

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 8 April 2015 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 12 and 18 March 2015 (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 38/14/0394 Erection of 2 No. detached bungalows with garages and the erection of 1 No garage to serve the existing property in the grounds of 1 Wheatleigh Close, Taunton
- 6 05/14/0059 Reserved matters for outline application 05/13/0011 for a residential development on land adjoining Sherlands, Stonegallows, Bishop's Hull (resubmission of 05/14/0025)
- 7 42/14/0070 Change of use of land from agricultural to parking area at the Barn, Middle Sweethay Farm, Trull
- 8 43/14/0137 Erection of a terrace of 4 No. Two bedroomed cottages and a terrace of 3 No. Two bedroomed cottages on land to the rear of the former Three Cups, Fore Street, Wellington
- 9 43/15/0004 Variation of condition No. 04 (restricted opening hours) of 43/14/0103 at 20 Mantle Street, Wellington
- 10 The latest Appeals and decisions received

29 April 2015

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: www.tauntondeane.gov.uk



Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email r.bryant@tauntondeane.gov.uk

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Planning Committee Members:-

Councillor R Bowrah, BEM	(Chairman)
Councillor S Coles	(Vice-Chairman)
Councillor J Allgrove	
Councillor C Bishop	
Councillor E Gaines	
Councillor C Hill	
Councillor M Hill	
Councillor L James	
Councillor I Morrell	
Councillor J Reed	
Councillor P Tooze	
Councillor P Watson	
Councillor A Wedderkopp	
Councillor D Wedderkopp	
Councillor G Wren	

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors Coles, A Wedderkopp and D Wedderkopp
- Employee of Somerset County Council – Councillor Mrs Hill
- Employee of UK Hydrographic Office – Councillor Tooze
- Clerk to Milverton Parish Council – Councillor Wren

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Taunton Deane Borough Council

Planning Committee 8 April 2015

Application 38/14/0394 – land at 1 Wheatleigh House, Taunton Erection of two detached bungalows with garages and the erection of one garage

Report of the Legal Services Manager

1. Executive Summary

This report requires the Committee to revisit its decision of 12 March 2015 in respect of application 38/14/0394 to address a procedural and administrative issue which was brought to officers' attention following the meeting.

2. Background

On 12 March 2015, the Committee resolved to grant planning permission for a development proposal (ref 38/14/0394) at 1 Wheatleigh House, Taunton, consisting of the proposed construction of two detached bungalows with garages and the erection of a single garage to serve the existing property.

Prior to the meeting, each Member of the Committee had been sent a copy of a letter from the applicant's agent to the planning case officer (dated 6 March 2015), together with an artistic impression of the appearance of the proposed development. All Members present at the 12 March meeting declared that they had received this letter.

On considering application 38/14/0394 the Committee resolved that permission should be granted, with their reasons for this decision being that the harm which would be caused to the listed building was less than substantial, and was outweighed by the public benefit which the development would bring in the form of the delivery of this type of accommodation in a highly sustainable location close to the town centre and other facilities.

3. Details

On 13 March 2015 an email was received by the Council's Legal Services Manager, as sent by Matthew Frost of Boon Brown Planning. Mr Frost had attended the Committee on 12 March to make oral representations on behalf of objectors to the proposal.

Mr Frost stated that he had not previously been aware of the content of the 6 March letter from the applicant's agent, as this had only appeared on the Council's website on the morning of 13 March, i.e. after the meeting.

Mr Frost had some concerns about the letter – specifically relating to the accuracy or otherwise of the artistic impressions of the development proposal – and stated that if he had had sight of these drawings in advance of the meeting, then he would have wished to include representations about these drawings in his overall submissions to the Committee.

The Legal Services Manager has considered this submission from Mr Frost, and has advised officers that as the letter of 6 March was specifically addressed to the Council as local planning authority (and was hand delivered to the Council by the applicant's agent on that same date), then it is necessary to provide Mr Frost – representing his clients – with an opportunity to address the content of this letter and its accompanying documents in further representations to the Committee prior to the application being formally determined.

On this basis, this Committee is asked to receive further representations from Mr Frost – together with any submissions which the applicant's agent may wish to make – and to determine application 38/14/0394 having also taken account of these representations.

4. Finance Comments

None

5. Legal Comments

None other than those set out in the main body of this report

6. Links to Corporate Aims

None

7. Environmental and Community Safety Implications

None

8. Equalities Impact

None

9. Risk Management

As local planning authority exercising statutory powers, the Council should ensure that applications for planning permission are determined in a manner which reflects the requirements of natural justice and good administration,

10. Partnership Implications (if any)

None

11. Recommendations

The Committee is requested to reconsider application 38/14/0394 in the light of the content of this report, and to determine the application, also taking into account (in addition to the other matters previously considered on 12 March) any further representations received at the meeting

Contact: Roy Pinney, Legal Services Manager
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05/14/0059

SHERLANDS HEIGHTS LTD

RESERVED MATTERS FOR OUTLINE APPLICATION 05/13/0011 FOR A RESIDENTIAL DEVELOPMENT ON LAND ADJOINING SHERLANDS, STONEGALLOWS, BISHOPS HULL (RESUBMISSION OF 05/14/0025)

Location: LAND ADJOINING SHERLANDS, STONEGALLOWS, BISHOPS HULL

Grid Reference: 319792.123658

Reserved Matters

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. Prior to the commencement of the development hereby permitted, protective fencing shall be installed in the location indicated on drawing 11213/54 rev D to protect the trees along the western site boundary. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

2. The materials proposed for use in the development hereby approved shall be as stated on drawing 11213/54 rev D with the exception that the roof material for plots 3, 5 and 7 shall be Redland 50 Double Roman (colour Breckland Brown) unless otherwise agreed in writing by the Local Planning Authority. The approved materials shall be installed prior to the occupation of the dwellings hereby permitted and shall thereafter be maintained as such.

Reason: To ensure an appropriate choice of materials in the interests of the amenity of the area.

3. The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes,

surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure an appropriate highway design in the interests of highway safety.

4. Prior to their installation, full details of the proposed materials of the porches/porticos for plots 5, 6 and 8 shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwellings to which they relate and shall thereafter be maintained as such.

Reason: To ensure the use of appropriate materials in the interests of the visual amenities of the area.

