

38/2004/479

W & H DEVELOPMENTS LTD

CHANGE OF USE AND CONVERSION OF BUILDING TO FORM 5 FLATS AND 5 MAISONETTES AT HUNTS COURT, CORPORATION STREET, TAUNTON AS AMENDED BY DRAWING NO. 0309/09A ATTACHED TO AGENTS LETTER DATED 29TH NOVEMBER, 2004

22583/24469

FULL PERMISSION

PROPOSAL

Hunts Court is an imposing neo-classical building which is a significant landmark not only in Corporation St. but also in Taunton as a whole. It is Grade II listed. The building was commissioned at the start of the 20th century by the Taunton Art School with a number of large spaces within, suitable for displaying the College's work. In the 1970s SCAT moved from the buildings to its present site in Wellington Road. The building was then passed into the hands of Somerset County Council who for the next thirty years used it as offices in association with its Social Services Department. During this time numerous alterations, additions and modifications were carried out to the interior of the building which have detracted from its character and appearance. The building was then sold to the present owner and is currently empty. Two applications for planning permission and two seeking listed building consent have been refused (most recently in February 2004) on the grounds that "the proposals, by reason of numerous partitions will seriously compromise the original layout of the building and hence be detrimental to the character of this Grade II listed building, contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies EN17 and EN18 of the Taunton Deane Local Plan Revised Deposit and guidance on such matters in PPG15." A public inquiry relating to the appeal against the latter refusal is scheduled for March 2005.

The applicants have subsequently appointed an expert in Historic Buildings to look at revising the proposals in an attempt to overcome the council's concerns. In support of the application they have also submitted a marketing report to demonstrate "that despite eight months of extensive marketing it had not been possible for the applicant to find a commercially viable, community or commercial user".

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objection. COUNTY ARCHAEOLOGIST The site lies within the Area of High Archaeological Potential (AHAP) next to the scheduled area of the Taunton Castle Moat. For this reason I recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made. This should be secured by the use of model condition 55 attached to any permission granted: "No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning

authority." I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it.

WESSEX WATER The development is located within a foul sewer area. It will be necessary 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 'existing.' As there are no existing separate surface water sewers in the vicinity of the site, it is advised that the developer investigate alternative methods for the satisfactory disposal of surface water from the site (e.g. soakaways). Surface water should not be discharged to the foul sewer. Your Council should be satisfied with any suitable arrangement for the disposal of surface water. 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. According to our records, there is a public foul sewer crossing the site. Please find enclosed a copy of our sewer records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. It is further recommended that a condition or informative is placed on any consent to require the developer to protect the integrity of Wessex systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site.

TAUNTON TOWN CENTRE PARTNERSHIP This application was presented to the Partnership Board by the Conservation Officer Ms Hartnell last week the observations and comments made by the members of the partnership were as follows. There is a general recognition that this application is an improvement on the previous ones in that it reduces the number of units to be accommodated in the space and therefore is less likely to 'carve up' the internal elevations to the same degree as previous schemes. The Partners also noted, that it is regrettable that this application for Hunts Court will preclude any public access, and that a mixed use scheme for this site would have been preferable. However, there is a recognition that a commercial use has to be found for the site to prevent further deterioration of this fine Grade II listed building. The Partnership therefore, with reservations, supports this application in the absence of any other commercially viable mixed use scheme.

LEISURE DEVELOPMENT OFFICER this development should make a contribution of £2,562.00 per each 2 bed+ dwelling and £777.00 for each 1 bed dwelling towards recreational facilities in line with policy. As the development is in the heart of the planned Cultural Quarter and as such paragraphs 6.42 - 6.46 of the Local Plan are relevant. A contribution of 1% of the new development is required towards the delivery of the Cultural Quarter plans.

COMMUNITY ARTS OFFICER Change of use for Hunts Court for residential purposes is premature as Hunts Court is identified within the Vision for Taunton as part of the masterplan for the Cultural Quarter. Somerset Art Gallery Trust are currently in discussions with Candid Art Trust as they are both still interested in leasing or purchasing Hunts Court as a visual arts centre with exhibition space. Change of use would immediately raise the value of the property and inhibit this desirable outcome.

