

HARRIS PROPERTY DEVELOPMENT

ERECTION OF 2 FLATS AND 1 HOUSE TO THE REAR OF 51-53 CHEDDON ROAD, TAUNTON, AS AMENDED BY LETTER AND PLANS RECEIVED ON 14 MAY 2009

322787.125791

Full Planning Permission

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PROPOSAL

The originally submitted application was for a 3 storey building for 3 flats and 1 house to the rear of three storey residential properties fronting this part of Cheddon Road. Three garages front the service road, with 2x2 bed flats over, with a ground floor of a 3 bed dwelling, parking and pedestrian access in a 'carport' facing Portman Street. There is an area to the southeast for 8 cycles, drying area and bin storage area.

The application has now been amended to part 2 storey, part 3 storey building facing Portman Street; with one three bedroomed house facing Portman Street, having a parking space and pedestrian access adjoining the rear amenity area of no 53. There are three garages facing the service road, with two 2 bed flats over, with an area to the rear for bin storage, drying area and storage for 6 cycles. Bedroom windows face northwest, towards the blank flank wall of No 1 Portman Street, with living/dining and kitchen windows facing northeast. The elevations have also been amended, to introduce some visual interest at street level.

SITE DESCRIPTION AND HISTORY

The site is to the rear of nos 51 & 53 Cheddon Road, and fronts Portman Street and the service road which links Portman Street and Belgrave Place. The site comprises a pair of garages facing a parking area to the rear of no 53, with a double garage to the rear of no 51. The site measures approx. 11.5m in width by 17.8m fronting Portman Street, with an additional area r/o 53 of 5.9m by 2.3m. This part of Cheddon Road comprises three storey buildings; Portman Street and Belgrave Place comprise two storey terraces.

There is an extant permission for a two storey building for two semi detached dwellings on land to the rear of 55 Cheddon Road, opposite the application site. This was approved by Committee in November 2007.

History: One dwelling, 2 flats and three garages at land rear of 51 - 53 Cheddon Road, was approved in April 2005, subject to a five year time limit; this was three storey with garages on ground floor fronting the service road, and 2 storey rear of 51/53. This site was approx. 16m by 11m.

An application for a car free development of 8 x1 bed flats was refused by Planning Committee on the basis of exacerbating existing parking problems in the area due to the high density on this small site and lack of on site parking, thus being contrary to Policy M4. The subsequent appeal was allowed by the Planning Inspectorate, the decision was made in May 2006, and had a 3 year time limit. The Inspector concluded that the site was in a residential area within walking distance of a wide range of local

services, the railway station and the town centre. The Inspector did not consider that the parking conditions are substantially different from those in other many similar locations or that the proposal should have significant implications for highway safety in the area; there were strong policy presumptions in favour of a 'car-free' residential development. This building was three storey facing the service road, and part nearest 51/53 was 2 storey. This permission expired in May 2009 but the decision remains relevant.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SOMERSET COUNTY COUNCIL - TRANSPORT DEVELOPMENT GROUP - the proposal for 3 flats and 1 dwelling would require a minimum of 2 spaces per unit, however given the close proximity to the town centre, thus a 50% reduction is acceptable. The proposed development will not cause a significant increase in traffic movements onto Portman Street and the junction of Cheddon Road. Suggests conditions. *Comments on amended scheme* - note the amended proposal for 3 units; each unit having one garage, and assumes that the parking space will be for the existing dwelling. There would be an increase in traffic movements on the junction of Portman Street with Cheddon Road and Portman Street with Kingston Road. However it is felt that the proposal will not provide a significant increase in traffic over and above the existing. No objections subject to conditions on surface water disposal, garage being for domestic purposes, and drop kerbs.

Representations

11 letters of objection:- do not consider a 3 storey building appropriate in a row of 2 storey houses; the density of dwellings increases in each application; loss of privacy to gardens rear of properties in Cheddon Road to the north of the site; there is no outside space; no mention of sustainability in construction; the area already has plenty of flats, HMOs; need to consider the needs of the area and to meet Government targets for mixed communities; loss of light; out of character; will be changed to bedsits or similar; parking problems in the area; overdevelopment; garages are often blocked by parked cars; consider the scheme should have consideration for the established family feel; queries about rights of access on service road (not a planning issue); greed of developers to maximise profits (not a planning matter); would be a precedent to building in other gardens; issues with foul drainage/sewerage in the area; garden will be in shade through the year; loss of light to garden; loss of privacy; overcrowding could lead to an increase in social problems which may already be in existence; the area does not need anymore low quality small scale housing; loss of privacy to gardens from Portman Street to Peter Street; unsure how the construction can be carried out without blocking the highway; the cycle storage will not be used, the residents will have cars; there is a high level of crime and vandalism in the area, the few private households area hoping to improve the look and quality of the area; considers that the area will resemble back to back houses of the 19th Century; the area should be retained as family housing, not bedsits and flats; site notice not prominent; concern that there has been no consideration of Portman Street being a one way street, and people will use Belgrave Place; there will be additional traffic hazards in the area; a decrease in winter sunlight; less open space for the residents in the area; the character of the area will be lost; the historic vista at the rear will be spoilt; it is a modern structure which will be out of character with the local style of buildings; there are lots of empty flats in the area; the Local Transport plan states that there should be 2 spaces for each two bed space unit;

the tradesmen in the area require transport for their livelihoods; there are some tenants in the area who have some difficulty in communication and their rights should be safeguarded.

