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**WELLINGTON TOWN COUNCIL**

**COUNCIL PLANNING MEETING**

The **PLANNING** meeting of Wellington Town Council will be held in the United Reformed Church Hall in Fore Street, Wellington, on **Monday 9th May 2016 at 5:15pm**

Greg Dyke

Town Clerk

**AGENDA**

**1. APOLOGIES**

**2. DECLARATION OF INTERESTS**

**3. APPLICATIONS TO BE DETERMINED BY TOWN COUNCIL:**

(a) Proposed single storey extension at 110 Burrough Way, Wellington (43/16/0035) *Planning Officer’s report attached recommending: Conditional Approval*

(b) Proposed two storey extension to the side at 61 Gillards Close, Rockwell Green, Wellington (43/16/0038). *Planning Officer’s report attached recommending: Conditional Approval*

(c) Proposed single storey extension to rear at 16 Corner Close, Wellington (43/16/0043). *Planning Officer’s report attached recommending: Conditional Approval*

**4. TO CONSIDER WHAT COMMENTS TO MAKE ON THE FOLLOWING APPLICATIONS THAT WILL BE DETERMINED BY TAUNTON DEANE BOROUGH COUNCIL OR SOMERSET COUNTY COUNCIL:**

(a) Creation of car parking area on land off Bulford, Wellington (43/16/0030)

(b) Erection of dwelling to the rear of 29-31 North Street, Wellington (43/16/0036)

(c) Variation of Condition 04 (implementation and completion of highway works) of Application No 46/12/0007 at Blackdown Garden Centre, Wellington Road, West Buckland) (46/16/0005)

(d) Erection of a single storey extension, linking to cafe, to be used as a flexible common room/teaching space at Wellington School, South Street, Wellington (43/16/0048)

**5. ALLEGED BREACH OF PLANNING CONDITIONS AT 9 FORE STREET, WELLINGTON (Councillor Thorne to raise)**

Councillor Thorne has carried out some research into the above planning application. The Council discussed it at its meeting on 7th March when TDBC were informed that insufficient information had been provided by the applicant for us to make any comment.

Councillor Thorne noted that the proposed work was started the week after the meeting, and has since been completed. Tables and chairs have been installed to the right-hand side of the ground floor, where customers can consume food purchased on the premises. There was no mention of this in the Design, Access, and Heritage statement submitted by the applicant's agent, nor on the application document. He therefore looked into the history of planning consents for the property and found that it currently only has A1 use, which means they can sell food for consumption off the premises. They would also need A3 for consumption on the premises.

These concerns were passed on to Planning Officer Matthew Bale who has stated that the listed building consent application has now been approved and therefore there is no longer a breach of planning control.  In terms of the introduction of the A3 use, he considered this to be ancillary to the main A1 element and not a material change of use.  This is the same situation as in Taunton, where Greggs trade under A1 permission.  It is a situation that he understands to be repeated numerous times across the country.  Therefore, he does not consider that there is a breach of planning control.

Councillor Thorne is of the view that there IS a material change of use here. He points out that Greggs clearly now has a café business operating on its premises whereas previously it was only a take-away, and A1 planning use clearly states food can be sold for consumption off the premises only. Using the logic applied here, then every premises selling food would be entitled to open a café as well, businesses such as the Co-op supermarket or Show Spice Indian takeaway, for instance, without applying for change of use planning consent. If a previous application in the town centre could be denied planning permission in order to protect the integrity of the retail core of the town, he fails to see how Greggs can be allowed to open a café in the retail core without even the necessity of applying for planning consent.

Councillor Thorne makes the point that he is not saying he would necessarily be opposed to a café on the Greggs premises and/or fettering his discretion if a planning application were to be submitted, only that he believes it should be subject to a planning application so that it can be properly considered before any decision is taken.

Planning Officer Matthew Bale’s initial view is that there is no breach here. However, as Councillor Thorne wishes to take the matter further and make a formal enforcement allegation, a new enforcement case has now been opened and the matter will be investigated further.

**Taunton Deane Borough Council Planning Officer will be in attendance at this meeting.**

**PLEASE NOTE: COPIES OF ALL PLANNING APPLICATIONS TO BE DETERMINED AND CONSIDERED BY THE TOWN COUNCIL WILL BE ON DISPLAY IN THE UNITED REFORMED CHURCH HALL ON THE DAY OF THE MEETING**