

38/10/0309

MR A MOORE

**DEMOLITION OF DWELLING AND ERECTION OF THREE DWELLINGS ON SITE AT 22 GORDONS CLOSE, TAUNTON AS AMENDED BY LETTERS RECEIVED 16/11/10 AND 29/11/10 AND ACCOMPANYING PLANS WITH ALTERATIONS TO HOUSE TYPES AND WINDOW ARRANGEMENTS ON PLOTS TWO AND THREE, AND INCREASE IN WIDTH OF PART OF PROPOSED ACCESS ROAD AS AMENDED.**

Grid Reference: 323669.123101

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. The proposed access would be satisfactory and the development would not have a significant detrimental impact on the amenity of surrounding residential properties 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), and M4 (Residential Parking Provision). The proposal is considered to be a positive contribution to the area, as the design is contemporary, yet mirrors the characteristics of the other properties in the area.

**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 0910 03 Existing Land Survey  
(A1) DrNo 04 Rev D Proposed Site Layout  
(A2) DrNo 0910 10 Rev B Proposed Floor Plans & Elevations Plot 1  
(A2) DrNo 0910 11 Rev B Proposed Plans & Elevations Plot 2  
(A1) DrNo 0910 13 Rev B Existing & Proposed Sectional Elevations  
(A2) DrNo 0910 14 Rev Proposed Plans & Elevations Plot 3

(A2) DrNo 0910 15 Proposed & Existing Street Elevations  
(A2) DrNo SPP/1481/1 Tree Survey  
(A4) DrNo 0910 01 Location Plan  
(A4) DrNo 0910 02 Block Plan

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

3. No development, excluding site works, shall begin until a panel of the proposed stone/brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, 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. Any drive and/or turning areas hereby permitted shall be constructed so as to be permeable and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: To prevent the discharge of water onto the highway, in the interests of reducing the risk of flooding, in accordance with guidance contained in Planning Policy Statement 25.

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

Reason: In the interests of the amenities of the neighbouring residents in accordance with policy S1 of the Taunton Deane Local Plan.

6. (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.

7. 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 additional window/dormer windows shall be installed in the northern/north-eastern elevations of the development hereby permitted without the further grant of planning permission.

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

8. 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) the upperfloor bathroom, shower room, ensuite windows to be installed in the northern/north-eastern elevations of the new dwellings 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 S1(E) of the Taunton Deane Local Plan.

9. The dwellings shall not be occupied until the means of vehicular access has been constructed 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.

10. No dwelling shall be occupied until space has been laid out within the site in accordance with the plan (0910/04D) submitted for 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 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and

re-enacting that Order) the use of the garages hereby permitted shall be limited to the domestic and private needs of the occupiers and shall not be used for any business or other purpose whatsoever.

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.

12. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of 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.

13. No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.

14. Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works should be hand dug and no roots larger than 20mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.

15. The development hereby permitted shall not be commenced until details of a strategy to protect bats, birds, reptiles, otters and water voles has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Country contracts submitted report, dated October 2010 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 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 the resting places and agreed accesses for nesting birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented.

Reason: To protect bats, birds, reptiles, otters and water voles and their habitats from damage bearing in mind these species are protected by law.

16. The development hereby permitted shall be carried out in full accordance with the submitted Flood Risk Assessment (prepared by Trevor J. Spurway and dated 01 September 2010) and the following details therein:

- Finished floor levels of the development shall be set no lower than 24.0m AOD; and
- Surface water run-off from the development shall be attenuated to existing rates using soakaways.

REASON: To protect the development and future users from the risk of flooding and to ensure there is no increase in flood risk elsewhere in accordance with PPS25.

17. No development shall commence until a detailed Environmental Management Plan for the Blackbrook has been submitted to, and agreed in writing by, the Local Planning Authority. The approved Plan shall include the following details and measures:

- Details of construction works and pollution prevention measures during this phase of development;
- Details of riverside improvement for Otters and Bats upon completion of the development; and
- Maintenance and management of the riverside upon completion of the development.

