

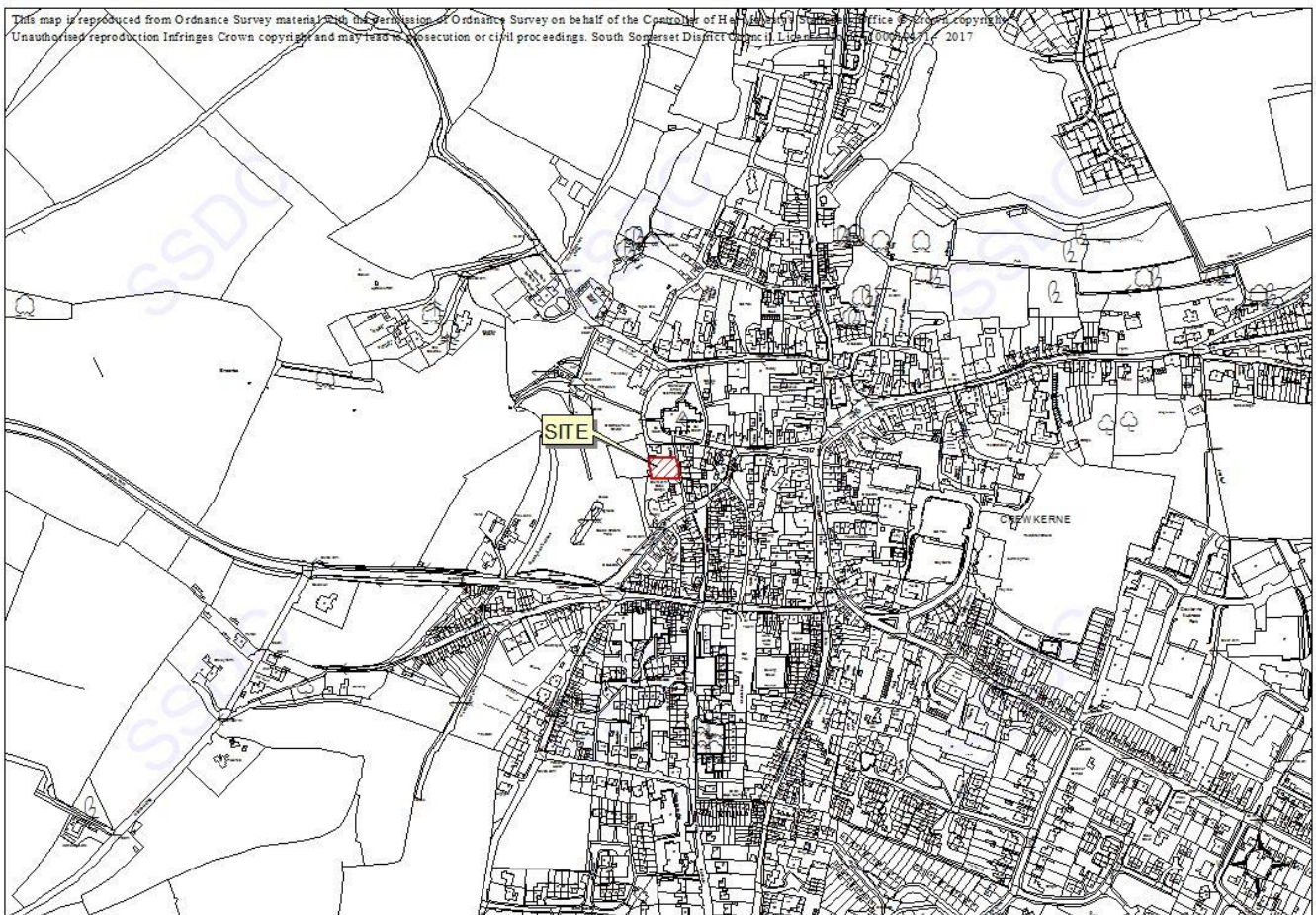
Officer Report On Planning Application: 17/03271/FUL

