

<b>Application Details</b>	
Application Reference Number:	<u>46/22/0005</u>
Application Type:	<u>Full Planning Permission</u>
Earliest decision date:	03 June 2022
Expiry Date	<u>30 June 2022</u>
Extension of time	23/09/2022
Decision Level	Committee
Description:	Erection of 1 No. 3 bed detached house with garage and formation of access in the garden to the side of Llantarnam, Chelston Nurseries, Nursery Lane, Chelston (resubmission of 46/20/0023)
Site Address:	<u>LLANTARNAM, NURSERY LANE, CHELSTON, WELLINGTON, TA21 9PH</u>
Parish:	46
Conservation Area:	N/A
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	N/A
Case Officer:	<u>Denise Todd</u>
Agent:	Tetra Tech Planning
Applicant:	MR A HALE
Committee Date:	15 September 2022
Reason for reporting application to Committee	The proposal fails to comply with policies SP1, SD1, DM2, SP4, CP1, CP6 and CP8 of the Taunton Deane Core Strategy and Policies A5 and SB1 of the Taunton Deane Site Allocations and Development Management Plan

## **1. Recommendation**

1.1 That permission be REFUSED

## **2. Executive Summary of key reasons for recommendation**

The proposal fails to comply with policies SP1, SD1, DM2, SP4, CP1, CP6 and CP8 of the Taunton Deane Core Strategy and Policies A5 and SB1 of the Taunton Deane Site Allocations and Development Management Plan due to its unsustainable location. Confirmation is also awaited regarding whether a satisfactory solution to ensuring phosphate neutrality has been provided.

## **3. Planning Obligations and conditions and informatives**

### **3.1 Refusal (full text in appendix 1)**

- The site is located outside of any defined settlement boundary in a countryside location

### **3.2 Informatives (bullet point only)**

### 3.2.1 Proactive Statement

### 3.3 Obligations - N/A

## 4. Proposed development, site and surroundings

### 4.1 Details of proposal

The proposal is for the erection of 1 No. 3 bedroom detached house with garage and formation of access in the garden to the side of Llantarnam, Chelston Nurseries, Nursery Lane, Chelston (resubmission of 46/20/0023)

### 4.2 Sites and surroundings

The site is situated on a parcel of land which is bounded by the A38 to the north-west and Nursery Lane to the south-east. Wellington is located approximately 2 miles to the west. The site is located outside of any defined settlement boundary.

There are existing mature trees that border the north-western and south-western boundaries of the site. Hedgerows border the remaining boundaries. Chelston Nurseries is situated immediately to the north-east of Llantarnam and there are existing dwellings (known as 'Ivy Cottages') situated to the south-west of the site. The site is accessed from Nursery Lane.

## 5. Planning (and enforcement) history

Reference	Description	Decision	Date
46/20/0023	Erection of 1 No. 3 bed detached house with garage and formation of access in the garden to the side of Llantarnam, Chelston Nurseries, Nursery Lane, Chelston (resubmission of 46/20/0001)	Refused	22/10/2021
46/20/0001	Erection of 1 No. 3 bed detached house with garage and formation of access in the garden to the side of Llantarnam, Chelston Nurseries, Nursery Lane, Chelston	Withdrawn	11/03/2020

## 6. Environmental Impact Assessment - N/A

## 7. Impact on the Somerset Levels and Moors Ramsar Site

The site lies within the catchment for the Somerset Levels and Moors Ramsar site. Natural England have advised the Council that, in determining planning applications which may give rise to additional phosphates within the Ramsar catchment they must as competent authorities undertake a Habitat Regulations Assessment and undertake a project level appropriate assessment where a likely significant effect cannot be ruled out. Natural England have identified certain forms of development affected including the intensification of agricultural use .

As the site is within the catchment area the advice from Natural England apply that any new development that would not achieve nutrient neutrality and would result in further phosphate reaching the ground and the watercourse is likely to be unacceptable because it would affect the integrity of the Somerset Levels and Moors Ramsar Site. Any proposal for new development that could impact on this ecology site must be subject to a project level Appropriate Assessment to establish if there would be a likely significant effect in combination with other plans and projects if the proposed development were to proceed.

