

48/16/0071

THE MONKTON HEATHFIELD CONSORTIUM

Variation of Condition No 01 (Approved Plans) and Condition No 05 (Time limits for boundary treatments/cycleway/footpaths) of application 48/15/0027 on land to the East of Bridgwater Road, Monkton Heathfield

Location: STREET RECORD, BISHOPS CLOSE, BATHPOOL, TAUNTON

Grid Reference: 326024.126781

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:

BR101 rev D Location and Block Plan
30814_LL(90)01 rev K proposed site plan
AP(00)03 Ground Floor Plan
AP(00)04 Elevations Sheet 1/2
AP(00)05 Elevations Sheet 2/2
AP(00)07 Sections
AP(00)20 Rev A Site Sections
30814_LL(90)04 rev C Fences and Gates
30814_LL(90)06 rev H Landscape Materials plan1/2
30814_LP(00)07 Rev C Landscape Materials Plan 2/2
30814_Y(90)_01_P2 Planting schedule
30814_LP(00)02 Rev C Proposed Boundary fence
30814_LP(90)003 Rev G Boundary Treatment Plan
39814_LL(90)102 rev C Monkton Heathfield Primary School
30814_LP(00)008 Rev A Sprinkler Tank and Bin Store Enclosure
2152 PO3 section 38 - Cyclepath and Footway
2151 - Cyclepath and Footway long sections
C-01 Rev P6 Drainage Strategy 1/2
C-02 Rev P6 Drainage Strategy 2/2

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

2. The proposed flame retardant acoustic fence shall be constructed in accordance with the details hereby permitted within 1 month of the date of this permission and shall be maintained as such thereafter. Any damaged or defective fence panels shall be replaced within 2 weeks of identification with fence panels of the same specification in all respects.

In order to ensure that the proposed fence is erected and maintained in a fully functional state as approved in the interests of the security and amenity of neighbouring occupants.

3. Within 1 month of the date of this permission a maintenance schedule for the fence shall be submitted to and approved in writing by the Local Planning Authority and the fence shall thereafter be maintained in strict accordance with the approved schedule.

Reason : To ensure that the fence is properly maintained and functional at all times.

Notes to Applicant

Proposal

The planning application seeks to amend two planning conditions, 01 and 05 attached to the permission for the new primary school and footpath/cycleway at Bathpool, Monkton Heathfield. Condition 01 lists all of the approved plans associated with the permission. The current proposal, if approved, would amend the details of the boundary treatment shown on the approved plans and hence the list of the approved plans with those details on would need to be amended accordingly.

48/15/0027 – Condition 05

“Within 2 months of the date of this permission full details of the proposed footpath cycle link lying at the north of the site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include proposed route and construction of the path, lighting, landscaping and boundary treatments (**In particular the wall boundary treatment adjacent to 154A Bridgwater Road**). Prior to the commencement in the use of the primary school the approved footpath/cycleway, including all boundary treatments, shall be provided in strict accordance with the approved details and shall thereafter be maintained as such.

Reason: To ensure that a comprehensive footpath cycleway network is provided to enable sustainable links to the primary school with an acceptable impact on the amenity and security of the neighbouring residents in accordance with Taunton Deane Core Strategy policies SS1 and DM1”

The detail of a 3m high boundary wall was subsequently submitted and approved.

This proposal is to replace the approved brick wall with the erection of a 3m high acoustic fence. The fence would be located abutting the utility poles and extend further along the northern boundary of the site (42m) and reduce any gap between the new and existing boundary.

Site Description

The site is located along the northern side of the new public cycleway/ footpath which is to the north of the new primary school along the A38 at West Monkton. To the north of the site lie the existing residential properties of 154 and 154a Bridgwater Road. 154 Bridgwater Road is built at right angles to the cycleway/ footpath and fronts onto the main former A38 highway. There is a shared access driveway

between the boundary and the dwelling with a separate private garden to the rear. 154a Bridgwater Road is located to the east (rear) of that private garden. It has been designed as a single aspect dwelling which faces south, towards the boundary which is the subject of this application. There is currently approximately 10m between the dwelling and its southern hedge boundary.