REASON: To protect and enhance biodiversity and water quality interests at the Blackbrook in accordance with PPS9 and PPS23.

#### Notes for compliance

1. The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such, under Section 219 to 225 of the Highway Act 1980, will be subject to the Advance Payment Code

(APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore, in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.

2. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway.
3. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area Highway Office, Burton Place, Taunton Tel No. 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.
4. 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.
5. The condition relating to wildlife requires the submission of information to protect wildlife. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife and their habitat will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for wildlife that are affected by this development process.
6. You are advised that it has been claimed that the existing building may contain asbestos and you should take professional advice in identifying and removing asbestos.
7. 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 site layout to assess the implications. Please note that 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 as may affect its apparatus.
8. The applicant is advised to agree with Wessex Water any connections onto its system.
9. The Blackbrook is a designated "main river" and as such, the Environment Agency has maintenance powers which must be retained for 8m from the top of bank. From the submitted plans it would appear that all existing trees on site are to be retained and no additional tree planting, fences or other structures will be constructed within 8m of the Blackbrook. This being the

case, the Environment Agency is satisfied that the development will not impede its maintenance access and protect biodiversity interests.

10. The Environment Agency advises:-

- There must be no ground-raising within Flood Zone 3 during any phase of development because this is likely to displace flood flows at the site.
- Any works within 8m of the Blackbrook will require a separate Flood Defence Consent from the Environment Agency. This matter should be discussed with my colleague Adam Daniells (01278 484 603).

11. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).

## **PROPOSAL**

The proposal is to demolish the existing detached dwelling and erect three new detached properties, with the access between one new property (plot one) and No 20 Gordons Close. The agent has outlined PPS3 Housing, that better use should be made of previously developed land, along with Regional Planning Guidance and Local Plan Policies. Design of the surrounding properties is said to be of various architectural styles using brick and render. The density is given as 13.5 per hectare, with the adjoining site, formerly occupied by 17 Gordons Close, now occupied by 5 dwellings, being 15 per ha. The trees to the southwest are retained, several Leyland cypress trees, a sycamore, an ash, and cherry are to be removed in the northwest corner. The new buildings to the rear will be set slightly lower than the plot one (by the road) due to the land sloping away from the highway.

The layout has been such that plot one is the replacement of the existing property fronting the highway, but set back and slightly angled. The only upper floor window facing north of plot one being an en-suite shower. Other windows face the highway and rear garden. Plot two would face the rear garden of No 20, but be set back 15.4m from the boundary. The original plans show a number of upper floor windows, these being bedroom 4, stairwell, landing, bathroom and shower room. The main windows face south. Plot three is furthest west, being on the level area of the garden before it slopes down to the stream. The upper floor windows facing east at an angle towards No 20, are 2 bedrooms and a landing.

The application was submitted with a tree and wildlife surveys and Flood Risk Assessment. The tree survey considers the trees on site, including the three TPO trees (one of which overhangs, but is sited to the south of the boundary. The survey suggests the TPO trees all retained, with some works to remove deadwood and monitor the cavity. It is suggested that a poplar be removed, and suckers be removed from a lime tree.

The wildlife survey indicates no indication of bats and little potential for bats in/on the dwelling; the mature line of trees along the Blackbrook is expected to provide foraging for bats; the development area does not offer any suitable habitat for reptiles or amphibians; the site boundaries offer suitable habitat for nesting sites for birds; no badger setts found, but badgers are known to be active in the area; no dormice; no indication of otters and no water voles. There are recommendations in

respect of conditions.

The Flood Risk Assessment includes comments that the proposed dwellings will utilise the existing mains foul drainage, stormwater will be disposed of via new soakaways, the site is outside the extent of the of extreme flooding, there are minor alterations to existing site levels, thus the agent considers that there will be no change to potential flood risk.

Revised plans have been submitted which address the County Highway Authority's concerns about two cars being able to pass in the new access. These plans show a widened area to access the highway, to enable cars to pass before entering or leaving the public highway. An additional amended plan alters the position of plot 3 and its style to delete the double garage, and to include an integral garage similar to plot 1, to amend the upper floor windows on plot 2 to be obscured glass and to change the materials to be all brick.

## **SITE DESCRIPTION AND HISTORY**

The site is to the eastern side of Shoreditch Road, and comprises a close of detached dwellings dating from the 1950s. The former no 17 was demolished and 5 detached dwellings built on that site in the 1990s; this is the adjacent site to the south. The road has a small roundabout with tree in its centre; the application site is sited to the rear of this when viewed from the end of the Close. The Blackbrook Stream is located to the east of the site, with a steep slope down to it. There are numerous trees alongside the stream, with others along the southern boundary. There are three TPO trees on the site, a lime and flowering cherry on the southern boundary (the cherry being outside but overhanging the site), and a sycamore on the western side of the site.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such, under Section 219 to 225 of the Highway Act 1980, will be subject to the Advance Payment Code (APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore, in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.

The proposal will see a net increase of two dwellings on Gordons Close as plot one will be a direct replacement for the existing dwelling. The additional two dwellings would see an 8% increase in vehicle movements. The Highway Authority has a 5% threshold over which any development is considered to be significant. Therefore in this case an 8% increase would be a significant increase in vehicle movements. Gordon Close is narrow although as the majority of dwellings have off street parking two vehicle flow is possible. From viewing the Taunton Deane web site it is apparent that there have been a number of concerns raised over the increase in the amount of traffic at the junction with Shoreditch Road. The Highway Authority feels that it would be inappropriate to ask the developer to look at providing improvement works

at this junction. In addition any highway works would potentially have a detrimental impact on the free flow of traffic on Shoreditch Road.

It was noted that there is a boundary wall shown on the elevation drawings it should be noted that this wall should be no higher than 900mm.

In terms of the internal layout of the site the proposed access road provides a width of 2.0m this is not considered to be wide enough to allow two-way traffic flow. Ideally the first 6.0m of the access should be widened to allow two way vehicles whilst stopping vehicles obstructing the adopted highway. In regards to the parking and turning requirements each unit will provide sufficient space for the provision of the parking of two vehicles whilst also providing enough room for a vehicle to turn and leave in a forward gear.

Therefore weighing up the information set out above on balance I raise no objection to this proposal and if permission were to be granted I would require conditions to be attached.

*re amended plans* Drawing 0910 04 C shows the point of access has been widened as per the recommendations set out in my response to the Local Planning Authority.

I am satisfied that the amended point of access will allow vehicles to pull off the adopted highway and as such not cause obstruction to other road users. I therefore have no objections to this revised plan.

*DRAINAGE ENGINEER* - Note that the preferred method for the disposal is surface is via soakaways. These should be to BRD 365. The western boundary is formed by the Blackbrook Stream, the Environment Agency should be notified.

*HERITAGE AND LANDSCAPE OFFICER* - subject to management and thinning of existing trees; Protection of trees during construction; No services within tree root areas; Details of landscape proposals; Details of fencing; Enhancement of the stream corridor – the proposals are acceptable.

*NATURE CONSERVATION & RESERVES OFFICERS* - The site is mainly mown grass area, with flower borders and occasional tree and shrubs, it is bordered by Blackbrook stream, a significant wildlife corridor in this part of Taunton. In summary, no evidence of bats in the building, 2 trees on the site have potential for bats so should be checked prior to any works taking place. The stream and its associated tree line is likely to be important for foraging and commuting bats and an important feature for other wildlife, this tree line should be retained. Nesting birds should not be disturbed. All boundary strips should be protected throughout any development. No signs of badgers on the site. Suggests conditions. Has also considered detailed points raised by concerned neighbour, that the development involves the loss of garden habitat and so will have an impact on local wildlife, any disturbance is kept to a minimum, especially along the Blackbrook Stream.

*WESSEX WATER* - No objections, points of connection to be agreed, check position of sewers.

*ENVIRONMENT AGENCY* - We have no objections to the application as submitted subject to conditions to be imposed upon any permission granted.

## **Representations**

Cllr C Herbert objects;

- Echoes the concerns of the existing residents of Gordons Close.
- The new policy of protecting rear gardens will be paid due consideration.
- It is a shame that to lose a family garden.
- There will be a significant increase in traffic movements in a tight access.
- Poor visibility when leaving Gordons Close into Shoreditch Road, with potential for accidents.
- Await SCC's advice on highways.
- Existing properties have had problems with drains and back-ups,
- There appears to have been no consideration to the house to the north, which should have enjoyment to the house and garden.
- The access road could be handed. This would give better visibility onto the roundabout.
- Concern about rubbish collection, the refuse lorry will not be able to access the narrow road shown, and bins will be left out and cause visibility problems for adjoining properties.

27 letters of objection (some from the same household) raise the following issues:

### **Traffic/visibility**

- Increase in traffic onto a restricted road and roundabout.
- Further increase in danger of turning out of Gordons Close onto Shoreditch Road.
- There is restricted visibility at the junction with Shoreditch Road.
- Visibility restricted due to overgrown hedges and bend to south of junction.
- The houses in the Close were built when people had only one car, most households now have 2 or 3, thus the Close is already overcrowded with cars, this will make it worse.
- The proposed new access would be detrimental to the amenities of No 20.
- Gordon Close not built to take heavy traffic.
- Recycling vehicles have to reverse to collect bins.
- It will be dangerous to have another access at the mini roundabout.
- Lorries will not be able to access the site when there are cars parked along the street.
- There are also 4 houses on Shoreditch Road which have access to their garages via Gordon Close.
- Drivers from South Road use the roundabout to turn around, this would add to the chaos if construction were to start.
- The existing pavements are very narrow, and when cars are parked, other cars have to mount the pavement to pass, which is dangerous to pedestrians/children.
- The traffic generation does not take into account the potential additional cars owned by teenagers of residents and extra parking needed for visitors.
- Access for Emergency vehicles will be obstructed as more vehicles are generated.
- Access is only wide enough for one vehicle.
- Additional traffic from construction vehicles will cause obstruction.
- The proposed access road would impact on adjoining property by means of

safety, security, there is no visibility at exit of road. Quotes recent reasons for refusal on access.

- The new access would be squeezed into a narrow gap, which is out of keeping with the area.
- Consistency in decisions, should follow the refusal of 2 dwellings in rear of Gardener's Hall, Bradford on Tone, on grounds of poor access.
- The previous development to the south of the application site, has already resulted in an increase in traffic.
- There are small garages and little space for cars.
- The visibility to Shoreditch Road was not properly improved when the new houses were built.
- The Close is used by children to play, and ride bikes, additional traffic will raise traffic issues.
- Further damage to the surface of the Close, which already need resurfacing, this will be further worsened by construction vehicles.

### **Garden Land**

- The statement says this is previously developed land, but it is a garden with a unique character.
- The local community feels that the proposal is not best for them and should be rejected.
- It is not acceptable to have "garden grabbing".
- This is not brownfield land, since June 2010, residential gardens do not fall within this category.
- Loss of a valued garden area as part of a family home.

### **Character of area/dwelling**

- The replacement dwelling is not in keeping with the existing houses in the vicinity.
- This proposal will result in the removal of the unique feature of a dwelling sited at the end of the road.
- There has been a large amount of money spent on the refurbishing the existing No 22, this will be destroyed in the current proposal.
- This destruction of part of the architectural heritage of Taunton, it will spoil the look of the nearby Conservation Area.
- This is a large elegant period house, and Taunton does not have many of this age.
- This is an individually designed 60 year old house set in a large garden.
- Overdevelopment
- There has been much financial and resource input (high carbon cost during quarrying and manufacture) into the refurbishment of No 22.
- This will result in 'gardenless' properties.
- There are enough houses in this Close, no need for anymore.
- Considers the proposal to be contrary to Taunton Deane Local Plan Policies S1 and H2, in that the appearance and character of the street scene must not be harmed by the development.
- The proposal is contrary to PPS1 & PPS3 in terms of protect the natural environment, accessibility to services...should be well integrated...streets that are pedestrian and cycle friendly...and the current proposal does not meet the requirements.
- Increase in density; density should be calculated on the basis of when Gordons Close was constructed.
- Detrimental impact on character of the area by reason of demolition of No 22,

- as this is in a prominent location in the street scene at the end of the Close.
- Precedent in that other people with large gardens will do the same.