Notes to Applicant

PROPOSAL

This application seeks approval of reserved matters for the erection of 8 dwellings pursuant to outline planning permission 05/13/0011. The application proposes 8 large dwellings as envisaged in the outline planning permission set in substantial plots with areas of woodland planting to help assimilate the development into the area.

The development would be accessed from the public highway to the north by realigning it to enter the site, with the 'through' road continuing to the west via a new junction from the realigned road. Again, this was envisaged by the outline planning permission.

SITE DESCRIPTION AND HISTORY

The site is a large open site in an elevated location. It commands long views to the north and south through breaks in the trees. Since the grant of outline planning permission the site has been separated from Sherlands in the northwestern corner and the equestrian paraphernalia has been removed.

The east boundary of the site borders existing dwellings on Stonegallows, and the site appears slightly higher than these dwellings. There are numerous trees in the rear gardens. Boundaries are mainly hedges, but there is also some post and wire and timber fencing.

The site drops down to the southwest corner, where there is substantial tree planting – including some new trees – along this southern boundary. Off the site boundary, the site drops away steeply to the rear to a neighbouring dwelling 'The Lodge'. A first floor window in this dwelling is just visible facing east, approximately level with the ground level on the site.

Rumwell Park sits of the west site boundary, screened from the site in part by dense vegetation and trees.

Outline planning permission was granted in 2013 for the erection of 8 dwellings on the site. It also required improvements to the junction of Stonegallows with the A38; these works have now been completed.

A reserved matters application was refused earlier this year for the following reasons:

1. The proposed development is considered to be poorly designed. The area is characterised by large dwellings that sit in substantial plots but share a common building line and relationship with the highway. The proposed development pays no respect for this pattern of development, and is detrimental to the overall character and appearance of the area.

The detailing of the individual dwellings is considered to be poor and incoherent. Insufficient attention has been paid to the external appearance of the buildings or their relationship to one another and the proposed street and it is considered to be unacceptable by reason of the proposed scale, proportions and ad-hoc detailing of the dwellings.

It is, therefore, contrary to Policy DM1 of the Taunton Deane Core Strategy and would not lead to sustainable development within the meaning of the National Planning Policy Framework.

2. Plot 4, due to its design, massing and siting would have an unacceptably overbearing impact on 62 Stonegallows, detrimental to the amenities of that dwelling, contrary to Policy DM1 of the Taunton Deane Core Strategy.
3. Insufficient information has been submitted in respect of surrounding ground and proposed site levels to demonstrate that the proposed development would not have an adverse impact upon the visual amenities of the area or the setting of Rumwell Park. It is, therefore, considered to be contrary to Policy CP8 of the Taunton Deane Core Strategy and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. Insufficient information has been submitted in respect of the potential impact on existing trees on the western site boundary. Any impact upon these trees could make the development more visually prominent when viewed from the west and

impact upon the setting of Rumwell Park. It is, therefore, considered to be contrary to Policy CP8 of the Taunton Deane Core Strategy and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BISHOPS HULL PARISH COUNCIL - Bishops Hull Parish Council objects to the proposal on the grounds that the reasons for refusal on the previous application (05/14/0025) have not been overcome. In particular, there is concern that the proposed development would have an adverse impact upon the visual amenities of the area and the setting of Rumwell Park. Furthermore, it is considered that the Council's concerns with the previous application, particularly with regard to the size, design and location of the proposed dwellings close to the boundary, have not been adequately addressed.

LANDSCAPE – Query why the existing opening cannot be used to access the site. The breach in the hedgeline will impact on the character of the lane. Notes discrepancies in plot numbering.

If granted, recommends a condition to protect existing trees on site. Proposed new trees are satisfactory, but full details (Latin names and sizes) are required.

SCC - TRANSPORT DEVELOPMENT GROUP - There is no objection in principle however technical approval will be required and APC (Advance Payments Code) will apply. The developer will be given the opportunity to enter into a section 38 agreement.

The proposal provides detail on the internal layout of an estate road with outline planning permission. The developer has entered into a S278 agreement with the Highway Authority and the junction of Stonegallows Lane with the A38 has subsequently been improved. The agreement further details highway works where the proposed estate road forms a junction with Stonegallows Lane; drawing number 4166/11 includes the layout proposal with this arrangement shown at the northern end of the site.

With regard to the proposed layout as indicated on submitted drawing number **4166/11**: The visibility splays at each point of access will require visibility splays of 2.4m by 25m. Visibility through the bend in front of plots 7 and 8 will also be required and the proposed planting will obstruct this.

The Local Highway Authority (LHA) is not able to maintain grassed verges that fall within the prospective public highway boundary, however the visibility will need to be secured. A comprehensive planting schedule will be required and also a commuted sum will be payable by the developer. Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made up carriageway. Trees are to be a minimum distance of 5.0m from

buildings, 3.0m from drainage/services and 1.0m from the carriageway edge. Root barriers of a type to be approved by the LHA will be required for all trees planted within the highway.

The proposed internal estate road is to take the form of a shared surface carriageway. SCC requires that shared surface carriageways are constructed out of block paviors and not bituminous macadam. The maximum permitted gradient for block paved carriageways should be no steeper than 1:14.

An adoptable 25m forward visibility splay (based on anticipated vehicle speeds of 20mph) will be required across the inside of the carriageway bend between plots 7 and 8. There shall be no obstruction to visibility within the splay that exceeds a height greater than 600mm above adjoining carriageway level and the full extent of the splay will be adopted by this authority.

Recommends conditions requiring further details of the highway detailed design and construction and that the roads and footpaths are constructed prior to the occupation of the dwellings to which they relate.

WESSEX WATER – No comments received.

DRAINAGE ENGINEER – No drainage details are included in this application and therefore at this stage I cannot make any observations. Details need to be forwarded for approval. Please see previous comments on application 05/14/0025.

BIODIVERSITY – There is no wildlife strategy submitted with the application and so I am unable to make detailed comments.

If permission is granted I would like to see some biodiversity gain in the form of bird and bat boxes. Prior to any development, the site should be checked for any evidence of badgers.

ENVIRONMENT AGENCY – No comments received.

HERITAGE – No comments received.

