

05/17/0047

MR J BIFFEN

Change of use of land from agricultural with the erection of 1 No. residential dwelling with garaging and associated works on land at Parsonage Farm, Bishops Hull

Location: LAND AT PARSONAGE FARM, NETHERCLAY, BISHOPS HULL,
TAUNTON, TA1 5EE

Grid Reference: 320403.124862

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (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:

(A3) DrNo 2471-PL-01 Site & Location Plan
(A3) DrNo 2471-PL-02 Rev B Block Plan
(A3) DrNo 2471-PL-03 Indicative Section Views
(A3) DrNo 2471-PL-04 Floor Plan
(A3) DrNo 2471-PL-05 Elevations
(A3) DrNo CLD 186/01 Landscape Proposals

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

3. No wall construction, 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 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. No roof construction shall take place until samples of the roof 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.

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.

5. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the 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 other 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.

6. The development hereby permitted shall be implemented in accordance with the mitigation in the wildlife report and approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The mitigation shall thereafter be maintained.

Reason: To protect wildlife.

7. 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 Classes B and E of the 2015 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To prevent harm to the amenity of neighbours and 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.

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.

2. All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered should not be disturbed.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant 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 a detached dwelling with garage on land within the settlement limit. The building is one and a half storey with rooms set in the roof space and is an 'L' shaped property providing 3 bedrooms together with parking and turning space. The property will part stone and part red brick with a double roman clay tiled roof. The building is 6m to the ridge at its highest point where the first floor bedroom is proposed.

Site Description

This site, on the edge of Bishops Hull, is a broadly rectangular field which slopes down from south to north. The site has long reaching views to the north and west. The north side boundary is comprised of a post and wire fence, there is some hedge planting beyond and the land beyond this falls steeply away.

The western side is similar, although there are also a number of trees in this site boundary.

To the north, there is a low post and rail fence. Beyond this is Parsonage Court nursing home. It is a buff brick building, with numerous windows facing out towards the site on two stories at very close range. Adjacent to this, is the backside of a terrace of dwellings in Hill Terrace. A small window is visible in the first floor of the rear projecting section of the closest and the adjoining dwelling facing towards the access to the application site. Due to the projecting extractor fan visible, it is likely that this serves a bathroom. There is also a side window in the end terraced dwelling facing into the grounds of Parsonage Court.

The eastern site boundary is formed of a hedge. It has been allowed to grow to some considerable height. Beyond this, are dwellings in the converted Barns at Bishops Court, these are stone built buildings, with a pantiled roof. The closest dwelling, one Bishops Court, has a first floor window facing the site, although this is not currently visible easily from within the site due to the high hedge.

The access to the site is at the southern end of the eastern side boundary. It is a field gate accessed through the yard area to the front of Bishops Court. At this point, the site is noticeably higher than Bishops Court, and this appears to be the situation along the east side boundary. I am informed by a resident of Bishops Court, through

a discussion on site, that the buildings to the south of the courtyard are ancillary outbuildings/utility rooms to the main dwellings (1 each) and they are in constant use. Each dwelling has one garage and one utility room to the south.

Relevant Planning History

None

Consultation Responses

BISHOPS HULL PARISH COUNCIL - Bishops Hull Parish Council OBJECT to this application for the following reasons:- The change of use from agricultural to residential; a lack of substantial planting at the proposed dwelling as required by the Site Allocations Plan and the detrimental effect the proposed access to the development would have on the neighbouring properties.

LANDSCAPE OFFICER - The proposed landscape scheme showing 3 rows of native hedging on the western boundary and new tree planting is acceptable.

BIODIVERSITY OFFICER - Quantock Ecology carried out an Ecological Assessment dated November 2017. Findings are as follows

Birds - There is a high possibility that nesting birds could be using the hedgerows and scrubby fringes on site. No loss of hedgerow will occur as a result of the proposed plans.

Reptiles - Reptiles may be using the site so I support the recommendations.

Badger - No evidence of badger was noted on site.

I suggest the following condition

The applicant shall undertake all the recommendations made in Quantock Ecology's report dated November 2017

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.

Reason: to protect wildlife

Notes to the applicant:

1. All nesting birds are protected under the Wildlife and Countryside Act 1981(as amended) and if discovered should not be disturbed.

2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the applicant 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.

SCC - TRANSPORT DEVELOPMENT GROUP - Refer to standing advice.

WESSEX WATER - New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website.

On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers).

At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

More information relating to this transfer can be found on our website. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team.

Representations Received

County Cllr Hunt - **objects** for the reasons summarised as follows:

Access to the site

- The access is not a roadway, but a blockpaved courtyard used as a safe place for children's to play and the residents of Bishops Court to access their outbuildings positioned opposite their properties. The properties are in constant use as utility rooms and garages. The doors of the buildings are open for much of the day.
- There is an agricultural right of way which is rarely used and doesn't affect residents.
- The new property would cause a complete change to the current lifestyle enjoyed by the residents of Bishops Court.

Access to Netherclay

- The access is a problem and an SCC Small Improvement Scheme is being investigated to address the various issues. More vehicles accessing Netherclay will only worsen the problem.
- Access onto Netherclay is difficult, if not dangerous.
- The proposed dwelling may potentially generate $\frac{3}{4}$ vehicles, plus those visiting, resulting in a lot of additional pressure on the existing brick courtyard and the dangerous junction onto Netherclay.

