

MJT BUILDING AND CIVIL ENGINEERING CONTRACTORS LTD

DEMOLITION OF BUILDINGS AND ERECTION OF 7 NO. RESIDENTIAL DWELLINGS WITH ASSOCIATED GARDENS, PARKING AND ACCESS ROAD AT 7A - 13 STAPLEGROVE ROAD, TAUNTON AS AMENDED

Grid Reference: 322475.125021

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

Subject to the provision of Section 106 Agreement to provide an affordable housing unit permission be granted

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 while there are issues over flood risk, the development would not have a detrimental impact on the amenity of surrounding properties and is considered in accordance with Policies SP1, CP4 and DM1 of the Taunton Deane Core Strategy and retained Policies of the Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and 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. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo 10 Plot 7 Proposed Plans and Elevations

(A2) DrNo 09 Plots 5 & 6 Proposed Plans and Elevations

(A1) DrNo 07 Rev C Proposed Site Plan

(A1) DrNo 03 Existing Topographical Survey

(A1) DrNo 08 Plots 1-4 Proposed Plans and Elevations

(A1) DrNo 11 Rev B Proposed Site Plan - Plot 1 to 4, Proposed & Existing Street Elevation

(A1) DrNo 12 Proposed SitePlan- Plots 5,6 & 7 Proposed and Existing Street Elevation

(A4) DrNo 06 Rev B Proposed Block Plan

(A4) DrNo 02 Block Plan

(A4) DrNo 01 Location Plan

(A1) DrNo 13 Rev A Proposed Landscaping Plan

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 boundary treatment shown on drawings 11B and 13A shall be completed before **the building(s) are occupied** and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

5. The development hereby permitted shall not be commenced until details of a strategy to protect bats and birds has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Country Contracts submitted report, dated May 2012 and include:
 - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
 - Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new **resting places** and related accesses **have** been fully implemented

Reason: To protect bats and birds and their habitats from damage bearing in mind **these** species **are** protected by law.

6. A further wildlife survey shall be carried out if no demolition of the buildings on site has occurred within two years.

Reason: In the interests of wildlife protection.

7. Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:
- (a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.
 - (b) If the report indicates that contamination maybe present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.
 - (c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately prior to the use hereby approved by the Local Planning Authority in accordance with with the NPPF requirements and Policy DM1 (General Requirements) of the Taunton Deane Core Strategy.

8. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the preservation of archaeological remains in accordance with Policy 11 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy EN23 of the Taunton Deane Local Plan.

9. No demolition of buildings on the site shall commence until a contract had been let for the construction of the residential development.

Reason: To protect the character and appearance of the site adjacent to the conservation area.

10. The proposed windows shown on drawing 11B shall be vertical sliding sash only.

Reason: In the interests of protecting the character of the area in accordance with Core Strategy Policy DM1.

11. No dwelling shall be occupied until space has been laid out within the site in accordance with the plan number 7C for the parking of cars and the said spaces shall be thereafter retained.

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

12. The development shall provide for secure cycle storage facilities for each dwelling, details of which shall be submitted to and approved in writing by the Local Planning Authority. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

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.

13. Details of flood protection and resilience measures for the properties shall be submitted to and approved in writing by the Local Planning Authority and thereafter be carried out prior to occupation of any dwelling.

Reason: In the interests of flood protection.

PROPOSAL

The proposal is to demolish the existing vacant buildings on the site at 7a - 13 Staplegrove Road and to provide 7 new dwellings with associated parking accessed via Wood Street and Yarde Place at the rear. The development will provide 4 x 4 bedroom houses, 2 x 3 bedroom houses and 1 x 1 bedroom flat.

A commercial marketing report and Flood Risk Assessment have been submitted with the application.

SITE DESCRIPTION AND HISTORY

The site currently consists of a terrace of single and two storey buildings fronting onto Staplegrove Road and single storey commercial structures backing onto Yarde Place. The frontage has first floor flats and commercial ground floor use.

Previous applications on the site include an outline 38/05/0303 for Redevelopment to provide 4 commercial/retail units and erection of 24 flats with associated parking and formation of access off Wood Street 7-11B Staplegrove Road, Taunton - Refused 29 September 2005.

Outline Application 38/05/0506 for Redevelopment to provide 4 commercial/retail units and erection of 19 flats with associated parking and formation of access off Wood Street 7-11B Staplegrove Road, Taunton - Granted 16 February 2006.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - Although the proposals are acceptable in principle, there is considered to be a shortfall in cycle parking provision. It is acknowledged that a cycle parking area is proposed adjacent to the vehicular entrance. However this area is very cramped and no details of the level of cycle parking have been provided. Given the size of the cycle store, I would assume that no more than 2 bicycles could be stored.

Referring to the Somerset County Council Parking Strategy (March 2012), parking at a ratio of one space per dwelling is required. This would equate to a total of 23 cycle parking spaces. In this instance it is considered that it would be excessive to provide this level of parking, however, given the sustainable location of the site and low level of vehicular parking, additional cycle parking should be provided. Therefore an amended plan is required, indicating the suitable cycle parking for at least 11 bicycles.

COMMUNITY LEISURE - No observations as the net gain of 5 dwellings falls below the threshold for contributions.

ECONOMIC DEVELOPMENT - The property occupies a secondary location on the edge of the town centre which has meant that a commercial use has been difficult to sustain. As a result the 4 units have become dilapidated and now reflect very badly on the rest of that part of the town. Improving them through redevelopment is the only viable option and would serve at least to bring them back in to economical use. I am, in principle, opposed to any loss of retail floorspace anywhere in the town centre but if the applicant can demonstrate that this property has been marketed fully and openly for a reasonable period and without consequent interest in taking it for retail use, I would consider it unreasonable to resist their redevelopment to an alternative use. I have met and discussed the proposed development with the applicant and his commercial agent and have myself tried to introduce prospective retailers to the units but to no avail.

ENVIRONMENT AGENCY - We OBJECT to the application because as currently proposed the residual flood risks at the site will not be safely managed and the development will not be appropriately flood resilient or resistant. The application is therefore contrary to NPPF paragraph 103.

According to our latest flood modelling for this area the site would be subject to

0.5m of flooding for a 1 in 100 year event with defences and 1.2m of flooding for a 1 in 100 year plus climate change event with defences. The proposed mitigation to raise finished floor levels to a minimum of 15.1m AOD to protect the development will not ensure that the properties and occupants remain safe for the lifetime of the development.

In order to resolve our objection, the FRA must be revised to state that the entire development will be raised 600mm above current ground levels, to around 15.6m AOD for plots 1 to 4. From the FRA it looks like current ground levels of plots 5 and 6 is higher than the rest of the site, we would therefore be able to agree that plot 5 and 6 be raised a minimum of 300mm above current ground level (or above 15.6m AOD, whichever is the higher) if 600mm is not achievable.

Whilst we support the intention to include flood resilience to a level of 16m AOD we would prefer that flood resistance measures (such as flood boards) are used instead. This in combination with raising the site would significantly reduce flooding at the site and would ensure the occupants remain safe even in extreme events.

Whilst not a matter of objection for us, you must ensure that the flood risk sequential and exception tests are satisfied prior to recommending approval of this application.

BIODIVERSITY - Country Contracts carried out a wildlife survey of the site in May 2012 and the findings were as follows.

Bats - the surveyor found no evidence of bats in either building. The buildings do have crevices and gaps in roofing materials which could be exploited by crevice dwelling bats. Recent bat activity surveys completed in the area did not record any bat activity. I agree a precautionary approach is needed in the demolition of the buildings and support the provision of a bat box prior to demolition and of bat roosts to be incorporated in the new buildings as recommended in 6.4.

Birds - The surveyor found no nesting birds in or on any of the buildings. Vegetation at the rear had been largely reduced and remains as brash. There was some buddleia growing higher up on derelict sections of buildings which could provide a nesting site. Clearance of vegetation must take place outside of the bird nesting season. I suggest a condition to address wildlife protection/mitigation and further survey if no demolition within two years.

SOMERSET WILDLIFE TRUST - We agree with the Biodiversity Officer and that it should be a condition if planning permission is granted that (a) demolition of buildings should be carefully monitored to ensure that bats and nesting birds, if any, are not disturbed and (b) provision is made for bat boxes etc within the new buildings. We also agree that the survey should be repeated if work on site does not start within 2 years of the date of the original survey.

HOUSING ENABLING - The housing enabling lead supports this application based on need and the comments do not reflect the suitability of the site in terms of planning.

The affordable housing requirement for this scheme is one affordable unit for discounted open market sale (70% of the open market value). The affordable housing should meet the Homes and Communities Agency Design and Quality Standards 2007, or meet any subsequent standard at the commencement of development. Details of the affordable housing unit must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council.

ENVIRONMENTAL HEALTH - Thank you for consulting on the above Application. I

have the following comments to make. A contaminated land condition is required due to the nature of the site.

Representations

1 objection on grounds that the properties fronting Staplegrove Road are too high and contrary to policies S2(A) and H3(B) of the Local Plan. Flood prevention would not be necessary if commercial were retained or perhaps an alternative flood prevention system should be employed. If allowed double yellow lines should be imposed to the north of Yarde Place, there should be a restriction on working hours to avoid night time and Sunday working to disturb residents, the pavement onto Staplegrove Road should not be blocked or closed and all access should be from Yarde Place.

1 letter of concern over impact on side window of existing property and boundary treatment to existing residential properties off Wood Street.

