

Application Details	
Application Reference Number:	48/21/0008
Application Type:	Full planning permission
Earliest decision date:	31 March 2023
Expiry Date	09 April 2021
Extension of time	22 December 2023
Decision Level	Committee
Description:	Erection of 1 No. detached dwelling with detached garage and associated works at the walled gardens at Nigella, Church Hill, West Monkton
Site Address:	NIGELLA, CHURCH HILL, WEST MONKTON, TAUNTON, TA2 8QT
Parish:	48
Conservation Area:	Yes
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	No
Case Officer:	Mike Hicks
Agent:	
Applicant:	MR & MRS MUNSON
Committee Date:	21 November 2023
Reason for reporting application to Committee	Recommendation contrary to Parish Council and more than 4 objectors views

1. Recommendation

1.1 That permission be GRANTED subject to the prior completion of a Section 106 Agreement and conditions.

2. Executive Summary of key reasons for recommendation

2.1 Grant permission subject to the signing of a S106 agreement to pay the required sum to secure phosphate credits to ensure nutrient neutrality. The development will have an acceptable impact on the character of the Conservation Area and general visual amenity, on residential amenity, on highway safety and the ecology of the site.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

- Time limit
- Approved plans
- Materials
- Eaves/Fascias
- Windows in timber and details to be agreed
- Restoration of historic wall
- Landscaping
- Tree Protection
- Parking spaces including those within the garage and turning retained as approved
- Consolidated surface at access
- Cycle storage and EV charging points
- Surface water drainage
- Water consumption
- Restriction on permitted development- extensions including roof extensions, outbuildings.
- Obscure glazing to windows to first floor of East elevation.
- No additional windows to be formed in East elevation or first floor of West elevation.
- Vegetation removal outside nesting season
- Vegetation removal to be supervised by ecological clerk of works
- Ecological enhancements
- External lighting

3.2 Informatives (bullet point only)

- Positive/proactive planning
- Ecology notes
- Vegetation growth in visibility splay should be cleared
- Licence for works adjacent to highway

3.3 Obligations

Section 106 agreement to secure the payment of money to gain phosphate credits to ensure the development is nutrient neutral.

4. Proposed development, site and surroundings

4.1 Details of proposal

The application proposes a detached 1.5 storey dwelling. The dwelling contains the upper floor on the eastern end of the dwelling which is partially within the roof. The remainder of the dwelling would be single storey only. The dwelling would contain 4 bedrooms, 2 on the upper floor and 2 on the ground floor. A detached double garage is proposed to the north of the dwelling, on the Northern side of the historic wall.

During the course of the application, amended plans were received detailing the following amendments:

- Floor plans and elevations amended to reduce footprint to provide increased distance to southern boundary
- Alterations to windows including reduction in design of eaves and gable ends revised to reflect traditional detailing.
- Rooflights to be flush fit conservation style solar panels to South elevation

4.2 Sites and surroundings

The site is situated within a section of walled garden located within the garden of a dwelling to the North known as Nigella. The site is located within the settlement boundary for West Monkton. The historic wall is constructed from stone and brick and forms the Northern and Eastern boundaries enclosing the proposed dwelling. The eastern boundary of the site is shared with a chalet bungalow known as Annandale. The Western boundary is shared with a 2 storey detached dwelling known as Mulberry House. The Southern site boundary is shared with a detached dwelling known as Bartons. There is a detached property to the North known as 'Nigella' and another dwelling to the North East known as Tresco located on the Northern side of the site access.

The site is located within the West Monkton Conservation Area. The vehicular access to the site is located to the north of the proposed dwelling and consists of a private road extending in an easterly direction to the public highway which is unclassified. The private access road currently serves 3 detached dwellings.