Relevant Planning History

48/16/0027- Application for approval of reserved matters following outline application 48/05/0072 for the erection of a 420 place primary school, incorporating a nursery facility with associated landscaping, access and parking and community facilities on land east of Bridgwater Road, Monkton Heathfield conditional permission granted 4th Dec 2015.

Consultation Responses

WEST MONKTON PARISH COUNCIL - Support the proposal.

SCC - TRANSPORT DEVELOPMENT GROUP - Having reviewed the revised plans the Highway Authority have no objection in principle to the variation of conditions and the amendments to the proposed wall to Acoustic Fence.

As this fence will run alongside the adopted footway/cycleway the Highway Authority have issued the scheme drawings to "structures" to comment, when these comments are received I will issue them directly.

Providing the wall is provided and maintained in line with the SCC procedures, I do not envisage there be a fundamental problem.

With regard to the change in delivery time scales as the time has passed this variation is considered acceptable on this occasion.

SCC - CHIEF EDUCATION OFFICER - no comment received

WESSEX WATER - No comment received

POLICE ARCHITECTURAL LIAISON OFFICER - I have no objection to the proposed variation.

1. The proposed 3 metre high wooden acoustic fence exceeds the height normally recommended for side/rear boundary protection for domestic dwellings, which is 1.8 metres or 2.00 metres plus where it immediately abuts a public footpath, as in this case.

2. The thickness of the T & G boards making up the fence i.e. 32mm also exceeds the thickness normally recommended, which is 15mm minimum .

3. The flame retardant finish to the panels is recommended.

4. The panels will be flush on the outside, which is also recommended, to avoid any footholds for climbing. In my view, such panels would also prove more difficult to climb than a wall.

5. The fence extends beyond the boundary of 154A Bridgwater Road in both directions, which should also improve privacy for the occupants.

6. The galvanised metal posts proposed appear suitable and the method of fixing between the panels and posts should create a secure mechanical bond, so that

panels cannot be easily removed. The fixings should also be galvanised or stainless steel with a design life to match the timber components.

7. The footpath/cycleway has street lighting which is a good deterrent.

8. The existing hedge along the boundary of 154A will also act as a deterrent if left in situ.

CHIEF FIRE OFFICER - DEVON & SOMERSET FIRE RESCUE -

LEISURE DEVELOPMENT - no comment to make

LANDSCAPE - No landscape objection

ENVIRONMENT AGENCY - No comment received

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - I note that the application is to vary the proposal to build a 3m high brick wall at the boundary of 154A Bridgwater Road and to build a 3m high acoustic fence instead.

An acoustic report has been submitted with the application (Acoustic Consultants Limited, 5 October 2016) which compares the proposals for a brick wall and an acoustic fence. The report states that, as the two methods of construction are of a certain density, they will give an equivalent performance; therefore it would be the height, width and location of the barrier that would determine the overall acoustic performance.

The report does include computer modelling to compare the acoustic performance of the brick wall and the proposed acoustic fence, which found very little difference between the two proposals, although the fence could result in slightly lower levels.

I can accept that as long as a barrier is made of material of a certain density then a change in the material used will not make a difference to the performance of the barrier. A 3m high acoustic fence, 32mm thick, would provide a very similar performance to a 3m high brick barrier. Therefore, Environmental Health do not object to the scheme proposed by the applicant.

The performance may be improved by widening the barrier, or making it higher. However, in any of these situations noise will still go around or over a barrier.

Representations Received

2 letters of representation have been received raising the following objections to the proposed boundary fence:

- A 3 m high brick wall as the boundary treatment between our property and the school/footpath/cycleway, was part of the planning permission, as requested from the beginning.
- An acoustic timber fence as not acceptable to neighbouring residents
- Whilst it was agreed that the noise impact was not an issue for residents of 154a Bridgwater road, the developer suggest that the proposed acoustic fence (closer to the boundary and an extended length) will cut down any noise impact from the school and footpath",
- Why haven't 154 Bridgewater Road and Brittons Ash residents been shown the same consideration

