

38/15/0144

MR G HUXTABLE

**DEMOLITION OF GARAGE BLOCKS AND ERECTION OF 3 No FOUR BEDROOMED TERRACED DWELLINGS WITH ASSOCIATED PARKING AND AMENITY SPACE ON LAND TO THE SIDE OF 79 BELVEDERE ROAD, TAUNTON**

Location: LAND TO THE SIDE OF 79 BELVEDERE ROAD, TAUNTON

Grid Reference: 322379.125269

Full Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **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:

(A1) DrNo 2542 201 Rev A Proposed Elevations  
(A1) 2542 101 Proposed Floor & Roof Plans  
(A1) DrNo 2542 003 Rev A Proposed Site Plan  
(A1) 2542 004 Existing Site Plan  
(A4) DrNo 2542 001 Rev A Site Location & Block Plan  
(A4) Floorplan

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) the **first floor** window to be installed in the **east and west** elevations of the building 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). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall

thereafter be so retained.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no development of the types described in Schedule 2 Part 1 Class' A, B & C of the 2015 Order other than that expressly authorised by this permission shall be carried out 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. No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan for 6 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason: In the interests of highway safety in accordance with Policy DM1 of Taunton Deane Core Strategy.

6. The development shall provide for bin storage facilities, details of which shall be submitted and approved in writing prior to occupation of the dwellings. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities exist for the future residents of the site and 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.

7.
  - (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 does not harm the

character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. No site clearance works or development (or specified operations) shall take place between **March** and **September** 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 Policy CP8 of Taunton Deane Core Strategy.

9. The development hereby permitted shall not be commenced until details of a strategy to protect **wildlife** has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of a First Ecology's Ecological Appraisal dated May 2015 and include:

- A further bat activity survey to ascertain the usage of the garages by bats. In the event that evidence of bats is found a dusk emergence and pre-dawn survey shall be required. The surveys shall be undertaken by an appropriately qualified person between May-October and use techniques and equipment appropriate to the circumstances
- A reptile mitigation survey to ascertain the usage of the site by reptiles. It shall be undertaken by an appropriately qualified person at an appropriate time of year and use techniques and equipment appropriate to the circumstances;
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter any resting places and agreed accesses for the relevant **species** shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new **resting places** and related accesses **have** been fully implemented.

Reason: To protect and accommodate **wildlife** and their habitats.

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**

Planning permission is sought for the demolition of the existing garages and re-development of the site with the erection of a block of three terraced two storey dwellings. Following negotiations with the agent amended plans have been received.

The dwellings will scale 5.3m to the eaves and 8.9m to the ridge. The block will measure 14.7m in width x 10.9m in depth (plus bay windows to the front elevation). The position of the block will be 13.8m back from Belvedere Road, 2.2m from the east boundary and 1.0m from the west boundary. The rear gardens of the proposed dwellings will be approximately 12.5m in length. There will be roof lights to the front and rear elevations.

The proposal is for each dwelling to have four bedrooms with accommodation over three floors (including the roof space). There will be a parking area to the front of the dwellings with two parking spaces provided for each dwelling. The application is accompanied by an Arboricultural Impact Assessment, a Preliminary Ecological Appraisal and a Design and Access Statement. The roof is to be tiled and the walls will be rendered.

## **Site Description**

The site is located on the north western side of Taunton, within designated settlement limits. The south boundary adjoins the defined area of Taunton Town Centre. A public right of way, known as Chip Lane, runs along the west and north boundaries. Beyond the right of way to the west are the rear gardens of properties in The Avenue. The south of the site adjoins a private car park, currently used by Taunton Deane Borough Council. Dwellings are sited to the north and East.

The site comprises a disused parking and garaging area, measuring approximately 38m x 20m. The garages at the southern end of the site are in a poor state of repair and are un-useable. Within the site there are piles of rubble and other items that are being stored on the site. The access to the site is off Belvedere Road and is un-secured. There are several mature trees along the west boundary of the site and also some mature trees adjoining the southern boundary.

## **Relevant Planning History**

None

## **Consultation Responses**

*SCC - TRANSPORT DEVELOPMENT GROUP* - The site is located on the north

western side of Taunton, within designated settlement limits. The south boundary adjoins the defined area of Taunton Town Centre. A public right of way, known as Chip Lane, runs along the west and north boundaries. Beyond the right of way to the west are the rear gardens of properties in The Avenue. The south of the site adjoins a private car park, currently used by Taunton Deane Borough Council. Dwellings are sited to the north and East.

The site comprises a disused parking and garaging area, measuring approximately 38m x 20m. The garages at the southern end of the site are in a poor state of repair and are un-useable. Within the site there are piles of rubble and other items that are being stored on the site. The access to the site is off Belvedere Road and is un-secured. There are several mature trees along the west boundary of the site and also some mature trees adjoining the southern boundary.

*BIODIVERSITY -*

*WESSEX WATER* - New water and waste connections will be required.

*DRAINAGE ENGINEER -*

*COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER -*

*SCC - RIGHTS OF WAY* - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs along the access to the proposed works at the present time (footpath T 33/17). I have attached a plan for your information.

Any proposed works must not encroach on to the current available width of the footpath.

We have no objections to the proposal, but the following should be noted: The health and safety of the public using the footpath must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a footpath unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483069.

