

38/2005/299

GADD HOMES LTD

**CONVERSION OF FORMER PUBLIC HOUSE AND CREATION OF BUILDING ON LAND ADJOINING TO FORM 4 CLASS A1 (RETAIL) UNITS, 4 CLASS A2 (FINANCIAL AND PROFESSIONAL SERVICES) UNITS, 2 CLASS A3 (RESTAURANT) UNITS AND 14 RESIDENTIAL APARTMENTS TOGETHER WITH ACCESS AND PARKING, FORMER FOUR ALLS PUBLIC HOUSE AND CASTLE MOAT CHAMBERS, CORPORATION STREET AND BATH PLACE, TAUNTON AS AMENDED BY DRAWING 0451/12BB ATTACHED TO AGENTS LETTER DATED 4TH AUGUST, 2005 AND TRANSPORT ASSESSMENT RECEIVED UNDER COVER OF PETER EVANS PARTNERSHIP LETTER DATED 8TH AUGUST, 2005**

22542/24456

FULL PERMISSION

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## **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Alls Public House and replace it with a modern five storey building accommodating 21 flats and two office suites was withdrawn in March 2004 following a recommendation of refusal.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 overdominant 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." Appeals have been lodged against both refusals, although it is understood that the appeals will be withdrawn should permission be granted in respect of the current application.

The current application is fundamentally different from the earlier proposals in that it not only represents a comprehensive redevelopment incorporating Castle Moat Chambers, but it also retains the former Four Alls building in its entirety, which is to be used primarily as a restaurant. The remainder of the ground floor is to be a mix of office and retail space with parking for 18 vehicles from a single access onto Corporation Street. It also incorporates an arcade which will provide a pedestrian access from Corporation Street to Bath Place at the eastern end of the site. The upper three storeys (the top floor being recessed) comprises a total of 14 flats.

The application form shows a self-coloured rendered building with feature timber panels, although the applicants have indicated that they would be happy to discuss materials further should this be necessary.

## CONSULTATIONS AND REPRESENTATIONS

COUNTY ARCHAEOLOGIST the applicants have submitted an archaeological Desk Top Assessment in support of this application which details the potential for remains on this site. Normally, I would advise that evaluation take place prior to determination but in this case (due to the restrictions inherent in the site) I do not believe that trial trenching would produce viable results. Therefore, I advise that any archaeological issues be dealt with during the construction phase. For this reason I recommend that the developer be required to ensure proper investigation and recording of archaeologically those areas that are to be disturbed by the development. 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..

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.

WESSEX WATER the development is located within a foul sewered 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 mains.' As there are no existing public/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 and combined 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. 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.

AVON & SOMERSET POLICE I have met with Steve Major of Gadds to discuss this project. It would appear that he has given due regard to the issues that I would consider. Therefore I have no adverse comment to make.

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. Please note that this literally means 'no comment' and should be interpreted as tacit endorsement of the scheme. CIVIC SOCIETY we find much to welcome in this new proposal from Gadd Homes Ltd., namely:- the development of the whole site so that there cannot be any danger of discontinuity between two or more phases of development; The avoidance of a need for two vehicular entrances to Corporation Street (hopefully this plan eliminates any need for vehicle access along Bath Place); The lower and simpler skyline; The provision of a pedestrian arcade at the eastern end of the site from Bath Place to Corporation St.; The simpler facade to Corporation St. Many people will be very pleased at the retention and refurbishment of the original Four Alls building. It is certainly preferable to the semi-retention envisaged by the previous application (38/2005/099). We do have some concerns over the external appearance of the third floor and the Corporation St. facade (ground to second floor). Firstly, the lines of the facade are predominantly horizontal - all the window or window/paneling spaces are longer than they are high. True, the vertical proportions of the smaller windows, and window sections, are more than the horizontal, but the overall impression is horizontal. By comparison, the windows of Hunts Court and the Four Alls are higher than they are wide. Hunts Court reinforces the vertical theme with the pilasters rising from the top of the rustication. This makes for an uncomfortable contrast. While most of the openings in the facade are uniform (the exception being the central doorway) and the first and second floor openings mirror the width of the ground floor openings, the irregularities on the third floor at either end of the building break the pattern. Ideally, we feel that a greater (and uniform) sub-division of the windows/paneling spaces of the first and second floors, giving a vertical rather than horizontal impression, within the width constraint of the ground floor window, together with some echo of the pilasters down to the eight wider plinths, would result in a facade that is even more harmonious and more interesting. That brings us to our second comment: while the facade is better for being less fussy and complex, perhaps that has been taken too far so that it is now rather bland. As regards materials and finishes we understand [from correspondence between a Society member and Mr Major of Gadd's] that there is some thought that a full or partial terracotta panel cladding might replace the some or all of the materials proposed. We are not clear how this might be arranged. However, on the proposal before us: We strongly feel that the timber paneling as proposed is not at all appropriate. We would welcome a finish (common to both render and infill panel areas) that is a bit warmer than the white shown on the drawings: again, this would be in better harmony with Hunts Court. The third floor is shown with Powder Coated Cladding panels in quite a strong blue colour on the plans. This will be particularly visible from Park St., as the entire western end of the third floor (apart from the stair/lift turret) is panelled. We would urge that the colour be constrained and that anything strident be avoided. We have also seen a comment from Mr Major that they are "looking to strengthen the arcade between Bath Place and Corporation St". We would welcome that, especially improved top-lighting and natural ventilation, as the drawings seem to indicate a rather narrow set of top-lights. Long enclosed passages run a risk of being treated like road under-passes - spaces to be avoided by the nervous and easily vandalised. We continue to believe that the whole site should be included within the Bath Place Conservation Area.