Representations

4 letters of OBJECTION raising the following comments:

- Two large properties would obscure views from 60 Stonegallows.
- The development would be overpowering on the area.
- There is no boundary treatment indicated on the boundary with existing properties.
- Existing properties would be disturbed by visual impact, noise and an invasion

of privacy.

- The development is bound to affect wildlife in the area.
- There is already too much development around Taunton.
- The site is directly adjacent to Rumwell Park – a Grade II listed building.
- Given that the landscape impact was, in part, justified by the mature tree belt on the western boundary, it is concerning that there is no arboricultural statement with the application, nor any method statement to ensure their protection during construction.
- Plots 5 and 6 appear to be within the Root Protection Area of the mature trees. Harm to the trees would increase the visual impact and harm the setting of Rumwell Park.
- During autumn, there is clear intervisibility between the site and Rumwell Park. Views of dwellings, outbuildings or domestic paraphernalia would be harmful to the setting of the listed building. The boundary treatment for plot 6 is particularly relevant; close boarded fences to plots 5 and 6 would be particularly harmful.
- Section drawings should be provided clearly showing the relationship with Rumwell Park, given the substantial levels differences.

10 letters of SUPPORT raising the following comments:

- The new layout and design has addressed previous concerns over plot 1.
- Plot 4 has been re-drawn and is further from the neighbour.
- The designs have changed to be more in keeping with surrounding properties.
- The new highway layout onto the A38 is a great success.
- The new site layout is excellent and will enhance the feel of an exclusive development, in keeping with the general feel of the area.
- The layout is far better than a straight road with houses all in line.
- Existing designs on Stonegallows are all unique and mixed. The varied design and proportions are varied enough to fit in well with surrounding houses.
- The quality of the proposal is higher than most housing developments.
- Support development for a limited number of high quality houses.
- Interested in buying the proposed houses. Executive housing in Taunton is difficult to find.
- The non-linear design has enabled fewer windows to overlook the neighbouring properties.
- Local support means that the planning officer should withdraw any objections or refer the application to the planning committee.
- The houses are of a distinctive design and would enhance the area.

Within the context of broad support, one of the above letters noted:

- That there should be a coherence in design and materials used throughout.
- That the proposals were already much larger than proposed at outline stage and with the addition of permitted development rights, could become very large.
- Construction times should be limited to avoid disruption.

PLANNING POLICIES

EN1 - Landscape and Biodiversity,
EN11 - TDBCLP - Special Landscape Features,
EN12 - TDBCLP - Landscape Character Areas,

LOCAL FINANCE CONSIDERATIONS

Not applicable to this reserved matters application.

DETERMINING ISSUES AND CONSIDERATIONS

This application seeks approval of reserved matters relating to the development of 8 dwellings. The main issues in the consideration of the application relate to those matters – layout, scale, appearance, access and landscaping – and the impacts arising from these particularly in relation to the general character of the area, impact on neighbouring amenity and the setting of Rumwell Park, a grade II listed building. Here Section 66 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard is paid to the desirability of preserving the listed building, its setting and any features of historic or architectural interest when deciding whether to grant planning permission.

Reserved matters have previously been refused for this site for the 4 reasons given above. In deciding the acceptability of this application, then, it must be considered whether the previous reasons for refusal have been overcome. In this regard, it is considered that the second reason relating to neighbouring impact has been addressed by amendments to the design. Indeed, the occupier of the property adjacent to plot 4 no longer raises any objection to the proposal. The issues surrounding the other three reasons will be considered below.

Design matters

As with the previous application, this application proposes a development of large dwellings, all of which are intended to look different to one another. In principle, it is accepted that the area is characterised by a number of different housing styles and types and there is no objection in principle to a continuation of this general ethos. The layout of the proposed development has been designed with the dwellings set informally, which does not particularly represent the area. The agent has indicated that his client wishes to provide an informal development, but this does not justify it in terms of local context. That said, the development will be a cul-de-sac and will only be seen from within the development itself rather than as a wider area or street scene. In this context, it is not considered that this alone is sufficient to warrant refusal of the application.

There were previously concerns in respect of the detailed design of the dwellings. It is true that there are a variety of differing building styles and materials in the area, but this is a product of very slow incremental growth over the last 80 years or so, with most dwellings probably being designed by a different designer in response to the prevailing architectural trends of the time, albeit that very few of them are

particular architectural statements or 'fine' examples of their type. This application, is proposing 8 dwellings to be built together, designed by the same designer but which have little architecturally in common with each other.

In considering the previous application, it was considered that the designs of the proposed dwellings were so poor as to warrant refusal of the application. The designs were incoherent and displayed architectural detailing that did not relate well to the overall form of the dwellings themselves. This application proposes a significant dilution of the detailing and since its original submission, further minor amendments have been made to the detailed design and appearance of a number of the dwellings. Window configurations have been changed and the overall result is that most dwellings now appear more coherently designed and well balanced. In the very mixed context of the overall area and again with regard to the fact that this is an individual cul-de-sac of development it is considered that the proposed designs do not cause harm to the overall character of the area.

With regard to these matters, it is now considered that the dwellings are acceptably designed and will not detract from the character and appearance of the area.

The Highway Authority have raised some concerns about planting within the site that may obscure some forward visibility around the bends in the estate road. Given that this estate road is serving just 8 dwellings, it is not considered that this is of significant concern. Importantly, the landscape strategy was agreed at outline stage and the significant amounts of landscaping are required to prevent the development from having an unacceptable visual impact. Therefore, it is considered that the landscaping should be provided as indicated on the drawing.

The Local Highway Authority have also suggested that the road should be finished in block paving rather than tarmac. This is considered to be inappropriate for this area and would result in a very suburban development. It is considered that tarmac is a far more appropriate material for the surfacing of the estate road in terms of the visual impact of the development.

Levels, the relationship with Rumwell Park and wider visual amenity issues

The third reason for refusal of the previous application related to the inadequacy of levels information and of information regarding trees.

In terms of the setting of Rumwell Park, the site sits on a higher level and is separated from the listed building by a mature belt of tall trees. At outline stage, it was considered that this landscaping would mean that the countryside setting of Rumwell Park would be preserved. The original outline application was supported by detailed landscape analysis that demonstrated that it would not be prominent in the landscape when viewed from the north and also when travelling along the A38 from the west. Given that the main setting of Rumwell Park is from the west, as seen against the backdrop of trees on the site boundary, it is considered that the setting of the listed building would be preserved, provided that the existing and proposed landscaping is planted/retained.

