

10/21/0016

MISS R RIFATH

Replacement of bungalow with a two storey detached dwelling at The Beeches, Taunton Road, Churchinford

Location: THE BEECHES, TAUNTON ROAD, CHURCHINFORD, TAUNTON,
TA3 7DW

Grid Reference: 321141.114401

Full Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The proposed replacement dwelling is located within the Blackdown Hills AONB, a nationally designated protected landscape. The proposal by reason of its scale, form, design and materials would be substantially larger than the existing dwelling and would not reinforce or preserve the distinctive landscape and built character of the area. Accordingly the proposed dwelling would appear incongruous within its distinctive rural setting to the detriment of the streetscene and the landscape character of the area. The proposal is therefore contrary to Policies DM1, DM2 and CP8 of the Taunton Deane Core Strategy, Policy PD2 of the AONB Management Plan the advice within the emerging Taunton Deane Design Guide and Chapters 12 and 15 of the National Planning Policy Framework.

Recommended Conditions (if applicable)

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy key issues relating to design and as such the application has been refused.

Proposal

The application proposes the demolition of a bungalow and construction of a detached, two storey replacement dwelling. The proposed dwelling would be located in a similar position to the existing dwelling although rotated slightly. The proposed dwelling would be an increase in size in accordance with the following:

	Footprint	Total floor area (ground and first floor)	Height
Existing	159 sq m	159 sqm	6 m
Proposed	194 sqm	358 sq m (minus first floor void)	7.5 m

The proposed dwelling would be clad in a plastisol coated metal cladding to the walls and roof. It would contain 6 rooms which could potentially be bedrooms. Of these 4 are suggested as bedrooms with a further 2 rooms suggested to be used as 'offices'. The ground floor would contain an open plan kitchen/dining room/lounge, two offices and a bedroom. The first floor would contain three bedrooms, a further lounge area and study/play area.

Site Description

The site is located in the Blackdown Hills AONB and consists of a detached bungalow located in a triangular shaped plot at a fork in two roads. There is an adjacent dwelling to the south, Beechcroft.

The site is bordered by mature trees to the east and west boundaries.

Relevant Planning History

None relevant.

Consultation Responses

CHURCHSTANTON PARISH COUNCIL – Support the application.

SCC - ECOLOGY –

First response:

A Bat and Protected Species Survey of the application site was carried out on 5th May 2021 by Ecology.

Bat droppings, most likely from long-eared bats were found in the house. There were also several areas where crevice dwelling bats could potentially roost unseen in the building. Further surveys have been recommended within the report.

I note that the submitted Arboricultural Method Statement indicates the removal of a beech tree, however, I can see no assessment of this tree being included within ecology survey under taken, and therefore recommend the report is updated with the adequate assessment.

The proposals would result in the disturbance of a bat roost and potentially result in bats being disturbed, injured or killed. The proposed work would therefore require a European protected species licence (EPSL) from Natural England. In order to categorise the roost and inform the appropriate mitigation for the licence, it is recommended that bat emergence surveys be undertaken between May and August in accordance with Bat Conservation Trust (BCT) guidelines (Collins, 2016) and Natural England standing advice.

Surveys cannot be conditioned for the following reasons:

- Section 99 of the Government circular 2005/06 on biodiversity and geological conservation states that 'It is essential that the presence or otherwise of

protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.'

- Natural England advice requires that all developments likely to affect European Protected Species should have surveys carried out to inform the planning decision. They cannot be conditioned. This was confirmed in case law through *Woolley v Cheshire East Borough Council and Millennium Estates Limited* in 2009.

Second response:

Ecologic performed bat surveys at the application site throughout 2021. There are no statutory designated sites for bats within 1km. Emergence surveys recorded no bat roosts within the existing dwelling. However, brown-long eared bat droppings were recorded, and the existing dwelling is considered a roost site for this species, albeit of low numbers. No active or former bird nests were identified in association with the surveyed building.

