

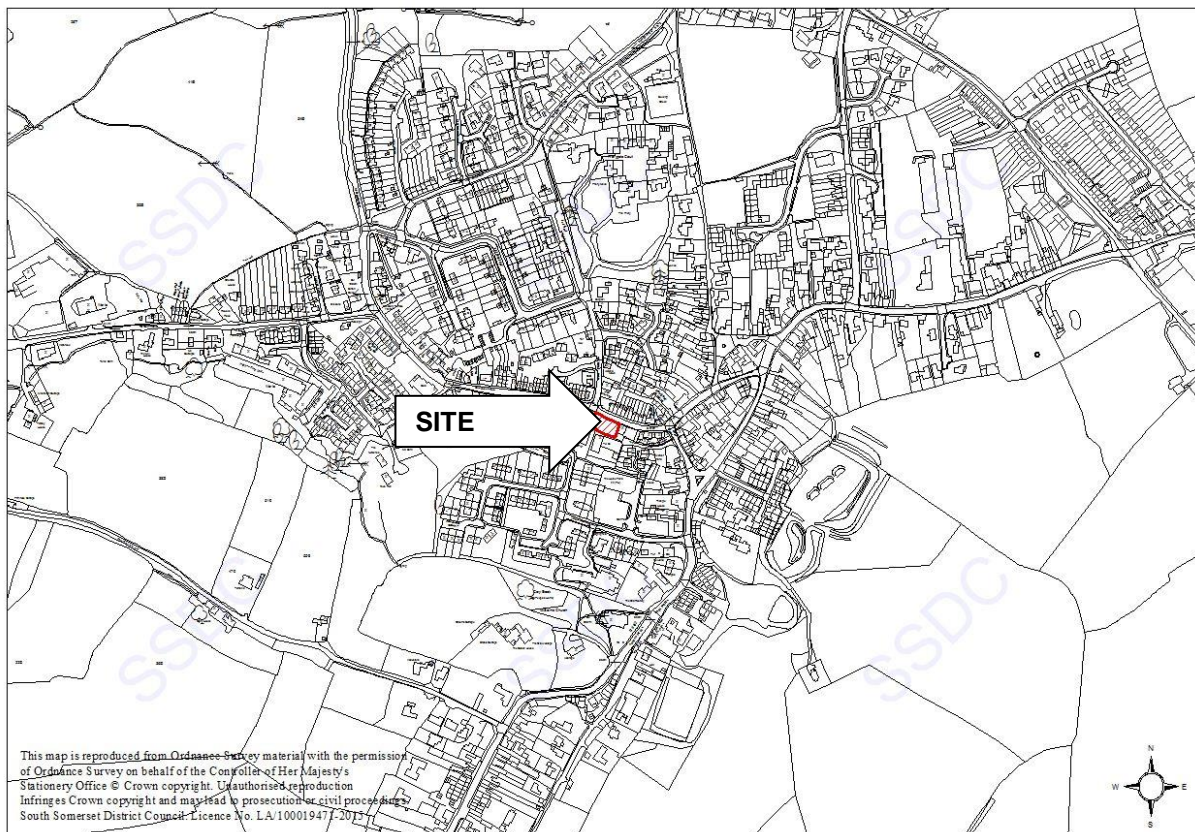
Officer Report on Planning Application: 15/03371/S73A

