

Area North Committee – 25 January 2012

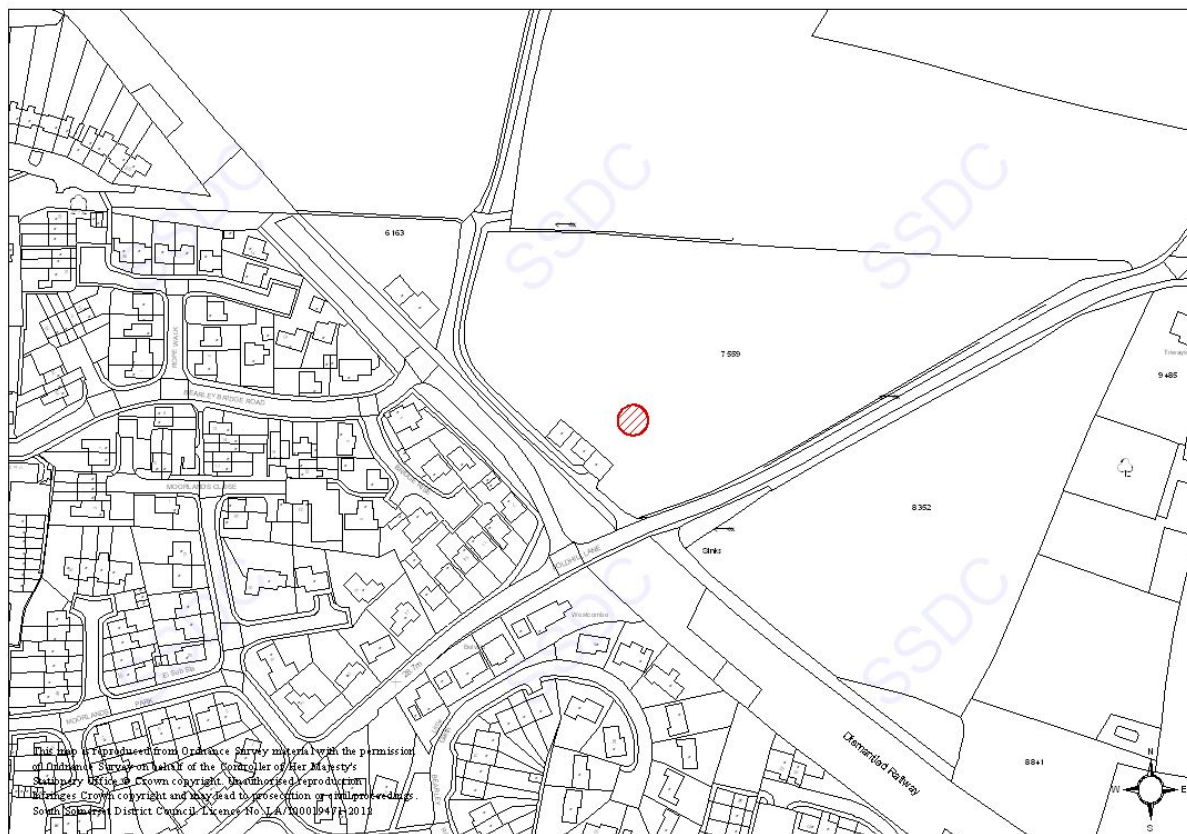
Officer Report On Planning Application: 11/04330/FUL

Proposal:	The erection of a fountain (retrospective) (GR: 346746/119597)
Site Address:	La Fontana Care Home, Foldhill Lane, Martock
Parish:	Martock
MARTOCK Ward (SSDC Members)	Mr G H Middleton (Cllr) Mr Patrick Palmer (Cllr)
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date:	28th December 2011
Applicant:	Mr Nunzio Notaro
Agent: (no agent if blank)	Boon Brown Architects (FAO: Mike Payne) Motivo, Alvington, Yeovil Somerset BA20 2FG
Application Type:	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee, at the request of the ward member and the area vice-chair, as the opinion of the Parish Council and objections from the occupiers of a neighbouring property are contrary to the officer recommendation.

SITE DESCRIPTION AND PROPOSAL



The proposal seeks retrospective permission for the erection of a fountain. The property is a single and two storey care home for dementia patients, finished in brick and timber cladding with a sedum roof and metal window frames. The building is located close to various residential properties and open countryside. The fountain is constructed of white painted concrete. The property is not located within a development area as defined by the local plan.

HISTORY

10/04663/FUL - The erection of brick walls and piers to entrance of care home - Application permitted with conditions 21/01/2011

10/04664/ADV - The display of two top-illuminated wall-mounted signs - Application permitted with conditions 28/01/2011

10/03440/FUL - Change of use of land for the keeping of animals ancillary to adjacent care home and erection of associated barn and landscaping - Application permitted with conditions 15/09/2010

10/02960/FUL - The erection of timber barn and paddocks together with associated landscaping works - Application withdrawn 13/08/2010

09/00128/FUL - The erection of a specialist dementia care home, together with associated vehicular and pedestrian access and landscaping - Application permitted with conditions 18/09/2009

07/01176/FUL - Erection of a church building - Application permitted with conditions 06/06/2007

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 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 Review 1991-2011:

Policy STR1 - Sustainable Development

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

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

National Guidance

PPS1 - Sustainable Development

PPS3 - Housing

South Somerset Sustainable Community Strategy
Goal 3 - Healthy Environments
Goal 4 - Services and Facilities
Goal 8 - High Quality Homes

CONSULTATIONS

MARTOCK PARISH COUNCIL - At a recent meeting of the Parish Council members agreed not to recommend the above planning application for approval. Members considered that the fountain was inappropriate for the position and too large for the site. Furthermore, members objected to the colour of the fountain and that it was not in the original plans.

COUNTY HIGHWAY AUTHORITY - No observations

AREA ENGINEER - No comment

REPRESENTATIONS

Two letters of objection received from the occupiers of nearby property. The objections were raised on the grounds that the fountain is not in keeping with the character and heritage of Martock.

CONSIDERATIONS

The proposed fountain is not considered to be of a design and materials that is characteristic of the settlement of Martock. However, neither are the buildings of the care home that form the context in which the fountain is located. The fountain is not prominent when viewed from outside the site and the site is located on the edge of the settlement. As such, and notwithstanding the objections of the parish council and the occupiers of a nearby property, the proposed fountain is not considered to cause such harm to the character of the area that a refusal of planning permission is justified.

It is not considered that the proposal will have any impact on residential amenity.

Accordingly the proposal is considered to comply with policies ST5 and ST6 of the South Somerset Local Plan.

RECOMMENDATION

Permission be granted for the following reason:

01. The proposal, by reason of its size, scale and materials, causes no demonstrable harm to residential or visual amenity in accordance with the aims and objectives of Policies ST6 and ST5 of the South Somerset Local Plan (Adopted April 2006) and Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan.

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 01 June 2011.

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