

Application Details	
Application Reference Number:	42/22/0008
Application Type:	Reserved Matters
Earliest decision date:	11 March 2022
Expiry Date	12 April 2022
Extension of time	31 March 2023
Decision Level	Committee
Description:	Application for approval of reserved matters, following outline application 42/19/0045, for the appearance, landscaping, layout and scale for the erection of 1 No. dwelling on land to the north west of Applecombe Cottage, Wild Oak Lane, Trull (resubmission of 42/21/0047)
Site Address:	LAND TO THE NORTH WEST OF APPLECOMBE COTTAGE, WILD OAK LANE, TRULL, TAUNTON, TA3 7JS
Parish:	42
Conservation Area:	N/A
Somerset Levels and Moors RAMSAR Catchment Area:	Within
AONB:	N/A
Case Officer:	Briony Waterman
Agent:	
Applicant:	MR & MRS KARNATI
Committee Date:	
Reason for reporting application to Committee	Parish and 4+ objections.

## 1. Recommendation

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

## 2. Executive Summary of key reasons for recommendation

2.1 The proposal is for approval of reserved matters, following the permission on outline application 42/19/0045, in respect of the appearance, landscaping, layout and scale for 1 dwelling on land to the north west of Applecombe Cottage, Wild Oak Lane, Trull. The proposed development is considered to accord with adopted policy and will not result in a significant impact upon the visual or residential amenity of the area. The proposed development taking into account the mitigation proposed would not result in an adverse impact either alone or in combination with other plans and projects on the integrity of the Somerset Levels and Moors Ramsar site as a result of excessive phosphates.

The proposal complies with policies A1, CP8, DM1, SP1, DM4, D12 and D10 of the Taunton Core Strategy (2012).

### 3. Planning Obligations and conditions and informatives

#### 3.1 Conditions (full text in appendix 1)

3.1.1 Time limit – 3 years

3.1.2 Drawing number – Approved Plans

3.1.3 Permitted development rights – Restrictions on Permitted Development Rights

3.1.4 Landscaping – A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented

3.1.5 Electric charging point – Prior to first occupation, provision of facilities for charging of electric vehicles.

3.1.6 CEMP – Prior to commencement, a Construction Management Plan shall be submitted by the Local Planning Authority.

#### 3.2 Informatives (bullet point only)

3.2.1 Proactive Statement

### 4. Proposed development, site and surroundings

#### 4.1 Details of proposal

The application is for approval of reserved matters, following outline application 42/19/0045, for the appearance, landscaping, layout and scale for the erection of 1 dwelling.

The proposed dwelling includes a snug, kitchen, dining area, living room, study, laundry, a multi-function space at ground floor and a master suite including dressing room and ensuite, three bedrooms, and two bathrooms. A double garage with home cinema above is located to the west.

#### 4.2 Sites and surroundings

The site is approximately 0.3ha in area. Residential development lies to the north and west, with Applecombe House to the south and open fields to the east. The site is accessed to the east of Wild Oak Lane, via a private track. The site is bound by hedging to the north south and west and is open to the east.

The site lies within the settlement limit of Taunton, is adjacent to the green wedge designation to the east of the site and is adjacent to the Trull Meadow local green space identified in the Trull Neighbourhood Plan.

### 5. Planning history

Reference	Description	Decision	Date
42/21/0047	Application for approval of reserved matters following outline application 42/19/0045 for the appearance, landscaping,	Withdrawn	26/11/2021

	layout and scale for the erection of 1 no dwelling		
42/19/0045	Outline application with all matters reserved, except access, for the erection of 1no. dwelling on land to the north west of Applecombe Cottage (resubmission of 42/19/0022)	Conditional approval	28/02/2020
42/22/0022	Outline planning permission with all matters reserved, except for access, for the erection of 1no. dwelling	Refused	01/08/2019

Application 42/22/0022 was refused for the following reason:

*"The proposed development is located within the Vivary Green Wedge and within the Local Green Space. No very special circumstances have been demonstrated to outweigh the potential harm and as such the development would be contrary to the NPPF and to adopted local plan policies DM1d, and CP8 of the Taunton Deane Core Strategy and policy E1 of the Trull Neighbourhood Plan".*

Since the refusal was issued in August 2019 an error was identified in the Trull Neighbourhood Plan, relating to the map identifying the Local Green Space designation at Trull Meadow.

