

52/2004/018

SWAN HILL HOMES LIMITED

**ERECTION OF 12 DWELLINGS AND FORMATION OF ACCESS ON SITE OF NEW BARN, 41 COMEYTROWE LANE, TAUNTON.**

20829/23565

FULL PERMISSION

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**PROPOSAL**

The site comprises a substantial house set in almost half a hectare of garden. The site is currently largely screened from Comeytrowe Lane by a belt of trees. To the rear of the house is a very large beech tree, which is subject to a Tree Preservation Order. Outline permission for the demolition of the house and the principle of residential development of the site was granted in July 2003.

A detailed application for 12 dwellings was refused on 2nd April, 2004 for the following reasons:- (1) The layout of the proposed development and the proximity of a number of units close to the site boundaries will result in an overbearing nature and loss of privacy to adjoining residential properties contrary to the provision of Taunton Deane Local Plan Revised Deposit Policies H1 and S2. (2) The proposed visibility splays are considered to be inadequate to secure the visibility necessary for the safety and convenience of traffic associated with the proposed development, contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

Discussions have subsequently taken place with both planning and highway officers resulting in this revised submission. The amendments to the previous scheme are as follows:- Plots 5 and 6 have been moved back by approximately 1.5m to allow for cars to exit the plots in a forward gear. Plot 8 has been correspondingly been moved south to maintain the garden size to plot 5 and 6. The garages to plots 3 and 4 have been changed to allow entrance from the turning head. Plots 7 and 8 are handed to allow each to move back into the site from the boundary by approximately 1 m. i.e. they are further away from the dwellings outside of the site. The turning head will be constructed as a standard type C, and extended to allow plots 7 and 8 to move forward, maintaining parking space in front of the garage. The tree protection zone around the Tree Protection Ordered Beech Tree has been reduced to 9.5 m This allows plots 9, 10, 11 and 12 to move eastward and north away from the southern and eastern boundary. Accordingly there will be an improvement in the relationship between the proposed plots and the existing dwellings. This relationship is now greater than 22 m. The tree protection zone will be protected by the erection of chestnut pale fencing prior to any work commencing on site. Access: A number of alterations have been made to the plans in respect of access. These relate to: 1. Kerb line of Comeytrowe Lane provides 6 m carriageway to the east side, to align with the existing road edge on the west boundary (reducing the lane to approximately 5.4 m wide). 2. A 1.8 m footway will be provided across the width of the site. 3. Kerb access radii will be increased to 5 m. The internal roadway has been increased to 5 m in width.

## **CONSULTATIONS AND REPRESENTATIONS**

WESSEX WATER the development is located within a sewerage area, with foul and surface water sewers available. The developer has proposed to dispose of surface water to the main sewer. It will be necessary, if required, for the developer to agree points of connection onto our systems, for the satisfactory disposal of foul flows and surface water flows generated by the proposal. The connection point can be agreed at the detailed design stage. With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems.

LANDSCAPE OFFICER subject to detailed landscape proposals the proposed layout provides space for the retention of the beech (Tree Preservation Order) tree and space for new tree, hedge and shrub planting. Any level changes or servicing within the canopy spread of the tree should be subject to agreement with the Local Authority. WILDLIFE SPECIES CO-ORDINATOR because of the nature of the building and surrounding plot I recommend that a wildlife survey be carried out and submitted before application is determined.

5 LETTERS OF OBJECTION have been received on the following grounds:- three storeys inappropriate; will overpower and overlook neighbouring gardens; scale of development such that will increase highway danger on Comeytrove Lane; existing house on the site should be preserved, perimeter fencing will restrict light, three storey development still inappropriate.

## **POLICY CONTEXT**

Taunton Deane Local Plan Revised Deposit Policy H1 provides guidance on new housing in settlements as follows. Housing development will be permitted within defined limits of settlements, provided that: (A) there is safe and convenient access by or on foot to facilities and employment. In the case of proposals of a significant scale, bus or walking access to a town centre or rural centre will be required, taking account of any off-site works proposed in accordance with criteria (B); (B) necessary provision is made for off-site public transport, cycling and pedestrian facilities and highway improvements to cater safely for the expected number of trips generated by the development and minimise the proportion of car trips; (C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give priority to safe and convenient access and circulation by means other than the car; (E) the layout allows people with impaired mobility or a disability safe and convenient access and movement to and between dwellings by careful positioning of potential obstructions, ramps, dropped kerbs, textured surfaces and reserved car parking; (G) small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity; (H) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to create locally distinctive developments well related to their surroundings; and (I) existing and proposed dwellings will enjoy adequate privacy and sunlight.

Policy S2 gives guidance on design as follows: Development must be of a good design. Its scale, density, height, massing, layout, landscaping, colour, materials and access arrangements will be assessed to ensure that the proposal will, where reasonable and feasible: (A) reinforce the local character and distinctiveness of the area, including the landscape setting of the site and any settlement, street scene and building involved; (B) incorporate existing site features of environmental importance; (C) reinforce nature conservation interest; (D) minimise the creation of waste in construction and incorporate recycled and waste materials; (E) include measures to reduce crime; (F) minimise adverse impact on the environment, and existing land uses likely to be affected; (G) include facilities to encourage recycling; (H) make full and effective use of the site; and (I) subject to negotiation with developers, incorporate public art.

Policy EN4 gives advice on protected species. Policy EN5 gives protection to trees that contribute to an area's landscape or wildlife character.

Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review gives advice in terms of highway safety. Proposals for development should be compatible with the existing transport infrastructure, or, if not, provision should be made for improvements to infrastructure to enable development to proceed. In particular development should: provide access for pedestrians, people with disabilities, cyclists and public transport; provide safe access to roads of adequate standard within the route hierarchy and, unless the special need for and benefit of a particular development would warrant an exception, not derive access directly from a National Primary or County Route; and, in the case of development which will generate significant freight traffic, be located close to rail facilities and/or National Primary Routes or suitable County Routes subject to satisfying other Structure Plan policy requirements.

## **ASSESSMENT**

The principle of development has been established and it is not therefore now possible to insist upon the retention of the existing house.

Advice on the design proposed was sought in respect of the earlier application. The Council's Architectural Advisor's conclusion was that the houses will satisfactorily blend into the area.

The issues to be considered here therefore are whether the three earlier reasons for refusal have been overcome. The buildings on plots 9 - 12 (closest to the southern boundary) together with plot 8 (on the eastern side of the site) have been moved to improve their relationship with adjacent properties. The distances between buildings are greater than generally accepted minimums and it is therefore not considered that refusal could be sustained on the grounds of impact or overlooking.

Whilst the formal comments of the County Highway Authority are awaited it is understood that the highway layout is now to an adoptable standard and visibility to Comeytrove Lane has been significantly improved.

## **RECOMMENDATION**

Subject to the views of the County Highway Authority and corrected annotation of plans and a Section 106 undertaking relating to recording of the building and sport and recreation contributions, the Chief Planning Officer in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, materials, protection of trees, landscaping, walls and fences, service trenches, garages, meter boxes, levels, cycle parking, bat protection, maintenance of area surrounding TPO tree. Notes re surface water, street naming, meter boxes, S.106 agreement, bats, Part M, construction noise, compliance.

REASON(S) FOR RECOMMENDATION:- The proposal represents a suitable reuse of this previously developed site in accordance with Taunton Deane Local Plan Revised Deposit Policy H1. The design proposed is considered acceptable in accordance with Policy S2 whilst the amenities of nearby occupiers are maintained in accordance with Policy S1.

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

**CONTACT OFFICER: 356464 MR T BURTON**

NOTES: