

14/15/0016

MR R PITMAN

**DEMOLITION OF DWELLING, GARAGE AND OUTBUILDINGS AND ERECTION OF 2 No DETACHED DWELLINGS EACH WITH DETACHED GARAGE AND ASSOCIATED WORKS AT 16 CROWN LANE, CREECH HEATHFIELD (AMENDED SCHEME TO 14/14/0060)**

Location: RUMAH MEMPHI, 16 CROWN LANE, CREECH HEATHFIELD,  
TAUNTON, TA3 5EU

Grid Reference: 327890.127274

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Subject to the receipt of no objection from the Drainage Engineer/SCC Flood Risk Manager: Conditional Approval

**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:

- (A4) Location Plan
- (A4) Existing Block Plan
- (A4) Existing Site Plan
- (A4) Proposed Block Plan
- (A4) Proposed Site Plan
- (A4) Proposed Floor plot 1 Plan
- (A4) Proposed Elevations Plot 1 Plan
- (A4) Proposed Floor Plot 2 Plan
- (A4) Proposed Elevations Plot 2 Plan
- (A4) Garage Floor & Elevations Plot 1 Plan
- (A4) Garage floor & elevations Plot2 Plan
- (A4) Existing Dwelling Elevations

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

3. No development shall take place until samples of the 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, 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. 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 Class A, B, C & 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 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. The area allocated for parking and turning on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with retained Policy M4 of the Taunton Deane Local Plan.

6. (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.

7. No site clearance works or vegetation removal shall take place between 1st

March and 31st July inclusive without the prior written approval of the Local Planning Authority.

Reason: To ensure that wild birds building or using their nests are protected.

8. The development hereby permitted shall not be commenced until details of a strategy to protect **wildlife** has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of a specialist **consultants** report, and include:
- A further bat activity survey to ascertain the usage of the site by bats. It shall be undertaken by an appropriately qualified person between May-October and use techniques and equipment appropriate to the circumstances;
  - A reptile mitigation survey to ascertain the usage of the site by reptiles. It shall be undertaken by an appropriately qualified person at an appropriate time of year and use techniques and equipment appropriate to the circumstances;
  - 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 any resting places and agreed accesses for the relevant **species** shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new **resting places** and related accesses **have** been fully implemented.

Reason: To protect and accommodate **wildlife** and their habitats.

9. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent discharge into nearby water courses in accordance with Policy CP1(C) 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 entered into pre-application discussions to enable the grant of planning permission.

2. The developer must agree a point of connection to the foul sewerage network with Wessex Water.
3. Any proposed works must not encroach on to the width of the public right of way to the west boundary of the site.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 357562.

## **PROPOSAL**

The proposal involves demolition of the existing bungalow and erection of two detached two storey dwellings. Each dwelling will scale 11.6m x 9.75m with a ridge height of 6.3m. The dwellings will be set back from the road, have a shared entrance with a detached garage plus two parking spaces to the front of each property. They will be a mirror image of each other, rendered with a tiled roof and the principle elevation will face the road to the west. A landscaping scheme has been submitted with the application which shows replacement landscaping along the roadside boundary.

## **SITE DESCRIPTION AND HISTORY**

The site comprises a detached bungalow which has been extended and altered over

the years. The property is accessed down a private lane which serves Crown Lane and Kendall Close.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*CREECH ST MICHAEL PARISH COUNCIL* - Creech St Michael parish council object to the erection of 2 dwellings at 16 Crown lane for the following reasons:

The design size and massive style particularly the roof line is not consistent with any other dwellings in the vicinity and does not respond to local character and history, or reflect the identity of local surroundings therefore detrimental to the street scene. We feel this is contrary to the Taunton Deane Core strategy and the NPPF and believe on balance this out ways the benefit of 2 new modern dwellings.

The application doesn't include details of the drainage system.

We invited the developers of this site to contact the parish council and work positively with us and the community with those directly affected to help resolve the poor design and find a design that works with the location in our comments on the previous application (14/14/0060) we are disappointed that the applicants decided not to work with us. This in its self goes against planning policy NPPF paragraph 66 We would like to recommend some additional parking for visitors and delivery's as there can be no parking on or obstructing of Crown Lane in any way. This part of Crown Lane is a public right of way (T10/14) if permission should be granted we ask the developer to create an area on the site to allow delivery vehicles to unload without obstructing Crown Lane.

And for info. There is a water course running from the north to the south through the site very close to the rear of the proposed development

NPPF Section 7 page 14 Requiring good design

#### Paragraph 56.

The government attaches great importance to the design of the built environment. A good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people

#### Paragraph 64.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and way it functions.

#### Paragraph 66.

Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community.

