

26/17/0007

MR ILO

Erection of 1.8m high fence and replanting of native hedgerow along 55m of grass verge adjacent to 16 Farthings Close, Nynehead Hollow, Nynehead (retention of works already undertaken)

Location: 16 FARTHINGS CLOSE, NYNEHEAD HOLLOW, NYNEHEAD,
WELLINGTON, TA21 0BT

Grid Reference: 314680.123103 Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. Unless within 3 months of the date of this decision a landscaping scheme which shall include details of the species, siting and numbers to be planted, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 9 months of the local planning authority's approval, the use of the site the fencing hereby permitted shall be removed from the site until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within 6 months of the date of this decision, the fencing hereby permitted shall be removed from the site until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved landscaping scheme specified in this condition, the planting shall be protected and maintained in a healthy weed free condition and any plants that cease to grow shall be replaced by plants of similar size and species, or any other appropriate planting 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.

Notes to Applicant

- . In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

Proposal

This proposal is for the retention of 1.8 metre high close boarded fencing along a grass verge adjacent to a no-through, unclassified road named Blackdown View.

Site Description

Originally the boundary treatment inside the grass verge adjacent to 16 Farthings Close was mature hedging to an approximate height of 1 metre and approx. depth of 1 metre with approx. 1 metre of grass verge to the road, with an access gate approximately 2/3 of the way along the length of the boundary..

Relevant Planning History

26/17/0004 - Erection of 1.8m high fence to rear of 16 Farthings Close, Nynhead (retention of works already undertaken) – Refused for the following reason:

“The proposed fencing, due to its location, height and appearance, presents a detrimental addition to the street scene detracting from the rural character and visual amenity of the area contrary to Policy DM1d of the Taunton Deane Core Strategy 2011-2018.”

Consultation Responses

NYNEHEAD PARISH COUNCIL - Would like to see the position of the fence remain but reduced in height to 4' 6" (1.4 metres). A native species hedge planted against the fence on the verge so as to reduce the impact of the fence on the street scene and to reintroduce habitat for birds and wildlife.

SCC - TRANSPORT DEVELOPMENT GROUP - The proposed hedgerow to be planted, along its entire frontage will not encroach any part of highway land and shall thereafter be maintained clear of the highway boundary at all times.

Representations Received

8 representations have been received. 3 that **support** the development citing security, safety and privacy. 5 **objections** have been received citing:

- Loss of visual amenity; the fence is too high, is unsightly and not in keeping with the surroundings.
- Destruction of wildlife habitat.
- The fence has been erected over a Wessex Water manhole cover that is accessed occasionally for the purpose of clearing blockages to the houses in Blackdown View.

- The fence has been erected in such a position that land has been "annexed" leaving a narrower verge than before.
- Since the erection of the fence, maintenance of the grass verge and future planting has fallen to the residents of Blackdown View.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM1 - General requirements,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Not applicable.

New Homes Bonus

Not applicable.

Determining issues and considerations

The main issues in the determination of this application are the impact on visual and residential amenity.

A fence of more than 1 metre high has been erected adjacent to an unclassified no-through road without planning permission and in doing so approximately 50 metres of evergreen hedging was removed and an access to the rear garden of 16 Farthings Close was blocked up.

The blocking up of the access has not adversely impacted on the visual and residential amenity of the occupants of 16 Nynehead Close or of Blackdown View.

The loss of hedgerow has resulted in the loss of wildlife habitat and to mitigate this loss a replacement hedgerow has been proposed outside the fence. Somerset

County Council Transport Development Group have observed that there is a requirement for a 1 metre grass verge adjacent to the highway and although the proposed replanting of new hedgerow has not been shown not to encroach onto this highway verge, they do not object in principle, subject to the imposition of a suitable condition. However it has not been satisfactorily shown on any of the submitted drawings that there is enough space to accommodate a mature hedge while still leaving 1 metre grass verge of land between the fence and the highway to satisfy SCC Transport Development Group requirement. To this end, at the suggestion and approval of the Landscape Officer, a planting scheme proposing climbing plants grown at 2 metre intervals along the outside of the fence line has been shown to mitigate both the loss of wildlife habitat by providing plenty of vegetation, both deciduous and evergreen and the loss of visual amenity by providing year round cover and colour thus softening the appearance of the fence.

While the change in boundary treatment has impacted adversely on the visual amenity of some of the occupants of the dwellings in Blackdown View, it has also impacted adversely on their residential amenity in that the fence has been so positioned that it covers a Wessex Water manhole which serves their properties. This oversight means that any time Wessex Water wish or need to access the sewer they will have to request the occupants of 16 Farthings Close to lift a fence panel to enable access for works to be carried out. This however is a civil matter between the occupants of 16 Farthings Close and Wessex Water and cannot be conditioned by the Local Authority.

There have been objections raised around the issue of ownership of the strip of grass verge between the road edge and the fence. However the ownership of the land is not a planning issue and therefore cannot be clarified by a Planning condition. SCC Transport Development Group have requested that a 1 metre grass verge be retained between the fence and the road edge and while it cannot be satisfactorily shown that there is enough space for a hedge to grow to maturity, with the judicious planting of climbers this request can be satisfied.

The planting and maintenance of the proposed climbers against the retained fence has been conditioned for at least 5 years and thereafter, should the vegetation die or be removed, the fence must be removed. Therefore the responsibility for the maintenance of the planting would lie with the occupiers of 16 Farthings Close.

Since landscaping conditions can be imposed that would soften the appearance of the new fence, the proposal is considered to comply with Policy DM1 c. and d. of the TDBC Adopted Core Strategy 2011-2028 and is 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: Mrs M Pike