At the time of preparing this report a shadow Habitats Regulations Assessment (sHRA) has been produced by the phosphate team who have agreed *"that any such impacts will be fully mitigated taking into account the measures proposed and that, as a result, the Council has ascertained beyond reasonable scientific doubt that the development will not adversely affect the integrity of the Somerset Levels and Moors Ramsar site either alone or in combination with other plans or projects. The Council, as the competent authority, adopts the sHRA to fulfil its responsibilities under Regulation 63 the Conservation of Habitats and Species Regulations 2017 (as amended)"*.

The sHRA was passed to Natural England for their consideration on 29th September 2022. There is a 21 days consultation period for Natural England to submit their comments therefore these should be received no later than 20 October 2022.

If Natural England also find the sHRA acceptable a Unilateral Undertaken would be required to secure the PTP management plan.

## 8. Consultation and Representations

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

8.1 Date of consultation: 11 May 2022

8.2 Date of revised consultation (if applicable): N/A

8.3 Press Date: 13 May 2022

8.4 Site Notice Date: 24 May 2022

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

Consultee	Comment	Officer comment
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WEST BUCKLAND PARISH COUNCIL	Supports the granting of approval for this application (No further information given)	See para 10.1.1
SCC - TRANSPORT DEVELOPMENT GROUP	Standing advice applies	see paragraph 10.1.4
SCC - ECOLOGY	No Objection subject to conditions/informatives	10.1.8
WESSEX WATER	No objection subject to a note to applicant regarding new drainage and water supply connections	
TREE OFFICER	Suggest pulling the proposed dwelling somewhat further away from the main road if possible. This would avoid any potential damage to the roadside trees (from root damage). This is suggested as the trees provide screening, both looking from the road but also for the residents of the house, with reduced traffic noise, head-lights etc.  Request a planning condition that requires a 'detailed arboricultural method statement', and the standard condition to protect existing trees during construction.	See paragraph 10.1.7
LANDSCAPE	No relevant comments	See paragraph 10.1.7

## 8.7 Local representations

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

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

Material Planning Considerations	
Objections	Officer Comment
Nil received	
Support	Officer comment
Welcome development to tidy up an overgrown and neglected area and would only improve and enhance surroundings	See paragraph 10.1.11.
With all the major development at Westpark and Jurston Fields we cannot see any issues or problems with an infill	See paragraph 10.1.11.

site	
More residents and business would lead to more pressure on the Highway Authority to create a footpath to Westpark Shop and Services	See paragraph 10.1.11.
The hedgerow and bank outside, lacks the attention that any future occupant would afford it.	See paragraph 10.1.11.
We are a small group of neighbours, and would welcome a new family to our little group.	See paragraph 8.2.7
We have no opposition to the development, as it looks to have "kerbside" appeal.	See paragraph 8.2.7
The proposed development will be built sympathetically to the environment.	See paragraph 10.1.11.
Certainly minimal impact in contrast to the developments going on locally	See paragraph 10.1.11.
A bungalow will allow for potential occupation by older generation and those with additional needs, which is lacking from the nearby major development	See paragraph 10.1.11.
Developing this overgrown and empty infill land parcel can only improve this local area socially, to hopefully bring new neighbours to enjoy the beautiful views and amenity's the surrounding area has to offer	See paragraph 10.1.11.
Design and materials blend with existing dwellings	See paragraph 10.1.11.
Solar panels provide sustainability	See paragraph 10.1.11.
Proposal includes good visibility splays which would upgrade the road which is currently narrowing and becoming overgrown due to lack of maintenance from highways	See paragraph 10.1.11.
Increase in traffic movement will be negligible	See paragraph 10.1.11.
Works undertaken at Llantarnam have been done with care and attention and further development to the remaining over grown garden area would only continue to uplift the look of the area and the view for neighbours.	See paragraph 8.2.7
The additional of a 3 bedroom dwelling would provide potential for an increase for neighbouring business without the new occupants having to travel	See paragraph 10.1.11.
Greenacres Caravan Site cut the grass to create an informal footpath along the verge for my guests and walkers to other business in Haywards	See paragraph 10.1.11.

### 8.7.1 Summary of objections - non planning matters Nil received

### 8.7.2 Summary of support - non planning matters

- Residents of Nursery Lane would 'welcome' a new family
- Proposed development has 'Kerbside appeal'.
- Works undertaken at Llantarnam have been done with care and attention.