5. **Planning (and enforcement) history**

Reference	Description	Decision	Date
48/23/0002	Erection of 1 No. detached dwelling with associated	Under consideration	N/A

	works in the garden to the rear of Nigella		
48/19/0059	Outline planning permission with all matters reserved (except for access) for the erection of 1 No. detached dwelling in the garden to the rear of Nigella	Permitted with conditions on appeal	15.09.2020

6. Environmental Impact Assessment

N/A

7. Habitats Regulations Assessment

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. The development will result in the discharge of phosphates within the catchment. Accordingly, the competent authority under the Conservation of Habitats and Species Regulations 2017 is required to carry out a Habitat Regulations Assessment. The applicant has undertaken to purchase phosphate credits which have the effect of offsetting the phosphate discharge from the site. As a result of mitigation being secured in the form of phosphate credits which are commensurate with the level of phosphates that would be generated by the development, it is considered that there would be no additional impact on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 13 October 2023

8.2 Date of revised consultation (if applicable):

8.3 Press Date: 19 February 2021

8.4 Site Notice Date: 17 February 2021

8.5 **Consultees** the following were consulted:

Consultee	Comment	Officer Comment
WEST MONKTON PARISH COUNCIL	<p>First response- Object-</p> <ul style="list-style-type: none">• Concerns over substandard access, poor visibility, busy road used by large farm and heavy vehicles, no footpath, cyclists and other users on the road.• Dwelling is too large for the plot• Out of keeping• Impact on neighbours to south via overlooking• Potential impact on the historic wall <p>Second response- Object-</p> <ul style="list-style-type: none">• Site sections are misleading• Will overshadow Annandale• Comments should be sought from another Conservation Officer <p>Third response- Object-</p> <ul style="list-style-type: none">• Objection as per previous responses still stands.	Refer to material considerations section of report
SCC - ECOLOGY	<p><u>No objections subject to conditions:</u></p> <ul style="list-style-type: none">• Walkover survey to assess shed to be demolished• No vegetation removal within nesting season unless supervised by an ecologist	Conditions included

Consultee	Comment	Officer Comment
	<ul style="list-style-type: none"> • Removal of scrub, shrubs and tall ruderals to be supervised by an ecologist • Ecological enhancements 	
<p>SCC - TRANSPORT DEVELOPMENT GROUP</p>	<p><u>First response-</u> No objection subject to conditions relating to visibility, structural assessment, drainage, parking, cycle storage, EV charging points</p> <p><u>Second response-</u> No objections subject to conditions:</p> <ul style="list-style-type: none"> • Parking spaces, surface water, consolidated access, cycle storage, EV points. <p>Informatives-</p> <ul style="list-style-type: none"> • Vegetation growth to be removed • Licence for works adjacent to highway 	<p>Conditions included</p>
<p>WESSEX WATER</p>	<p>No objections. Comments made relating to surface water drainage, connections to foul sewer and water mains.</p>	
<p>TREE OFFICER</p>	<p>No objection- would be beneficial to protect the Sycamore on the Southern boundary.</p>	<p>Condition included</p>
<p>LANDSCAPE</p>	<p>No comments received.</p>	
<p>CONSERVATION OFFICER</p>	<p>No objections- the development is of an appropriate scale and will result in minimal intervention into the historic wall. The wall needs to be safeguarded during construction.</p>	<p>Refer to heritage section</p>
<p>NATURAL ENGLAND</p>	<p>Agree with the contents of the shadow HRA providing that all mitigation measures (credits) are secured.</p>	<p>Recommendation is subject to the completion of a S106 legal</p>

Consultee	Comment	Officer Comment
		agreement to secure the credits.

8.6 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

24 letters have been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer comment
There was a traffic accident in 2014 at the site entrance and numerous 'close shaves' in the past.	Refer to highway section
Vehicles regularly encroach past the 'imaginary' give way line as referred to by the transport report.	Refer to highway section
Outline planning consent has already been granted for a further plot accessed from this driveway	Refer to highway section
Visibility at the site entrance is substandard.	Refer to highway section
Will the highway authority want to adopt the road if it serves more than 3 properties?	This would not usually apply to an existing access. If this were a concern it would have been raised by the Highway Authority.
Visual impact on the heritage asset- Conservation Area and wall. Dwelling will be taller than the wall. Will not preserve or enhance the heritage assets.	Refer to heritage section
Contrary to the spacious character of the area	Refer to character and appearance section
Adverse impact on the amenities of all surrounding properties in relation to overbearing impact, overshadowing.	Refer to residential amenity section
Will set a further for further development in gardens in the area	This is not a planning reason to refuse where a proposal has

	been assessed and is considered to be acceptable. Any other site can be similarly be assessed through the planning process.
Adverse impact on wildlife within the site including bats, birds and bees.	Refer to ecology section
Plans are misleading- levels around Annandale are lower than shown on the site section	Refer to other matters section
Only having a pedestrian access to the plot will be problematic for the build.	Refer to other matters section
Potential damage to historic wall and neighbouring boundaries and properties during construction	Refer to other matters section
Concerns over noise during construction	Refer to residential amenity section

