

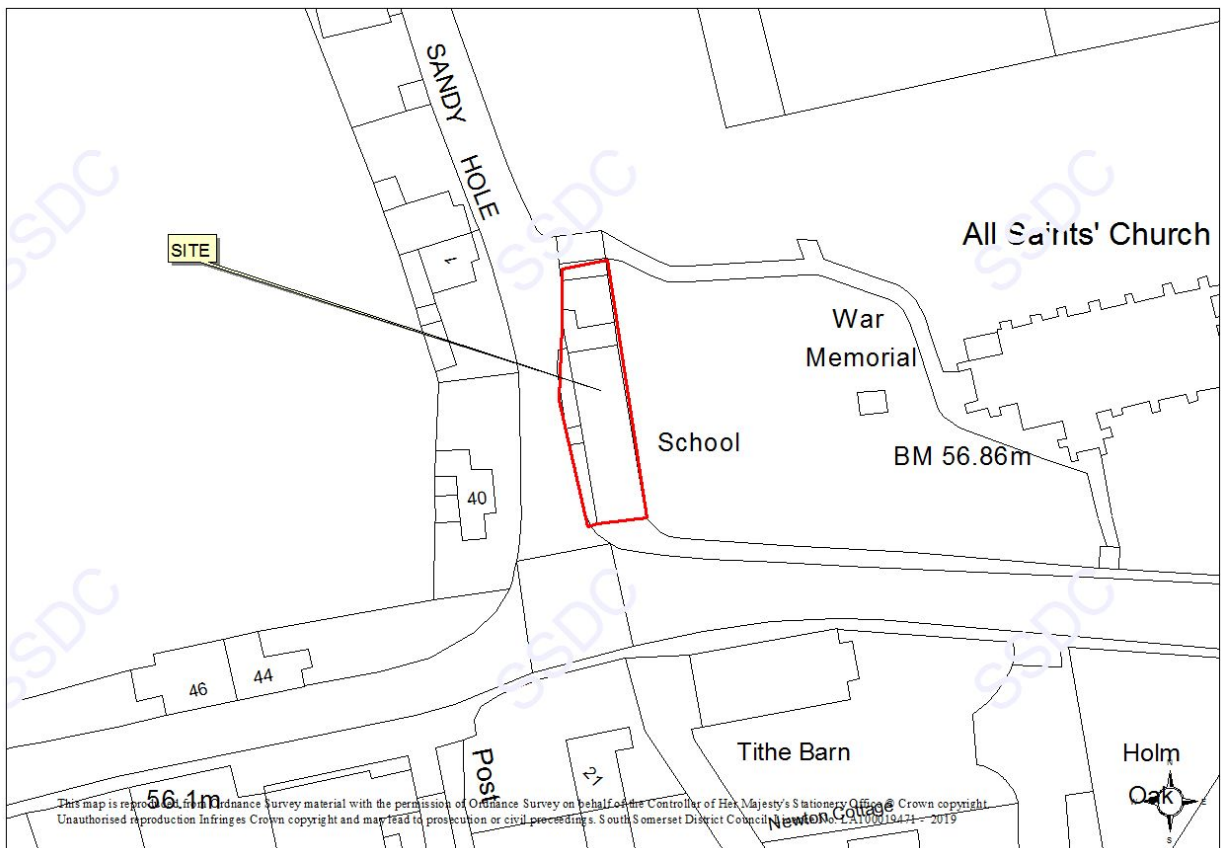
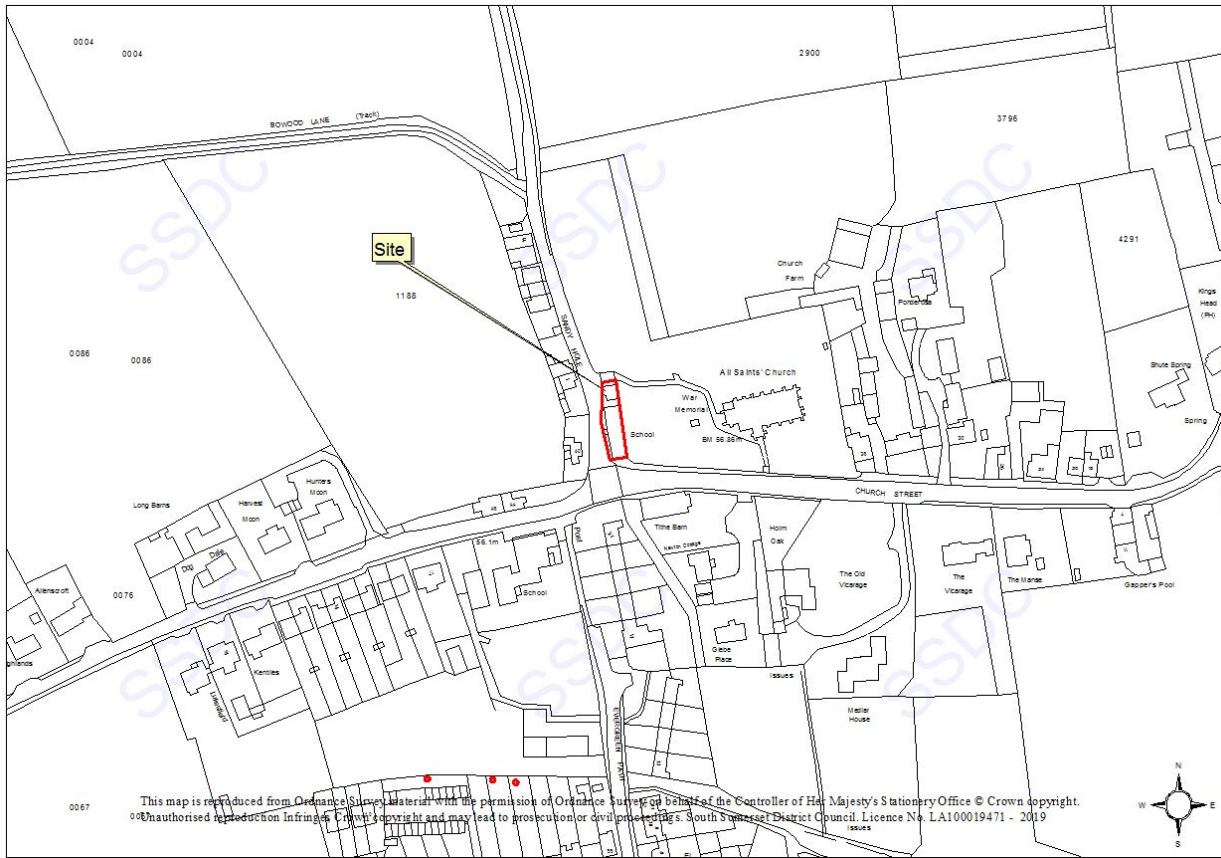
Officer Report On Planning Application: 18/03718/S73A

Site Address:	Sandyhole, The Former Sunday School, Bull Bridge Lane, Merriott, TA16 5PS
Parish	Merriott
EGGWOOD Ward	Cllr Paul Maxwell
Proposal :	Application to vary Conditions 3 (opening hours) and remove condition 7 (obscure glazing on windows on the eastern elevation) of approval 17/03983/FUL.
Recommending Case Officer:	Ian Cousins
Target date/Ext of time	13th January 2019 21st June 2019
Applicant :	Mrs Louise Pearce
Agents	Mr Jack Sellick Winchester House Deane Gate Avenue TAUNTON TA1 2UH
Type : 10	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred for Committee consideration at the request of the Ward Member with the agreement of the Area Chairman in order to allow the planning issues to be debated.

SITE DESCRIPTION AND PROPOSAL



The site consists of a Grade II listed, detached building located in Merriott used as a café/restaurant. The building is located on the western edge of the church yard of All Saints Church which is Grade II* listed. The building is located within the Merriott Conservation Area. Church Street runs along the southern end of the subject building and the adjacent church yard and 'Sandy Hole' runs along the western side of the building meeting Church Street at a T junction.

The application is made to vary condition 3 (opening hours) and remove condition 7 (obscure glazing on windows to the eastern elevation) of planning approval 17/03983/FUL. The variation to opening hours will allow the business to operate until 9pm on a Wednesday and until 11pm on a Friday and Saturday. All other opening time restrictions are to remain the same for the remaining days. (8am to 6pm). The removal of condition 7 will allow the windows facing the church to remain clear glazed.

