

## **Planning Committee – 16<sup>th</sup> April 2008**

### **Report of the Development Manager**

#### **Miscellaneous Item**

#### **49/2007/076 REDEVELOPMENT OF SHOP AND STORAGE/GARAGE TO FORM DWELLING WITH REPLACEMENT OF SHOPFRONT AT 24 SILVER STREET, WIVELISCOMBE.**

- 1.0 Planning permission was granted for the conversion of 24 Silver Street Wiveliscombe on 26<sup>th</sup> March 2007. During the works it became evident that the building was not in good structural order and the developer had to demolished a considerable amount of the building in order to make the building safe.
- 2.0 It was considered that due to the amount of demolition that had taken place it could no longer be considered as a conversion of an existing building.
- 3.0 Members will recall that Enforcement action was authorised on 5<sup>th</sup> September 2007 for the unauthorised demolition of the building within the Wiveliscombe conservation area
- 4.0 The owner continued with the demolition stating that elements of the structure needed to be removed due to a possible danger to adjoining properties and third parties.
- 5.0 The owner also stated that he had appointed an Architect to submit a new planning application for the re building of the property in order to over come the fact that the original planning permission was null and void. In view of this the serving of the Enforcement Notice was delayed.
- 6.0 The new application was submitted 18<sup>th</sup> December 2007 and was subsequently recommended for approval.
- 7.0 The application was presented to the Planning Committee on 13<sup>th</sup> February 2008 where members resolved that subject to the receipt of a satisfactory amended plan indicating the restoration of a rubble wall on the southern elevation of the building the Development Manager be authorised to determine the application in consultation with the Chairman, and if planning permission was granted the following conditions be imposed.
- 8.0 The required plans have not been received and the application has now been refused. However, the owner has continued with the construction of the property following the plans submitted with the application. .

## RECOMMENDATION

- 9.0 Members are asked to confirm that they wish the resolution for enforcement action to be amended to relate solely to the need for rubble walling in line with their resolution on the planning application.

The Committee report and minute are attached for members information.

Contact Officer: John A W Hardy 01823 356479

## **THE COMMITTEE REPORT**

49/2007/076

MR D TAYLOR

**REDEVELOPMENT OF SHOP AND STORAGE/GARAGE TO FORM DWELLING WITH REPLACEMENT OF SHOPFRONT AT 24 SILVER STREET, WIVELISCOMBE AS AMENDED BY AGENTS LETTER RECEIVED 16TH JANUARY 2008 AND ACCOMPANYING BLOCK PLAN AND ALSO AS AMENDED BY...**

308195/127862

FULL

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### **PROPOSAL**

The proposal relates to the redevelopment of what was previously a shop and dwelling into a dwelling with additional living accommodation, with the shop front removed. The proposal was previously approved under an application to convert the property, however the Design and Access Statement submitted with this application states that as the project approved got underway it became apparent that parts of the existing structure were impossible to maintain, and as such it was viewed the project became a redevelopment of the site rather than the approved conversion. The scheme submitted under this application proposes to redevelop the building along similar plans to those already approved.

Amended plans have been requested from the agent to simplify the proposed scheme by omitting the brick quoin and plinth detailing on the front elevation and by using a better quality brick for the remaining brickwork.

### **CONSULTATIONS AND REPRESENTATIONS**

CONSERVATION OFFICER – No objection subject to receipt of amended plans with different brick and omission of brick detailing on front elevation.

COUNTY HIGHWAY AUTHORITY – Previous comments and recommended conditions equally apply: - No objections subject to conditions.

PARISH COUNCIL – Objects to the proposal due to: loss of vernacular features at the property; modern detail design inappropriate, e.g. shutters, brick quoins, metal railings; more sympathetic design required.

WIVELISCOMBE CIVIC SOCIETY – Commented on the use of brickwork on the street and side entrance elevations where there used to be a rubble finish, not brickwork. Wiveliscombe is a stone, slate and render town and these vernacular materials ought to be used in any renovation. It is also noted that other materials such as wrought iron railings and shutters are proposed, these

are not replacements but new works and in this conservation area appropriate materials should be used.

