

GADD PROPERTIES LTD

**ERECTION OF 7 NO. DETACHED DWELLINGS ON LAND TO THE REAR OF  
14-28 STOKE ROAD, TAUNTON AS AMENDED**

Grid Reference: 323871.123308

Full Planning Permission

---

**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

Subject to a S106 Agreement to secure affordable housing, a leisure and recreation contribution as well as allotment and community hall contributions, permission be granted

The proposal, for residential development, is located within defined settlement limits in a sustainable location where the principle of new housing is considered acceptable. The proposed access and parking would be satisfactory and the development would not have a significant detrimental impact on access and traffic or on the amenity of surrounding residential properties and is considered in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), C4 (Recreation Provision) and M4 (Residential Parking Provision) and Core Strategy 2011-2028 policies CP4 (Housing) CP5 (Inclusive Communities) and DM1(General Requirements).

**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:

(A2) DrNo SPP/1414/1A Vegetation Survey  
(A1) DrNo Vertexe SGB233 Measured Building Survi  
(A3) DrNo A1202/407 House Type 12 Plans and Elevations  
(A3) DrNo A1202/406 House Type 11 Plans/Elevations  
(A3) DrNo A1202/405 House Type 10 Plans/Elevations  
(A3) DrNo A1202/404 House Type 9 Plans/Elevations  
(A3) DrNo A1202/402 Site Layout Plan  
(A3) DrNo A1202/401 Site Location Plan

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) 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.

5. 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) 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.

6. 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 Ambios Ecology's submitted report, dated March 2012 and up to date bat

surveys and include:

- 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 species could be harmed by disturbance;
- Measures for the 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 the resting places and agreed accesses for nesting birds and bats shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses **have** been fully implemented

Reason: To protect and accommodate wildlife and their habitats from damage.

7. 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).

8. The window(s) in the first floor side elevations of plots 1 and 7 shall be glazed with obscure glass and be limited opening to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in these elevations without the further grant of planning permission.

Reason: To ensure the privacy of the adjoining occupiers in accordance with Taunton Deane Local Plan Policy H17(A).

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

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

10. The drives shall be hard surfaced (not loose stone or gravel) before it is brought into use. They shall be made of porous material, or alternatively

provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the properties.

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

11. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of the TPO Cherry trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. 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 5837:2005.

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.

#### Notes for compliance

1. The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

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.

## **PROPOSAL**

The proposal is to erect 7 detached dwellings on land to the rear of 14 -28 Stoke Road with access and parking off the north side of Harp Chase.

## **SITE DESCRIPTION AND HISTORY**

The site consists of the end 26m of gardens of properties on Stoke Road and is a reduced scheme following a dismissed appeal for 8 houses in May 2009. This appeal on application 38/08/0459 was dismissed on the impact on TPO trees to the west of

the site and other issues were considered acceptable.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - comments awaited

*LANDSCAPE LEAD* - The loss of southern boundary vegetation will open up the site considerably. However subject to substantial planting on the Harp Chase boundary it may be possible to provide some useful replacement of the boundary. Details of the landscaping need to be agreed at an early stage.

*BIODIVERSITY OFFICER* - The application is for the erection of 7 detached dwellings on garden land to the rear of 14-28 Stoke Road, Taunton. The proposed access from Harp Chase will require the removal of a strip of hedgerow. Ambios Ecology carried out an ecological impact assessment of the site in March 2012.

*Bats* - None of the trees are mature enough or suitable to provide features that could be used by roosting bats. The area is possibly used by commuting and foraging bats. I support the recommendation by the surveyor to carry out bat surveys prior to the removal of any vegetation on site.

*Badgers* - No badger setts or evidence of badgers were found on site at the time of survey.

*Reptiles* - Small areas of rough grassland in some gardens may provide a suitable habitat for slow worms. I support the recommendation for the translocation of individuals but would like to be advised of the receptor site for such individuals.

*Hedgehogs* - The gardens appear to provide suitable habitat for hedgehogs. The area should be checked in spring or autumn to relocate individuals.

*Birds* - The site is likely to support nesting birds. Clearance of vegetation should take place outside the bird nesting season.

As with all developments of this nature there are opportunities for biodiversity gain. I would like to see wildlife protected and accommodated in this development and suggest a condition and note.