The current application proposes some very large and bulky buildings. This application now provides detailed level information and indicates that the dwellings

would be constructed broadly at level with the new estate road – which would follow the existing ground level through the centre of the site. The result is that dwellings on the western side of the site would be built up out of the ground on their western extent and there would be a substantial amount of underbuild/fill on the Rumwell Park side of these dwellings. Therefore, at its western (downhill) end, plot 6 would be set with its floor level around 1.5m above ground level. Plot 5 would be 1m and plot 7 1.65m above ground level on their western extent. The level change for plot 6 is compounded by the fact that the building, some 20.5m in length is running across the slope in the hillside.

Whilst your officers consider that there may still be scope for a reduction in levels, the agent has given a detailed explanation of how the levels have been arrived at. Given the existing and proposed tree cover along the western boundary, it is not considered that reducing the levels by a metre or so would significantly alter the impact upon the setting of the listed building nor the wider setting of the site when viewed from the A38.

An arboricultural assessment has now been provided. Unfortunately, the plan provided with the assessment does not appear to correctly plot the trees, nor are the root protection areas (RPAs) drawn as detailed in the report – they are larger on the plan than the required measurements stated. The arboricultural consultant has subsequently confirmed that the maximum RPA required is in fact 12m, so provided that there is a barrier during construction works 12m from the western site boundary, the trees would not be affected by the development. An amended plan has also been received indicating the proposed ground raising for plot 6 in order to safeguard the trees. Given that the arboricultural consultant has written separately confirming that he considers that a 12m protection barrier is appropriate, it is considered that the development would adversely affect the trees provided that this protection is put in place.

Other matters

The Biodiversity Officer has made comments regarding a lack of wildlife survey. The impact on wildlife was considered at outline stage and a condition imposed requiring a strategy to protect wildlife. Since she provided her comments, that information has now been provided and the condition has been discharged. A similar situation exists with the landscaping scheme, which is controlled by condition on the outline planning permission. Appropriate details have now been agreed and the scheme must be implemented in the first planting season following the commencement of the development.

Conclusions

The amendments that have been made to the designs are considered to overcome the previous reasons for refusal and will not give harm to the overall character and appearance of the area. There is now sufficient information to be able to assess the proposed levels. Whilst these are considered to be high, given the existing and proposed tree cover (which has now been shown to be unaffected by the proposals) it is not considered that the setting of Rumwell Park will not be adversely affected, nor will the wider visual amenities of the area. It is, therefore, recommended that

reserved matters are approved.

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

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

42/14/0070

SWEETHAY DEVELOPMENTS LTD

CHANGE OF USE OF LAND FROM AGRICULTURAL TO PARKING AREA AT THE BARN, MIDDLE SWEETHAY FARM, TRULL

Location: MIDDLE SWEETHAY FARM, SWEETHAY LANE, TRULL,
TAUNTON, TA3 7PB

Grid Reference: 320631.121309

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A3) DrNo 01 Rev A Location and Site Plans

(A4) Location Plan

(A1) DrNo BR/03 Proposed Floor Plans

(A3) DrNo BR/03 Proposed Floor Plans (Parking Spaces)

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

3. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out and shall not be used other than for the parking of vehicles in connection with the holiday let unless otherwise agreed in writing by the LPA.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with retained Policy M4 of the Taunton Deane Local Plan.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

PROPOSAL

Planning permission is sought for the formation of a parking area to the front of the building. Amended plans have been submitted which show two parking spaces to be provided.

SITE DESCRIPTION AND HISTORY

The site comprises an attached stone building, formally a barn and currently used as a holiday let.

Under application 42/11/0018 (change of use to a holiday let) condition 07 ensured the provision of two parking spaces to serve the development. These spaces were provided within the curtilage of Middle Sweethay Farm.

42/11/0018 Condition 07: The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted. Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - refer to standing advice ;

TRULL PARISH COUNCIL - objects; too many parking spaces are being requested. The Parish Council has taken into account the concerns raised by a significant number of local residents.

Representations

12 letters of objection have been received raising issues of;

- highway safety;
- hazardous corner;
- narrowing of an already busy driveway;
- parked cars would exacerbate what is already a dangerous manoeuvre;
- parking is not needed;
- entrance is narrow, two cars can only just pass;
- drivers reverse onto the road around a blind bend;
- not all the land is owned by applicant;
- area is in constant use by agricultural machinery;

- no turning space;
- drive is privately owned;
- current hard standing could be extended slightly to provide 2 spaces but 3 spaces would compromise safety;
- spaces already provided for holiday let which are not being used so no additional parking is needed;
- poor visibility at the junction;
- insufficient room for modern machinery to pass without damaging vehicles;
- parking would obstruct access to adjoining barn;
- the barn is listed and the parking would affect the character of the building.

2 letters of support on basis of;

- the spaces are easy to access and exit;
- no difficulty in turning or leaving the property to join Sweethay Lane;
- spaces do not impinge on access to the next door barn, the pedestrian access or the lane;
- never asked to move vehicles by neighbours whilst staying at the holiday let;
- parking does not reduce visibility for vehicles using the access/junction.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 CP8 - CP 8 ENVIRONMENT,
 NPPF - National Planning Policy Framework,

LOCAL FINANCE CONSIDERATIONS

None

DETERMINING ISSUES AND CONSIDERATIONS

The initial plans submitted showed parking spaces of inadequate size. Revised plans were submitted showing three full spaces to be provided. Following negotiations with the applicant revised plans have been submitted showing two parking spaces to be provided, removing the proposed space closest to the junction.

The main consideration is the existing use of the land. There is no restrictions on the land preventing vehicles from parking there. When the building was granted consent for use as a holiday let (42/11/0018) the applicant did not own the land to the front of the building and decided to provide parking spaces at Middle Sweethay Farm. This application has been submitted to enable the applicant to allocate spaces to be used for the holiday-let to the front of the building, thereby enabling him to apply to no longer retain the defined spaces at Middle Sweethay Farm.

