

MR & MRS E GAINES

Outline Planning Permission with all matters reserved, except for access and layout, for the erection of 2 No. dwellings on land at Tor House, 48 Ford Road, Wiveliscombe

Location: TOR HOUSE, 48 FORD ROAD, WIVELISCOMBE, TAUNTON, TA4
2RE

Grid Reference: 308582.128011

Outline Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. Approval of the details of the (a) layout (b) scale (c) appearance and (d) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of two years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

2.
 - 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.

3. Prior to commencement of works for the creation of the access within the canopy spread of the existing Holm Oak and Monkey Puzzle trees all excavating works shall be agreed with the Local Planning Authority. All excavation works should be hand dug and no roots larger than 20mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill any excavated areas and compacted without using machinery.

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

4. Details of the relative heights of the existing and proposed ground levels and the height of the ground floor of the proposed dwellings shall be submitted as part of the reserved matters application, as required by Condition 1 and the development shall be carried out wholly in accordance with the approved plans.

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with Taunton Deane Core Strategy Policies DM1 and CP8.

5. No works shall be undertaken on site, other than those required by this condition, unless the access to the site has been provided in accordance with the approved plans. The access shall thereafter be retained in the approved form.

Reason: To ensure suitable access to the site is provided and retained.

Notes to Applicant

- . 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

Outline application for the erection of 2no. open market dwellings, with the re-siting of an existing access to the north and associated works, all other matters reserved

Site Description

The site is to the northern side of Wiveliscombe and within the grounds of a large detached property of Victorian/Edwardian provenance, Tor House, which is Grade II listed. There is an existing access which would be moved slightly. The site overall is on a hill although the land proposed for the two dwellings is fairly flat and setback from the road. There are modern houses to the south of the plot and a converted outbuilding, now a dwelling to the north. There is a pre-existing access from the road which cuts into the bank to the front of Tor House and is supported by a stone retaining wall. There is some domestic planting and landscaping to the front of the site nearest the road including a semi-mature Holm oak tree, most of the garden is laid to lawn. The access is shared with Tor House and the converted outbuilding. To the immediate south of the plot and existing access there is a public footpath but this is located outside of the land owned by the applicants.

Relevant Planning History

- 49/18/0071, 49/15/0072/LB and 49/18/0073/LB - conversion of coach house into 1no. dwelling – currently under consideration
- 49/15/0037 and 49/15/0038/LB - outline permission for the erection of 2no. dwellings with all matters reserved except for access – Approved - 13/11/2015
- 49/15/0009 and 49/15/0012/LB - conversion of coach house into 1no. dwelling - Approved - 15/06/2015

Consultation Responses

WIVELISCOMBE TOWN COUNCIL - support the application

SCC - TRANSPORT DEVELOPMENT GROUP - standing advice

SCC - RIGHTS OF WAY - Thank you for consulting us on the above application. I have not visited the site.

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that abuts the site (public footpath WG 15/6). I have attached a plan for your information.

We have no objections to the proposal, but the following should be noted:

1. General Comments

Any proposed works must not encroach on to the width of the PROW.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW, then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov>.

LANDSCAPE - The alteration of the access will impact on the street scene but the proposed houses will be viewed in conjunction with neighbouring properties and so I have no landscape objection.

TREE OFFICER - Re the proposed development at Tor House and its effect on existing trees, my only concern is the potential effect of the revised access on the Holm Oak tree at the front of the house, as the tree is significantly raised above the proposed access, which would require excavation. I think that we would need detail about the Root Protection Area for this tree, and details of the required excavation. If the access can be left as it is, or the new one moved in a southerly direction, so much the better.

Otherwise, no problem subject to the trees at the eastern end being retained and protected during construction, and the house in plot 1 being outside the RPAs of these trees as much as possible.

Also, the RPA of the Monkey Puzzle near to the southern boundary should be avoided when locating and constructing the driveway. The trees shown to be removed are not of sufficient quality to be a constraint to development, and would not merit TPO in this location.

WESSEX WATER - Thank you for the consultation in respect of the above. Please find attached a map showing the approximate location of our services near the site.

Wessex Water has no objections to this outline application and can advise the following information for the applicant:

The Planning Application

The applicant has indicated that foul sewerage will be disposed of via the main sewer.

Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The applicant has indicated in the current application that rainwater (also referred to as "surface water") will be disposed of via soakaway and sustainable drainage systems.

Applying for new drainage and water supply connections

If your proposals require new connections to the public foul sewer and public water mains, notes and application forms can be found here.

Are existing public sewers or water mains affected by the proposals?

According to our records there are no recorded public sewers or water mains within the red line boundary of the development site. Please refer to the notes on the attached map for advice on what to do if an uncharted pipe is located.

The surface water strategy

One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution.

If planning approval is obtained we advise that a further detailed plan is submitted to the planning authority showing the surface water strategy for the proposed site following the SuDS hierarchy, which is subject to building regulations. There must be no surface water connections into the foul network.

Representations Received

none

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.

SP1 - Sustainable development locations,
SD1 - Presumption in favour of sustainable development,
CP4 - Housing,
CP8 - Environment,
DM1 - General requirements,
DM2 - Development in the countryside,
ENV1 - Protection of trees, woodland, orchards and hedgerows,
SB1 - Settlement Boundaries,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.