FIVE LETTERS OF OBJECTION – Have been received, raising concern over: treatment of adjacent property walls/party walls suffering from damage following the redevelopment work that has already taken place; stone and brick from the original building have not been reclaimed and have been taken away in skips; works should not have been carried out without planning permission; use of brick quoins and plinth are inappropriate; building was not unstable and did not require demolition; application does not propose any archaeological investigation; use of render in a conservation area is not appropriate; the bricks currently being used are of very poor quality; development does not preserve or enhance the conservation area; ornamental shutters and steel balustrade are inappropriate; the application states the road is tarmaced when it is cobbled; level of intrusion is increased by having a balcony; material to be used for the window has not been specified and could therefore be uPVC;

## **POLICY CONTEXT**

Policies relevant to this application include:

PPS1 – Delivering Sustainable Development & PPS3 – Housing  
Taunton Deane Local Plan Policies S1, S2, EN14 and M4

## **ASSESSMENT**

The site is located in a sustainable town centre location and therefore the principle of redeveloping to residential use is considered acceptable. The proposal does not result in an increase in the number of residential units but would provide additional accommodation to what was an existing dwelling. The removal of the shop front to facilitate the redevelopment to residential is often frowned upon but in this case the shop front was dilapidated to such an extent that it was not worthy of retention. The use of ornamental shutters is something that the Local Planning Authority has very little control over, and could be added to the building as permitted development. Subject to the receipt of amended plans regarding the front elevation on the building, the redevelopment works are sympathetic to the building and the balcony is designed so as not to overlook the neighbouring garden to the north. If the committee is minded to approve the proposal, the retention of the cobbled access and the use of timber windows can be conditioned, and the agent/applicant will be advised of the provisions of the Party Wall Act. The proposal will therefore not detrimentally affect the visual and residential amenity of neither the area, nor the character and appearance of the Conservation Area. The recommendation should also be subject to comments from the County Archaeologist.

## **RECOMMENDATION**

Permission be granted subject to the receipt of amended plans and comments from the County Archaeologist, and with conditions of time limit, materials

(samples to be submitted), timber windows, rooflights, garage use only, footway obstructions and cobbled access. Note re Party Wall Act and that Conservation Area consent is required for the demolition works despite being retrospective.

**REASON(S) FOR RECOMMENDATION:**

The site is in a sustainable location within the town centre and comprises the conversion of an existing building. The proposal is considered not to have a detrimental impact upon visual, residential amenity or the character and appearance of the Conservation Area and therefore does not conflict with Taunton Deane Local Plan Policies S1, S2, EN14, M4 and PPS3.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: 356469 MISS C NUTE**

NOTES:

## MINUTES FROM PLANNING COMMITTEE 13 FEBRUARY 2008

### 13. REDEVELOPMENT OF SHOP AND STORAGE/GARAGE TO FORM DWELLING WITH REPLACEMENT OF SHOP-FRONT AT 24 SILVER STREET, WIVELISCOMBE (49/2007/076)

Reported this application.

Resolved that subject to the receipt of a satisfactory amended plan indicating the restoration of a rubble wall on the southern elevation of the building, the Development Manager be authorised to determine the application in consultation with the Chairman and, if planning permission was granted, the following conditions be imposed:

- (a) M0001A—time limit;
- (b) C101 — materials;
- (c) C654A — windows;
- (d) The proposed roof lights hereby approved, shall be of a conservation design only, that is flush fitting to the roof plane;
- (e) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), the use of the garage hereby permitted shall not be used other than for the parking of domestic vehicles, cycles and refuse bins and not for further residential accommodation or any other purpose whatsoever;
- (f) No doors, gates or low level windows/utility boxes/down pipes, shall obstruct footways and/or shared surfaces. The highway limits shall be limited to that area of footway/carriageway clear of all private service boxes, inspection chambers, rainwater pipes, vent pipes, meter boxes (including wall mounted), and steps.

(Notes to applicant:- (1) Applicant was advised that under the Party Wall Act 1996, the building owner is responsible for providing temporary cover to adjacent buildings and properties that are exposed. The building owner is responsible for making good any damage caused by the works or must make payment in lieu of making good if the adjoining owner requests it; (2) Applicant was advised that Conservation Area consent is also required for the demolition works despite being retrospective; (3) N1 12 — energy conservation.

Reason for planning permission, if granted: The site was in a sustainable location within the town centre and comprised the conversion of an existing building. The proposal was considered not to have a detrimental impact upon visual or residential amenity or the character and appearance of the

Conservation Area and therefore did not conflict with Taunton Deane Local Plan Policies S1, S2, EN 14, M4 and Planning Policy Statement No 3.