Within representations received the issue is raised regarding enforcement of the existing parking at Middle Sweethay Farm. The condition placed on the original application was to ensure two parking spaces were to be provided for the holiday let. The condition does not prevent users of the holiday let from parking in other areas, as this would be unenforceable by the Council.

Sweethay Lane is a Class D unclassified road. The lane running alongside the site is

a privately owned no-through lane joining onto Sweethay Lane. The lane provides access to all the buildings/properties situated along and at the end of the lane. Ownership of the lane and rights of way over the lane are not planning issues and are therefore not taken into account in assessing the planning merits of the application. The lane is considered wide enough to allow vehicles to park in the proposed spaces and other vehicles and pedestrians to pass without difficulty. With the third space being removed from the proposal the proposed parking will not block the visibility of the junction and there is considered to be no adverse impact on highway safety. The area can already be used for parking of vehicles (including agricultural machinery) so there is considered to be no increase threat to the safety of users of the lane, pedestrian or otherwise, than what is currently experienced.

Middle Sweethay Farm is a Grade II Listed Building. The proposed development is not considered to affect the setting of the main listed building. There will be no adverse impact upon the residential amenities of surrounding properties.

In summary, the proposed area can already be used for car parking and this application will enable a condition to be placed on the car parking area to be retained for use for the holiday let and not for other users. There is no planning justification why the parking area in question should not be used by people staying at the holiday let.

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

CONTACT OFFICER: Ms F Wadsley Tel: 01823 356313

EVENBASE LTD

ERECTION OF A TERRACE OF 4 NO. TWO BEDROOMED COTTAGES AND A TERRACE OF 3 NO. TWO BEDROOMED COTTAGES ON LAND TO THE REAR OF THE FORMER THREE CUPS, FORE STREET, WELLINGTON

Location: LAND TO THE REAR OF THE THREE CUPS, FORE STREET,
WELLINGTON, TA21 8AQ

Grid Reference: 313789.120424 Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Subject to the applicant entering into a S106 agreement to provide additional children's play equipment at the Walkers Gate Play Area, Conditional Approval.

- 1 The proposed development is acceptably designed and would not impact unreasonably upon other nearby residents, the highway network, the adjoining public footpath, archaeological remains or the character and appearance of the conservation area or adjoining listed buildings. It would, therefore, be in accordance with Policies S1 (General Requirements), S2 (Design) and EN23 (Areas of High Archaeological Potential) of the Taunton Deane Local Plan, Policies 9 (The Built Historic Environment), 11 (Areas of High Archaeological Potential) and 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

RECOMMENDED CONDITION(S) (if applicable)

2. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A3) DrNo 07/05/154A Elevations
(A3) DrNo 07/05/152 Elevations
(A3) DrNo 07/05/153A Elevations
(A3) DrNo 07/05/150 Floor Plans
(A3) DrNo 07/05/250 Existing Site Plan

(A3) DrNo 07/05/201D Proposed Site Plan
(A3) DrNo 07/05/151A Ground and First Floor Plan
(A4) DrNo 07/05/2000 Location Plan

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

4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the preservation of archaeological remains.

5. Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to the occupation of the development hereby permitted and shall thereafter be retained as such.

Reason: To ensure that adequate provision is made for the disposal of surface water to prevent discharge to the highway and off-site flooding.

6. Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the conservation area and the settings of nearby listed buildings.

7. Prior to its construction, full details of the proposed boundaries between the dwellings and the access road/turning area shall be submitted to and approved in writing. The approved details shall be implemented prior to the occupation of any the dwellings hereby permitted and shall thereafter be retained as such, without modification or alteration.

Reason: To preserve the character and appearance of the conservation area and the settings of nearby listed buildings and to ensure that front gardens cannot be used for the parking of vehicles.

8. Prior to its construction, full details of the proposed boundaries between the

public footpath and the access road/turning area shall be submitted to and approved in writing. The approved details shall be implemented prior to the occupation of the dwellings hereby permitted and shall thereafter be retained as such, without modification or alteration.

Reason: To preserve the character and appearance of the conservation area and the settings of nearby listed buildings.

9. (i) Prior to its installation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area.

10. Prior to the construction of the access/turning area, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied and shall thereafter be retained as such.

Reason: To preserve the character and appearance of the conservation area and the settings of nearby listed buildings in accordance with Policy S2 of the Taunton Deane Local Plan and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. Prior to the occupation of the dwellings hereby permitted, full details of the proposed bin and cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided prior to occupation of the dwellings hereby permitted, and thereafter retained for those purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities are included for the storage of cycles.

12. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions shall be added, no additional windows shall be installed, no gates fences, walls or other means of enclosure shall be constructed and no outbuildings shall be erected other than those expressly authorised by this permission without the further grant of planning permission.

Reason: To preserve the character and appearance of the conservation area and the settings of nearby listed buildings.

Notes to Applicant

PROPOSAL

This application seeks full planning permission for the erection of 7 dwellings in two terraces of 3 and 4. The longer terrace would be sited hard up against the western site boundary, built on the existing boundary wall. The rear elevations of these dwellings would be blank, with ‘dummy windows’ provided at first floor and high level rooflights provided to serve bathrooms at first floor. Garden areas would be provided to the front of the dwellings.

The shorter terrace would run east-west towards the southern end of the site and perpendicular to the other dwellings. Gardens would be provided to the rear with windows conventionally located in the front and rear elevations. Facing materials are not specified.

Vehicular access would be provided to the site insofar as it would allow vehicles to access to drop off and collect from the dwellings. However, no parking would be provided. The public footpath running along the eastern site boundary would be segregated from the access/turning area provided, for the part of the site in front of the proposed dwellings, although these have not been received at the time of writing. The surface would still be shared through the arch between Fore Street and the dwellings themselves.

The application is identical to that which received planning permission in 2012 and very similar to one permitted in 2007, save for the turning head being moved slightly to the north, to allow for easier manoeuvring.

SITE DESCRIPTION AND HISTORY

The site comprises a relatively flat area of land behind the former Three Cups public house (now converted to 3 dwellings) in the centre of Wellington. It is accessed from both sides by a footpath that runs through an arch under the former public house building from Mantle Street to Bulford to the south and east. Vehicles can

currently access a garage/store building on the site, through the archway, where there is limited parking provision.

