

38/2005/099

GADD HOMES LTD

**PARTIAL DEMOLITION, ALTERATION & EXTENSION OF FORMER FOUR ALLS PUBLIC HOUSE TO ACCOMODATE CLASS 3 (FOOD & DRINK) AND CLASS A2 (FINANCIAL & PROFESSIONAL SERVICES) ON GROUND FLOOR AND PART OF FIRST FLOOR, TOGETHER WITH PROVISION OF 17 FLATS AND CAR PARKING AT FOUR ALLS, CORPORATION STREET, TAUNTON AS AMENDED BY AGENTS LETTER DATED 11TH APRIL, 2005 AND DRAWINGS ATTACHED AND TRANSPORT ASSESSMENT SUBMITTED BY PETER EVANS PARTNERSHIP DATED 4TH APRIL, 2005**

22528/24454

FULL PERMISSION

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## **PROPOSAL**

An initial proposal to demolish the former Four Alls and replace it with a modern five storey building accommodating 21 flats and two office suites was withdrawn in March 2004 following a recommendation of refusal. A second application retaining the Four Alls frontage with a large extension to the rear of a more traditional design was refused in September 2004 on the grounds of its scale in relation to existing buildings in Bath Place and highway safety. This third proposal reverts to a more modern design whilst retaining the appearance of the Four Alls when viewed from the Park Street direction. The building to the rear is primarily four storeys in height with part fifth storey accommodation with the roofspace. The majority of the former Four Alls building is proposed as Class A3 (restaurant) with the remainder of the ground floor comprising three Class A2 (Financial and Professional Services) uses and seven parking spaces. The application is supported by a Transport Assessment which seeks to overcome the County Highway Authority's previous concerns relating to conflicting traffic movements. The upper floors of the building are proposed for residential use. The architect has also submitted street elevations showing this as Phase 1 of a development incorporating that adjacent, Castle Moat Chambers site. However, the applicants have clarified this, stating that the two sites are quite separate and that any redevelopment would constitute 'two distinct developments'. The current application must therefore be considered on its merits as any subsequent redevelopment of the adjoining site cannot be guaranteed.

## **CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY my first preference is as before for a car free development. If this is not forthcoming then we must look at ways mitigating against the increased traffic that will be generated at a sensitive location. To this end I have been in discussion with Andrew Kenyon from Peter Evans Partnership, acting for Gadd, regarding the possible highway works that could be carried out to overcome the Highway Authorities concerns. He is consulting with his client over our suggestions and will no doubt get back to me soon. I am aware that there are concerns being expressed regarding cycle safety issues in the vicinity of the site near the mini roundabout. There is a concern here as the available space for all road users is limited by the siting of the 4

Alls building. I am afraid that as the frontage is to remain, we cannot significantly improve the lot for all. Rest assured, however, that any improvements/alterations carried out will be the subject of safety audits to ensure that they are acceptable for all road users. (Further comments to follow). COUNTY ARCHAEOLOGIST the site lies within an Area of High Archaeological Potential as defined by the Local Plan (Policy EN24). It lies in the area identified by the English Heritage Executive Urban Survey as being part of the Saxon town and burials have been discovered very close to the proposal site. Although it is accepted that there may be disturbance to the remains in this area, it is likely that significant archaeology will be impacted by this proposal. However, at present the application contains insufficient information concerning the affects on remains. For this reason I recommend that the applicant be asked to provide further information on any archaeological remains on the site prior to the determination of the application. This is likely to require a field evaluation. I am happy to provide a specification for this work and a list of able archaeologists to undertake it. ENVIRONMENT AGENCY standing advice requires Flood Risk Assessment. WESSEX WATER The development is located within a foul sewerred 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. According to our records, there is a public water main close to the site and a foul sewer crossing the site. Please find enclosed a copy of our records indicating the approximate position of the apparatus. Wessex Water normally requires a minimum, 3 m, 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. It should be noted there is a culverted watercourse crossing the site, however this is not Wessex Waters responsibility. 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. CHIEF FIRE OFFICER 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; Access for fire appliances should comply with Approved Document B5, of the Building Regulations 2000; All new water mains installed within the development should be of sufficient size to permit the installation of fire hydrants conforming to British Standards. ENGLISH HERITAGE do not wish to make any representations. COMMISSION FOR ARCHITECTURE AND THE BUILT ENVIRONMENT We are consulted about more schemes than we have the resources to deal with and, unfortunately, we will not be able to comment on this scheme. Please note that this literally means 'no comment' and should not be interpreted as tacit endorsement of the scheme. CIVIC SOCIETY Compared to the two previous applications (38/2004/025 and 287) this must be considered to be an enlightened