Non material planning considerations	
Existing residents were not consulted by the author of the transport report.	This is not a material consideration as such. There is sufficient information with the application and from neighbours to enable a planning judgement to be made

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations strongly indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council will be bringing forward a Local Development Scheme to agree the timetable for the preparation of the local plan and scope in due course.

Relevant policies of the development plan in the assessment of this application are listed below:

CP8 - Environment,
DM1 - General requirements,
CP1 - Climate change,
CP4 - Housing,
DM5 - Use of resources and sustainable design,
SP1 - Sustainable development locations,
A1 - Parking Requirements,
D10 - Dwelling Sizes,
D12 - Amenity space,
ENV1- Protection of trees, woodland, orchards and hedgerows,
ENV2 - Tree planting within new developments,

Supplementary Planning Documents

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).

Neighbourhood plans:

West Monkton and Cheddon Fitzpaine

The following policies are of relevance:

Housing Policy H2: External Materials for Residential Development

Housing Policy H3: Refuse Bin Storage for Residential Development

Housing Policy H5: Building and Climate Change

9.1 National Planning Policy Framework

The NPPF is a material consideration.

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

10.1.1 The principle of development

The site is located within the settlement limits for West Monkton and accordingly the provision of a dwelling in this location accords with the Council's settlement strategy and is acceptable in principle. The proposal would therefore comply with Policy SB1 of the Taunton Deane Site Allocations and Development Management Plan and Policy SP1 of the Taunton Deane Core Strategy.

10.1.2 Heritage/General character and appearance

Section 72 of the Listed Buildings and Conservation Areas Act (1990) states that in the exercise of duties in relation to planning functions, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposed dwelling would be 1.2 metres taller than the adjacent property, Annandale at the tallest point of the roof. The lower section of roof would be 0.33 metres taller than Annandale. This height difference would be apparent within the near vicinity of the site. The dwelling would project above the historic wall by approximately 2.24 metres above the wall at the highest point in the roof when viewed from the north of the proposed dwelling. The dwelling would exceed the height of the wall to a greater degree when viewed from Mulberry House due to the wall following the downward contours along the Eastern boundary. Notwithstanding this, it is considered that in this height difference will not overly dominate or detract from the setting or appearance of the wall.

Overall, views of the proposed dwelling would be predominantly of the roof as opposed to wall which would be the case with a taller dwelling. The Conservation Officer has not objected to the proposal. Whilst the dwelling would alter the visual appearance of the area, it would be set within an existing residential area. The plot is smaller than some of the plots in the area, however it forms a visually coherent plot as it is visually enclosed by the wall and is already domestic in character. Accordingly its smaller size would not appear incongruous within this existing context.

The Neighbourhood Plan suggests that locally distinctive materials should be used in new development. The render to the walls would respect the existing surrounding character as render is already used in the immediate locality. Painted render is also a

characteristic feature throughout the Conservation Area. Natural slate is proposed for the roof.

The development provides an opportunity to enhance the condition of the historic wall and for minor repairs to be carried out. This will be secured via a planning condition and will provide a heritage benefit to the proposal through enhancement and conservation.

Conditions will be imposed to ensure that details of external materials are agreed, windows are timber and that roof eaves details are agreed in writing. A landscaping scheme will ensure some additional tree planting within the plot. Overall, subject to conditions it is considered that the proposal will preserve the character and appearance of the Conservation Area and the general character and appearance of the area.

Having regard to the above the proposal would comply with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

10.1.3 Quality of Accommodation

The proposal would comply with the relevant minimum floor and outdoor amenity space policies set out in Policies D10 and D12 of the Taunton Deane Site Allocations and Development Management Plan

10.1.4 Access, Highway Safety and Parking Provision

The applicant has submitted a technical report which assesses the safety of the junction with the main road. This has been assessed by the Highway Department. The visibility splays cannot be improved as the relevant land is under third party ownership and that owner does not agree to make improvements.