Building works

- It is hard to see how the large building vehicles will gain access to the site. It is only 1.8m wide coming from Silk Mills and narrow through the village. Building work will cause chaos and inconvenience.
- The brick courtyard would not be able to stand up to the heavy vehicles.

Parsonage Court

- The well thought out objections of Parsonage Court residents are fully supported.

17 letters of **objection** raising the following comments: (to 16.10.2017)

- Wildlife habitat will be adversely affected. It forms part of the River Tone Wildlife corridor.
- The proposal is too large and too tall.
- The proposal would be another bite into the green wedge. It would not 'enhance the character of the green wedge and help improve biodiversity' as suggested in the application.
- The site remains part of a special landscape feature.
- The proposal will reduce privacy and light to Hill Terrace.
- There may be a detrimental effect on traffic and parking on Netherclay.
- Parsonage Court is a complex for elderly residents who live here because of its peaceful and clean environment.
- Views from Parsonage Court would be lost.
- Dust and pollution will affect residents' health. Several residents suffer from COPD.
- Some resident's homes are only 5m from the boundary. Living rooms overlook the site. Additional trees would reduce light entering their property.
- The loss of outlook would be detrimental to elderly residents' health.
- The planned turning area is little more than 10m from residents' homes.
- There will be noise and disturbance from the use of the site, especially as the proposed driveway surface is compacted stone.
- Car maintenance work or use of power tools within the garage would be disturbing to neighbouring residents.
- Smoke from log burners (if installed) would be blow into neighbouring properties.
- The greenbelt should protect the village and provide an undisturbed corridor for wildlife.
- Once the change from agricultural land is approved the plans could be changed to be for more dwellings.
- The access to buildings within Bishop's Court has been designed as a private courtyard rather than a thoroughfare. This is a safe environment, utility buildings and outbuildings open out onto the courtyard. Children and pets are regularly present.
- 7 properties already use the poor access onto Netherclay. Increased traffic will increase the likelihood of an accident.
- The drive to the site is not visible from the parking spaces at 1 Bishops Court.

- Proposed hedge planting across the entrance to the garden to 1 Bishops Court is not acceptable.
- Not all accidents are recorded on the Crash Map database that the applicant has used to demonstrate that Netherclay is safe.
- Netherclay Lane is narrow with parked cars and no pavements making working the village difficult.
- The previous new dwelling in Parsonage Drive is different and cannot be used as a precedent.
- The courtyard at Bishops Court has been recently repaired and should not be damaged again.
- Laying of services across the courtyard would cause significant disruption to Bishops Court residents.
- There is an access path over the land to the rear of Bishops Court, which is not shown on the application drawings.

1 letter of comment

The developer should be required to contribute to repair and maintenance of the lane and rectify damage caused by construction works.

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.

CP4 - Housing,
 CP8 - Environment,
 DM1 - General requirements,
 A1 - Parking requirements,
 SB1 - Settlement boundaries,
 ENV1 - Protection of trees, woodland, orchards, and hedgerow,
 ENV4 - Archaeology,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.

Proposed dwelling measures approx. 260sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £32,500.00. With index linking this increases to approximately £39,500.00.

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	£1,079
Somerset County Council	£270

6 Year Payment

Taunton Deane Borough	£6,474
Somerset County Council	£1,619

Determining issues and considerations

The main considerations with this proposal are the principle of development, the impact on highway safety, wildlife and public amenity.

The site lies within the settlement limit of the village, a sustainable location, and while it is an existing field the principle of some form of development here is considered acceptable. The site also is within the edge of the green wedge, and while policy seeks to maintain the open character of such areas, policy CP8 seeks to protect land outside of settlement boundaries. The site is well defined and the provision of a single dwelling here in the settlement limit is not considered to harm the openness of the green wedge. The site does not lie within the Special Landscape feature.

The access to the site is over an existing private lane which already serves a number of dwellings. The utilisation of the access is a private matter and not a reason to object to the development. While an additional dwelling would add further traffic using the lane this is not considered significant in terms of safety given the existing use levels by seven properties and the re-use of an agricultural access. The access onto the Netherclay road has recently been improved with junction improvements as a result of a new dwelling and consequently the visibility available is considered adequate to serve the provision of a single dwelling. Adequate parking and turning is provided on site to meet the necessary standard of policy A1 and the highway matters are considered suitable to serve the development.

The applicant has submitted a wildlife survey which indicates that there are no protected species directly affected by the proposal. A mitigation scheme is proposed and would be a condition of any approval as would the landscaping. The proposed landscaping scheme submitted will enhance biodiversity as well as mitigating the impact of the new dwelling in landscape terms.

The development will be visible from surrounding properties and so will impact on the visual amenity of the area. However the design of the property ensures that there will be no adverse overlooking with the main first floor windows serving a bedroom looking west. The site lies to the north and at a lower level than Hill Terrace and will not impact on privacy and light. There is no right to a view and the fact that existing properties can see the site is not a reason to refuse the scheme. Any disturbance during construction is not considered sufficient reason to object to the development.

In summary the development of a single dwelling is considered to be a rounding off of development within the settlement limit. It would not cause significant harm to the landscape, highway safety, wildlife or amenity and is recommended for approval.

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