## TD CORE STRATEGY

### Policy DM4 6.25

Respect the amenity of its site and neighbouring area in terms of scale, height, layout, architectural style and materials and impact on highway safety  
Incorporate high-quality architecture that respects its context.

### 6.26

In line with the NPPF, the council will seek to secure attractive and well-designed development that will deliver its vision for the borough. Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. It is also important to 'design out' crime and the principles set down in the UK Police initiative, "secured by design", should be incorporated into development proposals.

Again we urge the developers of this site to contact the parish council and work positively with us and the community with those directly affected to help resolve the poor design and find a design that works with the location.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Comments as follows:

The site lies on Crown Lane an unadopted section of road that serves a number of dwellings. The road is sub-standard and is unlikely to ever be adopted but may be sufficiently robust to serve as an access for the proposed development.

Because the road is unadopted, it is not possible to insist on too many changes or standards to be incorporated into the design. It is sensible to request that the necessary parking is provided. The site lies in Zone B as defined in the Somerset County Parking Strategy and for the 4 bedroom houses specified, the required parking is 3 spaces per dwelling which is reported in the application. The drawings appear to show a double garage and 2 spaces per dwelling but the spaces and garages are substandard in size. Garages should be 6 by 3 metres, internal dimensions, and double garages should be 6 by 6 metres. The length is so that an average car can be driven into the garage without hitting the back wall and the door can still be closed. The width is so that drivers can still get out of the car easily having driven in. Garages of less than this size cannot be considered parking spaces as they are more likely to be used as storage. The spaces in front of the garages are also substandard in length since extra length is needed in front of a garage to allow the door to be operated. There appears to be room to accommodate the changes without affecting the dwellings proposed.

In light of the above, the Highway Authority raises no objection to this application subject to the following conditions:-

The dwelling hereby permitted shall not be occupied until 3 parking spaces for each dwelling have been provided in a position approved by the Local Planning Authority. The said spaces and access thereto shall be properly consolidated and surfaced, and shall thereafter be kept clear of obstruction at all times and not used other than

for the parking of vehicles or for the purpose of access.

*SCC - RIGHTS OF WAY* - Comments as follows:

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs along the proposed access the site at the present time (footpath T 10/14). I have attached a plan for your information.

Any proposed works must not encroach on to the width of the footpath.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
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If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 357562.

*DRAINAGE ENGINEER* - No comments received.

*WESSEX WATER* - Comments as follows:

#### Water Supply and Waste Connections

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 [www.wessexwater.co.uk](http://www.wessexwater.co.uk).

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage

works commence. Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

### S105a Public Sewers

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 on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

*HERITAGE* - The existing bungalow is of low historic interest although there does appear to be buildings on the proposed development site shown on the 2<sup>nd</sup> edition OS Map of c.1900. I have no objection to its demolition on conservation grounds. The proposed development site is approx. 25m north of the Grade II listed Crown Inn. It is however noted that there is already a recent building between the listed building and the site and it is therefore unlikely that the proposed dwellings would adversely impact on the setting of this listed building.

I have no objections on conservation grounds.

*BIODIVERSITY* - Prior to demolition a further bat activity survey is required between May- October to enable a thorough assessment of bat activity on site. A reptile mitigation survey is required. Vegetation should only be removed outside of the bird nesting season.

*DIVERSIONS ORDER OFFICER* - The access route to the proposed development carries the public footpath T10/14. Subject to planning consent being granted adequate health and safety measures should be put in place during any construction and demolition works. Every effort should be made to avoid damaging the surface of the way.

### **Representations**

18 Letters of OBJECTION on grounds of:

- Crown Lane is privately owned;
- Residents have had to pay£13,000 recently for the update of the lane;
- There is no pavement;



- Need access for emergency vehicles;
- Crown Lane is already at capacity;
- No passing places for traffic;
- There is only three houses and four chalet bungalows in the lane;
- 95% of dwelling in the vicinity are bungalows;
- Two large detached houses are out of keeping with the surrounding area;
- A twin apex roof is out of keeping;
- The windows area is out of keeping;
- There is insufficient provision for vehicles;
- Site will no longer absorb surface water run-off;
- The fall of the mains drain is inadequate and gets easily blocked;
- There is no room to the rear of the dwellings for waste storage/disposal;
- There is limited public transport;
- Delivery vehicles are often too large and unable to turn;
- The proposal will set a precedent for future development;
- Construction traffic will cause traffic hold ups and erode road surface of the lane;
- We will not grant access consent for another dwelling;
- Dwellings will look out of place;
- Proposed dwelling heights are significantly higher than adjoining properties;
- Proposed garages are too small and the space between the two areas of hard standing is too narrow;
- The garages will visually dominate the street frontage;
- The houses will overlook the bungalow opposite;
- Detrimental visual effect upon the landscape;
- The existing drainage systems may not function with the additional homes;
- We will be adversely affected by demolition works and construction works and traffic;
- The houses will be built over the existing storm culvert;
- The development would be infill and set an unwelcome precedent;
- The development would have a negative impact upon the Grade II Listed Building nearby;
- The proposed density for the site is disproportionate;
- There is no street lighting.

