

14/15/0027

MR R LAMB

**ERECTION OF 4 No DETACHED DWELLINGS WITH ASSOCIATED WORKS IN THE GARDEN TO THE REAR OF SOMERSBY LODGE, LANGALLER LANE, CREECH ST MICHAEL**

Location: SOMERSBY LODGE, LANGALLER LANE, CREECH ST MICHAEL,  
TAUNTON, TA2 8DA

Grid Reference: 326864.126933

Full Planning Permission

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## **Recommendation**

**Recommended decision: 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:

(A3) Dr No 3548/PL/09 Location Plan  
(A3) Dr No 3548/PL/08 Proposed Garage Elevations  
(A1) Dr No 3548/PL/07 Proposed elevations.sections (Plot 4)  
(A1) Dr No 3548/PL/06 Proposed elevations/sections (Plot 3)  
(A1) Dr No 3548/PL/05 Proposed elevations/sections (Plot 2)  
(A1) Dr No 3548/PL/04 Proposed elevations/sections (Plot 1)  
(A1) Dr No 3548/PL/03 Proposed first floor plans  
(A1) Dr No 3548/PL/02 Proposed ground floor plans  
(A1) Dr No 3548/PL/01 Site Layout/Roof Plan

(A1) DrNo 3548/PL/01 Rev A Site Layout/Roof Plan  
(A1) DrNo 3548/PL/02 Rev A Proposed Ground Floor Plans  
(A1) DrNo 3548 PL 03 Rev A Proposed First Floor Plan

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

3. Prior to the commencement of development full details of the surface water

drainage shall be submitted to and approved by in writing by the Local Planning Authority and shall thereafter be implemented as agreed.

Reason: In the interests of ensuring no risk of flooding elsewhere in accordance with policy CP8 of the Core Strategy.

4. No wall construction 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.

5. No development, excluding site works, shall begin until panels 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.

6. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the preservation of archaeological remains in accordance with Policy CP8 of the Taunton Deane Core Strategy, retained Policy EN23 of the Taunton Deane Local Plan and the relevant guidance in Section 12 of the National Planning Policy Framework.

7. The applicant shall undertake all the mitigation and enhancement measures detailed in sections 5 and 6 of Enviro- Plans Ecological Impact Assessment Report dated August 2015 and provide mitigation for birds as recommended.

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. 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. Thereafter the resting places and agreed

accesses for birds shall be permanently maintained.

Reason: To protect wildlife and accommodate breeding birds which are protected by law.

8. Details of the visibility splay across the site frontage shall be provided prior to occupation of any dwelling and thereafter maintained as agreed.

Reason: To provide sight lines at the access drive junction in the interests of highway safety.

9. The details of the surface treatment to the access road and driveways shall be submitted to and agreed in writing by the Local Planning Authority before being brought into use and shall thereafter be carried out as agreed.

Reason: In the interests of highway safety.

10. The proposed estate road, footpaths, paving, verges, junction, lighting, drains, surface water outfall, vehicle overhang margins and gradients where applicable, shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins.

Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport.

11. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Core Strategy Policy DM1.

12. Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works should be hand dug and no roots larger than 20mm in diameter should be severed without first notifying the Local Planning

Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.

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

Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).

The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

3. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning 01823 355645. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

The developer should be aware that there may be private services in the verge to be crossed to gain access to the site which may not show up on any of the usual service enquiries and therefore special care should be taken prior to any excavation in the verge and it is recommended that all initial excavation is carried out by hand.

## Proposal

The proposal is to erect 4 dwellings and garaging within the side and rear garden of

Somersby Lodge with the formation of a new access road/drive.

The application is accompanied by a tree report, ecological survey, planning statement and a heritage statement.

## Site Description

The site consists of a garden to the existing property which has a hard court tennis court, is largely otherwise grass and is screened along the boundaries by well established trees. There are a group of trees covered by a TPO along the boundary with the Lane. The site lies within the settlement limit identified within the Core Strategy.

## Consultation Responses

*CREECH ST MICHAEL PARISH COUNCIL* – Comments as follows:

The PC is aware that it needs to give its observations based on planning reasons but it has formed the view that there are no such grounds it can make on the particular application.

Having said this is a high quality location and the PC expects any buildings permitted to be of character and merit to sit aside existing.

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

Despite there being no speed survey data submitted with the application the visibility available from the access is considered acceptable based on the observed vehicle speeds on this part of the highway network. There are no capacity issues at any junctions likely to be affected by the traffic generated by the proposed development. Parking provision for the proposed dwellings is acceptable. The road is intended to be adopted and whilst this is unlikely to be a problem the applicant is advised to discuss their proposals with the Estate Roads Team at their earliest convenience to avoid problems later in the adoption process.

