

23/10/0009

MR STEVE PETTS

CONSTRUCTION OF EXTENSION TO PATIO AREA, CONSTRUCTION OF DECKING, ERECTION OF RETAINING WALL AND TIMBER FENCING SCREEN AT THE GLOBE, FORE STREET, MILVERTON (AS AMENDED)

Grid Reference: 312353.125762

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon the visual amenity of the street scene, will preserve the character and appearance of the conservation area and will not harm the setting or historic interest of the listed building. Further, the proposals will not give rise to significant detriment to surrounding residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and EN14 (Conservation Areas), PPS5 (Planning for the historic environment) and is in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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:

(A4) Location plan
(A1) DrNo 2302/1A proposed layout

3. Reason: For the avoidance of doubt and in the interests of proper planning. 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 protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

4. (i) Before any part of the permitted development is commenced, 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 in accordance with Taunton Deane Local Plan Policy S2.

Notes for compliance

1. It is noted that the existing block work wall is painted white. Your attention is drawn to planning permission 23/07/0027 and listed building consent 23/07/0028LB, which requires the block work screen wall to be rendered in full, as approved. Failure to undertake and complete the works with the correct finish is likely to result in Enforcement action being sought by the council.

PROPOSAL

The application, as amended, seeks planning permission for the construction of a new timber deck seating area; block paviour path; timber balustrade; railway sleeper steps and a rendered block work wall with timber fence screen over; the existing screen walls and skittle alley outbuilding will be retained. The proposed development will allow for an extension to a previously approved seating area in association with the public house known as the Globe Inn, Milverton.

The proposed decking area will cover an area of approximately 30.25 sq metres. The proposed screen wall and fence will have a maximum height of 2.7 metres above the level of the proposed decking; the timber fencing along the brick paviour pathway will be at a height of 1.7 metres (approx) above ground level.

SITE DESCRIPTION AND HISTORY

The Globe Inn is a grade II listed building located in a prominent position in the centre of Milverton and the designated conservation area. The building, which serves as the village's only public house with restaurant is of a random stone construction, with section to the rear rendered and finished in white. To the rear and fronting onto

Rosebank Road, the site occupies an elevated position within the street scene and has a steep sloping bank above the highway. To the rear of the property is a skittle alley with lobby area that have flat/ lean to roofs; there is also a tall block work wall which screens a previously permitted outdoor patio area (planning reference 23/07/0027).

In 2009, permission was granted for the demolition of the skittle alley and erection of a large function room to the rear of the public house, together with a terrace path and fire escape route around the new building, planning references 23/09/0019 & 0020LB.

Planning permission and listed building consent have been granted previously for the demolition of the skittle alley, the erection of a single storey extension to form a function room, the formation of a patio area and the erection of a screen wall to the rear of the application site, planning references 23/09/0019 and 23/10/0020LB. Earlier applications dating back to 2002 relate to works and extensions to the rear of the pub.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

MILVERTON PARISH COUNCIL - Object to the proposed development - concerned with increase in noise affecting neighbouring properties.

SCC - TRANSPORT DEVELOPMENT GROUP - No observations.

CONSERVATION OFFICERS - No observations to make.

Environmental Health Officer - **Noise** - It is impossible to estimate the increase in people noise that the additional decking area will create as this will be variable depending on the number of customers and the management of these customers by the proprietor.

The screening of the area with close boarding fencing will provide some noise attenuation but will not stop all noise escaping as it is an open area.

Representations

5 letters of objection raising the following planning related matters:

- bit by bit/piecemeal growth of outdoor area
- overlooking and loss of privacy to properties opposite along Rosebank Road
- wall has not been rendered as required by previous permissions
- fence will not help to deaden noise
- increase in noise level clearly audible within adjoining properties
- noise level will increase and spread further
- skittle alley should be retained in full to protect privacy of neighbouring properties
- terrace extension to the east will impact upon privacy
- restrictive condition limiting use of the patio to 9:30pm should be applied
- proposals will practically double outdoor area causing intrusive levels of noise
- The Globe operates primarily as a restaurant and additional outdoor space will encourage non-diners in the summer and the area would become a beer garden.
- walls, trees and fencing will not restrict noise

- proposals will not blend in with surrounding buildings within conservation area.
- forms state a reduction of three parking spaces when the extension is likely to result in an increased parking requirement
- lack of permanent structures suggests a more permanent extension may be the next proposal
- why have the previously approved walls not been rendered as required?
- decking area overlooks Rosebank Road and the properties opposite - likely to cause significant disturbance
- proposals are visually intrusive

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 EN14 - TDBCLP - Conservation Areas,
 PPS 5 - PPS5 Planning for the Historic Environment,

DETERMINING ISSUES AND CONSIDERATIONS

Listed building consent has been granted for the proposed development under LPA reference 23/10/0008LB, which was approved on September 1st 2010 subject to conditions. The proposed development provides for a matching development to this listed building consent, albeit with the omission of internal works to the main building. As such it is considered that regard has been had as to the impact of the development upon the listed building, in line with relevant development plan policies and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The pertinent issues that require consideration in determining the proposed development are therefore considered to be the impact upon visual and residential amenity. Further, the application site is located within a designated conservation area and therefore regard must be had to the general duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

Visual amenity:

The amended proposal provides for a block work wall, which will be rendered, together with closed boarded fencing above, erected in order to screen to the proposed decking area and pathway further to the east. Objections have been received to the amended design, where it is felt that the proposals do not appropriately reflect the character of the surrounding buildings or area in general, which is located within the Milverton conservation area. Further questions have been raised as to why the previously permitted block work wall has not been rendered as required, but instead painted white. The lack of a rendered finish to the existing wall was observed when carrying out the site visit and as a result, this information has been passed to the councils Enforcement Team to follow up. This does not, however, have a bearing on the present application.

Turning to the proposed appearance and materials for the screen wall, it is considered that a block work wall is acceptable and in keeping with that previously permitted. It will also reflect the appearance of the listed building which has areas of white stone walling. The section of fencing, whilst being located along an elevated

position, will not be overly prominent within the street scene as a result of it being set back from (5 metres approx) and above the adjacent highway. Further, it is thought that the section of fencing that screens the path extending east beyond the decking area potentially falls as permitted development and therefore it would be unreasonable to resist this particular part of the proposals.

Having regard to the overall visual impact of the development proposed, it is considered that the screen wall and fence, by virtue of their positioning, will not be overly prominent or intrusive within the street scene and appropriately reflect the character of the area, as demonstrated by the grant of listed building consent (23/10/0008LB), which found no harm to arise to either the setting of the listed building or the conservation area. However, the previous landscaping has not been undertaken and, therefore, in order to aid assimilation of the proposed development into the area, it is considered reasonable to attach a landscaping requirement to any approval.

Residential amenity:

Privacy/overlooking - The proposed decking area is to be set at a lower level than the existing outdoor patio by 0.9 metres. The block work wall and timber fencing will be erected to a height of 2.65 metres above the level of the decking and 1.7 metres above the level of the proposed path. Currently direct views are afforded out of the site towards those properties opposite along Rosebank Road - principally 1, 2 & 3 The College as well as Walnut Tree Cottage, in part. Objections have been received concerned as to the impact of the development in terms of overlooking into neighbouring gardens, windows and the like. To the east, the site is currently open and only screened by trees and planting whilst to the south affords open views at and into windows within the north elevation of properties along The College. Having regard to the proposed development, it is felt that by virtue of the site levels and the height above ground level of the proposed screening, the decking area and path will not give rise to any material harm to the privacy of neighbouring properties, which will be afforded sufficient screening.

Noise disturbance - additional noise that may arise from the proposed decking area has given rise to a number of objections from local residents as well as Milverton Parish Council. With an increase to the external usable floor space within the grounds of the public house, there is potential for the existing level of noise from the property to increase from time to time. Notwithstanding this, the Council's Environmental Health Officer has noted that noise associated with people and outdoor space is difficult to assess and any nuisance will primarily depend upon the number of people that will use the area and, arguably more important, how the use of the area will be managed by the proprietor. The pub has an existing outdoor patio area which is screened from its surroundings by a tall block work wall and the pub building(s) itself. The proposed area, being 30.25 square metres in area will allow seating for only a small number of patrons. It is without doubt that the proposed decking area will, at times, have the potential to increase noise levels within the pub garden area that may be audible within nearby properties. However the area is limited in scale and will be set down into the sloping bank as well as being screened by a tall wall/fence and the existing skittle alley building that is to be retained. It is considered that with there being no fixed and continuous emission of noise, with the decking area likely to be used infrequently and principally during the warmer periods of the year, there is no substantial evidence to suggest that additional noise from the proposed decking area will give rise to such a significant level of harm to neighbouring amenity so as to refuse planning permission.

It has been suggested that the proposed area, if allowed, be restricted in its hours of use by way of a time limit condition. At times, such could be reasonable and justified and could potentially reduce the possibility of disturbance occurring. Notwithstanding this matter however, it is considered that given the existing patio area is unrestricted to its times of use, in planning terms, it would not be reasonable of the council to begin restricting the use of additional areas such as that proposed. Were we to do so, such a condition would likely be in conflict with the tests of soundness set out in circular 11/95 (Use of conditions in planning). As a fall back position, if, as a result of the proposed development, continual nuisance to neighbouring properties were to arise in the form of noise/disturbance from the outside area, such can be appropriately reported to and controlled through the councils Licensing and Environmental Health services.

Conclusion:

The proposals are considered not to harm the visual amenity of the street scene or character and appearance of the designated conservation area. Further, it is considered that given the intermittent use of the proposed decking area, and by virtue of the existing patio area, screening and the proposed screening of the decking area, there will be no significant harm to residential amenity in terms of privacy/overlooking or noise above and beyond existing levels so as to warrant the refusal of planning permission and that through proper management of the public house and its facilities, it will be possible to keep noise and disturbance to neighbouring properties to a minimum.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr R Williams Tel: 01823 356469