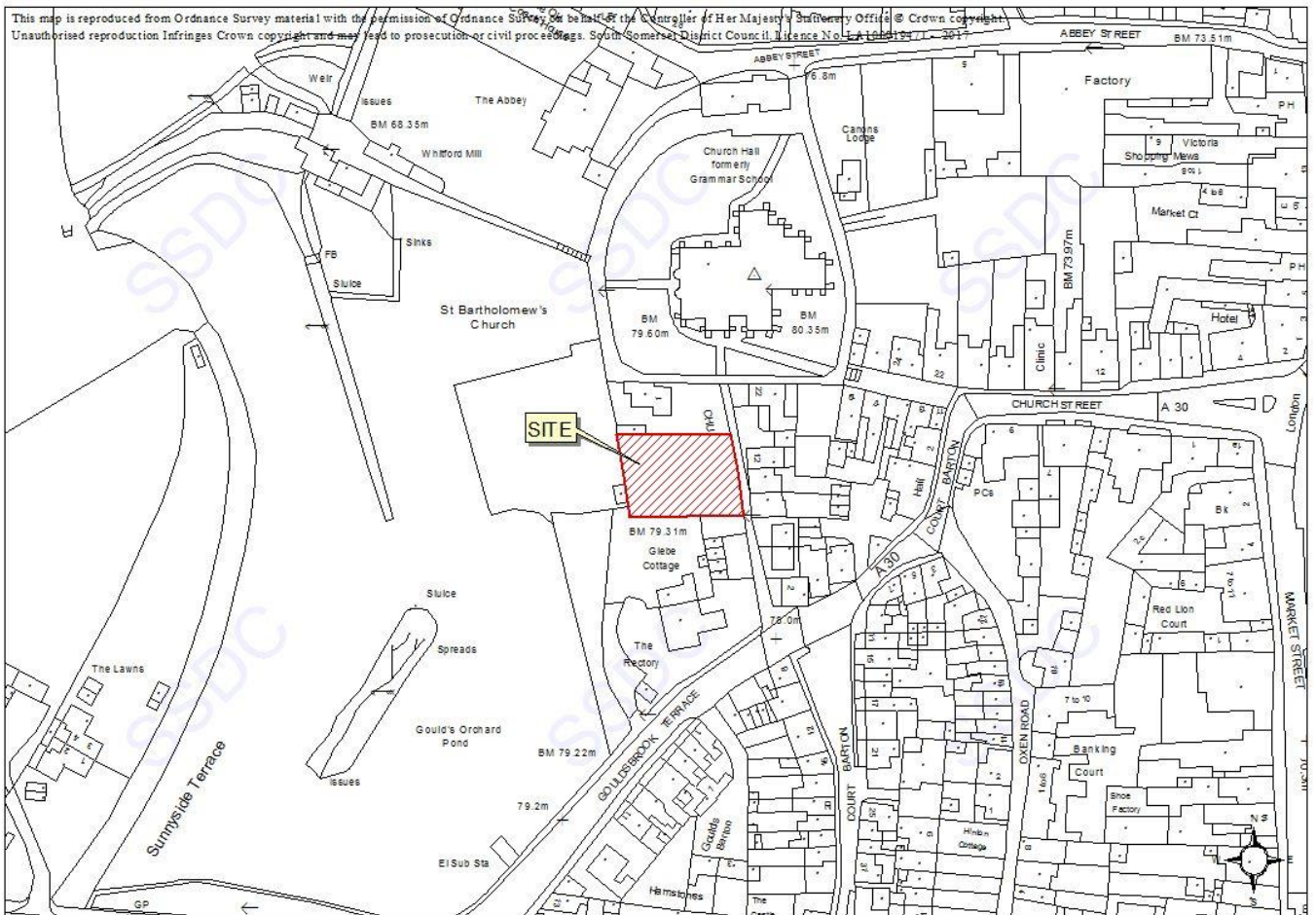
Proposal :	Demolition of existing dwelling and erection of replacement dwellinghouse
Site Address:	3 Church Path Crewkerne TA18 7HX
Parish:	Crewkerne
CREWKERNE TOWN Ward (SSDC Member)	Cllr M Barrett Cllr M Best Cllr A M Singleton
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	10th October 2017
Applicant :	Mr & Mrs B M Butt
Agent: (no agent if blank)	Mr Stephen Butt 11B Athenlay Road LONDON SE15 3EA
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred for Committee consideration at the request of the Ward Member with the agreement of the Area Chairman in order to allow the planning issues to be debated.

SITE DESCRIPTION AND PROPOSAL





The application property is a detached bungalow situated on Church Path (public footpath CH 33/68), to the east of Crewkerne town centre. The lane is of mixed character including both single storey and two storey dwellings of a mix of designs with the Grade I listed St Bartholomews Church situated at the north end of the lane and Grade II listed rectory (Manse Manor House) to the south of the site. The site is also situated within the Crewkerne Conservation area.