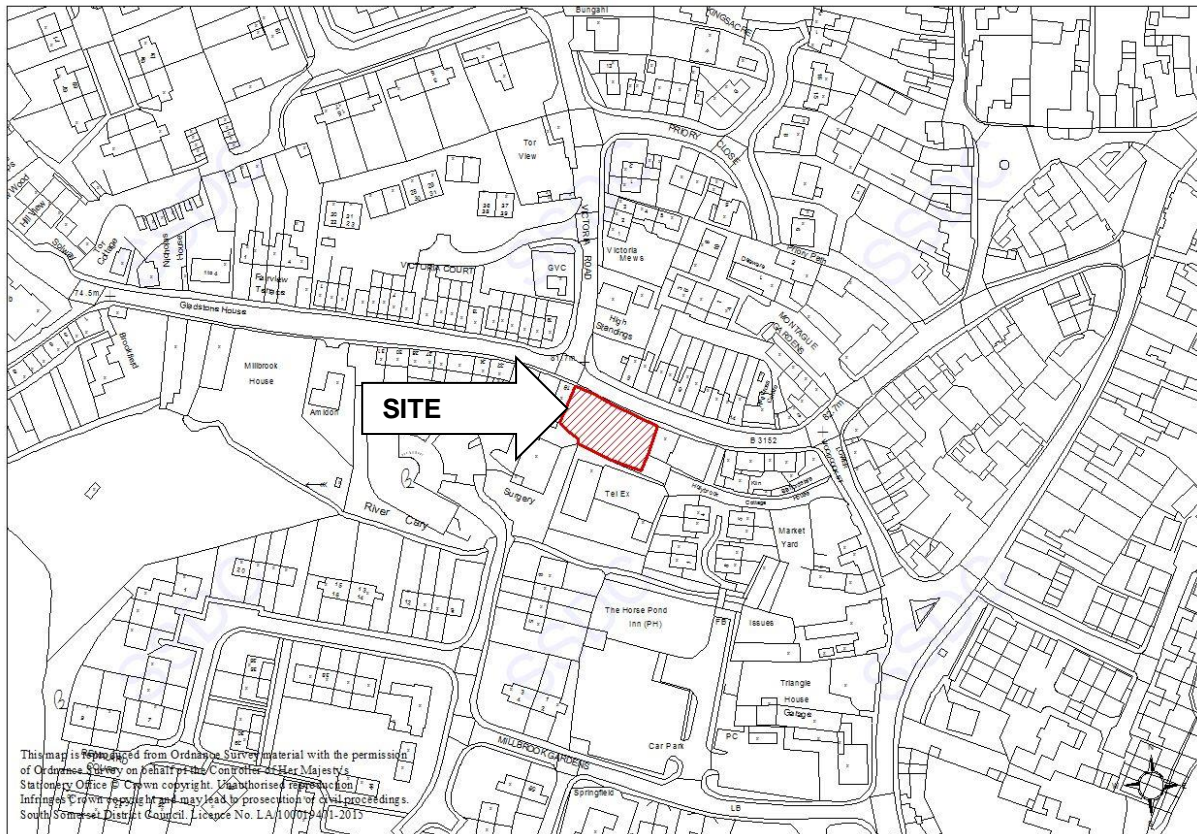
Proposal :	Section 73A application to vary planning condition 06 of approval 11/00822/FUL to allow the substitution of plans to regularise that which has been built. Reconfiguration of Plot 1 to provide rear access and private garden following relocation and increased width of footpath (GR 363901/132292).
Site Address:	The Two Swans, Station Road, Castle Cary
Parish:	Castle Cary
CARY Ward (SSDC Members)	Cllr Nick Weeks and Cllr Henry Hobhouse
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	16th September 2015
Applicant :	Mr Malcolm Beaton
Agent: (no agent if blank)	Miss Joanna Fawcett 16 Lansdowne Place Wincanton, Somerset BA9 9FB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the committee at the request of the Ward Member(s) with the agreement of the Area Vice Chairman to enable the comments of the Town Council to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The site is located on the south side of Station Road, in close proximity to the centre of the town. The 2011 (ref: 11/00822/FUL) planning permission was for a part conversion involving the former public house and a new build to form a terrace of three dwellings, including a footpath connecting Station Road with the surgery site. The pub building was subsequently demolished although its replacement has not been built in accordance with the approved drawings resulting in this application.

Application is made to vary the condition 6 of planning permission, ref: 11/00822/FUL to allow the substitution of plans to regularise what already has been built. This includes the reconfiguration of plot 1 to provide rear access and private garden, and additional first floor space on which a new rear (south elevation) opening is inserted. A single roof structure replaces the more interesting roofscape of the original. Development continues on the wider site. The terrace of three is yet to be commenced.

HISTORY

15/00781/S73A - Section 73A application to remove condition 5 of planning permission 14/02956/S73A and replace approved drawings TC1102/2B with 107.00.10 to allow a relatively level 1400mm wide footpath access to Millbrook Surgery from Station Road, Approved.

14/02956/S73A - Section 73A application to vary condition 6 of planning permission 11/00822/FUL and replace approved drawings TC1102/2a & TC1102/3a - Approved. OFFICER Note: The drawings show skylights within the terrace and second floor plans.