A petition against the proposal, signed by the occupants of 33 houses, has been submitted;

- A new freehold property will not have a right of way over the Lane;
- the LPA cannot be satisfied that access to a new development in Crown Lane can be secured without signed agreement from each resident in Crown Lane and Kendall Close;
- Residents of Crown Lane would be within their rights to legally and /or prevent/stopping access to the proposed new dwelling via this route.

## **PLANNING POLICIES**

S5 - TDBCLP - North Curry Settlement Limits (HISTORIC),  
 ROW - Rights of Way,  
 EN12 - TDBCLP - Landscape Character Areas,

## **LOCAL FINANCE CONSIDERATIONS**

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 £28,625

The development of this site would result in payment to the Council of the New Homes Bonus.

#### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£1,079
Somerset County Council (Upper Tier Authority)	£ 270

#### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£6,474
Somerset County Council (Upper Tier Authority)	£1,619

### **DETERMINING ISSUES AND CONSIDERATIONS**

The application is a re-submission following withdrawal of the previous scheme for the erection of three dwellings.

The site is located within the settlement boundaries of Creech Heathfield. As such, the principle of replacing the existing dwelling and creating an additional dwelling is not contrary to Policy. The existing building is not Listed and the site is not within a conservation area.

To the south of the site is a single storey dwelling and then a two storey listed building. Beyond this there are some two storey dwellings facing on the eastern side of Crown Lane. To the north of the site is a two storey dwelling (No 18). To the west of Crown Lane the properties are predominantly single storey or chalet bungalows. It is considered that along this stretch of Crown Lane two storey properties will not be out of keeping. The position of the dwellings will follow the existing building line. In order to maintain a low ridge height the proposed dwellings will have a twin gabled roof. The proposed ridge will be 200mm lower than the adjoining property to the north and the listed building to the south. The dwelling opposite the site (No6), albeit single storey, is set at a higher ground level and has a ridge height 500mm higher than the proposed dwellings. The design, siting and massing of the proposed dwellings will not detract from the character and appearance of the surrounding area and there will be no adverse visual impact. The density of the development is typical of the existing properties in the area. There is an existing property separating the site from the nearby Listed building and the proposal is not likely to adversely affect the setting of the listed building.

There has been a lot of comments made within the representations received regarding the ownership of the lane and the increase in traffic along the lane. Crown Lane is privately owned, therefore access rights over the Lane are a civil matter and do not form part of the planning process. A planning approval will not provide an additional right of access over the lane. In terms of traffic generation the site is within

the settlement limits and there is considered to be no significant impact from one additional dwelling on the site. The plans show adequate parking and turning facilities for both dwellings. The access will replace the existing access , repositioned slightly to the south.

A public right of way runs along the west boundary to the site, of which the access will need to cross. Care must be taken not to damage or block the right of way. An informative may be added to the decision notice to ensure the applicant is aware of the correct procedures regarding the footpath. The proposed dwellings, once built, will not adversely affect users of the right of way.

There is some concern from surrounding residents that the site currently absorbs surface water run off from the road and that the proposal will affect the site's ability to do this. The Council has consulted Somerset County Council regarding drainage and flooding and is awaiting a response. However, a suitable condition will ensure details are submitted regarding the disposal of surface water run off and foul sewerage to ensure adequate measures are put in place.

The addition of one extra dwelling in a built up area would not require additional infrastructure such as street lighting. The proposal would be liable for CIL payments and as such the Parish Council may look to improve local facilities with their element of the payment.

There is some evidence of protected species using the site in the past. Additional surveys are required prior to commencement, along with suitable mitigation strategies to ensure wildlife protection.

There is considered to be no adverse impact upon the residential amenities of surrounding properties, in terms of loss of privacy or loss of light.

The application is recommended for Conditional Approval.

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

**CONTACT OFFICER: Ms F Wadsley Tel: 01823 356313**