HISTORY

17/03983/FUL -Alterations and change of use of former Sunday school to cafe/restaurant (Use class A3) to include removal of 2m of natural stone wall to form pedestrian access and erection of covered walkway. Display of 2 No. fascia signs, 1 No. hanging sign and exterior lighting. - Application permitted - February 2018.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006-2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1- Sustainable Development

SS2- Development in Rural Settlements

EP15- Protection and provision of local shops, community facilities and services
EQ7 - Pollution Control

EQ3- Historic Environment

EQ2- General Development

SS2- Development in rural settlements

TA5- Transport impact of new development

TA6- Parking standards

National Planning Policy Framework

Chapter 1- Building a strong, competitive economy

Chapter 3 -Supporting a prosperous rural economy

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting healthy communities

Chapter 12 - Conserving and enhancing the historic environment

CONSULTATIONS

Merriott Parish Council:

"The Parish Council supports the existing opening hours condition to remain in place. They suggest only the lower section of the windows need to be obscured.

County Highway Authority:

"Standing Advice applies."

SSDC Highway consultant

"Recommends that, if permission is granted, the consent should be temporary so that the highway implications can be assessed."

Environmental Health

"Concern is raised about the potential noise nuisance from the outside area for the proposed times"

REPRESENTATIONS

5 representations received objecting to the proposal on the grounds of loss of privacy to users of the graveyard, neighbour amenity and parking matters.

1 representation received supporting the application.

CONSIDERATIONS**Principle of Development**

The Principle of Development has been assessed as being acceptable through the previous planning approval. It is considered that the proposed amendments do not alter the acceptability of development.

Highway Matters

The application has been supported by a traffic survey that indicates that on-road evening parking is available and should adequately provide parking for the evening use so as not to compromise highway safety. Notwithstanding this, it is considered reasonable and necessary to impose a condition limiting the time period of operations to two years to enable the Local Planning Authority to assess the impact the proposal will have upon traffic movements and parking.

Neighbour Amenity

Concern has been raised regarding the loss of privacy to users of the graveyard from the windows on the east side of the building. A condition was imposed upon the previous permission at the request of the Planning Committee requiring the lower section of the windows that face the church to be obscure glazed. This condition has yet to be implemented and should have been done so prior to the building being brought into use as a café. Having assessed the proposal, it is considered that, given the general passive nature of views from the café/restaurant, it remains the view of officers that it is unreasonable to require the windows to be obscured glazed and that the relief of this condition is acceptable. Furthermore, the graveyard is open to views from the public realm given its open and elevated position in relation to the adjacent road.

Further concern has been raised regarding possible noise emanating from the outside seating area from the late night use given the proximity of residential dwellings. Given this, whilst the extended opening hours within the building are considered to be acceptable, a condition has been imposed to restrict the use of the outdoor space to the original opening times. Notwithstanding this assessment, it is considered reasonable and necessary to impose a condition limiting the time period of operations to two years, as per the highway assessment, to enable the Local Planning Authority to assess the impact the proposal will have upon neighbour amenity.

Conclusion

Given the passive nature of views from the café over the graveyard, it is considered reasonable for the relief of the condition requiring the windows to be obscured. It is further considered reasonable to allow the extended opening hours for a temporary period to ensure that it can be demonstrated that the use can be operated without detriment to neighbour amenity and highway safety.

RECOMMENDATION

Approve

01. Given the passive nature of views from the café over the graveyard, it is considered reasonable for the relief of the condition requiring the windows to be obscured. It is further considered reasonable to allow the extended opening hours for a temporary period to ensure that it can be demonstrated that the use can be operated without detriment to neighbour amenity and highway safety.

SUBJECT TO THE FOLLOWING:

01. The use hereby permitted shall not be open to customers outside the following times for a two year period following the date of this permission:

Monday - 08.00-18.00
Tuesday - 08.00-18.00
Wednesday - 08.00 - 21.00
Thursday - 08.00 - 18.00
Friday - 08.00 - 23.00
Saturday - 08.00 - 23.00
Sunday - 08.00 - 18.00

Following the expiration of this two year period, the hours of operation shall revert back to 08.00-18.00, Monday to Sunday.

Reason: To allow the Local Planning Authority to assess the impact of the extended opening hours upon residential amenity and highway safety.

02. No system of public address, loudspeaker, amplifier, relay or other audio equipment shall be operated on any building or otherwise on any part of the subject land.

Reason: In the interests of residential amenity in accordance with Policy TA6 of the adopted South Somerset Local Plan (2006 - 2028).

03. Except for the purpose of cycle storage, the outdoor space shall not be used beyond the time of 18.00 on any day.

Reason: In the interests of protecting neighbour amenity.
