

38/2007/284

VENTURE PROPERTY & DEVELOPMENT CO LTD

RETENTION OF BLOCK OF 10 FLATS AND ASSOCIATED PARKING AND WORKS AT BRITISH RED CROSS CENTRE, WILTON STREET, TAUNTON (REVISED SCHEME 38/2005/160)

322297/124037

RETENTION OF BUILDINGS/WORKS ETC.

PROPOSAL

Planning permission was granted in July 2005 for the erection of a block of 10 flats with associated parking. In developing the site the developer did not build in accordance with the permitted plans. This resulted in unacceptable changes in the detail of the building and the Planning Committee have resolved to take enforcement action against the unauthorised building. A copy of the enforcement report that detailed discrepancies between the two buildings is attached. This application is for permission for the building as built on site with alterations to overcome the main points of objection to the finished building. The application now includes the provision of obscure glazed, fixed opening windows to the bathrooms and kitchens on the ground and first floor in the northern elevation, which overlooked the rear garden of 2A Wilton Street and an altered landscape and site plan which relocated the bin stores to the rear of the building rather than adjacent to the street frontage.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY views awaited.

LANDSCAPE OFFICER views awaited.

6 LETTERS OF OBJECTION including a letter from the Wilton and Sherford Community Association raising the following issues:- the proposal compromises the privacy and sunlight of existing residential properties; the building overlooks the dwellings in Wilton Close; the building is now approximately 300 mm taller than previously and this has results in a greater loss of sunlight to existing properties; the approved landscaping incorporates some tree planting on the rear boundary affording some relief from overlooking whereas the current proposal does not; the footprint of the building is larger than previously approved and its impact on the area and neighbours is unacceptable and should be rebuilt in line with the planning permission; the initial objection was to the height of the proposed building in the area and the scheme as built has an even greater impact; planting of trees along the rear boundary will reduce direct overlooking; the building is now too high and imposing on the Wilton street scene; the flats will add to the parking congestion in the adjacent streets; this matter should have been resolved immediately the problem was noticed in November 2006 the delay is unacceptable

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 sustainable Development; STR2 Towns; Policy 49 proposals for development should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to infrastructure to enable development to proceed.

Taunton Deane Local Plan Policies S1 - General Requirements for Development, S2 - Design, H2 - Housing Development Within Taunton, EN6 - Development proposals which would harm a listed building, its setting or any features of special or historic interest which it possesses, will not be permitted, EN23 - Area of High Archaeological Potential, M4 - Residential Parking Provision.

ASSESSMENT

The building has a larger form than that for which planning permission was granted. In assessing the resultant impact on the street scene, I consider that the building retains an important step down of roof heights from 10 Wilton Street, in an elevated position, to 2a Wilton Street at ground level. In this respect I consider that it fits into and complements the street elevation in the area whilst maximising the development potential of the site. The building is marginally wider (600 mm in total, 300 m to the north and 300 mm to the south) than previously approved taking its end walls closer to the existing adjacent properties. I consider that the increased impact of the distance is minimal and that the relationship between the existing dwellings and flats is acceptable. Neighbours to the rear of the new building are concerned with overlooking of their properties. However the rear of the building provides a minimum distance of 16 m to the boundary with the gardens of the properties and a further 14 m to the rear of the dwelling, thus providing a space of 40 m between windows (all measurements are approximate). This distance is well in excess of the 20 m that is often regarded as acceptable. The original site plan indicated trees to be situated on the western boundary of the site and this would provide a barrier to soften any interplay between the sites. The applicant has been requested to provide an amended planting scheme to include some tree planting along the western boundary. At it's meeting in April this year the planning committee considered the differences between the permitted development and that actually built on site and agreed that the additional level of overlooking of the adjacent property, 2A Wilton Street was unacceptable. The current application provides for the windows on the ground and first floors, that were the cause of that overlooking, to be obscure glazed and their opening restricted to a maximum distance of 300 mm to allow for ventilation but not wide enough to cause overlooking. The bin store was to be provided adjacent to the back of Wilton Street. On site the bin store has been relocated to the rear of the site. I consider this to be an improvement in terms of the street scene and the safety of the bin store situated as it is, to the rear of security gates. I therefore consider the proposal to be acceptable.

RECOMMENDATION

Subject to the previous Section 106 agreement for contributions for the provision of children's play area and recreation open space being applied to the current scheme, permission be GRANTED subject to following of obscure glazed and fixed opening ground and first floor windows on the north elevation, obscure glazed and fixed opening windows on the first and second floor of the southern elevation, no

additional windows in the north or south elevations, access, turning/parking, internal access road free from obstruction, no gates other than those approved, access gradient, cycle parking, bin storage, landscaping. Notes re disable persons, energy conservation, meter boxes, contaminated land, secure by design, infrastructure.

REASON(S) FOR RECOMMENDATION:- The proposal is for residential development in accordance with the Taunton Deane Local Plan Policies S1, S2, H2 and M4.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES:

PLANNING COMMITTEE – 18TH APRIL, 2007

Report of the Development Manager

ENFORCEMENT ITEM

Parish: Taunton

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 mm 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 8th 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.

CONTACT OFFICER: Mrs J Moore Tel: 356467