## 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 (SADMP) (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 (September 2012)

SD1 - Presumption in favour of sustainable development

SP1 - Sustainable development locations

DM1 - General requirements

DM2 - Development in the Countryside

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

D12 - Amenity space  
SB1 - Settlement Boundaries  
I4 - Water Infrastructure

Supplementary Planning Documents  
District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Councils Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency and Ecology Emergency (March 2022)

Neighbourhood plans: There is no Neighbourhood Plan for this location

### 9.1 National Planning Policy Framework

The presumption in favour of sustainable development - paragraphs 8,11, 12, 80, 126, 174 and 197.

## **10. Material Planning Considerations**

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

- The principle of the development
- Design
- Housing land supply
- Access, highway safety and parking
- Impact on character and appearance
- Neighbour amenity
- Impact on trees
- Impact on ecology, biodiversity and Somerset Levels and Mors Ramsar Site

### **10.1.1. The principle of development**

The proposal relates to a site outside of any defined settlement boundary and within a countryside location as defined by Policy SP1 and therefore the principle of development will be subject to the proposed development successfully addressing Policy SB1 of the Site Allocations and Development Management Plan (SADMP), which requires further assessment against policies CP1, CP8, SP4 and DM2 of the Core Strategy.

Policy SP1 defines sustainable development locations and clearly states that '*outside of the settlements identified above, proposal will be treated as being within Open Countryside*'. The location for this proposal is not identified within SP1 as a major or minor rural centre, nor it is one of the villages listed that retain settlement boundaries and have no further allocations made though the Site Allocations and Development Management (SADMP) DPD, but some scope for small scale proposals. The proposal is therefore considered to be in the open countryside and not within a sustainable location.

In the submitted planning statement the agent refers to Planning Appeal APP/G1630/W/14/3001706 (Bagley Road), dated July 2015 for a residential housing development of 58 dwellings, access, landscaping, SUDs drainage, public open

space and services and proposed community car park. As the application under consideration is for one open market dwelling with no wider community benefit, it is considered that the appeal site is not a fair comparison and does not change the view of this local planning authority that the proposed development does not comply with policy SP1 due to its countryside location.

Policy SB1 seeks to *"maintain the quality of the rural environment and ensure a sustainable approach to development, proposals outside of the boundaries of settlements identified in the Core Strategy policy SP1 will be treated as being within open countryside and assessed against Core Strategy policies CP1, CP8 and DM2 unless:*

*A It accords with a specific development plan policy or proposal: or*

*B Is necessary to meet a requirement of environmental or other legislation;*

*and*

*In all cases, is designed and sited to minimise landscape and other impacts".*

The proposed open market dwelling and its associated development does not accord with A or B outlined above. Policy SB1 re-enforces the need to shape *"patterns of development to reduce the need to travel, reducing pollution and CO2 emissions."* By having defined settlement boundaries the local authority is seeking to apply strict control over development in the countryside to contribute towards meeting the wider aims of sustainability. Furthermore, policy SB1 states *"The designation of settlement limits or boundaries provide clarity for the application of these policies"*. The proposed development would contribute to urban sprawl without any wider community benefit, reduce the visual impact of the rural location and would not reduce the consequences of unsustainable development.

The proposed development is therefore considered not to have minimised the impacts on landscape as required by policy SB1 due to its unsustainable location.

Policy CP1 deals with Climate Change and requires that *'development proposals should result in a sustainable environment and will be required to demonstrate that the issue of climate change has been addressed by:*

*a 'Reducing the need to travel through locational decisions and where appropriate, providing a mix of uses' and/or*

*h.' Impact on the local community, economy, nature conservation or historical interests does not outweigh the economic and wider environmental benefits of the proposal.'*

The site is outside of a defined settlement boundary in a countryside location. The nearest railway station is Taunton approximately 10.3 miles to the north-east, whilst Tiverton Parkway railway station is 10.8 miles to the south-west. Wellington Town Centre is approximately 2 miles to the north and acts as a secondary focus for growth for the district. It is in Wellington, which is approximately a 23 minute walk, that local services, facilities and amenities can be found. The nearest bus stop is 'Chelston Terrace' which itself is approximately an 18 minute walk from the site. Nursery Lane has no street lighting or pedestrian footpath linking the development site with the nearest shop, Budgens at the Shell garage Westpark, which lies to the north. Occupiers of the dwelling would have to travel for everyday activities work, school, shops, doctors etc. The nearest primary schools are St Johns (approximately 1.4 miles), Isambard Kingdom Brunel or Wellesley Park, all of which again involve a walk along the A38 (West Buckland Road). The nearest secondary school is Wellington School (approximately 1.7miles) which is an independent day

and boarding school, or Courtfields School which is further away. To access any of the schools by foot would require children to walk along the grass verge of the A38 (West Buckland Road) This lack of local services, facilities and amenities will increase both the use and reliance on the private motor vehicle for occupiers of the proposed dwelling who will be unable to shop, work, access education, eat out or participate in everyday activities without the use of a private motor vehicle which is contrary to policy. It is therefore considered that the proposed development has not demonstrated that it has addressed policy CP1.