The draft neighbourhood Development Plan (NDP) submitted for examination to the former Taunton Deane BC contained a plan showing Local Green Spaces (LGS). The Examiner made no recommendations relating to the extent of the Trull Meadow LGS - therefore legally the map submitted for examination is the one which defines the extent of the LGS. However, as part of the Independent Examiner's recommendations more detailed plans of the LGS were requested, produced and inserted into the NDP. It was during this transposing to a more detailed plan that the error appears to have occurred.

The Council has corrected this error by publishing the change and amending the Trull Neighbourhood Plan through a Decision by an Executive Member.

Somerset West and Taunton Council (SWT) are permitted to modify a neighbourhood development plan for the purpose of correcting errors under Section 61M(4) of the Town and Country Planning Act 1990 (TCPA 1990) as amended by Section 38C of the Planning and Compulsory Purchase Act 2004 (PCPA, 2004).

The process therefore for correcting this error was to publicise the correction of the error through a portfolio holders decision which has been appended to the plan on the Council's website and the LGS plan in the document amended.

The application site is therefore not designated as a Local Green Space. The decision was published on the 11<sup>th</sup> of October 2019 and was subject to a 'call in' period of a week.

## 6. Environmental Impact Assessment

N/A

## 7. Habitats Regulations Assessment

This application is subject to a Habitats Regulations Assessment (HRA) as there is the potential for adverse impacts on the Somerset and Moors Levels RAMSAR site as the result of additional phosphates. Further information is provided under Section 10 (Material Planning Considerations) of this report.

## 8. Consultation and Representations

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

8.1 Date of consultation: 17/02/2022

8.2 Date of revised consultation (if applicable): Natural England consulted on the HRA on 02/02/2023.

8.3 Press Date: N/A

8.4 Site Notice Date: 22/04/2022

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

Consultee	Comment	Officer Comment
TRULL PARISH COUNCIL	Object: <ul style="list-style-type: none"><li>• Against core strategy DM1(d) which states the appearance and character of any affected landscape, settlement, building or street scene would not be unacceptably harmed by the development.</li><li>• Overlooking and loss of privacy for Applecombe Cottage</li><li>• No design and access statement as required,</li></ul>	See para 10.1.1 and 10.1.
WESSEX WATER	No objections	
SCC – ECOLOGY	No comments received	Comments and conditions are included on application 42/19/0045
SCC - TRANSPORT DEVELOPMENT GROUP	Standing advice	Conditions included on application 42/19/0045

NATURAL ENGLAND		<p>Natural England has been consulted on the shadow HRA which SWT intends to adopt as the HRA for the proposed development. The Phosphate mitigation proposed is in accordance with Somerset Package Treatment Plant (PTP) guidance and the SWT Standard Appropriate Assessment for the Interim Phosphates Mitigation Strategy. Both of which have been previously approved by Natural England. In accordance with advice from Natural England, the Local Planning Authority does not expect to receive any material comment prior to the determination of this application. The decision will not be issued until after the consultation period has expired</p>
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8.6 **Internal Consultees** the following were consulted:

<b>Consultee</b>	<b>Comment</b>	<b>Officer comment</b>
Landscape	<p>The Contextual Sections as PROPOSED drawing, reference no. S6313 / 105, helpfully demonstrates that although the proposed dwelling is large in size, that as a consequence of its elevation in relation to other properties, it will not overly dominate the context. In landscape terms, the proposed development, is considered acceptable.</p>	
Tree Officer	<p>Some garden trees throughout rather than just the western side to help soften the outline of the house</p>	Landscape condition.

## 8.7 Local representations

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

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

Objections	Officer Comment
Access to and from Wild Oak Lane is poor	Access was covered under the outline application
Proposal is different from the outline	The outline only granted the principle and access.
Out of keeping/out of character in rural setting	The area is characterised by a mixture of different house styles and designs.
Dominate other houses in the area	The cross section plan has shown that the proposal is comparable to other properties in the area.
Landscape officer considered the house to be "overly large"	Alterations have been made and the Landscape officer has removed their objection.
Vehicles would have to exit onto a busy and narrow throughfare	Access and highways have been considered under the earlier outline application.
Highly visible, particularly in winter	The site is adjacent to an existing residential area and is not considered to have a significant impact upon the visual amenity of the area.
Design more akin to a penthouse suite	A number of different designs in the area
Much larger than the scale of properties in the surrounding	A cross section of the site provided by the agent shows that the proposal would sit comfortably with the other properties.
Pool has been deleted	Noted.
Overall size of the proposed building is three times bigger than Applecombe Cottage	The building sits comfortably within the plot, it is noted that the proposal is larger than the modest Applecombe Cottage
No details of the materials	These have been confirmed by the agent
No details of the details required by the Ecological Report	Conditions were included on the outline application.
Not in accordance with the block plan	Earlier application was for outline permission only
Is visible from footpaths	Whilst the site may be visible from the footpaths it is considered that it will be read in the context of other residential properties.
No mention of renewable energy	Not a planning consideration, however a condition re an electric charging point has been included
Overlooking to Applecombe Cottage	The main outlook from the site is to the east, and it is considered that there would not be significant overlooking

	towards the neighbouring properties.
Extensive glazing on the south elevation	It is not considered to be "excessive" glazing to the south. The plans show a modest number of windows on this elevation with the majority of windows being located on the east elevation to reduce and overlooking
Suggest a Construction and Operational Phases Management Plan	A CEMP condition has been included.
Concerns over the delivery of building materials	A CEMP condition has been included.

## 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 Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 in the assessment of this application are listed below:

### Taunton Deane Core Strategy (2012)

A1 - Parking Requirements,  
CP8 - Environment,  
DM1 - General requirements,  
SP1 - Sustainable development locations,  
DM4 - Design,  
D12 - Amenity space,  
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).

Neighbourhood plans:

Trull Neighbourhood Plan to 2028

### 9.1 National Planning Policy Framework

The proposal is considered to accord with the general principles of the NPPF.

## **10. Material Planning Considerations**

The principle of development and access arrangements have been established under application 42/19/0045, therefore the matters for consideration are the appearance, landscaping, layout and scale.

### **10.1.1 *Design, layout and materials***

The proposed design is for a single detached dwelling with an adjoining double garage. The design is considered to be in accordance with the local area and requirements under Policy DM1, criterion (d) in that *the "appearance and character of any affected landscape, settlement, building or street scene would not be unacceptably harmed by the development"*. There are a number of different architectural styles of detached single dwellings within the area. When approaching the site from the south the proposed dwelling would appear to be nestled in-between the existing dwellings, Applecombe Cottage and Applecombe so would not have a negative impact on this viewpoint. When approaching from the north the proposed site would be well screened from view by Wild Oak Cottage, Lanacre and The Paddock.

The layout of the site allows for sufficient parking, turning and amenity space. The orientation of the dwelling is appropriate to the surroundings and would not form an incongruous feature in the landscape.

The materials confirmed by an email from the agent on the 15/11/2022 state that the roof will be slate with the walls finished in monocouche white render and timber cladding. This use of materials is considered acceptable and would not have a significant impact upon the visual amenity of the area.

It is considered that the proposal complies with Policy DM1 and DM4 of the Taunton Deane Core Strategy (2012).

### **10.1.2 *Landscaping***

The site is bounded by mature hedging and trees with the access to the south adjacent to Applecombe Cottage. There are no changes proposed to the boundary treatments.

Comments from the Landscape Officer state that *"The contextual sections as proposed drawing, no S6313/105 demonstrated that although the proposed dwelling*



*is large in size, that as a consequence of its elevation in relation to other properties, it will not overly dominate the context, in landscape terms there proposed development is considered acceptable".*

The proposed site plan shows a number of new trees planted to the south along the access and to the north west, with the addition of a new boundary hedge to the east. A condition has been included to request details of the species to be planted and to ensure the landscaping scheme is implemented prior to occupation.

Landscape and Visual Impact Assessment submitted with the outline application concludes that the development of the site would meet the special circumstances cited in the policy through not impacting on the overarching purpose of the Policy E1 (Local Green Space) of the Neighbourhood Plan.

#### 10.1.3 **Scale**

The existing houses along Wild Oak Lane are characterised by large detached, two storey dwellings, with a few exceptions. The proposed development is considered in keeping with the surrounding properties in terms of scale whilst maintaining adequate amenity space for the new dwelling.

