

Officer Report on Planning Application: 14/05104/FUL

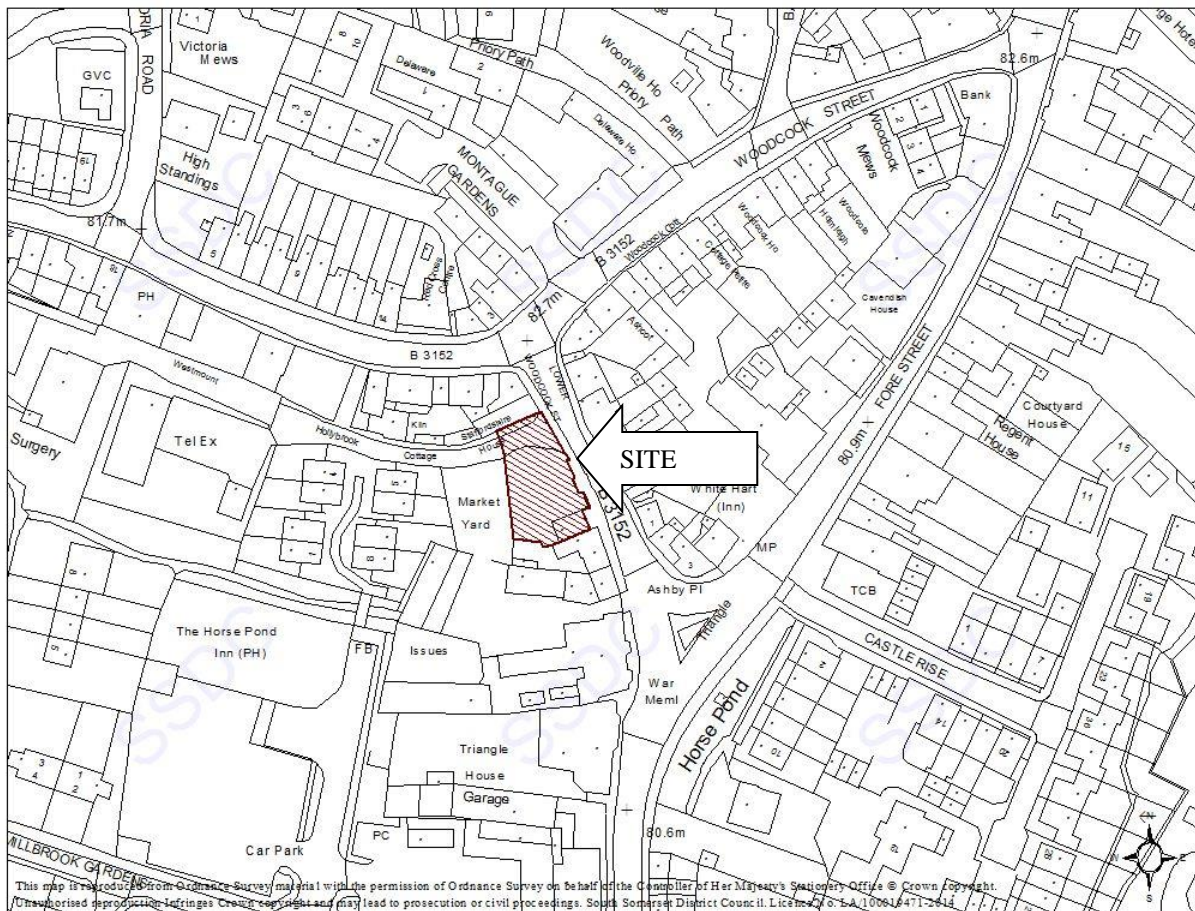
Proposal :	Demolition of retail unit and erection of 3 terraced house with associated parking (GR 363998/132247).
Site Address:	Land Adjacent To Dunster House Woodcock Street Castle Cary
Parish:	Castle Cary
CARY Ward (SSDC Member)	Cllr N Weeks Cllr H Hobhouse
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	7th January 2015
Applicant :	Mrs H Merrifield
Agent:	Val Russell Architects The Old Rectory, Yarlington Wincanton,BA9 8DN
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL

The application is before the committee at the request of the ward member, with the agreement of the area vice chair, to enable local concerns to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The proposal seeks permission for the demolition of an existing retail unit and for the erection of a terrace of three dwellings with associated parking. The existing property consists of a single storey attached retail unit, formerly a public toilet, and an associated private car park.