Policy CP8 of the Core Strategy further reinforces this Authority's aims of protecting the environment from development in locations outside of settlement boundaries. Policy CP8 states that unallocated greenfield land outside of settlement boundaries will be protected and where possible enhanced. Development outside of settlement boundaries will be permitted in limited circumstances subject to a number of criteria including *"be appropriate in terms of scale, siting and design; and protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks between settlements; and provide for any necessary mitigation measures."* The proposal is for an open market dwelling to be sited in the garden of an existing dwelling, in a countryside location. It is therefore considered not to conserve, protect or enhance the rural landscape. In addition the dwelling itself is large when compared to the established pattern of development for Nursery Lane. A planning condition regarding landscaping to mitigate the proposal could be considered however this is considered insufficient to overcome the proposed dwellings design, appearance and impact on the rural location. The proposed development, if approved, would require a condition for the retention of the existing northern boundary and the trees on site as requested by the Tree Officer, who also has suggested that the dwelling be moved further away from the northern boundary.

The proposed development is therefore considered to have failed to meet the criteria set out in Policy CP8 as it does not protect, conserve or enhance the rural setting.

DM2 offers no support for new build open market dwellings within a countryside location, however, that does not mean the proposed development should be automatically refused. This view is taken from the appeal decision APP/D3315/W/17/3179264 (Bagley Road) where the Planning Inspector concluded that if a use/development is not explicitly listed under Policy DM2, it does not follow that it should be refused. Each planning application is assessed on its own merits and in terms of policy DM2, new build open market, residential development in the countryside has no support. The proposed development would therefore need to be justified as a sustainable location.

Core Strategy policy SP4: Realising the vision for the Rural Area, directs development to the Major Rural Centres in the first instance and secondly to the Minor Rural Centres as defined in policy SP1. When the proposed development is assessed under policy SP1, see above, it was found to be contrary to policy. Consequently the proposed development is considered contrary to policy SP4.

West Buckland Parish Council have supported the approval of this proposed development, however they did not include any valid or relevant planning reasons for their support, which could be addressed within this report.

Given the above it is considered that the proposed development conflicts with policies CP1, CP8, SP4 and DM2 of the Core Strategy and SB1 of the SADMP

therefore the principle of the development is not supported.

### **10.1.2. Design**

The proposed development is for a single storey dwelling, with a maximum roof height of 6m. The height of the eaves varies from 2.2m to 2.8m as the ground gently slopes upwards towards the A38. The proposed materials are a plinth of facing brickwork with render above and concrete interlocking tiles. The windows would be in uPVC with a composite door. It is proposed to install photovoltaic panels on the south-west roof. There is no objection to the proposed materials which reflects the surrounding development.

The single storey dwelling is approximately 14.1m x 7.4m with a forward projection of 6.3m x 10m that includes two bay windows. The roof has a hipped design including over the bay windows. Three bedrooms are proposed and the dwelling has been measured by the CIL Officer as being 185 sqm.

A detached double garage is proposed with a dual pitched roof. No windows or pedestrian doors are proposed. The garage would have one large garage door and be rendered to match the proposed dwelling. The garage would be sited to the north-east of the proposed dwelling in close proximity to the boundary with Llantarnam.

Policy D7 of the SADMP seeks to ensure a high design quality for new developments, as does the Districtwide Design Guide. The proposed development is considered to be acceptable in terms of its design.

Policy D8 of the SADMP addresses 'Safety' for new developments. The proposed 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.

Paragraph 126 of the NPPF states that "*The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*". The proposal developments design is not a cause of concern, however its unsustainable location is. In order to be sustainable, the proposed development should be located within a defined settlement boundary as required by planning policy SB1 and SP1.

The general design of the dwelling and garage is considered acceptable. If the dwelling was to be recommended for approval a condition would be required to restrict any additional floors in order to retain the character and appearance of the proposed dwelling, the existing level of screening and to protect the adjacent neighbour Llantarnam which is a single storey dwelling.

The design of the proposed development and the inclusion of a condition regarding additional floors, would not however be sufficient to overcome the objection on its unsustainable location.

### **10.1.3. 5 Year Housing Supply**

Somerset West and Taunton published the 2022 Strategic Housing Employment Land Availability Assessment (SHELAA) in May 2022. The former Taunton Deane

Borough Council (TDBC) Local Planning Authority (LPA) area had a 4.04 Year Housing Land Supply (YHLS).

As a result of the Phosphates Planning Committee decision on 21 July 2022 to bring forward interim measures to unlock development in the former TDBC area and taking into account the Written Minister Statement 20 July 2022 the Council considers that it could demonstrate a 5YHLS.

The interim measures, the phosphates credits, could unlock between 150 and 780 dwellings and this would result in a HLS of between 4.25 and 5.13 years. At the upper end this would mean that Presumption would not apply.

The agent has raised the issue of a 5YHLS however in view of the above it is considered that there is no absence of a 5YHLS within the former TDBC area. The presumption in favour of sustainable development is therefore not applied (National Planning Policy Framework July 2021 para 11).

#### **10.1.4. Access, Highway Safety and Parking Provision**

A 3 bedroom dwelling in this location will need to provide 3 parking spaces to accord with policy A1 of the SADMP. The garage is slightly below the 6m x 6m set for a double garage as its internal measurements are 5.9m x 5.8m however this may be due to distortion of scale from the scanning/uploading process. It would however be acceptable regardless as the internal measurements are only 10cm and 20cm less than that stated in policy A1 which is considered to be de minimis.

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"*. As set out in the section 10.1.1 *The Principle of Development*

in respect of the location and ease of access to services etc, the proposal is not considered to comply with policy A5. This is due to the lack of a safe, secured, lit public footway, the walking distance to a bus stop being approximately 1/2 a mile rather than 400m as required, the nearest Primary School is 1.4 miles away rather than 600m and the nearest shop has no public footway linking it with the development site.

Occupants of the proposed dwelling who wish to cycle to Wellington or Jurston Farm development for work/school purposes, would have to use the busy A38 for part of their journey, which does not have a cycle lane.

Policy CP6 states that *"Development should contribute to reducing the need to travel, improve accessibility to jobs, services and community facilities, and mitigate and adapt to climate change"*.

As previously stated in the section 10.1.1 *The Principle of Development* and reiterated in the above paragraph regarding policy A5, the development is considered to increase the reliance on the private motor car for the occupiers of the proposed new dwelling due to its unsustainable location. It is noted that a path is created by mowing the grass verge from the junction with Nursery Lane with the A38 to Westpark, however this is not considered suitable for pedestrians. This 'mowed path' is provided by Greenacres Touring Park under 'goodwill' for their visitors, however it is considered insufficient to overcome the lack of a safe, secured and lit

pedestrian link from the proposed development side to either Westpark or to Wellington itself. It is therefore considered that the occupants of the proposed new dwelling would be reliant on the use of the private motor car to access facilities and amenities.

Whilst the proposed development can accord with policies A1 of the SADMP, it does not accord with policy A5 of the SADMP and policy CP6 of the Core Strategy.

The agent has referred to paragraph 85 of the NPPF which states that *"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport"*. The proposed development is not one that would meet a local business or community need and therefore does not accord with paragraph 85 of the NPPF.

In addition to paragraph 85 the agent has also referred to paragraph 105 of the NPPF which relates to the promotion of sustainable transport and states *"The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes"*. The nearby development of Jurston Farm is a managed expansion of Wellington town, whereas the proposed development is for one open market dwelling located in the former garden of an adjacent dwelling. As such the proposed development would not *"help to reduce congestion and emissions, and improve air quality and public health"*. The proposed development does not include *"opportunities to maximise sustainable transport solutions"*. As such the proposed development is seen to be in conflict with paragraph 105 of the NPPF.

#### **10.1.5. The impact on the character and appearance of the locality**

The design of the proposed development is considered acceptable. As a single storey dwelling the impact would be minimal given the existing level of screening that the site enjoys.

