

Application Details	
Application Reference Number:	46/22/0011
Application Type:	Full Planning Permission
Earliest decision date:	27 December 2022
Expiry Date	30 September 2022
Extension of time	
Decision Level	Conditional Approval
Description:	Demolition of bungalow and erection of 1 No. dwelling and garage at Catsbear Farm, Ruggin Road, West Buckland (revised design - reduced scale / change to finish materials)
Site Address:	CATSBEAR FARM, RUGGIN ROAD, WEST BUCKLAND, WELLINGTON, TAUNTON, TA21 9LG
Parish:	46
Conservation Area:	NO
Somerset Levels and Moors RAMSAR Catchment Area:	YES - replacement dwelling so deemed nutrient neutral
AONB:	NO
Case Officer:	Denise Todd/Ben Gilpin
Agent:	James Venton
Applicant:	MR & MRS R LEITNER
Committee Date:	30 March 2023
Reason for reporting application to Committee	Parish Council and more than 4 objects have views contrary to officer recommendation. Although reconsulted on revised design, original objections have not been withdrawn.

1. Recommendation

1.1 That permission be GRANTED subject to conditions

2. Executive Summary of key reasons for recommendation

2.1 The proposed replacement dwelling, following lengthy negotiations, is deemed acceptable knowing the fall back of the site (in terms of what can be constructed through existing permitted development rights), subject to the inclusion of the rural workers tie and other planning conditions as identified.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

1. Time Limit
2. Plans
3. EV Charging point
4. Materials to be submitted
5. Rural Workers Tie

6. Landscape Details to be submitted (including hedgerow replacement to close existing access)
7. Water Management
8. Removal of Permitted Development Rights
9. Properly consolidated access
10. The garage to be for private motor vehicle use
11. Parking and Turning area to be kept free of obstruction
12. No obstruction to visibility greater than 900mm
13. Any gates to be set back from the highway and to open inwards
14. Existing access to be block up
15. Copy of the licence issues by Natural England or a written statement from a licensed bat ecologist to the state that a licence is not required
16. No works that could disturb bats between the dates of 15 September – 31 October or alternatively 01 April – 30 April of any given year. Any works undertaken during this period should only be carried out under the direction of a licensed bat ecologist
17. All ecological measures and/or works shall be carried out in accordance with the details contained in recommendations section of Crossman Associates on 18 October 2022.
18. Lighting for bats
19. Bio-diversity enhancement
20. No removal of vegetation between 1 March and 31 August unless a competent ecologist has undertaken a detailed check

3.2 Informatives (bullet point only)

3.2.1 Proactive Statement

3.2.2 Legal protection afforded to Bats and their roosts

Legal protection afforded to badgers

Check for hedgehogs.

3.3 Obligations

None

4. Proposed development, site and surroundings

4.1 Details of proposal

The proposal seeks planning permission for the demolition of bungalow and erection of 1 No. dwelling and garage at Catsbear Farm, Ruggin Road, West Buckland (revised design - reduced scale / change to finish materials).

The current bungalow has an agricultural occupancy tie and a condition for 'sufficient space for one garage and one parking space, together with a vehicular access thereto, shall be provided..... and not used other than for the parking of vehicles or the purpose of access'. A further condition restricts the erection of garage and access to it, without the approval of the Local Planning Authority. All other Permitted Development Rights remain.

The current property is a large single-storey bungalow, set within a sizeable plot. The existing bungalow, and what could also be delivered using the sites permitted development rights, equates to 312.5 square metres of floor space.

The proposed replacement dwelling would have a floorspace of 309.5 square metres as measured by the CIL Officer.

4.2 Sites and surroundings

The site is a large single plot, with access to the south.

The site is adjacent to the boundary of the Blackdown Hills AONB but not within. The site has no statutory designation constraints.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
4/46/77/016	Erection of bungalow and garage	Approved (C9 incl. - agricultural tie)	15.07.1977
46/97/010	Erection of Conservatory	Approved	13.06.1997

6. Environmental Impact Assessment

N/A

7. Habitats Regulations Assessment

Not required as the proposal seeks a 'like-for-like' replacement.

