

30/16/0029

MR & MRS BRAMSTONE

Erection of a detached dwelling with associated works to incorporate a change of use of part of the agricultural field to domestic garden on land to the rear and side of The Stonehouse, Sellicks Green, Pitminster

Location: THE STONEHOUSE, SELLICKS GREEN, PITMINSTER, TAUNTON,
TA3 7SD

Grid Reference: 321246.118984

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 1514 - PL01A Site Location
- (A3) DrNo 1514 - PL03A Site Layout
- (A3) DrNo 1514 - PL13A South Elevation
- (A3) DrNo 1514 - PL12A North Elevation
- (A3) DrNo 1514 - PL11A East Elevation
- (A3) DrNo 1514 - PL10A West Elevation
- (A3) DrNo 1514 - PL09A First Floor Plan
- (A3) DrNo 1514 - PL08A Ground Floor Plan
- (A3) DrNo 1514 - PL07A Basement Plan
- (A3) DrNo 1514 - PL16 Roof Plan
- (A3) DrNo 1514 - PL14A Elevation and Section
- (A3) DrNo 1514 - PL20 East Elevation Section from Field
- (A3) DrNo 1514 - PL06A Section BB
- (A3) DrNo 1514 - PL05A Section AA

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

3. No construction of the exterior of the dwelling 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.

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. (i) Before the dwelling hereby approved is occupied, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. The area allocated for parking on the submitted plans shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

6. The parking spaces hereby permitted shall be surfaced in permeable materials (not loose stone or gravel) and provision shall be made for the disposal of surface water within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the dwelling to which it relates and shall thereafter be retained as such.

Reason: To reduce the risk of off-site flooding in accordance with Section 10 of the National Planning Policy Framework.

7. The applicant shall undertake all the recommendations made in Richard Green's Ecological assessment report dated January 2016, and provide mitigation for bats 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 bat roosts and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To protect bats.

8. Prior to the commencement of development, other than demolition, the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:

(a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

(b) If the report indicates that contamination may be present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

(c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development, in accordance with Taunton Deane Core Strategy Policy DM1(f) and paragraphs 120-122 of the National Planning Policy Framework.

9. 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), there shall be no addition or extension to the building without the further grant of planning permission.

Reason: To ensure that the proposed development does not harm the character and appearance of the area or neighbours in accordance with Policy DM1 of the Taunton Deane Core Strategy.

10. 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), there shall be no further building, structure or other enclosure constructed or placed on the site 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.

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. With regard to the adjoining public footpath: -

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.
- 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) 483069.

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

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.

4. Please be aware that comments received have identified that an area near to the site was once used as a garage. You are advised to take care during construction for any disused fuel tanks that may be present.

Proposal

The proposal comprises the erection of a new dwelling to the side of Stonehouse and the change of use of agricultural land to domestic curtilage. Off road parking is proposed. The proposed dwelling has a modern design with two components connected by a flat roof section; the two components have a sloping roof that does not meet in the centre. The dwelling will be constructed/finished with render, timber cladding, stonework and a grey metal roof.

The extended domestic curtilage will run along the rear of the proposed dwelling and The Stonehouse.

To allow access for the dwelling, the existing garage for The Stonehouse will be demolished.

The application is an amended scheme to a previous application that was withdrawn, mainly altering the design of the dwelling, and reducing its size.

Site Description

The property lies within the village of Blagdon Hill and sits at an end of a small run of properties that are set back from the road with a layby and grass verge forward of the properties at this point. The rear of the property backs onto agricultural land and there is a public footpath adjoining the site; this forms the break between the site of The Stonehouse and the next property.

Relevant Planning History

30/16/0008 - Erection of dwelling to the side of The Stonehouse and change of use of land to domestic curtilage. The application was withdrawn.

Consultation Responses

PITMINSTER PARISH COUNCIL - Objection: -

- Despite reduction in height, still consider proposed dwelling too large for the site and too high in relation to adjoining property, which it will overlook.

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SCC - RIGHTS OF WAY - None received, comments from 30/16/0008: -

I can confirm that there are public rights of way (PROW) recorded on the Definitive Map that abuts the site at the present time (footpath T 21/55). 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)
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SCC - TRANSPORT DEVELOPMENT GROUP -

See Standing Advice.

