

MR & MRS N & R MOBERLY

**Outline application with all matters reserved, except access, for the erection of 1 No. dwelling on land to the North West of Applecombe Cottage, Wild Oak Lane, Trull (resubmission of 42/19/0022)**

Location: LAND TO THE NORTH WEST OF APPLECOMBE COTTAGE, WILD OAK LANE, TRULL, TAUNTON, TA3 7JS

Grid Reference: 321742.122884 Outline Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Conditions (if applicable)**

1. Approval of the details of the (a) layout (b) scale (c) appearance and (d) landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of two years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

(A4) Site Plan  
(A4) Block Plan

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

3. Prior to the construction of the dwelling, 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 dwelling and surrounding area.

4. Prior to occupation of the building(s), works for the disposal of sewage and surface water drainage shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in that form.

Reason: To prevent discharge into nearby water courses / To ensure the adequate provision of drainage infrastructure.

5. The development hereby approved shall not be occupied or the use commenced until space has been laid out, drained and surfaced within the site for the parking and turning of vehicles, in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority, and such area(s) shall not thereafter be used for any purpose other than the parking, turning, loading and unloading of vehicles associated with the development.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.

6. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority by the ecologist.

Reason: In the interests of nesting wild birds and in accordance with policy CP8 of the Taunton Deane Core Strategy

7. Retained hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats through the use of protective fencing. The fencing shall be installed prior to any vegetative clearance and groundworks and maintained throughout the construction period.

Reason: in the interests of protected species, hedgerows and biodiversity generally and in accordance with policy CP8 of the Taunton Deane Core

Strategy.

8. Prior to occupation, a “lighting design for bats” shall be submitted to and approved in writing by the local planning authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. 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.

9. The following will be installed into or on to the design of the dwelling accordingly unless otherwise agreed in writing by the local planning authority:
  - a. A Habitat 001 bat box or similar will be integrated into the structure at least 4 metres above ground level and away from windows of the west or south west elevation
  - b. Four Vivra Pro Woodstone House Martin nest cups or similar will be mounted directly under the eaves and away from windows of the north or north east elevation
  - c. A bee brick built into the wall about 1 metre above ground level on the southeast or south elevation

A plan showing the installed features will be submitted to and approved in writing by the local planning authority.

Reason: In accordance with Government policy for the 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 the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. Thank you for the consultation in respect of the above. Please find attached a map showing the approximate location of our services near the site.

Wessex Water has no objections to this application and can advise the following information for the applicant:

### **The Planning Application**

The application form suggests that it is unknown how the foul sewerage will be disposed of. In this instance we believe that a connection to the public foul sewer would be feasible, subject to Building Regulations. Location of this foul sewer can be viewed on the attached map. Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The current planning submission indicates that rainwater (also referred to as "surface water") will be disposed of via sustainable drainage systems and soakaway.

### **Applying for new drainage and water supply connections**

If your proposals require new connections to the public foul sewer and public water mains, notes and application forms can be found at:  
<https://www.wessexwater.co.uk/services/building-and-developing/connecting-to-a-network>

### **Are existing public sewers or water mains affected by the proposals?**

According to our records there are no recorded public sewers or water mains within the red line boundary of the development site. Please refer to the notes on the attached map for advice on what to do if an uncharted pipe is located.

### **Is the surface water strategy acceptable to Wessex Water?**

One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution.

You have indicated that surface water will be disposed of via sustainable drainage systems and soakaway.

The strategy is currently acceptable to Wessex Water, subject to agreement to detail with the local planning authority.

Our records indicate that ground conditions for this area may be unsuitable for SuDS infiltration methods. If soakaway tests are not successful, your contractor will need to consider a point of discharge to watercourse or the public surface water system. We will assist as appropriate please contact our development team email below.

There must be no surface water connections to the foul network.

## **Proposal**

Permission is sought for outline permission with all matters reserved, (except access), for the erection of No. 1 dwelling.