8. Consultation and Representations

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

8.1 Date of consultation: 10 August 2022

8.2 Date of revised consultation (if applicable): 6 December 2022

8.3 Press Date: 12 August 2022

8.4 Site Notice Date: 18 August 2022

8.5 **Statutory Consultees** the following were consulted:

Consultee	Comment	Officer Comment
WEST BUCKLAND PARISH COUNCIL	Revised PC Comments (04.01.2023): "West Buckland Parish Council considered the amended plans and noted there would still be a significant increase in size from the original. dwelling.	Objection is recorded (not withdrawn following reconsultation)

	<p>The Parish Council's recommendation is refusal as this is contrary to TDBC Development Management Policy 2, 5 - is not substantially larger than the existing dwelling."</p> <p>Original Objection to original proposal still in place and that objection has not been withdrawn following reconsultation.</p>	
SCC - ECOLOGY	<p>Requested conditions for the following:-</p> <ul style="list-style-type: none"> • Bat licence • Protection of roosting bats • All works carried out as per Crossman Associates document dated 18/10/2022 • Lighting for bats • bio-diversity net gain • No vegetation removal works <p>Informatives for the legal protection of bats and their roost, badgers and hedgehogs</p>	See paragraph 10.1.8
SCC - TRANSPORT DEVELOPMENT GROUP	Standing Advice	See paragraph 10.1.4
WESSEX WATER	No objection	No objection is recorded
LANDSCAPE	The proposals for the dwelling shown in the attached revised scheme are considered acceptable	The comments received are in relation to the most recent redesign of the proposal and the comments are considered to be in support from a Landscape / Character perspective

8.6 Internal Consultees the following were consulted:

Consultee	Comment	Officer comment
N/A		

8.7 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted

Statement of Community Involvement.

Five objections received to the original scheme and these were not withdrawn following reconsultation (see below).

Following reconsultation on the amended scheme in November 2022 / December 2022, 03 number of letters have been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer comment
Too big for the location	Considered within the report
Unaffordable for agricultural workers	Considered within the report
Out of keeping	Considered within the report
No change to the Bio-diversity checklist which was seriously deficient	Considered within the report
Located too close to the highway	
Support x 1	Officer comment
Proposed dwelling will be a far more attractive property than the existing dwelling	Considered within the report

8.7.1 Summary of objections - non planning matters - N/A

8.7.2 Summary of support - non planning matters - N/A

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 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 (SADM) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

Relevant policies of the development plan in the assessment of this application are

listed below:

Taunton Deane Core Strategy 2011-2028

SD1 - Presumption in favour of sustainable development

SP1 - Sustainable development locations

DM1 - General requirements

DM2 - Development in the Countryside

DM4 Design

CP1 - Climate change

CP4 - Housing

CP6 - Transport and accessibility

CP8 - Environment

Taunton Deane adopted Site Allocations and Development Management Plan
(December 2016)

A1 - Parking Requirements

A5 - Accessibility of development

D7 - Design Quality

D8 - Safety

D10 - Dwelling Sizes

Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021

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).

9.1 National Planning Policy Framework

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 applicant has 22 acres, plus 4 acres at Catsbeer. He also has an option to buy a further 15 acres at Catbeer, however this is dependant on the success of this planning application. The applicant therefore has a minimum of 26 acres to continue his agricultural herd. The agricultural herd consists of between 25-35 head of cattle on the applicants current premises at any one time. The cattle are reared from young stock and sold for beef once they reach maturity. The agent has confirmed that the applicant did for some time run a building company alongside his agricultural herd, however that company ceased 10 years ago and since that time the applicants primary income has been from his agricultural enterprise. The view is therefore taken that the applicant accords with the exiting agricultural tie. The applicant is also willing for the agricultural occupancy condition to be used to secure the dwelling's future for use by a rural worker.

