

08/12/0013

GLENMILL HOMES

**ERECTION OF SINGLE STOREY DWELLING AT LAND TO THE NORTH OF MAIDENBROOK FARMHOUSE, TUDOR PARK, PRIORSWOOD, CHEDDON FITZPAINE (AMENDED SCHEME TO 08/11/0032)**

Grid Reference: 324609.126466

Full Planning Permission

---

**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

The proposal would not affect the character of the Listed Building and is therefore considered acceptable and, accordingly, does not conflict with NPPF section 12, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Taunton Deane Local Plan Policies S1 and S2. The development now contributes to the character of the area around the Listed Building and the scheme is not considered to be to the detriment of this site when seen from the adjacent highway. The addition of a garage and installation of rooflights, following the recent approval of application 08/11/0032, is considered to be acceptable and not to be to the detriment of neighbours.

**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) DrNo 5403/79 Sketch Elevations as Proposed  
(A3) DrNo 5403/78 Sketch Elevations as Proposed  
(A3) DrNo 5403/77 Sketch First Floor Plan as Proposed  
(A3) DrNo 5403/76 Sketch Ground Floor Plan as Proposed  
(A3) DrNo 5403/72 Sketch Elevations as previously Approved  
(A3) DrNo 5403/71 Rev A Sketch Elevations as previously Approved  
(A3) DrNo 5403/70 Rev A Sketch Floor Plan as previously Approved  
(A3) DrNo 5403/68 Rev E Site Plan as previously Approved  
(A3) DrNo 5403/75 Site Plan  
(A4) Location Plan

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

3. No development, excluding site works, shall begin until a panel of the proposed stone/brickwork measuring at least 1m x 1m and which contains an area of brick surround to stonework, a brick cill, and an external corner, 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 stone to be used shall be the local stone as described in the agent's letter dated 26/04/12 as described in application 08/11/0032. 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: In the interests of preserving the setting of the listed building and any features of historic or architectural interest that it possesses, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in NPPF.

4. No works shall take place until samples of the roofing slates and ridge tiles to be used in the construction of the works hereby approved 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: In the interests of preserving the setting of the nearby listed building and any features of historic or architectural interest that it possesses, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in NPPF. (For the avoidance of doubt as the originally submitted forms state clay tiles.)

5. All guttering, downpipes and rainwater goods shall be constructed of cast iron and shall be painted black as described in the agent's letter dated 24/04/12 ref (260412) as submitted on application 08/11/0032, and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: To safeguard the setting and architectural and/or historic qualities of the Listed Building which is in close proximity in accordance with Taunton Deane Local Plan Policy S2 and the NPPF.

6. Prior to commissioning, specific details of the following shall be submitted to and approved in writing by the Local Planning Authority, with such approved details being strictly adhered to in the implementation of the approved works, unless any variation thereto is first agreed in writing by the Local Planning Authority:

windows including sections; doors; finished treatment for all external joinery; rooflights; boundary walls; fencing; siting of meter boxes; ventilation terminals for kitchen, utility room and bathroom.

In addition, the bargeboards, soffits and eaves shall all be painted black as stated in agent's letter dated 26/04/12 as submitted for application 08/11/0032.

Reason: To ensure the use of materials and details are appropriate to the character of and the siting in relation to the Listed Building which is in close proximity, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in NPPF.

7. The applicant shall undertake all the recommendations made in ACE Consulting's report dated July 2011. 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.

Reason: To protect amphibians and their habitats from damage bearing in mind **this** species **is** protected by law.

8. Before the dwelling hereby permitted is 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, and thereafter retained for so long as the development remains in existence.

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 the NPPF.

9. The dwelling hereby permitted shall not be occupied until a properly consolidated and surfaced parking and turning space for vehicles has been constructed within the site, in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such turning space shall be kept clear of obstruction at all times.

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 the NPPF.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) the use of the garage hereby permitted shall be limited to the domestic and private needs of the occupiers and shall not be used for any business or other purpose whatsoever.

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

11. (i) The the whole landscaping/planting scheme including the orchard planting shown on the submitted plan 5403/75 shall be completely carried out within the first available planting season from the date of commencement of

the development.

(ii) For a period of five years after the completion of the 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 other 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.

12. Notwithstanding the provisions of Article 3 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 development of the following types - extensions, conservatories, dormers, solar panels, chimneys, flues, satellite dishes, porches, boundaries, outbuildings, sheds, oil tanks, additional windows, rooflights/velux windows, replacement of windows and/or doors, rendering, cladding or painting of external stonework, other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To protect the character of the area in accordance with Policy S1(D) of the Taunton Deane Local Plan and having regard to the proximity of the Listed Building in accordance with the guidance within section 12 of the NPPF.

13. The boundary treatment shown on drawing 5403/75 shall be completed before the dwelling is occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of the amenities of the neighbouring residents and the area as a whole in accordance with policy S1 of the Taunton Deane Local Plan.