The additional of three vehicles entering/exiting the site will result in an increase in traffic movements, however Nursery Lane has two junctions with the A38 therefore the increase is considered minimal.

The agent has referred to paragraph 80 of the NPPF which relates to the development of isolated homes in the countryside. The proposed open market development site is not considered to be 'isolated' in relation to neighbouring dwellings (of which there are 4 in Nursery Lane), but it is considered to be isolated in terms its access to everyday facilities, services and amenities.

Policy CP4: Housing, of the Core Strategy seeks to maintain a flexible supply of housing stock. This policy states that the delivery should be consistent and within the settlement hierarchy established by policy SP1. The design of the dwelling could be considered acceptable, however when assessed under policy SP1 in paragraph 10.2.1 it was found not to be policy compliant due to its unsustainable location.

It is considered that the proposed development will have minimal impact on the character and appearance of the locality.

The provision of one open market dwelling is however not considered sufficient to overcome the recommendation to refuse due to the open countryside location.

#### **10.1.6. The impact on neighbouring residential amenity**

The development site is the former garden of Llantarnam a single storey dwelling to the north-east which is a single storey dwelling sited within an adequate size plot. The neighbours to the west are a terrace of 2 cottages (Ivy Cottages). No. 2 Ivy Cottage has a shared boundary with the development site, however the dwelling itself is sufficient distance from the proposed dwelling so as to have minimal impact. There are a number of outbuildings within the amenity space of No.2 Ivy Cottage including a triple garage close to the boundary with the proposed development site. The erection of a dwelling would therefore result in an increase of domestic noise, however this is considered to be acceptable given its previous use.

Policy D10 of the Site Allocations and Development Management Plan set the minimum gross internal floorspace for new properties. A three bedroom, 6 person single storey dwelling should have a minimum internal floorspace of 95sqm. The proposed development exceeds this figure by 90%, therefore the proposed dwelling could be considered as being overly large. The size of the plot is slightly larger than the neighbouring plot and the proposed dwelling is also larger. The plot can accommodate the proposed open market dwelling and supply amenity space of an appropriate size to accord with policy D12. The proposed dwelling would however be the largest in the surrounding ribbon of development. The local planning authority is not satisfied that the erection of a single storey dwelling on the application site could be achieved without representing a visual intrusion into the character of the surrounding sporadic development and be out of keeping with the established pattern of development.

In view of the above if the recommendation was to approve the proposed development, a condition would be required to removed permitted development rights for additional floors, in order to protect the existing level of amenity. This would not however be sufficient to overcome the unsustainable location.

#### **10.1.7. The impact on trees and landscaping**

The supporting Planning Statement refers to paragraph 174 of the NPPF which addresses the need to conserve and enhance the natural environment. As the proposed development relates to an open market dwelling located within the former garden of the adjacent dwelling is it not clear how such a development would conserve or enhance the natural environment.

The Tree Officer requested additional plans to show how the proposed development would avoid damaging the roots of the existing trees, including the tree that is protected by a Tree Preservation Order.

On receipt of the plans the Tree Officer considered that the dwelling should be sited further away from the main highway (A38) to avoid any potential damage to the roadside trees from root damage. This was requested as it is considered necessary to retain the existing screening which would serve those within the development site by reducing traffic noise, headlights etc, and which would screen the development from the highway. If the recommendation was to approve the proposed development the Tree Officer requested conditions for a detail arboricultural method statement and for the protection of existing trees

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

Somerset West and Taunton has accepted the submitted NNA and produced a sHRA, which has been passed to Natural England who are yet to confirmed their acceptance. It is however highly likely that Natural England will concur that the development has successfully addressed the phosphate matter. Natural England have 21 days in which to provide their comments, which should be submitted no later than 20 October 2022. As stated elsewhere in this report if successful unilateral undertaken will be required to secure the mitigation.

In terms of the sites impact upon ecology Somerset County Council as the county ecologist has requested conditions for the following matters, if the application was to be approved:-

- Lighting for bats
- Hedgerow enhancement method condition
- Nesting birds informative or Bird Box condition

There would be no objection to the inclusion of the above conditions which would be considered as necessary and reasonable, however the recommendation is to refuse the application due to the unsustainable location of the proposed development.

#### **10.1.9. Waste/Recycling facilities**

The plot size is large enough to provide waste/recycling facilities without impacting on neighbours or the highway. The recommendation is however to refuse the proposed development due to its unsustainable location.

