

05/14/0059

SHERLANDS HEIGHTS LTD

RESERVED MATTERS FOR OUTLINE APPLICATION 05/13/0011 FOR A RESIDENTIAL DEVELOPMENT ON LAND ADJOINING SHERLANDS, STONEGALLOWS, BISHOPS HULL (RESUBMISSION OF 05/14/0025)

Location: LAND ADJOINING SHERLANDS, STONEGALLOWS, BISHOPS HULL

Grid Reference: 319792.123658

Reserved Matters

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. Prior to the commencement of the development hereby permitted, protective fencing shall be installed in the location indicated on drawing 11213/54 rev D to protect the trees along the western site boundary. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

2. The materials proposed for use in the development hereby approved shall be as stated on drawing 11213/54 rev D with the exception that the roof material for plots 3, 5 and 7 shall be Redland 50 Double Roman (colour Breckland Brown) unless otherwise agreed in writing by the Local Planning Authority. The approved materials shall be installed prior to the occupation of the dwellings hereby permitted and shall thereafter be maintained as such.

Reason: To ensure an appropriate choice of materials in the interests of the amenity of the area.

3. The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes,

surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: To ensure an appropriate highway design in the interests of highway safety.

4. Prior to their installation, full details of the proposed materials of the porches/porticos for plots 5, 6 and 8 shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwellings to which they relate and shall thereafter be maintained as such.

Reason: To ensure the use of appropriate materials in the interests of the visual amenities of the area.

Notes to Applicant

PROPOSAL

This application seeks approval of reserved matters for the erection of 8 dwellings pursuant to outline planning permission 05/13/0011. The application proposes 8 large dwellings as envisaged in the outline planning permission set in substantial plots with areas of woodland planting to help assimilate the development into the area.

The development would be accessed from the public highway to the north by realigning it to enter the site, with the 'through' road continuing to the west via a new junction from the realigned road. Again, this was envisaged by the outline planning permission.

SITE DESCRIPTION AND HISTORY

The site is a large open site in an elevated location. It commands long views to the north and south through breaks in the trees. Since the grant of outline planning permission the site has been separated from Sherlands in the northwestern corner and the equestrian paraphernalia has been removed.

The east boundary of the site borders existing dwellings on Stonegallows, and the site appears slightly higher than these dwellings. There are numerous trees in the rear gardens. Boundaries are mainly hedges, but there is also some post and wire and timber fencing.

The site drops down to the southwest corner, where there is substantial tree planting – including some new trees – along this southern boundary. Off the site boundary, the site drops away steeply to the rear to a neighbouring dwelling 'The Lodge'. A first floor window in this dwelling is just visible facing east, approximately level with the ground level on the site.

Rumwell Park sits of the west site boundary, screened from the site in part by dense vegetation and trees.

Outline planning permission was granted in 2013 for the erection of 8 dwellings on the site. It also required improvements to the junction of Stonegallows with the A38; these works have now been completed.

A reserved matters application was refused earlier this year for the following reasons:

1. The proposed development is considered to be poorly designed. The area is characterised by large dwellings that sit in substantial plots but share a common building line and relationship with the highway. The proposed development pays no respect for this pattern of development, and is detrimental to the overall character and appearance of the area.

The detailing of the individual dwellings is considered to be poor and incoherent. Insufficient attention has been paid to the external appearance of the buildings or their relationship to one another and the proposed street and it is considered to be unacceptable by reason of the proposed scale, proportions and ad-hoc detailing of the dwellings.

It is, therefore, contrary to Policy DM1 of the Taunton Deane Core Strategy and would not lead to sustainable development within the meaning of the National Planning Policy Framework.

