

38/08/0459

GADD HOMES

**ERECTION OF 6 DETACHED FOUR BEDROOM HOUSES AND 2 LINK DETACHED 4 BEDROOM HOUSES ON PART OF REAR GARDENS OF 12-28 STOKE ROAD TAUNTON ACCESSED OFF HARP CHASE TAUNTON AS AMENDED BY LETTER DATED 5 NOVEMBER 2008 AND PLANS A2005 152 PL001A - 008A**

323858:123360

Full Planning Permission

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## **PROPOSAL**

The proposal is to erect 8 dwellings on the north side of Harp Chase, Taunton in the rear gardens of 9 properties in Stoke Road. The scheme involves 6 detached properties and a linked pair with access drives off Harp Chase. The design and layout have been revised to move the dwelling on plot 1 away from the boundary and to change the design so it is lower and there are no longer any half hip roofs to the scheme. Landscape planting is proposed including the replacement of 3 TPO cherry trees that are in poor condition.

## **SITE DESCRIPTION AND HISTORY**

The site consists of a row of 9 back gardens of Stoke Road properties with boundary hedges and fences subdividing them including onto Harp Chase at the rear. Previous outline permission was granted in 2005 for a dwelling to the rear of 26 Stoke Road.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*HIGHWAYS DEVELOPMENT, GROUP MANAGER* - From the plans provided and visiting the site it is apparent that construction of new accesses would require the relocation of 3 street lights. The relocation of the light columns would have to be approved by the Highway Lighting Engineer before development commenced. The Design and Access Statement indicates surface water run-off from the site will discharge to an existing main sewer. Where an outfall, drain or pipe is discharged into an existing drain or watercourse not maintained by the Highway Authority written evidence of the consent of the authority or owner responsible for the drain will be required. Any surface water from private areas will not be permitted to discharge out onto the existing publicly maintained highway. Prior to works being undertaken a condition survey of the existing highway will need to be carried out and agreed with the Highway Authority prior to works commencing on site. Any damage to the existing highway as a result of the development is to be remedied by the developer before occupation of the development. Contact should be made with the Highway Service Manager to arrange for such a survey to be undertaken.

The Local Transport Plan Parking Strategy requires that 4 bedroom dwellings should

provide a maximum of 3 spaces per dwelling. In terms of the driveways provided they should be a minimum of 6m in length to allow sufficient room for a vehicle to park without impeding opening the garage door. The proposal will utilise the existing junction of Harp Chase with Shoreditch Road. The junction has good visibility in either direction. However Harp Chase currently serves 21 dwellings and a nursing home. The proposal will see nearly a 50% increase in the amount of dwellings using the Harp Chase, but due to the nature and design of the road and junction I am of the opinion that the highway will be able to accommodate this increase in traffic movements. Therefore on balance I raise no objections to this proposal and if planning permission were granted I would require conditions on surfacing the access, dropped kerbs and vehicle cross-overs, disposal of surface water and inward opening garage doors being 6m from the boundary. Note re highway construction works.

*TECHNICAL SERVICES - DRAINAGE* - I note that surface water discharges from the proposal are to connect directly to the mains sewers. There is no indication that SUDS techniques have been explored as a means of surface water disposal as required in PPS25. The applicant should provide details of how SUDS techniques are to be employed and these should be agreed before approval is given.

*LANDSCAPE OFFICER* - The existing hedgerow has some ecological and amenity value although no trees of outstanding amenity value. The group of TPO trees in the western corner of the site provide an important amenity break but would be felled to meet the requirements of the layout.

*NATURE CONSERVATION & RESERVES OFF.* - Through the proposals I am concerned that protected species and a UK BAP species will be affected because of the proposed removal of all trees and shrubs and established garden habitat on site.

Bats - My concern is that bat flight lines identified in the report may be affected through the removal of existing trees and shrubs. The report recommends an evening survey undertaken in May-June to determine flight lines and any necessary mitigation. I note the results of such a survey have not been submitted and I advise that we need to see further comment on this from the ecological consultant before the application can be determined.

Hedgehogs - The report identified that the gardens are suitable hedgehog habitat. Hedgehogs are a UK BAP priority species and I therefore support the report recommendations for careful work.

Breeding birds - Habitat will be lost and the timing of works will be an issue.

Reptiles - The report identifies areas of rough grass in some gardens that are suitable habitat for reptiles and I support the report recommendations for a safe capture and removal programme to be undertaken and this should be conditioned.