design, which gives some consideration to the interests of the Bath Place Conservation Area (BPCA). The prospect that GADD could develop the site adjacent to Hunts Court in harmony with this site must be welcomed, as it should allow a more holistic view to be taken for this very sensitive area. We have recently commented on the Landscape and Heritage team's re-appraisal of the BPCA, and will make the same points here: a. The appraisal noted that when the area was set up it was on the basis of the grouping of individual buildings rather than on the perception of the area as a whole. We suggested that the Conservation Area should be redefined to include the north east corner area (from 21 Fore St round to the Old Library), and the buildings on Corporation Street between Hunts Court and the (previously) Four Alls site, thus ensuring control of the whole southern face of Corporation street. b. We recommended that any part of the GADD Homes Phase 1 site not in the Conservation Area should be included within it as a condition of approval, and that when and if later phases are developed (up to Hunts Court) they must also be included within the Conservation Area. c. Furthermore we said that any developments adjacent to or in the area must be sensitive to the scale of Bath Place, both in changes to access and usage, and in materials and mass. Overbearing development must be avoided. d. We also suggested that if as a result of future developments an alternative vehicular access to the Castle Moat Chamber area could be opened either from the south, or from Corporation street via a later phase of the Four Alls development, thus avoiding vehicle use of the long access to the west, then the opportunity should be seized to make Bath Place's western access to the Crescent wholly pedestrian. On this Planning Application our comments are: 1. We welcome the retention of the Four Alls frontage and initial roofline as seen from Park Street. 2. While we appreciate the concept of the design increasing in height and mass as it progresses eastwards towards Hunts Court, and think that this works to some extent on the Corporation Street face, the eastward end of the southern side shows little relationship to Bath Place and the quite modest cottage buildings in front of in along Bath Place. 3. We acknowledge that (as John Foden said in one of our earlier letters) "the redevelopment of this site is difficult and challenging". He went on to say that "much of the design problem clearly relates to the amount of accommodation Gadd Homes Ltd are trying to squeeze onto it". That was in the context of 19 flats: this proposal is for 17, and perhaps, along with a quite different design, that does account for the improvements we perceive, but the closeness of the ground and first floors to the cottages along Bath Place is still a cause for concern. The outlook from the proposed flats (units 7 and 8 on the first floor) must be poor and there may be overlooking issues between these units and the cottages. 4. As the second and third floors are stepped back the issue for these is reduced (partly a presumption on our part as the documents on file show no plan for the second floor the one titled as such is of the third floor), but while we can agree the Design Statement claim that the visual impact of the upper stories from Bath Place itself will be negligible, we are concerned that the whole effect may not be consistent with the general nature of the BPCA. 5. The quality of the Corporation street frontage is most important. 5.1. Here we almost feel that the architect is "trying too hard". It seems overbusy, with a plethora of surfaces, materials etc. 5.2. While there are no overlooking issues on Corporation Street, the easterly end will heavily shade Corporation Street, and rises straight to the third floor balcony rail. As the street is not particularly wide, and has a high building roughly opposite, might this not be a little oppressive? Also, is it compatible with the trees currently in the street? 6. Some of us doubt the Design Statement's view that the skyline will be subtle, particularly in relation to the small mezzanine (topmost) floor. It could be said that there will be a stylistic mismatch across the different rooflines. 7. Access and Parking. 7.1. How will

deliveries be made, either to domestic premises or (more often) to the Commercial premises? Will this involve heavy use of Bath Place by barrows or power trolleys? The suggestion made at (d) above for alternative access to Bath Place might be useful in alleviating any problems of this sort. 7.2. Car parking is naturally constrained (7?), but who is it for? The offices or the residents? What provision will be made for residents who do not have allocated spaces? Will GADD Homes Ltd. be allowed to provide them spaces elsewhere? 7.3. What are the safety and disruption effects of the fairly tight exit onto Corporation Street (a road that is likely to remain very busy for some years)? 8. Finally, in line with (c) above, we would point out that it must be made clear to GADD Homes Ltd. that any Phase II development must be sensitive to the scale of Bath Place and the materials and design of the adjacent Hunts Court frontage.

CONSERVATION OFFICER Legislative/Policy Context - 1.1 This proposal clearly affects the historic environment and in particular: a) the Bath Place Conservation Area; b) Mos Food, Hunts Court and the Mecca Bingo Club - Listed Buildings; c) the unlisted but prominent former Four Alls Public House, which acts as a positive focal point, on the approach to Taunton from the west and is within the designated Conservation Area. In this context, the proposal needs to be considered in the light of relevant Government Legislation and Guidance - as required at Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, with guidance (of direct relevance) at paragraphs 4.14 - 4.18 of Planning Policy Guidance: Planning and the Historic Environment (PPG15), Likewise, the associated local policies, as adopted by the Somerset & Exmoor National Park Joint Structure Plan Review and the Taunton Deane Local Plan, are of direct relevance, being Policy 9, EN14 and EN16. 1.2 To summarise, the above requires/advises: a) Section 66 of the Act - Local Planning Authorities are required to "have special regard to the desirability of preserving the building or its setting" (my emphasis). b) Section 72 of the Act (and noted at paragraph 4.14 of PPG15) - Local Planning Authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area (my emphasis). c) Paragraph 4.15 of PPG15 - mindful of the status accorded to the development plan by Section 54A of the principal Act, it is particularly important that Local Planning Authorities' policies for Conservation Areas should be set out in the Local Plan. d) Paragraph 4.16 of PPG15 - conservation area status does not prevent all new development. Emphasis needed on controlled and positive management of change. Any new development to accord with the areas special architectural and historic interest. e) Paragraph 4.17 of PPG15 - gap sites and buildings that make no positive contribution to the character of a conservation area should be viewed as a stimulus, to imaginative, high quality design. Such should be seen as an opportunity to enhance the area with proposals not directly imitating earlier styles but designed with respect to context. f) Paragraph 4.18 of PPG15 - detailed plans required for new development. Special regard should be had for matters such as scale, height, form, massing, respect for traditional pattern of frontages, vertical or horizontal emphasis and detailed design (e.g. scale and spacing of window openings and nature and quality of materials). Application Proposals - 2.1 Appropriately, a Design Statement has been submitted. The premise, however, is that this is the first phase of a projected redevelopment which would ultimately include the adjacent site, next to Hunts Court. As the latter is NOT included in the current application site and such future redevelopment cannot be assured, the extant application must be determined on its own merits. 2.2 As such, the submission that "the principal compositional proposition underlying the projected Phase 1 development is to adopt a spiralling 'massing' to make an appropriate

