

38/2006/582

GADD HOMES LTD

CHANGE OF USE OF FOUR ALLS TO A2 OFFICE USE AND A3 FOOD AND DRINK, ERECTION OF 4 GROUND FLOOR RETAIL UNITS AND 50 FLATS WITH CYCLE STORAGE AT THE FOUR ALLS/CASTLE MOAT CHAMBERS, CORPORATION STREET, TAUNTON

322539/124453

FULL

PROPOSAL

An initial proposal to demolish the former Four Alls Public House and replace it with a modern five storey building accommodating 21 flats and two office suites was withdrawn in March 2004 following a recommendation of refusal.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. A third proposal reverted to a more modern design whilst retaining part of the Four Alls. This comprised 17 flats, and both A2 (financial and professional services) and A3 (restaurant) uses. The building proposed was primarily four storeys in height with part fifth storey accommodation in the roof space. The application was considered by this Committee on 18th May, 2005 and refused for the following reason:- "The proposed building by reason of its scale, form, bulk and general design will be over dominant in the street scene at variance with the established character of the area contrary to Taunton Deane Local Plan Policies S1(D), S2 and EN14."

A fourth application, planning reference 38/2005/299, which was fundamentally different from the earlier proposals was considered and approved by this Committee in September 2006. The scheme represented a comprehensive mixed use redevelopment incorporating Castle Moat Chambers, and retaining the former Four Alls building in its entirety, to be used primarily as a restaurant. The remainder of the ground floor to be a mix of office and retail space with parking for 18 vehicles from a single access onto Corporation Street. The application also incorporated an arcade with pedestrian access from Corporation Street to Bath Place at the eastern end of the site. The upper three storeys (the top floor being recessed) comprised a total of 14 flats.

A revised scheme has now been submitted to that approved, which includes a change of use of Four Alls to A3 Café and Restaurant on the ground floor with A2 use above, with the new development on the Castle Moat site comprising Use Class A3 Food and Drink use on the ground floor facing Corporation Street and Bath Place, with residential apartments (50) above on the upper three floors. The main changes to the scheme are the relocation of the offices to the first floor of the Four Alls with the first floor of the Castle Moat site now comprising of 22 small apartments, and provision for communal outside amenity space. The second storey incorporates an additional 20 apartments, with a further 8 larger apartments at third storey. The amended scheme has omitted any car parking from the project. There is provision

for the storage of 50 cycles within the centre of the development. The actual footprint of the building is slightly reduced from the approved scheme.

CONSULTATIONS AND REPRESENTATIONS

HIGHWAY AUTHORITY have comments to make and they will be reported on the update sheet. COUNTY ARCHAEOLOGIST the applicants have submitted an archaeological Desk Top Assessment in support of this application. It concludes that there is reason to believe archaeological remains will be impacted by this proposal. The DTA also supports the idea that there is a level of disturbance of these remains. I believe an archaeological investigation should take place as part of the development process. 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. ENVIRONMENT AGENCY the proposal falls within the scope of the Environment Agency's Flood Risk Standing Advice and therefore the agency should not have been consulted on this application. WESSEX WATER the plans have been forwarded to our engineers and are awaiting further comments. CHIEF FIRE OFFICER (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 fire appliances should comply with Approved Document B5 of the Building Regulations 2000. (3) 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 we have considered the application and do not wish to make any representations on this occasion. We recommend that this case should be determined in accordance with government guidance, development plan policies and with the benefit of conservation advice locally. CABE 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.

CONSERVATION OFFICER No objection to minor changes to footprint, from that previously approved. Section C-C an improvement to that previously approved, as 1st, 2nd and third floors stepped further back from Bath Place. Sections A-A and B-B, less satisfactory, as 2nd floors nearer and introduced onto Bath Place respectively. New build elevation to Bath Place i.e. Castle Moat Chambers, shown in isolation. Need for full elevation to Bath Place, so impact on adjacent cottages can be more fully assessed. ENVIRONMENTAL HEALTH OFFICER – No response to date. However, as the development is of a similar scale to the previous development the response of the Environmental Health Officer has been reiterated here, and any amendment to this will be advised to Members through the update sheet. 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. 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 extraction 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. 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 LAmax applies in all bedrooms during the night. DRAINAGE OFFICER an open surface water channel passes through the majority of the site. It enters from just behind Bath Place via a short culverted section and eventually exits by way of outer culverted section in Corporation Street. I cannot find any details of any proposed treatment to this open section of channel. At previous meetings with the applicants (May 2006) it was agreed that details would be forwarded in due course, to date I have not received these. I therefore object to this proposal till such time as the developer provides the requested information and agreement is reached. LEISURE DEVELOPMENT OFFICER in accordance with Policy C4 provision for active recreation should be made. It is therefore requested a contribution of £859.00 per each dwelling towards active recreation. TAUNTON TOWN CENTRE COMPANY LTD having looked at the plans forwarded my response is that the planned change of use for this area fits well with the strategic plan for this part of Taunton. The linkages through to Bath Place will encourage greater pedestrian circulation in the area and help the businesses as the Southern end of Bath Place. My criticism of the plans as seen is that the front elevation on to Corporation St is rather bland and unimaginative for a key gateway to the town centre. It would have been good to have seen some really innovative and exciting architecture here that would signal an entry point into the town centre.

ONE LETTER OF REPRESENTATION has been received raising the following issues:- requirement to provide a future cycle lane out of town outside the Four Alls; a previous response to this stated that 'due to the width of the road and pathway there it would not be possible to provide a cycle lane whilst retaining the buildings; cycleways are mentioned first in the Taunton Vision objective 'A New Transport Infrastructure'; 11.1.2 of the Somerset Local Transport Plan states Cycling issues will be seamlessly integrated into all aspects of transport and land-use planning policies; advantage will be taken of every opportunity to secure cycle facilities; page 9 of the TTSR document states as Strategy to promote cycling and walking for short journeys under 3km; remove unnecessary traffic from the town centre; create continuous convenient safe networks for cyclists and pedestrians throughout the town centre and on key corridors throughout the town; 4.3 states that the delivery of the aims and objectives of the transport vision will require a co-ordinated effort by the different agencies and through different delivery bodies: it will be necessary to look beyond transport policy in achieving the objectives, with a key role for future land use planning in town; the application seeks to retain the building in its entirety; I think that the ability to create a future continuous cycle lane from the town centre westwards towards Musgrove Hospital and Somerset College; mirroring the cycle route eastwards is a greater priority than retaining a relatively significant architectural feature; the indirect cycle route towards French Weir is narrow, unfenced from the

water and dangerous; I am sure a structural and architectural solution can be designed allowing the future cycle lane to occupy the existing footpath and a new footpath created across the corner of the proposed development; the town is certainly not cycle friendly apart from North Street; on street parking near the Four Alls creates new hazards for cyclists; the hard bits are also dangerous bits, but they need to be tackled or the aims of policy above should be deleted; it only needs one dangerous part on an otherwise safe route to cause less assertive cyclists to use their cars; there is lots more work to do on cycling and this is an opportunity; as such an objection is raised and any approval document should contain a statement by the Development Control Manager that a cycle lane to current design standards is possible at this point.

POLICY CONTEXT

PPS1 (Delivering Sustainable Development), PPS3 (Housing), PPG13 (Transport), PPS25 (Development and Flood Risk).

RPG10 – Regional Planning Guidance for the South West Policy HO 5: (Previously Developed Land).

Somerset & Exmoor Joint Structure Plan Review 1991-2011 STR1 (Sustainable Development), STR4 (Development in Towns), Policy 33 (Provision of Housing), Policies 48 & 49 (Access and Parking).

Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), H1 (Phasing Strategy), H2 (Housing in Settlements), H3 (Residential Conversions in Town Centres), EC18 (Upper Floors of Shops), EN14 (Conservation Areas), EN15 (Demolition in Conservation Areas), M4 (Residential Parking Requirements), C4 (Open Space Requirements).