DIVERSIONS ORDER OFFICER - Mr Edwards -

The public footpath T21/55 abuts the proposed development and does not affect it per se. However, adequate Health and Safety measures should be put in place advising users of the footpath should this application be approved.

BIODIVERSITY - Comments from 30/16/0008 apply: -

The proposal is for the erection of a detached dwelling with associated works on land adjacent to The Stonehouse, Sellicks Green, Pitminster.

Richard Green carried out an Ecological Assessment of the site in January 2016.

The site is approximately 0.12 ha consisting of a house (unaffected by the proposal) with a garage (to be demolished), amenity grassland, exotic shrubs and species poor hedgerows

Findings were as follows

Birds

Birds are likely to nest in vegetation on site. No removal of vegetation should take place within the bird nesting season.

Bats

The desk study revealed that four EPS licences have been granted within 2 km of the site. However the survey found no evidence of bats within the garage. However

I agree that the roof of the garage and the waney edge should be removed with caution.

Trees and hedges within and bordering the site are likely to be used by foraging bats. No trees on site were identified as having bat roosting potential. I support the provision of a bat roosting tube in the new dwelling.

Reptiles

The site has low potential for reptiles. However I agree that the amenity grass should continue to be managed to maintain a low sward height

Condition for protected species:

The applicant shall undertake all the recommendations made in Richard Green's Ecological assessment report dated January 2016, and provide mitigation for bats 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 bat roosts and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: to protect breeding birds.

Informative Note

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

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.

WESSEX WATER -

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.

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.

DRAINAGE ENGINEER -

The application falls below the requirement for LLFA statutory consultation.

LANDSCAPE - Proposed dwelling too large for plot; would not like to see the domestic curtilage extended further into the open countryside.

Representations Received

TWELVE LETTERS OF OBJECTION: -

- Outside of village envelope, part on agricultural land; creeping urbanization; precedent for other properties to extend gardens.
- Building too big to fit in with surroundings; disproportionate to existing properties/neighbours; set too far back beyond building line; sited on prominent corner; not suitable for Blackdown Hills village.
- Inappropriate design with metal roof and large area of glass.
- Overlooking from dwelling and balcony.
- Dwelling closer to Holly Bank than 30/16/0008.
- Car port removed, but house could be extended in the future and dwelling could be moved forward.
- New building in village should respect privacy, be in keeping with appearance of village.
- 'Pitminster Past & Present' booklet shows site previously used as garage with petrol pumps in roadside position to front of property - contamination should be investigated as to whether petrol tanks have been removed.
- Concerns with sewerage system overflowing.

THREE LETTERS OF SUPPORT: -

- No building or architectural theme running through village; no need to replicate a house from 1800; there is a need for houses of architectural merit and interest; design should be progressive and innovative; most properties individual in nature and design, no common style.
- Within Howleigh Lane there are properties made of stone, wood, brick, render, rubble, upvc, aluminium showing mix of properties over five centuries.
- Positive contribution to village and community.
- Property is infill, primarily in village envelope.
- Set back from road and would pose no access problems.

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.

SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
CP4 - TD CORE STRATEGY - HOUSING,
CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
A1 - Parking requirements,
D7 - Design quality,

Local finance considerations

Community Infrastructure Levy

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 £58,000.00. With index linking this increases to approximately £68,500.00.

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

Principle

The proposed dwelling would be sited within the curtilage of The Stonehouse, though an additional area of garden for the dwelling is outside of the curtilage and

requires a change of use. Other than this additional 9m projection of curtilage to the rear of the proposal, the site is within the settlement limits of Blagdon Hill.

Given the majority of the site is within the settlement limits; there would not be a significant encroachment of built form into the countryside; close proximity to the settlement of Blagdon Hill, where the principle of infill development is acceptable, in accordance with policy SP1 of the Taunton Deane Core Strategy, the principle of the proposed dwelling here, taking into account other considerations such as visual impact and recent approvals in the village, is considered acceptable in this instance.

Character and appearance

The proposed dwelling follows the linear pattern of development within this part of Blagdon Hill, continuing development from the north in West View to the detached property of Green Crest to the south. All of these properties have varying set backs from the road, with West View properties close to the road, and the properties of Hollybank and Matson set further back. The proposed dwelling itself is set back from the front of The Stone House, though the frontage of the property would be in line neighbouring property of Milestone. Whilst part of the proposed dwelling would be set further back than other nearby properties, this is considered to be acceptable as overall the dwelling follows the pattern of development and is therefore in keeping with the surrounding area.