The application proposes the demolition of the existing bungalow and the erection of a replacement two storey dwelling to be constructed in natural stone (with some slate tile hanging at the rear) and a slate tiled roof. The plans have been amended to delete the first floor rear terrace and balcony and reduce the size of some of the openings on the rear elevation.

HISTORY

The bungalow was granted consent in the late 1950's and there have been no applications since its original construction.

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

South Somerset Local Plan 2006 - 2028:

Policies:-

SD1 - Sustainable Development

SS1 - Settlement Strategy

TA5 - Transport Implications of New Development

TA6 - Parking Standards

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

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 Planning Policy Framework (March 2012):

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and enhancing the historic environment

National Planning Practice Guidance:

- Design
- Conserving and enhancing the historic environment

CONSULTATIONS

Crewkerne Town Council:

In response to original application:

'recommend refusal on the grounds of loss of privacy and amenity.'

In response to amended plans:

'Council request that the consultation period be extended. If this is not possible their concerns are:

- 1. The potential loss of amenity space in the heritage setting*
- 2. The possibility of the owner adding a balcony at a later date.'*

Highways Consultant (SSDC):

'No highways issues on the basis that this is a like-for-like development. Seek to ensure that the level of on-site car parking provision accords with the Somerset Parking Strategy optimum standards.'

Conservation Officer:

Has verbally confirmed that he has no objection to the proposed dwelling and does not consider that the development would result in harm to the setting of the local heritage assets.

Historic England:

Advise that they do not wish to offer any comments and suggest that the views of the Council's specialist conservation and archaeological advisers are sought.

Rights of Way Officer (SCC):

Advise that Church Path is public footpath and any proposed works must not encroach on to the width of the public right of way.

Ecologist (SSDC):

Advise that the likelihood of bats being present is relatively low due to the age and condition of the bungalow but recommends an informative giving advice about what actions will be necessary if bats are found to be present in the structure.

Senior Historic Environment Officer:

'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.'

REPRESENTATIONS

One letter of objection was received in response to the original plans making the following comments:

- The proposal includes a second floor balcony, 2 large windows and 2 balcony doors 4 metres from neighbour's garden. Even if the balcony is removed the windows will remain.
- The windows and balcony will completely overlook garden and are unacceptable.
- Two storey property is a change to the existing roofline and will create a stronger 'corridor' feel to the view of the church. A single storey building would be preferable.
- A two storey building would detract from the view from the A30. Objections were raised to a new dwelling in this location due to the impact on this view.
- Object on the grounds of increased light pollution and views to the church.
- Object on the grounds of mass of the building and proximity to neighbour living and bedroom areas.
- Do not object to a replacement dwelling but consider it should be single storey not two storey.
- Replacement dwelling should be switched by 90 degrees to improve relationship with church and neighbour.
- Issue of large lime trees is currently being addressed; they need significant management or removal.

A further unsigned letter was received from 'the viewpoint of Cottages 6-12' which is concerned that the open aspect down the path to the church will be lost and there will be a loss of light to neighbours. Also concerned that the proposal could impact upon the agreement to halve the height of the lime trees on the boundary with the rectory as the balcony could impact upon privacy to the neighbour. Also refers to the conservation area.

CONSIDERATIONS**Principle**

This is an application for a replacement dwelling within the development area of Crewkerne and as such can be supported in principle.

Impact upon conservation area and setting of listed buildings

This application is for a replacement of the existing bungalow with a two storey dwelling. The new dwelling would be set on the existing building footprint which sits at the rear of the plot with parking at the front and a small garden at the rear. Whilst the proposal is for a two storey replacement, it is not considered that the new dwelling would be overly intrusive or disruptive to the setting of the heritage assets given it is set back in the plot and the area is of a very mixed character (the buildings to either side are two storey properties).

Therefore, in terms of the impact of the proposed development on the significance of the surrounding heritage assets (listed buildings and conservation area) (paras 131-134 of the NPPF), it is considered that the proposal would lead to less than substantial harm to the significance of the conservation area/setting of listed building and the limited harm that would result would be outweighed by the provision of a dwelling within a sustainable location.

The proposal is therefore in accordance with Policy EQ3 of the South Somerset Local Plan 2006-2028 and advice contained within the NPPF.