transition between the essentially 'domestic' scale of Bath Place and 'civic' scale of Corporation Street" is not accepted. 2.3 Whilst the retained parts of the former Four Alls is cited as being "pivotal in this compositional arrangement" with "articulated blocks would rise incrementally in height around the corner", I consider the transition to be too soon, non traditional, too high and dramatic, thus undermining the value/importance of the former Four Alls and the scale of buildings in Bath Place. 2.4 I accept that the predominant character of Corporation Street is that of "civic buildings", i.e. Municipal Buildings, Old Library, Hunts Court, Mecca Bingo. This said, each of the former stands largely "alone, have individual presence and, indeed, are still providing a public statement of their original design/purpose, as public buildings. In my opinion, to equate the proposal in the context of the former is not valid. Hence, I cannot support the civic scale of development advocated. 2.5 I welcome the intention to provide commerce at ground (on the Corporation Street frontage) with residential above. Such uses are appropriate to the particular site, the established mixed use character of the Conservation Area and in line with adopted Local Plan policies. 2.6 Retention of the former Four Alls main facade and its frank buildings in Bath Place is to be welcomed and I agree that such is pivotal to any design for adjoining redevelopment. HOWEVER, I also consider that the scale and hence relationship to existing adjoining structures to be of importance, i.e. Mos Food and the C19 cottages in Bath Place and the essentially single storey buildings between the application site and Hunts Court. In this respect, I cannot concur with the submission that "the variously set back upper levels would reduce the apparent bulk and height of new buildings from the surrounding streets". Indeed, given the modest set backs at upper levels on Corporation Street and the open vistas of Bath Place from The Crescent, I believe the bulk and height of the proposal would be apparent from Corporation Street, The Crescent, Tower Street and Park Street. Mindful of the latter, I consider that the "sculptural lift shaft tower" and curvilinear roofs would, in particular, appear as incongruous features. Indeed the agents submission states that "The uppermost set back levels would be terminated by various shallow curved roof planes based upon sections generated with a view to both providing a subtle but distinctive skyline (my emphasis) to the building and minimising visual impact".

Conclusions - 3.1 Given the varying characteristics of the site, a satisfactory/acceptable design statement is difficult to achieve. 3.2 In line with Government guidance, I do not advocate pastiche and indeed would welcome an inspired, high quality, contemporary design which respected its context. In my opinion, the curvilinear roof, lift shaft tower, scale and massing of the proposal does not respect the context of the site and is overbearing in terms of its relationships to adjoining properties. 3.3 I can therefore only raise objection as contrary to Government Guidance (PPG15) and adopted policies: Policy 9, EN14 and EN16.

**ENVIRONMENTAL HEALTH OFFICER** 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. All other times, including Public Holidays no noisy working. Odour - Equipment shall be installed that will effectively suppress and disperse fumes and/or smell produced by cooking and food preparation as impacting upon neighbouring premises. The equipment shall be effectively operated for as long as the use continues. The equipment shall be installed and be in full working order prior to the commencement of use. The extractor equipment shall be regularly maintained to ensure its continued satisfactory operation. The external ducting should be so designed that the flue discharges not less than 1 meter above the roof eaves level. Reason: To ensure that unsatisfactory cooking odours outside the premises are minimized in the interests of the amenity of occupiers of nearby properties. Noise - Prior to occupation of dwellings to

which this permission relates, the developer should ensure that residential flats should not be exposed to internal noise levels of 40 dB(A) LAeq 16 hour in all rooms during the day (07:00 ? 23:00) and 30 dB(A) LAeq 8 hour during the night. In addition a 45 decibel LAm<sub>ax</sub> applies in all bedrooms during the night. LEISURE DEVELOPMENT OFFICER the proposed development does not make provision for children's play or sport, although it will generate additional needs. I would therefore request a contribution of £777.00 per each of the 9 x 1 bed dwellings for sport and £2,562.00 per each of the 8 x 2 bed dwellings for sport and play in the local area, a total off site contribution of £27,489.00 in line with local plan policy.

3 LETTERS OF OBJECTION have been received raising the following issues:- concern in respect of construction work on Unison car park; vehicular access needs to be maintained along Bath Place still and unless Castle Moat Chambers is developed; objection on the grounds that proposal inhibits the creation of new safe cycle lane at this point in Corporation Street.