## **Site Description**

The site is approximately 0.34ha in area. Residential development lies to the north and west, with Applecombe House to the south, and open field to the east. The site is accessed east of Wild Oak Lane, via a private track. The site is bound by hedging on the North, West and South, whilst the East boundary is open.

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 of the Trull Neighbourhood Plan.

### **Relevant Planning History**

42/19/0022 Outline planning permission with all matters reserved, except for access, for the erection of 1 No. dwelling on land to the rear of Applecombe Cottage was refused on 01/08/19. The reason for refusal being:

*“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 Staplehay 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 Neighborhood Development Plan (NDP) submitted for examination to the former TDBC council 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 publicising the change and amending the Trull Neighbourhood Plan through a Decision by an Executive Councillor.

Somerset West and Taunton Council (SWT) are allowed to modify a neighbourhood development plan for the purpose of correcting errors under the 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 decision was published on the 11<sup>th</sup> of October 2019 and was subject to a 'call in' period of a week.

### **Consultation Responses**

WESSEX WATER - Wessex Water has no objections to this application and has provided advice for the applicant which has been added as an informative.

TRULL PARISH COUNCIL - objection:

- NPPF para 122. This proposal is an inefficient use of land
- Core Strategy DM1a. This proposal does not demonstrate an effective and efficient use of land
- Core Strategy DM1c. This development has the potential to cause harm to protected wildlife species. Specifically it is believed that there is a badgers sett in the north west corner of the site that has not been identified in the ecology report
- The proposed development also fails to meet standard Highways advice on access and suitability and viability

SCC - TRANSPORT DEVELOPMENT GROUP - Initially recommended standing advice. As such, the agent was asked to clarify if standing advice could be achieved. The additional information received the following comments from highways:

- Access off Wild Oak Lane appears constrained in both directions and largely confined to the width of the access.
- Limited opportunity for the applicant to improve vehicle visibility
- Increase in vehicle movements from a constrained access in terms of width and visibility.

SCC - ECOLOGY - A number of conditions have been recommended by the ecological officer and included in the recommendation.

## **Representations Received**

9 objections were received regarding concerns relating to:

- Highways and access
- Safety
- Development of open green space
- Ecology
- Design, visual and amenity impact
- Floodplain

## **Planning Policy Context**

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

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan

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

Relevant policies of the development plan are listed below.

Trull Neighbourhood Plan Policy E1 Local Green Space  
CP8 - Environment,  
DM1 - General requirements,  
SP1 - Sustainable development locations,  
DM4 - Design,  
D12 - Amenity space,  
D10 - Dwelling Sizes,  
A1 - Parking Requirements,

## **Local finance considerations**

### **Community Infrastructure Levy**

Creation of dwellings is CIL liable.

There are no proposed plans of the dwelling as outline application. Therefore I have used the Residential Testing Assumptions for a 4+ bed dwelling at 125sqm.

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 £8,750.00. With index linking this increases to approximately £11,750.00.

## **Determining issues and considerations**

Having rectified the error within the Neighbourhood Plan, the proposed development site clearly falls within the settlement limits of Trull which is an area identified for growth within the Core Strategy 2011-2028 and therefore the principle of development is considered acceptable by Policies DM1 and Policy SP1 of the Core Strategy.

As all matters are reserved for subsequent approval, the main consideration is therefore the principle of development. The report however identifies the main determining issues which would be assessed in greater depth at reserved matters stage when a detailed design is submitted.

### **Design and Amenity**

Policy DM4 states that development should "Respect the amenity of its site and neighbouring area in terms of scale, height, layout, architectural style and materials, and impact on highway safety".

The dwelling would be located north of an existing cottage and east of a row of development along Wild Oak Lane. If appropriately designed a new dwelling here, could fit well into the surrounding landscape and existing village character.

