

38/20/0151

PHOTINIA LTD

Conversion of terrace building (part of former police station) into 6 No. dwellings at Burton Place, Taunton

Location: 9-11 BURTON PLACE, TAUNTON, TA1 4HD

Grid Reference: 322379.124174

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 264-030 Elevations as Proposed
(A1) DrNo 264-012 Floor Plans as Proposed
(A3) Drno 264-011B Site Plan as Proposed
(A3) DrNo 264-020 General Section as Proposed
(A3) DrNo 264-010 Site Location and Block Plans

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the construction of the development, hereby permitted, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter maintained as such.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possess to comply with Policy CP8 of the Taunton Deane Core Strategy.

4. Notwithstanding the details regarding the materials for new windows stated within the application form, there shall be no installation of windows in new openings unless revised details are agreed in writing by the Local Planning Authority. The revised details shall include a full schedule of materials, technical plans to an appropriate scale, cross sections, colour and finish. The approved windows shall be installed in accordance with the approved details.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possess to comply with Policy CP8 of the Taunton Deane Core Strategy.

5. Notwithstanding the details regarding the materials for new windows stated within the application form there shall be no replacement of existing windows without the prior grant of permission for such works under a Listed Building Consent. Such an application shall include a full heritage justification including an assessment of the existing windows, method statement, materials, details of the recess, colour and finish (including the method of opening) for the new windows.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possess to comply with Policy CP8 of the Taunton Deane Core Strategy.

6. Prior to any works relating to the eaves, rainwater goods, foul waste and provision of external services and ventilation a full schedule of the works shall be submitted and approved in writing by the Local Planning Authority. The schedule shall include materials, specification (including the submission of technical drawings to an appropriate scale if necessary), colour and finish. The development shall be carried out and completed in accordance with the approved details and shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possess to comply with Policy CP8 of the Taunton Deane Core Strategy.

7. Prior to the first occupation of any of the dwellings hereby approved, cycle and bin storage facilities shall be constructed in accordance with details that shall be submitted and approved in writing by the Local Planning Authority. The submitted details shall include full scale plans and details of materials including colour and finish. The facilities shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles, in the interests of sustainable transport to comply with Policies A1, A of the Taunton Deane Site Allocations and Development Management Plan.

8. (i) The development shall be carried out and completed in accordance with a hard and soft landscaping scheme that shall have been submitted and

approved in writing by the Local Planning Authority. The scheme shall include details of the species, siting and numbers to be planted, details of all hard surfacing (including submission of samples if necessary).

(ii) The soft landscaping shall be completely carried out within the first available planting season from the date of commencement of the development.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area to comply with Policy CP8 of the Taunton Deane Core Strategy.

Notes to Applicant

1. The applicant is advised that listed building consent is required for the conversion works as the building is curtilage listed in association with the Grade II listed goal. The applicant is further advised that listed building consent must be granted prior to the commencement of any works to the building.
2. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.
3. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

Proposal

The application proposes the change of use and conversion of Burton Place into six dwellings comprising the following:

- 2 x 1-bed dwellings;
- 3 x 2-bed dwellings;
- 1 x 3-bed dwelling.

Access would be gained from the rear of the terrace. An amenity area is included to the rear of the properties. No parking spaces are proposed as part of the

development. The proposal includes the demolition of an existing lean to extension to the rear of the building and the construction of a replacement lean to extension.

Site Description

The site consists of a red brick terraced building which fronts Burton Place. The building is considered to be curtilage listed in association with the former gaol building. It was originally used by the TA in 1910 in connection with the wider use of the adjacent former gaol site. Since then it is understood to have been occupied in connection with the use of the wider Police Station site.

To the rear there is a single storey flat roof building that forms the rear site boundary but is outside the application site. This building was originally constructed as the treadmill building in association with the former goal and is also listed.

Relevant Planning History

None relevant

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice applies
SCC- PARKING SERVICES-

Properties that do not have an existing permit allocation would not be added into the scheme.

If a property within an permit zone is converted into multiple units, the number of permits allocated to that initial property does not change.

For example, no. 4 Hypothetical Street is in a permit zone with no off-street parking so has a full permit allocation of:

- one first residents permit (cost £60 / £30 / £0 depending on vehicle emissions);
- one second residents permit (£100);
- one visitors permit (£60);
- plus a full allocation of 100 single use one-day visitor vouchers (scratch cards).

If the property is converted into two flats, the residents (or property owner if it becomes a rental property) should agree how the permit allocation is divided. For example, one flat may 'get the first permit and the visitor vouchers, and the second flat 'gets' the second permit and the visitor permit. This can be allocated on the permit system we use.

If the property was redeveloped into 5 flats, the permit allocation may be on a first come, first served basis.

