

09/20/0006

Mr Trevor and Mrs Lisa Morrow

**Formation of vehicular access, gates and associated parking area plus hard landscaping consisting of patio areas, retaining walls and steps at The Old Waterworks, Chipstable**

Location: THE OLD WATERWORKS, CHIPSTABLE ROAD, CHIPSTABLE,  
TAUNTON, TA4 2PZ

Grid Reference: 304413.127269

Full Planning Permission

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## **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:

(A3) DrNo 202036 001 Location and block plan  
(A3) DrNo 202036 003 Proposed Drawings

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

3. Prior to first use the proposed access over at least the first 6 metres of its length, as measured from the edge of the adjoining highway, shall be properly consolidated and surfaced (not loose stone or gravel). Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety.

4. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway. Such provision shall be installed prior to first use and thereafter maintained at all times.

Reason: In the interests of highway safety.

5. There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 20 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, 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.

#### Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
2. Having regards to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. The alteration of the access and/or minor works will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager.

## Proposal

It is proposed to provide a new access to the north of the dwelling by removing an existing post and rail fence and a section of soil in order to enter the site. The existing bank to the north will be regraded to a maximum height of 900mm on each side of the access to provide a visibility splay. The first 6m of the access from the edge of the highway will be a consolidated surface. This will lead to a parking area which will be about 40sqm in area and have a permeable surface. 1.5m high boarded bifolding entrance gates will be hung to open inwards and will be set back a minimum of 5m from the access onto the highway. A rendered block retaining wall will be constructed to the north of the parking area with a similar retaining wall to the south.

A retaining wall constructed with gabion baskets faced with localised stone will be erected on higher land to the east of the parking area parallel with the dry stone wall and then continue to the east of the rear of the dwelling. This wall will be about 3m high.

To the rear of the dwelling a section of bank will be removed and there will be a proposed patio area formed with flagstones.

## Site Description

The Old Waterworks was formerly a water treatment works building owned by Wessex Water which has been converted to a dwelling under planning permission 09/16/0006.

It is a rendered single storey dwelling effectively comprising two dual-pitched slate roof gables connected with a flat roof link with a timber entrance door and aluminium patio doors and windows. The roadside elevation is a mixture of stone wall, post and rail fencing and hedging. An access and parking area lies in the south-west corner of the site forward of the front elevation of the dwelling. It has curved stone wall sides and a permeable paved surface with an access drain where it meets the highway. This is an improvement on the existing access at this point which was used by Wessex Water.

The Old Waterworks is situated within Chipstable to the north of the centre of the village.

## Relevant Planning History

09/16/0002 - change of use and conversion of water treatment works to a single storey dwelling, with extensions to the north and west elevations and a detached cycle store to the north. Refused 11/4/2016.

09/16/0006 - Change of use and conversion from water treatment works to single storey dwelling with extensions to north and west elevations - conditional approval 4/11/2016.

09/19/0007/NMA - non-material amendment to application 09/16/0006 for changes to parking and associated matters, bi-fold doors and velux and internal layout - conditional approval 18/7/2019.

09/19/0012 - change of use of land from agricultural to domestic (retention of works already undertaken) - conditional approval 25/3/2020. Condition 2 removing permitted development rights for outbuildings on the land subject to the change of use has been appealed to the Planning Inspectorate. This appeal is ongoing.

06/20/0005/HHN - Prior approval for a larger home extension to the rear

## Consultation Responses

*SCC - TRANSPORT DEVELOPMENT GROUP* - Whilst the principle of the new access is acceptable as it creates better visibility splays than the existing access point in the SW corner of the site and is therefore beneficial in highway terms, the Highway Authority will not agree to removal of highway rights as detailed on the

submitted plans. In the event of permission being granted, I would recommend that the following conditions are imposed:- 1) Prior to occupation the proposed access over at least the first 6 metres of its length, as measured from the edge of the adjoining highway, shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times. 2) 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. Such provision shall be installed before occupation and thereafter maintained at all times. 3) The existing access in the SW corner of the site shall be closed to all traffic and its use permanently abandoned within 3 months of the new access hereby permitted being first brought into use. 4) There shall be no obstruction to visibility greater than 900 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 20 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times. A note regarding the need for a Section 184 Permit should also be added to the permission.

Later comments from Highways changed their position on the closure of the existing access - the road is a quiet unclassified rural route and there is no wish to hinder Wessex Water accessing their plant. Closing the access would mean they had to find somewhere else to park which may create problems elsewhere.

*CHIPSTABLE PARISH COUNCIL* - The Parish Council have looked at this and have no comments to make.

*WESSEX WATER* - No comments received to date.

## **Representations Received**

None received.

## **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).

Relevant policies of the development plan are listed below.

DM1 - General requirements,  
D5 - Extensions to dwellings,

## **Local finance considerations**

### **Community Infrastructure Levy**

The proposal is not liable for CIL.

## **Determining issues and considerations**

The determining factors for consideration are the affects on the amenities of neighbours, the appearance of the development and the impact on the street scene and highway implications.

Due to the isolated position of the dwelling the proposed development will have no affect on residential amenity.

The rendered block walls will have a varying height ranging from 2.5m high to 1.3m high within 4m of the edge of the highway. The gabion walls will be 3m high in order to retain the bank of land in the east of the site. These proposed works including the parking area off the access and the patio area to the rear (east) of the dwelling will introduce a large element of hard landscaping into the site, particularly with the addition of a 6m single storey extension to the rear which is considered to be permitted development (under 09/20/0005/HHN. However, the hedging along the western boundary will screen much of the development from the view from the highway and the timber bi-folding entrance gates will be kept below the height of the existing fencing so will not dominate the street scene and will be set back 5m from the access in line with highway safety requirements which will further reduce their visual impact. The gabion wall will blend in with the dry stone retaining wall to the east and the rural nature of the site whilst a line of saplings have been planted along the northern boundary which will over time help further soften the impacts of the development. In addition, it is noted that under planning permission 09/19/0012 the domestic curtilage has been extended to the east. With a condition on this land imposed to control the development of outbuildings (although it is noted that this is currently subject to an appeal) this should help to ensure that the curtilage remains largely rural and will help to preserve the rural character of the site.

The new access and parking is required as, although the approved plans for 09/16/0006 show the parking area to the south-west of the site as being suitable for the parking of two cars, in practice only one vehicle comfortably fits onto the paved parking space and being a family of six, with deliveries and visitors, an extra off-road parking area with access from the road is required. Being a single lane rural route there is no on-street parking provision so off-road parking is required for highway safety. The size of the new parking area will allow parking for two to three cars plus some vehicle turning making the new access safer to use as it will be easier to exit and enter the highway in a forward gear. Highways consider that the principle of the new access is acceptable as it creates better visibility splays than the existing access. The conditions recommended by Highways will be added if permission is granted to ensure highway safety is maintained.

The new access and parking provision is proposed to be in addition to the existing access. Although initial comments from Highways recommended a condition to close the existing access, this recommendation has been rescinded in order to allow safe access by Wessex Water onto the site. Wessex Water's plant is situated within the existing parking area and is inspected regularly, currently on a monthly basis, by Wessex Water as the water controlled from this site serves the village. If this access was not retained finding a safe parking space elsewhere by Wessex Water could create problems elsewhere. In addition, the existing access can be used for the safe unloading of deliveries.

It is considered that the proposed development is acceptable and in accordance with policy DM1 of the Taunton Deane Core Strategy and policy D5 of the Taunton Site Allocations and Development Management Plan. It is recommended for conditional approval.

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

**Contact Officer: Mrs S Wilsher**