The site is surrounded by brick/block walls, which back onto neighbouring dwellings on all sides, with the exception of the northeast corner which backs onto the United Reformed Church. The footpath and the site are currently separated by a low wall and metal security fencing.

Planning permission was granted for the conversion of the former public house to three dwellings and erection of 3 further dwellings in 2006 (43/06/0012). The conversion element has been implemented, but the new build was not, however, that permission remains extant.

Subsequently, permission was also granted for the erection of 7 dwellings to the rear of the 3 cups in 2007 (43/07/0094). That permission has lapsed without implementation.

Application 43/11/0106 granted planning permission for the erection of 7 dwellings to the rear of the 3 cups in 2012.

That permission lapsed on 17th January 2015, but was identical to that now being sought.

Meanwhile an alternative development was proposed for the site under application 43/14/0002. That application proposed on-site parking and vehicular access from Bulford via a driveway shared that also gives access to other residential properties. Following concerns regarding the access onto Bulford from local residents, the Town Council and an objection from the Local Highway Authority in that regard, the application was withdrawn.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WELLINGTON TOWN COUNCIL - **Recommended** that permission be refused for the following reasons:

- The proposal would result in a danger caused by conflicting pedestrian and vehicular movements;
- There was a lack of adequate, available on street parking to serve the development.
- Access onto Fore Street from the site was a safety concern.
- The Council agree with the concerns expressed by the Building Conservation Officer's Heritage Consultation Response.

SCC - TRANSPORT DEVELOPMENT GROUP – I refer to the above mentioned planning application received on 30th December 2014 and following a site visit ... I have the following observations on the highway and transportation aspects of this proposal.

The proposal relates to the erection of seven dwellings.

This submission is the renewal of planning permission 43/07/0094 and as a consequence the Highway Authority's previous observations would still be considered to be appropriate and are set out below for your records.

The Highway Authority has assessed the submitted plan and the access road that will be used for drop off will measure 3.5m at its widest point, and will take the form of a shared surface which will also be utilised by pedestrians who have a right of way through this area. Given the width mentioned above it is considered by the Highway Authority that this area will in fact be self-enforcing in that if a vehicle is stopped/parked/dropping off, in this area it will obstruct the egress/exit of other vehicles as the road is only wide enough for one vehicle. As a result vehicles will be forced to utilise the turning head as a type of passing area in order to exit the site and/or let other vehicles pass.

The Highway Authority raised concern about conflicting pedestrian and vehicular movements during the consultation period of the previous application, 43/06/0012 and recommended that conditions were put in place to limit the number of movements to one dwelling, however these were not imposed, and the proposal was approved. Therefore, due to the previous proposal being allowed and permitted development not being removed, the occupants of the dwellings could potentially utilise the frontages for parking.

Whilst the number of dwellings has increased from 3 to 7 with this application, the purpose of the access road remains the same, and the increase in use/traffic has previously been accepted by the Local Planning Authority, despite the Highway Authority's concerns.

Following a conversation with my colleagues I understand that it is possible to remove permitted development or impose a condition to ensure that none of the gardens can be used for parking which is supported by the Highway Authority.

Therefore, taking the above points into consideration, I would not wish to raise a highway objection to the proposal and in the event of permission being granted I would recommend [that] conditions are imposed in addition to the removal of permitted development rights, in line with the comment made above.

WESSEX WATER – Advise that new connections will be required and advice is provided on how to progress this matter. Advise that the applicant should survey for uncharted sewers within the development site.

DRAINAGE ENGINEER – No details have been given on the application form as to how surface water is to be disposed of. Details should be forwarded for approval before any planning permission is given.

HERITAGE - This application appears identical to the approved [43/11/0106]. Although the proposed development site is within the curtilage of the Grade II Listed Three Cups Hotel (now residential units) and in Wellington Conservation Area, I could not find a record of a previous heritage consultation response [the previous

committee report.

Existing site

Looking at the current application, it is noted that no heritage impact statement is submitted. The existing site plan shows a large rectangular building marked as a shed, which would be demolished if the scheme goes ahead. This shed occupies a position of earlier buildings shown on the c.1900 OS map. Assuming this land was in the same ownership as the Three Cups at the date of listing (1 July 1976) and the shed was built before 1948, it would be regarded as listed by virtue of being within its curtilage. Equally, the shed could be a later building of no interest – the onus is on the applicant to supply the information here and clarification of this is sought as if it is curtilage listed demolition without the necessary listed building consent constitutes a criminal offence.

New build

Turning to the proposed new buildings, these are very close to the Listed Building and this sort of back of plot development generally has a negative impact on the character of the Conservation Area, although it is noted that it has been approved on other sites in the town as well as here. Again, the applicant has provided no assessment as to the potential impact of the development on the immediate setting of the Listed Building and wider Conservation Area. It is also noted that should this application be approved the materials should be in keeping with the character and appearance of the Conservation Area.

Recommendation

Based on the information supplied I am unable to make an informed decision as to the impact of the proposal on the heritage assets and therefore recommend that no decision is made until information in line with paragraph 128 of the NPPF (2012) is forthcoming.

LEISURE DEVELOPMENT – In accordance with Local Plan Policy C4, provision for play should be made for the residents of these dwellings.

An off-site contribution of £2,994 for each 2 bed+ dwelling should be made towards the provision of children's play. The contribution to be spent on play equipment, within the Walkers Gate Play Area, for the benefit of the new residents.

HOUSING ENABLING - 25% of the new housing should be in the form of affordable homes, which would equate to 1.75 units. I would consider the commuted sum an appropriate alternative for this site. The commuted sum in lieu of affordable housing on site for the scheme proposed is £66,658. This will be ring fenced for the provision of affordable housing within Taunton Deane Borough.

SCC ARCHAEOLOGY - The site lies adjacent to a known cemetery site where excavations have shown a substantial number of burials are present. Historical records indicate that burials took place to the rear of the Three Cups during the late

17th and early 18th centuries. It is very likely this proposal will impact on burials associated. It is illegal to develop a disused burial ground unless all burials are removed. However the application does not contain any information concerning the impact on the heritage asset and is therefore contrary to the requirements of the NPPF (chapter 12).