2. Plot 4, due to its design, massing and siting would have an unacceptably overbearing impact on 62 Stonegallows, detrimental to the amenities of that dwelling, contrary to Policy DM1 of the Taunton Deane Core Strategy.
3. Insufficient information has been submitted in respect of surrounding ground and proposed site levels to demonstrate that the proposed development would not have an adverse impact upon the visual amenities of the area or the setting of Rumwell Park. It is, therefore, considered to be contrary to Policy CP8 of the Taunton Deane Core Strategy and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. Insufficient information has been submitted in respect of the potential impact on existing trees on the western site boundary. Any impact upon these trees could make the development more visually prominent when viewed from the west and

impact upon the setting of Rumwell Park. It is, therefore, considered to be contrary to Policy CP8 of the Taunton Deane Core Strategy and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BISHOPS HULL PARISH COUNCIL - Bishops Hull Parish Council objects to the proposal on the grounds that the reasons for refusal on the previous application (05/14/0025) have not been overcome. In particular, there is concern that the proposed development would have an adverse impact upon the visual amenities of the area and the setting of Rumwell Park. Furthermore, it is considered that the Council's concerns with the previous application, particularly with regard to the size, design and location of the proposed dwellings close to the boundary, have not been adequately addressed.

LANDSCAPE – Query why the existing opening cannot be used to access the site. The breach in the hedgeline will impact on the character of the lane. Notes discrepancies in plot numbering.

If granted, recommends a condition to protect existing trees on site. Proposed new trees are satisfactory, but full details (Latin names and sizes) are required.

SCC - TRANSPORT DEVELOPMENT GROUP - There is no objection in principle however technical approval will be required and APC (Advance Payments Code) will apply. The developer will be given the opportunity to enter into a section 38 agreement.

The proposal provides detail on the internal layout of an estate road with outline planning permission. The developer has entered into a S278 agreement with the Highway Authority and the junction of Stonegallows Lane with the A38 has subsequently been improved. The agreement further details highway works where the proposed estate road forms a junction with Stonegallows Lane; drawing number 4166/11 includes the layout proposal with this arrangement shown at the northern end of the site.

With regard to the proposed layout as indicated on submitted drawing number **4166/11**: The visibility splays at each point of access will require visibility splays of 2.4m by 25m. Visibility through the bend in front of plots 7 and 8 will also be required and the proposed planting will obstruct this.

The Local Highway Authority (LHA) is not able to maintain grassed verges that fall within the prospective public highway boundary, however the visibility will need to be secured. A comprehensive planting schedule will be required and also a commuted sum will be payable by the developer. Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centreline of a made up carriageway. Trees are to be a minimum distance of 5.0m from

buildings, 3.0m from drainage/services and 1.0m from the carriageway edge. Root barriers of a type to be approved by the LHA will be required for all trees planted within the highway.

The proposed internal estate road is to take the form of a shared surface carriageway. SCC requires that shared surface carriageways are constructed out of block paviors and not bituminous macadam. The maximum permitted gradient for block paved carriageways should be no steeper than 1:14.

An adoptable 25m forward visibility splay (based on anticipated vehicle speeds of 20mph) will be required across the inside of the carriageway bend between plots 7 and 8. There shall be no obstruction to visibility within the splay that exceeds a height greater than 600mm above adjoining carriageway level and the full extent of the splay will be adopted by this authority.

Recommends conditions requiring further details of the highway detailed design and construction and that the roads and footpaths are constructed prior to the occupation of the dwellings to which they relate.

WESSEX WATER – No comments received.

DRAINAGE ENGINEER – No drainage details are included in this application and therefore at this stage I cannot make any observations. Details need to be forwarded for approval. Please see previous comments on application 05/14/0025.

BIODIVERSITY – There is no wildlife strategy submitted with the application and so I am unable to make detailed comments.

If permission is granted I would like to see some biodiversity gain in the form of bird and bat boxes. Prior to any development, the site should be checked for any evidence of badgers.

ENVIRONMENT AGENCY – No comments received.

HERITAGE – No comments received.

Representations

4 letters of OBJECTION raising the following comments:

- Two large properties would obscure views from 60 Stonegallows.
- The development would be overpowering on the area.
- There is no boundary treatment indicated on the boundary with existing properties.
- Existing properties would be disturbed by visual impact, noise and an invasion

of privacy.