- The fence would be erected on the south side of the utility poles (which are situated close to our boundary) and that the fence panels adjacent to the poles would have to be removable in nature in order that they could be accessed for any necessary maintenance works. This will result in an unsecure boundary which is unacceptable
- Title deeds would need to be altered to include this agreement which could have a negative impact should we wish to sell our property in the future.
- Having had time to reconsider the situation we were prepared to give up our own land for the wall to be erected, thus enabling room to accommodate the necessary footings but the proposal does not do this.
- Noise – we disagree that a fence would be better than a wall and if there is no difference between the two we request a wall as agreed previously
- Security - we are prepared for the wall to be sited on our own land and would not intend to leave a gap where the wall ends but would make sure it is adjoined to our other boundary structures to ensure that our property is fully secured and non-accessible.
- Removable panels are certainly not accepted.
- Our intention is to erect garden trellis onto the boundary and train plants up it to try to replace the once natural outlook we used to enjoy, thus access to maintain the utility poles by removing the panels would not be possible. A timber fence would not be so supportive to trellis and climbing shrubs as a wall would be and it would be a non-permanent structure needing to be replaced, thereby destroying any planting.
- Privacy With the panels intended to be removable, our privacy would be compromised.
- Amenity a timber fence would not be a more amenable proposal than a wall. What is provided at Brittons Ash is not relevant. In the application for the school, Stride Treglown stated that a red brick wall would compliment the school walls so why has this changed?
- Maintenance of the hedgerow would not be necessary as the hedge was recently flailed and is virtually non-existent and ruined. The hedgerow can be removed to accommodate the wall, we certainly do not want workers accessing our property to maintain a hedgerow which we have looked after for over 15 years, compromising our security and privacy.
- It is our understanding that in order for a variation of a condition to be acceptable all parties have to be in agreement we are certainly not in agreement with a timber fence as opposed to the brick wall already granted.
- The Crime Prevention Design Advisor Referred to the recommendations of the “Secured by Design ‘New Homes 2016’”. He advised in point 6 of his Report that “the galvanised metal posts proposed appear suitable and the method of fixing between the panels and posts should create a secure mechanical bond, **“so that panels cannot be easily removed.”** Therefore this variation is not compliant with the stated “recommendations”.
- The West Monkton Parish Council has also recommended and supported a timber fence, even though Mr Cavill attended the meeting on 1 October 2016 at our property and was made clearly aware that we categorically objected to a timber fence. As our Parish Councillor and ourselves as his Parishioners, he did not (and never has) supported us, instead erring on the side of the Developer, it would appear. We believe this variation should be the subject of an Environmental Impact Assessment for the visual impact upon us, whether it be a wall or a timber fence, as this is an amendment to the original Planning Permission and the original Outline Application was subject to an EIA Report.

- The variation applied for is of no betterment or benefit to residents, only the betterment of the Developer.
- An environmental assessment should be provided for this proposal, particularly regarding the decibel levels from the noise generated from the school grounds.
- The applicant has provided no clear reason for the change of specification.
- 'Betterment' is peculiar, as a wooden fence is less secure, worse for noise reduction and worse for an increase privacy, than a brick wall.
- Stride Treglown's statement to match a fence the other side of the field and that the fence will cause less maintenance are completely ridiculous and inadequate
- Why was a wall requested here for noise but not to 154 Bridgewater Road?
- Mr & Mrs Morgan (154a) have agreed that some of their land can be used to construct the wall and it would seem a bit under-hand for the council to withdraw this from the planning permission,
- The planning department do not seem to recognise residents genuine concerns.
- We have proof that any structure of 3 metres will not be enough to prevent sound from penetrating into the home environments of property's that are adjoined to the school at the level described.
- Now the school is operational a comprehensive sound report should be carried out to give the residents an indication of the noise levels and inform the council of the type, height and length of structure that should be erected along the southern boundary of 154a Bridgewater Road.
- TDBC should carry out a full and impartial sound report using the correct dB criteria (ie LA (maxf)).
- We suggest that residents would want full assurance that the dB level will not exceed the limit suggested on the planning application. This could now be monitored on the actual 315 pupils that are at the school, together with the Nursery children and the remaining children 105 children that will join the school could be assessed pro-rata in the assessment.

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), saved policies of the Taunton Deane Local Plan (2004), 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. Policies from emerging plans are also listed; these are a material consideration.

DM1 - General requirements,
 D7 - Design quality,
 D8 - Safety,

Local finance considerations

Community Infrastructure Levy

The development of this site would not result in payment to the Council of CiL monies

New Homes Bonus

The development of this site would not result in payment to the Council of the New Homes Bonus.

Determining issues and considerations

In December 2015 planning permission was granted for the erection of a new primary school at Monkton Heathfield. The proposals included the provision of a new cycleway/ public footpath to the north of the school grounds to link the new development to the east with the local centre and secondary school to the west. Condition 05 of that permission was for the submission and approval of details of a boundary wall between 154a Bridgwater Road and the cycleway/ footpath. The boundary at that time was formed by a high hedge (a temporary fence has since been constructed along that boundary for security whilst this application is considered).

When looking in detail at the erection of the proposed wall the developer noted that there are two utilities poles located at the southwest and southeast of the boundary of 154a Bridgwater Road and as a result any wall construction must be a minimum of 1m either side of that boundary in order to give access for maintenance of the poles and wires. In addition the foundations for such a wall would need to be 900mm wide this resulted in the wall needing to be constructed away from the boundary leaving a gap between the two which was considered to be insecure.

A meeting was convened between the developer and the occupiers of 154a the occupiers to discuss the situation The residents stated that they wanted a wall to be constructed as approved and that they did not want a wall to be constructed along the line of the current hedge, to the north to the poles (their view on this has since changed) and finally they did not want a fence in the place of the proposed wall.

The developer has considered the treatment of the boundary and proposes the erection of a 3m high acoustic fence as an alternative to the approved wall.

The reason for the condition was to protect the amenity and security of the residents:

Amenity - If the fence is erected adjacent to the existing hedge boundary (as proposed) rather than replacing it, then the visual impact of the fence viewed from 154a Bridgwater Road would be minimised by the hedge.

Security - The supporting information suggests that the construction of an acoustic fence would provide greater security than the wall because 1) the fence could be sited much closer to the boundary as it could abut the utility poles (with demountable

fence panels adjacent to the poles) and reduce the gap between the wall and hedge which would be otherwise be created and could be misused. 2) The proposed fence would extend beyond the limits of the boundary with 154a Bridgwater Road and tie into the hedge line in a way that the approved wall could not and 3) its construction would leave a smooth surface preventing it being climbed to gain access over the fence. In respect of security considerations the Crime Prevention Officer has commented that he would normally expect a 2m high fence to be acceptable in such locations and has no objection to the current proposals.

The residents have subsequently requested that the wall is erected along their boundary replacing the existing hedge but this does not form the current proposal. In my opinion it would appear to have significant disadvantages : 1) security - it would leave the utility poles on the footpath/cycleway side of the boundary giving an opportunity for them to be climbed to gain access into the private amenity area contrary; 2) amenity - it would require the foundation to be constructed within their garden area and 1m away from the utility poles thereby forming a reduction in their amenity space between the dwelling and the footpath/cycleway

The 2 objection letters refer to the suitability of the wall to prevent noise between the school and the residential curtilage and property. In this regard it is important to remember that it was established by the existing planning permission that noise from the school would be audible at neighbouring residential properties. It also established that mitigation, in the form of boundary treatment and a restriction of hours of use would mitigate these impacts to a reasonable degree. The applicant has submitted a noise report with the planning application which asserts that both a 2.4m high acoustic fence and a 3m high acoustic fence would ensure a reasonable noise impact. Further the report confirms that there would be no discernable difference in the reduction of noise between a wall and acoustic fence (as proposed) on the estimated noise from the school. This point is confirmed by the Environmental Health Officer who raises no objection to the proposal.

It is proposed that the wall is treated with a fire retardant finish and to be regularly maintained by the management company that is being set up to maintain all of the open spaces. I recommend a condition to ensure that the fence is constructed in accordance with this and is thereafter maintained as such to ensure that this is the case into the future.

Whilst the visual impact of the proposed fence, when viewed from the footpath and cycleway, would be less satisfactory than that of a brick wall it is considered that the advantages in terms of security and noise are such that the proposal is considered to be acceptable.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Mrs J Moore