Recommendations:

Bats

As a bat roost will be destroyed and bats potentially harmed; the following is required to be conditioned in order that Somerset West and Taunton Council fulfils its legal duty of 'strict protection' of European protected species under the provisions of the Habitats Regulations 2017 (and the Crime and Disorder Act 1998):

The works to the existing dwelling shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- A. A copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead.
- B. A copy of a letter from Natural England confirming that the works fall within the remit of a Bat Mitigation Class Licence (WML-CL21) and that the site has been registered in accordance with the class licence.
- C. A statement in writing from the licensed bat ecologist to the effect that he/she/they does not consider that the specified development will require a licence.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity; and Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

The following condition is also required to ensure that the Local Planning Authority fulfils its legal duty of 'strict protection' of European protected species: Works will not in any circumstances commence until:

- A. Construction and demolition operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats. Written confirmation of the induction will be submitted to the Local Planning Authority by the licensed bat ecologist within one week of the talk.
- B. To accommodate any discovered bat(s) a bat box (specification and quantity will

be agreed with a licenced bat ecologist) will be hung on to a suitable tree on or adjacent to the site at a minimum height of 4 metres as directed by a licensed bat ecologist. Any such box will be maintained in-situ thereafter. Photographs showing the installation will be submitted to the Local Planning Authority.

C. Works potentially affecting bats will then proceed under the supervision of the licensed bat ecologist.

Reason: A pre-commencement condition to ensure the strict protection of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity; and Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

Long term mitigation, including integrated roosting mitigation as per Bat and Protected Species Survey & Bat Emergence Survey (Ecologic, 2021), will be included in the design. Any areas that are accessible to bats must be lined with traditional black bitumen felt (type 1F) to avoid the risk of entanglement of bats. A scheme must be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The roosts will be implemented in strict accordance with the agreed scheme and maintained for the exclusive use of bats thereafter.

Reason: A pre-commencement condition in the interests of the Favourable Conservation Status of populations of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity; and Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

Lighting

Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity; and Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

Trees / Vegetation

All trees and hedgerows will be protected during the works, including groundworks, by the establishment of Root Protection Areas in accordance with BS 5837:2012 and Arboricultural Method Statement (Artworth Arboriculture Ltd, 2021).

Reason: In accordance with BS 5837:2012, NPPF 2021 and in the interest of protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity; and Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

Birds

No vegetation removal or demolition of the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period – some species can breed outside the time frame given. Biodiversity Enhancements The National Planning Policy Framework (174d) requires biodiversity enhancement to be provided within development. I recommend that the following is conditioned:

- A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of the dwelling. Please note bee bricks attract solitary bees which do not sting. Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.
- Installation of 3 X standard bird boxes, purchased or built, on to a mature tree on site, facing east or north, at a height above 3m.
- Photographs of the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to first occupation of the dwelling. The agreed scheme will thereafter be implemented.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework.

Third response:

NE would only grant a licence if the development has a planning consent. Additionally, the impact of the development on bats is relatively low and therefore NE are highly likely to grant a licence. Likelihood of grant dependent on acceptability of mitigation proposed.

BLACKDOWN HILLS AONB SERVICE –

The AONB Partnership supports its local planning authorities in the application of national and local planning policy in order to ensure that any development in the AONB conserves and enhances the natural beauty of this nationally designated landscape, which is afforded the highest level of protection by national policy. In support of this, the Blackdown Hills AONB Management Plan 2019-2024 is the

agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policy of particular relevance to development proposals:

Planning and development PD2

All necessary development affecting the AONB will conserve and enhance natural beauty and special qualities by:

- Respecting landscape character, settlement patterns and local character of the built environment,
- Being sensitively sited and of appropriate scale,
- Reinforcing local distinctiveness, and
- Seeking to protect and enhance natural features and biodiversity.

The AONB Management Plan also provides a valuable reference for guiding development in the AONB, in particular describing special qualities, a planning chapter that sets out principles for development in the AONB, and in the appendices a checklist for development. It notes that the layout, form and density of all new developments need to reflect the historic rural grain of the AONB. It is important that all new development, especially housing development, is of a scale and layout that conserves and enhances the distinctive pattern of built form found across the Blackdown Hills. The special qualities of the Blackdown Hills landscape are inextricably connected to the built heritage and farming traditions of the area, one of the key reasons for designation being that it is a landscape of architectural appeal.