It is considered that the proposal complies with Policy DM1 and DM4 of the Taunton Deane Core Strategy (2012).

#### 10.1.4 **Highways**

Access arrangements were approved under application 42/19/0045 and do not form part of the determination of this application. It was concluded that the additional traffic created by 1 dwelling would be minimal and therefore would not be likely to have an adverse impact on the safety of other road users and pedestrians.

It is considered that the proposal complies with Policy A1 of the Taunton Deane Core Strategy (2012).

#### 10.1.5 **Biodiversity**

An ecological appraisal was submitted with 42/19/0045 and a number of conditions were included within the outline application.

It is considered that the proposal complies with Policy CP8 of the Taunton Deane Core Strategy (2012).

#### 10.1.6 **Habitats Regulation Assessment and Nutrient Neutrality**

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

Somerset West and Taunton Council, as the competent authority under The Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') must be certain, beyond a reasonable scientific doubt that any new residential development will not have an adverse impact upon the Somerset Levels and Moors Ramsar Site. To do this, the proposed development must be 'nutrient neutral', demonstrated through an HRA, before planning permission can be granted.

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

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

The applicant has prepared a Shadow HRA (sHRA) which the Council, as competent authority, intends to adopt as the HRA for the proposed development. The sHRA shows without mitigation the phosphorous output of the proposed development would be 0.96kg per year. As part of the foul drainage for the proposed development, the applicant is proposing to install a Biological PTP. This would reduce the phosphorus output of the proposed development to 0.11kg per year. In this case, the applicant has agreed to the acquisition of 0.2 SWT P-credits to make up the shortfall so that the proposed development would be nutrient neutral. The number of SWT P-credits required to ensure that the proposed development would be nutrient neutral have been derived using the Somerset Phosphorus Budget Calculator and reviewed by the Somerset West and Taunton Council Nutrient Neutrality Officer. They are based on best available evidence at the time of writing.

The HRA confirms that as a result of the installation of a biological PTP and the acquisition of 0.2 SWT P-credits it is possible to conclude beyond all reasonable scientific doubt that the proposed development would not have an adverse effect on the integrity of the Somerset Levels and Moors Ramsar site as a result of excessive phosphates. Somerset West and Taunton Council as the competent authority has therefore fulfilled its statutory duty under Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017.

The acquisition of the 0.2 SWT P-Credits required and the implementation and long term maintenance and monitoring of the biological PTP proposed would be secured by way of a Section 106 Agreement should the application be approved.

## **11 Local Finance Considerations**

### **11.1 Community Infrastructure Levy**

Creation of a dwelling is CIL liable regardless of size.

This proposed development measures approximately 461 sqm.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £32,250.00. With index linking this increases to approximately £45,500.00.

## **12 Planning balance and conclusion**

12.1 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that reserved matters are approved subject to conditions and Section 106 Agreement.

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:

(A1) DrNo S6313-100A Floor Plans  
(A1) DrNo S6313-101A Site Plan, Topographical Survey, Location plan  
(A1) DrNo S6313-102D Floor Plans, Elevations  
(A3) Contextual Plan  
(A1) DrNo S63131/105 Contextual Sections as Proposed.

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

3. 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 or outbuildings shall be added to the building(s) 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.

4. (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The approved scheme shall be completely carried out within the first available planting season (1 October to 31 March) from the date of commencement of the development. Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow or are uprooted shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

5. 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 first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of securing sustainable development.

6. Prior to the commencement of work on site the applicant shall submit a written Construction Management Plan for approval by the Local Planning Authority. No work shall take place until the Construction Management Plan has been agreed in writing by the Local Planning Authority. The agreed plan shall be adhered to throughout the construction period. The Construction Management Plan shall include:
- 1) Specification of hours of operation (7.30am-7pm Monday- Friday and 7.30am 1pm Saturday -no work Sundays and bank holidays)
  - 2) Display of a board in a prominent position, viewable from the public highway, displaying the name of the site manager and operational telephone number
  - 3) Approved route for construction traffic
  - 4) Parking area on site for construction workers and contractors
  - 5) Sound suppression measures for compressors and other noise generating equipment
  - 6) Wheel wash facilities to prevent mud on the public highway
  - 7) No on-site fires
  - 8) Details of tree protection during the process

Reason:- To minimise the disruption to neighbours during the construction process.

Notes to applicant.

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.

