

38/10/0030

SAPPHIRE DEVELOPMENTS LTD

ERECTION OF 12 TWO STOREY DWELLING HOUSES, WITH PARKING SPACES AT LAND TO NORTH POPLAR ROAD, TAUNTON

324706.123846

Full Planning Permission

PROPOSAL

The proposal comprises the erection of 12 two-storey dwellings each of the dwellings having 3 bedroom accommodation. The development is a mixture of terraced and semi detached layouts with 18 parking spaces provided within the site for the dwellings. Private gardens are provided to the rear of each dwelling with pedestrian access, additional landscaping is proposed surrounding the parking area. A boundary fence is proposed to the rear of the dwellings, set inside a hedgerow. Areas for bin storage have been identified on the submitted layout plan.

Works will also include realigning the existing cycle path where it meets Poplar Road and the new access into the site.

SITE DESCRIPTION AND HISTORY

The site is located to the south west of Blackbrook Pavilion on land at the head of the cul-de-sac Poplar Road. Between the site and Chestnut Drive lies modern residential development.

The site is somewhat overgrown, but does include a number of trees which are subject to a Tree Preservation Order. The eastern part of the site comprises a small incomplete earth bank, which was constructed for the whole of the Holway Estate and forms one of the noise protection barriers.

A footpath/cycleway is located to the edge of the site, linking Chestnut Drive and Poplar Road.

Planning History:

38/07/0563 – Erection of 13 dwellings to north end of Poplar Road, Taunton. This application was submitted in 2007 for 13 dwellings, 1 more dwelling than currently proposed, on the same site as the submitted application with a different layout. The application was withdrawn in January 2008.

38/04/0384 – Residential development to the north end of Poplar Road, Taunton. This was an outline application for residential development on the same site, granted conditional approval in November 2004 by the Planning Committee. The submitted application included an indicative plan for two detached dwellings.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

LANDSCAPE OFFICER – subject to final landscape details and tree protection during construction, proposals are acceptable.

WESSEX WATER – Located in foul sewered area, developer to agree points of connection. Proposed surface water to soakaways, Council should be satisfied with arrangements. Water supply within the vicinity. Points of connection to be agreed. Developer should be aware of checking with Wessex Water for uncharted sewers or water mains.

LEISURE DEVELOPMENT TEAM – In accordance with Local Plan Policy C4, provision for play and active recreation should be made.

SCC RIGHTS OF WAY – no public rights of way recorded on definitive map, as crossing or abutting the proposed works.

DRAINAGE OFFICER – Surface to be discharged to soakaways. Porosity tests should be carried out to ascertain that ground conditions are suitable (Building Research Digest 365) and a full drainage disposal plan should be submitted and agreed before development commences, and made a condition of approval.

NATURE CONSERVATION – Survey states no badger activity or suitable trees for potential bat roosts, however, site holds potential for wildlife species such as nesting birds and amphibians along the western boundary ditch. Dormice known to be present in Blackbrook area, however, hedgerow on site is considered sub-optimal for Dormice and there is lack of connectivity to other potential habitat. Condition landscape/habitat management plan, recommendations of wildlife survey and no site clearance between 1st March and 31st August without prior written approval.

POLICE – None received.

ENVIRONMENTAL HEALTH – No observations.

COUNTY HIGHWAY AUTHORITY – Comment:

Site has been subject to assessment by Estate Roads team: majority of site would be private with Highway Authority looking to adopt access up to edge of first property, encompassing realigned cycleway access; visibility splay required at junction of proposed cycleway with internal access road, similar splay also required out into Chestnut Drive; private drainage required to prevent surface water from private internal access road discharging onto proposed public highway; not permitted to connect into existing highway maintainable system as internal arrangements will remain in private ownership; all works set out would be undertaken as part of a formal legal agreement with Somerset County Council and should be commenced as soon as practicably possible.

Development provides 18 vehicles spaces, although below maximum set out in the Local Transport Plan, it is in accordance with Taunton Deane Local Plan Policy M4, which indicates an average of 1.5 parking spaces per dwelling.

Transport Statement submitted was passed to our Traffic Analysts for comment. It

was concluded that proposal would not produce a significant increase in vehicle movements above existing vehicles associated with Poplar Road.

No objection subject to conditions for consolidated surface/access; surface water disposal; 18 parking spaces provided and thereafter kept clear of obstruction and used solely for parking/access; visibility splays (amended to reduce required splay, email dated 22/03).

Representations

14 LETTERS OF OBJECTION: -have been received raising the following issues:-

- increase in traffic;
- loss of parking;
- more parking on already congested road;
- narrow road to site; hazard for children;
- hazard using lane/footpath that will cross access to site;
- removal of TPO trees;
- impact on flora and fauna;
- impact on drainage; flooding;
- impact of construction traffic on pedestrian traffic;
- no place for children to play;
- outline permission for 2, how can 12 be acceptable;
- loss of privacy;
- overdevelopment of site;
- impact on quality of life by noise, pollution and increased traffic;
- not enhancing environment;
- developer only interested in money.

