

38/09/0152

BROOKVALE HOMES (SW) LTD

ERECTION OF NINE DWELLINGS FOLLOWING DEMOLITION OF THE DENMARK INN AT DENMARK TERRACE, CHEDDON ROAD, TAUNTON AS AMENDED BY LETTER DATED 4 JUNE 2009 AND PLANS 2837 - 108A AND 109 AND LETTER DATED 9 JUNE 2009 AND PLANS 2837- 102B, 103B, 104B, 105B, 106B & 107B.

322830.126133

Full Planning Permission

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PROPOSAL

The proposal is to provide 9 dwellings on the site of the Denmark Inn and is a revised scheme from the previous approval as it now involves demolition of the pub building and replacement with new units rather than conversion. The revised design provides gables, porches and pitch roof dormers to the front of the Cheddon Road terrace, improves the access visibility onto Cheddon Road and maintains the buttresses to the end of the Denmark Terrace property.

SITE DESCRIPTION AND HISTORY

The site consists of the two storey public house on the roadside with garden to the side and a hard surfaced gap between the pub and the Victorian terrace of Denmark Terrace. Permission was refused for 9 units in 2006 on the grounds of loss of light, overlooking and inappropriate turning. Planning permission was subsequently granted in 2007 for a scheme which converted the public house to two units, added 3 units between the public house and terrace and 4 units facing Cheddon Road. The dwellings were two and a half storey with one parking space per unit.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CONSERVATION OFFICERS - Denmark Inn appears to have originally been part of Denmark Terrace with the properties connecting it to the surviving part of the terrace demolished some time ago. Its current guise is as a detached public house at the corner of Cheddon Road and Denmark Terrace. It's an historic building of traditional form and construction, probably built in the 1860s-70s. A long term feature along this road, it makes a positive contribution to the street scene. From an external inspection I would not regard this building as a candidate for listing however. It is regrettable that the application involves the demolition of such a prominent and re-usable historic building and I cannot support its demolition, especially as it has been retained in previous schemes. Should the application be successful I would recommend that it is properly recorded prior to demolition by means of a planning condition.

WESSEX WATER - The development is located within a sewer area with foul and surface water sewers. There is a public foul sewer crossing the site and diversion or protection works may need to be agreed. The developer proposes to dispose of surface water to the mains sewer. Surface water should not be discharged to the foul

sewer. You should be satisfied with the arrangement for the disposal of surface water. There are water mains in the vicinity. It will be necessary to agree points of connection to Wessex infrastructure at detailed design stage. This should be agreed prior to commencement of works.

LEISURE DEVELOPMENT MANAGER - In accordance with Local Plan policy C4 provision for play and active recreation should be made for the residents of these dwellings. A contribution of £1023 for each additional dwelling should be made towards the provision of facilities for active outdoor recreation and a contribution of £1785 for each additional 2 bed+ dwelling should be made towards children's play provision. The contributions should be indexed linked and would be spent in locations accessible to the occupants of the dwellings.

DRAINAGE ENGINEER - I note that surface water is to be discharged to the mains. All flows should pass through some form of SUDS treatment and details forwarded for approval before works commence on site and this should be made a condition of any approval.

Representations

5 letters of objection on the grounds of overlooking, concern over privacy and loss of privacy with footpath, the new part of Denmark Terrace is staggered with access via the lane and does not align with the existing and is out of character, some of the properties are 4 bedrooled, the Denmark Inn landmark would be lost, overshadowing the properties opposite on Cheddon Road, lack of parking, loss of turning space (which has become a right of use) for existing residents, increase in parking and access to Cheddon Road at a dangerous spot for pedestrians and cars, visitors and deliveries and access onto Cheddon Road would be an accident waiting to happen. Loss of turning will lead to an increase in accidents as will the increase in traffic. Concern over emergency vehicle access and turning for disabled, water supply and positioning of waste/recycling. Loss of trees and wildlife. Plans include neighbouring land.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
PPS3 - Housing,
PPG13 - Transport,
STR1 - Sustainable Development,
STR4 - Development in Towns,
S&ENPP33 - S&ENP - Provision for Housing,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
M4 - TDBCLP - Residential Parking Provision,
C4 - TDBCLP - Standards of Provision of Recreational Open Space,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues are the impact on residential amenity, design and highway safety. The principle of 9 No. dwellings is clearly acceptable in this town location and the revisions to the design are considered to be in keeping with the character of the area. The public house is not a listed building or worthy of such and the submission is made on the basis that the scheme is more viable as a total new build than retaining the pub building.

The new buildings will result in a staggered terrace of 4 to replace the Denmark Inn. A

gap is maintained between the new and old terrace due to the need to maintain the buttresses to the gable wall. A further terrace of 5 fronting Cheddon Road is also proposed. The properties are two storey with bedroom(s) in the roof space and 9m to the ridge level. This reflects the previously approved scheme. The proposed Cheddon Road properties are designed with projecting gables, pitch roof dormers and porches to the front. The properties are to be constructed in brick and render with slate roofs. The impact of the proposal on the amenity of the adjacent properties is considered acceptable with no adverse overshadowing or overlooking. The new Cheddon Road properties are 17-20m away from the terrace opposite but given the road is in between, this distance is considered an acceptable one at the front of properties. To the rear the properties have 10.5m long gardens. The new Denmark Terrace properties are of a similar design but have shorter rear gardens to allow for parking for each unit off the terrace.

Parking for each unit is provided with a new parking area to the south off Cheddon Road serving four of the five terraced properties while Unit 5 and the Denmark Terrace units have parking off the terrace. The parking is similar to the scheme previously approved. Whilst a turning area for existing residents in the current gap is lost, there is not considered to be a right to do this as it is over third party land. The previously approved scheme provided no additional turning for existing properties and the current proposal provides adequate parking and is considered acceptable in light of the approved scheme and the view of the Highway Authority. An improved visibility at the junction with Cheddon Road is also designed into the new scheme. The development will need to comply with Building Regulations in terms of access for fire tenders and the design layout is not considered to prevent this.

The proposed dwellings comprise the redevelopment of a brownfield site within the settlement limits. The number of units will require a Section 106 agreement to ensure adequate leisure and recreation provision. The properties are intended to be provided by a housing association and as such Code 3 for sustainable homes is proposed to be met. Given the nature of the site and number of units it is not considered necessary to control the affordability of the units. Conditions regarding the materials, landscaping and boundary treatment are considered necessary as are the highway safety considerations.

The proposal involves the demolition of the public house. The building is not listed and is not considered listable. While it is disappointing that the building is to be demolished the provision of sustainably built affordable homes is considered to be more important in this central location. However, it is considered appropriate to ensure a recording condition is imposed as well as a condition to secure the preservation of the traditional hand painted pub sign.

RECOMMENDATION AND REASON(S)

Subject to a Section 106 Agreement to secure leisure and recreation contributions permission be GRANTED subject to conditions of time limit, materials, landscaping, boundary treatments, surface water details, recessed windows, highway safety, recording prior to demolition, donation of public house sign, removal of pd rights for extensions, temporary car park, access surfacing, dropped kerbs, no gates, provision of footway and protection of nesting birds. Note re Wessex Water, encroachment, water butts and highway approval/licence.

If the Section 106 is not completed by 10th July authorisation be given to REFUSE for reason of non-compliance with policy C4 of the Taunton Deane Local Plan.

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), C4 (Leisure Provision) and M4 (Residential Parking Provision).

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. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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 protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

3.
 - (i) Before any part of the permitted development is commenced, 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 from the date of commencement of the development, 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 makes a satisfactory

contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before before the dwellings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring residents in accordance with policy S1 of the Taunton Deane Local Plan.

5. Details of the means of disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority prior to new construction work commencing, unless otherwise agreed in writing by the Local Planning Authority. Surface water shall not be discharged to the foul sewer or public highway surface. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the details hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent worsening of surface water flooding in accordance with Policy EN26 of the Taunton Deane Local Plan.

6. There shall be no obstruction to visibility greater than 600mm in height above adjoining road level within the splays to Cheddon Road and such visibility shall be provided before works commence on the erection of the dwellings hereby approved and shall thereafter be maintained at all times.

Reason: To preserve sight lines at a junction and in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

7. No demolition shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been agreed in writing with the Local Planning Authority to be carried out by a specialist acceptable to the Local Planning Authority and such work shall be carried out in accordance with the written brief.

Reason: To help protect the archaeological heritage of the district in accordance with Taunton Deane Local Plan Policy EN23.

8. The existing hanging pub sign shall be preserved and donated to the County Museum Service prior to the demolition of the building.

Reason: In order to preserve the architectural heritage of the Borough.

9. 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 development of the types described in Schedule 2 Part 1 Classes A and B

of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To prevent over development in an area of housing at high density and to protect the character and amenity of the area in accordance with Policy S1 of the Taunton Deane Local Plan.

10. The windows hereby permitted shall be recessed in the wall to match the existing window recesses in the public house to be demolished.

Reason: To ensure details appropriate to the character of the building in accordance with Policy S2 of the Taunton Deane Local Plan.

11. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.

12. 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 in accordance with Policy 49 of the Somerset and ENP Joint Structure Plan Review.

13. Before work commences on site a layout plan shall be submitted making adequate provision for a temporary car park on site to accommodate operatives and construction vehicles during the contract period and shall indicate the eventual use of the area.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset & Exmoor National Park Joint Structure Plan Review.

14. The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

15. Before any dwelling is occupied a 1.8m wide footway shall be constructed over the entire frontage of Cheddon Road in accordance with details to be submitted to and agreed in writing by the Local planning Authority.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review policy 49.

16. No site clearance works or development (or specified operations) shall take place between 1st March and 31st August without the prior written approval of the Local Planning Authority.

Reason: To ensure that wild birds building or using their nests are protected and the Authority will require evidence that no breeding birds would be adversely affected before giving any approval under this condition bearing in mind that all wild birds, their nests and eggs (with certain exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended), in accordance with relevant guidance in PPS9.

Notes for compliance

1. The developer is advised of the need to protect the integrity of Wessex Water systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site with Wessex Water.
2. The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design layout to assess the implications. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals that may affect its apparatus.
3. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over the adjoining property.
4. You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
5. The proposal involves the construction of a footway widening which should be dedicated to form part of the public highway. The applicant is therefore advised to contact the Highway Development Group at County Hall, Taunton TA1 4DY for details of the dedication procedure. The Highway Service Manager at Somerset Highways, Burton Place, Taunton (0845 3459155) must also be consulted regarding the specification and supervision of these works before they commence on site. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be

obtained in writing to Roger Tyson of the Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY or by telephoning on 01823 356011. Applications should be submitted at least 4 weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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