We would not increase the permit allocation for new dwellings because the number of parking places does not change. Increasing the permit allocation because existing properties were redeveloped or new residential properties were created would be unfair on all other existing residents who may then have difficulty finding a parking place due to a larger demand for an unchanged supply.

SCC - COUNTY ARCHIVIST – As far as we are aware there are limited or no archaeological implications to this specific proposal and we therefore have no objections on archaeological grounds. The buildings are part of the former Police Station complex and it may be that an historic building recording condition is required by your Conservation Officer and we would urge you to check if that is appropriate here.

Other development of buildings and yards associated with the Police station complex may well require a Written Scheme of Archaeological Investigation.

HERITAGE – No objections (verbal advice)

WESSEX WATER – No objections. Comments made regarding new drainage and water supply connections, surface water and safeguarding Wessex Water

SCC - ECOLOGY - The site as a whole supports bat. I have observed signs of night roosting lesser horseshoe bats in one part and the police station tunnel to Shire Hall supports a maternity colony of Daubenton's bats.

Informative requested reminding developers of the legal protection afforded to bats and bat roosts.

DEVELOPMENT ENABLING-

CP5 from the Core Strategy along with Policy C2 and Appendix D of Taunton Deane Adopted Site Allocations and Development Management Plan (Dec 2016) stipulates the provision for new open space. Provision of 0.8 hectare of children and teenager play space is required per 1000 persons. This constitutes a mixture of both informal play space and formal equipped play space. For new developments children's play should provide a minimum of 20sq meters of equipped children's playing area for all dwellings of 2 or more beds in the form of Local Equipped Play Area (LEAP) and Neighbourhood Equipped Play Areas (NEAP).

The trigger for play provision is 6 or more family dwellings (2 bedrooms +). Based on the proposed scheme of 6 dwellings with 4 of the dwellings being 2 bed + the development falls below the requirement for onsite and offsite play.

Representations Received

Following consultation representations have been received from 28 nearby households, 27 objecting and 1 in support of the proposal. The following issues are raised:

- Concerns over lack of parking provision within the permit zone and significant parking congestion particularly in the evenings.
- Proposed properties should include parking provision.
- Non residents park before 08.00 in the permit area.
- Available space has been significantly reduced by driveways being constructed and double yellow lines.
- Additional areas could be added to E09 to alleviate the congestion such as part of The Crescent, three spaces outside the Police Station and parking area within Shire Hall.
- Properties in Orchard Rise rely on the permit parking spaces.

Support:

- Proposal would be an improvement to the area. Overall more positive than negative despite concerns over lack of parking.

Planning Policy/Legislative Context

Section 66 of the Listed Building and Conservation Areas Act requires that planning authorities have 'special regard to the desirability of preserving the building or its setting'.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

SD1 - Presumption in favour of sustainable development,
SP1 - Sustainable development locations,
CP1 - Climate change,
CP4 - Housing,
CP6 - Transport and accessibility,
CP8 - Environment,
DM1 - General requirements,
DM4 - Design,
A1 - Parking Requirements,
D10 - Dwelling Sizes,
D7 - Design quality,
ENV4 - Archaeology,
A5 - Accessibility of development,
C4 - Protection of community facilities,
D12 - Amenity space,

Local finance considerations

Community Infrastructure Levy

The proposed development measures approx. 480sqm.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £33,500.00. With index linking this increases to approximately £47,750.00.

Determining issues and considerations

Principle of development:

The key issues relate to the loss of floor space associated with the police station and the principle of converting the listed building into residential accommodation. Policy C4 of the Taunton Deane Site Allocations and Development Management Plan

relates to the protection of community facilities. It states:

"The loss or change of use of existing community, cultural and social facilities will only be permitted where:

- A. Evidence is submitted to demonstrate that there is no longer a community need for the facility; and*
- B. The facility is no longer financially viable; and*
- C. It could not be put to another similar, community use; or*
- D. Replacement facilities are provided on site, or within the vicinity to meet the needs of the local population.*

In the case of destination facilities serving more than one community, it must be demonstrated that the need can be met in an alternative or existing facility in Taunton, Wellington or a defined rural centre and is accessible to its intended users by a range of sustainable transport modes".

In this instance the police station and all associated facilities have been moved to a different location in the centre of Taunton. The subject building is therefore currently redundant and there is no prospect of the use needing to continue in this location. An alternative facility has been provided and accordingly it is considered that the proposal would accord with the above policy. In addition to the above, the change of use to residential use is considered to present an optimum use of the building in terms of its future preservation and accordingly the proposal is considered to be appropriate in heritage terms in accordance with Policy CP8 of the Taunton Deane Core Strategy.