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. 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 LAmx applies in all bedrooms during the night.

LEISURE DEVELOPMENT OFFICER the proposed development does not make provision for childrens play or sport although it will generate additional needs. I would therefore request a contribution of £2,562 per each of the dwellings for sport and play in the local area. A total off site contribution of £35,868 in line with local plan policy.

TAUNTON TOWN CENTRE COMPANY LTD Ms D Hartnell, your Conservation Officer presented these plans to a meeting of Taunton Town Centre Partnership last week. They were received favourably as an improvement on the previous submission but there were comments that a more innovative design at the gateway to the town would have been more interesting, and the partners hope that this opportunity may be considered at other key entry points to Taunton. We would also repeat our request that vehicular access to Bath Place from the Southern end should be extinguished if possible, and the entry to Bath Place at this point should be landscaped in a way that complements the Dragon Book shop (Mos Food).

A letter has been received on behalf of the Friends Meeting House stating that they have no objection providing that their right of access for vehicles along Bath Place is not compromised.

## **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: provide access for pedestrians, people with disabilities, cyclists and public transport; 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, 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 Policies 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; (C) the proposal will not lead to harm to protected wildlife species or their habitats; (D) the appearance and character of any affected landscape, settlement, building or street scene would not be harmed as a result of the development; (E) potential air pollution, water pollution, noise, dust, glare, heat, vibration and other forms of pollution or nuisance which could arise as a result of the development will not harm public health or safety, the amenity of individual dwellings or residential areas or other elements of the local or wider environment; (F) the health, safety or amenity of any occupants or users of the development will not be harmed by any pollution or nuisance arising from an existing or committed use; (G) the safety of any occupants or users will not be at risk from ground instability; and (H) the site will be served by utility services necessary for the development proposed. 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. H1 The development of sites allocated for housing will be in accordance with the phasing strategy of this policy, which seeks to ensure that priority is given to the development of previously developed brownfield sites and maintaining a sufficient supply of land for residential development. Sites identified in Phase 2 are not anticipated to commence development until after April 2006, although planning permission may be granted prior to this date subject to conditions regarding infrastructure provision and necessary lead times. The performance of the phasing strategy will be monitored, reviewed and rolled forward on an annual basis. Where sites are coming forward at a rate different to that anticipated in this policy and, having regard to the considerations set out below, it is found to be necessary to adjust the strategy, this will be implemented through a supplementary planning document. (A) The need to achieve sustainable development. (B) The need to enable the necessary annual housebuilding rate. (C) The contribution from non-allocated sites. (D) The receipt of market intelligence. (E) Other material considerations. H3 Within the Taunton Central Area, the use or conversion of vacant non-residential buildings or parts of buildings to residential units will be permitted provided that: (A) the new dwellings will not be detrimentally affected by an existing or proposed unneighbourly use; (B) the appearance and character of the building or street scene would not be harmed; (C) the historic and archaeological heritage of the area would not be harmed; and (D) the proposal would not conflict with policies to protect the integrity of the shopping frontages. Requirements of policies S1 and H2 not covered in (A) to (D) above will not

apply to these proposals. 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**

A proposal for comprehensive redevelopment of this most important site is to be welcomed. The former Four Alls building makes an important contribution to the character of the area. Therefore its retention in its entirety is also an important positive factor in favour of this scheme. The scale and proportions of the building now proposed will sit much more comfortably within the Corporation Street frontage than any of the buildings proposed in earlier schemes.

As previously, we have sought architectural advice from Terence O'Rourke (who have been responsible for the urban design codes for the Taunton Vision). Whilst welcoming the scheme in principle, they share some to the detailed concerns of the Civic Society,

particularly in terms of the lack of vertical emphasis. A meeting has therefore taken place where Andy Ward of Terence O'Rourke suggested some amendments to the detailed elevational treatment. It is understood that these were accepted by the applicant and revised elevation drawings are awaited.

The Conservation Officer now has no objection in principle, although her detailed comments are awaited.

The provision of pedestrian access at the eastern end of the site is another positive feature of this proposal. Whilst this scheme will result in removal of the majority of vehicles from Bath Place a right of access remains to the Friends Meeting House which is not within the applicants control. There have also previously been requests to provide a cycle lane along Corporation Street. However, this is not possible if the Four Alls building is to remain due the existing narrow width of pavement in this location.

Overall subject to the amendments referred to, this is considered to be an excellent proposal.

## **RECOMMENDATION**

Subject to the submission of revised drawings taking into account issues raised by the Council's Architectural Advisor, submission of flood risk assessment, the comments of the County Highway Authority, Drainage Officer and the Conservation Officer and completion of a Section 106 Agreement in relation to sport and recreation contributions by 30th September, 2005 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, car parking, cycle parking, meter boxes, aerials, odour, noise, archaeology, tree protection, arcade surfacing. 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 30th September, 2005 the Development Control Manager be authorised to REFUSE permission for the following reason of inadequate provision has been made for the provision of sport and recreation facilities in accordance with Taunton Deane Local Plan Policy C4.

**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:

