

42/2003/046CA

SOMERSET REDSTONE TRUST

**DEMOLITION OF BUILDINGS, GATCHELL HOUSE, HONITON ROAD, TRULL AS
AMENDED BY AGENTS LETTER DATED 18TH NOVEMBER, 2003**

21250/22118

CONSERVATION AREA CONSENT

1.0 **RECOMMENDATION**

I recommend that Conservation Area Consent for the demolition of buildings be GRANTED subject to the following condition:-

- 01 The works for which consent is hereby granted shall be begun within five years from the date of this consent.
- 01 Reason: In accordance with the provisions of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

REASON(S) FOR RECOMMENDATION:- The buildings are of limited interest and their removal does not conflict with Taunton Deane Local Plan Revised Deposit Policy EN16 taking into account the other proposals at this location.

42/2003/047CA

SOMERSET REDSTONE TRUST

DEMOLISH FORMER SQUASH CLUB BUILDINGS, OUTBUILDINGS AND WALLS, GATCHELL HOUSE, HONITON ROAD, TRULL AS AMENDED BY AGENTS LETTER DATED 18TH NOVEMBER, 2003

21253/22078

CONSERVATION AREA CONSENT

1.0 **RECOMMENDATION**

- 01 The works for which consent is hereby granted shall be begun within five years from the date of this consent.
- 01 Reason: In accordance with the provisions of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990

REASON(S) FOR RECOMMENDATION:- The buildings are of limited interest and their removal does not conflict with Taunton Deane Local Plan Revised Deposit Policy EN16 taking into account the other proposals at this location.

42/2003/048

SOMERSET REDSTONE TRUST

ERECTION OF EXTENSION TO GACHELL HOUSE IN THE FORM OF AN 'ORANGERY' AS A MEETING ROOM TO SERVE ELDERLY PERSONS DWELLINGS TO BE CONSTRUCTED IN ACCORDANCE WITH PLANNING PERMISSION NO. 42/1999/010 AT GACHELL HOUSE, HONITON ROAD, TRULL AS AMENDED BY AGENTS LETTER DATED 18TH NOVEMBER, 2003

21253/22078

FULL

1.0 **RECOMMENDATION**

Subject to the receipt of revised drawings amending the proportions of the openings proposed, the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of:-

- 01 The development hereby permitted shall be begun within five years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
- 02 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 02 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A) .
- 03 Details of all guttering, downpipes and disposal of rainwater shall be submitted to and approved by the Local Planning Authority before works commence.
- 03 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 04 Details of the structure and colour of the mortar to be used in the brickwork (stonework) shall be submitted to and approved by the Local Planning Authority before the development commences.
- 04 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).

Notes to Applicant

- 01 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and

principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline (08701 545500).

- 02 You are asked to contact Wessex Water, Waste Water Services, Riverside, Chilton Trinity, Bridgwater, TA6 3JS, to ensure that the works you propose do not involve building over a public sewer.
- 03 You are reminded of the need to satisfy yourself that the proposed development can be accommodated on the site in accordance with the approved plans and to ensure that the development is carried out strictly in accordance with those approved plans. Any variance thereto may result in enforcement action being taken by the Local Planning Authority.
- 04 You are advised to contact the Divisional Fire Officer, Lisieux Way, Taunton regarding fire safety measures to be incorporated in the proposed development/works.

REASON(S) FOR RECOMMENDATION:- The proposal respects the character and appearance of Gatchell House and will not have any adverse impact on the surrounding area. The proposal therefore accords with Taunton Deane Local Plan Revised Deposit Policy EN15.

42/2003/049

SOMERSET REDSTONE TRUST

ERECTION OF 28 APARTMENTS/COTTAGES FOR THE ELDERLY AND DISABLED, THE CONVERSION OF PART OF GATCHELL HOUSE TO PROVIDE SUPPORT ACCOMMODATION, ERECTION OF EXTENSION TO GATCHELL HOUSE IN THE FORM OF AN ORANGERY AS A MEETING ROOM TO SERVE THE PROPOSED APARTMENTS/COTTAGES AT GATCHELL HOUSE, HONITON ROAD, TRULL

21251/22079

FULL

1.0 **RECOMMENDATION**

Subject to the receipt of revised drawings amending the proportions of the openings to the orangery and the applicants entering into a Section 106 by 18th February, 2004 restricting occupancy to elderly or disabled persons, provision of 7 social housing units and financial contribution of £80,000 towards squash facilities/development of if such cannot be provided within two years, towards other forms of sports/recreation facilities the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to the following conditions:-

- 01 The development hereby permitted shall be begun within five years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
- 02 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 02 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 03 Details of all guttering, downpipes and disposal of rainwater shall be submitted to and approved by the Local Planning Authority before works commence.
- 03 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 04 Details of the structure and colour of the mortar to be used in the brickwork (stonework) shall be submitted to and approved by the Local Planning Authority before the development commences.
- 04 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).

- 05 (i) Before any part of the permitted development is commenced, a scheme of planting of trees and shrubs, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- 05 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.
- 06 Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.
- 06 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.
- 07 Before any part of the development is commenced detailed drawings shall be submitted to and approved in writing by the Local Planning Authority showing existing and proposed levels and contours of the development site.
- 07 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.
- 08 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the trees so retained shall not be altered.
- 08 Reason: In the interests of the visual amenity of the area as required by Taunton Deane Local Plan Revised Deposit Policy EN7.
- 09 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.
- 09 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Revised Deposit Policies EN5 and EN7.

- 10 No windows other than those shown on the plans hereby approved shall be constructed in any wall of the buildings which abuts the boundary with Gatchell Meadow without the prior written consent of the Local Planning Authority.
- 10 Reason: To maintain the privacy of adjoining occupiers in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).
- 11 There shall be no obstruction to visibility greater than 300 mm above the adjoining road level in advance of lines drawn 4 m back from the carriageway edge on the centre lines of the access and extending to points on the nearside carriageway edge 70 m either side of the access. Such visibility splays shall be fully provided before any of the accommodation hereby approved is first occupied and shall thereafter be maintained at all times.
- 11 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 12 The access road shall not be less than 5 m in width over the first 25 m of its length.
- 12 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 13 A radius of not less than 6 m shall be provided on the southern side of the access road junction with the Honiton Road and a radius of not less than 12.5 m shall be provided on the northern side.
- 13 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 14 Development shall not begin until full details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the crown spread plus 25% of the American Oak situated to the east of Gatchell House are submitted to and approved by the Local Planning Authority. The above details shall include an investigation and assessment to identify the extent of any damage or disturbance which may be caused to the root system and the measures to be taken to avoid any damage which is likely to affect the American Oak when the site is developed. Development shall not commence until the measures approved in the details submitted have been implemented.
- 14 Reason: In the interests of preservation of the American Oak tree in accordance with Taunton Deane Local Plan Revised Deposit Policy EN5.
- 15 Details of proposals to ensure protection of bats shall be submitted to and approved by the Local Planning Authority before any works commence and any resulting measures shall be implemented in accordance with an agreed programme.
- 15 Reason: To ensure the development does not harm protected species in accordance with Taunton Deane Local Plan Revised Deposit Policy EN4a

Notes to Applicant

- 01 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline (08701 545500).
- 02 You are asked to contact Wessex Water, Waste Water Services, Riverside, Chilton Trinity, Bridgwater, TA6 3JS, to ensure that the works you propose do not involve building over a public sewer.
- 03 You are advised to contact the Divisional Fire Officer, Lisieux Way, Taunton regarding fire safety measures to be incorporated in the proposed development/works.
- 04 You are reminded of the need to satisfy yourself that the proposed development can be accommodated on the site in accordance with the approved plans and to ensure that the development is carried out strictly in accordance with those approved plans. Any variance thereto may result in enforcement action being taken by the Local Planning Authority.
- 05 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 06 Noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises. Monday - Friday 0800 - 1800; Saturdays 0800 - 1300. At all other times, including Public Holidays there shall be no noisy works.

1.0 **APPLICANT**

Somerset Redstone Trust

2.0 **PROPOSAL**

Applications 42/2003/046CA and 42/2003/048 relate to the demolition of outbuildings to the rear of Gatchell House itself and the erection of an extension in the form of an 'orangery' to provide communal facilities to serve the twelve elderly persons dwelling which have planning permission in the walled garden.

Applications 42/2003/047CA and 42/2003/049 relate to the demolition of the former squash club buildings to accommodate a further twenty-eight sheltered units, together with the 'orangery' extension.

The buildings are generally two-storey in height with eaves level reduced to allow provision of dormers.

APPENDIX A comprises the submitted planning statement.

APPENDIX B comprises the submitted architectural design statement.

APPENDIX C comprises a Landscape Design Report.

APPENDIX D comprises the conclusion of a report on the impact upon squash.

APPENDIX E Appeal Decision Letter dated 21st May, 2002.

APPENDIX F Local Plan Inspector's conclusions on allocation of site

4.0 **THE SITE**

Gatchell House lies to the south of Taunton on the Honiton Road, just north of Staplehay. The entire site lies within the Trull Conservation Area and the trees along the road frontage are covered by a Tree Preservation Order. The site comprises Gatchell House, which is currently used as offices by the applicants, together with the adjacent former squash and fitness club, which comprises a mix of traditional and modern utilitarian buildings. Forward of the squash and fitness club buildings are a parking area and two outdoor tennis courts. To the rear lies a walled garden with a range of outbuildings along the northern boundary wall. The site lies within the settlement limits of Taunton.

5.0 **RELEVANT PLANNING HISTORY**

30/1976/018 Erection of building containing six squash courts and conversion of existing stables to club house. Outline permission granted 13th January, 1977.

30/1977/012 Detailed permission granted for the above, 26th August, 1977.

30/1982/020 Erection of kitchens and bar extension and extension to car park. Granted conditional planning permission 28th September, 1982.

42/1987/007 Erection of tennis netting and floodlighting. Granted conditional planning permission 2nd June, 1987.

42/1990/009 Erection of two-storey extension to sports club. Granted conditional planning permission 23rd March, 1990.

42/1992/003 Erection of two dwellings and garages within the walled garden. Refused permission 13th March, 1992. Subsequent appeal was dismissed.

42/1992/024 Erection of two storey extension to changing rooms. Granted conditional planning permission 28th July, 1992.

- 42/1999/010** Erection of extension to health club, erection of twelve elderly persons dwellings with care facilities and change of use of existing house to provide offices, communal facilities and treatment rooms. The proposal involved the loss of one of the tennis courts. Conditional planning permission granted 19th January, 2001.
- 42/1999/011CA** Conservation Area consent granted 15 July 1999 for demolition of two outbuildings. Partial removal of kitchen garden wall and realignment of walls to house, garden and boundary.
- 42/2000/036CA** Conservation Area consent refused 30th October, 2000 for demolition of squash courts and annex buildings.
- 42/2000/039** Erection of 36 dwellings for elderly, provision of 2 wardens accommodation in former barn and conversion of main house to ancillary communal facilities. Refused 30th October, 2000.
- 42/2001/022CA** Conservation Area consent refused 17th October, 2001 for demolition of squash court and annex building. Appeal dismissed on 21st May, 2002.
- 42/2001/023** Erection of 36 dwellings for elderly persons, provision of 2 units of warden's accommodation in former barn and provision of hydro-therapy pool and conversion of main house to ancillary communal facilities with demolition of squash court buildings. Refused 17th October, 2001. Appeal dismissed 21st May, 2002. Appeal decision at Appendix E.
- 42/2002/057** Erection of 45 dwellings/apartments for the elderly and disabled, conversion of part existing house to provide support accommodation, together with rear extension accommodating health facilities. Refused 10th March, 2003. Appeal lodged and held in abeyance pending outcome of current application.
- 42/2002/058** Demolition of former squash club buildings, outbuildings with walled gardens, together with other walls and enclosures. Refused 10 March 2003. Appeal lodged and held in abeyance pending out come of current application.