### **General amenity**

- There will be much disruption to families and elderly people in the Close.
- This is being done for financial gain.
- There will be additional fumes/pollution from the extra cars.
- Loss of privacy to adjacent property's garden from windows in proposed dwelling (plot 2).
- Plot 3 will completely obstruct light to vegetable garden and greenhouse.
- There has been efforts to fell large mature trees in the garden, often late at night.
- Only a narrow margin along boundary, especially when compared to the margin between No 22 and adjacent dwellings.
- Noise and disturbance to children at a critical time in exam years.
- Previous works at No 22 have been at unsocial times.
- Concerns about noise and disturbance on home working.
- There will be an increase in water run-off.
- Loss of views, in a recent case a right to a view was acknowledged.
- Flooding risk will increase due to tripling of run –off
- The area has already been blighted by the demolition of one dwelling and replacement by 4 houses.
- The property was sold as a family house.
- Loss of privacy to Mountfields Avenue.

### **Wildlife**

- Impact on biodiversity of adjacent garden, numerous species have been seen, some of which must nest in the garden of No 22. Should be a spring and summer survey.
- There are slow worms in the garden of 22. These are protected species.
- Badgers have been seen in the garden of No 20, it seems unlikely that they are not at No 22.
- The wildlife survey is irrelevant as no birds are currently nesting and other species are hibernating until spring.
- The deliberate destruction of a rich and varied habitat.
- Risk to wildlife within the stream.
- There are bats in this area, they roost in the trees.
- There are also 'smooth worms' in the area and badgers in the stream.
- Questions the impartiality of the wildlife survey

### **Other**

- No planning notices displayed.
- There may be asbestos in the original house, this should be properly assessed.
- Additional strain on the water and sewerage services, which have already been under strain with the development at Gordon's Park.
- Wessex Water clarification needed.
- There was no early engagement discussion with local residents, such that their significant objections and concerns have not been addressed.
- Proposal is just for financial gain.

26 letters of support (some from the same household) raise the following issues:

### **Traffic/visibility**

- Does not consider that there will be a significant increase in traffic in the Close.
- Does not consider Shoreditch Road to be such a busy road, and therefore additional traffic is not an issue.
- Never had any issues turning right or left.
- Never been any accident to the knowledge of writer.
- As a newly qualified driver, have been confident going into and out of the Close.
- As a frequent visitor to Gordons Close, have never had any problems accessing/exiting the Close.
- Several of the residents work from home and others are retired, so there is little traffic.
- Seven households have 2 cars, 12 residents only have one car, and 4 are without cars, averaging 1.13 per household.
- There are often times with no cars parked on the street.
- Some people park on the street when they have drives.
- It is the road user not the road which is a danger.
- As a resident of Tamar Avenue, have rarely seen a vehicle entering or leaving Gordons Close.

### **Character/garden**

- Development of 2 executive houses will add to overall housing numbers which will help local traders.
- There are no negative environmental consequences as shown in the surveys.
- The size of the existing garden is sufficient for the scheme.
- Hypocrisy as some of the objectors live in the houses which were built on the site of the former No 17 are now objecting, the wildlife in their gardens is flourishing.
- The house was advertised with development potential when it was marketed in 2006, so such a scheme has been envisaged for some time.
- This development will mean less pressure on green belt land which can be saved.
- Trees will be saved, and will be protected by the applicant.
- The wildlife surveyor works for Somerset County Council so is properly qualified.
- The replacement dwellings for 17 Gordons Close are mock Tudor style and not in character.
- This is a sensitive and high quality scheme for the site.
- The new houses have large gardens when compared with the new properties to the south.
- A developer could have applied for many more smaller properties with little or no garden.
- There is always a need for more dwellings.
- Suggests the 1950s was an "unappealing" era for attractive housing.
- Will be done to a high standard.