Additionally, in support of the Management Plan the Blackdown Hills AONB design guide for houses provides guidance on how by reference to materials and built form residential development can be designed to conserve and enhance the distinctive built character of the Blackdown Hills.

In this instance, the introduction of a two storey dwelling is acceptable in principle – noting that the height would be relatively low and aligned with the neighbouring property. The use of non traditional materials for the dwelling is also an acceptable design approach in principle, however I do not believe that the design and appearance of the proposed dwelling successfully reflects either the residential or agricultural vernacular; rather it is more urban and industrial and as such it is not considered to conserve or enhance the character and special qualities of the AONB. In due course, should the planning authority be minded to approve this application we would note that matters relating to the domestic curtilage, including the protection, retention and enhancement of the boundary trees and hedge, new planting, access arrangements, surfacing materials and external lighting, should be a key part of considerations in respect of the AONB.

WESSEX WATER – No objections. Comments made in relation to new drainage and water supply connections. There are no foul sewers within the vicinity of the site.

TREE OFFICER –

I'd say this one looks OK with regards existing trees, and will just need the usual conditions for protective fencing around the edge of the RPAs, and adherence to the submitted Arb Method Statement. If you feel a site visit is necessary, let me know.

Second response (in relation to T1):

Kretzschmaria is a root and butt-rotting fungus that is known to be potentially hazardous so I think removal of that tree is sensible, given its location.

Habitats Regulations Assessment

The application is located outside the catchment of the Somerset Levels and Moors Ramsar site and accordingly there would be no impact on phosphate levels within the Ramsar site. There are no other protected sites within sufficiently close proximity to conclude any other likely significant impacts. It can therefore be determined that as there would be no likely significant impacts on protected sites, a Habitats Regulations Assessment is not required.

Representations Received

Following consultation, one representation has been received from the occupiers of the adjacent dwelling, Beechcroft in support of the application. The following comments are made:

- We have been consulted by the applicant throughout the pre planning process
- The applicant has taken on board feedback and amended their plans accordingly.

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).

The National Planning Policy Framework (the NPPF) is a material consideration.

Relevant policies of the development plan are listed below.

CP8 - Environment,
CP1 - Climate change,
DM1 - General requirements,
DM2 - Development in the countryside,
SP1 - Sustainable development locations,
ENV1 - Protection of trees, woodland, orchards and hedgerows,
A1 - Parking Requirements,

The Blackdown Hills AONB Management Plan is a material consideration. Policy PD2 is of relevance.

Other relevant policy guidance:

Emerging District wide design guide SPD 2021

Local finance considerations

Community Infrastructure Levy

Proposed development measures approx. 330sqm.

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 £41,250.00. With index linking this increases to approximately £58,500.00.

Determining issues and considerations

The key material planning considerations in determining this application are:

- a) Principle of development
- b) Visual amenity/landscape character/design
- c) Residential amenity
- d) Ecology
- e) Trees
- f) Highway safety

These matters are considered below

Principle of development:

The site is located in the open countryside, Policy DM2 is therefore relevant. It sets out various categories of development that will be supported in principle in the open countryside. This includes replacement dwellings. It states that replacement dwellings will be supported:

'only if the residential use of the existing building has not been abandoned, it would be uneconomic to bring the dwelling to an acceptable state of repair, is a one-for-one replacement and is not substantially larger than the existing dwelling'.

The residential use of the existing dwelling has not been abandoned. The applicant states that the dwelling was constructed in the 1960s and that it requires extensive renovation including the replacement of the asbestos tiles roof, removal of asbestos within the building, removal of black mould, provision of ventilation, upgrade of fabric, plumbing, electricity and other services. In terms of costs the design and access statement estimates approximately £25,000 to upgrade the property to improve it from an E to a C rating on the EPC report. This includes items such as cavity wall insulation, floor insulation, boiler replacement, solar panels. The application further calculates a renovation cost of £477,000 which it states is more expensive than replacing the dwelling. The submission further states that the new dwelling would be a significant improvement in energy use terms. Although the policy suggests that an applicant should demonstrate that the retention option is uneconomic to bring up to an 'acceptable state of repair', it would be a reasonable argument that a householder would wish to achieve a building regulations compliant renovation in respect to insulation and other aspects. On the basis of the information provided and the general condition of the existing dwelling, it is considered that a

case for replacement in principle can be accepted.

In terms of scale the proposed dwelling would be approximately 1.5 metres taller than the existing dwelling. The footprint would increase by 35 square metres from 159 to 194 square metres. The total floor area would increase from approximately 159 to approximately 358 square metres (taking into account the void area in the first floor). Whilst the height increase on its own is not significant, the increase in floor area of more than double the existing would be a substantial increase. The resulting dwelling would be of a different character and impact as a result of the increase in scale. Notably it would be both longer and wider than the adjacent dwelling, Beechcroft. The increase in scale would also result in a greater visual prominence which is considered in greater detail below.

Having regard to the above it is considered that the increase in scale of the proposal would be substantial and would therefore not comply with Policy DM2.

Visual amenity/Landscape character/design:

The site is located within the Blackdown Hills Area of Outstanding Natural Beauty (AONB) and within the 'Blackdown Hills Plateau' character area as defined in the emerging Districtwide Design Guide SPD. This is a nationally protected landscape and there is a statutory duty under Section 85 of the Countryside and Rights of Way Act 2000 (CROW 200) to 'have regard to the purpose of conserving or enhancing the natural beauty' of AONBs when taking decisions.

Furthermore, Chapter 15 relating to the Natural Environment of the National Planning Policy Framework is a relevant material consideration.

Paragraph 176 states:

"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas".

Policy DM1 requires that the appearance and character of any affected landscape would not be unacceptably harmed. Policy DM2 states that development must amongst other criteria:

"be of a scale, design and layout compatible with the rural character of the area and must:

not harm the residential amenity of neighbouring properties, landscape and ecology of the local area or highway safety, and adequate arrangements can be made for the provision of services;"

In addition Policy CP8 is relevant and CP8 requires amongst other criteria that the natural environment will be protected, conserved and enhanced, development will be appropriate in terms of scale, siting and design, will provide for any necessary mitigation measures.

The supporting text of Policy CP8 refers to the AONB Management Plans which are adopted by the relevant AONB partnerships every 5 years and has been produced by the AONB on behalf of the relevant local authorities. As explained above, the aim of this document is to provide additional guidance to the Council on matters relating to the AONB.

Within the AONB Management Plan, Policy PD2 is relevant and is a material consideration in this decision.

Policy PD2 of the AONB Management Plan states that development will conserve and enhance natural beauty and special qualities by respecting landscape character, being sensitively sited and of appropriate scale, reinforcing local distinctiveness and seeking to protect natural features and biodiversity.

The design and access statement explains the rationale for the siting, orientation and design of the dwelling. The proposed dwelling would contrast with the existing traditional vernacular for residential properties in the area in terms of the form and materials proposed.

The dwelling would be clad in grey plasticote covered steel cladding to the walls and roof. The application states that there is precedent for such cladding in the form of nearby agricultural buildings. The form of the proposed dwelling also takes some cues from some of these buildings which are identified as being in the area.

These agricultural buildings however are modern metal clad buildings which whilst in existence locally their form, mix of materials, style are not locally distinctive as they are functional buildings that can be found anywhere in agricultural or commercial contexts. Timber cladding in the form of Yorkshire boarding or similar is a commonly used material for modern agricultural buildings which is more uniquely associated with agricultural buildings. Traditional barns on the Blackdown Hills which are uniquely characteristic of the area will typically use materials such as cob, chert stone and timber. The gables will typically be narrower and roof pitches steeper. In addition, the pattern, size and style of openings are very distinctive in a traditional agricultural building and contrasts to the style proposed in this application.

