

06/14/0058

ARC HOMES

ERECTION OF 1 NO. AFFORDABLE DWELLING WITH VEHICULAR ACCESS AND PARKING AT THE PADDOCK, TAUNTON ROAD, BISHOPS LYDEARD

Location: THE PADDOCK, TAUNTON ROAD, BISHOPS LYDEARD

Grid Reference: 316900.128987

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

Subject to the applicant entering into a Section 106 Agreement to secure the provision of the dwelling as an affordable unit, planning permission be granted.

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo 3426/011 Floor Plans Plot 11
(A3) DrNo 3426/022 Elevations Plot 11
(A2) DrNo 3426/050 Rev A Site Plan Full Application
(A3) DrNo 3426/055 Rev A Site Access Drawing
(A3) DrNo 3426/056 Rev A Tree Protection Plan
(A3) DrNo 3426/057 Location Plan Full Application
(A3) DrNo C14030-C002 A Drainage Strategy
(A1) DrNo 14030-SKC003 Rev D Engineering Appraisal Layout
(A1) DrNo 14030-SKC008 Rev D Vehicular Tracking For Refuse Vehicle
(A3) DrNo C14030-SKC004 A Longitudinal Sections
(A0) DrNo 3426/500 Site Survey
(A3) DrNo 3426/059 Rev A Landscape Proposal Hard and Soft
9A2) DrNo 3426/012 Rev A Street Scenes
(A3) Tree Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The development hereby approved shall not be commenced until details of the colour type and texture of all external materials, including hard-surfaced areas, to be used in the construction of the proposed development have been submitted to and approved by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To allow the Local Planning Authority to assess this element of the proposal and ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), there shall be no addition or extension to the dwelling without the further grant of planning permission.

Reason: Unique reason example: to prevent over development in an area of housing at unusually high density; to ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order) (with or without modification), no window/dormer windows shall be installed within the dwelling hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of adjoining residents in accordance with Policy DM1(E) of the Taunton Deane Core Strategy.

6. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the dwelling is first occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with retained Policy M4 of the Taunton Deane Local Plan.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

PROPOSAL

The application seeks full planning permission for the erection of one two bedroom coach house on land at the Paddocks, Taunton Road, Bishops Lydeard.

The development will be accessed of the estate road proposed under reserved matters application 06/14/0056. The development will be built over three parking spaces, with one space serving each of plots, 1 and 2 of the main development and one space for the proposed coach house; three additional parking spaces will be provided to the front of the unit. The dwelling will be finished in a combination of brick and rendered walls under a natural slate roof.

SITE DESCRIPTION AND HISTORY

The application site is currently a small paddock laid to grass of approximately 0.37 hectares in area. Outline planning permission was approved, with all matters reserved, under LPA reference 06/13/0001 and reserved matters has been applied for (06/14/0056) for which a recommendation of approval has been made.

The site is level with low grass banks to the North, South and East boundaries. To the Northeast of the site is Taunton Road whilst to the South-east and South and South-west is further open agricultural land. To the Northwest the site is adjoined by six dwelling houses (no's 1 to 6) at The Brendons; these properties have gardens that back onto the site and are generally bound by timber post and rail and close boarded fencing with some planting.

The Southeast boundary is planted out with approximately 13 trees, of the cypress, walnut and maple species; these trees are the subject of a Tree Preservation Order, reference TD1098.

The site is currently accessible through a field access gate to the Northwest boundary. This access track is derived off The Brendons and runs between no's 4 and 5.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL - The Parish Council objects to the granting of permission for the following reasons:

- The position of the proposed dwelling would adversely impact on the neighbouring properties at the Brendons
- Inadequate parking has been identified in the design of the site for this dwelling. The Parish Council is concerned that this could lead to on-street parking on Taunton Road which is already an issue that the Parish Council would not like to

- see exacerbated.
- The site generally is poorly designed and the layout as a whole causes an unnecessary impact on the residents of the neighbouring properties in the Brendons, the Parish Council feels that a change in layout of the site could easily be achieved so that the plots have less of an impact on neighbouring properties.

The Parish Council would like it noted that it is not against the principle of 11 properties being included on the Paddock site but as per the comments for application number 06/14/0056, suggest that a better design of the site will result in less of an impact on neighbouring properties in the Brendons.

SCC - TRANSPORT DEVELOPMENT GROUP - Comments to 0056 equally apply:

No objection and make the following comments:

The site lies on Taunton Road, a classified un-numbered road which links Bishops Lydeard with the A358. A 30 mph speed limit applies past the site and the road width and presence of parked cars mean that speeds are likely to be around this level. I visited the site on Thu 20 Nov 14 to make an assessment of the traffic conditions in the area.

