

14/09/0032

MR B CAMPBELL

**OUTLINE APPLICATION FOR THE ERECTION OF A DETACHED DWELLING AND GARAGE WITHIN THE GARDEN OF CHANTS, CREECH HEATHFIELD AS AMENDED BY EMAIL AND PLANS RECEIVED ON 28TH AUGUST 2009.**

327774.126783

Outline Planning Permission

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The application has been referred to the committee as the agent is related to a member of staff.

**PROPOSAL**

The proposal is for the erection of a detached dwelling to the rear of Chants, itself a detached dwelling. There are to be 2 points of access, one for the existing and one for the new property; these use the existing 2 points of access. The existing single garage to the side of Chants will be removed, and a new double garage is proposed for Chants, which will be sited to south of the house. It is proposed to use the existing double garage to the north of Chants for the new dwelling.

**SITE DESCRIPTION AND HISTORY**

The site is on the southern end of the development boundaries to the settlement of Creech Heathfield. There are several mature trees close to the boundaries of the site, and an established hedge fronting the highway. Planning permission has recently been granted for two new dwellings in the rear garden of Mallow, the dwelling to the north. This uses the agricultural access just to the north of that dwelling. History of Chants includes approvals for extension, use of office as ancillary accommodation, and conversion to 2 dwellings (1988). Refusals include change of use to office and conversion to surgery.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No objection subject to conditions.

The proposals include increased visibility.

*CREECH ST MICHAEL PARISH COUNCIL* - Supported

*HERITAGE AND LANDSCAPE OFFICER* - subject to some additional tree planting around the southern boundary of the detached dwelling, it should be possible to soften the impact of the proposed dwelling.

**Representations**

None received

**PLANNING POLICIES**

PPS3 - Housing,

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The site is within settlement limits, uses an existing access, which will be widened, with the other access (to the existing house) also being widened. The application is in outline, and can be designed such that there are no windows overlooking the approved dwelling in the garden of Mallow, or Chants itself. Both the existing and proposed dwellings will have garaging and parking spaces, and reasonable garden areas with established trees. There will be a requirement to provide additional tree planting on the southern boundary, and a new hedge or similar is required on the highway frontage, as the existing hedge will be removed to accomplish the visibility splays. There is no objection to the additional garage.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

## **RECOMMENDED CONDITION(S) (if applicable)**

1. Approval of the details of the layout, scale, appearance, and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of **three** years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

2. In this condition ‘retained tree’ means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of **5 years** from **the date of the occupation of the building for its permitted use**.
  - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:1989 (Tree Work)].
  - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size

and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

3. 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 5837:2005. 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 5837:2005.

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 Local Plan Policies S2 and EN8.

4. No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority.

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.

5. 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.

6. 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 location of the protective fencing, and shall specify the type of protective fencing, all in

accordance with BS5837:2005. Such fencing shall be erected prior to 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 figure 2 and 3 of BS5837:2005.

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 Local Plan Revised Deposit Policies S2 and NE8.

7.
  - (i) Before any part of the permitted development is commenced, 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 makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

8. The new dwelling shall not be occupied until the means of vehicular access has been constructed in accordance with the details shown on plan D4590/102B, hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

9. At the proposed access there shall be no obstruction to visibility greater than 900mm above adjoining road level within the visibility splays shown on the submitted plans (drawing no D4590/102). Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: To preserve sight lines at a junction and in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

10. The area allocated for 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.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

11. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order) (with or without modification), no window/dormer windows shall be installed in the northern elevation of the development hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of adjoining residents in accordance with Policy S1(E) of the Taunton Deane Local Plan.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only.

Reason: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the highway. In the interests of highway safety in accordance with Policy 49 of the Somerset and ENP Joint Structure Plan Review.

#### Notes for compliance

1. The landscaping required as part of condition 7 refers to the need to provide additional tree planting on the southern boundary and a hedge will be expected to replace that removed fronting the highway.
2. You are advised that the alteration of the access and/or minor works will involve construction works within the existing highway limits. Please contact Highway Service Manager Taunton Deane, 0845 345 9155.
3. According to Wessex Water records, there is a public foul sewer crossing to the east of the site. Wessex Water requires a minimum, three-metre, easement width on either side of its apparatus, for the purpose of maintenance and repair. Diversion or protection works may need to be agreed. There should be no planting within 6 metres of the sewer. The developer is required to protect the integrity of Wessex systems and must agree prior to the commencement of

works on site, any arrangements for the protection of infrastructure crossing the site. The developer must agree in writing prior to the commencement of works on site, any arrangements for the protection of our infrastructure crossing the site.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

**CONTACT OFFICER: Ms K Marlow Tel: 01823 356460**