Criterion (d) of Policy DM1 states:

“The appearance and character of any affected landscape, settlement, building or street scene would not be unacceptably harmed by the development”

A Landscape and Visual Impact Assessment has been submitted which 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.

When approaching the site from south the proposed dwelling would appear to be nestled in-between the existing dwellings, Applecombe Cottage and Applecombe and 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 true impact however in terms of both design and residential amenity, will depend on the design of the dwelling and will be assessed at reserved matters stage.

### Highways and Access

The means of access onto the site is the only matter being considered at this outline stage.

Criterion (b) of Policy DM1 states:

‘Additional road traffic arising, taking account of any road improvements involved, would not lead to overloading of access roads, road safety problems or environmental degradation by fumes, noise, vibrations or visual impact’

The plot will be accessed via an entrance onto the unclassified road to the west of the site on Wild Oak Lane, within the 20mph zone.

During the initial consultation Somerset County Council Highways Team recommended ‘Standing Advice’. It has since come to light that the recommendation that Standing Advice be applied in this situation was actually incorrect as the access details provided by the transport consultant correctly point out that in fact the Standing Advice Manual for Streets reference document only applies to proposed accesses and not in assessing existing ones as in this case. Therefore the council was wrong to assess the application against Standing Advice in the first instance.

Nonetheless, the additional information is useful as it has pointed out that the access can accommodate more than two passing vehicles at a time.

Although the additional traffic created by 1 dwelling would be minimal and therefore unlikely to lead to overloading of the wider road network, a site visit revealed the access track to the site is narrow and therefore concerns were raised regarding its ability to let two vehicles pass and the provision of visibility splays.

As such, further information was requested. The LPA are now satisfied with the justification received which sufficiently explains how two cars could pass.

Returning to the use of Standing Advice in assessing this application, it is important



to draw attention to a former appeal decision APP/R3325/W/16/3152198 which the applicant identifies in support of this application. The appeal decision is considered to be relevant, particularly in respect of the inspector's interpretation of the SCC Standing Advice guidance. The inspector considered that the visibility guidance within the Standing Advice document did not apply in the case of the appeal as the proposal sought to utilise the existing access and no new junction was to be formed. As such the inspector considered the pivotal question to be whether the additional vehicle movements would pose a significant risk to highway safety.

The LPA considers 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. This view is in line with a further appeal reference APP/D3315/W/18/3196961, also highlighted by the applicant, which was allowed as the existing access which was deemed by the LPA not to comply with the recommended standards was found to be acceptable by the Inspector.

Full details of both aforementioned appeals can be found within the Transport Statement prepared by Bellamy Transport Consultancy and submitted in support of this application.

Policy A1 of the Site Allocations and Development Management Plan 2016 sets out car parking requirements. Whilst the detail of the dwelling is not known, the application form states 2 parking spaces would be required. It is considered that the size of the site should be sufficient to accommodate this.

### Ecology

Criterion (c) of Policy DM1 states:

"The proposal will not lead to harm to protected wildlife species and their habitats"

The scheme has been submitted with an Ecological Impact Assessment that identified the site comprised of poor semi-improved grassland with a small area of hawthorn and bramble scrub in the north west corner. The site surround is managed defunct hedgerows on three sides, two of which are species rich, and a fence overgrown with vegetation of the western boundary. As such, conditions are recommended by the Council's Ecological advisor should planning permission be approved.

### Conclusion

In light of the assessment above, it can be determined that the principle of the development is acceptable. The only matter being determined at this stage is means of access, which has been shown to be satisfactory. The proposed development, at the scale proposed, will also not result in any significant adverse impacts upon highway safety. Matters relating to the design, appearance, and layout of the development are reserved, but these matters are thought to be capable of being achieved in a suitable manner in principle.

Taking the above matters into consideration, it is recommended that planning permission be granted subject to conditions.

In preparing this report the planning officer has considered fully the implications and

requirements of the Human Rights Act 1998.

**Contact Officer: Abigail James**