The visibility for emerging vehicles at the site access is shown as 2.4 by 43 metres which is acceptable for the speeds past the site. The visibility splays fall within the adopted highway or the site so this is acceptable. The proposed footway fronting the site should be adjusted so that they incorporate the visibility splays leaving no doubt about which areas are to be kept clear. Visibility will also be needed where the private parking courts meet the main estate road and splays of 2 by 25 metres should be sufficient. These splays will be adopted along with the road and need to be clear of gardens or other obstructions.

The road is shown as a 5 metre wide tarmac road with footways either side although the Design and Access Statement states that the road will be shared surface. For this number of houses, a shared surface might be more appropriate, still 5 metres wide but with 0.5 metre margins rather than footways either side. The margins should increase to 1 metre at radii and 2 metres at turning head overhangs. The surface should be block pavers rather than tarmac although the tarmac will have to be continued into the site for the first 5 metres along with the footways. A barrier feature such as flush kerbs will signal the end of the normal carriageway and the start of the shared surface along with the change of surface.

The gradient of the road should be at least 1 in 80 to allow a positive drainage characteristic. Roads with little or no gradient are poor in drainage terms. The radii at the site access should be 6 metres. The application includes a swept path analysis around the estate road for a refuse vehicle. Sadly the type of vehicle used is not large enough to represent a typical Somerset refuse vehicle which is 11.7 metres long and has 4 axles. The swept path analysis will have to be repeated for the correct vehicle type.

In order to tie in to the existing carriageway on Taunton Road, the full width of the road may need to be resurfaced across the width of the access or wherever the

existing carriageway is disrupted. Cores will be needed to ascertain the depth of construction of Taunton Road for the purposes of comparison with the proposed and design to inform the tying in process.

Under Section 141 of the Highways Act 1980, no tree or shrub shall be planted within 4.5m of the centre line 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 SCC will be required for any tree that is to either be planted in or immediately adjacent to the prospective highway to prevent structural damage.

The road drainage is shown outfalling into a piped drain and discharging into existing highway drains on Taunton Road. It is not possible to confirm that this is acceptable since there is no evidence that the existing drains have been surveyed to assess their capacity and condition so that we can be sure that there is sufficient capacity. This assessment will have to be completed prior to any commencement on site. The drainage plan also shows areas where surface water from parking courts and roofs is to be stored in cellular type tanks before discharge into more general drainage. Due to the high possibility of failure of this type of attenuation, a barrier feature between these areas and the highway which is to be adopted should be put in place to prevent uncontrolled water getting into the underpinnings of the adopted road. It is also important that none of the proposed parking courts discharge on to the highway which is intended for adoption.

The application does not strictly comply with the County Parking Strategy because there is no provision for visitor parking. There should be a visitor space for every 5 allocated parking spaces which would mean an additional 6 spaces because all the parking is currently allocated to particular plots. The submitted site plan shows visitor parking spaces but the addition of Plot 11 in more recent versions has led to the loss of this visitor parking. The allocated parking is generous and the Highway Authority would be reluctant to recommend refusal on this basis but the consequences could be on street parking which might restrict access for emergency and refuse vehicles.

DRAINAGE ENGINEER - Initial objection to discharge of surface water. Subsequent details submitted to clarify disposal.

WESSEX WATER – Comments as follows:

Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Protection of Existing Assets

A public water main is shown on record plans close to the land identified for the proposed development. It appears that development proposals may affect existing water mains. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter.

Building over existing water mains will not be permitted (without agreement) from Wessex Water under Building Regulations.

HOUSING DEVELOPMENT & ENABLING - Housing Enabling are supportive of this application. In conjunction with planning application 06/14/56 it provides over the 25% affordable housing obligation. The three affordable homes within the whole scheme will give a low cost housing choice to local residents in housing need.

COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER - New floorspace of 102 sq. m. approx. CIL Liability of £12,750, although relief likely for affordable dwelling, although relief cannot cover floor area for parking to plots 1 and 2.

Representations

11 letters of objection received from 8 properties making the following planning related comments:

- Why should the developer add a unit to provide the 25% minimum affordable housing for 06/13/0001? 3 of the original ten houses should be affordable;
- Coach house should be positioned away from property so not to impact upon privacy;
- Layout will cause loss of light and privacy as building is adjacent the eastern boundary of Brendons;
- Building will cause considerable loss of morning light and outlook;
- Some authorities design guidance advise siting building with upstairs windows 7m from boundary and 21 m from nearby houses; this has been ignored here;
- No details of right height provided;
- Lack of detail provided re boundary treatments;
- Design is poor and impact easily resolved by a change in layout;
- Garage and parking area will increase noise and disturbance and a serious invasion of privacy to garden;
- Request acoustic 8 ft. fence along boundary;
- Tree planting will encroach upon neighbouring gardens; root growth could damage shed base;
- Imperative that a substantial mixed wood hedge is planted between site and Brendons to protect amenity;
- Object to a further house on the green field site when so close to Brendons (3 &

- 4);
- Only real concern is the width of Taunton Road. Always problems since Kings Yard development with cars parking along the highway; road not wide enough to allow lorries and cars to pass as a result of parking Proposal will only worsen situation;
 - Plot 11 appears to have been added as an afterthought and is out of place in its position.

