

DEMOLITION OF GARAGE AND ERECTION OF DWELLING AT LAND TO THE EAST OF 3 NORTHFIELD ROAD, TAUNTON (REPLACEMENT OF EXTANT PERMISSION 38/07/0561)

Grid Reference: 322195.124998

Replace an Extant Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity, nor is there considered to be any harm on highway safety or flooding within the area and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) M4 (Residential Parking Provision), EN28 (Development and Flood Risk) and PPS25 (Development and Flood Risk).

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:

(A3)DrNo.2606/3 Site Location Plan
(A3)DrNo.2606/3 Block Plan
(A4)DrNo.2606/4 Proposed Floor & Elevation Plan
(A4)DrNo.2606/2 Approved Floor & Elevation Plans

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

3. 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.

4. The development hereby approved shall be carried out in accordance with the mitigation measures detailed within the Flood Risk Assessment (FRA) submitted with this application dated 1st October 2010.

Reason: To reduce the risk and impact of flooding to the proposed development and future occupants in accordance with Planning Policy Statement 25.

5. Details of the arrangements to be made for the disposal of foul and surface water drainage for the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced.

Reason: The Local Planning Authority wishes to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Policies S1(e) and EN26.

6. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A 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 window/dormer windows shall be installed (other than those expressly authorised by this planning permission) without the further grant of planning permission.

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

Notes for compliance

1. Wessex Water advise of the following:- The development is located within a foul sewer area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage. Although not shown on the public sewer record drawing, we understand there may be a sewer crossing the site that, by virtue of its age, could be deemed a public sewer under the former Section 24 provision of the Public Health Act 1936. Wessex is currently reviewing available data on these sewers in order to update and revise its sewer records, thus indicating these as 'public' in appropriate cases. Public sewerage apparatus is covered by statutory easement and no new building or similar works will normally be allowed within a minimum of 3.0m of this apparatus. The developer has proposed to dispose of surface water to mains sewer. There should be no increase in combined flows to the combine sewer. It will be necessary for the developer to discuss discharge rates with our Development Engineer Peter George. With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any

works on site, a connection onto Wessex Water infrastructure.

PROPOSAL

The proposal comprises the demolition of a double garage and its replacement with a three storey dwelling (accommodation within the roofspace). There would be no curtilage with the dwelling, and therefore no amenity area or on-site parking would be provided. Bin and cycle storage would be provided within the dwelling.

The above proposal was granted permission on 4th January 2008 (app 38/07/0561) and this application has been submitted to extend the time period of this permission that expires on 4th January 2011.

SITE DESCRIPTION AND HISTORY

The existing site/garage is located within Taunton, close to the town centre and French Weir Park. The existing garage shares its boundary with the garden of 3 Northfield Road, which is in separate ownership to the garage.

The site is within a flood plain and a flood risk assessment has been submitted with this application.

Planning History

38/04/0277 - Demolition of garage and erection of two storey building to form office and garage/store on land to east of 3 Northfield Road. Proposal granted conditional approval on 20th August 2004.

38/07/0288 - Demolition of garage and erection of dwelling at land to the east of 3 Northfield Road. Granted Conditional approval on 6th September 2007.

38/07/0561 - Demolition of garage and erection of dwelling at land to the east of 3 Northfield Road. This application increased the ridge of the dwelling by 1.2m from the previous approval, this allowed for additional accommodation with the roofspace. Conditional approval was granted on 4th January 2008

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No objection: -

- Proposal replaces previous application which was granted and particulars remain unchanged.
- Request any highway conditions which were attached to 2007 permission should equally apply.
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ENVIRONMENT AGENCY - Revised Comments:- Cannot support proposal that has not demonstrated safety of buildings and it's users: -

- No Flood Risk Assessment (FRA) submitted with previous permission (38/07/0561), contrary to PPS25. No flood mitigation measures, despite location at high risk of fluvial flooding.