ONE LETTER OF OBJECTION has been received on the grounds that the application is premature until further opportunities have been explored to provide a public use.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policy 9 - The setting, local distinctiveness and variety of buildings and structures of architectural or historic interest should be maintained and where possible be enhanced. The character or appearance of Conservation Areas should be preserved or enhanced.

Taunton Deane Local Plan Policies:- H1 Housing development will be permitted within defined limits of settlements, provided that: (A) there is safe and convenient access by bus or on foot to facilities and employment. In the case of proposals of a significant scale, bus or walking access to a town centre or rural centre will be required, taking account of any off-site works proposed in accordance with criteria (B); (B) necessary provision is made for off-site public transport, cycling and pedestrian facilities and highway improvements to cater safely for the expected number of trips generated by the development and minimise the proportion of car trips; (C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give priority to safe and convenient access and circulation by means other than the car; (E) the layout allows people with impaired mobility or a disability safe and convenient access and movement to and between dwellings by careful positioning of potential obstructions, ramps, dropped kerbs, textured surfaces and reserved car parking; (G) small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity; (H) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to create locally distinctive developments well related to their surroundings; and (I) existing and proposed dwellings will enjoy adequate privacy and sunlight. (J) on housing developments and conversions of a substantial scale a reasonable mix and balance of housing types and sizes be incorporated to cater for a range of housing needs particularly those low cost housing types which are under represented in the current stock.

Policy EN17 Development proposals which would harm a listed building, its setting or any features of special or historic interest which it possesses, will not be permitted.

EN18 The change of use, alteration, conversion or extension of a Listed Building will not be permitted unless: (A) the internal and external fabric of the building including its architectural and historic features would be preserved, leaving them in situ where possible; (B) the building's internal space would be retained where this is important to its character or historic integrity; (C) no subdivision of a garden or other open space would occur, where this would harm the building's character, setting and historic integrity; (D) the design, materials and building methods used are sympathetic to the age, character and appearance of the building. Natural materials reflecting those in the original building should be used, where possible; (E) any extension is sufficiently limited in scale so as not to dominate the original building or adversely affect its appearance.

The recently published Urban Design Framework prepared as part of the Taunton Vision identifies Hunts court as part of the Cultural Core of the town and makes reference to its reinstatement as an Art Gallery.

ASSESSMENT

Hunts Court is located in a highly sustainable location in the town centre where car-free residential uses are ideally located. The proposal meets the requirements of Policy H1 of the Taunton Deane Local Plan and the principle of residential use therefore accords with the statutory development plan. However, this conflicts with the suggested use of the building for a public purpose as part of the cultural core identified in the emerging Taunton Vision. Implementation of the Vision is a key priority of the Borough Council and has been subject to consultation. Whilst it is therefore a material consideration in the determination of these applications until an Action Area Plan for the Town Centre has been produced it lacks the statutory weight accorded to the Local Plan by S54a of the 1990 Town and County Planning Act. It therefore has to be concluded that to refuse these applications solely on the basis that the building is identified for a non-residential use in the Taunton Vision could not be sustained at the present time.

Following a site meeting involving the Council's Conservation Officer revised proposals have been submitted, which have successfully addressed her concerns in respect of the layout of the building. She has verbally indicated that she will be withdrawing her objection. The single previous reason for refusal is therefore overcome.

RECOMMENDATION

Subject to observations of Conservation Officer and completion of a Section 106 agreement relation to sport and recreation the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and that permission be GRANTED subject to conditions/notes as to be advised by the Conservation Officer.

REASON(S) FOR THE RECOMMENDATION:- The site represents a suitable redevelopment of this town centre site in accordance with Taunton Deane Local Plan Policy H1. The Council is satisfied that the detailed conversion scheme preserves the character, appearance and integrity of this Grade II listed building in accordance with Taunton Deane Local Plan Policy EN18 and guidance on such matters in PPG15.

If the Section 106 agreement is not signed by 5th January, 2005 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to REFUSE permission.

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

CONTACT OFFICER: 356464 MR T BURTON

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