

19/2006/020

MR M GRAINGER

DEMOLITION OF GARAGE AND ERECTION OF NEW DWELLING WITH ATTACHED GARAGE, LAND ADJACENT TO IVY COTTAGE, HATCH BEAUCHAMP

330592/120053

FULL

PROPOSAL

This application was presented to Committee on 16th August, 2006, where it was resolved that the application be deferred in order to:- investigate the implications regarding flooding more fully; and clarify the position regarding ownership of the vehicular access to the site.

The proposal comprises the erection of a 3 bedroomed detached dwellinghouse with attached garage on land currently within the curtilage of Ivy Cottage. The dwelling would replace an existing detached garage building, and an existing vehicular access would be utilised. Ivy Cottage is also served by another existing access with on-site parking facilities and this would be utilised by the occupiers of Ivy Cottage.

Since Committee of 16th August, the agent has advised that with regard to vehicular access to the application site, this is the same access which has served Ivy Cottage for a number of years and is still serving the land around Ivy Cottage. Accordingly he considers that the advice given by the neighbour is wrong and that there is no new access being formed.

A flood risk assessment has also now been submitted, from an engineer eminent in this field, and his conclusions are as follows:- There is flooding in the lane to the east of the Ivy Cottage but this is downstream of the Application site and all the reported levels are below the level of the Application site so would not flood it. There is flooding of the lane. Water Lane, to the west of Grey Lodge to a level of about 39.7 m AOD, making this lane impassable at times of flood. This flood level is below the entrance to the application site further downstream. Since this flood risk assessment, the engineer has also submitted a letter advising that he was not aware that a previous owner of Ivy Cottage has stated that the existing garage was flooded to a depth of one inch. Accordingly the engineers letter proposes that the top of the culvert be exposed and removed, and the sides of the trench be battened back both to provide bank stability so they did not fall in and block the channel and also to provide an even larger flood passageway. This would provide both the low flow passage as at present as well as a greatly enhanced flood way. In response to this letter, Taunton Deane Borough Council's Drainage Officer raises no objection subject to these works being put in hand before works on the new dwelling commence.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY I note that the existing property has already been split into two plots. The impression is that a recent new access has been provided for the existing dwelling. Whilst parking for two cars is provided, the space is too restrictive for easy turning. However it would appear that this facility has been provided under permitted development rules. The proposed dwelling would use the existing western access. Visibility from this access to the right is restricted by an overgrown hedge. It would be a simple matter to improve this visibility. Therefore in the event of permission being granted I recommend the following condition:- There shall be no obstruction to visibility greater than 300 mm above adjoining road level in advance of a line drawn 2.0 m back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 30 m to the east of the access. Such visibility shall be fully provided before works commence on the erection of the dwelling hereby permitted and shall thereafter be maintained at all times. ENVIRONMENT AGENCY no comments as outside scope of Appendix 2. WESSEX WATER 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. 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.

DRAINAGE OFFICER no objection subject to condition.

PARISH COUNCIL the Council stands by its previous objections, and in light of the Flood Risk Assessment would add the following points (a) members are concerned about the adequacy of the report in addressing all the issues of concern; (b) that as it is acknowledged in the report that Water Lane and the road leading to Beercombe have in the past flooded on a regular basis which makes them impassable and could isolate existing dwellings as well as any new dwelling, and given that there is no technical evidence in the report that the measures taken to repair and clean the culvert are adequate to resolve the flooding in these two roads, there should be no further development permitted in this location until it has been demonstrated that the problems associated with past flooding have been satisfactorily resolved; (c) that notwithstanding the conclusions in the report which is dismissive of this point, given that there is evidence in the report (backed up by personal experiences in representations given to the Council) that in the past flood water has passed over the application site and that surface water from any development whether dealt with by discharge to the existing water course (as proposed in the application) or to soakaways (as referred to in the Flood Risk Assessment) must at times of flooding add to the volume of water needing to be displaced with the potential that this might have for exacerbating the problems for existing dwellings, there should be a further and detailed report provided before any consent is given examining any potential risks on existing dwellings and the measures needed to address them.

17 LETTERS OF OBJECTION and a letter on behalf of the Palmers Green Residents have been received raising the following issues:- flooding; road safety problems being exacerbated; permission has never been granted for a new access at Ivy Cottage; the development is driven by financial greed; loss of view and light would result; the building would be close to mature trees and directly in the fall line of those trees; and overlooking will result.

11 LETTERS OF SUPPORT have been received on the grounds that the proposal fits into the pattern of development in the area, and makes good use of a brown field site.

POLICY CONTEXT

Policies S1 and S2 of the Taunton Deane Local Plan seek to safeguard, inter alia, visual and residential amenity and road safety. Policy H2 accepts development inside settlement limits provided, inter alia, residential and visual amenity is safeguarded. Policy EN8 seeks to resist development that would harm the character, landscape or wildlife value of important tree groups (such a group is sited on the rear boundary of the application site).

ASSESSMENT

The site is within the settlement limit of Hatch Beauchamp; no adverse overlooking of or loss of light to neighbouring properties would result; the dwelling would be directly opposite an estate of modern properties, and a modern dwelling would not therefore be visually out of character; the proposal could represent a visual improvement having regard to the replacement of a flat roofed garage; the vehicular access is existing and a new garage and on-site parking would be available; the important group of trees to the rear would not be affected by the proposal.

The one outstanding issue however, namely that of flooding, has clearly generated considerable objection, and the agent's engineer has now submitted both a comprehensive flood risk assessment, and further details, against which Taunton Deane Borough Council's Drainage Officer raises no objection. Having regard to this consultation response, I have no alternative but to recommend that permission be granted.

RECOMMENDATION

Permission be GRANTED subject to conditions of time, materials, drainage details, landscaping, recessed fenestration, removal of PD rights, boundary treatment, obscure glazing, visibility splay, and drainage works to be carried out in accordance with engineer's details.

REASON(S) FOR RECOMMENDATION:- The proposed development would not adversely affect visual or residential development, or road safety, and therefore does not conflict with Taunton Deane Local Plan Policies S1, S2 and H2.

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

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NOTES: