

**OFFICER: John Millar (01935) 462465 [Item 1]**  
**APPL.NO: 07/01028/FUL APPLICATION TYPE: Full Application**  
**PARISH: Ilminster WARD: ILMINSTER TOWN**  
**DESCRIPTION: The erection of a garden room ancillary to existing public house (GR 335119 / 114862)**  
**LOCATION: The Stonemasons Harts Close Ilminster Somerset TA19 9DJ**  
**APPLICANT: Wolverhampton & Dudley Breweries Plc**  
**AGENT: Roger Evans Corn Exchange High Street Much Wenlock TF13 6AE**  
**DATE ACCEPTED: 13 March 2007**

**REASON FOR REFERRAL TO COMMITTEE:**

The application is before Committee, having been deferred at June Committee. The application was deferred pending negotiation with the applicant, in regard to design and siting of the proposed garden room. Area West Committee resolved to refer the application back to Committee if discussions failed to reach a satisfactory conclusion. The applicant has decided to retain the original proposal. The proposal was previously before Committee at the request of the Area Chair, who is one of the Ward Members because of the neighbour objections and Town Council's recommendation of refusal.

**SITE DESCRIPTION AND PROPOSAL:**



The property is a newly built public house, set between Harts Close and Riec-Sur-Belon Way. It is located within the Ilminster defined development area and is neither within or visible from the Ilminster Conservation Area.

The proposal is made to erect a garden room to the side (north east) elevation of the building. The external surfaces are proposed to be constructed from timber panels with trellis covering the openings for security. The application is a re-submission of previous application 06/03276/FUL, with the proposed garden room sited on the front elevation.

## HISTORY:

06/03276/FUL: Garden room ancillary to existing pub - Application withdrawn.

06/00005/ADV: Erection of 3 no. sets of externally illuminated pub name letters, 6 no. flood lights, 1 no. externally illuminated projection sign, 1 no externally illuminated double sided pole sign and 2 no externally illuminated double sided free standing signs - Permitted with conditions

05/00174/FUL: Redevelopment of site for Public House and Storage/Warehouse/Distribution building - Permitted with conditions.

## POLICY:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

### Relevant Development Plan Documents

Regional Spatial Strategy: Vis 1, Vis 2, EN4

Somerset and Exmoor National Park Joint Structure Plan: Policy 49

South Somerset Local Plan (Adopted April 2006): ST5, ST6

## CONSULTATIONS:

### *Town/Parish Council*

Recommend refusal. The Town Council can see no reason for the provision of a garden room on a public house which is already well served by garden/outside seating provision to the south of the property. The proposal offers a visually unattractive addition which is out of keeping with the remainder of the building. Also, by virtue of the open nature of the trellis work, it would generate noise that would have a detrimental effect on neighbouring properties in Riec-sur-Belon Way.

### *SSDC Technical Services*

No comments.

### *County Highway Authority*

No observations.

### *SSDC Environmental Protection Unit*

We have received no formal complaints about noise from the premises, only public disorder as people go off home. I have no reason therefore to object to this application, on grounds of pollution. In other words, I have no observations.

## REPRESENTATIONS:

Two letters of objection were received from neighbours. They cite the following objections:

- The proposal will be an architectural eyesore on an otherwise dignified building.
- There are ongoing problems with the pub management and resultant noise pollution. An extension of the pub size will lead to increased noise levels, especially in the summer.
- The present management have not shown that they can run an orderly public house at its current capacity. Enabling more potential troublemakers would be a huge mistake.

## CONSIDERATIONS:

The Stonemasons is a newly built public house within the Ilminster defined development area. It is some distance from the conservation area and not visible from it, so does not affect its setting or views in and out of it.

The pub is located on the edge of a mixed-use site for business and residential use. It is adjacent to the new residential area along Canal Way. The existing building has been carefully designed to give it a domestic appearance and to respect the local setting.

The proposal is to erect a timber board and trellis garden room to the side to allow for an external, but covered, seating area for pub users. There have been objections raised to the proposal, from both the Town Council and neighbouring residents. These refer specifically to the appearance and design and to the possible creation of increased noise pollution and disturbance to residents.

In regard to the design and appearance, the structure is intended to have the appearance of a traditional, but roofed pergola. The materials do not match those of the existing building as it is proposed to be a simple timber and trellis structure. It is however of a scale and mass that is not considered to dominate the main building or detract from its setting. The proposed materials are relatively domestic in quality and the structure is considered to sufficiently respect and relate to the character of the property and its surroundings. The proposal is considered to be subservient in relation to the existing building.

The other matter is in relation to the possible increase in noise and disturbance. The point has been raised that there do exist management issues and that further capacity will further exacerbate noise pollution and disturbance. In regard to this, it is noted that the proposal is for a small scale external seating area but one that is covered, making it differ from the existing outdoor seating area. The proposal will only be able to accommodate a few more tables and is intended for use by existing patrons, not additional ones. The garden room will only be accessible from inside the main building and will not form an additional entrance to the building. The proposed garden room is to be just under 25 metres from the nearest property and is separated by Riec-Sur-Belon Way. It is not considered that there will be more noise created than may already be generated from the existing outdoors seating area. In addition, the Council's Environmental Protection Unit have raised no objections. The comments received advise that no complaints have been received in regard to noise pollution other than when pub users are actually leaving. Additionally, management issues and the control of patrons at the premises are not considered to be material planning considerations, these are matters dealt with through licensing policy.

The applicant has advised that the proposal is not intended for use as a smoking shelter. While this use is unlikely to alter the issues considered in this application, it is noted that the structure will not pass the relevant smoking regulations due to come in on 1st July, as it is considered to be fully enclosed. The applicant has been advised of this.

In summary, it is considered that the proposed development sufficiently respects and relates to the character of its surroundings and is unlikely to contribute to any additional disturbance or unacceptable harm to residential amenity of neighbouring properties.

#### RECOMMENDATION:

#### **Application Permitted with Conditions**

The proposal, by reason of its size, scale and materials, respects the character of the area and causes no additional disturbance or demonstrable harm to residential amenity in accordance with the aims and objectives of policy ST6 of the South Somerset Local Plan (Adopted April 2006).

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be commenced until particulars of the colour and finish of the external surfaces have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of visual amenity, in accordance with Policy ST6 of the South Somerset Local Plan (Adopted April 2006).

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, or other openings (including doors) shall be formed in the garden room, or other external alteration made without the prior express grant of planning permission.

**Reason:** In the interests of visual and residential amenity, in accordance with Policy ST6 of the South Somerset Local Plan (Adopted April 2006).

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