LETTER OF OBJECTION FROM WARD COUNCILLOR: -

- access to site through a narrow estate road which at weekends and evenings is solidly parked along one side, making safe access to site difficult;
- only 18 parking spaces, there will be overflow parking from development onto street, which already has congestion;
- site has a history of flooding and concerns that drainage ditches are to be filled in, which may impact on site and adjacent properties;
- safety concerns about realignment of cycle way;
- sewer pipes for existing development just below surface in area where no.8 is planned.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,

STR2 - Towns,

STR4 - Development in Towns,

S2 - TDBCLP - Design,

M4 - TDBCLP - Residential Parking Provision,

C4 - TDBCLP - Standards of Provision of Recreational Open Space,

EN8 - TDBCLP - Trees in and around Settlements,

PPS1 - Delivering Sustainable Development,

PPS3 - Housing,

PPS9 - Biodiversity and Geological Conservation,

DETERMINING ISSUES AND CONSIDERATIONS

Layout and design

The proposed layout provides a mixture of terraced and semi-detached dwellings, an improvement over the previous withdrawn application that provided a continuous terraced of 13 dwellings. Each dwelling has a private rear garden with pedestrian access and is bound by a 2m high fence, a hedgerow is provided beyond the fence along the public footpath/cycleway, protecting visual amenity. Bin storage has been provided in different areas within the site.

The dwellings are proposed to be constructed in brick and render with concrete tiles. Each dwelling has a small canopy above the front door.

The dwellings are located away from the existing properties of Poplar Road, with the closest dwellings (Plot 4 and 39 Poplar Road) approx 21m apart. Plot 1 is approx 22m from the property 'Poplars' at the closest point. Given these distances, the proposed dwellings are not considered to cause any undue loss of privacy to the existing occupiers.

Highway

The development would provide 18 parking spaces for the 12 dwellings, and average of 1.5 spaces per dwelling, the maximum number permitted by Policy M4 of the Taunton Deane Local Plan. The Transport Assessment submitted with the application has been assessed by the County Highway Authority Traffic Analyst how concluded that the proposal would not produce a significant increase in vehicle movements above the existing number of vehicle numbers associated with Poplar Road.

Realignment of the existing cycleway and access onto Poplar Road are also proposed. These works have not raised any objection from the Highway Authority and would be subject to conditions (visibility, surface treatment, surface water)

Sufficient space has been provided for a turning area for refuse and fire vehicles.

Noise

There is an existing earth bank surrounding part of the site, constructed to act as a noise barrier. It is proposed to remove the bank and replace with a 2m high fence to act as an acoustic barrier, as recommended within the submitted noise assessment. It is not considered that removing the bank would have a detrimental impact on the amenity of the neighbouring properties. Though Environmental Health have no observations to make, comments taken from a previous committee report (38/04/0384) are considered relevant: *The earth bund would have little noise mitigating effect on the residential property to the north and west of the site. For a bund to be effective it should be either close to the noise source or the noise receiver, this bund is neither. Furthermore, in this case the noise arises from a line source i.e.. the motorway. For a bund to be effective it would have be a continuous bund between the entire length of the noise source and noise receiver. 2. Impact of*

its removal - Should the bund be removed it would have little or no impact on the noise levels received by properties to the north and west of the bund.

The proposal is therefore not considered to cause any detrimental harm to nearby properties regarding noise.

Drainage

The site does not lie within a Flood Plain and as such does not require comment from the Environment Agency or a Flood Risk Assessment to be submitted with the application. Objectors have provided photos showing localised flooding of the site and these details were sent to the Environment Agency. The Environment Agency have suggested that the flooding may have originated from sewerage pipes or as a result of the channel / land drain located immediately to the east of the site. A condition is proposed for details of a surface water scheme to be submitted, a condition also suggested by Local Authority Drainage Officer. It is considered that a detailed scheme could be provided that would not exacerbate the existing problem.

Landscape

Along the west boundary of the site there is a group of trees (willow, hawthorn and ash) protected by a Tree Preservation Order (TPO), with other smaller trees within the site. An arboricultural survey has been submitted with the application, identifying any constraints and root protection zones. Furthermore, the layout of the development has been designed to site the majority of all development away from the western boundary. The layout plan has also indicated retaining an elder tree and three hawthorn trees, providing a hedgerow around the site and other landscaping within the site. Given the detailed report, proposed landscaping and retaining of some trees, the proposal is not considered to harm the existing trees (protected by a TPO) nor the visual amenity of the area.

Wildlife

A Wildlife Survey has been submitted with the application. No badger setts or activity were found on site. Trees were not considered to provide potential roosts for bats and no indication of use found. Common bird species were observed and the trees, hedges and vegetation could provide nesting opportunities. No reptiles or amphibians were found though the ditch along the western boundary does provide suitable habitat.