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,

PPS 1 SUPP - Planning and Climate Change,  
PPS3 - Housing,  
PPS9 - Biodiversity and Geological Conservation,  
STR2 - Towns,  
STR4 - Development in Towns,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
M4 - TDBCLP - Residential Parking Provision,  
EN3 - TDBCLP - Local Wildlife and Geological Interests,  
EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,  
EN28 - TDBCLP - Development and Flood Risk,  
T1 - TDBCLP - Extent of Taunton,

## **DETERMINING ISSUES AND CONSIDERATIONS**

### **Traffic and Access**

County Highway Authority has no objections to the principle of development. The additional traffic from this proposal is not considered to have a detrimental impact on the free flow of traffic in Shoreditch Road, and it is felt that it would be inappropriate to ask the developer to look at providing improvement works at this junction, but that having road improvement works, would potentially have a detrimental impact on the free flow of traffic on Shoreditch Road. The Local Plan requires each 4 bed dwelling to have 2 parking spaces. The agent has provided two single and one double garage with parking to provide such spaces. The provision of parking spaces/garages does not always result in the higher level of traffic generation. There is a net gain of two dwellings in the Close, and as such the highway and junction is considered to be adequate. Thus whilst the residents of the Close have concerns, the proposed development is not considered to be of such significance in overall traffic generation as would warrant refusal. The County Highway Authority Officer has considered the appeal decisions and does not consider these cases to be similar. Construction/worker's traffic is often a nuisance, but this is temporary whilst works are underway. The road, at a width of approx 5m, is not as wide as would be expected to meet current standards, however, the increase of two units is not considered to be excessive on such road.

### **Garden Development**

The site may be the garden of the existing property, but the application is being dealt with on the basis of the policies contained in the Development Plan, it is not being considered on the basis of the issue of whether the site is 'Brownfield'. In terms of the Local Plan the site is within settlement limits, and is capable of accommodating two additional dwellings (with a one for one replacement), without detriment to the amenities of the adjoining residents or the area. Whilst the property currently has a large garden, such is not a requisite of the area, and there is no minimum garden area size. The stream-side trees are retained, along with those on the southern boundary and the new dwellings will have reasonable sized gardens.

There is no objection from Wessex Water nor the Environment Agency to the proposal. The Conservation Area is about 400m to the north, and it is not considered that there will be any effect on the character. The density is acceptable for the area. Wildlife is protected by means of condition, the Local Planning Authority's wildlife officer is content that the survey is acceptable (ie not biased).

The slope to the stream with the majority of trees are not affected by the scheme.

### **Amenity**

Dwelling Plot 3 is close to the boundary with the adjacent property No 20, and the concerns of the occupiers are noted; however their garden is of significant size, such that privacy can be achieved in areas away from this boundary, and the distance between the proposed and existing is 23m at the closest point (with no 20 at an angle). There were some bedroom windows in the east facing upper floor of plot 3 and one in the north facing of plot 2 (at least 15m from the boundary), it is considered that these distances are significant enough so as not to result in loss of privacy, given the normal window to window distances. The amended plan alters these windows such that now only one bedroom window in plot 3 faces east, some 25m to the nearest part of the rear of no 20. Other upper floor windows are shower/bathrooms which will have obscured glass and landing/stair windows which are now shown with obscured glass. It is acknowledged that the introduction of the new dwellings will have an impact on the amenities of the occupiers, however it is not considered that such change is sufficient to warrant refusal given the substantial garden area of that property and the distances between properties.

### **Conclusion**

The Local Planning Authority has to have regard to the overall concepts of the scheme as well as any effects on the local residents. Whilst many local residents object, such objection cannot in itself be reason to refuse. It is considered that whilst there will be a short term disturbance from building works, the long term effect will be minimal. The revised street scene indicates that the proposed dwellings will sit well within the immediate area.

In conclusion, it is considered that the revised plans are acceptable, and will form a satisfactory development in this part of Taunton.

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

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