Heritage:

Section 66 of the Listed Building and Conservation Areas Act requires that planning authorities have 'special regard to the desirability of preserving the building or its setting'.

The external and internal alterations proposed are considered to be acceptable and will preserve the character, historic interest and fabric of the listed building. Conditions relating to matters such as hard and soft landscaping, cycle storage, and details of external alterations, including materials are considered necessary and reasonable in planning terms. A listed building consent application will be required which will further consider the fabric of the building and may include additional conditions. This consent will have to be in place prior to works commencing on the building. Subject to conditions it is considered that the proposal would accord with Policy CP8 of the Taunton Deane Core Strategy.

Residential amenity:

The use of the building for residential purposes will not create any additional undue issues in relation to the impact on adjoining occupiers by way of noise, disturbance and overlooking. The dwellings will exceed the minimum floor space requirements set out in Policy D10 of the Taunton Deane Site Allocations and Development Management Plan. There will be an area of amenity space to the rear of the

properties. This space will not be divided by fencing into individual plots to retain a sense of openness although it is anticipated that individual plots will each be allocated an area of space. Whilst the size of the space is small and not completely private, in the circumstances it is the best compromise that can be provided within the constraints of the site and whilst preserving the setting of the listed building. Having regard to the above it is considered that whilst there is not full compliance with Policy D10 the proposal is nevertheless considered to be acceptable in this regard for the above reasons.

Highway safety and parking:

The application does not propose any car parking within the site. The Highway Authority have indicated that 'standing advice' applies. The site is considered to be a highly sustainable location, within a short walk of a wide range of employers, local services, facilities, recreation and public transport. Policy A1 of the Taunton Deane Site Allocations and Development Management Plan refers to parking standards for new development. It sets out a maximum of 1 space for new developments in the town centre. It also states that car free developments will be sought in appropriate locations such as within or adjacent to Taunton and Wellington Town Centres.

A significant number of objections have been received from local residents particularly in Westgate Street expressing concerns over the lack of parking within the development and the impact on existing residents ability to find a parking space. This site is located within a residents parking permit zone. It is understood that the enforcement times that a permit is needed are 08.00-20.00 Monday – Saturday. There are no restrictions on Sundays. The County Council parking services department have commented that it is the Councils policy not to allocate additional permits to new where an existing property is subdivided. Accordingly, occupiers would not be able to park within the permit zone. This factor partially mitigates the concerns expressed by local residents, although there would be added competition for spaces outside the enforced times. The alternative options to retain the parking areas to the rear of the properties would be substandard in terms of the impact on the setting of the listed building and in terms of amenity space for occupants which would conflict with Policy D10 and accordingly there are drawbacks with both of these options. A central aim of the planning system is to encourage sustainable modes of travel and this is set out in the NPPF and Policies A1 and C5 of the Taunton Deane Site Allocations and Development Management Plan and Policy CP6 of the Taunton Deane Core Strategy. Within a town centre location, the expectation would be that the lack of parking spaces would be more likely to attract occupiers with low car use/ownership and would encourage a greater use of alternative means of travel such as car pool clubs, sharing, car hire etc.

The concerns and frustrations of local residents are fully acknowledged in this instance. The acceptability of the proposal is dependant on weighing up the competing issues outlined above. There are no objections from the Highway Authority and there is no clear evidence that the proposal would harm highway safety. Additionally the proposal would not conflict with Policy A1 as the site is adjacent to the town centre.

Having regard to the above, it is considered despite the objections received, that there are insufficient grounds to warrant refusal of the application on highway and parking congestion grounds. The proposal would therefore be acceptable in this regard and would comply with Policies A1, A5 of the Taunton Deane Site

Allocations and Development Management Plan and Policies CP6 and DM1 of the Taunton Deane Core Strategy.

Bin and cycle storage:

The applicant has indicated areas for bin and cycle storage on an amended plan. It is considered acceptable to agree these details via a planning condition. The applicant has indicated that bins can be sited on the pavement adjacent to the building frontage on bin day. These arrangements are considered to be acceptable in relation to general amenity and highway safety.

Ecology:

The County Ecologist has been consulted and has commented that bats have been recorded in the vicinity of the site, however it is considered highly unlikely that bats would be encountered during construction. Given this very low likelihood an informative is recommended to be included within the decision that reminds the developer of their legal duties in respect to protected species. The proposal would therefore comply with Policy CP8 of the Taunton Deane Core Strategy.

Archaeology:

The site is located within an Area of High Archaeological Potential and County Archaeology Site. The Somerset Heritage Trust have commented that given the nature of the development converting an existing building and very limited external works there would be limited or no implications for archaeology. Accordingly planning conditions in respect to archaeology are not required.

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

Contact Officer: Mike Hicks