The use of metal cladding along with the overall visual impression of the fenestration on the proposed dwelling is considered to be more of commercial /industrial as opposed to agricultural character. Of note, the Taunton Deane Landscape Character assessment identifies a number of issues adversely affecting this part of the AONB. These issues are listed and include the presence of large agricultural sheds having an 'industrial unit' character. The Blackdown Hills AONB Partnership have been consulted and have commented that the design and appearance does not successfully reflect either the residential or agricultural vernacular, rather that it is more urban and industrial. They conclude that it therefore does not conserve or enhance the character and special qualities of the AONB.

The policies set out above seek to ensure that any proposed development is of a design that is appropriate to the rural character of the area and protects, conserves or enhances landscape character. It is considered that the scale, form of the dwelling along with the design treatment, particularly the fenestration and materials are not locally distinctive to the area or to a residential or agricultural vernacular. The site is reasonably well enclosed by trees, however these are deciduous and

therefore in the winter the building would be less well screened. In addition, the dwelling would have a permanence that is not as certain for the existing trees surrounding the site. The substantial increase in scale would amplify the visual presence of the building exacerbating the impacts and harm outlined above.

Having regard to the above, it is considered that the proposed dwelling would appear incongruous in its surroundings and would not conserve the distinctive landscape character of the AONB. Accordingly the proposal is contrary to Policies DM1, DM2 and CP8 of the Taunton Deane Core Strategy, Policy PD2 of the AONB Management Plan, the guidance within the emerging Districtwide Design Guide SPD and Chapters 12 and 15 of the NPPF.

Residential Amenity:

Policy DM2 requires that development must not harm the residential amenity of neighbouring properties. The principal consideration is the impact on the adjacent dwelling to the south, Beechcroft. At its nearest point, the proposed dwelling would be 7.1 metres from the shared boundary. The dwelling would be angled towards Beechcroft so that the rear elevation of the proposed dwelling would be visible from the private area to the rear of the neighbouring dwelling. The furthest corner of the proposed dwelling would be 15.2 metres from the shared boundary. The first floor would contain two 'family lounge' windows, a bathroom window and a bedroom window.

Whilst at varying distances from the shared boundary these windows would overlook and provide substantial views across the neighbours garden. This is in contrast to the more common gable to gable relationship which would not allow views of the garden in the areas directly outside the adjacent property.

The applicant has indicated that they would be happy for these windows to be obscure glazed. Obscure glazing would still result in a degree of perceived overlooking, however given the distance of the proposed windows to the shared boundary this would be at an acceptable level.

Subject to a planning condition to secure obscure glazing to the first floor windows on the south elevation, along with the method of opening, it is considered that the proposal would have not have an unacceptable impact on the amenities of these adjoining occupiers. As such the proposal would accord with Policy DM2 of the Taunton Deane Core Strategy.

Ecology:

In relation to ecology, Policies CP8, DM1 and DM2 of the Taunton Deane Core Strategy are of relevance. Policy CP8 requires amongst other criteria that development must protect habitats and species, including those listed in the UK and Local Biodiversity Action Plans and must be in accordance with national, regional and local policies within rural areas (including those for protected Natura and Ramsar sites). Policy DM1 requires that development must not lead to harm to protected wildlife species or their habitats. Policy DM2 states that all development in the countryside must be compliant with the Habitats Regulations.

The applicant submitted a bat and protected species survey with the application. This found evidence of bats roosting within the property which was later confirmed by an emergence survey. Accordingly the impacts of the development on this

protected species would be the destruction of a bat roost and potentially causing disturbance and or injury to any roosting bats at the commencement of the development. As such, a Natural England licence is needed to destroy the bat roost. This licence can only be granted if planning permission is granted and would secure compensatory measures and mitigation to ensure potential harm is kept to a minimum. In addition, measures to secure biodiversity net gain are recommended within the submitted ecology report such as one nest box, one bee brick and external lighting to be designed with bat friendly specifications.