#### **10.1.10. Flood risk and energy efficiency**

The site is outside of flood risk as it lies within in Flood Zone 1

The proposal does include photovoltaic panels 2m x 1.7m (3.4 sqm) on the south west elevation.

#### **10.1.11. Any other matters**

Seven letters of support have been received.

Residents would welcome the proposed development as it would tidy up an overgrown and neglected area including a hedgerow, however the maintenance of the site is not dependant on the area being developed. It is unclear as to why developing the overgrown area would improve Nursery Lane socially as no evidence of anti-social behaviour has been submitted.

Several of the letters of support have referred to the development under construction at Jurston Farm, which is a planned urban extension to Wellington, and cannot see any problems with the proposed development. The Jurston Farm development site however offers wider community benefit in terms of a Local Centre, primary school, affordable housing and areas of public open space. A cycle/public footway from the Jurston Farm development adjacent to the A38 was included in the outline application 43/14/0130 however this is yet to be delivered. It would however be located on the opposite side of the A38 from the Nursery Lane junction and therefore would not provide a public footpath from the development site to Westpark which is where the traffic island/crossing point is located.

One letter has stated the proposed development will be built sympathetically to the environment, however it is unclear what this means, as this application has not been described as an 'Eco home'. Another letter states that the design and materials blend with the existing dwelling, which is considered to be a reasonable comment based on the submitted plans for the proposed development

The use of a single storey design has been welcomed as being inclusive for those with mobility/additional needs, which is lacking from other nearby developments. The local planning authority would agree with this view and if, the proposed development was being recommended for approval, would have included a planning condition to remove permitted development rights for additional floors. This would ensure the development would remain as a single storey dwelling and to address loss of amenity/overlooking concerns for the adjacent single storey dwelling Llantarnam.

It is not clear why developing the site is acceptable, just because it would allow new neighbours to enjoy the *'beautiful views and amenity's the surrounding area has to offer'*. This statement would seem to suggest that more development in such locations should be allowed, which would be contrary to planning policy.

The comments regarding solar panels aiding sustainability is accepted, however it is not considered sufficient to overcome the unsustainable location.

The visibility splays are provided on land within the ownership of the site, therefore it is unclear why they would 'upgrade' the road, especially as it would result in an additional access on a narrow lane. It is a matter for owners/occupiers to maintain their boundaries, as Somerset County Council is only liable for hedgerows etc on their own land.

It is considered that the increase in traffic movements is minimal, however the dwelling will have to provide parking for 3 vehicles. Three vehicles entering/exiting the site at various times of day is considered to be a minimal increase in traffic movements rather than negligible one.

There is a hairdressers adjacent to the site, however it would be a matter for the occupier(s) of the new dwelling to choose to use this service.

It has been noted that Greenacres Caravan Site cuts the grass of the verge adjacent to the A38 and to the south of the caravan to create an informal path for their guest and others to walk, however these routes are informal and therefore not considered a safe access route. Furthermore neither has the benefit of street lighting.

## **11 Local Finance Considerations**

### **11.1 Community Infrastructure Levy**

Creation of dwelling is CIL liable and the proposed development measures approx. 185sqm.

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 £23,250.00. With index linking this increases to approximately

£32,750.00.

## 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 The NPPF in paragraph 197 identifies the following three points that local planning authorities should take into account when determining planning applications:-

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Points a) and b) above are not relevant to this application as they relate to heritage assets, however c) relates to the "*desirability of new development to make a positive contribution to the local character and distinctiveness*". The proposed developments design is considered to reflect the surrounding development which has a mixture of design types and plot sizes, however the main issue is one of an unsustainable location, which this planning application has failed to overcome.

12.3 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is refused due to the development sites unsustainable location as identified in planning policy as outlined above.

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/ Reason/s for refusal**

- 1 The proposed development is outside the defined settlement limit of Wellington, within open countryside. The site is located in an unsustainable location with no bus service and limited facilities nearby. Occupiers of the proposed development will be reliant on private cars to access services, facilities and amenities that are not available within safe walking distance of the site. The proposal is therefore contrary to Policies SP1, SD1, DM2, SP4, CP1, CP6 and CP8 of the Taunton Deane Core Strategy and Policies A5 and SB1 of the Taunton Deane Site Allocations and Development Management Plan.

### Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council works in a positive and creative way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