Outline application so residential testing assumptions used for 3 bed detached market dwelling.

Proposed dwellings measure approx. 210sqm.

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 £26,250.00. With index linking this increases to approximately £35,250.00.

New Homes Bonus

The development of this site would result in payment to the Council of the New Homes Bonus, details will be given at the reserved matters stage.

Determining issues and considerations

The main issues are the principle of development, design, access and parking, and amenity issues

Principle of development

This application is mainly intended to effectively renew an earlier outline consent for 2no dwellings on the same plot of land which was approved under reference 49/15/0037. No details in terms of layout and access have changed with this current application. Other than demarcating the individual plots no further details of layout are supplied with the outline application. However it is acknowledged that the plots are of a reasonable size and can accommodate two dwellings with gardens. The site is partially within the settlement limits to Wiveliscombe, which is classified as Major Rural Settlement under TDBC Core Strategy policy SP1. The settlement boundary line runs through one plot (to the west) and the second plot (to the east) is outside of

the settlement limits. However the site is adjacent to a settlement with a range of services and shops and cannot be described as being isolated, or *in* open countryside. So whilst technically in Open Countryside in terms of its planning designation, the site is not considered to be unsustainable and is considered appropriate for residential development of this type and scale.

There have been few significant material changes on the ground at the site since the previous planning approval (although there were some changes in Local Plan and national policies, but none that directly impact on the principle of development) and as such there are no substantive policy objections to the proposal.

A site located very near to the main dwelling has been approved (ref 49/17/0070) for a 71no. dwelling, residential development although construction has not yet commenced.

There have been some junction improvement works at the corner of Ford Road and Burges Lane. This has impacts on highways and access issues related to the current application site as the corner of Burges Lane is opposite the site, but it does not undermine policy support for the development subject to an assessment of standard planning criteria including highway safety and traffic impacts.

It is considered that the proposal is therefore acceptable in principle.

Design

No details of the proposed dwellings have been supplied indicating style, scale, height, materials or design, and the only layout details show plots but not position. However the plots are substantive and would allow for positioning the dwellings in manner which should not have severe impacts on residential amenity. The layout as presented is considered acceptable. Drawings have been supplied showing the access improvements and repositioning. These are considered to be policy-compliant and acceptable subject to protection for trees.

Amenity

The proposed dwellings would be slightly above houses on Ford Road and close to the converted outbuilding a former coach-house associated with Tor House. Therefore amenity concerns in relation to overlooking/privacy, shadowing, overbearing and loss of light impacts must be addressed through the design for any potentially submitted reserved matters applications. It is considered that the plot is large enough to achieve a design and layout which would not present any insurmountable amenity challenges through thoughtful and appropriate designs.

Access and parking

Highways access would be via an existing but amended access to the west of the site on Ford Road. The access would be moved slightly to the north which would involve cutting into an existing stone bound earthen bank. This change would also set the access back allowing for a greater visibility splay and it is recognised that this would be of benefit to highway safety. Given the scale at two dwellings with off street parking it is considered that traffic impacts would be within acceptable limits. It is considered that the amended access and shared drive would have capacity for all existing and proposed dwellings at the site. Off-street parking and reasonable

off-street turning circles are possible within any proposed design given the scale of the plot and therefore there should not be any significant volumes of additional on-street parking created by the proposed new dwellings.

Landscape

The proposed development would have limited impacts on the landscape setting which are considered to be acceptable subject to protection of trees. The front of Tor House to the west direction facing onto Ford Road has several shrubs and a good sized Holm Oak and this should be protected during any future construction activities as it is important in establishing a setting for the listed building and screening the wider site.

Notwithstanding comments from the LPA's tree officer it is considered that subject to a condition for a tree report and hand digging root protection during construction works the proposed works are acceptable. It is considered that the traffic safety benefits of an improved visibility splay outweigh any harm to the landscape and extant street scene, a condition will be attached to any permission granted requiring this.

Other matters

The main dwelling at Tor House is Grade II listed however, as with the earlier outline consent, it is not considered that the proposal would have a significant impact on the setting of the heritage protected building due to it being setback and some distance from it and is likely to be acceptable once an appropriate design is agreed at the reserved matters stage.

There is a public footpath running adjacent to the southern boundary to the site however it is considered that the proposed works would not impact upon public access to the footpath. However the applicants should note and be mindful of comments from the County public rights of way officer above, in regards to works impacting on the access to the footpath.

In regards to drainage, surface water and foul water disposal it is considered to assess these matters at the reserved matters stage. However the applicants' attention is drawn to comments from Wessex water in regards to surface water and the SUDS hierarchy.

Required amounts for the CIL payment and the New Homes Bonus in respect of the proposed development are detailed above, with a representative example. Until details of final designs are agreed it is not possible to give a full breakdown of CIL liabilities or the New Homes Bonus. Although a material consideration officers do not consider that these factors should be attributed significant weight in reaching a determination on this application.

Conclusion

This is an application for 2no new dwellings sited partially within defined settlement limits but overall in close proximity to the settlement so considered as in a sustainable location, and it is also on the border of a major approved residential development site. It is considered to be an acceptable development in conformity with the Local Plan and is recommended for approval subject to conditions detailed

above.

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

Contact Officer: Mr Alex Lawrey