The Highway Authority have commented that they do not object subject to conditions relating to parking spaces, surface water, consolidated access, cycle storage and EV points. The Highway Authority point out that this is an existing access as opposed to a new access and that overall they consider that the additional use of the access will not result in unacceptable harm to highway safety. They further note the low vehicular speeds on the highway at the point of access and the lack of recorded accidents. An informative is requested to advise the applicant that the vegetation growth within the highway margin should be trimmed to maintain the visibility splay. Neighbours have stated that the road is used by large vehicles. It is accepted that this is the case and that these vehicles encroach close to the point of access, however these movements

are not considered sufficiently regular to cause significant concern over the additional use of the access. The lack of pavements on the road is common in a village situation, accordingly most drivers approach such roads with an appropriate level of care and attention. This is not a sufficiently significant factor to justify refusal of the application on highway grounds.

A comment has been received that there is an outline permission for a single dwelling using this access. The outline consent has since expired and there is a concurrent application for full planning permission on that site under reference 48/23/0002. This adjoining application is being considered on its individual merits and the Highway Authority have not objected to it for the same reasons as outlined above. The potential cumulative impact of vehicular movements from two dwellings have therefore been taken into account in reaching the above conclusion.

The requested drainage condition has been amended in consultation with the Highway Officer to ensure that it relates to the discharge of water onto the existing driveway as opposed onto the public highway. The proposal would therefore accord with Policy DM1 of the Taunton Deane Core Strategy.

10.1.5 The impact on neighbouring residential amenity

The impact on residential amenity is considered to be acceptable. In relation to Annandale there will be some loss of direct sunlight to three windows in the side elevation, however this impact is considered to be at an acceptable level. The first floor windows are secondary windows to a bedroom that is also served by a window to the South and given the height of thee compared to the proposed dwelling there would be a relatively minimal impact. There would be a greater impact on the ground floor bedroom as this is the only window serving the room. This bedroom window is already dug into the surrounding ground levels so is already partially obscured by ground levels and the boundary fence. Given the distance of 6.5 metres to the proposed dwelling and its relative height, it is considered that whilst direct sunlight will be blocked at certain times of day, the key issue is the impact on overall daylight levels within the room. Given the above considerations it is considered that this impact is not sufficiently severe to warrant refusal.

Objections have been received relating to overlooking towards other properties towards the north (Tresco) and dwellings to the South and East (Windflower, Bartons and Annandale). There would be a distance of approximately 9.8 metres form the south elevation of the proposed dwelling to the shared boundary of Bartons. The boundary of Windflower is located a greater distance from the South facing bedroom

window. This distance is considered sufficient to mitigate the impact of one bedroom window at ground floor level. A back to back facing distance of 20 metres between houses is generally considered acceptable in planning terms. In this instance the distance from the neighbours is over 30 metres. There is a distance of over 10 metres from the North facing bedroom window the boundary of Tresco which is sufficient to ensure there is not an undue level of overlooking. There will be some views from the south facing window into the garden of Annandale, however these views will be at an oblique angle which is greater in this situation than many suburban contexts where properties are located closer to one another.

The existing sycamore tree on the southern boundary will provide further screening. A landscaping scheme will be secured to include further tree specimens in the interests of the character of the area and ecology. These will further assist to filter views from surrounding neighbours.

Concerns have been expressed by a neighbour about noise during construction. This is not a reason to refuse planning permission. Disruption would be temporary and is an expected aspect of development.

Having regard to the above the proposal would therefore accord with Policy DM1 of the Taunton Deane Core Strategy.

10.1.6 The impact on trees and landscaping

There is an existing sycamore tree located on the southern boundary. This tree is located within the Conservation Area and therefore cannot be felled without a separate permission. A tree protection condition will be included within the decision notice to ensure that the tree is not harmed.

