

20/14/0016

MR P CROSS

DEMOLITION OF GARAGE BUILDING, ERECTION OF DETACHED DWELLING WITH INTEGRAL GARAGE AND ERECTION OF DETACHED DOUBLE GARAGE TO SERVE EXISTING DWELLING IN THE GARDEN OF 'ROSSITERS' AT KINGSTON GARAGE, KINGSTON ST MARY (AS AMENDED)

Location: KINGSTON GARAGE, KINGSTON ROAD, KINGSTON ST MARY,
TAUNTON, TA2 8HW

Grid Reference: 322142.129565

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (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:

(A4) DrNo 5019_01 Location Plan

(A3) DrNo 5019_02 Site Layout Plan

(A2) DrNo 5019_04 Existing Building to be Demolished

(A1) DrNo 5018_03 B Proposed Floor Plan and Elevations House and Detached Garage

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

3. Prior to the commencement of the erection of any part of the dwelling or garage hereby permitted, a sample of the materials to be used in the construction of the external surfaces of the roof shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the

character and appearance of the conservation area in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

4. Prior to the commencement of the erection of any part of the dwelling or garage hereby permitted, a panel of the proposed stonework measuring at least 1m x 1m shall have been built on the site and both the materials and the colour and type of mortar for pointing used within the panel shall have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the conservation area in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

5. The development hereby permitted shall not be commenced until percolation tests to determine the suitability of the soil for drainage have been carried out and details of the proposed drainage have been submitted to and approved by the Local Planning Authority. The drainage shall be implemented in accordance with the approved details prior to occupation and thereafter retained as such.

Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development, as set out in Policy DM1 of the Taunton Deane Core Strategy.

6. The access, parking and turning area shall be hard surfaced before it is brought into use, in accordance with details which shall have been submitted to and agreed in writing by the Local Planning Authority and shall thereafter be retained as such, unless otherwise agreed in writing.

Reason: In the interests of highway safety.

7.
 - (i) Before any part of the dwelling hereby permitted is brought into use, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season following agreement with the Local Planning Authority, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (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, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. Before any part of the development hereby permitted is commenced, detailed drawings showing existing and proposed site levels, floor levels and contours of the development site, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

9. The area allocated for parking and turning on submitted plan 5019_02 shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only.

Reason: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the highway, in the interests of highway safety.

11. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (a) to (c) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition (d) has been complied with in relation to that contamination.

a) Site Characterisation

An investigation and risk assessment, must be completed to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages.
- If the preliminary risk assessment identifies any potentially significant

pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants.

- An assessment of the potential risks to
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwater and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

b) Submission of Remediation Scheme

If any unacceptable risks are identified as a result of the investigation and assessment referred to in a) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section b), which is subject to the approval in writing of the Local Planning Authority.

e) Verification of remedial works

Following completion of measures identified in the approved remediation scheme a verification report (referred to in PPS23 as a validation report) must be produced. The report should demonstrate the effectiveness of the remedial

works.

A statement should also be provided by the developer which is signed by some one in a position to confirm that the works detailed in the approved scheme have been carried out (The Local Planning Authority can provide a draft Remediation Certificate when the details of the remediation scheme have been approved at stage b) above).

The verification report and signed statement are subject to the approval in writing of the Local Planning Authority.

f) Long Term Monitoring and Maintenance

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval until the remediation objectives have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development, in accordance with Taunton Deane Core Strategy Policy DM1(f) and paragraphs 120-122 of the National Planning Policy Framework.

12. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions; alterations to any part of the dwelling, including the roof; outbuildings; or porches, other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties and to preserve the design and external appearance of the building, in accordance with Taunton Deane Core Strategy Policy DM1.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 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.
2. Notes regarding Wessex Water:
 - New water supply and waste water connections will be required from Wessex Water to serve this development. Application forms and guidance information is available from

www.wessexwater.co.uk/developerservices

- DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.
 - Separate systems of drainage will be required to serve the proposed development.
 - No surface water connections will be permitted to the foul sewer system.
 - Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.
 - On 1 October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers). At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our records plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Buildings Regulations purposes. More information relating to this transfer can be found on the Wessex Water website. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage of you suspect that a section 105a sewer may be affected.
3. Wessex Water records show that there is a public foul sewer crossing the site. Wessex Water normally require a minimum 3 metre easement width either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed.
 4. with reference to Condition 6, the driveway should be properly consolidated and surfaced, not loose stone or gravel and provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the proposed dwelling.
 5. With reference to Condition 13, the site investigation and report should be in line with the latest guidance. Sources of such guidance, although not exclusively, publications led by the Department for Environment, Food and rural Affairs, the Environment Agency and the British Standards Institute. The council has produced a Guide to the Assessment and Remediation of Contaminated Land, which gives more details on the relevant sources of information available. This is available on the Council's web site or by contacting the Environmental Protection Team on 01823 356339.
 6. Meter boxes can have a jarring effect on the appearance of buildings. The applicant is respectfully requested to consider carefully the position, materials and colour of the meter box.
 7. Soakaways should be constructed in accordance with British Research Digest

PROPOSAL

Kingston Garage is situated in the centre of Kingston St Mary, within the village development boundary and within the Conservation Area. The garage site is occupied by a large unlisted workshop building with a dwelling to the front of the site abutting the road. The garage is still in operation.

Conservation area consent has been granted several times in the past for the demolition of the garage building, along with planning permission for the erection of a four bedroom dwelling and garage on the site, most recently in January 2011. This application now seeks planning permission for the erection of a detached 4 bedroom dwelling with integral garage and erection of detached double garage (to serve the existing dwelling).

