

TAUNTON DEANE BOROUGH COUNCIL

Demolition of garage blocks and erection of 2 No. blocks of flats (forming 8 No. 1 bedroom flats) on corner of Laxton Road and Blackbrook Road, Taunton

Location: TAUNTON DEANE GARAGE SITE 49-64 CORNER OF LAXTON RD
& BLACKBROOK RD TA1 2XA

Grid Reference: 325114.125288 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:

(A4) DrNo S-02 Location Plan
(A2) DrNo A-05 Rev A Proposed Floor Plans
(A2) DrNo A-07 Rev A Proposed Elevations Block A
(A2) DrNo A-08 Rev A Proposed Elevations Block B
(A2) DrNo A-09 Proposed Sections
(A3) DrNo A-11 Block Plan

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

3. The upper floor windows on the north elevations of blocks A and B shall be glazed with obscure glass and fixed shut and shall thereafter be so retained. There shall be no alteration or additional windows in this elevation without the further grant of planning permission.

Reason: To ensure the privacy of the adjoining occupiers in accordance with retained Policy D5(b) of the Site Allocations and Development Management Plan.

4. No wall construction 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.

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.

5.
 - (i) Before any part of the permitted development is occupied, 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 does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

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 entered into pre-application discussions to enable the grant of planning permission.
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

All British birds (with exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended). No work should proceed while birds are building a nest, on a nest, or until the young become fully independent. Generally this will be from April until September.

Proposal

The proposal is for the demolition of two blocks of garages, 16 in all, and their replacement with two blocks of flats to provide 8 one bedroomed units together with parking and amenity space. The flats are provided in one three storey block and one two and three storey stepped block with maximum ridge height of 11.5m.

Site Description

The site lies to the north side of Laxton Road and consists of two blocks of pre-cast concrete garages with flat roofs, one block of nine and one of seven owned by the Council. The garages lie between a block of 3 storey flats facing Laxton Road to the east and garages and two storey dwellings to the west of the junction with Blackbrook Road. To the north of the site is a bungalow at Blackbrook Road and a dormer bungalow at Barrow Drive.

Relevant Planning History

None

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP - The proposal is for the demolition of garage blocks and erection of 2 blocks of flats forming 8no. 1 bedroom flats. The development is to be accessed via an existing entrance in Laxton Road, which is a residential road in a 30 mph speed limit.

The development is proposed to utilise the existing access from a service road from the garages in Laxton Road. The service road off of Laxton Road is not an adopted highway. The applicant would need the permission of the landowner to change the layout of the access.

The internal layout shows the location of the parking spaces and there appears to be very little space for vehicles to manoeuvre in and out of spaces, and it is likely that there would be excessive manoeuvring. Vehicles should have a turning area, therefore the Highway Authority recommend that a turning area be incorporated into the layout, however, as the service road is not adopted it would be a matter for the Local Planning Authority.

In terms of parking provision, 11 parking spaces are proposed 1 space for each flat and three additional spaces which is considered acceptable to the Highway Authority, however there would be a net decrease in the overall parking provision and it would be for the Local Planning Authority to determine whether this is acceptable.

The applicant is proposing to extend the existing footway into the service road which would require a legal agreement if this is to become adopted, alternatively the extension can remain private and the applicant can apply for a licence to tie into the existing footpath.

Any private surface water from the proposed development site will not be permitted to discharge onto the public highway. Private drainage systems should be put in place to prevent this from happening.

The SCC records indicate that Laxton Road is due to be resurfaced during 2017/2018. It is recommended that the applicant/developer makes contact with the SCC Area Highways Manager (Taunton Area) to discuss proposed start dates on site etc.

Due to the location of the proposed site, the developer must ensure that the existing public highway is kept clean, free from dust, mud and debris of any description. Therefore the developer should employ such equipment, mechanical or otherwise, as necessary to clean the highway and/or the wheels of vehicles using the development site. The existing public highway must not be used as site roads or sites for stockpiling and storing plant, materials or equipment, the developer shall be liable for the cost of reinstatement if any damage has been caused to the highway.

In summary and on review of the above, given that the proposed development is not likely to result in an increase in traffic, the impact is not considered to be severe and therefore the Highway Authority raises no objection to this application however, in the event of permission being granted, I would recommend that the following conditions are imposed:-

- The applicant shall ensure that all construction vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to construction works commencing on site, and thereafter maintained until the use of the site discontinues.
- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- The area allocated for parking on the submitted plan, drawing number A-06, shall be kept clear of obstruction and shall not be used other than for parking of vehicles in connection with the development hereby permitted.

Standard Notes:

The developer will need a licence to be issued before any works either within or immediately adjacent to the existing highway can commence. It is the responsibility of the developer to apply for any licences in advance, as requests to start without the licences will be refused.

BIODIVERSITY - The development involves the felling of trees which may support nesting birds. I consider it unlikely the garages support wildlife but as a precautionary measure the following notes could be added to any permission.

TREE OFFICER - I would not object to the removal of the existing trees on the site, so long as new ones are planted as part of the scheme. Three are shown indicatively on the plan, and there's room for a couple more. Trees T1 and T2 are category B and reasonable at present, but I don't believe that these specimens (small to medium-sized cherries) would merit a TPO in this location.

WESSEX WATER - New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website

Building over existing public sewers will not be permitted (without agreement) from Wessex Water under Building Regulations. No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water.

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

HOUSING ENABLING - No comment.

Representations Received

10 letters of objection on grounds of

- loss of parking,
- increase of on street parking blocking visibility out of Barrow Drive,
- overlooking,
- overshadowing and loss of light,
- traffic increase,
- development out of keeping with the area,
- flats will be one bedroomed and occupied by young single people,
- noise and disturbance during construction,
- problems of unsociable behaviour will add to misery of area,
- should not be 3 storey and should be retirement flats,
- concern over ground movement and damage to property.

Planning Policy Context

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), saved policies of the Taunton Deane Local Plan (2004), 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. Policies from emerging plans are also listed; these are a material consideration.

CP1 - Climate change,
CP4 - Housing,
CP6 - Transport and accessibility,
CP8 - Environment,
DM1 - General requirements,
SD1 - Presumption in favour of sustainable development,
SP1 - Sustainable development locations,
A1 - Parking requirements,
D7 - Design quality,
D10 - Dwelling sizes,
ENV2 - Tree planting within residential areas,

Local finance considerations

Community Infrastructure Levy

Proposed flats measure approx. 321.5m².

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 £22,500.00. With index linking this increases to approximately £27,500.00.

New Homes Bonus

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

1 Year Payment

Taunton Deane Borough	£8,633
Somerset County Council	£2,158

6 Year Payment

Taunton Deane Borough	£51,795
Somerset County Council	£12,949

Determining issues and considerations

The proposal is the redevelopment of a brownfield site in a sustainable location and the main issues are the impact on the amenity of nearby residences and the parking provision.

The site currently is occupied by a group of garages that are under utilised and the proposal is to make better use of the site by providing 8 one bedroomed flats over 3 stories. The development is by the Council and would provide affordable units and would comply with policies SD1, SP1, CP1, CP4 and CP8 of the Core Strategy.

The site is set off Laxton Road, adjacent to the junction with Blackbrook Road which slopes away to the north where there are residential properties. The development sets the blocks of flats 10m and 12m off the boundary to the north. The block closest to Blackbrook Road (block A) has a two storey element closest to the northern boundary which increases to 3 storey set 17m off the boundary. This block has a single window serving a stairwell on the north elevation and this is to be fixed and obscure glazed to avoid any overlooking and loss of privacy. Block B to the east has the stair well facing north and this block has been amended to relocate kitchen windows leaving the upper floor windows facing north serving the stairs only and again these are to be fixed and obscure glazed to avoid overlooking issues.

The two blocks are set on land that is higher than the dwellings to the north and the impact of potential overshadowing of the existing properties to the north has been requested as part of the development. A report has been produced which indicates that there will be some impact in terms of overshadowing, particularly of two gardens in the late afternoon. However this impact lasts for a short part of the day and is within the good practice guidance of the British Research Establishment (BRE) as is any overshadowing of windows. This impact therefore is not considered to substantially harm amenity contrary to policy DM1. There will also be a lesser impact on the flats to the east, however this impact is again considered not a reason for refusal of the scheme.

There are five trees around the site which will be removed as part of the scheme. None are considered significant or worthy of a protection order and a condition is imposed to ensure the trees removed are replaced on the site.

The site is owned by the Council and the replacement for the garages which are in use are being offered to those who will be displaced by the scheme. The new development provides for 8 one bedroomed flats with 11 off street parking spaces which is in compliance with policy A1 of the SADMP. Consequently there is adequate parking and turning and the development as proposed is considered acceptable. The Highway Authority raise no objection to the development and suggest a number of conditions. Given the land ownership and relationship to the highway and plans provided these conditions are considered unnecessary. The occupancy of the flats is not a planning consideration nor is the potential damage of the ground from the impact of the construction.

In summary the development makes good use of a brownfield site and the flats are considered not to significantly harm the amenity of the area or the privacy of neighbours or highway safety and the application is recommended for approval.

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

Contact Officer: Mr G Clifford