*TREE OFFICER* - I would agree with the assessment of the trees in the submitted arboricultural report. None of the ones on the western boundary are good quality

trees. I think that T2, T3, G4, and T5 will need to be removed for the build – no objection to that. G1 and T6 could probably be retained, but they are quite poor specimens (category C trees) so it would be better to replace them at this stage with some good new trees along the western boundary of the new front and rear gardens. The trees along the southern boundary are off-site and have some amenity value, so they should be retained and protected by fencing in the usual way and as shown on the tree protection plan.

## **Representations Received**

Cllr Lees (Ward Councillor for Fairwater) – Objects to application; loss of light to No 79 Belvedere Road; this is compact area and proposal is overdevelopment; overlooking and loss of privacy to dwelling opposite.

Cllr Horsley (Ward Councillor for Fairwater) – Concerned with application; Concerned re loss of light to adjacent property; Overdevelopment for small site; Loss of privacy to No 124 Upper Belvedere Road.

1 Letter of joint representation from 4 people objecting to the proposal on grounds of;

- Development is beyond what is appropriate for this restricted space
- Buildings are not two storey dwellings
- A pair of semi-detached dwellings would be more appropriate and in keeping with this part of Belvedere Road.
- The site should be developed with something more modest and suitable to the limited space available.
- This is an attempt to offer a clean-up in exchange for planning permission.
- The trees on the site are important part of the amenity and their loss will have an impact on the neighbourhood.
- Over-shadowing of one property and loss of passive solar heating.
- Loss of overall light.

4 Letters of representation (2 supporting and 2 with comments regarding landscaping)-

- request upper west facing window to be opaque glazed
- Existing trees screen garden, the replacement trees may not offer same degree of screening.
- Parking is extremely restricted in the area. Adequate parking should be provided. Resident & guest permits should not be granted.
- Development will improve what is currently a dumping ground.
- Development will be 14m from rear garden, request trees to screen development.
- Using brownfield sites as opposed to greenbelt should be encouraged and there is a need for new houses. Existing garages look scruffy.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that

applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

NPPF - National Planning Policy Framework,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP4 - TD CORE STRATEGY - HOUSING,  
CP8 - CP 8 ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **Local finance considerations**

### **Community Infrastructure Levy**

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, if existing garages are in lawful use, the CIL receipt for this development is approximately £15,785

### **New Homes Bonus**

The development of this site would result in payment to the Council of the New Homes Bonus.

#### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£ 3,237
Somerset County Council (Upper Tier Authority)	£ 809

#### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£19,423
Somerset County Council (Upper Tier Authority)	£ 4,856

## **Determining issues and considerations**

The site is considered to be a brownfield site located in a sustainable location. As already stated, the site is located within the defined settlement limits of Taunton. The principle of re-development of the site for housing is acceptable. The main considerations are the density of the development, visual impact, residential amenity, access and parking.

### Density of development

In accordance with the core strategy, proposals within the settlement limits need to make efficient use of the land. The proposal of three dwellings on the site will result in an acceptable density, in keeping with the form and layout of dwellings within the surrounding area. The width of the dwellings and the size of the rear garden areas are very similar in size to the terraced dwellings in Belvedere Road.

### Visual Impact

The site has been neglected for a number of years with overgrown vegetation and garage buildings in a poor state of repair. Whilst there are a number of trees on the site, none of them are protected with a Tree Preservation Order and may be removed at any time.

The proposed dwellings have been designed to reflect the characteristics of surrounding properties. Amended plans show the dwellings to be rendered with stone quoins, tiled roof and PVCu windows. The two end units will have a ground floor bay window and there will be a canopy roof running between them, picking up on the feature of the adjoining terrace. The dwellings will not have dormer windows but there will be a fake dormer at each end to break up the roof line and form bookends to the terrace. The design is in keeping with the vicinity and, with suitable landscaping, will contribute to the visual amenities of the area.

### Residential amenity

The proposal will not result in a significant loss of privacy to adjoining properties. The proposed window on the east elevation will be obscure glazed. The proposed dwellings will be set back behind the building line of the existing terrace and only part of the rear gardens of the adjoining properties will be able to be viewed from the rear windows of the proposed development. Following concerns raised from nearby residents regarding overshadowing of adjoining properties, amended plans have been submitted by the agent repositioning the development slightly further west, moving as far away from the adjoining terrace as possible whilst retaining a pedestrian access on the west side. Whilst there are some windows on the west elevation of the adjoining property, the proposed development is not considered to result in significant loss of light to these windows.

There is considered to be no impact upon the residential amenities of the properties with rear gardens that back onto Chip Lane. The dwellings are considered sufficient distance away to not be affected by the development. There will still be some screening from the trees sited along Chip Lane.

### Access & parking

The proposal will provide two car parking spaces per dwelling. Given the close proximity of the site to the town centre and nearby public transport provision the proposed parking provision is considered adequate. The access and parking provision will need to be controlled through appropriate conditions.

### Other matters

Concern has been raised regarding the loss of trees. The application is accompanied by a tree survey. The trees to be removed on the site are not of good quality and the Council's Tree Officer agrees with the Arboricultural report. However, the tree outside of the site along the southern boundary have some amenity value and will need to be protected during development.

The middle unit will have no pedestrian access to the rear garden. In terraces properties bin storage can result in unsightly storage of bins across the frontage of the buildings. To protect the visual amenities of the area a condition should be imposed to ensure the development has a defined bin store.

### Summary

The proposal is considered to be of suitable design and density and will not significantly affect the residential or visual amenities of the surrounding area. The application is recommended for conditional approval.

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

**Contact Officer: Ms F Wadsley**