- Previous advice that flood level was 15.623 (Nov 2006) based on out of date flood model, superseded by flood model in 2008.
- Not an in principle objection, believe can be easily overcome with appropriate mitigation. Would not expect floor levels to be raised in this case, would ask for flood protection measures to be put in place.

Initial Comments - Object: -

- FRA not adequate, flood level higher than previous approval.
- Floor levels to be raised to 17m AOD or higher. Concern that sleeping accommodation on ground floor, should be on first floor.
- FRA needs to identify safe access and egress route.

Representations

OBJECTION FROM WARD COUNCILLOR JEFFERSON HORSLEY: -

- Unbecoming development, too cramped and obtrusive to neighbouring properties.
- Create further parking problems.
- No garden and is out of character with rest of community nearby.

TEN LETTERS OF OBJECTION: -

- No parking/room for garage; overspill of cars in area; lack of off-road parking; neighbouring area parking permit controlled.
- Busy area used by parents & pupils of North Town School, further parked cars will cause hazard; no pavement.
- Access for service vehicles can be a problem.
- Three storey out of character; will look like terrace house.
- Cramped; overdevelopment.
- Encroachment (scaffolding, machinery).
- Within flood plain.
- No amenity area.
- PPS3 'garden grabbing' recently introduced and of relevance.
- Access to rear of Staplegrove Road and Cedar Cottages between proposed dwelling, difficult to access if vehicles parked.
- Loss of light and outlook to No 3 to 3 windows on eastern elevation, as proposed dwelling 1m away. Previous refusal on loss of light and outlook for building further away than this application (38/03/0291).
- Certificate needs to be signed and notice served on owners of boundary wall.
- Velux window in west slope may constitute fire risk.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 M4 - TDBCLP - Residential Parking Provision,
 EN28 - TDBCLP - Development and Flood Risk,
 PPS25 - Development and Flood Risk,
 STR4 - Development in Towns,

DETERMINING ISSUES AND CONSIDERATIONS

As this application is to extend the existing time period, only changes in circumstances can be of consideration as the previous permission is still valid.

Policy M4 encourages car free development in areas such as this, and the County Highway Authority raise no objection and there were no previous highway conditions. Policy M4 of the Taunton Deane Local Plan has not been altered or changed since the previous approved applications.

Visually the proposal would represent an improvement to the existing dilapidated garage and policies S1 (general requirements) and S2 (design) apply to this application. Again these policies have not changed.

The main consideration of this application is considered to be flooding.

The previous application was accompanied with a Flood Risk Assessment (FRA) that was based on a flood level of 15.623m AOD (1 in 100 year + climate change). Since this assessment new modelling has been applied showing the area is now 16.83m AOD (1 in 100 year + climate change). Only the modelling has changed since the previous approval, there have been no further changes to PPS25 and the Strategic Flood Risk Assessment was also available in 2007.

Notwithstanding the above, the Environment Agency have not objected in principle. The Environment Agency have requested flood mitigation and protection measures. As such, the agent has submitted a revised FRA showing flood mitigation and protection measures to 17m AOD and higher (in-line with Environment Agency requests) and these mitigation measures will be made a condition of this application.

The initial comments from the Environment Agency raised concerns regarding sleeping accommodation on the ground floor (as app 38/07/0561), verbally these concerns still apply. The application has not be altered to move the accommodation to the higher floors and the submitted FRA informs that:

- Occupants can evacuate to higher levels where the kitchen, with food and water are sited.
- Envisaged that given town centre location a rescue boat would be easily available.
- The applicants will register for Flood Warnings Direct, receiving flood warnings by SMS, giving advance notice of river flooding.

This application provides flood mitigation and protection to the proposed dwelling, these measures will not be provided within the existing extant permission due to the difference in flood level from 15.623m AOD to 16.83m AOD. As such, it is considered appropriate to recommend approval of this application and its associated FRA measures even though bedroom accommodation may be provided on the ground floor.

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

CONTACT OFFICER: Mr D Addicott Tel: 01823 356463