11/00822/FUL - Alterations and the change of use of public house into 2 dwellings and the erection of a terrace of 3 dwellings - Approved 4/03/2013

09/01209/FUL - Alterations and the change of use of public house into 2 No. dwellings and the

erection of a pair of semi-detached dwellings - withdrawn

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 -Sustainable Development

SS1 - Settlement Strategy

EQ2 - General Development

National Planning Policy Framework - March 2012

Chapter 1 - Building a strong competitive economy

Chapter 6 - Delivering a choice of high quality homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

National Planning Practice Guidance

CONSULTATIONS

CASTLE CARY TOWN COUNCIL are unanimous in their view not to support the application on the following grounds:

- The elevation is not aesthetically pleasing; too asymmetrical and is not sympathetic to the original historic building,
- Roof line is inappropriate and deviates from agreed plan
- Roof tiling choice is not in keeping with original building.

COUNTY HIGHWAY AUTHORITY: No objection.

REPRESENTATIONS

None

CONSIDERATIONS

The main consideration in dealing with this application is the replacement building's design. The current proposal involves a third section 73A type application; the latest in a sequence of such applications. Each stands alone and all can be traced back to the original 2011 (ref: 11/00822/FUL) permission. Each builds on the last with the resultant need to bring forward previous planning conditions, as appropriate, and to up-date and revise them accordingly. Where an application is not submitted with previously agreed details, in this case, for example, the mechanism for the footpath's on-going maintenance, the previous planning condition(s) can be re-attached as part of the process.

The replacement building is nearing completion. This shows, as viewed from the roadside, a single roof structure, and at the rear (south elevation) additional first floor, floor space that results in a new opening where previously there was none that now looks out onto the adjacent recently completed development of the former surgery site.

The alterations made to the roof results in a first floor window in the east elevation that is poorly related to the resulting roof junction over. This elevation has a number of differences to what was originally envisaged, including a much lighter porch structure by comparison with the more stolid porch that was previously present. Despite this the east elevation is part shielded by the adjacent terraced dwellings once these are erected.

Neighbour notifications have not resulted in any objections, although the Town Council takes issue with the resulting built form. The new roof clearly has an impact on the design whose historic character is all but lost. The roof's jumbled appearance added so much more character although the site is not part of the Conservation Area and the resulting changes therefore attract less weight in opposing them. The roof can be viewed from the roadside, however the alterations within the east elevation, as mentioned above, would not be so easily viewed.

While the Town Council's response is noted and it would be preferable to see the public house re-built to accord with the extant planning permission, the predominant visual harm is largely to be screened by the adjacent terraced housing. The roadside elevation is changed with the loss of the separate roof structures that are replaced by a single pitch slope to the roadside. This new building would be seen set between the terraced cottages on either side. In consequence the proposal is considered to be acceptable and should be supported.

Planning conditions are re-attached and/ or up-dated, as appropriate.

RECOMMENDATION

Approve

01. The proposed development is of an appropriate design, scale, massing and appearance that would respect the character and appearance of the locality. The lack of on-site car parking is acceptable in this town centre location and the footpath can be delivered by condition. As such the proposal complies with Policy EQ2 of the South Somerset Local Plan, 2006-2028, and the NPPF.

SUBJECT TO THE FOLLOWING:

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 4/03/2013.

Reason: To comply with Section 73A of the Act.

02. Within 1 month of the date of this permission, particulars of all boundary treatments and hard surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. Once approved such details shall be fully implemented unless otherwise agreed in writing by the local planning authority.

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

03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension or outbuilding shall be erected without the prior express grant of planning permission.

Reason: To safeguard visual and residential amenity in accordance with policy EQ2 of the South Somerset Local Plan, 2006-2028.

04. Within 1 month of the date of this permission full details of the siting, design, materials and mechanism of on-going maintenance of a footpath across the site, as indicated in the submitted site layout 107.00.10 received 22 July 2015, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling unit hereby approved shall be occupied until such footpath has been constructed in accordance with the approved details, whereafter the footpath shall be retained and maintained.

Reason: In the interests of securing pedestrian access directly to Station Road and to accord with Policy EQ2 of the South Somerset Local Plan, 2006-2028, and the NPPF.

05. The development hereby permitted shall be carried out in accordance with the following approved plans: 107.00.00F; 01A, 02; 05C; 10A and 11A received 22.07.2015, and 107.02.00; 107.00.04b; and 107.01.00 received 28.09.2015; and external details note submitted as part of the application.

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