Residential Amenity

The plans have been amended in order to remove the rear terrace and balcony to address the concerns about overlooking of the neighbour's garden; the site is relatively unusual in that the adjacent garden wraps around the rear boundary of the application property. In addition, the applicant's agent has submitted section drawings indicating that any overlooking from the first floor windows would be ameliorated by the existing outbuildings within the neighbour's garden. As such, it is not considered that the proposal could reasonably be refused on the basis that it would result in unacceptable overlooking of neighbouring gardens. It should be noted that planning permission would be required to install a balcony, terrace or raised platform.

In terms of the loss of light to the cottages opposite, whilst it is recognised that a two storey dwelling would have an impact upon light availability it is considered that the distances from surrounding properties mean that any loss of light would not be so substantial as to justify refusal on such grounds.

With regard to the impact upon the property to the north (No.1 Church Path), again, there will be some impact due to the change from a single storey to a two storey property but the new property will be separated by a single storey garage and a drive and it is therefore considered that the impact would not result in demonstrable harm to neighbouring amenity.

In summary whilst it is accepted that the proposal will have some impact upon neighbouring amenity it is not considered that the impact would be of such significance as to justify refusal of the application.

Highway safety and parking

As noted by the Highways Consultant this is a one for one replacement with no change proposed to the access details. Ample turning and parking (at least three spaces) can be provided on the site and in the circumstances the proposal is considered to be acceptable in relation to highway safety and parking provision.

Summary

This is considered to be well designed house that will preserve the character and appearance of the conservation without resulting in harm to the setting of nearby listed buildings. The plans have been amended in order to address the concerns about overlooking and it is not felt that the overall impact of the new dwelling would result in demonstrable harm to neighbouring amenity. The plans included

appropriate provision of parking and existing access arrangements will remain.

RECOMMENDATION

Approve

01. The proposed development is considered to be acceptable in this location, and due to its size, design and position, will preserve the character and appearance of the conservation area and will result in less than substantial harm to the area's heritage assets and the public benefits of the scheme outweigh the harm. The proposal will cause no demonstrable harm to residential amenity, highway safety or ecology. As such the scheme is considered to comply with policies SD1, SS1, EQ2, EQ3, EQ4, TA5 and TA6 of the South Somerset Local Plan 2006-2028 and the aims and objectives of the National Planning Policy Framework (2012).

SUBJECT TO THE FOLLOWING:

01. 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.

02. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No.'s

006_100_A_01

006_500_N_01

006_50_A_01

006_100_O_01

006_200_A_01

006_50_A_02 Rev C

006_50_A_02 Rev C

006_100_A_02 Rev A

006_100_A_41 Rev A

006_100_A_42 Rev A

006_100_A_61 Rev C

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

03. No building operations above damp proof course level of the dwelling and garage shall take place until details of the materials to be used in the construction of the external surfaces (doors/windows/stonework/render/brick/roof finish) of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Stonework details shall be supported by a sample panel that shall be made available for inspection on site. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity and to accord with policy EQ2 of the South Somerset Local Plan.

04. Prior to the development hereby approved being first brought into use the first floor bathroom window in the north elevation shall be fitted with obscure glass (minimum level 3) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above

the floor of the room in which the windows are installed. Thereafter, the windows shall be permanently retained and maintained in this fashion.

Reason: In the interests of residential amenity and in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

Informatives:

01. The Rights of Way Officer (SCC) advises:

Any proposed works must not encroach on to the width of the PROW.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

[http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/.](http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/)

02. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk

03. There is a small possibility that bats could be using the existing roof void or parts of the roof structure for roosting (due to the close proximity to trees and open countryside). The presence of

droppings (with a crumbly/powdery texture and similar size to mouse droppings) usually indicates use by bats. Loose or slightly raised tiles may have bats roosting underneath or be a roost access point. If you know or suspect the presence of bats you should seek further professional advice before commencing work, to help conserve a beneficial species and to ensure compliance with wildlife legislation. Bat Conservation Trust helpline: 0845 1300228.

Particular care and vigilance should be taken when roof tiles are removed (remove by hand and check underside for bats before stacking, particularly the ones over the gable ends and ridge tiles.) Fascias, barge boards, flashing and external cladding may also provide roost opportunities for bats and should be disturbed with care. As a further precaution, undertaking roof work during the months of March to May, or September to November will avoid the main hibernation and breeding seasons when bats are most sensitive to disturbance.