In terms of whether the proposed replacement dwelling accords with the requirements of Core Strategy policy DM2 - Development in the Countryside, 5) Replacement Dwellings, consideration must be given to the following:-

The Policy reads:

"Replacement Dwellings

a. only if the residential use of the existing building has not been abandoned, it would be uneconomic to bring the dwelling to an acceptable state of repair, is a one-for-one replacement and is not substantially larger than the existing dwelling."

The current bungalow, when viewed on the site visit, has not been abandoned.

The dwelling, of simple construction has been stated by the agent as 'thermally deficient'. The building when seen on site evidences this and it is considered that to bring the dwelling to an acceptable level of repair, costs incurred could be significant.

It is accepted that, as it stands, the proposed dwelling is larger than that currently in situ. However, and as discussed below in the applicant's fall-back position, the floor space of the property could be comparable to that proposed if development allowed using permitted development rights were to be built out (which is legitimate). The principle of the 'fall back' position is best explained as below:

"A 'fallback position' is what is a development or use which is likely to occur if the planning permission is refused, for example a development which is already permitted or can be built under permitted development rights.

In a Court of Appeal Judgement *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314, Lindblom LJ confirmed the legal considerations in determining the materiality of the 'fall back' position as a planning judgement were as follows:

– The basic principle is that for a prospect to be a real prospect it does not have to be probable or likely, a possibility will suffice

– There is no rule of law that in every case the 'real prospect' will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (The GPDO)."

What is important in deliberations, knowing the above, is that a fall back position using permitted development rights only has to be a possibility, and not probable or likely.

Knowing the size of what could possibly be built, and that what is proposed is similar in floor space, it is considered the replacement building would not be substantially larger than the one in place (were it to use its permitted development rights).

The current property has an agricultural tie and it is proposed this form of occupancy constraint be retained.

In this instance, one of the objections received has suggested that the new build

would not qualify as being affordable for rural workers due to the increase in floorspace.

For consideration in this case is the applicants 'fall-back' position.

The existing property has granted consent under application 4/46/77/016 and retained all permitted development rights in place. With those rights the property could legitimately have a floor space of circa 312.5 square metres. The proposed replacement dwelling is to have a floor space of circa 320 square metres.

The floorspace of 312.5 sq.m could possibly be achieved in the following way:

Under permitted Development the following could be allowed: Either a dormer which provide a 50% Volumetric Increase in attic space would result in a total of 190.5 cubic Metres of attic space volume. This would translate effectively as a dormer across the back elevation roof of the main property. This would subsequently translate as 76.5 square metres of additional useable space. Alternately, an additional storey could be added under Class AA of Schedule 2 of the GPDO 2015 which was introduced in 2020 which would result greater increase in floor area.

In addition, using permitted development rights, a single storey rear extension could be built. This could be the width of the original house (circa 15.1m (internal)), and extend 4 metres deep externally (3.7m internal).

This size would give a further 55.6 square metres.

Furthermore, with a side extension that could possibly be delivered, the depth of the property by half the width of the house could be constructed. Internal measurements, 7.7m deep by 7.5m wide would deliver circa 57.75 square metres.

The floor area of Proposed House would be 320 Square Metres.

The existing property plus potential permitted development would be 123 sq.m + 76.5 sq.m + 55.6 sq.m + 57.75 sq.m = 312.85 sq.m.

The applicant could also add a further 3 square metres to the 312.85 sq.m in the form of a front porch giving a total of 315.85 sq.m.

It could also be reasonably argued, as the site has no immediate neighbours to consult, the rear extension could go even larger under the Neighbour Consultation Scheme (with no neighbours to consult, so no opportunity to receive objections, such development would be possible).

In addition further structures could be built in the curtilage.

Based on the figures above, under permitted development a similar end floor area could be achieved to that proposed.