5 letters of support as any schemes of rejuvenation should be welcomed, the family houses on the approach to the town centre are in keeping, an improvement on derelict shops and parking is provided.

1 further letter of support on the basis of the revised plan.

PLANNING POLICIES

EN23 - TDBCLP - Areas of High Archaeological Potential,

EN14 - TDBCLP - Conservation Areas,

EN28 - TDBCLP - Development and Flood Risk,

T1 - TDBCLP - Extent of Taunton,

STR2 - Towns,

STR4 - Development in Towns,

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

M4 - TDBCLP - Residential Parking Provision,

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,

CP8 - TD CORE STRATEGY - ENVIRONMENT,

CP4 - TD CORE STRATEGY - HOUSING,

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

NPPF - National Planning Policy Framework,

LOCAL FINANCE CONSIDERATIONS

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)	£5,395
Somerset County Council (Upper Tier Authority)	£1,349

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£32,372
Somerset County Council (Upper Tier Authority)	£8,093

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations with the proposal are the loss of commercial use, the flood risk issue, design and impact on the character of the area and street scene and need to secure a suitable regeneration scheme.

The site has sat unused and deteriorating since the last permission on the site in 2006. A commercial report has been submitted with the application which identifies the site as being tertiary frontage, boarded up for around five years and the shops not missed. In light of future developments the report concludes it is considered that 'any form of retail here will be doomed to perpetuate the failed retailing that has taken place here in the past'. The redevelopment of this site in this instance without any commercial use is also considered unreasonable by the Economic Development Manager. Consequently it is accepted that the redevelopment of the site in a viable manner would require a residential scheme in this location.

The NPPF seeks to support sustainable development and also seeks to direct development to areas away from flood risk. This is also reflected in the Local Plan policy EN28 and Core Strategy policy CP8. The site is identified as being in a flood risk area, however there is already an existing residential use on the site and if a change of use of existing buildings were proposed no FRA would be required. The demolition and redevelopment of the site requires a FRA and the initial scheme submitted designed the scheme to be protected from flooding with floor levels 1.2m higher than existing. There are already residential properties in the area and the raising of floor levels as initially proposed to help protect the site would in my view, result in any flood water being dispersed elsewhere to other properties. If the Environment Agency objection is supported it would mean the site could not be suitably and viably redeveloped.

The applicant's FRA considers the site the only one available within the parameters of the North Town Primary school area and given other risks in the area to meet the Sequential Test. The site is a highly sustainable location and is a brownfield site and the regeneration of this site would result in a public benefit and it is accepted that there are no reasonable alternatives in this instance. The development therefore meets parts 1 and 2 of the Exception Test. The third part of the test is to provide a development that will be safe and will not increase flood risk elsewhere. The initial scheme provided a significant increase in site level to protect the site with ramping of land and raising of floor levels and while this could be provided to satisfy the Environment Agency it is considered that this would disperse potential flood water elsewhere. Consequently if there were to be a flood the properties would be affected and it is considered that it would be more appropriate if they were affected in a similar way to other properties in the area.

Another issue to be considered here is the design of any scheme. The frontage to Staplegrove Road is a terrace that reflects the design of the listed terrace further along the road. The initial proposal of raised floor levels and a ramped access would set a ridge level higher than adjacent properties and provided an access that would be out of keeping with the character of the street scene. Consequently the applicant was requested to revise the scheme so that access is provided at pavement level with a lowered ridge level, front boundary wall for defensible space and only a 1m set back to the dwellings. At the rear the development maintain over 22m window to window distance. Boundary walls are to be retained where possible and new brick walls are to be provided to the boundary of the existing two Yarde Place properties.

The applicant has also agreed to address the neighbour concern in respect of a first floor window. The revised scheme gives a better design, although this is at the expense of the flood protection measures.

The proposal is in a central location and is considered an appropriate sustainable redevelopment of a brownfield site. There is provision for car parking for the houses and there is considered to be adequate space for cycle parking which can be conditioned if all other matters are considered to be acceptable.

The wildlife survey has not identified anything of significance on site, although there is a duty to try and improve biodiversity where possible. With this in mind the condition suggested by the Biodiversity Officer addresses this and is considered to be necessary and appropriate. A condition to require a further survey if work is not carried out within a two year period of the previous survey is also considered necessary.

The development is above the trigger of Core Strategy policy CP4 for affordable housing and there will therefore be a requirement of an affordable housing unit which will need to be secured through a Section 106 Agreement.

In summary the issues here are ones of sustainable regeneration against flood risk. It is considered that in order to provide a suitable regeneration of this site within the centre of Taunton the revised scheme is considered suitable in design terms and the sustainable redevelopment of the site is considered to outweigh the objection of the Environment Agency in this instance.

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 Tel: 01823 356398