10.1.7 The impact on the Somerset Levels and Moors Ramsar Site

The site is located in an area that is hydrologically connected to the Somerset Levels and Moors (SL&M) Ramsar site and as such the proposal has the potential to contribute to additional phosphates entering the Ramsar site. As a result this planning application has been subject to a Habitats Regulations Assessment (HRA) proceeding to an Appropriate Assessment.

Somerset Council, as the competent authority under The Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') must be certain beyond a

reasonable scientific doubt that any new residential development will not have an adverse impact upon the Somerset Levels and Moors Ramsar Site. To do this, the proposed development must be 'nutrient neutral', demonstrated through an HRA, before planning permission can be granted.

Somerset Council has adopted an Interim Phosphates Mitigation Strategy (previously known as the Somerset West and Taunton Interim Phosphates Mitigation Strategy) in order to establish nutrient mitigation projects and create 'phosphate credits' for the River Tone catchment area known as 'SWT P-credits' associated with this mitigation, that developers can acquire.

The Interim Phosphates Mitigation Strategy, and projects therein have received the approval of Natural England, as set out within the 'Standard Appropriate Assessment' of the Strategy, available to view on the Council's website. Natural England has confirmed that SWT P-credits generated through the Interim Strategy will enable a commensurate quantum of development to be approved on the basis that it is nutrient neutral and will not therefore adversely affect the integrity of the Somerset Levels and Moors Ramsar Site.

In this case, the applicant has agreed to the principle of a Section 106 agreement to secure the acquisition of 0.1 SWT P-credits. The number of SWT P-credits required to ensure that the proposed development would be nutrient neutral have been derived using the Somerset Phosphorus Budget Calculator and reviewed by the Somerset Council Nutrient Neutrality Officer. They are based on best available evidence at the time of writing.

The applicant has prepared a Shadow HRA (sHRA) which the Council, as competent authority, has adopted as the HRA for the proposed development. The HRA confirms that as a result of the acquisition of SWT P-credits it is possible to conclude beyond all reasonable scientific doubt that the proposed development would not have an adverse effect on the integrity of the Somerset Levels and Moors Ramsar site as a result of excessive phosphates. Somerset Council as the competent authority has therefore fulfilled its statutory duty under Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017.

Natural England have confirmed that they concur with the conclusions of the HRA provided that the identified mitigation will be secured.

Section 106 Agreement

The Section 106 agreement will secure the following:

- The applicant has covenanted with the Council to:
- Pay a non-refundable 10% deposit to acquire SWT P-credits on the date planning permission is issued.
- To commence development within three calendar months of the date planning permission is issued.
- Not to commence development on site until the remaining payment of 90% for the acquisition of SWT P-credits has been paid to the Council.
- To notify the Council of the anticipated date of commencement not less than 10 working days before such date, and to commence development within 5 working days of the anticipated date of commencement.

The Council has covenanted to:

- Issue written confirmation that SWT P-credits have been reserved for the proposed development upon payment of the 10% deposit.
- To issue written confirmation to the applicant of all payments made.
- To implement and maintain the Interim Strategy and ensure that the P-credit requirement for the development is maintained in perpetuity.

This recommendation is to grant permission subject to the completion and signing of the above S106 agreement to secure the P credits.

Having regard to the above, subject to the completion of the S106 agreement, the proposal would accord with Policy CP8 of the Taunton Deane Core Strategy.

10.9.8 Ecology

The Councils Ecologist has confirmed that they do not object to the proposal subject to conditions to ensure that vegetation removal is carried out in such a way so as to protect nesting birds and amphibians, external lighting and ecological enhancements within the site. Subject to these conditions it is considered that there would be no harm to the ecological interests of the site, including to protected species. The proposal would therefore comply with Policy CP8 of the Taunton Deane Core Strategy.

10.1.9 Waste/Recycling facilities

There is sufficient space within the plot for the storage of domestic bins. Bins would be taken to the main road in accordance with the current arrangements for existing properties on collection day.

10.1.10 Flood risk and energy efficiency

The site is located within flood zone 1 and therefore there would be no flood risk issues to consider.

Policies of the Local Plan and the West Monkton and Cheddon Fitzpaine Neighbourhood plan require that regard is given to climate change in the design of new development. The Neighbourhood Plan states that development should consider measures such as onsite renewable energy and water saving measures. Policy DM5 of the Core Strategy also sets out a need to demonstrate how climate change has been taken into account, including such measures. Solar panels are proposed to the South facing roof slope. In addition a planning conditions will be included which ensures that the higher optional Building Regulations water efficiency standard of 100 litres per day is met.

Having regard to the above, the proposal will address Policy DM5 of the Taunton Deane Core Strategy and Policy H5 of the West Monkton and Cheddon Fitzpaine Neighbourhood Plan.

10.1.11 Other matters

The neighbour at the adjacent property, Annandale has commented that the plans are misleading in that the ground levels around Annandale in reality are lower than shown on the plan. The applicant has annotated the adjacent levels as being estimated. There is no requirement on an applicant to measure levels offsite, although it would be useful. The lower ground levels around the adjacent property have been taken into account, including photographs from the adjacent property and plans of the adjacent properties extension. Sufficient information has been submitted to assess the impact on this adjacent property.

A neighbour has commented that having a pedestrian access only to the site would be problematic for the build. This is a constraint that the developer would have to address in the construction method they adopt. It may result in a longer built time given that smaller machinery would have to be used, however this in itself would not present any material planning issues for consideration. A condition is included relating to safeguarding the wall during construction.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Proposed development measures approx. 245sqm.

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 £30,750.00. With index linking this increases to approximately £43,500.00.

12 Planning balance and conclusion

12.1 Subject to conditions and the completion of a Section 106 agreement, the development would not harm the character of the area and would preserve the character and appearance of the Conservation Area. The development would not cause undue harm to residential amenity, highway safety and would not harm protected species, the general ecology of the site or Somerset Levels and Moors Ramsar site.

For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning Conditions and Informatives

Conditions

1. The development hereby permitted shall be begun within six months 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) and to ensure that the development is implemented in a timely manner in accordance with Paragraph 77 of the NPPF.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo 220.17-001 Rev C Existing Site & Location Plan

(A3) DrNo 220.17-004 D Proposed Site Plan

(A3) DrNo 220.17-005 A Proposed Plans Ground & First Floor

(A3) DrNo 220.17-006 B Proposed Elevations

(A3) DrNo 220.17-007 A Proposed Garage Plan & Elevations

(A3) DrNo 220.17-008 C Site Sections & Context Sections - East - West -& North - South

(A3) DrNo 220.17-009 Existing & Proposed Wall Elevations

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

3. Prior to the construction of the building above DPC level, details of the materials (including the submission of samples where appropriate) 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 Conservation Area in accordance with Policy CP8 of the Taunton Deane Core Strategy.

4. The windows and doors within the development hereby approved shall be constructed in timber. Details of the timber windows and doors including cross-sections, profiles, materials, mouldings, finish and colour shall be submitted and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with Policy CP8 of the Taunton Deane Core Strategy.

5. All joinery for the construction of the eaves and fascias shall be constructed in timber and shall not be installed until details of the design, including cross sections colour and finish for eaves and fascias have been submitted and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details.

Reason: To ensure that the proposed development does not harm the character and appearance of the building and the Conservation Area in accordance with Policy CP8 of the Taunton Deane Core Strategy.

6. Prior to commencement of works on site a detailed schedule of works and construction management plan shall be provided for the restoration and preservation of the historic wall around the site shall be submitted and approved in writing by the Local Planning Authority. The submitted details shall include the following:
 - Assessment of the structural integrity of the wall and schedule of repairs and restoration to include re-pointing and any other required works.
 - Details of finishing materials, specification of pointing
 - Detailed methodology for the insertion of the access in the northern section of wall to ensure the safeguarding of the structural integrity of the wall, historic fabric, finishing materials and making good.
 - A scheme for the protection of the wall during construction.

The repair and restoration works shall be completed in accordance with the approved details prior to the first occupation of the dwelling hereby approved. The protection measures shall be in place prior to the commencement of works on site and shall remain for the full duration of the build.

Reason: In order to secure the preservation and enhancement of the heritage asset to comply with Policy CP8 of the Taunton Deane Core Strategy.

7. 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 (1 October to 31 March) from the date of commencement of the development or in accordance with an alternative timetable to be agreed in writing by the Local Planning Authority.

(iii) Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority.

(iv) 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 or are uprooted shall be replaced by trees or shrubs of similar size and species.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with Policy CP8 of the Taunton Deane Core Strategy.

8. i) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of the Sycamore tree on the southern site boundary as illustrated on the approved site plan 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 to comply with Policy ENV 1 of the Taunton Site Allocations and Development Management Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the parking and turning illustrated on the approved plans, including the spaces within the garage hereby approved shall be retained in accordance with the approved plans and shall be kept clear of obstruction for the parking of vehicles in connection with the dwelling hereby approved. There shall be no alteration to the approved parking and turning without the prior grant of planning permission.

Reason: In the interests of highway safety to comply with Policy DM1 of the Taunton Deane Core Strategy.

10. The access for its first 5 metres of length from the public highway shall be properly consolidated and surfaced (not loose stone or gravel). The access shall thereafter be maintained in that condition in perpetuity.

Reason: In the interests of Highway Safety to comply with Policy DM1 of the Taunton Deane Core Strategy.

11. Prior to first occupation of the development hereby permitted, access to electric vehicle charging points and covered cycle spaces shall be provided in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of Highway Safety to comply with Policy DM1 of the Taunton Deane Core Strategy.

13. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the existing private driveway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before commencement and thereafter maintained at all times.

Reason: In the interests of Highway Safety to comply with Policy DM1 of the Taunton Deane Core Strategy.

14. No individual dwelling hereby approved shall be occupied until the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with.

Reason: To improve the sustainability of the dwellings in accordance with the Building Regulations 2010 and Paragraphs 134, 154 and 180 of the National Planning Policy Framework (Sept 2023).

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no extensions including roof extensions to the buildings hereby permitted or outbuildings shall be constructed erected on the site other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To preserve the character and appearance of the Conservation Area to comply with Policy CP8 of the Taunton Deane Core Strategy.

16. 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 modification) the windows on the first floor of the East elevation of the dwelling hereby approved shall be obscured glazed and non-opening unless the part of the window that is openable is a minimum of 1.7 metres above adjacent floor level. The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason To protect the amenities of adjoining residents to comply with Policy DM1 of the Taunton Deane Core Strategy.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) Order 2015 (or any order revoking and re-enacting the 2015 Order) (with or without modification), no windows shall be installed in the East elevation or the first floor of the West elevation of the development hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of adjoining residents to comply with Policy CP8 of the Taunton Deane Core Strategy.

18. No vegetation removal works around 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.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Taunton Deane local policy CP8

19. Removal of scrub, tall ruderals and introduced shrubs below 450mm above ground and roots shall be undertaken under the supervision of a qualified Ecological Clerk of Works. Any widespread reptiles or common amphibians unexpectedly encountered should be relocated by the Ecological Clerk of Works to areas of suitable retained habitat within the application site. In the unlikely event that a great crested newt is encountered, works should cease immediately and advice sought from a suitably experienced ecologist.

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 Core Strategy

20. The following will be integrated into the development hereby approved:
- 1x bee brick.
 - 2x Vivara Pro Woodstone Nest Boxes (32mm hole version) or similar mounted between 1.5m and 3m high on the northerly facing aspect of the surrounding wall.

Photographs of the installed features will be submitted to by the Local Planning Authority prior to first occupation of the dwelling

Reason: To provide biodiversity enhancement to comply with paragraph 174(d) of the NPPF.

21. Where external lighting is to be installed within the site, 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. Lux levels should be below 0.5 Lux. 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/ policy CP8 of the Core Strategy.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 21 the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. There is vegetation growth that may be within the visibility splays that will need to be cleared in order to achieve the best visibility.
3. The applicant will be required to secure an appropriate licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.
4. The applicant is advised of the following notes in relation to ecology:
 - Bats are active at night (as are badgers and otters) and are sensitive to light pollution. The introduction of artificial light might mean such

species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

- Consideration must be given to careful and legal disposal of introduced shrubs to prevent unlawful spread of species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) and other non-native species. Unless confirmed otherwise, the ornamental species should be treated as invasive. Consideration should be given to implementing a management plan to prevent unlawful spread.
- The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
- 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.