ASSESSMENT

The proposed comprehensive redevelopment of this important site is to be supported. The site is located in a prominent position and any development should reflect the character and appearance of the area and provide a scale of development appropriate to the townscape. The former Four Alls building makes an important contribution to the character of the area. The retention of the building in its entirety is a significant and positive factor in favour of this scheme. The scale and proportions of the building are considered to be acceptable and would make a positive contribution to the local streetscape and to important views across the site. The main changes to the make up of the scheme are to ensure the project remains viable and is bought forward. The main building has been stepped back significantly, with the main alteration being an additional storey on the Bath Place side, which would however be set back from the street elevation which would remain at the same height as approved. The Conservation Officer now has no objection in principle, subject to the submission of additional elevation drawings for further assessment.

In terms of impact upon the amenity of adjoining residents, the proposed development is not considered to be significantly different from the approved scheme and as such would not harm the amenity of adjoining residents. The site is a town

centre location and as such any overlooking would not be dissimilar to that of the general high density character of the area. It is noted that the Corsetry Cottage site has been granted permission, planning reference 38/2006/368, for a change of use and conversion into three dwellings and construction of one new dwelling, situated adjoining Bath Place. Whilst the main outlook from Corsetry Cottages is towards Bath Place in order to ensure that there is no undue overlooking a condition requiring details of screening from the communal amenity area at first floor level of the proposed scheme would be imposed.

The provision of pedestrian access at the eastern end of the site is another positive feature of this proposal. There have also previously been requests to provide a cycle lane along Corporation Street. The request from a local resident is noted, however, this is not considered possible if the Four Alls building is to remain due the existing narrow width of pavement in this location. Furthermore, the applicants have a current permission which did not include such a requirement and is therefore not considered reasonable to require this element.

The provision of 50 apartments requires a contribution towards off site play and open space provision in compliance with policy C4 of the Local Plan. In accordance with standard provisions this equates to £859 per one bed unit. There was a provision previously for such contributions, however, as the previous application did not incorporate any affordable housing contributions it is considered in line with the corporate aims of the Council that any contributions should be directed towards affordable housing provision rather than play contributions due to viability. The developer following negotiations with the Council's Housing Officer has agreed to make contributions to affordable housing within the scheme. This would allow three shared ownership and four discounted market houses to be made available within the scheme where none were previously to be provided.

To conclude, it is recognised that national planning guidance seeks to make the best use of brownfield land, especially in sustainable locations such as the town centre. Furthermore, the proposed scheme is considered to be a positive design approach (as required by PPS1) and would not harm the residential amenities of local residents. The proposal is considered to be of an acceptable scale and would be a further positive take over and above the existing approved scheme. As such it is recommended the application be approved.

RECOMMENDATION

Subject to the submission of revised drawings taking into account issues raised by the County Highway Authority and the Conservation Officer, and the completion of a Section 106 Agreement in relation to affordable housing by 18th March, 2007 the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, cycle parking, details of agreement for works to the culvert through the site, flood risk mitigation measures, meter boxes, aerals, odour, noise, archaeology, tree protection, covered refuse storage, arcade surfacing, screening. Notes re noise during construction, Wessex Water systems and infrastructure, fire safety requirements, compliance, S106 agreement, Part M and CDM Regs.

REASON(S) FOR RECOMMENDATION:- The mix of uses proposed is considered appropriate for this town centre location in accordance with Taunton Deane Local Plan Policies H1, H3 and S3. The proposed design will respect the character and form of both Corporation Street and the Bath Place Conservation Area to the rear. The proposal therefore complies with the requirements of Taunton Deane Local Plan Policies S2 and EN14.

Should the Section 106 agreement not be completed by 18th March, 2007 the Development Control Manager be authorised to REFUSE permission for the following reason of inadequate provision has been made for the provision of affordable housing requirements facilities in accordance with Taunton Deane Local Plan Policy H9.

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

CONTACT OFFICER: 356586 MR A PICK

NOTES: