

38/2005/052

MITCHELL DEVELOPMENTS LTD

DEMOLITION OF GARAGE BUILDINGS AND ERECTION OF BLOCK OF 13 FLATS AND ASSOCIATED PARKING AT EASTWICK FARM COTTAGE, EASTWICK ROAD, TAUNTON AS AMENDED BY AGENTS LETTER DATED 24TH MARCH, 2005 AND ATTACHED PLAN NOS. 5130/6/D1, D2, D3, D4 AND 5130/6/02A

23250/26473

FULL PERMISSION

PROPOSAL

Planning permission was refused in April 2004 for the erection of 15 flats as it was considered an over development of the site with inadequate parking and turning provision. The current proposal is for the demolition of the existing semi-detached dwelling and commercial garage buildings and the erection of 13 flats, (4 bed sits, 4 x 1 bed flats and 5 x 2 bed flats), 9 parking spaces and a turning area. The flats will be provided in a mix of two and three storey buildings. There is housing to the west, south and east of the site and the Waggon public house lies to the north. The site is at a lower ground level to the properties to the west and is slightly raised above the level of the public house car park. The existing access would be used to serve the site with 8 parking spaces being provided to the north on land formerly owned by the Waggon.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY no objections in principle subject to the imposition of conditions. COUNTY ARCHAEOLOGIST no objections. WESSEX WATER foul and surface water sewers are available in the area, there is a water main crossing the site and a three meter easement is required either side of the apparatus. CHIEF FIRE OFFICER means of escape and access for appliances should comply with building regulations 2000 and water mains should be of sufficient size for fire hydrants conforming to British standards

ENVIRONMENTAL HEALTH OFFICER no objection subject to conditions on noise and contaminated land. DRAINAGE OFFICER no objections. LEISURE AND RECREATION OFFICER off site contributions will be required for children's play areas and the improvement and/or provision of active recreation.

3 LETTERS OF OBJECTION (one signed by 4 different people) have been received raising the following objections:- the wall on the southern elevation of block B will be approximately 1 m closer to the adjacent property and will have windows facing the property although these are shown as obscure glazed they will be open in the summer invading the neighbouring amenity; the increased use of the junction by 9 cars parking on the site will cause highway safety problems; there will be no turning for service vehicles or delivery vans which will have to reverse out into the road; the proposal still represents overdevelopment as before; insufficient parking for 13 flats resulting in the remainder being likely to park on the grass opposite 47 Eastwick Road; the proposed parking will be adjacent to a residential boundary and will result in fumes affecting the

quality of air in the garden and health of the residents; the new buildings will be overbearing causing a lack of privacy for residents; the access into the development involves a neighbour's land with only prescriptive rights of way over it; the access is 4 m wide not 6 m as shown on the application; the access drive is the subject of a court injunction preventing parking along the driveway; the proposed parking will be difficult to use as a 4 m width of drive will leave insufficient distance to reverse out of the spaces; the parking spaces will result in car fumes blowing into the adjacent dwelling resulting in an infringement of amenity/privacy; there is no direct access to the housing in the event of a fire; the proposal will overlook the neighbours rear garden resulting in a loss of privacy and amenity; the neighbours front garden is open plan and the development will result in a loss of privacy as occupants walk past the front door; the chimney of the adjacent dwelling is shared with the neighbour and would be greatly affected by the proposed demolition, spoiling the character of the cottage at the same time and devaluing it; where will the construction vehicles deliver? a more modest development would protect the amenity and privacy of the adjacent occupiers.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Policy STR4 -Development should be focuses within towns, Policy 49- transport requirements of new development. Taunton Deane Local Plan Policies S1- General Requirements, S2- Design, H1- Housing within classified settlements; M3a Residential Parking Requirements C4 recreation space provision.

ASSESSMENT

The proposed development would replace an existing garage business that is located in an awkward location and replace it with dwellings, in keeping with the surrounding residential use. The agent has shown that the proposed buildings have a similar footprint to the existing and although the height of the north-western block C has increased significantly the height of blocks A and B are similar to the existing. Block C would be located approximately 1 m from the boundary of the site with the sheltered housing that lies to the northwest. The houses themselves are approximately 6 m away from the boundary. To compensate for this close proximity, the design of the proposed block has been tailored to fit with high-level windows on the ground floor and velux windows in the roof for the bedrooms on the second floor. A glazed stairwell running the full height of the wall would be obscure glazed to avoid overlooking. The roof slopes up and away from the boundary and the wall would be 1.1 m above the height of the existing fence. A mended plans have been received that show obscure glazing to the glazed walling in the north-west elevation of block C, the insertion of an "emergency window" in the second floor window of the south-western elevation (non-opening accept in the event of an emergency when a locked seal can be broken), the elevations will now be brick, in keeping with the area. Additional plans have also been submitted that show details of the proposed car parking, cycle parking and bin stores; the agent has confirmed that the additional land required for parking has been secured with contacts already exchanged. The land ownership concerns cannot be taken into account as these are private legal matters. In the event that the development would encroach on land outside of the developer's control separate legal permission of the owner would be required

RECOMMENDATION

Subject to the completion of a S106 agreement for contributions to provide off-site children's play and recreational open space provision and the receipt of no additional letters raising new issues by... the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, one parking space for each 1 and 2 bed-roomed dwelling, turning area, drop kerbs, hard surfaced access, visibility splays, gradient, disposal of surface water, noise, contaminated land, non opening/emergency window on the second floor window of block A and B, obscure glazing of stairwell of block C, no additional windows, cycle parking, bin store. Notes re contaminated land, Wessex Water infrastructure, ownership dispute, disabled persons, energy conservation, meter boxes, secure by design.

REASON(S) FOR RECOMMENDATION:- The proposal provides for a brownfield development of a good design, acceptable access situated in a sustainable location in keeping with the street scene. The proposal therefore meets the requirements of Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Taunton Deane Local Plan Policies S1, S2 and H1 (Revised Deposit numbering).

In the event that the Section 106 Agreement is not completed by 10th May, 2005, permission be REFUSED for the reason that the proposal makes inadequate provision for children's play area and a recreational open space as required by Taunton Deane Local Plan Policy C4 (Revised Deposit numbering).

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: