

38/21/0503

MR G AMOS

**Alterations to garden wall and formation of access driveway within the grounds of Weir Lodge, 83 Staplegrove Road, Taunton (retention of part works already undertaken)**

Location: WEIR LODGE, 83 STAPLEGROVE ROAD, TAUNTON, TA1 1DN

Grid Reference: 322106.125089

Retention of Building/Works etc.

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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:

(A4) DrNo WLOU/01A Location Plan  
(A4) DrNo FWT530 Elevation & Plan as Existing  
(A4) DrNo FWT531 Elevation & Plan as Proposed  
(A4) DrNo FWTS32 Site Plan

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

3. The new wall alignment shown on the submitted drawings shall be completed prior to occupation of either dwelling.

Reason: In the interests of preserving the setting of the nearby heritage assets in accordance with Core Strategy policy CP8.

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.
2. The applicant may 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.

## **Proposal**

The proposal is to remove a section of low garden wall, 3.5m in length to form an access point and to reuse the materials to construct new sections of wall on either side. It also allows access to a new drive to the dwellings to the south west previously approved and considered by Committee. Part of the wall has already been removed and so the works are part retrospective.

The applicant is related to a member of the Council.

## **Site Description**

The site lies on the western side of Staplegrove Road and north of the corner with French Weir Avenue and consists of a large detached listed property set in large grounds with a number of significant trees. The site is accessed off Staplegrove Road via an original driveway with listed gate piers and a more modern wider access to the north. The detached property is now a residential dwelling having previously been in the ownership of Somerset County Council for many years. The building is a Grade II listed building as are the gate piers and lies within the Staplegrove Road Conservation Area. Permission for a pair of semis to the end of the formal garden has previously been considered by Committee.

## **Relevant Planning History**

38/16/0258 - Replacement garage, erection of extension and alterations to harness building and western boundary wall, construction of access to northern boundary, erection of fencing and restoration of verandah at Weirfield Lodge, 83 Staplegrove Road, Taunton CA 26/1/17

38/17/0281 - Erection of 2 No. semi detached dwellings with associated landscaping, fencing, relocation of solar panels and alteration of garden land south of Weir Lodge on land off French Weir Avenue, Taunton CA 13/10/17

38/21/0014 - Variation of Condition No's 02 (Approved Plans), 04 (Landscaping Scheme), and 06 (Wildlife Strategy) of application 38/17/0281 on land south of Weir Lodge, 83 Staplegrove Road, Taunton CA 2/6/21

## **Consultation Responses**

SCC - *ECOLOGY* - No comments

SCC - *TRANSPORT DEVELOPMENT GROUP* - The proposal is for the creation of a private access (to serve two consented dwellings, currently being built out) that would subsequently link into an existing private access that serves the public highway, as denoted in the supporting information named as Gatepiers. Access is

also achievable via Wier Lodge. The Highway Authority give consideration to previous consented applications and the associated access arrangements. It is noted there were no apparent restrictions implemented by the LPA regarding access for the two aforementioned dwellings which would see associated parties to the dwellings having the ability to utilise two access points to/from the public highway, via Weir Lodge or through the Gatepiers access.

Whilst this proposal, if consented would likely encourage parties to utilise the Gatepiers access as opposed to the Weir Lodge access, it is the view of the Highway Authority, and with the above in mind that there are no solid grounds for recommending refusal for this application on highway grounds. However, should this application be consented and any future application be submitted that would see a material increase in vehicle movements over and above the its use, it may result in a recommendation for refusal from the Highway Authority given the existing constraints of the Gatepiers access and the nature of the highway network at this point.

#### NOTE

The applicant may be required to obtain a suitable licence with the Highway Authority to secure the construction of the highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to ascertain this well in advance of commencement of development .

The Highway observations and comments are based on the information provided by/on behalf of the applicant as verified by the Local Planning Authority, and such information is deemed true and accurate at the time of assessment . Should any element of the supporting detail, including red and blue line land ownership or control details, subsequently prove to be inaccurate, this may partially or wholly change the view of the Highway Authority for this (or any associated) application.

*ENVIRONMENT AGENCY* - No comments.

*PLANNING ENFORCEMENT* - No comment.

## Habitats Regulations Assessment

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that the proposed access will not increase nutrient loadings at the catchment's waste water treatment works. The Council is satisfied that the development is not likely to have a significant effect on the Ramsar site should permission be granted (either alone or in combination with other projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

## Representations Received

1 letter of objection on the basis of

- impact on highway with increased movement on dangerous corner
- poor visibility
- increased risk of traffic collision and
- impact on footway used as route to school

3 letters of support on grounds of

- no risk to others
- will be safer for children

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the former Taunton Deane area comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013). Where they are formally adopted, Neighbourhood Plans form part of the development plan under section 38(6).

District Wide Design Guide SPD 2021

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

Manual for Streets 2 (2010)

Relevant policies of the development plan are listed below.

SD1 - Presumption in favour of sustainable development,  
SP1 - Sustainable development locations,  
CP1 - Climate change,  
CP6 - Transport and accessibility,  
CP8 - Environment,  
DM1 - General requirements,  
DM4 - Design,  
A1 - Parking Requirements,  
D7 - Design quality,  
ENV1 - Protection of trees, woodland, orchards and hedgerows,  
ENV2 - Tree planting within new developments,

Neighbourhood Plan:  
There is no made neighbourhood plan.

## **Local finance considerations**

**Community Infrastructure Levy**

N/a

## **Determining issues and considerations**

The main considerations with the proposal are the impact on heritage assets, the character of the conservation area, residential amenity and highway safety.

Applications for planning permission affecting a listed building or its setting must be determined in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses". The nearby listed assets are Grade II and consist of the Gate piers, Weir Lodge and 81 Staplegrove Road. Paragraph 195 of the NPPF states:

*"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."*

Weir Lodge house itself is around 40m away from the garden wall and is screened by existing vegetation. Consequently there is not considered to be any adverse impact and the wall is not considered to be of significance and no objection has been raised by the Conservation Officer. The neighbouring property is screened by an existing wall and fence and the drive aligns with an historic path through the site and consequently the development is not considered to harm the setting of no.81. In terms of the gate piers these would remain unaltered and although the wall would be visible the revised alignment will retain the stonework and the change is not considered to be harmful to the setting of the piers.

Applications for development in a conservation area must be considered with regard to the general duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". The development lies within the garden of an existing property and the minor change to a low wall is not considered to preserve the character and not harm the character of the conservation area.

In terms of residential amenity the boundary with no. 81 to the south is a solid brick wall and a high close boarded fence, the other side of which is a parking area for this property. It is not considered that the amenity of this property will be adversely affected and there has been no objection on amenity grounds. The properties of the Coach House and Stable Cottage have raised no objection and in fact support the proposal. The development is not considered to impact on residential amenity and is considered compliant with Core Strategy policy DM1.

The development will allow access closer to the existing gate piers than is currently the case, although there is no restriction on the use of this access point. Consequently there will be no increase in use over and above the already approved developments on this site and despite the safety concerns raised by the neighbour. There are allocated parking spaces which utilise the alternate access point. The traffic using the site will be limited and the drive will be permeable and there will be no increase in surface water run-off that would affect the highway. The Highway

Authority has raised no objection on safety grounds and the development is therefore considered acceptable.

In summary there is considered to be no harmful impact on listed property or the conservation, residential amenity or highway safety and the application is recommended for approval.

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

**Contact Officer: Mr G Clifford**