Committee – 19th October 2011

**Officer Report on Planning Application: 11/03468/FUL**

<b>Proposal :</b>	The installation of a photovoltaic array in rear garden. (GR 345523/108204)
<b>Site Address:</b>	The Old Post Office Middle Street Misterton
<b>Parish:</b>	Misterton
<b>CREWKERNE TOWN Ward (SSDC Member)</b>	Mr M Best (Cllr) Mr J Dyke (Cllr) Mrs A M Singleton (Cllr)
<b>Recommending Case Officer:</b>	Chloe Beviss Tel: (01935) 462321 Email: chloe.beviss@southsomerset.gov.uk
<b>Target date :</b>	2nd November 2011
<b>Applicant :</b>	Mr John Richardson
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Other Householder - not a Change of Use

**REASON FOR REFERRAL TO COMMITTEE**

This application has been referred to the Area West Committee as the applicant is a Councillor of South Somerset District Council.

**SITE DESCRIPTION AND PROPOSAL**



The application property is The Old Post Office in Misterton. The two storey dwellinghouse is situated adjacent to The Globe Inn off Middle Street and within a conservation area.

The garden which serves the property is located to the rear (north) and is split into two sections. A courtyard with a garage is located immediately to the rear of the dwellinghouse on

the same level whilst steep stairs lead up to a parcel of grass which is significantly higher above. This slopes slightly towards the dwellinghouse and is bounded by fencing, a natural stone wall and a rough bank/wall to the rear which has mature trees and separates the garden from the fields to the north.

It is proposed to site a photovoltaic array of 16 panels (2 rows of 8) at the very top of the garden which benefits from an existing patio area. The panels will be arranged on railway sleepers on top of the existing patio slabs and will measure, in total, 8.15 metres wide and 2.02 metres high.

The applicant has confirmed that the array is a domestic installation and would not be used in association with any business use.

## **HISTORY**

No relevant history.

## **POLICY**

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

For the purposes of determining current applications the Local Planning Authority takes the view that the relevant development plan comprises, the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review and the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan (April 2000):

Policy STR1 - Sustainable Development  
Policy 9 - The Built Historic Environment

Saved policies of the South Somerset Local Plan (April 2006):

Policy EH1 - Conservation Areas  
Policy ST5 - General Principles of Development  
Policy ST6 - The Quality of Development  
Policy ST8 - Sustainable Construction

National Guidance:

PPS 1: Delivering Sustainable Development  
PPS 5: Planning for the Historic Environment  
PPS 22: Renewable Energy

South Somerset Sustainable Community Strategy:

Goal 8 - Quality Development  
Goal 10 - Energy  
Goal 11 - Environment

## **CONSULTATIONS**

*Misterton Parish Council*

We are in agreement that the installation of a photovoltaic array in the rear garden should proceed. We were assured that this would not be a commercial venture (Mr Richardson's company sell photovoltaic arrays) and is purely for private use.

*SCC Highways*

No observations.

*Area Engineer, Technical Services Department*

No comment.

*SSDC Conservation Officer*

There is an advice note from English Heritage on PV's, but no specific advice in relation to ground mounted systems within conservation areas. Therefore it would fall to the statutory duty to preserve or enhance, and the local plan policies.

I have seen your comprehensive set of photographs, and would comment that my view is that the proposal would not be detrimental to the conservation area.

*SSDC Landscape Officer*

Verbally confirmed no objections, the site is well contained.

## **REPRESENTATIONS**

Four neighbours notified and site notice posted. No representations received at time of writing report. Any comments received after this will be verbally reported at the committee meeting.

## **CONSIDERATIONS**

The main considerations in this case relate to the impact on the character and appearance of the conservation area, residential and visual amenity.

Principle of Development

PPS 22 (Renewable Energy) states: "Small scale renewable energy schemes utilising technologies such as solar panels, Biomass heating, small scale wind turbines, photovoltaic cells and combined heat and power schemes can be incorporated both into new developments and some existing buildings. Local planning authorities should specifically encourage such schemes through positively expressed policies in local development documents."

Whilst only holding limited weight the emerging 'South Somerset District Council Draft Core Strategy' has a chapter dedicated to Environmental Quality and Part 40 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 sets out which installations of domestic microgeneration equipment constitute permitted development. As such, the use of such small scale schemes is actively encouraged and supported although these decisions should be balanced against other relevant policies and guidance where there is planning control.

Residential Amenity

No representations have been received in respect of the proposal.

It is acknowledged that solar panels are specifically designed to absorb, rather than reflect solar radiation, thereby limiting the risk of glint and glare. Even so, the panels the subject of this application are sited significantly higher than neighbouring dwellinghouses, mostly at a level on par with the adjacent roofs and ridgelines, as such the risk of any glint or glare adversely affecting residential amenity is considered to be low.

#### Conservation Area and Visual Amenity

It is not considered the proposal will cause undue harm to the surrounding landscape or character and appearance of the conservation area. It will be sited at the northern most extreme of the property's garden which is well contained and screened by the existing boundary treatments. In addition, the layout of surrounding buildings will result in only restricted views of the array from public vantage points. The Council's Conservation Officer is of the opinion that the proposal will not be detrimental to the conservation area and the Council's Landscape Officer has no objections.

#### Conclusion

The proposal seeks to generate sustainable energy that is clearly supported in PPS22. By reason of its scale, siting and the existing boundary treatments, it is considered the character and appearance of the conservation area will be preserved and no adverse affects will be caused to the visual amenity of the area or residential amenity of neighbouring occupiers. This is considered in accordance with Policies EH1, ST5 and ST6 of the South Somerset Local Plan (2006), Policies STR1 and 9 of the Somerset and Exmoor National Park Joint Structure Plan (2000) and meets the aims and objectives of PPS 5 and PPS 22.

#### **RECOMMENDATION**

Approve with conditions.

#### **JUSTIFICATION**

The proposal, by reason of its siting and scale, will cause no adverse impact to residential amenity, will cause no detriment to visual amenity, will preserve the character and appearance of the conservation area and provide a sustainable form of energy, in accordance with the aims and objectives of Policies EH1, ST5 and ST6 of the South Somerset Local Plan (2006), Policies STR1 and 9 of the Somerset and Exmoor National Park Joint Structure Plan (2000), PPS5 and PPS 22.

#### **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:

- 1:500 Plan received 5th September 2011
- Installation Diagrams received 5th September 2011

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

3. If the solar equipment is no longer needed for microgeneration it shall be removed within three months of the cessation of its use.

**Reason:** To safeguard the character and appearance of the conservation area and visual amenity of the area in accordance with Policies EH1, ST5 and ST6 of the South Somerset Local Plan (2006) and the aims and objectives of PPS 22.