

**E/0181/34/14**

## **UNAUTHORISED COOLER UNITS INSTALLED ON EXTERNAL WALL AT THE POST OFFICE, STAPLEGROVE**

**OCCUPIER:**

**OWNER:** MR PATEL  
THE POST OFFICE, MANOR ROAD, STAPLEGROVE  
TAUNTON  
TA2 6AN

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### **Purpose of Report**

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of 4 No cooler units from the rear elevation at Staplegrove Post Office, Manor Road, Taunton.

### **Recommendation**

The Solicitor of the Council be authorised to serve an Enforcement Notice and take prosecution action subject to sufficient evidence being obtained that the notice has not been complied with.

The Enforcement Notice shall require:

To remove the 4No cooler units from the The Staplegrove Post Office.

Time for compliance:

2 months from the date on which the notice takes effect.

### **Background**

The complaint was brought to the Enforcement team in November 2014. Contact was made with the owner regarding the units and an application was submitted for consideration to retain them. In March 2015 the application was refused and the owner was written to and advised to remove the units within 28 days in order to avoid this Authority considering issuing an Enforcement Notice. Contact was made again in August 2015 and the owner asked if he could relocate the units. He was advised that this maybe a possibility but he needed to submit another planning application for consideration.

### **Description of breach of planning control**

The erection of 4No chiller units on the rear elevation of The Post Office, Manor Road, Staplegrove, Taunton, without obtaining planning permission.

### **Relevant planning history**

This site is on the corner of Manor Road and Staplegrove Road with off street parking. There is a shop and post office with a hairdressers next door. The Shop and Post Office building is constructed of brick under a pitched, tile roof with white windows. To the side is a flat roof section that has a rendered finish to the rear. There have been two planning applications:-

34/13/0019 - Extensions to shop area at the post office, Manor Road, Staplegrove - Conditionally approved 06.08.2013

34/15/0001- Installation of 4No cooler units to rear elevation at Staplegrove Post Office, Manor Rd, Staplegrove (Retention of works already undertaken) - Refused 19.03.2015

## **Development Plan Policies**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2004), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

DM1 (f) Taunton Deane Core Strategy (2012)  
Paragraph 207 of the National Planning Policy Framework.

## **Determining issues and considerations**

The pertinent issues to consider are the impact of the proposed chiller units upon visual and residential amenity.

In visual terms the proposed units are clearly visible from along the public footway to the East of the site; they are suspended above ground level and cannot be screened from view as a consequence. That said, within the context of the site, the visual impact of the units are quite limited and they relate to the recently completed flat roof extension. Visually they form part of the commercial property and the visual impact is not considered to be so severe as to warrant the refusal of planning permission alone.

When considering the planning application, objection was received from a neighbouring resident over the impact of the units upon their amenity, noting particularly the noise and disturbance that they cause during the day, but more importantly at night with the noise from the units was said to disturb sleep. The applicant did not provide the Council with any specific noise information for the development. From on site observations the units appear to be in use throughout the day and they do serve refrigeration which suggests that they will run 24 hours a day. During the day time, background noise is relatively high due to the almost constant flow of traffic along the A358 to the South; the impact of the highway noise significantly reduces the audible level of the units.

At night and times when the flow of traffic along the A358 is low, the four cooler units will doubtless result in increased noise and disturbance to neighbouring residents. From on site observations and taking into account the proximity of the units to the neighbouring bedroom window, the proposed development is considered to cause an unacceptable disturbance to amenity through the generation of noise.

The impact of noise upon amenity is considered to conflict with Policy DM1 of the Taunton Deane Core Strategy. As such it is recommended that planning permission be refused.

The cooler units, virtue of their number, elevated position on the building, proximity to neighbouring residential dwelling and level and frequency of noise generated, are considered to adversely impact upon residential amenity to an unacceptable degree. The proposals therefore conflict with Policy DM1 (f) of the Taunton Deane Core Strategy.

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

**PLANNING OFFICER:** Mr M Bale  
**PLANNING ENFORCEMENT OFFICER:** Mrs A Dunford

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