The proposal is largely the same as has been granted many times, however with some small alterations to the design. During the processing of the application and following concerns raised by the case officer, amended plans were received, which incorporated some additional features that had been incorporated into previous schemes. It is now proposed to erect the property in render to the two sides and rear with stone to the front, whereas previously stone was also proposed to the south-east side elevation as well as the front. The porch and middle first floor window have been repositioned to improve the overall balance of the front elevation, a more sympathetic window design is now proposed, a chimney has been installed and the garage door design has been amended to timber of cart door style.

There is a concurrent application for conservation area consent for the demolition of the garage building.

This application comes before committee as the agent is related to a member of staff.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

KINGSTON ST MARY PARISH COUNCIL - No objection

SCC - TRANSPORT DEVELOPMENT GROUP - Refer to Standing Advice.

Previous comments made in 2010 referred to - Site is within settlement limits; the existing use is commercial, so a reduction in traffic movements will be expected; 3 parking spaces are proposed, as per the Local Transport Plan, adequate parking and turning, but substandard visibility, however the proposal will see a reduction in traffic movements from present use, so unreasonable to object. Suggest condition to retain parking & turning.

CONSERVATION OFFICER – No objections in principle to the proposed new dwelling although the previously approved scheme (20/03/0004) was perhaps closer in detailing and character to the traditional buildings within the Conservation Area. One element it shares with the earlier scheme is the integral garage that tends to visually unbalance the front elevation – given the provision of a separate double garage this is regrettable. The treatment of the integral garage opening is less satisfactory in the current scheme and the change from what appears to be side-opening vertical timber doors to what looks like an up-and-over metal door is certainly a negative.

Other details, such as the omission of a chimney and design of the porch are also less satisfactory. In terms of materials, there is precedence for the used of render rather than the stone of the previous scheme.

Overall, the scheme would only just preserve, rather than enhance the character and appearance of the Conservation Area and it could be very much improved with some minor alterations.

ENVIRONMENTAL HEALTH – The site has been a commercial garage which has also sold fuel. This means that there is a potential for contamination to be on or under the site. Suggest condition.

Representations

None

PLANNING POLICIES

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP8 - CP 8 ENVIRONMENT,

LOCAL FINANCE CONSIDERATIONS

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. However, the proposed dwelling and garage would replace an existing commercial building and would in fact occupy a smaller footprint. On this basis, it would appear that CIL is unlikely to be payable on this development.

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £1,079

Somerset County Council (Upper Tier Authority) £270

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £6,474

Somerset County Council (Upper Tier Authority) £1,619

DETERMINING ISSUES AND CONSIDERATIONS

It is important to note that the site lies within the settlement limits for Kingston St Mary and planning permission has been granted many times for a dwelling to be erected on this site, in place of the garage workshop building. Therefore, the principle of residential development on this site has already been established.

The matter for consideration is therefore whether there have been any changes in circumstances since the previous permissions and whether the change to the design is acceptable in planning terms.

Having visited the site, the site boundaries and situation on neighbouring properties appears as before. The dwelling is now proposed on a marginally different footprint to that previous approved, with a change in some window positions and some alterations to the design.

The gabled roof design remains as previously approved. It was previously proposed to use stone to the front and side elevation and it is now shown to be stone on only the front elevation. The continued use of stone to the front elevation is welcomed and as the majority of surrounding properties are render, it is not considered that increased use of render on this property would appear unacceptable. Initially concerns were raised that the less traditional design made a reduced contribution to the conservation area than that of the previously approved dwelling. However, following the receipt of amended plans, the design of the front elevation has been revised to result in a more balanced appearance, a chimney has been incorporated to reflect surrounding properties, the fenestration design has been made more sympathetic and the treatment of the garage doors has been amended to timber. As such, the dwelling is considered more in keeping with surrounding properties and to preserve and enhance the character of the conservation area.

The proposed dwelling would lie largely on the footprint of the garage workshop. The boundary to The Old Parsonage is partially a stone wall to 4 metres in height, which reduces in height as it progresses back into the site with vegetation above at that point. The proposed double garage would lie adjacent to the 4 metre high element and would not therefore cause any increased impact upon the adjacent property. The proposed dwelling is set some distance from the boundary and is not deemed to result in a loss of light or overbearing impact upon that property. There are no windows above ground floor level in the gable end which would face The Old Parsonage, although it is acknowledged that a bedroom window is positioned at first floor level in the side of the rear two storey projection. This would overlook part of the garden space allocated to the existing (host) property, Rossiters, although this is a long garden and there are other private areas retained in closer proximity to the dwelling itself. This window would lie approximately 12 metres from the boundary with The Old Parsonage, where the dwelling is set some distance from the boundary, within a large plot. As such, it is not deemed to result in a significant loss of privacy to neighbouring properties.

Over the boundary at The Burrells, there are various outbuildings with the dwelling

set some distance away towards the road. Whilst the proposed dwelling lies close to the boundary, it is not therefore considered to result in any loss of light or overbearing impact to the dwelling or main amenity space. As such, the scheme is not deemed to result in any significant adverse impact upon the living conditions of the occupiers of adjacent dwellings.

The scheme provides a double garage to serve the existing dwelling and the proposed dwelling incorporates an integral garage with parking space to the front, along with a shared turning area. As such adequate parking and turning is provided within the site. The access has substandard visibility although it is acknowledged that the use of the site for two residential properties rather than a residential property and commercial garage would have the potential to reduce traffic movements at the site. The proposal is not therefore considered to result in harm to highway safety.

The receipt of the New Homes Bonus is noted, however, it is considered that this matter carries very limited weight in this case.

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

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