The County Ecologist has reviewed the additional report and does not object to the scheme subject to conditions relating to securing the Natural England Licence, mitigation as per the emergence survey to be submitted and approved, external lighting to be approved, tree protection measures, supervised vegetation removal if removed in nesting season and biodiversity enhancements. These conditions are considered necessary to ensure that the risk of harm to protected species is kept to a minimum acceptable level. In addition to the above conditions, an assessment of the proposal is required against the 'derogation regulations' as required by the Habitats Directive to establish the acceptability of the bat roost destruction. In determining an application for a licence, Natural England must consider the following tests have been met:

- (a) Preserving public health or public safety or other imperative reasons of overriding public interest;
- (b) There is no satisfactory alternative; and
- (c) The action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range

Regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 requires the Local Planning Authority to have regard to the Habitats Directive including the derogation regulations in making a determination, which requires an assessment of whether a licence is likely or not to be granted. The County Ecologist has confirmed that as the potential impact is relatively low, it would be very unlikely that a licence from Natural England would be refused, although they would only grant a licence in the event of planning permission being granted for the works.

Given the above it is considered that there are insufficient reasons for refusing the application on the derogation tests alone if it is unlikely that Natural England would refuse a licence for a development of this scale. In relation to the second test, it appears likely that because of the condition of the property, relatively substantial remodelling will be required to bring the property upto an acceptable condition, including substantial works to the roof which are likely to impact on any roosting bats. There are no other options within the site other than extensive renovation or replacement of the dwelling. In relation to the third test, the licence approval from Natural England along with any mitigation can be secured via planning condition to ensure there would be no harm to the interests of maintaining the species at a favourable conservation status. The third test would therefore be met.

Having regard to the above, subject to conditions, the proposal would ensure an acceptable impact on protected species in accordance with the relevant sections of the Habitats Directive and Regulations, Chapter 15 of the NPPF and Policies CP8, DM1 and DM2 of the Taunton Deane Core Strategy.

Trees:

Policy ENV1 requires that development should seek to minimise impact on trees, woodlands and orchards. Where loss is unavoidable, the development should be timed to avoid disturbance to protected species. Adequate provision must be made to compensate for this loss.

The applicant has submitted a tree survey and arboricultural method statement and implications statement (AMS). The tree survey identifies 5 category B trees and 2 category C trees on the roadside boundaries. It sets out the root protection areas and a designated area for the storage of materials outside these areas.

The AMS identifies that tree 1, a large mature Beech tree has the fungal infection at the base and should be felled as it is unsafe. This tree was not illustrated on the tree survey plan or the block plan and accordingly updated plans were requested and received. In relation to the felling of this tree, the Tree Officer commented that the removal of this tree is reasonable for safety reasons. The Tree Officer has further commented that subject to the measures outlined in the AMS being secured via a condition, there would be no adverse impact on the health of the trees. Subject to the above planning condition the proposal would comply with Policy ENV1 of the Taunton Deane Site Allocations and Development Management Plan.

Highway safety:

Policy DM1 of the Taunton Deane Core Strategy requires that additional traffic arising from development must not lead to overloading of access roads or road safety problems. Policy DM2 requires that all development in the countryside must not harm highway safety.

The Highway Authority have commented that standing advice applies. In this instance the existing access would be utilised on the northern boundary of the site. The road at the site entrance is de restricted, however vehicle speeds are likely to be relatively slow and within 30 mph due to the proximity to the junction.

The application does not illustrate the existing visibility splays, however visibility is relatively good due to the depth of the roadside verge. As this is an existing access serving an existing residential property, it is considered that the additional vehicular movements serving a larger dwelling would be relatively minimal. There would therefore be no harm in relation to highway safety.

In relation to parking, there are currently 3 spaces and no changes are proposed to the parking area. The existing parking area is relatively tight, however the applicant has submitted a plan indicating how vehicles can park and exit the site in forward direction. This detail is considered to be acceptable.

Planning conditions can be imposed to retain the parking and turning area clear of obstruction and to ensure that gates are hung a minimum of 5 metres from the carriageway edge and to open inwards.

Subject to the above conditions, the proposal would have an acceptable impact on highway safety.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Mike Hicks