PLANNING POLICIES

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 CP4 - TD CORE STRATEGY - HOUSING,
 NPPF - National Planning Policy Framework,

LOCAL FINANCE CONSIDERATIONS

Community Infrastructure Levy

CIL Liability of £12,750 applicable although relief can be claimed for the affordable unit.

New Homes Bonus

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£1079
Somerset County Council (Upper Tier Authority)	£270

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£6474
Somerset County Council (Upper Tier Authority)	£1619

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues to consider are the principle of development and the impact upon amenity within the area.

The principle of residential development on the Paddock has been established through the previous grant of outline planning permission for the erection of ten dwellings at the site. This was approved prior to the publication of the councils Site Allocations and Development Management Plan. However this document has now been published and proposes to allocate the site for residential development, and appears as an extension to the existing allocation for approximately 150 dwellings in total.

The outline permission includes a S106 Agreement requiring the provision of 25%

affordable housing; over the ten units the S106 allows the number of units to be rounded up or down. As such the developer wishes to provide an additional third affordable unit rather than provide two and to pay a commuted sum, via the reserved matters application (06/14/0056). The unit can be provided as an affordable dwelling subject to a S106 agreement being entered into by the applicant.

This approach is supported by the Housing Enabling Officer and the provision of an additional affordable dwelling within Bishops Lydeard is considered to carry significant weight, given the benefit that it will bring to the local housing market and the housing need for the area.

With regard to the specifics of the development, the site would utilise the main estate road and access recommended for approval under application 06/14/0056. The two bedroom unit would be served by two parking spaces. As a result, the highway impacts of the proposal are considered to be acceptable.

The primary issue for concern raised by local residents is the impact of the coach house upon the amenity of neighbouring residents. In terms of scale the building will have an eaves and ridge height of 4.3m and 7.8m respectively; the roof will hip away from the gardens to the West and the building will be orientated with the ridge line taking an East-West axis. The building will straddle the garden boundaries of two dwellings to the West; it will be set approximately 2.0m off the boundary line with a hedgerow and fencing forming the intervening boundary treatment. The coach house will impact upon the amenity of residents at 3 and 4 Brendons, however consideration must be given to the cumulative impact of the wider development of the Paddock upon properties within Brendons. To this effect the impact of the development for ten houses has been found to be acceptable. Despite the addition of an eleventh unit being sought, the properties within Brendons will continue to benefit from suitable outlook at the rear and the combination of the size of garden area serving these properties together with the siting of the building and its height will not give rise to such significant harm as to warrant refusal.

In terms of design, the proposal picks up on the materials to be used within the wider scheme and existing properties within the area. The dwelling will be secluded within the development, being surrounded by residential properties and landscaping that will largely restrict any view of the building from public vantage points.

In planning policy terms, this proposal maximises the use of an area already approved for residential use and therefore the 'presumption in favour of sustainable development' applies. The land in question is now allocated in the published Site Allocation and Development Management Plan as policy MAJ4. It could be argued that there may be some discrepancy with adopted policy DM1 of the Core Strategy, particularly part (e) which considers residential amenity. However, on balance, it is not considered that 1 additional dwelling to an already allocated and approved site would be so injurious to this policy as to carry greater weight than the considerations surrounding allocation and the presumption in favour of sustainable development.

It is noted that the Parish Council have raised objection, but not to the principle of 11 dwellings. It is their opinion that there would be an adverse impact on properties at the Brendons and that the design could be improved. The proposed new dwelling would be approximately 22 metres away from the nearest habitable part of the nearest dwelling at the Brendons, and this is in excess of that which is generally

considered to be acceptable. In any event, it is the side of the proposed dwelling that would face the Brendons and there are no windows in that facing elevation. It is considered therefore that it would be unreasonable to refuse the proposal on the basis of impact on residential amenity. Matters of design are subjective, and in this instance the design is not considered to be so out of place or harmful to visual amenity as would justify refusal on its own right.

It is noted that the Highway Authority, the Drainage Engineer, Wessex Water and the Housing Development and Enabling officer are all now in support of the proposal.

Taking all of the above matters into consideration, the social and community benefit attached to the provision of an additional affordable dwelling, the general accordance with planning policy and the presumption in favour of sustainable development are all significant factors that weigh in favour of the proposal and are considered to outweigh issues of residential amenity, particularly given the backdrop of the wider development recommended for approval under reference 06/14/0056. In light of these matters, it is recommended that planning permission be granted, subject to conditions.

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

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