The proposed terrace would be of two and half storey construction. The building would be finished in natural stone, with a plain tiled roof and painted timber window frames. The site is located close to a variety of residential properties and a public house. The site is located within a development area and a conservation area as defined by the local plan, and is close to grade II listed building.

HISTORY

13/04348/FUL - Replacement of defective roof lantern with new rooflights in the plane of the roof - Application permitted with conditions 11/12/2013

98/02669/FUL - The reconstruction and enlargement of existing store/workshop to rear of shop - Application permitted with conditions 07/01/1999

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.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

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

Policy MC4 - Other Uses in Town Centres
Policy ST5 - General Principles of Development
Policy ST6 - The Quality of Development
Policy EH1 - Conservation Areas
Policy EH5 - Setting of Listed Buildings

National Planning Policy Framework

Chapter 1 - Building a Strong, Competitive Economy
Chapter 2 - Ensuring the Vitality of Town Centres
Chapter 7 - Requiring Good Design

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments
Goal 4 - Services and Facilities
Goal 8 - High Quality Homes

CONSULTATIONS

Castle Cary Town Council - Objects on the grounds of the loss of the retail unit, insufficient parking and outside space. They suggest two dwellings would be more appropriate. They state that any development needs to be strictly in keeping with the local environment and needs to be dwellings of a cottage style.

County Highway Authority - Refers to standing advice

SDDC Environmental Protection Unit - No comments

SCC Archaeology - No objections

Wessex Water - Notes that new water supply and waste water connections will be required from Wessex Water. They state that separate systems of drainage will be required and that no surface water connections will be permitted to the foul sewer system.

SDDC Economic Development Officer - Initially raised a concern regarding the loss of the retail premises effectively forcing the closure of an existing business. On the receipt of further confidential information from the applicant he made the following comment:

"I am now in receipt of a detailed explanation of the circumstances surrounding the financial situation relating to Dunster House, Castle Cary. I am now comfortable that the applicant has worked favourably with the tenant over a very long period, to the point that significant renovation works are now required. I have had sight in confidence of correspondence relating to the remedial works and have concluded that the tenant has been effectively financially supported by the landlord. My original concern was associated to the displacement of a business in Castle Cary. Whilst I am no longer objecting to this application which will if approved remove this business premises, I would encourage the tenant to engage with the Economic Development service to see if an alternative location can be found from which to trade.

SSDC Conservation Officer - Notes the application is to recreate the historic frontage of Lower Woodcock Street, which it is known from photographs used to have dwellings in a similar position, demolished in the 1960s. He considers that the proposed plans will likely enhance the character of the area, reinstating housing on both sides of the street. He states that the 1930s toilet block is of some interest in respect of the growth and development of Castle Cary but that its removal would not be too harmful to the character of the conservation area. He initially raised some concerns as to detailing, but was satisfied that his concerns had been addressed through the submission of amended plans. He offers his full support to the scheme subject to conditions to control:

- Detail of the external materials to be used
- Details of the stonework
- Details of the doors, windows, boarding, lintels and openings
- Details of the window recessing
- Details of the roof eaves, verges, abutments and rainwater goods
- Details of services to the properties
- Relevant landscaping conditions

SSDC Area Development Officer - Suggests that the preservation of a retail element in the scheme would be desirable. They note the findings of shop surveys they have carried out and conclude that the turnover of retail units in Castle Cary is lower than many other towns and uptake of vacant units tends to be quicker. They note that the unit is not especially attractive, but that there is an incumbent business, which has been there for some years.

REPRESENTATIONS

One letter of support was received from the occupier of a property in Galhampton, and one from the occupier of a property Castle Cary. Support was raised on the grounds that it would restore an attractive part of the town and would screen the inappropriate wooden houses to the rear which are out of keeping.

Letters of objection were received from the occupiers of four properties in Castle Cary, one from an accountancy business based in a neighbouring property, and from the occupier of a property in Wraxall. Objections were raised on the following grounds:

- The toilet building is part of the town heritage and is within a conservation area.
- Why would new dwellings be appropriate, when a UPVC door was not considered acceptable.
- The height of the dwellings will result in a loss of light to the objector's properties to the north side of the access lane and on the opposite side of the street and would be overbearing and out of character with the surrounding area.
- Stringent conditions should be applied to ensure that the buildings are in keeping with the character of the area.
- Are new dwellings necessary given the level of existing and proposed dwelling in the town?
- The existing thriving business would be forced to close down and the proprietor would lose his livelihood. The loss would be a detriment to the town.
- The lack of parking will exacerbate an existing difficult parking situation.
- Retail premises are in short supply and have been made worse by a recent loss close to the site.
- The proposal represents overdevelopment of the site, which will not enhance the status or character of the conservation area.
- The area is currently used for dustbins and there is a question as to where they would be stored in the future.

