

Application Number	2023/1214/LBC
Case Officer	Kirsty Black
Site	Flat 4 Tipcote House Tipcote Lane Shepton Mallet Somerset
Date Validated	25 July 2023
Applicant/ Organisation	M Saunders
Application Type	Listed Building Consent
Proposal	Replacement of 3no. 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.

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:

2023/1213/FUL. Replacement of three rotten timber. To be presented at Planning Committee.

Summary of Consultation/Representations:

Ward Member: No comments received

Parish Council: Support the proposal, subject to the approval of the windows by the Conservation Officer.

Conservation Officer: Supports the proposal.

Neighbours: No comments received.

Officer Assessment:

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 policy of the Local Plan Part 1 are relevant to the determination of this application:

- DP3 – Heritage Conservation

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance

Listed Building Consents

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. This application is of clear heritage benefit and will ensure the historic windows are brought into a good state of repair. The replacement of the three windows is deemed acceptable as they are modern additions and are beyond repair.

It is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning Policy and guidance including Policy DP3 of the adopted Local Plan Part 1 (2014) and Part 16 of the National Planning Policy Framework. The proposals would be an acceptable alteration to the listed building that preserve its architectural interest and character and will preserve and enhance the setting and appearance of the conservation area.

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.