

31/16/0009

PYMAN BELL

Variation of Condition 04 (landscaping) and Condition 10 (temporary tents) of application 31/11/0026 at Woodlands Castle, Ruishton Lane, Ruishton

Location: WOODLANDS, ILMINSTER ROAD, RUISHTON, TAUNTON, TA3
5LU

Grid Reference: 326023.124831

Removal or Variation of Condition(s)

Recommendation

Recommended decision: Conditional Approval

Recommended Condition(s) (if applicable)

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule attached to the previous approval reference 31/11/0026.

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

2. Noise from amplified music or speech from the licensed premises shall not be audible at the points marked A, B and C on the attached plan at any times.

This condition shall NOT apply to amplified broadcasts made in connection with evacuation of the premises in the event of fire or other emergency.

Reason: To ensure that the proposed development does not prejudice the amenities of the locality by reason of noise which would be contrary to Taunton Deane Local Plan Policy S1(E).

3. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the new build development.

(ii) For a period of five years after the completion of the 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 other appropriate trees or shrubs as may be approved in writing by 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 bollards to close the old access drive shall be maintained at all times.

Reason: In the interests of highway safety.

5. The reinstatement of the boundary wall of the walled garden shall be carried out prior to the new permanent conference building being brought into use.

Reason: In the interests of the character of the listed building.

6. The two temporary tents hereby permitted shall be removed from the site as early as possible and certainly on or before 31st May 2019.

Reason: To preserve the character and setting of the listed building.

7. There shall be no fireworks or chinese lanterns used at the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to safeguard the amenity and safety of the surrounding area in accordance with policy DM1 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 and has imposed planning conditions to enable the grant of planning permission.

Proposal

The proposal is to vary two conditions of planning permission 31/11/0026 which was for the erection of conference events and wedding suite, conversion of outbuilding to toilets, reinstatement of glasshouse, extension of car park and temporary erection of two tents at Woodlands Castle. Condition 10 relates to the timing of the removal of the temporary tents and condition 4 relates to landscaping.

The applicant wants to extend the timescale for the removal of the temporary tents from 2016 to 2019 to allow for further income to provide the permanent building on site. A revised business plan has been submitted together with clarification of why costs of the works carried out so far were greater than expected. The revision to the landscaping is to reflect those works already carried out and to not alter the bund on the eastern boundary and a revised landscaping plan has been submitted.

Site Description

The application site consists of a Grade II listed house set in extensive grounds and surrounding parkland. The house is 3 storeys and rendered with a slate roof and dates to around 1810.

Relevant Planning History

Originally a planning permission has been granted for office use in 1997 (31/97/014) and 2002 (31/02/018). Permission was refused for conversion of the building to close care retirement flats and erection of 3 blocks of flats in the grounds in 2005 (31/04/029). Permission for retention of two marquees for conference and functions use was refused in 2007 (31/07/0017) and dismissed on appeal in April 2008. A refusal for change of use to conference and function use, creation of access and car park, change of use of outbuildings to toilets, retention of pond, landscaping works and two marquees for a temporary period was refused in 2008 (31/07/0029).

Permission for change of use to function facilities together with a new access and car park was submitted in November 2008 and granted in January 2009 (31/08/0027). Permission was granted in 2012 (31/11/0026) for erection of conference events and wedding suite, conversion of outbuilding to toilets, reinstatement of glasshouse, extension of car park and temporary erection of two tents at Woodlands Castle.

Consultation Responses

RUISHTON & THORNFALCON PARISH COUNCIL - The Council has received objections from neighbouring properties in Woodland Drive that the applicant has breached condition 6 in regard to noise on application 31/11/0026 on a number of occasions. To extend the permission for two tents until May 2019 will adversely affect the quality of life in regard to noise nuisance for residents at neighbouring properties.

The applicant was given 3 years to raise the necessary funds for a permanent building. The Council consider the applicant was given ample time to comply with condition 10.

The two tents have an detrimental impact on the listed building.

HERITAGE - No comment

BIODIVERSITY - Any vegetation to be thinned should not be undertaken during the bird nesting season.

ECONOMIC DEVELOPMENT - No comments received.

LANDSCAPE - The proposed landscape plan is satisfactory.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - Thank you for consulting on the above application to extend the use of temporary tents at the above premises.

Environmental Health did receive complaints about noise from the tents when they were first used and a condition about noise was put on the planning permission and also on the Premises Licence. Some complaints were received since permission was given, and Env Health did investigate these and contacted the premises to try and resolve the problem informally. The most recent complaints were in 2014.

