

36/15/0009

MR & MRS G TURTON

**DEMOLITION OF DWELLING AND ERECTION OF REPLACEMENT DWELLING WITH GARAGE / WORKSHOP BUILDING AT DAWNLEA, GRIGGS HILL, STOKE ROAD, STOKE ST GREGORY**

Location: DAWNLEA, GRIGGS HILL, STOKE ROAD, STOKE ST GREGORY,  
TAUNTON, TA3 6JG

Grid Reference: 334461.12747

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

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:

(A4) DrNo 5045\_01 Location Plan  
(A3) DrNo 5045\_02 Existing Site Plan  
(A1) DrNo 5045\_03 Existing Dwelling to be Demolished  
(A1) DrNo 5045\_04 New Replacement Dwelling  
(A3) DrNo 5045\_05 Replacement Garage / Workshop  
(A3) DrNo 5045\_06 Proposed Site Plan  
(A3) DrNo 5045\_07 Proposed Replacement Dwelling, Dawnlea, Griggs Hill, Stoke St Gregory

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

3. (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 does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. 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 emergence survey and a further badger survey to ascertain the usage of the site by bats and badgers. They 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.

5. No removal or cutting back of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance

with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000.

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (“the 2015 Order”) (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 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.

#### 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. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

#### PROPOSAL

Planning permission is sought to demolish the existing two bedroom chalet bungalow and replace it with a four bedroom chalet bungalow. The dwelling will be rectangular in shape with dormer windows to the front and, roof lights to the rear and first floor balcony doors to the side (south) elevation. The walls will be finished in render with a brick plinth and chimney. The dwelling will scale 12.2m x 9.7m with a ridge height of 6.5m.

The application is before Members as the Agent is related to a member of staff.

## **SITE DESCRIPTION AND HISTORY**

The dwelling comprises a detached bungalow (14.5m x 8.2m min) with one low-level dormer window on the front elevation. The property has previously been extended to the side and there are stables and a garage within the curtilage. Access to the site is off a steep drive with poor visibility on to the road. The dwelling is sited significantly above road level on land which may have been built up at some stage. The site slopes down to the south.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*STOKE ST GREGORY PARISH COUNCIL* - support application;  
The new structures will have minimal visual impact. The existing dwelling has been convincingly shown to be unsound and in need of demolition.

*BIODIVERSITY* - Comments as follows:

Jh Ecology carried out a Protected Species Survey dated October 2014.

The site is approximately 800m east of Curry & Hay Moors SSSI and the Somerset Levels and Moors SPA & Ramsar and approximately 1.5km west of West Sedgemoor SSSI

Findings of the report are as follows:

### Badger

The surveyor found evidence of badger on site

### Bats

The surveyor found a light scattering of old bat droppings likely to be from pipistrelle bats. Potential bat access points on the bungalow were limited to gaps beneath the lead flashing of the dormer, a gap at the hip and where the slates overlay the flat roofed extension. The garage lacked suitable features for bats. No bats were seen to emerge from the bungalow during either dusk emergence surveys. Bats were noted generally foraging and commuting over the site. A single walnut tree on site was noted as having potential for bats. I support the recommendation to carry out

at least one more bat survey on site to ascertain if the bungalow is a roosting site or whether the droppings are from an individual bat trying out the building.

### Birds

Hedgerows, shrubs and trees provide potential for foraging and nesting birds.

### Reptiles

Habitat for reptiles is generally limited to the boundary hedgerows. If the management of the grass on site ceased then the site would become more attractive for reptiles.

I agree with findings of the summary so suggest the following conditions

### Condition

The applicant shall provide evidence that all the recommendations made in Jh Ecology's Protected Species Survey report dated October 2014 have been undertaken

Reason: to protect and accommodate wildlife

### Condition for submission of a further bat and badger survey

The development hereby permitted shall not be commenced (including any demolition) until a bat emergence survey report and a further badger survey has been submitted to and approved in writing by the Local Planning Authority. The survey(s) shall ascertain the usage of the site by bats and badgers. They shall be undertaken by an appropriately qualified person at an appropriate time of year and use techniques and equipment appropriate to the circumstances.

Reason To ascertain accurate and up to date usage of the site by bats and badgers

### Condition for nesting birds

No removal or cutting back of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) nor works to or demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000,

### Informative Note

1. 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.

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

## **Representations**

None.

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
CP8 - CP 8 ENVIRONMENT,  
NPPF - National Planning Policy Framework,

## **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 £10,950.00

The development of this site would not result in payment to the Council of the New Homes Bonus.

## **DETERMINING ISSUES AND CONSIDERATIONS**

Section 5 of Policy DM2 of the Core Strategy supports replacement dwellings only if;

- the existing residential use has not been abandoned
- it is un-economic to bring the dwelling to an acceptable state of repair
- it is a one for one replacement
- it is not substantially larger than the existing dwelling.

The proposal is for a one for one replacement and, although not currently occupied, the residential use has not been abandoned. Observations of the building internally and externally during a site visit confirm that the building is in a poor state of repair with cracks on the internal and external walls and large areas of damp. The application is accompanied by a Structural report which concludes that the existing building is structurally inadequate and needs replacing in its entirety. It would not be a viable option to repair and refurbish the dwelling to make it structurally safe.

The footprint of the existing dwelling is approximately 126 square meters. The proposed dwelling will have a footprint of approximately 116 square meters. The proposed dwelling will therefore have a smaller footprint than the existing dwelling. However, due to the addition of a first floor there will be an overall increase in floorspace in the proposed dwelling. It is not considered that the proposed dwelling will be substantially larger than the existing dwelling.

Whilst incorporating a first floor within the roof space, the overall height of the building has been kept down and the design respects the traditional vernacular of the locality. Due to previous concrete underpinning of the existing building the

proposed dwelling needs to be positioned so that the foundations are away from this. The front elevation of the proposed dwelling will be positioned approximately 4 meters south of the existing front elevation.

The garage will replace the existing garage and have one third enclosed and two thirds open fronted to the south elevation. The existing access and drive is to be retained.

The proposed dwelling and garage are not considered to detract from the visual amenities of the area. The nearby properties will not be affected by the proposal. The Ecological report submitted with the application made recommendations in respect to Protected Species. Suitable conditions are required to ensure further surveys and adequate protective measures are undertaken. A tree survey indicates that no trees will need to be removed.

**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**