- The development is bound to affect wildlife in the area.
- There is already too much development around Taunton.
- The site is directly adjacent to Rumwell Park – a Grade II listed building.
- Given that the landscape impact was, in part, justified by the mature tree belt on the western boundary, it is concerning that there is no arboricultural statement with the application, nor any method statement to ensure their protection during construction.
- Plots 5 and 6 appear to be within the Root Protection Area of the mature trees. Harm to the trees would increase the visual impact and harm the setting of Rumwell Park.
- During autumn, there is clear intervisibility between the site and Rumwell Park. Views of dwellings, outbuildings or domestic paraphernalia would be harmful to the setting of the listed building. The boundary treatment for plot 6 is particularly relevant; close boarded fences to plots 5 and 6 would be particularly harmful.
- Section drawings should be provided clearly showing the relationship with Rumwell Park, given the substantial levels differences.

10 letters of SUPPORT raising the following comments:

- The new layout and design has addressed previous concerns over plot 1.
- Plot 4 has been re-drawn and is further from the neighbour.
- The designs have changed to be more in keeping with surrounding properties.
- The new highway layout onto the A38 is a great success.
- The new site layout is excellent and will enhance the feel of an exclusive development, in keeping with the general feel of the area.
- The layout is far better than a straight road with houses all in line.
- Existing designs on Stonegallows are all unique and mixed. The varied design and proportions are varied enough to fit in well with surrounding houses.
- The quality of the proposal is higher than most housing developments.
- Support development for a limited number of high quality houses.
- Interested in buying the proposed houses. Executive housing in Taunton is difficult to find.
- The non-linear design has enabled fewer windows to overlook the neighbouring properties.
- Local support means that the planning officer should withdraw any objections or refer the application to the planning committee.
- The houses are of a distinctive design and would enhance the area.

Within the context of broad support, one of the above letters noted:

- That there should be a coherence in design and materials used throughout.
- That the proposals were already much larger than proposed at outline stage and with the addition of permitted development rights, could become very large.
- Construction times should be limited to avoid disruption.

PLANNING POLICIES

EN1 - Landscape and Biodiversity,
EN11 - TDBCLP - Special Landscape Features,
EN12 - TDBCLP - Landscape Character Areas,

LOCAL FINANCE CONSIDERATIONS

Not applicable to this reserved matters application.

DETERMINING ISSUES AND CONSIDERATIONS

This application seeks approval of reserved matters relating to the development of 8 dwellings. The main issues in the consideration of the application relate to those matters – layout, scale, appearance, access and landscaping – and the impacts arising from these particularly in relation to the general character of the area, impact on neighbouring amenity and the setting of Rumwell Park, a grade II listed building. Here Section 66 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard is paid to the desirability of preserving the listed building, its setting and any features of historic or architectural interest when deciding whether to grant planning permission.

Reserved matters have previously been refused for this site for the 4 reasons given above. In deciding the acceptability of this application, then, it must be considered whether the previous reasons for refusal have been overcome. In this regard, it is considered that the second reason relating to neighbouring impact has been addressed by amendments to the design. Indeed, the occupier of the property adjacent to plot 4 no longer raises any objection to the proposal. The issues surrounding the other three reasons will be considered below.

Design matters

As with the previous application, this application proposes a development of large dwellings, all of which are intended to look different to one another. In principle, it is accepted that the area is characterised by a number of different housing styles and types and there is no objection in principle to a continuation of this general ethos. The layout of the proposed development has been designed with the dwellings set informally, which does not particularly represent the area. The agent has indicated that his client wishes to provide an informal development, but this does not justify it in terms of local context. That said, the development will be a cul-de-sac and will only be seen from within the development itself rather than as a wider area or street scene. In this context, it is not considered that this alone is sufficient to warrant refusal of the application.

There were previously concerns in respect of the detailed design of the dwellings. It is true that there are a variety of differing building styles and materials in the area, but this is a product of very slow incremental growth over the last 80 years or so, with most dwellings probably being designed by a different designer in response to the prevailing architectural trends of the time, albeit that very few of them are

particular architectural statements or 'fine' examples of their type. This application, is proposing 8 dwellings to be built together, designed by the same designer but which have little architecturally in common with each other.

In considering the previous application, it was considered that the designs of the proposed dwellings were so poor as to warrant refusal of the application. The designs were incoherent and displayed architectural detailing that did not relate well to the overall form of the dwellings themselves. This application proposes a significant dilution of the detailing and since its original submission, further minor amendments have been made to the detailed design and appearance of a number of the dwellings. Window configurations have been changed and the overall result is that most dwellings now appear more coherently designed and well balanced. In the very mixed context of the overall area and again with regard to the fact that this is an individual cul-de-sac of development it is considered that the proposed designs do not cause harm to the overall character of the area.