*COMMUNITY/LEISURE DEVELOPMENT* - In accordance with Local Plan policy C4, provision for play and active recreation should be made for the residents of these dwellings. A contribution of £2668 for each 2bed+ dwelling should be made towards the provision of children's play. The contribution to be spent on additional facilities for the benefit of the new residents. A contribution of £1454 for each dwelling should be made towards the provision of facilities for active outdoor recreation. The contribution should be index linked.

A contribution of £194 per dwelling should be sought for allotment provision along with a contribution of £1118 per dwelling towards local community hall facilities. The contributions should be index linked. A public art contribution should be requested

either by commissioning and integrating public art into the design of the buildings and the public realm or by a commuted sum to the value of 1% of the development costs.

*HOUSING ENABLING LEAD* - The housing enabling lead supports this application based on need and the comments do not reflect the suitability of the site in terms of planning. The affordable housing requirement for this scheme is one affordable unit for discounted open market sale (70% of the open market value). The affordable housing should meet the Homes and Communities Agency Design and Quality Standards 2007, including Code for Sustainable Homes Level 3, or meet any subsequent standard at the commencement of development.

Details of the affordable housing unit must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council

## **Representations**

1 letter of SUPPORT on behalf of site owners.

25 Letters of OBJECTION on grounds of:

- Impact on TPO Cherry trees
- Loss of light and privacy, particularly to the Nursing Home
- Loss of trees and hedgerow
- Impact on trees due to construction
- Impact on wildlife, habitat and loss of nature
- Density overpowering for small area
- Garden grabbing
- Overdevelopment, will spoil the character of the neighbourhood
- Intrusive and high density
- Impact on residents of Harp Chase and 30 Stoke Road
- Loss of privacy to gardens
- Loss of light and security
- Loss of view and loss of value,
- Properties will have an overbearing nature to the existing community
- Increase in vehicles with congestion, noise and pollution
- There will be only one usable off street parking space and parking is already a problem.
- Concern over safety of adults and children on Harp Chase
- Concern over construction traffic.
- The road is too narrow for vehicles to park on either side and loss of on street parking
- Cul-de-sac has parking access and service issues, problems for refuse lorries, school buses and deliveries.
- Increase risk of flooding.
- The site was previously rejected by the Council and the Planning Inspectorate and the community have spoken.

## **PLANNING POLICIES**

NPPF - National Planning Policy Framework,  
STR2 - Towns,  
STR4 - Development in Towns,  
S&ENPP1 - S&ENP - Nature Conservation,  
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,  
EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,  
CP4 - TD CORE STRATEGY - HOUSING,  
CP5 - TD CORE STRATEGY INCUSIVE COMMUNITIES,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

## **LOCAL FINANCE CONSIDERATIONS**

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)	£7,553
Somerset County Council (Upper Tier Authority)	£1,888

### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£45,321
Somerset County Council (Upper Tier Authority)	£11,330

## **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 7 dwellings on the ends of the rear gardens of 14-28 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 and the design are also considered appropriate and in keeping with the character of the area and at a lesser density than Harp Chase. The first floor windows in the side of the end plots serve bathrooms and will be obscure glazed and restricted opening and will not give rise to any adverse overlooking issues. Similarly the distance from the new properties across the road and to the gardens to the rear is considered sufficient not to raise overlooking and privacy as issues to warrant an objection.

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 the NPPF as the submitted illustrative landscaping scheme is not considered adequate. The TPO cherry trees are to be retained and a condition to protect them during construction is considered appropriate.

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 previous Inspector's decision 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 and removing rights to convert garages are considered appropriate.

The scheme provides for 7 new dwellings and a requirement for leisure and recreation provision is therefore triggered. In addition Community Leisure Services request contributions towards allotments and community halls. The provision for the necessary contributions will need to be secured through a Section 106 agreement. In addition under the new Core Strategy policy CP4 affordable housing is required on sites of 5 or more and so the provision of one affordable unit on site is required.

The previous application on this site in 2008 was refused because of the impact of Plot 1 on existing properties at 19 and 21 Harp Chase. The subsequent appeal was dismissed because of the impact on the TPO cherry trees. The current scheme in deleting a plot has addressed both of these issues and the cherry trees are retained and the Inspector on appeal considered the access and parking provision previously proposed to be acceptable. Consequently there is not considered to be any highway grounds on which to object to the proposal. The Government has previously issued a statement concerning 'garden grabbing', however this does not prevent the suitable use of land in built up areas. The existing and proposed plots created would still be bigger than existing properties in Harp Chase and the development is therefore not considered to be too high a density and out of keeping with the character of the area and the submitted proposal is therefore considered acceptable.

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

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