The dwelling has been designed with two sloping roof elements that are adjoined by a lowered flat roof section in the middle. As such, the roof design retains elements of a traditional pitched roof. The dwelling faces towards the front of the site and is similar in width to other properties, slightly wider by incorporating a garage into the design, with accommodation above. The proposal respects the heights of adjoining properties, including The Stonehouse, where the proposed ridge height is only 0.675m higher, and this is at a distance of 24m away from The Stonehouse. The low sloping roof of the proposed dwelling, closest to The Stonehouse allows for sufficient space between properties so each dwelling is seen individually, rather than competing with each other.

The site will be lowered to accommodate part of the dwelling that would be at a lower ground level. This lowering of the site is not visible from the frontage of the property, so there is no increased in height of the building by accommodating this extra space.

The proposed dwelling is sited next to The Stonehouse, that is constructed in stone, and adjoins onto a more modern dwelling, that is finished in render. The proposed dwelling is of a modern design, incorporating a mixture of materials; natural stone lower wall, rendered walls, timber cladding, aluminium windows and a grey metal roof. Whilst these materials have not yet been used on many modern dwellings within the village, these materials are used throughout the village; the use of timber cladding can be seen close by, and the use of a metal roof has also been granted recently in Sellicks Green. Overall, there is no objection to the use of the proposed materials that are in keeping with the design of the dwelling.

Residential amenity

The proposed dwelling is sited: 22m from the end gable of the nearest property of Hollybank and 18m off the boundary (closest point). Whilst there are first floor windows, glazing and a recessed balcony to one of the bedrooms, given the angle of the adjoining property and the distance between these properties, there is not considered to be any detrimental overlooking or loss of privacy to warrant refusal of this application.

As the proposed dwelling is sited to the North East of Hollybank there is not considered to be any detrimental loss of light or shadowing.

Given the distance between the proposal and Hollybank, the orientation of Hollybank, and that there is a difference of 0.345m in the overall heights of the buildings, the proposed dwelling is not considered to be overbearing on any neighbouring properties.

Visual amenity

The site is bound by a hedgerow to the front and side of the site, and the rear of the site shares a boundary with the adjoining field. It is proposed to incorporate some of this field into domestic curtilage, projecting a distance of 9m. The new garden area would be enclosed by a hedge and permitted development rights would be removed to ensure no further buildings or structures would be placed on this land.

Given the extended curtilage is within a corner of a field and does not project out into the middle of the field, the extended curtilage is not considered to be detrimental to the visual amenity of the area.

The dwelling would be visible from the surrounding area, and from the public footpath. Though as the overall height of the dwelling is not significantly greater than the adjoining properties, and that the dwelling would be seen in the context of the other properties, it is considered the dwelling would not contribute any significant harm to the visual amenity of the area.

Highways

The proposed dwelling will utilize an existing underused access that served a garage to The Stonehouse, that will be demolished. The new dwelling has an attached double garage and there is sufficient space for parking and turning within the site. As the access to the garage is existing and this access adjoins the wide entrance to the public right of way, there is not considered to be any harm to users of the footpath. Furthermore, vehicles leaving the site would have visibility when leaving. Vehicles enter/leave the site via a layby/service road to a few properties, not the main highway.

Whilst the garage of The Stonehouse will be demolished, the property still has sufficient parking and turning.

Wildlife

The application was submitted with an Ecological Assessment that found no evidence of bats, birds or reptiles. Notwithstanding these findings, any vegetation should be removed outside of bird nesting season, and the garage roof and waney edge boarding should be removed with caution.

Other matters

Wessex Water, when previously commented, did not raise any concerns with the proposed dwelling or connection to Wessex systems.

The public footpath is sited outside of the site, and its current boundaries, and is unlikely to be affected by this proposal, an advisory note with the Rights of Way comments has been attached.

A condition requiring investigation into the previous use of the site has been included following comments received from the public concerning possible contamination.

Conclusion

The proposed dwelling can be accommodated within the extended site without harm to the visual or residential amenity of the area; the dwelling would be within the settlement boundary of Blagdon Hill and not within an isolated location. Design of the dwelling, though different to existing properties, is an acceptable modern addition to the village. The proposal is therefore considered acceptable 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 D Addicott