14. The dwelling shall not be occupied until the sewage disposal and surface water drainage works have been completed in accordance with the details which shall have been submitted to and approved by the Local Planning Authority.

Reason: To prevent discharge into nearby water courses in accordance with Policy EN26 of the Taunton Deane Local Plan.

15. 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.

Reason: In order to prevent excess water being discharged onto the public highway in accordance with Taunton Deane Local Plan Policy EN26.

16. The proposed rooflights shall be "conservation" type rooflights only, details of which shall be submitted to and approved in writing by the Local Planning Authority, and thereafter installed and maintained.

Reason: To ensure the details are appropriate to the character of and the siting in relation to the Listed Building which is in close proximity, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in NPPF.

#### Notes for compliance

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.

## **PROPOSAL**

The current application is for the erection of an 'L' shaped building measuring approx. 20.3m by 17.2m. This building will have a double garage and an additional bedroom and bathroom in the roofspace. This results in three additional rooflights in the western slope of the roof. The ridge of the roof is 6m above ground level; this is the same height as the previously approved dwelling. All other aspects of the proposal remain the same as the recently approved plans.

## **SITE DESCRIPTION AND HISTORY**

The site is just to the south of the A3259 and to the north of Maidenbrook Farm, it is to the west of The Gatehouse, a modern detached property, and an open area just to the east of a line of TPO trees. The site itself is between a newly planted hedge (for The Gatehouse), and a north-south hedge. There is a listed pond to the north and east of the site. The site itself is flat, with vehicular access from Tudor Park. This road has been finished to base level only and the drain covers etc are raised.

In support of the application the agent comments that the setting of the Listed Building and farm complex has changed over the years; with the former agricultural land 'lost' to housing development, that the original farmhouse has been subdivided into two dwellings, "the subdivision and urbanisation of the rear garden area (west)", the formation of the estate road, the converted outbuilding and newly erected buildings, as well as the extant permission (granted in 2002) for a double garage on the application site.

### History:

08/11/0032 application to erect a single storey 'L' shaped dwelling, amended to a building approx. 17 by 17m and comprising living, kitchen/diner, 3 beds and integral garage, with a 2.1m high wall proposed to run from the northern wall into the eastern and western boundaries. This was approved on 20/06/12.

08/09/0010 Erection of single storey dwelling, refused on 20/11/09 on basis of juxtaposition with the A3259, the adjacent farmhouse and barn conversions and would be out of character with the character of the area and detrimental to the setting of the Listed Building, and secondly that the dwelling would be on land considered to be important to maintain the character of the transition zone between undeveloped area and the developed area.

08/05/0034 Erection of dwelling and garage on land north of Maidenbrook Farmhouse, refused 28/01/06, and dismissed on appeal;

08/05/0022 Erection of higher roof and conversion of barn to dwelling at The Wagon House, Tudor Park, approved 10/11/05;

08/05/0014 Erection of a dwelling to land to the west of farmhouse, refused 03/11/05, dismissed on appeal on 28/01/06;

08/05/0012 Erection of 5 dwellings and garages, approved 10/10/05;

08/04/0004 Variation of condition 2 to permit submission of reserved matters for an additional 6 years, refused 19/03/04;

08/01/0016LB Division of farmhouse into two units, conversion of barns and outbuildings to form dwellings, approved 04/03/02;

08/01/0015 Conversion of farmhouse and outbuildings to form 7 residential units, approved 05/05/01.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*CHEDDON FITZPAINE PARISH COUNCIL* - previous application (08/11/0032) approved in June 2012, at that time TDBC had considered the case and sensitively approved the application. Amended application, now extends those guidelines, the PC see no reason to accept any increase in size to either the house or garage from the recently granted application and therefore object to this application.

The site has been considered previously in 2005 and 2009 and the comments from the Planning Inspector are noted. His comments at para 2.3 and 2.4 raise concerns about considering the impact on the nearby Listed Building, and that it would result in an urbanisation of the area out of keeping with and detrimental to the character and appearance of the area and contrary to Taunton Deane Local Plan Policies S1(D) and S2(A).

The County District and Parish Councillors express their severe concern over the prolonged difficulties in concluding the development as a whole and the subsequent inability by the developer to satisfy all his existing obligations under the S106 Agreement and complete all outstanding Highway works so that it is at a standard whereby the Estate road can be adopted by the Local Authority.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Previous comments from

08/11/0032 apply to the current application.