Comments on amended plans – 8 letters of objection. Reiteration of previous comments, new concerns, the increase in density should be revisited; there should be a set ratio of HMOs to private dwellings.

Jeremy Browne MP – has a constituent with concerns about overlooking/loss of privacy, a larger building than had previously allowed, and lack of consultation.

Cllr S Lees – objects on grounds of over-development, which could lead to loss of privacy, noise issues and parking problems.

Cllr Horsley - consider that 2 storeys would be more appropriate for the area.

PLANNING POLICIES

PPS3 - Housing,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
M4 - TDBCLP - Residential Parking Provision,

DETERMINING ISSUES AND CONSIDERATIONS

Having regard to general planning policies and the history of the site, in principle a residential development is acceptable. Planning permission has been granted for a dwelling and 2 flats (approved in April 2005), and for 8 bedsits on appeal (May 2006), with the appeal based on a car-free development. Whilst the application site is now slightly larger, being approx 20m in length at the longest point, the previous site being approx 16.5m, with the building itself increasing from 13.85m by 10.35m facing the service road to the current proposal of 18.8m by 10.8m.

In respect of the local residents' objections, the previous approvals have to be taken into account. Both the application approved by Taunton Deane and the Planning Inspector at appeal had three storey development facing the service road. There are fewer windows in the service road elevation than the appeal scheme. Windows in the Portman Street elevation would face northeast towards the rear of Cheddon Road properties. The distance to the nearest dwelling other side of Cheddon Road, which no 55, is 13m, which is considered acceptable. Other properties to the north of no 55 are further away. The windows in the elevations facing southeast and southwest will be obscure glass. The Planning Inspector allowed obscure glazing in similar rooms and locations. The Planning Inspector also accepted the proposal for 8 x one bedroomed units, which gives a significant density.

The area is currently mainly garaging and parking area, it is not a 'green area' which can be used by other residents, there is an area 4m by 3m, shown as drying area, which could be used as outside sitting area. This is larger than the area agreed by the Inspector. Generally a mix of types of residential dwellings is to be encouraged; there are no specific policies which protect 'family housing' from being turned into flats. It is not considered that there would be any loss of light as a result of the proposal, and as stated previously a similar building has already been allowed on the site. The County Highways Authority considers that the site has 4 parking spaces/garages, sufficient for one per new unit, and is within close proximity to the town centre with the services and facilities, thus the 50% reduction is acceptable; and that the proposal should not result

in a significant increase in traffic over and above the existing. The planning site notice was positioned on the nearest lamp post which was adjacent to the service road. The existence of empty properties is not a reason to refuse such an application. In terms of general character, the previous permissions have established a density and scale of development, and this scheme is generally in line with that. The traffic associated with construction cannot be controlled by condition, and access to the private service road is a private matter. Plans for drainage are conditioned although detailed drainage issues are regulated by Building Control.

In conclusion, the proposal, whilst being slightly larger than the previously permitted residential developments on the site, is considered to be acceptable and meets the general strategy in PPS3 to make effective re-use of previously developed land. The scheme for one dwelling, 2 flats and three garages can still be constructed as that permission remains valid until April 2010. Given the previous approvals on the site and that there have been no material change in circumstances, in the meantime it is considered that there is no substantive case to refuse permission for this amended proposal.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable and the development would not have a detrimental impact upon visual or residential amenity and is therefore considered acceptable. Therefore, the scheme accords with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), 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. 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 modification) the first floor and second floor kitchen, landing, hall and bath windows to be installed in the southeast and southwest elevation of the building shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The obscure glazing shall thereafter be so retained. There shall be no alteration or additional windows in these elevations without the further grant of planning permission.

Reason: To protect the amenities of nearby dwellings in accordance with Policy S1(E) of the Taunton Deane Local Plan.

4. The areas allocated for parking/garages on the submitted plan shall be properly consolidated, surfaced and drained 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.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) the use of garages hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49, and Taunton Deane Local Plan Policy M4.

6. Full details of the bin storage facilities indicated on the submitted plan shall be submitted to and approved by the Local Planning Authority and be constructed and fully provided prior to occupation of the dwellings hereby permitted, and shall thereafter be retained for those purposes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities exist for the future residents of the site, in accordance with policies S1 and S2 of the Taunton Deane Local Plan.

7. Full details of a covered cycle storage facility, in the location indicated on the submitted plan, shall be submitted to and approved by the Local Planning Authority and constructed and fully provided prior to occupation of the dwellings hereby permitted, and thereafter retained for those purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities are included for the storage of cycles, in accordance with policy S1 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

8. 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 and hard/soft landscape to be provided. The agreed boundary treatment and surfacings shall be completed before the buildings are occupied 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.

9. Details of the arrangements to be made for the disposal of foul and surface water drainage works from the proposed development shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented prior to occupation of the dwellings hereby permitted.

Reason: To prevent discharge into nearby water courses in accordance with Policy EN26 of the Taunton Deane Local Plan.

Notes for compliance

1. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.
2. 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.
3. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area, Burton Place, Tel No. 08453459155. Application for such a permit should be made at least four weeks before access works are intended to commence.

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

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