

24/19/0046

MR A SALT

Erection of 1 No. bungalow with detached garage on land to the rear of 16 Town Farm, North Curry

Location: LAND TO THE REAR OF 16 TOWN FARM, NORTH CURRY

Grid Reference: 331796.125261

Full Planning Permission

Recommendation

Recommended decision:

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 16.16.101 Site Location Plan
(A3) DrNo 16.16.103 Block Plan
(A3) DrNo 16.16.104 Site Plan
(A3) DrNo 16.16.105 Bungalow Floor Plan
(A3) DrNo 16.16.106 Bungalow Elevations
(A3) DrNo 16.16.107 Garage Plans & Elevations
(A3) DrNo 16.16.110 Orchard Location Plan
(A2) DrNo 3039.001 Rev B Landscape Structure Plan

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

3. No removal of hedgerows, trees or shrubs or demolition of structures shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided 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.

Reason: In the interests of nesting wild birds and in accordance with policy CP8 of the Taunton Deane Local Plan

4. Retained trees and hedgerows shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works and construction and to ensure materials are not stored at the base of trees through the use of protective fencing. The fencing shall be installed prior to any vegetative clearance and maintained throughout the construction period.

Reason: A pre-commencement condition in the interests of protected species, hedgerows and biodiversity generally and in accordance with policy CP8 of the Taunton Deane Local Plan.

5. Prior to occupation, a "lighting design for bats" 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 or having access to their resting places. 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 policy CP8 of the Taunton Deane Local Plan

6. The following will be integrated into the dwelling:
 - a. A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows beneath the apex of the southwest elevation.
 - b. A cluster of five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level beneath the apex on the northeast elevation
 - c. A bee brick built into the wall about 1 metre above ground level on the southeast elevation of the dwelling

Photographs of the installed features will be submitted to the Local Planning Authority prior to the completion of construction works.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

7. (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available

planting season from the date of commencement of the development.

(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.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

8. Prior to the construction of the building above DPC level samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the area.

9. i) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2012.
- ii) Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected.
- iii) It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase.

Reason for pre-commencement: To ensure protection of trees on site.

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.

Proposal

The application proposes the erection of a detached single storey dwelling with three bedrooms and a detached double garage. Vehicular access to the site is from an existing private drive which serves one dwelling and a BT exchange building.

Site Description

The site is located within the settlement boundary of North Curry and is surrounded by residential properties in a mix of styles. The site lies to the rear (north-west) of 16 Town Farm and was formerly used as an orchard.

The site measures 1056m² and is relatively flat. The site is well screened from public realm, behind existing dwellings.

Relevant Planning History

24/01/0033 - Erection of three houses and two flats for Social Housing and alterations to existing barn at Town Farm, North Curry - Conditional approval - 8 March 2002

24/01/0034 - Residential development (total of 14 units) including conversion and extension of existing building to form two units at land to the rear of Town Farm, North Curry - Conditional approval - 8 March 2002

24/18/0012 - Erection of bungalow - Refused -

24/19/0021 - Erection of bungalow - Refused - 6 September 2019 - Appeal against the refusal has been lodged with the Planning Inspectorate

Consultation Responses

NORTH CURRY PARISH COUNCIL - Strongly object to this application.

- The Parish Council believes the Section 106 Agreement/Covenant of the Town and County Planning Act 1990 is still binding and would expect Somerset West and Taunton

Council Planning to abide by that.

2.2 “ the Developer shall not construct or permit to be constructed upon the Public Open Space Land as so defined any building or other structure whatsoever (other than hedges or fences dividing individual garden areas such fencing to be approved in writing to the council)”

6. “The developer hereby agrees (in consideration of the agreement by the Parish Council and the Council in clause 2) that

6.1 any area of land retained as paddock will be maintained in good agricultural order”

- The Parish Council understood that the Planning Authority were not happy with the ecological finding of the previous application. The applicant has now undertaken an ecological survey, which has involved removing all important species, and completely cleared the site to prevent any repopulation of wildlife at all. To emphasise these points raised we refer to the comments made by Mr Gareth Clifford, Planning Officer *‘The proposed development by reason of the design and location would be an inappropriate development in a backland location on historic orchard land that will result in the permanent loss of an historic orchard area contrary to policy ENVI of the Site Allocations and Development Management Plan and replacement planting is not considered to offset this and it would be detrimental to the character and appearance of the area contrary to policies CP8 and DM1d of the Core Strategy. In summary, the development would result in the loss of an historic orchard area that acts as a green*

buffer between residential developments within the village. A bungalow here would be backland development out of keeping with the character of the area and while the access is considered suitable for an additional dwelling the harm to the character of the area is not considered to be outweighed by the benefit of a single bungalow.'