## **POLICY CONTEXT**

Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 - Proposals for development should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to infrastructure to enable development to proceed. In particular development should: (i) provide access for pedestrians, people with disabilities, cyclists and public transport; (ii) provide safe access to roads of adequate standard within the route hierarchy and, unless the special need for and benefit of a particular development would warrant an exception, not derive access directly from a National Primary or County Route; and, (iii) in the case of development which will generate significant freight traffic, be located close to rail facilities and/or National Primary Routes or suitable County Routes subject to satisfying other Structure Plan policy requirements. Taunton Deane Local Plan Policy S1 Proposals for development, taking account of any mitigation measures proposed, will be required to meet the following criteria, in addition to any other Development Plan policies which apply in a particular case: (A) additional road traffic arising, taking account of any road improvements involved, would not lead to overloading of access roads, road safety problems or environmental degradation by fumes, noise, vibrations or visual impact; (B) the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car; (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development. Policy S2 Development must be of a good design. Its scale, density, height, massing, form, layout, landscaping, colour, materials and access arrangements will be assessed to ensure that the proposal will, where reasonable and feasible: (A) reinforce the local character and distinctiveness of the area, including the landscape setting of the site and any settlement, street scene and building involved; (B) incorporate existing site features of environmental importance; (C) reinforce nature conservation interest; (D) minimise the creation of waste in construction and incorporate recycled and waste materials; (E) include measures to reduce crime; (F) minimise adverse impact on the environment, and existing land uses likely to be affected; (G) include facilities to encourage recycling; (H) make full and effective use of the site; (I) subject to negotiation with developers, incorporate public art; and (J) include measures to promote energy efficiency. M4 In order to promote sustainable travel, and to reduce the amount of land taken for

development, the Borough Council will consider the need for residential car parking against the following criteria: (A) the impact on urban design; (B) the location of the development, and its accessibility to employment opportunities and services; (C) the type and mix of the proposed dwellings. The Borough Council will not permit more than an average of 1.5 car parking spaces per dwelling on any residential development. A significant reduction in this average will be expected for elderly persons, student and single persons accommodation, and for residential proposals involving the conversion of buildings where off-road parking provision may be difficult to achieve. Car-free residential developments will be sought in appropriate locations, such as within or adjoining Taunton and Wellington town centres. The Borough Council will require all residential developments to make provision for the parking and storage of bicycles with a minimum provision as follows: (D) 1 space for all residential units with between 1 and 3 bedrooms; (E) 2 spaces for residential units with four bedrooms or more. EN14 Development within or affecting a conservation area will only be permitted where it would preserve or enhance the appearance or character of the conservation area. EN15 There is a strong presumption against the demolition of buildings which make a positive contribution to the character or appearance of a conservation area. Proposals involving the demolition of other buildings within or affecting a conservation area will not be permitted unless acceptable proposals for any redevelopment or new use for the site have been approved. This requirement will also apply in the very rare circumstances where proposals involving demolition of buildings which make a positive contribution are allowed. C4 In the event of the increased demand for open space not being met by existing facilities, developers of new housing, on sites of six or more dwellings, will provide landscaped and appropriately equipped recreational open space in accordance with the following standards: (A) children's play space: 20 square metres per family dwelling to comprise casual play space and LEAPS and NEAPS to the required standard, as appropriate. This standard excludes space required for noise buffer zones; (B) adequately constructed and equipped public playing fields: 45 square metres per dwelling. This standard excludes space required for noise buffer zones; (C) formal parks, gardens and linear open spaces as required by particular Local Plan allocations; (D) in the case of small groups of housing where the site is too small for provision of playing fields or children's play space on-site, or where it is physically unsuitable, off-site provision will be sought; and (E) developers will be required to arrange for maintenance of the recreational open space.

## **ASSESSMENT**

The principle to a mix of A2, A3 and residential use is acceptable. The retention of the frontage of the Four Alls is also welcomed. However, its retention means that significant improvements for cyclists in Corporation Street is not possible. Whilst this is a location where a development with no off road parking would be acceptable, some parking is proposed. The applicant has tried to address the Highway Authority's previous concerns, although a detailed response is awaited. This is a most important site in terms of both the character of the Bath Place Conservation Area and as an entrance to the town centre. It is therefore deserving of a high quality design solution. The Conservation Officer concerns in respect of bulk, detailed design and impact are

accepted. However, in light of the importance of the proposal, I have commissioned consultants to provide additional architectural advice. If permission were to be granted a Flood Risk Assessment and Archeological Appraisal would be required, as would a S.106 Agreement relating to sport and recreation provision.

## **RECOMMENDATION**

Subject to observations of architectural consultants and further observations of the County Highway Authority the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be REFUSED for reasons of scale, form, bulk and detailed design, overdominant in the street scene.

**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**

NOTES: