

30/21/0050

MR J WAKEFIELD

Replacement of detached double garage at Pitminster Lodge, Church Lane, Pitminster, Trull

Location: PITMINSTER LODGE, CHURCH LANE, PITMINSTER, TAUNTON,
TA3 7AZ

Grid Reference: 322023.119091

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (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) Location Plan
(A4) Site Plan
(A4) Garage 1 & 2 Plan & Elevations
(A4) Option 2 - Elevation Version V1.0
(A4) Garage 1 & 2 - Plan Version: V1.0
(A3) DrNo V3.2 Option 2 Side Elevations

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

3. The concrete base of the existing garage should be retained and re-used. Should a replacement base be required details of the raft foundation and the method of construction should be provided and agreed by the Local Planning Authority prior to works commencing on site.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health.

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council has worked in a positive and creative way and has granted planning permission.
2. WILDLIFE AND THE LAW. Any activities undertaken on trees must take into account the protection afforded to wildlife under UK 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 in the breeding season (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 Conservation of Habitats and Species Regulations 2017 (as amended), also known as the Habitats Regulations, and by the Wildlife and Countryside Act 1981 (as amended). It is an offence to damage, deliberately destroy or obstruct access to structures or places of shelter or protection used by bats, or recklessly or intentionally disturb bats while they are using these places.

TREES with features such as rot and woodpecker holes, split branches or gaps behind loose bark, or covered with ivy with stems over 50mm 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. 0300 060 3900). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

Proposal

The erection of a replacement double garage in the same location as the existing. The proposed garage will measure 6.3m by 6m and have one bay enclosed by a pair of doors and one bay left open-fronted. It has been designed to have a tiled pitched roof and will be constructed with natural oak. Due to the position of the mature Yew Tree adjacent to the existing garage, it is proposed to retain and re-use the existing garage floor slab.

The application is presented to Planning Committee as the Applicant's wife is an elected member and a member of the Planning Committee.

Site Description

Pitminster Lodge is a period property, which forms one half of a pair of dwellinghouses and is finished in render. It is not listed but lies within the Pitminster

Conservation Area and has St Andrews and St Marys Church, which is grade I listed to the north east. The garage to be demolished lies next to the blue lias boundary wall between the Church and Pitminster Lodge. It is a pre-fabricated garage with wooden doors, with an asbestos roof and is deteriorating and needs replacing. The garage is located along the graveled driveway, which provides additional car parking however, it is sited close to a mature Yew Tree and other trees in the Applicant's garden and in the Church beyond.

Relevant Planning History

30/11/0018	Erection of music room and office in the garden	Approved
30/14/0004	Replacement of conservatory	Approved

Consultation Responses

PITMINSTER PARISH COUNCIL - Supports the application.

SCC - ECOLOGY - Informative note to be added

SCC - TRANSPORT DEVELOPMENT GROUP - Refer to Standing Advice.

ENVIRONMENT AGENCY -

BLACKDOWN HILLS AONB SERVICE - No comments to submit.

TREE OFFICER - Happy with the proposed works providing the existing base can be used as breaking up and removal of this and excavation for deeper foundation could damage the roots of the of yew tree. Perhaps the existing base could be made thicker. The garage has been in situ for many years so it makes sense to continue to use this location rather than looking for an alternative location which might affect trees elsewhere in the gardens.

HERITAGE - No objection, in principle. Historic England should be notified.

HISTORIC ENGLAND - No comments to make.

Habitats Regulations Assessment

Not applicable - householder application.

Representations Received

Pitminster Lodge West - We commend this application, the existing structure has no great aesthetic, environmental or architectural merit and the replacement is better in every way.

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 the former Taunton Deane area 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).

Where they are formally made, Neighbourhood Plans form part of the development plan under section 38(6).

District Wide Design Guide SPD 2021.

The National Planning Policy Framework 2021 (the NPPF) is a material consideration.

Relevant policies of the development plan are listed below.

CP8 - Environment,
DM1 - General requirements,

There is no made Neighbourhood Plan in force.

Local finance considerations

Community Infrastructure Levy

Not payable in this instance.

Determining issues and considerations

The main considerations in the determination of this application are the design of the replacement garage, its potential impact on the surrounding trees and whether there are any amenity implications or affects on the Conservation Area or the listed Church to the rear.

Applications for development in a conservation area must be considered with regard to the general duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

Whilst the host property is not a listed building, applications that could affect the setting of adjacent listed buildings must be determined in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 16 of the National Planning Policy Framework. This requires that in considering whether to grant listed building consent, the Local Planning Authority "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"

The existing garage is deteriorating in condition and needs replacing; the proposed replacement garage will be located in the same position and has been designed to reflect the existing dwellinghouse and its position within the Conservation Area. It will be constructed with natural oak and a tiled roof, which given its positioned in the garden will reflect its location close to the existing planting. The garage cannot be seen from the public highway and whilst the Grade I listed Church lies to the rear there is mature planting, a bank and wall to help to screen the proposal, which will not affect the setting of this listed building. The neighbouring property is in such a

position that the garage will have no impact.

The Arboricultural Officer has visited the site and has no objection to the scheme subject to the existing concrete base being used or made thicker to avoid any potential damage to the mature yew tree close to the existing garage. This has been controlled by condition, with details of any new base required to be submitted if it is found that the existing base cannot be retained.

Given the above the proposal is considered to be acceptable in terms of size, scale and design and will have no adverse impact on the visual amenity of the Conservation Area, the Listed church or adjacent neighbours.

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

Contact Officer: Mrs S Melhuish