

Planning Committee – 18 April, 2007

Report of the Development Manager

Enforcement Item

Parish: Taunton

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| 1. | File/Complaint Number | 38/2005/160 |
| 2. | Location of Site | British Red Cross Centre, Wilton Street, Taunton. |
| 3. | Names of Owners | Venture Property and Development Co Ltd. |
| 4. | Names of Occupiers | - |
| 5. | Nature of Contravention | |

Flats not built in accordance with the approved plans for the following reasons:-

1. The site plan has different dimensions than those submitted for planning permission.
2. The building is 600 mm longer than the planning permission.
3. The vehicular access is 300 mm narrower than the approved planning permission.
4. A section of the eastern roof slope is at a different angle than the approved planning permission.
5. The kitchen windows in the northern elevation have been constructed 400 m further to the west than the approved planning permission.
6. The bathroom windows have been constructed 200 mm further to the east than the approved planning permission.
7. The kitchen windows in the southern elevation have been constructed 100 mm further to the east than the approved planning permission.
8. The bathroom windows in the southern elevation have been constructed 900 mm further to the west than the approved planning permission.
9. The building would appear to be 100 mm lower than the approved planning permission.
10. The narrower gable feature on the west elevation has been constructed 200 mm higher than the approved planning permission.

All measurements are approximate and have been measured off plans.

6. Planning History

Planning permission was granted on 8 July, 2005 for the erection of 10 flats with associated parking at the former British Red Cross Centre, Wilton Street, Taunton. Conditions were applied for:- the submission and use of agreed materials; the provision of a visibility splay in accordance with submitted details; the proposed roadway to be kept free from obstruction; the car parking and turning areas shown on the plans to be provided prior to occupation and thereafter maintained for the

parking of vehicles in connection with this development; the provision of 10 cycle parking spaces prior to occupation of the building; bin storage detail; a landscaping scheme to be submitted planted and maintained for 5 years; noise during construction; no part of the access drive to be steeper than 1:10; no gates; the bathroom windows in the first and second floors on the northern elevation to be obscure glazed and thereafter maintained; the windows on the plan number 0038/19/A on the southern elevation to be obscure glazed and maintained as such.

7. Reasons for taking Action

The flats as built do not have the benefit planning permission as they do not comply with the detailed planning approval. The flats, as built, cause unacceptable overlooking of the rear garden of the adjacent residential property contrary to Taunton Deane Local Plan Policies S1 (E) and H2 (E) and (G).

In addition to the above, none of the conditions applied to the existing planning permission (listed above) and considered necessary to enable an acceptable development, apply. This may result in future alterations to the development that results in unacceptable access onto the highway, unacceptable internal roadway conditions, unacceptable parking and turning facilities, bike storage, bin storage, landscaping, and additional overlooking windows with an unacceptable impact on the surrounding residential amenity. Contrary to the requirements of Somerset and Exmoor National Park Structure Plan Review Policy 49; Taunton Deane Local Plan Policies S1(A), (E), (H); S2 (A); H2(A), (B),(E), (F), (G) and M4 (D)

8. Recommendation

Enforcement action be authorised to secure the demolition of the unauthorised development unless a legal agreement is provided that secures the conditions as applied to the planning permission with the addition of a requirement for the first and second floor kitchen windows on the northern elevation to be restricted to a maximum opening of 300 mm, obscure glazed and maintained as such thereafter.

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

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