- The Parish Council still feels that the visibility splay onto Knapp Lane is substandard, especially now a fence on the Northern side of the entrance has been erected. The PC also notes that a previous application at Knapp Lane Acre was refused partly due to access visibility issues. **24/14/0011** – (*Appeal Decision APP/D3315/A/14/2229087*), comments from Highways Safety, '16. *The highway authority seeks visibility spays of 2.4 m x 43 m to the east, and 2.4 m x 59 m to the west.'*

... '17. *The junction with Knapp Lane lies within an area where the national speed limit applies. For vehicles leaving the site, visibility at the junction with Knapp Lane is severely restricted'* The PC feels this site also does not meet these requirements. The traffic flow along Knapp Lane has increased since the Lockyer's Field Development with Strongvox stating the following in relation to adding a footpath to Knapp Lane.

'Following an additional speed survey, undertaken in December 2018 at the location where the footpath connection is due to be made, that 85th % tile of the speed in both directions on Knapp Lane is 25 mph. This is a significant increase on the previous speeds of 18-20 mph, on which the original visibility splays were based'

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice

TREE OFFICER - The remnant orchard that was present on this site was unfortunately largely felled in April of last year. Of the 14 trees on the site, 10 of them were either felled, or partially felled or ring-barked. A TPO had been served, but the trees were cut before the TPO could be received. After this, it was considered that the site as an orchard was essentially lost, as only the remaining undamaged trees at the northern end were likely to survive. The 10 trees that had been cut were likely to die or would be likely to shed limbs from what remained. The TPO system does not allow for the protection of dead or dangerous trees.

The site is now very overgrown, but it appears that the remains of three trees are present in the middle of the site, one of which appears to have re-sprouted from the stump. These remains would not merit protection by TPO. However, there is a group of trees at the northern end of the site that is shown to be retained. Three of these are apple trees. There's also a birch and a palm tree. I think that these should be protected by a planning condition, and protected carefully during construction in the usual way. Also a good number of new trees should be included in a landscape scheme, as indicated on the current site plan.

SCC FLOOD AUTHORITY - We believe that this application is a minor application and falls below the requirements for LLFA statutory consultation. Therefore, the LLFA has no comments to make regarding this application.

SCC - ECOLOGY -An Ecological Appraisal of the application site was carried out by Blackdown Environmental in October following a Preliminary Ecological Appraisal produced in July 2019 (not submitted with the application)for the same site then known as Land off Knapp Lane.

The report noted that the shed on the site had potential to support nesting birds, e.g. blackbird or robin. The following condition will be required:

No removal of hedgerows, trees or shrubs or demolition of structures shall take place between 1st March and 31st August inclusive, unless a competent ecologist

has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided 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

Reason: In the interests of nesting wild birds and in accordance with policy CP8 of the Taunton Deane Local Plan

Reptile fencing has been installed in anticipation of the previous application, and a translocation exercise carried out of the slow-worm population to a suitable site in North Curry. A destructive search of the site was subsequently carried out in October 2019.

The report recommends that the remaining trees at the boundaries of the site are protected during the construction phase. This should be conditioned as follows:

Retained trees and hedgerows shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works and construction and to ensure materials are not stored at the base of trees through the use of protective fencing. The fencing shall be installed prior to any vegetative clearance and maintained throughout the construction period.

Reason: A pre-commencement condition in the interests of protected species, hedgerows and biodiversity generally and in accordance with policy CP8 of the Taunton Deane Local Plan

Hedgerows around the site were considered potentially to support commuting bats. Lacking evidence to the contrary I have to assume the presence of light sensitive species. Therefore, the following condition is required:

- Prior to occupation, a "lighting design for bats" 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 or having access to their resting places. 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 policy CP8 of the Taunton Deane Local Plan

The National Planning Policy Framework (170d) requires biodiversity enhancement to be provided within development. A bee brick would contribute to the Somerset Pollinator Action Plan. Research shows that bees will live in the bricks and there is no risk associated with their installation as solitary bees do not live in hives or have a queen, and do not sting. The bricks have a solid back with the cavities placed on the outside wall. I recommend that the following is conditioned.

The following will be integrated into the dwelling:

- a. A Habibat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows beneath the apex of the southwest elevation.

b. A cluster of five Schwegler 1a swift bricks or similar built into the wall at least 60cm apart, at least 5m above ground level beneath the apex on the northeast elevation

c. A bee brick built into the wall about 1 metre above ground level on the southeast elevation of the dwelling

Photographs of the installed features will be submitted to the Local Planning Authority prior to the completion of construction works.

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SOUTH WEST HERITAGE TRUST - No objections on archaeological grounds

Representations Received

Representations have been received from 33 local residents objecting to the proposal on some or all of the following grounds:

- principle of development has previously been rejected by the Council
- backland development, which would set a precedent
- development would require an ancient orchard of apple trees to be removed
- any replacement orchard should be on additional land not already part of an existing development
- access to the site is dangerous
- increased traffic along narrow lane
- lack of footpath along Knapp Lane
- increased noise and disturbance for local residents during construction
- village is being over-developed and becoming a commuter belt
- valuable green spaces within the village should be retained
- habitat for wildlife and biodiversity will be lost
- used to provide a buffer between open countryside and housing, but now provides space between 14 houses
- trees should be replanted
- land has been cleared
- the alternative orchard site is in a neglected state
- land protected as a green buffer through a S106 agreement and covenant

One representation received in support of the application.

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.

SD1 - Presumption in favour of sustainable development,
SP1 - Sustainable development locations,
DM1 - General requirements,
A1 - Parking Requirements,
D7 - Design quality,
D10 - Dwelling Sizes,
D12 - Amenity space,
ENV1 - Protection of trees, woodland, orchards and hedgerows,
ENV2 - Tree planting within new developments,
ENV4 - Archaeology,
CP8 - Environment,

Local finance considerations

Community Infrastructure Levy

Creation of dwelling is CIL liable.
Proposed development measures approx. 160sqm.

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 £20,000.00. With index linking this increases to approximately £26,750.00.

Determining issues and considerations

The proposal is for the erection of a single bungalow on land to the rear of existing two storey development at Town Farm and Sycamore Row within the historic village of North Curry. The land is within the settlement boundary identified in the local plan and surrounded by residential development. The main issues are suitability of the site in terms of location, character and design, biodiversity and the access.

The location is within the settlement limits of the village where development in principle is considered acceptable. It is in a backland position and was originally designated open space and possible allotment land for the Town Farm development granted in 2002. This land was referred to in the original Section 106 agreement for the site and was subsequently amended to paddock land with a clause in the legal agreement that it not be built on. Circumstances have clearly changed since the agreement was completed as the site no longer forms a buffer between development and open countryside and is now surrounded by residential development. This however is a legal issue that would need to be relaxed if development was to be granted. The covenant is not a relevant planning issue in the consideration of the application.

The land itself has been an undeveloped orchard area historically as evidenced from historic maps. The character of the area is as an overgrown orchard and a number of trees on the site have been subsequently felled prior to a TPO being formally served. The character of the surrounding area is of mainly two storey dwellings and while a bungalow design could be argued to be out of keeping with the general character of the village, there is a bungalow immediately to the east. However this site is not in the conservation area and has no specific designation and a bungalow would not have any adverse impact on the amenity of neighbours.

Policy ENV1 of the SADMP seeks to minimise the loss of trees and orchards among other natural features and seeks a net gain where possible. Replacement trees are proposed to be replanted within the site, and an alternative public orchard area planted on open space in the village has been provided to compensate for the loss of the area. The site is privately owned and trees will be planted to supplement those already on the site which would result in a net gain. This being the case the impact of a single storey property and tree planting is not considered to adversely impact on the character of the area to warrant a refusal of the proposal and it is considered to comply with policies ENV1 and ENV2.

The access to the site is proposed via an existing access onto Knapp Lane in a location around 45m with the junction with Queen Square. The access serves existing properties and the addition of a single dwelling is not considered to generate significant traffic to warrant a highway concern, particularly as the visibility in both directions is considered adequate. The proposal has parking and turning within the site which complies with policy A1 of the SADMP. The Highways Authority has raised no objection. Given the concerns raised by local residents further comments has been requested from the Highway Authority.

A number of representations have been received objecting to the proposal on a number of grounds. However, with the exception of the ecological grounds (and the reason for refusal), the issues have been addressed in the assessment of the previous application and not considered to be grounds for refusal. The current application is a duplicate of the previously refused application and there have been no changes in circumstances.

To address the environmental aspects, the applicants have submitted an Ecological Appraisal prepared by Blackdown Environmental and dated October 2019. The Appraisal has been reviewed by an ecologist on behalf of the Council, who has raised no objection to the proposal subject to the inclusion of a number of conditions, including biodiversity enhancements.

In summary the development would result in the provision of a bungalow that would not impact on the amenity of neighbouring dwellings. The access is suitable to serve a single dwelling and the main issue is the loss of an historic orchard area. A replacement public orchard area has been provided and replacement tree planting for those previously lost can be conditioned as well as the protection of those trees to remain on the site.

The proposal complies with the adopted policies and approval is recommended.

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

Contact Officer: Denise Grandfield