

E/0041/34/12

BUILDING NOT IN ACCORDANCE WITH APPROVED PLANS AT TAUNTON VALE SPORTS CLUB, GIPSY LANE, TAUNTON

OCCUPIER:

OWNER: THE MANAGER
TAUNTON VALE SPORTS CLUB, GIPSY LANE,
STAPLEGROVE
TAUNTON
TA2 6LL

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the land to be backfilled up to the top of the retaining wall around the new pavilion and the surrounding land graded.

RECOMMENDATION

No further action be taken.

SITE DESCRIPTION

Taunton Vale Sports Club is situated off the Gypsy Lane which is off Greenway road in Taunton. The site is level and laid to grass, with steep earth banks to the north, south and west boundaries, which have been planted with trees and native hedgerows

Taunton Vale Sports Club comprises of indoor and outdoor sports facilities including two cricket fields with separate squares and outfield. There is a two storey pavilion which serves the main cricket ground whilst the new pavilion building, located to the north west serves second field.

BACKGROUND

A complaint was received in March 2012. A site visit was carried out and the agent Mr Spurway was informed that the building was not in accordance with the approved plans. The building had an extra window inserted and the cladding to was applied horizontally and not vertically as shown on the approved plans. The height of the building was in accordance with the approved plans but because the surrounding land had not been graded in accordance with the approved plans it appeared to be higher. Mr Spurway was informed of this but was not prepared to submit a new application for consideration to regularise the situation.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The new pavilion is of a simple design with a mono pitched sedum roof. The size of the building is in accordance with the approved plans. The building has been set into a 3 metre high grassed earth bund which does screen the majority of the building from the north, north east and north west, where there are residential properties adjoining the cricket fields. The south side of the bund has been cut into and the new pavilion has been erected. However, the land has not been backfilled and

graded as approved and therefore the building appears to be higher.

RELEVANT PLANNING HISTORY

There are several Planning applications for the site including 34/10/0027 - Demolition of pavilion and erection of replacement pavilion at Taunton Vale Sports Club, Gipsy Lane, Staplegrave, conditionally approved 19.10.2010.

RELEVANT PLANNING POLICES

National Planning Policy Framework

Taunton Deane Local Plan 2004

S1 - General Requirements

S2 – Design

Taunton Deane Core Strategy 2011 - 2028

Policy DM1 - General Requirements

DETERMINING ISSUES AND CONSIDERATIONS

An unaccompanied site visit was undertaken on 9 May 2012 where the issues identified above were observed. The unauthorised amendment to the exterior cladding to the building is only visible from the south and when within twenty metres or so of the building, otherwise the alteration is difficult to detect. As a consequence of this minor amendment, whilst unauthorised, is not considered to materially affect the external appearance of the building.

Having regard to the addition of the new window to the south west elevation, it was observed that there would be no material impact upon neighbouring amenity, with the additional outlook from the repositioned kitchen room facing over the cricket field; it will not overlook any neighbouring property to the north and therefore there is no perceived harm to residential amenity. In addition, the window is not thought to result in any visual harm to the building or wider area and is in keeping with the design of the new building.

Concern has also been raised that the earth mound to the north has not been graded correctly and that the building has been raised in height. It is true that the earth bank to the rear (north) of the new building has not been graded in accordance with the approved plan; it appeared upon visiting the site that it was approximately 0.5 metres lower than it should be. This has left a larger degree of the walls to the sides and rear exposed, giving the impression that the building is taller than it should be. I am of the opinion that the building has a height which is in line with that of the approved plans and it is not higher than it should be. The unauthorised regrading of the earth mound does not, in my opinion, result in a significant degree of harm to visual or residential amenity.

There is also concern at additional nuisance arising to neighbouring amenity as a result of the new building; this issue was considered as part of the original planning application and I continue to be satisfied that there will be no additional nuisance arising to neighboring amenity as a result of the new building. The cricket field and those properties to the north are separated by a dense line of mature hedgerow and tree planting and when the vegetation is with foliage it is not possible to be seen from

one area to the other. In addition, the cricket field has been in use for a number of years and this will remain unchanged as a result of the new pavilion building. Before its erection the earth mound could be used for recreation and this has not changed.

Having regard to the issues addressed above, I am of the opinion that the unauthorised amendments to the approved pavilion building at Taunton Vale Sports Club do not significantly affect either visual or residential amenity. There is no conflict with planning policy and therefore I am of the opinion that it would not be expedient to take any further action against the unauthorised works.

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

PLANNING OFFICER: Mr R Williams
PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

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