*THE PLANNING LIAISON OFFICER, WESSEX WATER* - The development is in a sewered area with foul and surface water sewers. The developer proposes disposal of surface water to the main sewer and the Development Engineer should be contact to discuss an acceptable discharge rate. It will be necessary to agree points of connection to our system, including for water supply and this should be agreed with Wessex Water prior to commencement. The developer should check with Wessex Water to ascertain whether there are sewers or mains that may be affected by the proposal.

**WARD COUNCILLOR:** Supports objections of residents on basis of parking issues, damage to vehicles and tightness of access. It is important that unobstructed access to the nursing home is maintained and any increase in on-street parking would be detrimental to the safety of the home. The property at plot 1 will detrimentally impact on the neighbours at 17-21 Harp Chase with overlooking making the gardens almost unusable. Number 19 will have their boundary filled with the side wall of the proposed house which will cause the garden to be without sunlight until lunchtime due to the

closeness of the proposal.

## **Representations**

No of Representation Received:	24		
In Favour: 0	Against: 22	Petition:	0

22 LETTERS OF OBJECTION raising the issues of additional parking on the road, traffic increase, pollution, congestion, road too narrow, will lead to parking on the pavement, problem for deliveries, servicing of nursing home, ambulances and refuse collection lorries, affect emergency access, access to drives, loss of trees, impact on pedestrians, children play in road, cramped form of development, size, nature and location will adversely affect the character of the area, housing out of character, visual intrusion, noise impact, loss of quality of life, loss of property value, unacceptable impact on public safety, increase accidents at Shoreditch road junction, proposal an ill-fated business venture, loss of amenity, privacy and loss of green aspect of the area, loss of mature cherry trees and hedge and wildlife potential, TPO trees not replaced, overshadowing and overlooking of private gardens and rooms, noise and pollution from driveway, hedges will obstruct driver's views, loss of long garden properties, loss of privacy of existing gardens, loss of trees and cul de sac not suitable as an access.

## **PLANNING POLICIES**

STR1 - Sustainable Development

STR4 - Development In Towns

S&ENPP1 - S&ENP - Nature Conservation

S&ENPP33 - S&ENP - Provision For Housing

S&ENPP48 - S&ENP - Access and Parking

S&ENPP49 - S&ENP - Transport Requirements Of New Development

S1 - TDBCLP - General Requirements

S2 - TDBCLP - Design

C4 - TDBCLP - Standards Of Provision Of Recreational Open Space

M4 - TDBCLP - Residential Parking Provision

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main considerations with the proposal are the design, the amenity impact of the dwellings on existing residences, the wildlife and landscape implications and access and parking.

The proposal is to erect 8 dwellings on the ends of the rear gardens of 12-28 Stoke Road with accesses out onto Harp Chase. The current properties have 50m plus long rear gardens and the proposal will still maintain rear garden lengths of over 25m for the existing properties. The new plots proposed are approximately 10m x 25m and are considered to be of an appropriate size to accommodate the dwellings proposed. The scale of two storey development is also considered appropriate and in keeping with the character of the area.

Concern was raised in terms of the design of the half hipped properties and impact of plot 1 on the existing properties to the west in Harp Chase. A number of neighbour objections have also been received raising these issues. The scheme has since been

revised to change the design so as to delete the half hip roof design from the proposal. The design of plot 1 has thus been changed to give a full hipped roof. This has meant a reduction in the height of the ridge from 8.4m to 7.9m. In addition the dwelling has been set a further 1m away from the boundary so the building is 10m away from the rear wall of the existing property in Harp Chase. These amendments are considered sufficient to render the proposal acceptable in terms of its impact on the adjacent properties, subject to an obscure glazed condition in respect of the window serving the ensuite in the side elevation.

The proposal involves the re-use of existing garden areas and the removal of trees and shrubs will be required to provide the development. A wildlife report has been submitted with the proposal and no loss of protected habitat has been identified. Mitigation measures have been suggested in terms of site clearance and reptile safeguarding and the conditioning of these matters together with a suitable landscaping condition to secure replanting of trees and hedges is considered necessary to secure habitat replacement in accordance with PPS9 as the submitted landscaping scheme is not considered adequate.

The site lies within the existing built up area of the town and the site is served by an adopted highway that is considered suitable by the Highway Authority to serve as a means of access to the proposed site. The junction onto Shoreditch Road is considered suitable to cope with the traffic created and parking for 2 vehicles for each property is provided within each plot. This is more than required in the Local Plan policy M4. Whilst a considerable number of objections have been made on access and parking grounds, in light of the Highway Authority comments and policy it is considered that the access and parking provision is acceptable and there are no grounds to object to the proposal on this basis. Conditions with regard to drive surfacing, access provision and removing rights to convert garages are considered appropriate.