6.0 **RELEVANT PLANNING POLICY**

Somerset and Exmoor National Park Joint Structure Plan Review 2000

Policy STR1 Sustainable development

POLICY 37

FACILITIES FOR SPORT AND RECREATION WITHIN SETTLEMENTS

Provision should be made for the protection, maintenance and improvement of the range of facilities for sport and recreation, where they are compatible with the size and function of the Settlement involved. New developments which would generate substantial transport movements should be accessible by public transport.

Policy 39 Transport and development

Taunton Local Plan

Policy H4

Policy EC9

Taunton Deane Local Plan Revised Deposit

Policy H1 Housing with classified settlements

Policy H11 Affordable Housing

Policy H12 Affordable Housing with general market housing

Policy EN15 Conservation Areas

Policy EN16 Demolition affecting Conservation Areas

Policy C3

Proposals involving the loss of recreational open space, including allotments, public, private and school/college playing fields, sports grounds and children's play areas will not be permitted unless:

- (A) there is an excess of good quality recreational open space of the type which would be lost, sufficient to meet local demand; or
- (B) the proposed development provides recreational or community benefit greater than the long term recreational value of the open space that would be lost; or
- (C) equivalent provision in a convenient location is made to at least an equal standard and with equal community benefit; or
- (D) in the case of school or college playing fields only: the land is needed for development of school buildings and/or associated facilities, and adequate playing fields to meet statutory requirements would be retained or provided.

T25 The following sites as shown on the proposals map are allocated for residential development:

Site		Site Area (hectares)
A	Hamilton Road	0.6
B	Princess Margaret School, Middleway	1.4
C	St.James Street Garage	0.2
D	Wheatley Crescent	0.4
E	The Avenue/Chip Lane	0.3
F	Sherlands, Stonegallows	1.1
G	Somerset Place	0.7
H	Cheddon Road	0.2
I	Dabinett Close, Norton Fitzwarren	0.3
K	52/55 Upper High Street	0.03
L	Gatchell House, Trull	1.5

Gatchell House, Trull

8.172

An allocation which can provide larger style houses in a popular area of Taunton, or alternative smaller units of accommodation such as for the elderly. The site comprises the immediate grounds to Gatchell House, a substantial Victorian dwelling. The site is current used as part of the “Gatchell House Squash and Country Club, with facilities such as tennis and squash courts. Other elements to the site include an orchard and walled garden. The current access to the site is via the Honiton Road, a frontage which has a substantial group of protected trees. However, this access may be inadequate to serve a larger development. The continual protection of the tree group may necessitate that any new access arrangement is made via Gatchell Meadow, a small modern housing development to the south of the site. The northern and western boundaries of the site comprise open areas of countryside. Gatchell House maybe suitable for conversion to flats, but the house and its immediate frontage are excluded from the allocation, because they add substantially to the quality and distinctiveness of the local environment. The site meets the criteria set out in policy H12 for the provision of affordable housing. No unusual costs are likely to be associated with the development of the site so the Borough Council will seek provision of 40% of the site as affordable housing in accordance with the definition set out in policy H11. To meet the assessed need as set out in paragraphs 3.44 - 3.45, the priority should go towards the provision of social housing. Part of the site has planning permission, subject to the completion.

The Local Plan Inspector’s conclusions in respect of this allocation as Appendix.

7.0 **RELEVANT CENTRAL GOVERNMENT POLICY GUIDANCE**

PPG1 General Policy and Principles

Paragraphs 4 - 7

Paragraph 24

In preparing their development plans, local planning authorities should consider the land-use requirements of various types of social provision. For housing, the key objectives for the location of development and the allocation of land are:-

- to ensure that the planning system identifies an adequate and continuous supply of housing land to meet future requirements which is both available and sustainable;
- to make effective use of land within urban areas, by allocating the maximum amount of housing to previously-developed sites within existing larger urban areas, which have access to a range of transport and other facilities, whilst protecting open space, playing fields and green spaces in cities and towns;
- outside urban or village areas, to promote land for housing in locations which are or will be well served by public transport and with good access to employment and a range of services including leisure, shopping, education and health facilities;
- to provide a mixture and range of types of housing to meet the increasingly varied types of housing requirements, including the need for affordable housing; and
- to ensure that housing is available where jobs are created.

Paragraph 32

Paragraphs 47 - 49

PPG 3 Housing

Paragraph 11

Local authorities should take account of assessments of local housing need in determining the type and size of additional housing for which they should plan. They should assess the composition of current and future households in their area, and of the existing housing stock, and formulate plans which:-

- secure an appropriate mix of dwelling size, type and affordability in both new developments and conversions to meet the changing composition of

households in their area in the light of the likely assessed need;

- encourage the provision of housing to meet the needs of specific groups (see paragraph 13);
- avoid housing development which makes inefficient use of land and provide for more intensive housing development in and around existing centres and close to public transport nodes;
- promote improved quality of developments which in their design, layout and allocation of space create a sense of community; and
- introduce greater flexibility in the application of parking standards, which the Government expects to be significantly lower than at present.