Were a new build rural worker-tied property, it is conceivable that a dwelling with a floor space of 309.5 square metres would be beyond the financial reach of rural workers.

However, this approach cannot be applied in this instance as the site still benefits

from permitted development rights (and bearing in mind the Court of Appeal Judgement Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314). As such, it is considered reasonable to approach deliberations with an understanding that the currently agriculturally tied dwelling could be 312.85 square metres in floor space area, and compare that with the floorspace of what is proposed in the replacement dwelling (being 332 square metres).

As the floor space of what could be delivered in both scenarios is numerically comparable, it is not considered unreasonable to apply a rural workers tie to the replacement dwelling knowing the two dwellings could be of similar size (the original dwelling would still have the occupancy condition even at 315.85 square metres in floor space area).

In addition, were planning permission to be granted for the replacement dwelling, the current permitted development rights could (and would) be removed through the application of a planning condition.

Knowing the above it is considered the replacement dwelling is acceptable in principle, subject to accordance with other elements of the Development Plan.

10.1.2 Design of the proposal

Following lengthy negotiations with the agent, Somerset West and Taunton Landscape Officer and the Local Planning Authority the current design has been reduced in size and scale so as to be considered acceptable from a design and landscape perspective. Furthermore the design is considered not to be overly dominant in the landscape.

The south-west (principle) elevation would be brick and the north-west elevation would be rendered with brick quions. The north-east and south-east elevation would be a mixture of brick and render with the porch and garden room being brick. It is proposed to use a brick interlocking concrete roof tiles which would match the existing dwelling.

When compared to the likely permitted development expansion of the existing dwelling, the resulting replacement dwelling is considered acceptable, and will have no adverse impact upon the rural location.

The proposed development is considered to accord with Core Strategy Policy DM1 d) which states that *"The appearance and character of any affected landscape, settlement, building or street scene would not be unacceptable harmed by the development"*.

Policy CP4 of the Core Strategy relates to Housing and this proposed development relates to a replacement dwelling with its continuous contribution to the policy aims of delivering a *"flexible supply of housing"* achieved by the retention of the agricultural workers occupancy tie

The landscape officer has worked with the agent/applicant to achieve a design that would be acceptable. It is considered that the amended plan accords with policy D7 of the Site Allocations and Development Management Plan which seeks to ensure that new housing meets the following criteria:-

A. Creating places with locally inspired or otherwise distinctive characteristics and materials;

- B. Reflecting the site and its context, including existing topography, landscape features and the historic environment;
- C. Integrating into their surroundings through the reinforcement of existing connections and the creation of new ones, and creating legible, connected street networks; and
- D. Ensuring that buildings define and enhance the streets and spaces, and that buildings turn street corners well.

The reduction in size, the revised design and the use of matching brick and roof tiles are considered to accord with the above criteria.

Policy D8 of the SADMP relates to 'Safety' and requires new development to incorporate measures to reduce the likelihood of crime which are compatible with the need to create an attractive and sustainable layout. The proposed replacement dwelling has a legible main entrance and pedestrian/vehicle routes. The dwelling would be set back from the highway and well screened by existing hedgerows which would make 'passive surveillance' unlikely, however this would also apply to the existing dwelling, therefore the proposed development is considered to accord with policy D8.

10.1.3 Quality of Accommodation

The proposed development would include a study and rear entrance into the utility which would be expected in an agricultural workers dwelling. The amount of accommodation is as expected for a family home and is not considered to be unreasonable. The quality of design for the proposed dwelling is considered to be high, particularly when compared to the development of the existing dwelling under permitted development rights, which is likely to result in large areas of flat roof extensions.

It is therefore considered that the quality of accommodation is acceptable

10.1.4 Access, Highway Safety and Parking Provision

The Highways Authority have stated that their standing advice should be applied. A 4 bedroom dwelling in this location would require 3.5 parking spaces, rounded up to 4 to accord with policy A1.

The proposed garage located to the south-west of the proposed dwelling, has internal measurements of 5.4m (depth) and 8.4m (width) and is shown as a triple garage. Under policy A1 a garage should have internal measurements of 3m x 6m, however the same policy states a parking space as 2.4m x 4.8m. It is therefore considered that the garage is capable of accommodating a minimum of two vehicles, with 2 additional vehicles being able to park to its fore. Turning will remain available for the site to allow vehicles to enter/exit in a forward gear. It is therefore considered that the site accords with policy A1 in terms of the required parking.

Standard conditions for a properly consolidated access, the garages to be used for private motor vehicles only, the parking and turning area to be kept free of obstruction and for no obstruction to visibility greater than 900 mm, the existing access to be blocked up and any gates to be set back from the highway and to open inwards will be used to secure highway matters.

Policy A5 of the SADMP requires residential development to be within *"walking distance of, or should have access by public transport to, employment, convenience*

and comparison shopping, primary and secondary education, primary and secondary health care, leisure and other essential facilities". The existing dwelling does not accord with this policy therefore it is considered unreasonable to refuse the proposed replacement dwelling under this policy, as replacement dwellings can be allowed under policy DM2.5.

As there is an existing dwelling on site it is considered that the proposed development would comply with Core Strategy policies CP1, SP1 and CP6 and policies A1 and A5 of the Site Allocations and Development Management Plan (SADMP) as there would be no increase in traffic movements associated with the proposed development.

10.1.5 The impact on the character and appearance of the locality

The lengthy negotiations have resulted in an amended design that is considered to respond well to its surroundings and does not detract from the character of the Area of Outstanding Natural Beauty (AONB) to the south.

10.1.6 The impact on neighbouring residential amenity

The nearest neighbour is Catsbeer Farm which lies to the south-east of the development site. The nearest building on that unit would be approximately 55m from the proposed dwelling. As the proposed dwelling would have 4 ground floor windows on the south west elevation it is considered that there will be no adverse impact on Catsbeer Farm in terms of overlooking or loss of privacy.

As there is an existing dwelling on site it is considered that there will be no difference in the levels of domestic noise and disturbance.

10.1.7 The impact on trees and landscaping

The condition for the 'blocking-up' of the existing entrance also addresses the boundary treatments, therefore it will be possible to ensure the proposed development would have a suitable boundary with the highway.

10.1.8 The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site.

The site is within the Somerset Levels and Moors RAMSAR Site catchment area, however the proposed development relates to a replacement dwelling therefore it is considered to be nutrient neutral.

The county ecologist has reviewed the application and requested conditions regarding to the following:-

- Copy of the licence issues by Natural England or a written statement from a licensed bat ecologist to the state that a licence is not required
- No works that could disturb bats between the dates of 15 September – 31 October or alternatively 01 April – 30 April of any given year. Any works undertaken during this period should only be carried out under the direction of a licensed bat ecologist
- All ecological measures and/or works shall be carried out in accordance with the details contained in recommendations section of Crossman Associates on 18 October 2022
- Lighting for bats
- Bio-diversity enhancement
- No removal of vegetation between 1 March and 31 August unless a competent

ecologist has undertaken a detailed check

The ecologist also requested informatives regarding the legal protection afforded to bats and their roost and badgers plus a check for hedgehogs.

The ecologist has not commented on the submitted Bio-Diversity checklist however as they have provided conditions and informatives it is considered that the ecology of the site and the proposed development has been addressed.

Policy CP8 of the Core Strategy required development to "*conserve and enhance the natural and historic environment, and will not permit development proposals that would harm those interests or the settings of the towns and rural centres unless other material factors are sufficient to override their importance*". As there is an existing dwelling on site which could be extended to create a dwelling of a greater size and mass to that proposed, it is considered that the proposed development will have no adverse impact upon and would conserve and enhance the natural and historic environment due to its holistic design.

10.1.9 Waste/Recycling facilities

The site has sufficient space to accommodate waste and recycling facilities.