If Planning do extend the permission for use of the tents the existing condition regarding noise should be retained. Environmental Health can work with Planning and Licensing if there are complaints about the condition being breached.

SCC - TRANSPORT DEVELOPMENT GROUP - Refer to Standing Advice.

Representations Received

4 letters of objection on grounds of

- have breached noise levels condition,
- impact on quality of life,
- flawed business plan,
- landscaping plan to be varied,
- detrimental affect on setting of listed building.

1 letter of support as are understanding and considerate to needs of villagers

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

NPPF - National Planning Policy Framework,
CP2 - TD CORE STRATEGY - ECONOMY,
CP8 - TD CORE STRATEGY - ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
M2 - TDBCLP - Non-residential Car Parking Outside Taun & Well,
M3 - TDBCLP - Non-residential Development & Transport Provision,

Local finance considerations

Community Infrastructure Levy

Not applicable.

New Homes Bonus

The development of this site would not result in payment to the Council of the New Homes Bonus.

Determining issues and considerations

The main issues with the proposed variation of conditions are the impact of the proposed works in terms of amenity and specifically noise, the setting of the listed

building and landscaping.

The site lies outside the defined settlement of Ruishton and consists of a listed property in business use. The approved scheme was to expand the business use and the current business is one that is successful and helps maintain the listed building. The proposal would further this latter objective.

There is considered to be an economic benefit in terms of the current use both in terms of support for other local businesses as well as employment. It would potentially create further jobs. It is not considered that allowing this scheme would set a precedent for future development in the area. The question has to be raised as to whether there are harmful impacts of the development which would outweigh the variation of the two conditions.

Setting of the Listed Building

The development previously approved will result in a permanent building set within the walled garden area and 5.8m in height. This reflects the height of the existing outbuildings within the adjacent courtyard and this height is considered acceptable in terms of design and subservience of the building. The Conservation Officer supported the proposals on the basis of the tents being temporary. The scheme was therefore considered to comply with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of the Authority having special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The permanent building is not considered to harm any feature of the building or historic fabric and will retain and repair historic fabric.

The temporary tents were allowed on the basis they were temporary and should be removed by the end of May 2016. The variation requested would see their retention potentially until May 2019. While there is still a concern visually, a justification for their temporary siting was previously accepted. A further temporary siting is considered unfortunate, however to resist this would mean removing the applicant's ability to raise further income from wedding events and so would impact on the business and may not secure the permanent building previously granted. The tents siting and impact on the setting of the listed building was previously accepted, and a variation of the condition to limit their presence is considered appropriate to ensure their removal at the earliest opportunity.

Amenity and Noise

The main area of local concern with the proposal is the issue of noise disturbance from the site. The Environmental Health Officer comments on the proposal but raises no objection to the scheme considering the noise condition imposed. A Noise condition was originally imposed to protect the amenity of the nearest residential properties. Such a condition is still considered reasonable as this would relate to the conclusions on the previous noise report in being able to mitigate levels of music from the site to satisfy the condition. There has been a noise complaint to the Planning Department in 2014, however this was addressed without having to resort to legal action.

If further complaints are received they will be investigated in the normal way and

action can be taken in light of the condition. It is not therefore considered that the revision to the conditions requested should be resisted on the basis of adverse impact on amenity.

Landscaping

The main house and outbuildings are situated on land totalling almost 5ha which has a gentle southwards facing slope. The land immediately around the house to the west, south and east sides is enclosed and about a third of a hectare in extent. There are a number of mature trees to the north west of the house and a row of mature limes forming an avenue along the original main entrance forming a parkland setting for the house. A strong belt of maturing trees act as a screen along the southern boundary with the A358.

The current proposal has a revised landscaping scheme submitted with it and the Landscape Officer finds the revised details to be acceptable and this will be a subject to a condition of the permission here.

Conclusion

The proposed new structure sits within the confines of the walled garden and was previously accepted and was not considered to detract from the setting of the listed building. The provision of temporary tents were considered acceptable before and the economic benefits of the scheme are considered to outweigh the issue of the site being outside of settlement limits and the concerns over noise and landscaping can be addressed by conditions. There is not considered to be substantial harm proven to occur to local amenity, landscape or the listed building to outweigh the benefits of the scheme previously identified and a variation of the two conditions requested is considered acceptable. Imposition of outstanding relevant conditions of the part implemented scheme are considered appropriate and necessary for clarity.

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

Contact Officer: Mr G Clifford