Paragraphs 14 - 17

Paragraph 38

Paragraph 54

Good design and layout of new development can help to achieve the Government's objectives of making the best use of previously-developed land and improving the quality and attractiveness of residential areas. In seeking to achieve these objectives, local planning authorities and developers should think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment.

Paragraph 56

Paragraphs 57

Local planning authorities should avoid the inefficient use of land. New housing development in England is currently built at an average of 25 dwellings per hectare but more than half of all new housing is built at less than 20 dwellings per hectare. That represents a level of land take which is historically very high and which can no longer be sustained. Such development is also less likely to sustain local services or public transport, ultimately adding to social exclusion. Local planning authorities should therefore examine critically the standards they apply to new development, particularly with regard to roads, layouts and car parking, to avoid the profligate use of land. Policies which place unduly restrictive ceilings on the amount of housing that can be accommodated on a

site, irrespective of its location and the type of housing envisaged or the types of households likely to occupy the housing, should be avoided.

Paragraph 58

Local planning authorities should therefore:

- avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare net - see definitions at Annex C);
- encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net); and
- seek greater intensity of development at places with good public transport accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors.

PPG 15 Planning and the Historic environment

Paragraphs 2.12 - 2.14

Paragraphs 3.6 - 3.19

Paragraphs 4.14 - 4.15

Paragraphs 4.16

Many conservation areas include the commercial centres of the towns and villages of which they form part. While conservation (whether by preservation or enhancement) of their character or appearance must be a major consideration, this cannot realistically take the form of preventing all new development: the emphasis will generally need to be on controlled and positive management of change. Policies will need to be designed to allow the area to remain alive and prosperous, and to avoid unnecessarily detailed controls over businesses and householders, but at the same time to ensure that any new development accords with the area's special architectural and historic interest.

Paragraph 4.17

Many conservation areas include gap sites, or buildings that make no positive contribution to, or indeed detract from, the character or appearance of the area; their replacement should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. What is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a

larger whole which has a well-established character and appearance of its own.

Paragraph 4.19 The Courts have recently confirmed that planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, though in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest.

Paragraph 4.20 As to the precise interpretation of 'preserve or enhance', the Courts have held (*South Lakeland DC v Secretary of State for the Environment*, (1992) 2 WLR 204) that there is no requirement in the legislation that conservation areas should be protected from all development which does not enhance or positively preserve. Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.

Paragraphs 4.26 - 4.29

PPG 17 Planning for Open Space, Sport and Recreation

Paragraph 10 Existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements. For open space, 'surplus to requirements' should include consideration of all the functions that open space can perform. Not all open space, sport and recreational land and buildings are of equal merit and some may be available for alternative uses. In the absence of a robust and up-to-date assessment by a local authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to requirements. Developers will need to consult the local community and demonstrate that their proposals are widely supported by them. Paragraph 15 below applies in respect of any planning applications involving playing fields.

- Paragraph 11 Open space and sports and recreational facilities that are of high quality, or of particular value to a local community, should be recognised and given protection by local authorities through appropriate policies in plans. Areas of particular quality may include: -
- i. small areas of open space in urban areas that provide an important local amenity and offer recreational and play opportunities;
 - ii. areas of open space that provide a community resource and can be used for informal or formal events such as religious and cultural festivals, agricultural shows and travelling fairs. Travelling fairs may also require suitable winter quarters (DoE Circular 22/91 refers); and
 - iii. areas of open space that particularly benefit wildlife and biodiversity.

Paragraph 12 Development of open space, sports or recreational facilities may provide an opportunity for local authorities to remedy deficiencies in provision. For example, where a local authority has identified a surplus in one type of open space or sports and recreational facility but a deficit in another type, planning conditions or obligations may be used to secure part of the development site for the type of open space or sports and recreational facility that is in deficit.

Paragraph 13 Equally, development may provide the opportunity to exchange the use of one site for another to substitute for any loss of open space, or sports or recreational facility. The new land and facility should be at least as accessible to current and potential new users, and at least equivalent in terms of size, usefulness, attractiveness and quality. Wherever possible, the aim should be to achieve qualitative improvements to open spaces, sports and recreational facilities. Local authorities should use planning obligations or conditions to secure the exchange land, ensure any necessary works are undertaken and that the new facilities are capable of being maintained adequately through management and maintenance agreements.

8.0 **CONSULTATIONS**

County Highway Authority

“The Planning Officer will be well aware of the previous correspondence culminating in a letter to you dated 10th January, 2003 on application 4/42/2002/057. The comments in that letter are equally applicable to the present application in terms of the Advanced Payments Code and the requirement of conditions. Should the Planning Officer wish to clarify any matters regarding conditions please do not hesitate to ring me on the above extension.”

10th January, 2003

“The Planning Officer will be well aware of the previous correspondence on this site, culminating in my letter to you dated 23 January 2002 a copy of which is attached.

The present scheme differs significantly to those previously submitted in that the alternative road alignment mentioned in my letter of 23 January 2002 is now unable to be provided due to the revised layout of the dwellings.

On the basis that the dwellings will always remain with the Trust and not be individually offered for sale on the open market. It is unlikely that the Developer will be required to deposit money under the Advance Payments Code. However it is essential that the construction specification for the access roads and footpaths is to such a standard so as to ensure that they do not become in so unsatisfactory a state that it requires the Highway Authority to use private street works powers to rectify the situation. In addition a long term and Enforceable Management Agreement must be in place to secure the future up keep of this private street.

