

**COMMITTEE:** DEVELOPMENT CONTROL

**DATE:** 30TH JANUARY 2008

**SUBJECT:** 33-35 NEW BEDFORD ROAD.  
CONSTRUCTION OF 23 NO ONE BEDROOM  
FLATS AND 3 NO TWO BEDROOM FLATS AND  
COMMERCIAL/RETAIL USAGE AT GROUND  
FLOOR LEVEL. DEVELOPMENT NOT BUILT IN  
ACCORDANCE WITH THE APPROVED PLANS  
(FILE NO. 07/00358/UBC).

**REPORT BY:** DEVELOPMENT CONTROL MANAGER

**CONTACT OFFICER:** WENDY ROUSELL 546317

**IMPLICATIONS:**

<b>LEGAL</b>	<b>COMMUNITY SAFETY</b>
<b>EQUALITIES</b>	<b>ENVIRONMENT</b>
<b>FINANCIAL</b>	<b>CONSULTATIONS</b>
<b>STAFFING</b>	<b>OTHER</b>

**WARDS AFFECTED:** BISCOT

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**PURPOSE**

1. To advise Members of the construction of the development at 33-35 New Bedford Road, which is not in accordance with the plans approved on 26 November 2003 and, subject to the outcome of negotiations currently under way to rectify the discrepancies, to seek their authority to issue an Enforcement Notice to remedy the breach of planning control.

**RECOMMENDATION(S)**

2. Development Control Committee is recommended to authorise the Solicitor to the Council to issue an Enforcement Notice in order to secure a satisfactory completion of the development, with particular regard to the front elevation and its appearance in the streetscene.

**It is further recommended that the period for compliance be 56 days following the effective date of any Notice served.**

### **HISTORY**

3. The site has a planning history stretching back to 1964. However, the history prior to 2003 is not relevant to this report as the former building on the site was demolished to make way for the current building. The relevant planning history is as follows:

**2003** Permission granted for the demolition of existing building and construction of a new building 4/5 storey with 23 No. one bed and 3 No. two bed flats and commercial/retail usage at ground floor level. [Approved 26 November 2003].

### **BACKGROUND**

4. 33-35 New Bedford Road is located within the Central Area of the town, as defined on the Local Plan Proposals map. It is the site of the former John Blundells shop/office building. At the time of the submission of the 2003 application, the site had been vacant for sometime and had steadily deteriorated in condition.

5. At the time of consideration of the application, the Council's Environment and Heritage Officers provided advice throughout the planning process and the scheme which was subsequently approved took account of that advice, in particular regarding the external design features of the New Bedford Road facade of the proposed building.

6. Work commenced on the site in July/August 2005 and the development has been substantially completed with significant deviation from the approved plans.

### **REPORT**

7. Following the commencement of works on site, several variations from the approved plans were brought to the Council's attention. At some time in 2006 the developer's agent submitted a request for many of the variations to be treated as "minor amendments" to the approved plans. The receiving officer was not happy with the requested changes but the matter was not pursued at that time.

8. Eventually, the agent was contacted in August 2007 and advised that the requested changes to the elevations of the building could not be considered as “minor”. Moreover, if the developer was unwilling to make alterations to bring the appearance of the building frontage back into line with the original approved plans, a new application would be required to retain these amendments (giving no indication if these would be acceptable).

9. The agent responded in September 2007 suggesting a possible solution but, as this involved relatively little change to the building as constructed, it was not considered that it addressed the key concerns.

10. The key differences that have raised concerns relate primarily to the front elevation of the development; namely:-

- The stair/lift tower on the frontage is built to a height far exceeding that shown on the approved plans and is also no longer to the same height as the rest of the building façade
- The windows in the stair/lift tower are not on the same horizontal alignment and spacing as the windows on the rest of the façade
- The parapet on the main road frontage is significantly higher than shown on the approved plans and there is a disproportionate distance now between the top floor window headers and the parapet edge
- The windows are to a different shape and also have a different arrangement of transoms and mullions (main and return frontages)
- The materials used differ significantly from the approved plans in that there is no stone used on the window headers and sills and no stone used in the construction of the stair/lift tower (main and return frontages).
- The third floor balustrade on the main frontage has not been installed.

11. Drawings and photographs will be displayed at the meeting to illustrate the discrepancies identified.

12 The agent and applicant attended a meeting with Council officers in December 2007 to discuss these discrepancies and agreed to supply amended plans showing a suggested compromise to overcome some of the Council’s objections. In particular, the amendments informally agreed at that Meeting included alterations to the window sizes and designs to match those of the original plans, a reduction in the height of the parapet and its replacement with railings and introduction of Portland Stone features and cladding to give an appearance similar to that on the approved plans. The agent and applicant expressed willingness at that meeting to alter the building in accordance with those agreed changes.

13. Unfortunately, to date, the amended plans have not been submitted. However, as this report was being drafted, the agent contacted the case officer and indicated that amended plans would soon be supplied. Nevertheless it was thought necessary to bring this matter before Members so that, if a satisfactory solution to this problem cannot be achieved before the meeting, Members' Authority for appropriate enforcement action can be obtained.

## **APPENDICES**

14. Decision Notice – 03/00607/FUL.

## **LIST OF BACKGROUND PAPERS** **LOCAL GOVERNMENT ACT 1972, SECTION 100D**

15. Planning Application Reference – 03/00607/FUL.

16. Papers which disclose exempt information under Section 100A and Schedule 12A of the Local Government Act 1972.