

38/21/0014

FRENCH WEIR AFFORDABLE HOMES

Variation of Condition No's 02 (Approved Plans), 04 (Landscaping Scheme), and 06 (Wildlife Strategy) of application 38/17/0281 on land south of Weir Lodge, 82 Staplegrove Road, Taunton

Location: LAND SOUTH OF WEIR LODGE, 83 STAPLEGROVE ROAD,
TAUNTON, TA1 1DN

Grid Reference: 322076.125059

Removal or Variation of Condition(s)

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

- (A3) FWTS/01 Location Plan
- (A3) FWTS/02 Block and roof plan
- (A3) FWTS/03 Rev A Site Plan
- (A3) FWTS/04 Rev A Site Sections as Proposed & Existing
- (A3) FWTS/05 Rev A Ground Floor Plan
- (A3) FWTS/06 Rev B First Floor Plan
- (A3) FWTS/07 Rev B Attic and Roof Plan
- (A3) FWTS/08 Rev F Section
- (A3) FWTS/09 Rev G Proposed Elevations
- (A3) FWTS/13 Solar Panels
- (A3) FWTS/14 Bike Shed/bin store
- (A3) FWTS/15 Rev A Site Boundaries
- (A3) FWTS/16 Rev A Site Boundaries

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

2. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with 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.

3. (i) The landscaping scheme approved under permission 38/17/0281 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.
- (ii) 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.

4. All existing trees on site shall be protected in accordance with BS5837:2005 Trees in relation to construction.

Reason: In the interests of the visual amenity of the area in accordance with SADMP Policy ENV1.

5. The development hereby permitted shall be carried out in accordance with the strategy to protect wildlife submitted and approved in writing by the Local Planning Authority under permission 38/17/0281. The strategy shall be based on the advice of EPS Ecology's and Ambios ecology's submitted reports.

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 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 and accommodate wildlife.

6. The windows in the first floor north east elevation to the bathroom and the ensuite of the plot nearest French Weir Avenue shall be glazed with obscure glass and the Master Bedroom window nearest to French Weir Avenue in the north east elevation of the plot nearest to French Weir Avenue shall be glazed with obscure glass and details of the glazing shall be agreed prior to installation and thereafter be so retained. There shall be no alteration or additional windows in this elevation without the further grant of planning permission.

Reason: To ensure the privacy of the adjoining occupiers in accordance with Policy D5 of the SADM Plan.

7. Finished flood levels shall be set no lower than 16.76m AOD (above ordnance datum).

Reason: To protect future residents in regards to flood risk.

8. No dwelling shall be occupied until space has been laid out within the site in accordance with the plan FWTS/03 for 2 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and the parking spaces shall thereafter be retained for use by the approved properties.

Reason: In the interests of highway safety and in accordance with Policy A1 of the SADMP and Policy DM1 of the Core Strategy 2011-2028.

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

Proposal

The proposal is to vary 3 conditions of the previous planning permission on the site to allow for different wording on conditions 4 and 6 as they have been partially dealt with and new plans on condition 2 to allow for an increase in height of 1.3m to allow for additional room in the roof space. The other elements of the scheme in terms of layout, parking, bike/bin store and free standing solar panels are as previously approved and do not change.

The applicant is related to a member of the Council.

Site Description

The site is a triangular piece of open land to the rear of Weir Lodge that is open and bounded by fencing on two sides and a stone wall on the boundary with the Lodge.

Relevant Planning History

38/17/0281 - Erection of 2 No. semi detached dwellings with associated landscaping, fencing, relocation of solar panels and alteration of garden land south of Weir Lodge on land off French Weir Avenue, Taunton CA 13/10/17
38/20/0371/NMA - Non-material amendment to application 38/17/0281 for revisions to floor plans, elevation and section accommodating increased insulation, installation of air to water heat pumps and roof mounted solar panels and rooflights to achieve zero carbon development on land south of Weir Lodge, French Weir Avenue, Taunton CA 22/12/20

Consultation Responses

SCC - TRANSPORT DEVELOPMENT GROUP - Refer to standing advice.

WESSEX WATER - No comment received.

ENVIRONMENT AGENCY - No comment received.

LANDSCAPE - No comment.

HERITAGE - No comment.