The Highway Authority raises no objection to the development subject to conditions being attached to secure the improvements to access and visibility previously requested. I enclose a sketch showing a minor amendment to the footway on the north side of the access which will achieve an improved pedestrian/vehicular inter visibility at the access. The Developer will be required to contact the Highway Authority prior to commencing the works relating to the access radii, dropped kerb crossing and visibility splays.”

County Archaeologist

“As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.”

Wessex Water

“The development is located within a foul sewer area. It will be necessary, if required, for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

The developer has proposed to dispose of surface water to soakaways. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.”

English Heritage

“English Heritage has always considered the prime view of Gatchell House and its setting to be from the north where it is seen in largely open country against a background of trees. This scheme deletes some of the extensions previously proposed to east and west of the main new block in other recent iterations, and the view from the north is therefore considerably improved. We have also previously drawn attention to the need for any new scheme to address the comments of the inspector in dismissing the previous appeal on the design aspects of the new build. The removal of these extensions has reduced the overall scale and massing of the new build and therefore, unlike the previous proposals, this scheme does not appear to be so obviously in conflict with the comments in that appeal decision.

The report on the stables now contains further details since I commented in August 2003. That further information is useful and gives a more comprehensive picture of the building than was available previously. I am satisfied on this basis that its previous conversion and partial rebuilding has significantly compromised the building and I have no objection to its removal subject to suitable recording.

As stated previously, I have no objection to the addition of the extension to Gatchell House (termed 'orangery') of the size and broad design approach shown. However it is important that the detailed design and build quality reflects that of the main house and I trust you will therefore ensure that suitable details at a larger scale are forthcoming.

I note that the walled garden is not included here and on the basis that its enclosing walls are retained I have no comment on this aspect.

However I would wish to raise one further matter in relation to this site. I understand that the inspector's report into the local plan inquiry has recently become available and recommends the allocation of a total of 20 residential units on this site, where previously no number was specified. Twelve units have already been approved in the walled garden and bearing that in mind, the present proposal appears at variance with this recommendation, even allowing for the fact that these are elderly or disabled units rather than conventional housing. I appreciate that your Authority will not yet have taken any decision in relation to the inspector's inquiry report, but given the 'plan-led'

system in operation, I trust you will give this recommendation due weight in considering the latest scheme.”

English Nature

“As I wrote in my letter 13th January, 2003 Panscape Environmental Consultancy surveyed Gatchell House for bats in August 2001. Although bats were seen no evidence could be found to indicate that bats roosted in the building, however, that was over two years ago.

As you know, it states in Planning Policy Guidance: Nature Conservation (PPG9) that the presence of a protected species is a material consideration when a local planning authority is considering a development that, if carried out, would be likely to result in harm to the species or its habitat. Therefore to fulfil this statutory function English Nature would advise that you should ask the developer to employ a wildlife consultant to undertake an up to date survey of the buildings before this application is determined.”

Further comments awaited following receipt of bat survey.

Sport England

“Firstly I would emphasise that Sport England remains of the view that the closure of the Gatchells club has had a substantial adverse impact on competitive and youth squash in the area, and hence compensatory provision for this loss should be secured as part of any planning application that is granted. In the absence of adequate compensatory provision being secured, in line with para 13 of PPG 17, then our policy stance would be to continue to oppose the redevelopment of the site.

Sport England welcomes the review, undertaken by Leisure Domain, of the impact on squash and options for rectification. Our comments on the recommendations of the report are set out below:

Wyvern Club

We note the recommendation in the Leisure Domain report that the only option that is considered to be viable and which is also provisionally acceptable to the community is relocation to the Wyvern Club, and in principle Sport England would support this option. In relation to this there are two key issues I would wish to comment on as follows:-

1. New build and/or refurbishment:- I note that the Gatchells Club feel that refurbishment and new build is essential (thus providing a three court complex), and that sports development is of secondary importance. Whilst two courts would be the minimum requirement to enable matches to be played, in my view three courts would be far more preferable where a club has more than one team. This would enable two teams to play matches concurrently, which is often the requirement of a successful club. I understand that Gatchells currently has 4 teams playing in the Somerset League. Three courts

would also enable the hosting of squash events (eg an inter-county tournament), and also better enable coaching and other squash development to take place, as was the case at Gatchells House when the club were based there. Therefore it is Sport England's view that the new build option, together with some improvements to the existing courts, should be pursued if the Wyvern Club option is to meet the requirement of para 13 of PPG 17.

2. Access to Gatchell Club members:- It is essential that an agreement is reached with the Wyvern Club to allow sufficient access to the facilities for Gatchell members, and that such an arrangement allows for the growth of the club in the future. This would be in line with para 13 of PPG17 in respect of being accessible to 'current and potential new users'. Built into any such agreement should be confirmation that the club will be able to 'block book' sufficient court time for club matches and coaching sessions, as well as the occasional larger event.

Sports Development Option

I note the comments in the Leisure Domain report that "refurbishment alone coupled with some revenue commitment to squash development would be the most effective solution". However, in my view priority attention should be given to resolving the issue of capital works to enable relocation of Gatchells Club to the Wyvern Club. In the light of the need to provide a three court complex (as discussed above), I would not support pursuing the 'development officer' option at this stage.

Section 106 Planning Obligation

Clearly the logistics of the Trust entering into a legal agreement, and with whom, will require further attention. Ideally the agreement should require a sum of money to be paid to the Wyvern Club, who in turn would be required to undertake agreed capital works and agree access arrangements for Gatchell members (and potential future members).

In the light of the above comments, I can confirm that Sport England wishes to continue to object to the redevelopment of the Gatchell House site. However, our objection could be overcome if a satisfactory legal agreement is reached, which secures satisfactory compensatory provision for squash, as outlined above."

Fire Officer

"1. Means of Escape

1.1 Means of escape in case of fire should comply with Approved Document B1, of the Building Regulations 2000. Detailed recommendations concerning other fire safety matters will be made at Building Regulations stage.

2. Access for Appliances

2.1 Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000.

2.2 It would appear from the plans supplied that the access drive is unlikely to meet the Standard required in B5. I attach a copy of the minimum vehicular requirements.

3. Water Supplies

3.1 All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards.”

Landscape Officer

“I think the scheme works well in integrating the proposed apartment/cottages into the Conservation Area both from Trull Road and Dipford Lane. I think the increase in space and entranceway to the site from Trull Road works well and in landscape terms forms a better setting for the proposed buildings than previous schemes.

Details of tree works and landscape proposals will be required in due course.”

Conservation Officer

Does not object to the proposal in principle, but has requested amendments to fenestration to orangery.

Housing Officer

“We would expect 7 social housing units on this site at nil subsidy levels. Would prefer this company to work with a QHP Housing Association, but understand they may wish to rent out these units themselves with the Council nominating tenants directly.”

Forward Plan & Regeneration Officer

No objection in principle. The site falls within the defined settlement limit of Taunton ('Associated Settlement', policy T1 applies) and the Local Plan Inspector recommended that the site be included as a specific allocation (policy T25L).

I note that the applicant is willing to contribute to affordable housing requirements (policy H12) and a commuted sum towards sports provision resulting from the loss at Gatchell (policy C3). This is supported. The submission also appears to better address the concerns of the previous application, dismissed on appeal, regarding overall layout and design within the Trull (village) Conservation Area, consistent with policies S2 and EN 15.

Drainage Officer

“I note that soakaways are the chosen method for disposal of surface water for this development. I have doubts if this method will work here as problems were encountered in the adjoining development at Gatchell Meadow when a piped attenuation scheme was installed.

I feel a condition that an acceptable and agreed method of surface water treatment be agreed before any works commence on site.

I suggest the applicant contacts this office to discuss this at their earliest convenience.”

Leisure Development Manager

“Overall, I would not want to become the fund holder for money which has such strings attached to it that we end up never being able to spend it. I assume this is why Wyvern Club do not wish to accept the money directly - fear that it won't be enough to deliver what is expected I would be much happier to receive the money with a more open rider on it - that we can use it to respond to a proven sports-need in the local community if the squash is not identified as a priority . We are about to commission a sports strategy to identify local needs and thus the services and facilities needed to fulfil those needs. This will be completed by the summer in order for our Leisure TRUST to go forward. I would want to hold the final decision on the use of the money pending that piece of work and its identified priorities for the local community

On the report I comment as follows:-

The report identifies a surplus of courts for squash in the area and a low and declining level of demand for the sport. If we bow to Sport England's pressure to replace the squash provision despite the known decline in the sport, it would therefore seem sensible for the applicant to be expected to pay for an upgrade existing courts not provide new ones. This is what is proposed in the report, but I am not happy with the proposed location at the Wyvern Club unless it relaxes its membership rules and signs a binding agreement not to fetter the membership of the Squash Club in any way.

The crucial question here is whether we should expect the applicant to replace the squash provision for the membership of Gatchell Squash Club only (which Wyvern would allow) or to be providing a facility at a location that is accessible by all members of the public? There is a telling comment in the last paragraph (7.3) of the report where the report proposes that a combination of refurbishment of the 2 existing courts at Wyvern Club plus a squash development programme as the best option, but hte squash club members consider that development of the sport is not important and want teh refurb plus an additional court that the SRA consider is not essential for a club to operate. If we go down the Wyvern route, we should require the squash club to develop an inclusive sports development policy with our sports development officer and the local squash development officer.

The report assesses all the local squash provision and dismisses two existing facilities with publicly accessible facilities as unsuitable for investment - YMCA and Blackbrook Pavilion. The YMCA could be investigated in more depth as a possible location for investment and the comments about the Blackbrook that it is not available at times suitable for club play and has no atmosphere need some explanation for me to accept that this site is not suitable for the investment before we finally decide on the Wyvern.

However if the Wyvern is found to be the preferred option and the Council is to act as an intermediary for the money, there will be a cost for administering this and we would want to satisfy ourselves as to the costings that have been provided by a 3rd party for the works to the courts at the Wyvern which I have not seen. The comment in the report (6.2.2.) that the work would be undertaken by the club to avoid VAT and by artisan members to keep costs down concerns me greatly.

The Council needs to allow its QS to check the sums of money proposed for the project are sufficient to deliver the project and it will also require a fee to undertake the design, CDM, planning and other project management costs associated which could be as much as 15% of the capital project costs.”

Parish Council

The Council considered the applications in detail on 12th January 2004, with some 56 Parishioners present. It was resolved to OBJECT to the proposals for the following reasons:-

1. Matters relating to PPG17 Planning Policy Guidance have not been fully addressed.
2. The proposed number of units exceeds the number indicated by the Inspector in the Local Plan Enquiry.
3. Priority should be given to accommodation for young, local families.
4. No meaningful attempt by Somerset Care Trust to reinstate the loss of the sport and leisure facilities.
5. The application does not appear to have the support of the community as a whole

9.0 **REPRESENTATIONS**

24 letters of support

20 standard letters of support with no addresses.

