

E/0025/38/13

ERECTION OF SCAFFOLDING WITHOUT PERMISSION AT MAMBO, MILL LANE,
TAUNTON

OCCUPIER: CAFE MAMBO

OWNER: LIFESTYLE HOSPITALITY GROUP LTD
CAFE MAMBO, MILL LANE, TAUNTON
TA1 1LN

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of a scaffolding structure erected for the claimed purpose of carrying out essential maintenance.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an Enforcement Notice and take Prosecution action subject to sufficient evidence being obtained that the Notice is not complied with.

The Enforcement Notice shall require:-

- the removal of scaffolding structure from the site.

Time for compliance - two weeks from the date of the notice coming into effect.

SITE DESCRIPTION

The site is an area of land set to the south of Cafe Mambo and is the courtyard for outside eating and drinking. The site can be approached from Mill Lane which is a pedestrian alleyway which runs along the rear of 13 - 17 North Street, Taunton. Cafe Mambo and land to the rear is largely bounded by brick walls which form part of the Castle area. Attached to Cafe Mambo is a Listed building, Ina Cottage. The site is a Scheduled Ancient Monument and falls within the Castle Conservation Area. There is a brick wall on the south side which is the external wall of 12 North Street, and the rear entrance to Cafe Mambo is to the north. To the west is the access to the upper level of land also used for outdoor eating in the summer and lies within the site of the Castle Ancient Monument.

BACKGROUND

An application to seek approval for the retention of this structure was submitted in December 2012 but was invalid due to lack of information supplied. After repeated requests for the required information, the application was returned in February 2013 due to that information not being submitted. The unauthorised structure continues to be in use on the site. The alleged purpose of the scaffolding structure is two-fold: to provide protective cover while works of maintenance take place, and to enable the external areas to remain open for customer use. It would appear from the submission of the aforementioned application, it is the intention of the applicants to erect said structure on an annual basis.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The erection of scaffolding to cover part of the courtyard attached to Cafe Mambo. The scaffolding has been assembled from metal scaffold tubes. The roof is constructed from corrugated iron sheeting. Where openings are made smaller (there are two: the entrance from Mill Lane, and from the raised decking into the VIP area) the facing is of monoflex sheeting.

RELEVANT PLANNING HISTORY

There have been several Planning and Listed Building applications for the site, the most recent listed below.

38/11/0162 - Change of use of land and extension to beer garden. - Conditional approval 27/10/2011.

38/11/0163LB - Alterations to boundary treatment. - Conditional approval 28/08/2011.

38/12/0158 - Erection of permanent toilet structure to replace porta loos (retention of work already undertaken) - Refusal 09/08/2012.

RELEVANT PLANNING POLICES

National Policy, Guidance or Legislation

National Planning Policy Framework

Taunton Deane Core Strategy

DM1 – General requirements

CP8 – Environment

CONSULTATION

CONSERVATION OFFICER - I confirm that, in my opinion, the extant works are detrimental to the character of the Conservation Area and the setting of adjacent Listed Buildings.

DETERMINING ISSUES AND CONSIDERATIONS

It is not accepted that the scaffolding structure is required for 3 months every year to carry out maintenance works. Maintenance works could just as easily be carried out by appropriately placed temporary scaffolding without the need to cover the whole of the external yard area and raised deck area at the rear of the site. The structure clearly impacts on the character of the conservation area in this location and the setting of the adjacent listed building. The Local Authority has a duty under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting and to preserving or enhancing the character or appearance of a conservation area. The proposed structure although intended to be in place for 3 months of the year would impact detrimentally on the character of the area and the setting of the adjacent listed building. As such the development is considered to be contrary to

policies DM1 and CP8 of the Taunton Deane Core Strategy.

Part 4 of the Town & Country Planning (General Permitted Development) Order 1995 deals with temporary buildings and uses and allows for structures required temporarily in connection with and for the duration of operations being or to be carried out on, in under or over that land. However it is not considered in this instance that the structure erected is required to carry out any necessary maintenance works to the building. The majority of the structure does not relate to the building itself but covers the open yard area and new decking to the west.

In light of the works not being considered to fall within the allowance of Part 4 of the General Permitted Development Order it is considered that the nature of the structure being erected for 3 months a year needs planning permission and that the structure does adversely affect both the character of the conservation area and the listed building and consequently it is considered appropriate to take action to prevent the erection of this scale of structure in the future.

In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998

PLANNING OFFICER: Mr G Clifford
PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

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