Dormice on the site have been raised by objectors to the application. The survey acknowledges known dormice records to the east of the site, but concludes that there is no indication of any activity on the site. There is no connectivity to other potential dormouse habitats and the remnant hedgerow around the eastern and western boundaries is considered unsuitable to support dormice.

The development will be subject to the conditions recommended by the Nature Conservation Officer and is not considered to cause any detrimental harm to wildlife nor wildlife habitat.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval subject to the receipt of a completed

Section 106 Agreement requiring contributions towards the provision for active outdoor recreation and children's play provision for the following reason

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable and the development would not have a detrimental impact upon visual or residential amenity, nor will the development harm wildlife and existing trees, and is therefore considered acceptable. Therefore, the scheme accords with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), M4 (Residential Parking Provision) and EN8 (Trees in Settlements). PPS1, PPS3 and PPS9.

If no Section 106 Agreement is completed by 29th April 2010, authorisation be agreed to REFUSE for reason of being contrary to Policy C4 (Standards of Provision of Recreational Open Space) of the Taunton Deane Local Plan.

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) Drg No 1556-12 Indicative sections
(A3) Drg No 1556-2 Site plan
(A3) Drg No 1556-3 Layout plan
(A3) Drg No 1556-4 Units 1 to 5 Floor Plans
(A3) Drg No 1556-11 Units 9-13 End Elevations
(A3) Drg No 1556-10 Units 9-13 Front and Rear Elevations
(A3) Drg No 1556-9 Units 9-13 Floor Plans
(A3) Drg No 1556-8 Units 6 and 7 elevations
(A3) Drg No 1556-6 Units 1-5 End Elevations
(A3) Drg No 1556-7 Units 6&7 Floor plans
(A3) Drg No 1556-5 Units 1-5 Front and Rear elevations

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

3. 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.

4. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the 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 other 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.

5. Before development commences (including site clearance and any other preparatory works) trees to be retained shall be protected in accordance with details contained within the submitted Tree Survey by Heartwood Arboricultural Consultants dated 19th July 2007. Any protective works 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.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Policies S2 and EN8.

6. The proposed hedgerow adjacent to the public footpath/cycleway once planted shall thereafter be retained and maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the amenity of the public using the footpath/cycleway and to ensure the development makes a satisfactory contribution to the visual amenity of the area in accordance with policies S1 (D) and S2 of the Taunton Deane Local Plan.

7. Before any part of the development hereby permitted is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.

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 Deposit Policy S2.

8. No building hereby permitted shall be occupied until surface water drainage

works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority.

Reason: To prevent discharge of water that may lead to localised flooding and to prevent discharge onto Highway Authority land in accordance with PPS25.

9. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent discharge into nearby water courses in accordance with Policy EN26 of the Taunton Deane Local Plan.

10. No site clearance works or development (or specified operations) shall take place between 1st March and 31st August 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.

11. The development hereby approved shall be carried out in accordance with the recommendations made in Country Contract's Up-Date Ecological Assessment report dated November 2009.

Reason: To protect wildlife and their habitat from the damage and disturbance which are specifically protected by law under the Wildlife and Countryside Act 1981 (as amended), in accordance with relevant guidance in PPS9.

12. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are 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 Taunton Deane Local Plan Policy M4.

13. There shall be no obstruction to visibility greater than 300mm above the adjoining road level in advance of lines drawn 2.0m back from the carriageway edge on the centre line of the access and extending to pints on the nearside carriageway edge 15m to the southeast of the access. Such

visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

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

14. No dwelling shall be occupied until the realigned cycleway is complete in accordance with details that must be submitted to and approved 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.

15. 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, nor any further building, structure or outbuilding shall be erected without the further grant of planning permission.

Reason: To prevent over development in an area of housing at high density with a limited amount of private amenity space in accordance with Policy S1(D) of the Taunton Deane Local Plan.

16. 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 gates, fences, walls, or other means of enclosure shall be erected on the site beyond the forwardmost part of front of the dwelling without the further grant of planning permission.

Reason: To protect the character of the open plan area to the front of the dwellings in accordance with Policy S1(D) of the Taunton Deane Local Plan.

Notes for compliance

1. Works on or adjacent to the existing highway will need to be undertaken as part of a formal legal agreement with Somerset County Council. This should be commenced as soon as practicably possible, and the developer should contact Somerset County Council for information on 0845 3459155.
2. With regard to condition 08, any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991). Details of porosity tests should also be submitted.
3. The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water

mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design layout to assess the implications. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals that may affect its apparatus.

4. The developer must agree a point of connection to the foul sewerage network with Wessex Water.
5. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
6. All site operatives must be briefed to ensure that they are aware of the possible presence of wildlife on site. All trenches and pits dug on site must be covered at night or must have a means of escape to prevent animals being trapped. If any protected species are encountered they should be left undisturbed whilst expert advice is sought.

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

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