The scheme provides for 8 new dwellings and a requirement for leisure and recreation provision is therefore triggered. The provision for the necessary contribution will need to be secured through a Section 106 agreement and it may be possible to agree to secure this by condition if necessary.

## **RECOMMENDATION AND REASON(S)**

Subject to no further representations raising new issues by the 22nd November the Development Manager in consultation with the Chair/Vice Chair be authorised to determine and subject to a S106 for Leisure and recreation contributions being signed by 24th November Permission be granted with conditions of time limit, materials, landscaping, boundary treatment, meter boxes, obscure glazing, site clearance, reptile mitigation, access surfacing, dropped kerbs, retention of garaging without conversion to habitable accommodation, no extensions to plot 1 and note re Highway construction works and wildlife.

Subject to no Section 106 being signed by the 24th November authorisation be given to refuse the application on the basis of a lack of leisure and recreation provision in compliance with Taunton Deane Local Plan policy C4, unless the applicant agrees an alternative grampian condition.

The proposed development is considered an appropriate use of brownfield garden land in a sustainable location and the design and layout is not considered to significantly

adversely impact neighbours' amenity or access and traffic in the area and the proposal is considered to comply with Taunton Deane Local Plan policies S1, S2, M4 and C4 and material considerations do not indicate otherwise.

## **RECOMMENDED CONDITION(S)**

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. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

3. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the building(s)

is/are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

5. Prior to the occupation of the development hereby permitted, all drives and turning areas shall be surfaced in materials to be agreed in writing by the Local Planning Authority and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: To safeguard the local character of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).

6. Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved details unless any variation thereto is first approved in writing by the Local Planning Authority.

Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) and upper-floor windows installed in the east and west elevations of Plots 1 and 8 shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed) and shall not be modified thereafter without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of nearby dwellings in accordance with Policy S1(E) of the Taunton Deane Local Plan.

8. No site clearance works or development (or specified operations) shall take place between 1st March and 31st July without the prior written approval of the Local Planning Authority.

Reason: To ensure that wild birds building or using their nests are protected and the Authority will require evidence that no breeding birds would be adversely affected before giving any approval under this condition bearing in mind that all wild birds, their nests and eggs (with certain exceptions) are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended), in accordance with relevant guidance in PPS9.

9. Development shall not commence until details of a scheme designed to avoid killing or injuring slow worms has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme or any amendment to the scheme as approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over development in order to safeguard species which are specially protected by law. Adders, grass snakes and slow worms are all protected under Section 9(1), (9)(5)(a) and 9(5)(b) of the Wildlife and Countryside Act 1981 (as amended) in accordance with relevant guidance in PPS9.

10. The buildings shall not be occupied until a means of vehicular access for each plot has been constructed including the provision of drop kerbs at the carriageway edge and a vehicle cross over constructed across the footway fronting the site for the width of the accesses in accordance with the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

11. The garages hereby permitted shall be constructed in accordance with the approved plans and shall be retained as such and shall not be converted to additional habitable accommodation.

Reason: To ensure that there are satisfactory parking facilities available off street in the interests of highway safety in accordance with Somerset & Exmoor National Park Joint Structure Plan Review policy 49.

12. 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), no development of the types described in Schedule 2, Part 1 Classes A to E of the 1995 Order other than that expressly authorised by this permission shall be carried out on Plot 1 without the further grant of planning permission.

Reason: To prevent over development and any adverse amenity impact on the adjacent housing in Harp Chase in accordance with Policy S1(D) of the Taunton Deane Local Plan.

## **NOTES:**

1. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

**BREEDING BIRDS.** Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

**BATS.** The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 (as amended 2007), also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

**HEDGEHOGS.** As hedgehogs have been seen in the survey area it is recommended that the development site be carefully checked prior to work commencing. Any individuals found should be safely caught and removed to a safe location nearby. (Given their life cycle this hedgehog check is best made in the spring or autumn immediately prior to work commencing.)

2. The alteration of the access will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Services Manager at Somerset Highways, Burton Place, Taunton (0845 3459155). He will be able to advise on and issue the relevant licenses necessary under the Highways Act 1980 (Section 184).

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Mr G Clifford Tel: 01823 356398**