40 letters and e-mails (4 of which are addressed to the chair) objecting on the following grounds:-

1. Inappropriate location for elderly persons accommodation due to lack of local facilities.
2. Loss of sporting facility.
3. Demand remains for sports facility.
4. Increased traffic congestion caused by former club members accessing other facilities elsewhere.
5. Loss of community facility.
6. School of Dance has suffered due to enforced re-location.
7. Will create parking and access problems.
8. Public opinion is against.
9. Still interest from leisure providers to re-open and operate.
10. Compromise could still be achieved.
11. Application not in keeping with Trull as a village community.
12. Over development of the site.
13. Closure of the club has had detrimental impact on squash in Taunton.
14. “from the perspective of the governing body, the favoured option remains the refurbishment of the courts- or new build to enable the satisfactory rehousing of former Gatchell members under one roof” (England Squash)
15. Devaluing of houses in Gatchell Meadows.
16. 55 is too young to be classified ‘Elderly persons housing’.
17. Flats do not complement listed house.
18. There will be no demand for the accommodation.

10. **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Does the proposal meet the requirements of the Local Plan housing policies? HOUSING POLICY
- B. Does the proposal provide adequate compensation for the loss of sporting facilities? SPORT AND RECREATION PROVISION

- C. Does the proposal have an adverse impact upon Gatchell House and preserve or enhance the character of the Conservation Area? IMPACT OF DEVELOPMENT
- D. Is this a sustainable location of this form of development? SUSTAINABILITY.

A. Housing Policy

The site was allocated for residential development in the Taunton Deane Local Plan, although it was proposed to delete the allocation, the Inspector rejected this and reconfirmed the allocation. The principle of residential development here is therefore accepted, a view endorsed by both the Local Plan Inspector and the earlier appeal inspector who concluded specifically that the site is acceptable as a location for elderly persons dwellings, (Appendix E paragraph 26). The Council's Housing Needs Survey identifies a need for additional elderly persons accommodation, and particularly for the 80+ cohort. The principle of this form of development is therefore now established in policy terms. The applicants have indicated a willingness to provide an additional unit of affordable housing in lieu of the contribution to sports provision should the Council so wish. The scheme already meets the requirements of the Council's Housing Officer.

B. Loss of Sporting Facilities

On this issue the earlier inspector concluded (paragraph 49) that 'even if the site were to be sold, and despite the undoubted commitment and enthusiasm of local residents, it is unlikely that a commercial leisure operator or a non-profit group would succeed in buying the property, reopening and running the club in a manner similar to its former state'. This view is reinforced by the subsequent closure of the Presidents Health Club at Henlade citing increased competition from town centre Health and Fitness Clubs as the cause. The Committee has granted permission for the conversion of this property for residential use. At the appeal the Inspector concluded that the contribution of £25,000 would be appropriate towards compensatory provision for competitive squash. Notwithstanding this, taking on board the views of both Sport England and the Council's Sports Development Officer the applicants have been persuaded to increase their contribution to £80,000 based upon an assessment of the cost of providing an additional court and refurbishing the two existing courts at the Wyvern Club (this sum would not cover VAT and professional costs). However it is understood that the Wyvern Club will only agree to this suggestion if the applicants fund and construct the works and meet the full costs (including VAT and professional fees). The applicants say that £80,000 is the maximum they can offer and they do not wish to be responsible for the construction contract as this is beyond their operational remit. I therefore recommend in line with the comments of the Council's Leisure Development Officer i.e. that the Council uses its best endeavours to use the money to improve squash facilities/development over a 2 years period and if there should prove to be no demand the money be used to improve other sports or fitness facilities in the locality.

C. Impact of Development

The reason the previous proposal was dismissed at appeal was that (Appendix E paragraph 60) “the effects of the proposed development would cause serious harm to the character and appearance of the village Conservation Area”. The Inspector felt (paragraph 51) that the long blocks would form an inappropriate mass and an uncharacteristic and unfortunate backdrop to Gatchell House. He went on in paragraph 52 to suggest that “there would be insufficient variety of form and detail in the appearance of the buildings’ and that ‘the scheme fails to project any quality of local distinctiveness. The design as a whole is not of a quality appropriate to its conservation area location. It reflects neither the urbane rectitude of Gatchell House and its annex, nor the rustic qualities of the old stable buildings and nearby walled garden.” The determination of this revised application therefore hangs on an assessment as to whether the applicant has satisfactorily overcome these issues. English Heritage now appear to be of the view that these earlier concerns have been overcome and that the proposal is no longer in conflict with the Inspector’s assessment. In terms of the issue of numbers raised by English Heritage, they are referring to the figure of 20 units in the Local Plan. However, this is a nominal figure for the purposes of assessing the overall housing requirement and is not specific to any particular type of housing and certainly should not be seen as a maximum figure. This is reaffirmed by the Local Plan Inspector himself who concludes in paragraph 3.11.4.8 of his report that “They key question at Gatchell relates to the form of the development” and in paragraph 8.136.4. and he refers to the key issues being the production of a suitable development in the context in particular of the Conservation Area”. As English Heritage now seem satisfied in respect of this latter requirement, the question of numbers is not therefore a relevant issue. I strongly contend that subject to the amendments to the ‘Orangery’ suggested by the Conservation Officer, the proposal now submitted will preserve and enhance the Conservation Area in accordance with relevant development plan policies.

D. Sustainability

Sports facilities such as those that were provided at Gatchell House are, in sustainability terms, best located in town centre locations or close to public transport, where accessibility by a variety of modes of transport can be maximised. Whilst the closure of the club has meant that members who are residents of Trull have had to travel further to other sports facilities in the town, it has inevitably also meant less travel movements to Trull from those living elsewhere. The loss of the club has been balanced by the provision of new sports and fitness facilities elsewhere in the town e.g. Fitness First at Creech Castle, Esporta at East Reach and the new Wellsprings Centre.

The use of the site for residential purposes, particularly in the form of sheltered accommodation, will reduce the overall number of car movements compared with the previous use.

The site is within the urban limits of Taunton and generally accessible to local facilities.

11.0 **SUMMARY AND CONCLUSIONS**

Gatchell House Squash and Fitness Club clearly provided a useful facility for a large number of people and a diverse range of groups. However no evidence has been submitted which could lead to a different conclusion from that of the appeal Inspector i.e. that notwithstanding the outcome of this application, there is little or no likelihood of the club reopening.

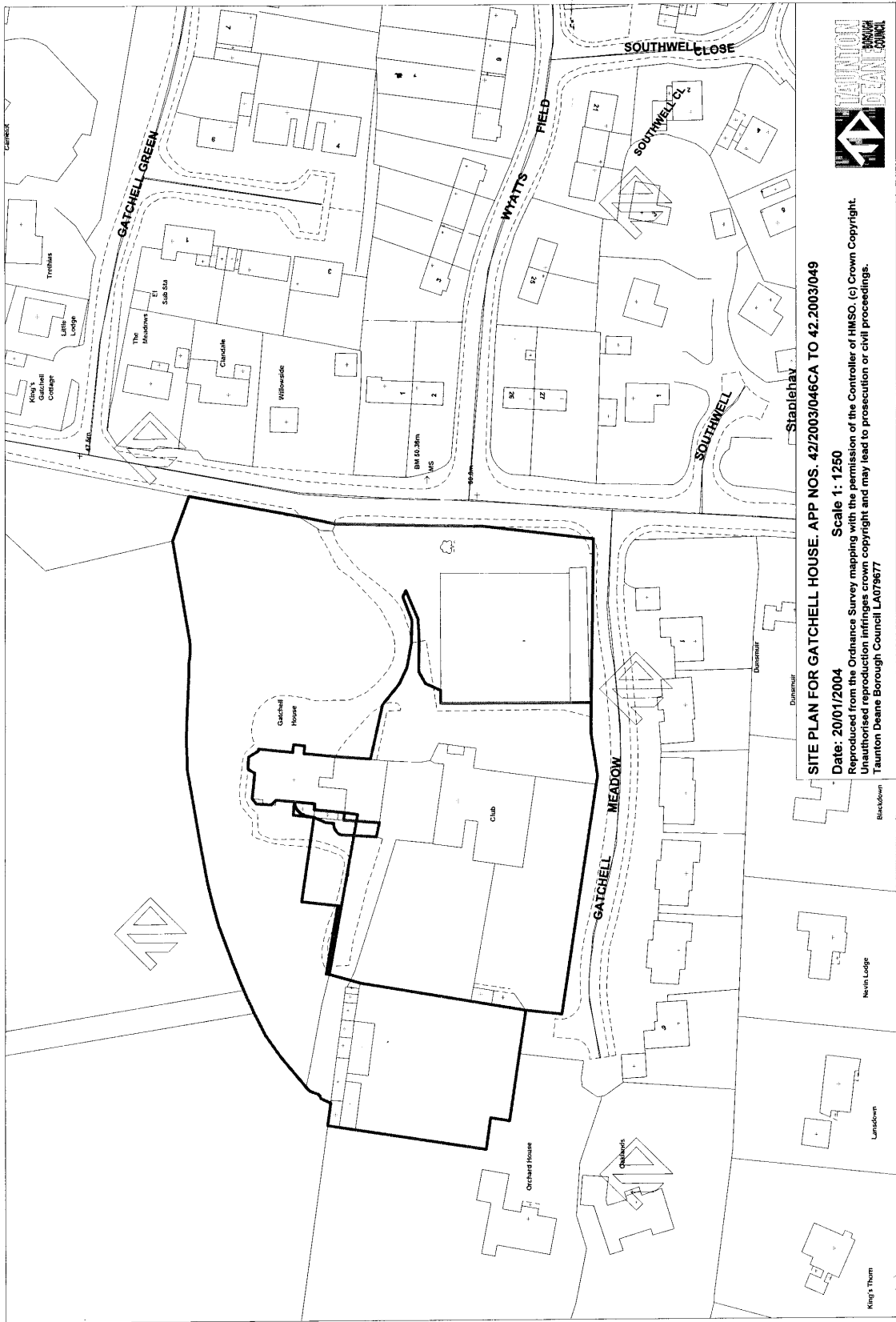
The site is suitable for residential use and more particularly for elderly persons accommodation. Appropriate provision of affordable housing is being proposed. The site is allocated for housing in the Taunton Deane Local Plan and Section 54A of the Town and Country Planning Act 1990 requires that development be determined in accordance with the development plan.

The applicant have addressed previous concerns in respect of mass, form, detailed design and impact upon the Conservation Area. English Heritage no longer object to the proposal. Overall it is concluded that the scheme is appropriate in terms of preservation and enhancement of the conservation Area, bearing in mind the need to provide densities that accord with the requirements of PPG 3.

I recommend that subject to the receipt of revised drawings amending the proportions of the openings to the 'Orangery', and the applicant entering into a Section 106 Agreement by 18th February, 2004 restricting occupancy to elderly and disables persons, provision of 7 social housing with and a financial contribution of £80,000 towards squash facilities and development or, if such facilities/development cannot be provided within a reasonable period of time (say 2 years), other sports/fitness facilities planning permission should be granted. I also recommend that subject to revised drawings amending the proportions of the openings to the 'orangery' planning application no 42/2003/048 be granted together with Conservation Area Consent for demolition of buildings.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER:- Mr T Burton Tel: 356464



SITE PLAN FOR GATCHELL HOUSE. APP NOS. 42/2003/046CA TO 42.2003/049

Scale 1: 1250

Date: 20/01/2004

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