

Application Number	2023/1213/FUL
Case Officer	Kirsty Black
Site	Flat 4 Tipcote House Tipcote Lane Shepton Mallet Somerset
Date Validated	25 July 2023
Applicant/	M Saunders
Organisation	
Application Type	Full Application
Proposal	Replacement of three rotten timber casement windows
Division	Shepton Mallet Division
Parish	Shepton Mallet Town Council
Recommendation	Approval
Divisional Cllrs.	Cllr Bente Height Cllr Martin Lovell

Referral to Ward Member/Chair and Vice Chair/Planning Board

This application is to be presented at Planning Committee as the agent is a Councillor.

Description of Site, Proposal and Constraints:

This application concerns flat 4 of Tipcote House in Shepton Mallet. Tipcote House is a Grade II Listed Building and a terraced property that dates from the late C18th / early C19th and was converted into flats around 1975. It is of stone construction with a slated roof although part of the building lies under a tiled roof. It currently has a mixture of wooden and uPVC casement windows which are single glazed. Tipcote House lies within the Conservation Area.

This application seeks consent for the replacement of two windows on the north elevation of the building and the one on the south elevation as the existing modern windows are in a very poor state of repair. They are proposed to be replaced with a more traditional style casement window with hardwood frames and will be painted in an off-white colour in eggshell.

Relevant History:

2023. 2023/1214/LBC. Replacement of 3no. timber casement windows. To be presented at Planning Committee.

Summary of Ward Councillor comments, Town/Parish Council comments, representations and consultee comments:

Ward Member: No comments received.

Town/Parish Council: Support the application, subject to the approval of the windows by the Conservation Officer.

Conservation Officer: Supports the proposal.

Local Representations: No comments received.

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies (Post JR)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- P1 – Mendip Spatial Strategy
- DP1 – Local Identity and Distinctiveness
- DP3 – Heritage Conservation
- DP7 – Design and Amenity of New Development

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance

- Design and Amenity of New Development, Policy DP7 SPD (March 2022)

Assessment of relevant issues:

Design of the Development and Impact on the Street Scene and Surrounding Area:

The proposed development seeks to replace rotten modern windows considered to be in a poor state of repair with those of a more traditional style casement design. The proposal will improve the overall appearance of the Listed Building, which is visible from the public realm along Tipcote Lane and beyond. The proposal is considered to be sympathetic to the character of the original property and accords with Policy DP1 and DP7 of the adopted Local Plan Part 1 (2014), plus the Design and Amenity of New Development, Policy DP7 SPD (March 2022) along with Part 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

The proposed replacement windows will improve the appearance and character of Tipcote House and will not be detrimental to local residential amenity. The proposal accords with Policy DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on the Conservation Area and Listed Building

There is a duty under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent for any works, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. There is also a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the preservation or enhancement of the character of the surrounding Conservation Area.

Tipcote House is a Grade II Listed Building that falls within the Conservation Area. The Tipcote Lane terraced properties form an important part of the Shepton Conservation Area and make a positive contribution to its character and appearance. This application is of clear heritage benefit and the replacement of the three existing windows is deemed acceptable as they are modern additions and beyond repair. The new windows will visually enhance the appearance and character of the Listed Building as well as the views to and from the Conservation Area.

In this case it is considered that, by virtue of the design, scale, massing, position and the external materials, [and having regards to the Conservation Area Assessment of Shepton] no harm to the significance of the heritage asset or its setting would occur and that the

proposed development would at least preserve the character and appearance of the Listed Building and the Conservation Area and its setting. The proposal accords with Policy DP3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework.

Equalities Act

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Recommendation

Approval

Conditions

1. Standard Time Limit - Listed Building Consent (Compliance)

The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. Plans List (Compliance)

This decision relates to the following drawings: LOCATION PLAN received 25th of July 2023, 1 LOCATION PLAN received 27th of July 2023, 2 B ELEVATIONS, 4 B WINDOW DETAILS and 5 WINDOW DETAILS all received 14th November 2023.

Reason: To define the terms and extent of the permission.

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.

2. **Condition Categories**

Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 116GBP per request (or 34GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.