- The proposed terrace would be town houses rather than cottages as on the opposite side of the road.
- The building on of the currently unpaved area could exacerbate existing flooding issues.
- The proposed property would overlook the objector's property.
- The proximity of the proposed properties to the pavement will exacerbate existing problems.
- The vertical emphasis of the proposed properties would be at odds with the prevailing horizontal emphasis on neighbouring properties.

CONSIDERATIONS

History and Principle of Development

The site is within the development area of Castle Cary, close to a variety of services, facilities, and employment opportunities. As such the site is considered to be a sustainable location for residential development.

As highlighted by the town council and neighbouring occupiers the proposal represents the loss of an existing retail unit, which is currently tenanted by a local business. The site is located within the town centre of Castle Cary but outside the primary shopping frontage as designated by the local plan. As such, saved policy MC4 of the local plan is relevant, which states that residential uses will be permitted except "*...where proposals will create a concentration of such uses where the cumulative impact would be harmful to the vitality and viability of the centre.*" Chapter 2 of the NPPF is also relevant as it seeks to ensure that the vitality of town centres is retained wherever possible. The SSDC Economic Development Officer was consulted as to the potential impact on the vitality and viability of the town centre. He was initially concerned regarding the impact of the development on the current tenant of the property, but on the receipt of additional information from the applicant he stated that he was satisfied that the applicant has worked favourably with the tenant over a very long period, to the point that significant renovation works are now required. Having had sight in confidence of correspondence relating to the remedial works he concluded that the tenant has been effectively financially supported by the landlord. In any case, there is no local or national planning policy that protects individual business owners, just policies that seek to protect the vitality and viability of town centres. Therefore, whilst the area development team would prefer to see an element of retail retained within the scheme, there is no evidence that the loss of this single retail property on the edge of the town centre would have a demonstrable impact on the viability and vitality of the town centre as a whole. Furthermore, there is no evidence that the provision of three dwellings in this this location would lead to such a concentration of residential properties that there would be a cumulative impact, which would be harmful to the vitality and viability of the centre.

Notwithstanding local concerns in relation to the principle of development, it is therefore concluded that the loss of a single retail premises and the introduction of three new residential units is acceptable in this location in accordance with saved policy MC4 of the local plan and the aims and objectives of the NPPF.

Visual Amenity

The SSDC Conservation Officer was consulted as to the impact on the character of the conservation area and the setting of the nearby listed building. On the receipt of amended plans and additional information form the applicant he was content with the impact of the proposal, subject to a variety of conditions to control the detailing of the scheme.

Local concerns were raised as to the loss of the existing public toilet building. However, whilst the conservation officer was mindful that the toilet block is of some interest in respect of the growth and development of Castle Cary, he concluded that its removal would not be too harmful to the character of the conservation area. Similarly local concern was raised as to the design of the proposed building. However, the proposed buildings are considered to satisfactorily reflect local vernacular, and will at least preserve the character of the conservation area.

As such, notwithstanding the various concerns raised as to the impact on the visual amenity of the area, the proposal is considered to preserve the character of the conservation area and have no adverse impact on the setting of the listed building in accordance with saved policies EH1, EH5, ST5, and ST6 of the local plan.

Residential Amenity

The area is fairly tightly grained in terms of built form, and as such the provision of three dwellings in this location will inevitably have an impact on the residential amenity of adjoining occupiers. Concerns have been raised that due to the height of the proposed building, there will be an overbearing and overshadowing impact on properties to the north of the access lane and properties on the east side of Lower Woodcock Street. Whilst there will be a degree of overshadowing due to the position of the proposed building relative to these properties, the impact will be somewhat limited. The properties to the north would be approximately 13 metres away from the gable end of the proposed, whilst the properties to the east would be closer at approximately 8.5 metres, the roof will be sloping away and therefore the highest point would be another 3.5 metres away from the impacted properties. It is therefore considered that the impact from overbearing and overshadowing would not be significant enough to warrant refusal of the scheme.