For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of this application. This is likely to require a desk-based assessment and a field evaluation as indicated in the National Planning Policy Framework (Paragraph 128).

Representations

Cllr Janet Reed "I have concerns with this application as cars entering to unload will be on a public right of way, which is used by many to get to the centre of Wellington. This could be a danger especially if there is no policing of cars attempting to park longer than to unload their vehicle. There is already a car parked on the entrance to this site on a regular basis".

2 letters of OBJECTION raising the following points:

- Query where all the associated private cars will park. Bulford is already crammed with private and commuter vehicles. 1 space per bedroom should be provided.
- The access is used by 4 other properties.
- The entry through the Three Cups archway is shared for most of its length with a well-used pedestrian walkway. The juxtaposition of cars and pedestrians is dangerous due to the limited space.
- The turn into the site from Mantle Street has limited visibility. Vehicles entering cannot see vehicles exiting; there is poor pedestrian visibility onto Mantle Street.
- The height of the arch means that any larger furniture or other deliveries will have to park outside causing traffic flow problems.
- There is insufficient on-street parking spaces in the vicinity.

2 letters of CONCERN raising the following points:

- A large mature sycamore tree on the piece of land does not appear and is not mentioned in the above application.
- The "shed" is a building which is considerably more than a shed. Its demolition could affect the character and appearance of the conservation area.
- The so-called associated access off Bulford is shared by four residents from four properties with 24 hour access at all times and the cost of up-keep falls to the residents.
- The additional traffic would make accessing the private garage of 2 Mantle Street dangerous.
- Query how all the emergency vehicles would get in through the access from Bulford at any time.

PLANNING POLICIES

W1 - TDBCLP - Extent of Wellington,
STR2 - Towns,
STR4 - Development in Towns,
EN14 - TDBCLP - Conservation Areas,
EN23 - TDBCLP - Areas of High Archaeological Potential,
ROW - Rights of Way,

LOCAL FINANCE CONSIDERATIONS

Community Infrastructure Levy

The application is for residential development within the settlement limit of Wellington where the Community Infrastructure Levy (CIL) is £0 per square metre. Based on current rates, there would not be a CIL receipt for this development.

New Homes Bonus

The development would result in the payment of the New Homes Bonus:

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£7,553
Somerset County Council (Upper Tier Authority)	£1,888

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£45,321
Somerset County Council (Upper Tier Authority)	£11,330

DETERMINING ISSUES AND CONSIDERATIONS

The site is within the centre of Wellington, where new residential development is considered to be acceptable in principle. This development has, in fact, been permitted in the past and, although the permission has lapsed, unless there has been any material change in circumstances it would be unreasonable to withhold permission for this new proposal.

There has not been any change in circumstances on the ground since the previous permission although the planning policy situation has changed. Since the previous permission, the Taunton Deane Core Strategy has been adopted and the NPPF has been published. These documents do not alter the presumption in favour of new development within the identified urban area of Wellington. If anything the new policies and guidance are more favourable than previous in terms of their consideration of certain impacts, particularly highways. It is not considered that the change in planning policy environment indicates that a different decision should be reached.

In line with Policy CP4 of the Taunton Deane Core Strategy, the Housing Enabling Lead suggests that the development should provide 25% affordable housing. However, recent changes to the National Planning Practice Guidance indicate that affordable housing contributions should not be sought on schemes of 10 or less. Therefore, it is not recommended that any affordable housing contribution is sought in this case.

Within the context of the previous permissions, outlined above, the main issues in the consideration of this application are the impact on the highway network – including the public footpath, the impact on heritage assets and the impact on neighbouring residents.

Highways

There is no doubt that the access to the site is very restricted in terms of width and visibility at the egress onto Fore Street. Being shared with pedestrian traffic using the public footpath, there is also an inherent conflict with vehicle and pedestrian movements along the access. This is no different to the situation when the previous permission was granted and it was considered that the proposal is acceptable in highway safety terms. Provided that permitted development rights are removed to prevent the front garden areas being used for parking – as previously – then the Highway Authority do not object to the proposal. Such a restriction will limit the traffic attracted to the site.

Some local concern remains about the inadequacies of the local road network to accommodate the increased parking pressure that could be generated from this development that does not provide any dedicated parking facilities. However, being a town centre site, the level of car ownership should be lower. Given the proximity of nearby public car parks, it is considered that there is adequate parking provision locally.

Some of the representations refer to impacts relating to the access from Bulford. This refers to proposal in last year's application that was subsequently withdrawn. This application proposes no vehicular access from Bulford, only that from Mantle Street which has received permission twice before.

Heritage

The site is within the designated conservation area, area of high archaeological potential and adjoins a number of listed buildings – the closest being the former Three Cups itself, the United Reformed Church to the northeast and 2 Mantle Street to the northwest.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard is paid to the desirability of preserving or enhancing the character and appearance of the conservation area when deciding whether to grant planning permission. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard is paid to the desirability of preserving the listed building, its setting and any features of historic or architectural interest when

deciding whether to grant planning permission.

The comments of the County Archaeologist and Conservation Officer are noted. However, in considering the previous permission it was considered that, subject to a condition requiring archaeological monitoring during works, there would be no adverse impact on archaeological remains. The archaeologist's response suggesting it is illegal to develop in burial grounds without first undertaking other works suggests that such is also controlled by other legislation.

In terms of the demolition of the building within the site, it has never previously been considered that this was a curtilage listed building and nothing has changed on the ground to suggest any different now. The loss of the building is not considered to have a harmful impact upon the character and appearance of the conservation area and the proposed development and its relationship to other buildings and the public realm is considered to preserve its character and appearance. It is not considered that the settings of nearby listed buildings would be harmed.

Some concern has been raised regarding the loss of a Sycamore tree on the site. However, it has always been proposed to clear the site as part of previous development proposals and it is not considered that the tree makes a significant contribution to the amenity of the area, or the character and appearance of the conservation area.

Residential amenity

The dwellings would be located right on the western boundary of the site, adjoining rear the rear garden of 2 Mantle Street. There are no windows proposed within the west elevation, save for high level rooflights, so this garden area would not be overlooked.