The recorded personal injury accident at the entrance to Langaller Farm is not considered indicative of a severe highway safety problem on this part of the network.

In the event of permission being granted, I would recommend that the following condition(s) is/are imposed:-

*Before the dwellings hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.*

*Provision shall be made within the site for the disposal of surface water so as to*

*prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before any part of the development is brought into beneficial use and thereafter maintained at all times.*

*The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.*

*There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level forward of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to the extremities of the site frontage. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.*

*The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.*

*I would also be grateful if you could add the following note to any decision notice: Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning 01823 355645. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.*

*The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.*

**DRAINAGE ENGINEER – Comments as follows:**

*It is proposed to dispose of surface water to soakaways and this is acceptable but these should be designed and constructed in accordance with Building Research Digest 365 following in situ testing and made a condition of any approval. However, I am concerned that the site topography will result in the new access creating a flow path for surface water that will be directed towards an existing property in Langaller Lane, adding to the existing surface water problems. The properties in the development will not be at risk but the development could increase flood risk to others, contrary to NPPF p103.*

*I would be happy with a condition requiring the full details of the surface water drainage to be submitted to and approved by the LPA prior to commencement. My main concern relates to the access and the potential for this to direct runoff towards an existing property, the drainage of this will require careful design.*

*WESSEX WATER* – Comments as follows:

New water supply 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).

*SOMERSET COUNTY COUNCIL ARCHAEOLOGIST* – Comments as follows:

The site lies in an area which contains a rich variety of archaeological remains. These range from a group of undated crop mark enclosures to the north to a series of late Neolithic/Early Bronze Age and Romano-British features to the south west, which were identified during a recent evaluation. For this reason I recommend that the developer be required to carry out archaeological investigations and provide a report on any discoveries made as indicated in the NPPF (para 141). This should be secured by the use of model condition 55 attached to any permission granted.

*BIODIVERSITY* – Comments as follows:

The site consists of semi-improved grassland, tall ruderal vegetation, scattered mature trees, isolated buildings and a hard surface tennis court. An Ecological Impact Assessment was carried out in August 2015.

Findings were as follows:

#### *Birds*

Habitats within the site have potential to support nesting birds, although no active nests were found during the survey.

Removal of vegetation should take place outside of the bird nesting season. I support the proposal to erect bird boxes.

#### *Bats*

A full inspection of the buildings on site did not reveal any evidence that the buildings were being used by roosting bats. Trees on site did not appear to have any features suitable for roosting bats. The site however is likely to be used by foraging / commuting bats

I agree that a precautionary approach to demolition of buildings should be taken.

#### *Badgers*

The surveyor found no field signs of badger

#### *Reptiles*

The site provides some potential cover and basking opportunities for reptiles but the

surveyor considered it unlikely that reptiles would be affected by the proposal.

Suggest condition for protected species and informative note.

*HERITAGE* – Comments as follows:

My initial thoughts are that although it is not a Conservation Area, Langaller comprises almost completely of historic buildings and is unusual in that the C19 layout of the settlement survives intact. Langaller House and Langaller Cottage are listed buildings and are very close to the proposed development site.

I have read the Heritage Statement in support of the above application and can confirm that it satisfies the requirements of paragraph 128 of the NPPF in respect of the historic built environment.

The development would cause harm to the setting of the listed buildings, but as the listed buildings do not appear to have a direct relationship with the proposed development site, I would regard this harm as being less than substantial. If, in line with paragraph 134 of the NPPF, the benefits set out in the statement are deemed to outweigh this harm, I would suggest the site is adequately screened with a native hedge (perhaps in combination with a stone wall, as found in other locations in the hamlet), on its southern and western sides, to minimise the impact.

*LANDSCAPE* – Comments as follows:

Due to the existing vegetation and large trees surrounding the site the new houses will be well screened. Several trees on site are covered by a TPO, so a tree report has been submitted with the application. I support the findings of the report and have no objection to the limited tree felling.

## **Representations Received**

Ward Members object on the grounds of:

- The narrowness of the lane.
- The access to the proposed site onto the lane.
- The height of the ground on the site as this is approximate 5ft higher than the lane.
- Due to surface water running out of the site onto the lane which already gets flooded, this is in a flooded area anyway and will cause more stress on the properties that already have to protect their homes with.
- 80% of the houses are grade listed and the new properties will not be in keeping with the area.
- On these grounds alone we would ask the Officers to object this planning application.

4 letters of **objection** on grounds of:



- increase in traffic,
- 4 dwellings almost doubles size of hamlet,
- 4 dwellings excessive, 2 acceptable,
- lane is narrow and access would seem inappropriate and dangerous,
- inadequate visibility,
- access should be via Core Strategy allocation SS1,
- increase in traffic noise,
- loss of protected tree,
- buildings will have a detrimental impact visually,
- loss of greenspace and wildlife impact,
- risk of surface water flooding,
- heritage statement does not make its case and development will compromise setting of the listed buildings,
- increase in risk to damage to listed building,

## **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.

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,  
 SS1 - TD CORE STRATEGY MONKTON HEATHFIELD,  
 M4 - TDBCLP - Residential Parking Provision,

## **Local finance considerations**

### **Community Infrastructure Levy**

The approximate CIL liability (to the nearest £500) would be £56,000 based on a residential rate of £70 per sqm.

### **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 Council	£4316
Somerset County Council	£1079

#### *6 Year Payment*

Taunton Deane Borough Council	£25,898
Somerset County Council	£6474

## **Determining issues and considerations**

The main issues for consideration with the development are the location, impact on the setting of the listed building, highway safety, amenity impact and impacts on landscape, drainage, wildlife and archaeology.

The site forms part of a large garden of an existing property that lies within the development boundary for Taunton. The land to the north is identified as part of the Strategic allocation SS1 for Monkton Heathfield in the Core Strategy. Consequently the principle of the development here is considered to be acceptable, subject to other constraints.

### **Heritage**

The proposed site lies opposite the grade II listed Langaller House which lies adjacent to the narrow road. The proposed access would result in the loss of existing vegetation and open up a drive directly opposite the listed property that is considered to impact and detract from its current rural setting. A heritage statement has now been submitted with the application and the impact of the development has been addressed. The Conservation Officer considers the development to cause less than substantial harm to the setting, and in line with paragraph 134 of the NPPF the benefits of providing 4 dwellings are considered to add to the housing need and given that the site is well screened and within the settlement limit the benefits of the residential development are considered to outweigh the limited harm.

### **Highway Safety**

The new access is proposed to be 5m wide and access onto a lane that is currently around 4m wide. The Highway Authority raise no objection to the scheme and consider the access is suitable subject to conditions. There is considered adequate parking provision to meet the County parking standards and this is illustrated on the drawings and does not require an additional condition. Surface water drainage is to be addressed by a specific condition and the other conditions in terms of the estate road, visibility and surfacing details can be suitably conditioned and therefore proposed.

## **Amenity**

The site is well screened by existing trees some of which are covered by a TPO. A tree report has been submitted with the scheme and the main loss is a walnut that has previously suffered storm damage. The limited loss of trees on the site to develop the houses is considered acceptable by the Landscape Officer and not to be such an impact to harm the character of the area in general subject to protection of remaining trees during construction. The Ecological survey found nothing of note and subject to the general wildlife condition to secure habitat and enhance it the development is not considered to have an adverse impact on the wildlife or landscape character of the area.

## **Drainage**

The Officer of the Lead Flood Authority has raised concern over the potential impact of the new access creating a new flood route for surface water which could increase flood risk to others contrary to the NPPF para 103. The site is not in a flood risk zone and the disposal of surface water to soakaways as part of the development is considered acceptable subject to condition. It should also be possible to prevent surface water run off from the new access drive causing harm. The Lead Flood Authority has recognised this and the Drainage Officer has recommended a condition to secure appropriate details before work is commenced on site.

## **Other Matters**

The applicant has submitted a wildlife survey with the application. No protected species have been identified as being affected and the Biodiversity Officer has recommended a general wildlife condition to protect species and secure habitat and enhance it as well as an informative note. The development is not considered to have an adverse impact on the wildlife or landscape character of the area. The development would impact on archaeology, as recognised by the County Archaeologist, however a suitable condition could be imposed if all other matters were acceptable.

## **Conclusion**

In summary the scheme as submitted would provide 4 dwellings set behind an established tree screen to the lane and the main issue is the impact on the setting of the adjacent listed building. While the Conservation Officer considers there will be an impact, advice is that this is not so severe to warrant refusal of the development. Other issues such as drainage, ecology and archaeology can be addressed by suitable conditions, however ultimately the benefits of the scheme of 4 dwellings are considered to outweigh the limited harm to the historic asset and the application 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**