*Previous comments:- The proposed development seeks to erect a single storey dwelling with associated parking within the Maidenbrook Farmhouse/Tudor Park site.*

*The proposed dwelling will be located at the end of an access track. The track and proposal has been subject to previous planning applications 08/2005/015 and 08/09/0010, which was refused and dismissed at appeal. The Highway Authority raised no objection to this proposal subject to conditions.*

*It was noted whilst carrying out a site visit that the internal layout of the site is below any standards set by Somerset County Council to adopt as part of a Section 38 Agreement.*

*In terms of detail the Highway Authority would require that the access road to the dwelling should be constructed to a suitable adoptable standard to match the existing estate road layout. The improvement of the access road as a result of the proposed dwelling will result in the formation of a junction with the existing estate road. This junction should provide visibility splays of dimensions of 2.4m x 22m will need to be provided in either direction. In addition there should be no obstruction to visibility greater than a height exceeding 300mm above adjoining carriageway level within these visibility splays.*

*The proposal will utilise access to the adopted highway via the existing estate road layout. The proposal will provide turning within the curtilage of the unit. As well as providing parking in the form of a double garage. This provides space for two vehicles, which is in keeping with Local Plan Policy M4. The internal dimensions of the garage meet the guidelines set out in the Local Transport Plan.*

*Therefore taking into account the above information I raise no objection to this proposal. Conditions suggested.*

**DRAINAGE ENGINEER** - I refer to my previous objection to planning application 08/11/0032 and object to this application. No details are given as to how the pond is to be maintained, together with details of the control structure/device that splits watercourse flows through this development. These should be forwarded for approval before any planning permission is given.

**ENVIRONMENT AGENCY** - the site is outside the scope for comments

**LANDSCAPE LEAD** - No further landscape comments.

**BIODIVERSITY** - see previous comments, the applicant shall undertake all the recommendations made in the ACE consulting report dated July 2011.

**HERITAGE LEAD** - no objections subject to conservation type roof light only.

## **Representations**

none received.

## **PLANNING POLICIES**

T1 - TDBCLP - Extent of Taunton,  
STR2 - Towns,  
STR4 - Development in Towns,  
EN13 - TDBCLP - Green Wedges,  
EN12 - TDBCLP - Landscape Character Areas,

## **DETERMINING ISSUES AND CONSIDERATIONS**

In considering the Planning Inspector's report (October 2006) re the dwelling to the north of the Listed Building (08/05/0034), there was great weight placed on a line of substantial evergreen Leylandii trees set inside the pond that formed part of the boundary with the road; he saw the mature boundary trees and the substantial hedgerow to the west (which formed the western side of the original entrance drive), as an important part as a transition zone between the development to the south of the road and the open countryside to the north. He also noted, that in the 1996 permission, a condition required the provision of landscape buffers of between 5m and 12m along the A3259 boundary and around the boundaries of the Listed Building and its curtilage. He considered that the loss of this leylandii row to allow daylight to the proposed dwelling would be detrimental to the landscape character of the area.

Since the Inspector's decision, the line of Leylandii has been removed due to two trees falling during high winds and the others having been felled as it was thought to prudent on safety reasons. This results in an open aspect to the north.

The Inspector considered the two storey dwelling as a similar design to the Gate House was an incongruous into the setting of the Listed Building, and as a suburbanisation of its semi-rural setting. In conclusion, he felt that a comprehensive design for the area to the north and west of the Listed Building that addresses the complex problems created by the Listed Building, nearby structures and existing features.

Having regard to the current situation, this was assessed at the time of the recent application, (08/11/0032) and it was considered that the site was in an area of change, and the area to the northwest is the authorised Nerrols Farm expansion, with the land immediately to the north identified as an open space based on the watercourse. When that development starts and is eventually completed, this area of Taunton/Cheddon Fitzpaine will be very different from the semi 'rural' feel it currently has, and it is in this light that the re consideration of this site has taken place, along with the setting in relation to the Listed Building, the overall historic characteristics and the planning history including the Inspector's decision.

It was considered that as fundamental changes had taken place in this area over recent years and more changes will be taking place in the immediate area, that the principle of a suitably designed building could be acceptable, subject to several issues being satisfactorily addressed. Thus the application for the three bed, single garage development was approved following detailed scrutiny.



This amended application has a double garage which has little impact on the immediate area or the neighbours, and three new rooflights, which are considered not to be to the detriment of the listed building or the character of the immediate area.

The comments of the Parish Council and Drainage Officer are noted, however the concept of developing the site has only recently been agreed. It is not considered that the comments raised raise any issues which were not considered previously. The provision of an additional garage changes the footprint of the building slightly, but does not result in an unacceptable building or detriment to neighbours.

Whilst the Drainage Office is not satisfied with the details in relation to the pond, this area is not within the control of the applicant. The drainage arrangements for this area are linked with the highway drainage, and possible longer term developments in the area. It will be at this time that the longer term elements of the pond and its maintenance will be addressed. The Landscape Officer is satisfied with the pond remaining intact, he considers that the submitted details are acceptable, and he has been closely linked with ongoing discussions regarding the drainage, landscaping and wildlife issues. Thus whilst the Drainage Officer objects, it is not within the scope of the current application to rectify the drainage issues of the pond.

In conclusion, the application as submitted is considered to be acceptable.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

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