SCC - ECOLOGY - As this is a variation of condition application: Further to discussions with Natural England, the proposed application, with associated low levels of Phosphate production, is unlikely to add significantly to nutrient loading on the Somerset Levels and Moors Ramsar site; therefore a Likely Significant Effect under The Conservation of Habitats and Species Regulations 2017 (and as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) can be ruled out.

I have no other comments regarding this application.

Habitats Regulations Assessment

Not required as there is an existing extant permission on this site partially completed and the changes to the scheme would not impact on the nutrient load of the Levels and Moors Ramsar site and a likely significant effect can be ruled out.

Representations Received

1 letter of objection on grounds of increase in height and overshadowing, greater noise and visual impact.

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), the Taunton Site Allocations and Development Management Plan (2016), 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.

NPPF - National Planning Policy Framework,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP4 - TD CORE STRATEGY - HOUSING,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
A1 - Parking requirements,

Local finance considerations

Community Infrastructure Levy

This application adds additional floorspace to that already approved under 38/17/0281.

Approx. 30sqm of additional floorspace is to be added in the lofts.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £2,100.00. With index linking this increases to approximately £3,000.00.

Determining issues and considerations

The issues here are the impact on the character and amenity of neighbours due to the increase in height of the dwellings and the wildlife/habitat impact of new dwellings as this involves a new application for housing within a catchment at risk.

The proposal differs from the previous approval on the site in that the ridge height of the dwellings are being raised by 1.3m to allow for a room within the roof space. One neighbour has objected on the basis of light and amenity impact. The proposed dwellings lie to the north west of the existing properties fronting French Weir Avenue and consequently, given the orientation, the increase in 1.3m in ridge height is not considered to adversely impact the neighbours to the south due to overshadowing. The increase in height is also not considered to be such a visual intrusion over the approved scheme to warrant an objection and there is not considered to be any reason why there would be significantly greater noise over the proposal than that already approved.

The proposed dwellings are located to the rear of Weir Lodge and also to the rear of 14 and 16 French Weir Avenue. The properties face west towards the Health Centre and the side elevation facing south east towards the rear of the French Weir Avenue properties has no first floor windows overlooking. The first floor windows facing north east serve a bedroom an ensuite and a bathroom and so two of these would be obscure glazed. The bedroom windows would give an oblique view of the rear of numbers 10 and 12, with the end of the garden of 12 being the closest at around 7m away. The obscure glazing of the nearest window is therefore considered appropriate and necessary to safeguard privacy and with this condition the impact is considered an acceptable one. The first floor windows to the front look out towards the parking and turning area for the doctor's surgery, however it is not considered the overlooking from bedroom windows is such a loss of privacy to warrant refusal of the development. Thus it is still considered appropriate to impose the previous condition concerning obscure glazing.

The County Ecologist has confirmed that there is no Likely Significant Effect under the Habitats Regulations and so the application can be determined as submitted. A wildlife condition was previously imposed on the scheme and details submitted and approved. A revised condition is required to ensure the approved scheme is carried out.

A site specific flood risk assessment was previously produced and the disposal of both surface water and foul water drainage has been agreed with Wessex Water. Consequently the works proposed are not considered to increase risk of flooding elsewhere and the Environment Agency has previously raised no objection. The current scheme only differs in terms of height, not floor area of the built form and so previously approved details would still apply. The FRA identified a finished floor level of 16.75 AOD, however the Environment Agency considered this should be raised to 16.76 AOD and this is conditioned as per the previous scheme.

The site for two semi-detached properties lie on a triangle of land at the end of the garden of Weir Lodge. The site lies outside of the Conservation Area and the development would be of a form similar to the surrounding residential development. Consequently the proposal was and is not considered to harm the setting of the conservation area and this view was supported by the Conservation Officer. The site also lies within the curtilage of the listed building known as Weir Lodge and the site is already defined by a boundary wall. The site is well screened from the listed building and the dwelling is around 60m away and the proposal is not considered to harm the setting of the listed building. Consequently the proposal is considered to comply with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The access and parking for the development will be as previously agreed and this was considered to comply with policy A1 of the Local Plan.

The revisions also take into account climate change as they include additional insulation, installation of air to water heat pumps and roof mounted solar panels in order to achieve a zero carbon development.

In summary the changes to the scheme are considered acceptable and not to significantly harm residential amenity over the approved scheme and the improvement to a zero carbon development is to be welcomed.

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