A concern has been raised regarding the potential for the proposed dwellings to overlook neighbouring properties. There are no first floor windows to the side elevation proposed so overlooking from this elevation is unlikely. The rear elevations of the proposed buildings will face towards the rear elevations of the existing Market Yard dwellings. However, the facing first floor windows would be approximately 25 metres apart and, as such, any overlooking impact in this direction is unlikely to be significant. The properties on the opposite side of the street are far closer, being around 8.5 metres between facing windows. However, this overlooking would consist of front elevation to front elevation windows across a busy street, where full privacy cannot be expected and the situation would not be unusual in a town centre location.

As such, notwithstanding the local concerns regarding the impact on residential amenity, it is considered that the proposal will not cause demonstrable harm to the residential amenity of neighbouring occupiers in accordance with policy ST6 of the South Somerset Local Plan.

Highways

The highway authority was consulted and referred to their standing advice. Their standing advice is not relevant in terms of visibility splays, as the proposed access is onto a private drive. In any case the proposed dwellings are likely to generate a similar number of vehicle movements to the existing use, as confirmed by the highway authority by their reference to standing advice. The proposal does represent a loss of parking provision and does not meet the requirements of the Somerset Parking Strategy in terms of parking provision. For the use of the proposed 3 dwellings and the existing dwelling which currently uses the car park it is proposed to provide 4 parking spaces, compared to the 10 spaces required by the Somerset Parking Strategy (based on 4 x 2.5 spaces). Whilst, this is a significant under-provision of

spaces, it must be recognised that the site is located within a town centre location, close to a free public car park. As such, the impact on highway safety from the reduced parking provision is considered to be less than severe. It can therefore be concluded that the proposal is considered to accord with the aims and provisions of the NPPF in regards to highways impact.

Other Matters

A local concern has been raised that the paving of the existing car park could exacerbate existing flooding problems in the area. However, the site is not an Environment Agency flood zone, and there is no evidence to suggest that the loss of a modest area of gravel to housing, parking and gardens would create any increase in surface water run-off. The issue can be adequately controlled at the buildings regulations stage.

A concern has been raised that the area is currently used for bin storage and these bins will have to be displaced elsewhere. However, the proposed dwellings would have adequate external space for their own bin storage, and it cannot be for the applicant to provide a bin storage space for third parties.

Conclusions

The proposed dwellings are considered to be acceptable in principle, and to cause no demonstrable harm to residential amenity or the setting of the nearby listed building and would be in keeping with the character of the area. Accordingly the proposal is considered to comply with policies EH1, EH5, ST5 and ST6 of the South Somerset Local Plan and the aims and objectives of the NPPF.

RECOMMENDATION

Permission be granted for the following reason:

01. The proposal is considered to be acceptable in this location and, by reason of its size, scale and materials, respects the character of the conservation area, and causes no demonstrable harm to residential amenity or the setting of the nearby listed building in accordance with the aims and objectives of Policies EH1, EH5, ST6 and ST5 of the South Somerset Local Plan (Adopted April 2006) and the aims and provisions of the NPPF.

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: 1404-2 received 10 November 2014, and 1404-1A and 1404-3A received 08 December 2014

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

03. No work shall be carried out on site unless 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. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.)

Reason: In the interests of visual amenity and in accordance with policies ST5, ST6, EH1, and EH5 of the South Somerset Local Plan.

04. No work shall be carried out on site unless full details the new natural stonework walls, including the materials, coursing, bonding, mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing; this shall be supported with a sample panel to be made available on site and approved in writing by the Local Planning Authority. 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.

Reason: In the interests of visual amenity and in accordance with policies ST5, ST6, EH1, and EH5 of the South Somerset Local Plan.

05. No work shall be carried out on site unless details of the design, materials and external finish for all new doors, windows, boarding, lintels 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. The sash windows hereby approved shall be traditional weight balanced type, not spring balanced, unless otherwise agreed in writing by the LPA.

Reason: In the interests of visual amenity and in accordance with policies ST5, ST6, EH1, and EH5 of the South Somerset Local Plan.

06. 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: In the interests of visual amenity and in accordance with policies ST5, ST6, EH1, and EH5 of the South Somerset Local Plan.

07. 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 all new guttering, down pipes, other rainwater goods, and external plumbing shall be 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 visual amenity and in accordance with policies ST5, ST6, EH1, and EH5 of the South Somerset Local Plan.

08. 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 visual amenity and in accordance with policies ST5, ST6, EH1, and EH5 of the South Somerset Local Plan.

09. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of local amenities in accordance with policies St5 and ST6 of the South Somerset Local Plan.

10. The area allocated for parking on the submitted plan, drawing no. 1404-1A received 08 December 2014 shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles used in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.