With regard to these matters, it is now considered that the dwellings are acceptably designed and will not detract from the character and appearance of the area.

The Highway Authority have raised some concerns about planting within the site that may obscure some forward visibility around the bends in the estate road. Given that this estate road is serving just 8 dwellings, it is not considered that this is of significant concern. Importantly, the landscape strategy was agreed at outline stage and the significant amounts of landscaping are required to prevent the development from having an unacceptable visual impact. Therefore, it is considered that the landscaping should be provided as indicated on the drawing.

The Local Highway Authority have also suggested that the road should be finished in block paving rather than tarmac. This is considered to be inappropriate for this area and would result in a very suburban development. It is considered that tarmac is a far more appropriate material for the surfacing of the estate road in terms of the visual impact of the development.

Levels, the relationship with Rumwell Park and wider visual amenity issues

The third reason for refusal of the previous application related to the inadequacy of levels information and of information regarding trees.

In terms of the setting of Rumwell Park, the site sits on a higher level and is separated from the listed building by a mature belt of tall trees. At outline stage, it was considered that this landscaping would mean that the countryside setting of Rumwell Park would be preserved. The original outline application was supported by detailed landscape analysis that demonstrated that it would not be prominent in the landscape when viewed from the north and also when travelling along the A38 from the west. Given that the main setting of Rumwell Park is from the west, as seen against the backdrop of trees on the site boundary, it is considered that the setting of the listed building would be preserved, provided that the existing and proposed landscaping is planted/retained.

The current application proposes some very large and bulky buildings. This application now provides detailed level information and indicates that the dwellings

would be constructed broadly at level with the new estate road – which would follow the existing ground level through the centre of the site. The result is that dwellings on the western side of the site would be built up out of the ground on their western extent and there would be a substantial amount of underbuild/fill on the Rumwell Park side of these dwellings. Therefore, at its western (downhill) end, plot 6 would be set with its floor level around 1.5m above ground level. Plot 5 would be 1m and plot 7 1.65m above ground level on their western extent. The level change for plot 6 is compounded by the fact that the building, some 20.5m in length is running across the slope in the hillside.

Whilst your officers consider that there may still be scope for a reduction in levels, the agent has given a detailed explanation of how the levels have been arrived at. Given the existing and proposed tree cover along the western boundary, it is not considered that reducing the levels by a metre or so would significantly alter the impact upon the setting of the listed building nor the wider setting of the site when viewed from the A38.

An arboricultural assessment has now been provided. Unfortunately, the plan provided with the assessment does not appear to correctly plot the trees, nor are the root protection areas (RPAs) drawn as detailed in the report – they are larger on the plan than the required measurements stated. The arboricultural consultant has subsequently confirmed that the maximum RPA required is in fact 12m, so provided that there is a barrier during construction works 12m from the western site boundary, the trees would not be affected by the development. An amended plan has also been received indicating the proposed ground raising for plot 6 in order to safeguard the trees. Given that the arboricultural consultant has written separately confirming that he considers that a 12m protection barrier is appropriate, it is considered that the development would adversely affect the trees provided that this protection is put in place.

Other matters

The Biodiversity Officer has made comments regarding a lack of wildlife survey. The impact on wildlife was considered at outline stage and a condition imposed requiring a strategy to protect wildlife. Since she provided her comments, that information has now been provided and the condition has been discharged. A similar situation exists with the landscaping scheme, which is controlled by condition on the outline planning permission. Appropriate details have now been agreed and the scheme must be implemented in the first planting season following the commencement of the development.

Conclusions

The amendments that have been made to the designs are considered to overcome the previous reasons for refusal and will not give harm to the overall character and appearance of the area. There is now sufficient information to be able to assess the proposed levels. Whilst these are considered to be high, given the existing and proposed tree cover (which has now been shown to be unaffected by the proposals) it is not considered that the setting of Rumwell Park will not be adversely affected, nor will the wider visual amenities of the area. It is, therefore, recommended that

reserved matters are approved.

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

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