

43/14/0103

MRS J LITTLEJOHNS

**CHANGE OF USE OF GROUND FLOOR ONLY FROM A1 (RETAIL) TO A3/A5 (RESTAURANT/TAKEAWAY) WITH INSTALLATION OF KITCHEN, EXTRACTOR UNIT AND SERVING AREA AT 20 MANTLE STREET, WELLINGTON**

Location: 20 MANTLE STREET, WELLINGTON, TA21 8AR

Grid Reference: 313719.120406

Full Planning Permission

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**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 [22:30]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

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**

The proposal comprises the change of use of the ground floor from retail (A1) to either a restaurant/cafe/takeaway (A3/A5). No end user has been identified.

Other alterations include 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 listed building application (43/14/0104/LB) has also been submitted.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*WELLINGTON TOWN COUNCIL* - Recommend refusal: -

- Change of use would result in a loss of a retail unit in the town.
- Detrimental impact on the surrounding highways with limited parking available especially in the evening.
- The use would result in disturbance in surrounding properties with adverse noise, smell and litter.

Application is not appropriate use of a listed building.

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations.

*ENVIRONMENTAL HEALTH - FOOD SAFETY* - None received.

*ECONOMIC DEVELOPMENT* - Rural enterprise is crucial to the success of the local economy in Taunton Deane, particularly in areas such as Wellington where the population is expected to grow significantly over the next few years, therefore I am happy to support this application.

*HERITAGE* - The proposed scheme looks to have very little impact on the historic significance of this listed building although there is obviously the potential for this to change depending on the end user's requirements.

As it stands, my only concerns with what is currently proposed are the counter which, at normal height, would cut across the ground floor sash window on the front elevation and the air/waste extraction associated with the new sink at the rear of the premises.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - Awaited.

### **Representations**

TWELVE LETTERS OF OBJECTION raising the following: -

- Noise.
- Odour.
- Rubbish.
- Inappropriate use of adjoining passageway/unsocial behaviour.
- Impeding access through passageway by accumulation of rubbish, boxes etc from business.
- Inadequate drains.

- Lack of waste storage area; area to rear belongs to 1 Laburnum Cottage
- Increase in parking problems; highway safety; increased traffic.
- Not appropriate uses for listed building.
- Risk of fire from kitchen spreading to Laburnum Cottages.

#### LETTER OF OBJECTION FROM WARD COUNCILLOR (Cllr V Stock-Williams):

- The change of use would result in the loss of a retail unit in the town.
- The proposed use would have a detrimental impact on the surrounding highways with limited parking available especially in the evening.
- The use would result in disturbance to surrounding properties with adverse noise smell and litter.
- The application is not an appropriate use of a listed building.

### **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 main consideration is impact on the residential amenity and the character and appearance of the listed building.

#### Residential amenity

The main concerns for residential amenity from the proposal are noise and odour. Whilst no comments have been received from Environmental Health to date, any proposed flue has been identified to be installed within the existing chimney; the flue would finish above the height of the building and any neighbouring first floor windows. Any associated plant could, therefore, be sited well within the building and, as such, should not affect any nearby properties.

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 is proposed that would restrict opening hours to 10.30pm.

The application proposes that waste from the proposed use would be stored in a passage to the rear of the building. The ownership of this has been contested, but the applicant confirms that it is within his control. It is possible that the use of this area for waste storage could lead to additional activity/noise and disturbance in the passageway between the application site and the neighbouring dwellings to the rear. The closest dwelling has one small window opening out to the passage. Similar activity within this area could have existed with the previous retail use, but the hours of opening would not have extended into the evening. However, with the opening times restricted to 10.30 in the evening, it is not considered that the potential

disturbance would be so great as to warrant refusal of the application.

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 in the rear passage, it would be difficult to argue that it would be more unacceptable than if the properties were alongside each other.

Some concern has been raised by the neighbours about the potential for waste being stored in the communal access alongside the application site. The proposal for a waste storage area in the passage to the rear will overcome this problem and, on balance, it is considered that the waste storage proposals are acceptable and the impact on neighbouring property would not be so detrimental as to warrant refusal of the application.

### Highways

Whilst there are some concerns from local residents regarding parking, the building is sited close to the town centre where there are existing public car parks; the closest being 160m (approx) from the building, furthermore there are some short stay parking spaces along Mantle Street. Given the sites close proximity to the town centre, car parks, public transport, and nearby on street parking, the proposal is not considered detrimental to highway safety or generate any detrimental increase in traffic to the area.

### Conservation/listed building

Regard must be given to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that development proposals must be assessed to ensure that they preserve the listed building, its setting or any features of special architectural or historic interest which it possess. The Conservation Officer has not objected to the proposal and an amended plan has removed the proposed counter that was in front of the window.

### Other matters

The building is sited outside of the Primary Shopping Area, and as such, the principle of the loss of a retail unit is acceptable in this location.

### Conclusion

The proposed ground floor of the building can be converted to an A3/A5 use without detrimental harm to residential amenity, highway safety or the character and appearance of the listed building. The proposal is therefore recommended for approval.

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

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