10.1.10 Flood risk and energy efficiency

The scheme would have no effect on flood flows or be exposed to flood risk.

10.1.11 Other Matters

None

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Creation of a dwelling is CIL liable regardless of size and this proposed development measures approximately 309.5 sqm.

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 £38,750.00. With index linking this increases to approximately £54,500.00.

Self-Build Exemption would need to be applied for to avoid CIL.

12 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "*clear reason for refusing the development proposed*" or where the benefits of the proposed development are "*significantly and demonstrably*" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 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 for

the standard time limit, approved plans, EV Charging point, materials to be submitted, rural workers tie, landscape details to be submitted (including hedgerow replacement to close existing access), water management, removal of Permitted Development rights, properly consolidated access, the garage to be for private motor vehicle use, parking and turning area to be kept free of obstruction, no obstruction to visibility greater than 900mm, any gates to be set back from the highway and to open inwards, existing access to be block up, copy of the licence issues by Natural England or a written statement from a licensed bat ecologist to the state that a licence is not required, no works that could disturbed bats between the dates of 15 September – 31 October or alternatively 01 April – 30 April of any given year, any works undertaken during this period should only be carried out under the direction of a licensed bat ecologist, all ecological measures and/or works shall be carried out in accordance with the details contained in recommendations section of Crossman Associates on 18 October 2022, lighting for bats, bio-diversity enhancement, no removal of vegetation between 1 March and 31st August unless a competent ecologist has undertaken a detailed check and the retention of the existing hedge boundary with the highway..

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 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 0043-22-01 Location Plan

(A3) DrNo 0043-22-02 Block Plan

(A3) DrNo 0043-22-03 Site Plan

(A1) DrNo 0043-22-01 Existing Bungalow & Garage Floor Plan & Elevations

(A1) DrNo 0043-22-06 Proposed Garage and Overview - Nov 2022

(A3) DrNo 0043-22-07 Proposed Floor Plan, Elevations & Overviews - DEC 2022

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

3. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality in agriculture or in forestry [or identified rural worker industry], or a widow or widower of such a person, and to any resident dependant's.

Reason: The site lies in area where new development is generally restricted to that for which there is a proven need.

4. Prior to first occupation of the development hereby permitted the provision of facilities for the charging of electric vehicles shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of securing sustainable development.

5. Details of the proposed boundary treatments on the application site shall be submitted to, and approved in writing by the local planning authority. Such details shall include the location of all boundary treatments shown in a scaled plan and details of the height, type, materials, finish and colour of the proposed boundary treatments and / or planting schedule (and 5 year maintenance programme). The approved details shall be carried out in accordance with the approved details, prior to the occupation of the dwelling hereby approved.

Any scheme shall detail the permanent closure of the existing access, and its replacement with the proposed access to the east.

Reason: To safeguard the character of the area / In the interests of the amenities of the neighbouring residents.

6. Prior to the construction of the building/extension 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 building / area.

7. 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, alterations, outbuildings, gates, walls, fences or other means of enclosure shall be added to the building / 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 ensure that the proposed development does not harm the character and appearance of the area.

8. No individual dwelling hereby approved shall be occupied until:
 - i. 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; and
 - ii. a notice specifying the calculated consumption of wholesome water per person per day relating to the dwelling as constructed has been given to the appropriate Building Control Body and a copy of the said notice provided to the Local Planning Authority.

Reason: To improve the sustainability of the dwellings in accordance with the Taunton Deane: Core Strategy Policies DM5 and CP8 and the Supplemental Planning Document - Districtwide Design Guide and Paragraphs 134, 154 and 180 of the National Planning Policy Framework (July 2021).

9. The existing access shall be stopped up in accordance with the details shown on the approved plans (Dr No. 0043-22-03) prior to the occupation of the dwelling hereby approved. The access shall not thereafter be reopened.

Reason: To ensure the site is not served by multiple/substandard access's, in the interests of highway safety.