The other dwellings to the south of the site adjoin the site of two recently constructed bungalows. These dwellings were not built at the time of the 2007 application, but they were there when the 2011 application was considered. In any case, whilst windows are proposed only 5m from this boundary, they would face the gable end of the adjoining bungalow and the parking/turning area for that property. That gable end appears to contain only an obscure glazed bathroom window and, therefore, these neighbours would not be overlooked to an unacceptable degree.

The relationship of the proposed dwellings with other neighbouring property was considered to be acceptable in 2011 and remains acceptable now. Therefore, the impact on surrounding residential property is considered to be acceptable.

Other matters

Access for the emergency services would be a matter for the Building Regulations.

The previous permission was subject to a Section 106 agreement requiring contributions towards children's play facilities, active recreation, community halls and allotments. The latter 3 of these are now CIL matters and S106 contributions should only be sought in respect of children's play.

Conclusions

The proposal would provide a residential development in the centre of Wellington, which is considered to be highly sustainable in transport terms. There has been no material change in circumstance since the previous grant of permission in 2007 and, although that permission has lapsed, there is, therefore, no reason to arrive at a contrary decision. The proposal would not impact unreasonably upon the public right of way, amenity of neighbouring residents, highway network, character and appearance of the conservation area or settings of nearby listed buildings. The amenity of neighbouring residents would be preserved.

With regard to the above, the proposal is considered to be acceptable. It is, therefore, recommended that planning permission is granted.

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

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

43/15/0004

MRS T LITTLEJOHNS

**VARIATION OF CONDITION No.04 (RESTRICTED OPENING HOURS) OF
43/14/0103 AT 20 MANTLE STREET, WELLINGTON**

Location: 20 MANTLE STREET, WELLINGTON, TA21 8AR

Grid Reference: 313720.120406 Removal or Variation of Condition(s)

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A3) DrNo 1484.101 Rev B Proposal Drawings
(A3) DrNo 1484.100 Rev A As Built Survey Drawings
(A3) DrNo 1484.099 Rev A Location Plan and Site Plan

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

3. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. The use hereby permitted shall not be open to customers outside the following times [23:00]hrs – [08:00]hrs.

Reason: To minimise the impact of the development in accordance with

Policy DM1(E) of the Taunton Deane Core Strategy.

5. Prior to the commencement of the use hereby permitted, full details of the proposed storage of refuse/waste shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the use commencing and shall thereafter be maintained as such. No waste shall be stored within the side passage that gives access to Laburnum Cottages at any time.

Reason: In the interests of protecting the amenities and living conditions of the neighbouring residents.

6. Prior to its installation, full details of any extraction equipment/flue shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed in accordance with the approved details shall thereafter be maintained as such.

Reason: In the interests of protecting the amenities of nearby property and preserving the listed building and any features of special architectural and historic interest that it possesses.

Notes to Applicant

PROPOSAL

The proposal is to vary condition 04 (opening hours) of application 43/14/0103. The variation is to extend the opening time from 22.30 to 23.00.

Application 43/14/0103 comprised the change of use of the ground floor from retail (A1) to either a restaurant/cafe/takeaway (A3/A5). Other alterations included changes to the fenestration on the rear of the building, internal alterations for new kitchen and new partition wall, and if a flue is required it has been identified that a flue could be placed within the existing chimney.

SITE DESCRIPTION AND HISTORY

The building is sited in Mantle Street which is predominately within residential use although there are a variety of other commercial uses including retail, leisure and a takeaway. The ground floor of the building is currently empty though was previously in retail use and the first and second floor has been used as residential accommodation. To the side of the building is a passageway that leads to a small row of cottages at the rear of the building.

The building is Grade II Listed and is within a Conservation Area.

A planning application (43/14/0103) and listed building consent (43/14/0104/LB) has been recently approved.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WELLINGTON TOWN COUNCIL - The Council have previously been against the principle of this development and therefore in order to be consistent it is recommended that permission be refused.

SCC - TRANSPORT DEVELOPMENT GROUP - No observations.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - Verbally - no comments to make.

Representations

Four letters of OBJECTION raising the following: -

- Noise.
 - Odour.
 - Rubbish.
 - Inadequate drains.
 - Anti-social behaviour.
 - Previously rejected by Wellington Town Council.
 - Fire risk from rubbish in basement
 - Unnecessary extension of time; no evidence of change in circumstances.
 - Encourage rodent infestation.
-
- Two letters of COMMENT raising the following: -
 - Work has begun.
 - Contractor has dumped waste on street.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

LOCAL FINANCE CONSIDERATIONS

None.

DETERMINING ISSUES AND CONSIDERATIONS

As permission has been granted for the change of use the main consideration for this proposal is the impact on the residential amenity.

Residential amenity

Due to the close proximity of the neighbouring properties, noise could affect these properties and cause a disturbance late in the night. To help prevent any potential nuisance a condition was proposed that would restrict opening hours to 10.30pm.

Many A3/A5 uses exist within terraced properties with similar proximity to neighbouring properties as that proposed here. It is fair to say that without any road frontage, the properties in Laburnum Cottages probably experience less day-to-day noise than those other neighbours fronting mantle street. However, in terms of the type of noise likely to arise from the storage of refuse/waste; since the previous permission, bin storage has been moved from the rear of the building to the basement. This would reduce the amount of noise directly at the rear of the building near to the residential properties, and it would be difficult to argue that it would be more unacceptable than if the properties were alongside each other.

Furthermore, the Licensing Act has been taken into account which states that a takeaway business requires a premises licence, should they wish to sell food (or drink) at ambient temperature between the hours of 23:00 and 05:00 the following morning. This constitutes 'late night refreshment', which the Act has deemed to be a 'licensable activity'.

Conclusion

Given the proposed changes to bin storage, and the Licensing Act, the increase in an additional half an hour opening time is not considered detrimental to the amenity of nearby residential properties. The proposal is therefore considered acceptable and recommended for approval.

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

CONTACT OFFICER: Mr D Addicott Tel: 01823 356463

APPEALS RECEIVED FOR COMMITTEE AGENDA – 08 APRIL 2015

APPEAL NO	PROPOSAL	APPLICATION NUMBER
APP/D3315/D/15/3006226	ERECTION OF SINGLE STOREY EXTENSION AND THREE STOREY EXTENSION TO THE REAR OF 17 HIGH PATH, WELLINGTON	43/14/0131