10. There shall be no obstruction to visibility greater than 900mm above the adjoining carriageway level within the visibility splays shown on the approved plans (Dr No. 0043-22-03). Such visibility splays shall be fully provided before the new access is brought into use and the dwelling is occupied and

shall thereafter be maintained in the approved form.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only.

Reason: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the highway, in the interests of highway safety.

12. The parking spaces in the garage hereby approved shall at all times be kept available for the parking of private vehicles and shall be kept free of obstruction for such use.

Reason: To retain adequate off-street parking provision in the interests of highway safety.

13. The areas allocated for vehicle parking and turning on the site plan shall be kept clear of obstruction and shall only be used for the said purpose and not for any other purposes.

Reason:- In the interests of highway safety

14. Prior to the dwelling hereby approved being first occupied the proposed access over at least the first 5 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel). Any associated drainage shall be installed in accordance with details submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason:- This condition is pre commencement in the interests of highway safety

15. Works to any of the buildings shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
 - a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
 - b) a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition in the interests of the strict protection of European protected species and in accordance with policy CP8 of the Taunton Deane Local Plan.

16. No activities that could result in disturbance (such as demolition, roof stripping,

excavations or building works or associated operations) shall be carried out between the dates of 15 September – 31 October or alternatively 01 April – 30 April of any given year. Any works undertaken during the specified period should only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed. Confirmation of the works by the licensed bat ecologist should be submitted to the Local Planning Authority within one week of completion. Maternity roosts are mainly occupied by female bats and are the roosts where the females give birth and raise their young. The maternity roosts are normally active between May – September. These timings are variable and are subject to local weather, in warmer springs the maternity roosts will assemble earlier while in cooler springs the full assembly of the colony may be delayed, in this situation the roost was clearly active well into September.

Reason:- In the interests of policy CP8 of the Taunton Deane Borough Council Core Strategy 2011-2028.

17. All ecological measures and/or works shall be carried out in accordance with the details contained in recommendations section of Crossman Associates on 18 October 2022 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: In the interests of European and UK protected species. UK priority species and habitats listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy CP8 Local Plan Core Strategy.

18. Prior to installation, 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 for all external lighting. 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 policy CP8 of the Taunton Deane Core Strategy.

19. Prior to the development hereby approved being first occupied, the following shall be provided:-

- 1x Habitat bat box (type 001) is built into the new wall of the garage as it is constructed. This model is designed for a variety of bat species and has good thermal properties making it suitable as both a maternity roost and hibernation roost. The bat box ideally should be placed beneath the eaves or on gable ends and away from windows and doors and ideally should be fitted in a location that gives bats immediate access to foraging habitat. A variety of facings can be fitted to suit any existing brick, wood, stonework or rendered finish, making the box unobtrusive and aesthetically pleasing.

This should be installed facing a southerly direction, approximately 3-5m above ground level. Such bat boxes would provide additional roosting habitat for bats present within the local area.

- 2x number integrally fitted sparrow nest boxes are fitted. A recommended location would be below the replacement garage's western eaves elevation which faces onto a boundary hedgerow.
- New native hedgerow is planted along the northern boundary of the garden, this will provide a link between the existing boundary hedgerows to the east and west and will provide an extra green corridor allowing bats and other wildlife increased opportunities move in and out of adjacent habitats.
- Further traditional varieties of apple trees are planted within this area of the garden where possible.
- The pond is reinstated where possible.

Photographs of the installed features will be submitted to by the Local Planning Authority prior to first occupation of the dwelling Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework

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

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. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.
3. 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.

4. Prior to vegetative clearance, any features potentially used by hedgehogs, such as dense scrub and hedgerows, will be checked by a competent ecologist via a fingertip search. Any individuals found will be translocated to an appropriate location outside of the construction site and away from roads prior to works commencing. Written confirmation of the completion of the hedgehog mitigation measures will be submitted to the LPA by the ecologist prior to works commencing on site.

