31/19/0024

J GLIDDON AND SONS LTD

Outline planning application with all matters reserved, except for access, for erection of 4 No. dwellings on land adjacent to Highcroft, Bushy Cross Lane, Ruishton

Location: LAND ADJACENT TO HIGHCROFT, BUSHY CROSS LANE, RUISHTON, TAUNTON, TA3 5LF
Grid Reference: 326539.124304 Outline Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. Approval of the details of the (a) layout (b) scale (c) appearance and (e) landscaping of the site (hereinafter call '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:

   (A3) DrNo 184343_AT_A02 Swept Path Analysis 11.3m Refuse Vehicle
   (A3) DrNo 184343_A02 Rev B Preliminary Access Design
   (A3) DrNo 050 Rev C Illustrative Site Plan for use with outline planning application
   (A3) DrNo 621 001 Site Location Plan
   (A3) DrNo 184343_A01 Rev E Preliminary Access Design and Longsection
   (A3) DrNo 184343_PD01 General Arrangement Preliminary Access and Turning Head

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

3. No vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed 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

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

4. Prior to any vegetative clearance or groundworks, any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brashings and cuttings removed and the remainder left for a minimum period of 48 hours of fine warm weather (limited rain and wind, with temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land. This work may only be undertaken during the period between March and October under the supervision of competent ecologist. Once cut vegetation should be maintained at a height of less than 10cm for the duration of the construction period. Any features such as rubble piles as identified in the Preliminary Ecological Appraisal (Western Ecology, January 2020) which potentially afford resting places for reptiles will be dismantled by hand by a competent ecologist in April or August to October and any individuals found translocated to a location agreed with the Local Planning Authority prior to works commencing on site. A letter confirming these operations and any findings will be submitted to the Local Planning Authority by the ecologist responsible prior to works commencing on site.

   Reason: A pre-commencement condition in the interests of UK protected and priority species and in accordance with policy CP8 of the Taunton Deane Core Strategy

5. 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

6. Prior to the commencement of vegetative clearance or groundworks, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Montbretia and Stags Horn Sumach on site. The measures shall be carried out strictly in accordance with the approved scheme.

   Reason: In the interests of biodiversity generally and in accordance with policy CP8 of the Taunton Deane Core Strategy. It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Montbretia is included within this schedule.

7. The following will be integrated into buildings:

   a) A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the northeast elevation of Plot 1

   b) A bee brick built into the wall about 1 metre above ground level on the southeast elevations of Plots 1 and 3. Photographs of the installed features will be submitted to the Local Planning Authority prior to the completion of construction works.

   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

8. (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 scheme shall be completely carried out within the first available planting season from the date of commencement of the development.

   (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 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.

9. The boundary hedge along the southern boundary shall be retained and protected during the construction of the development hereby approved. Should any part of this hedgerow die within five years of the date of the

commencement of the development it shall be replaced with broad leave natives, details of which should be submitted to and agreed in writing with the Local Planning Authority.

Any replacement trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species

Reason: To protect the character and appearance of the area.

10. The proposed access, footways and road widening of Bushy Cross Lane shall be constructed generally in accordance with details shown on the submitted plan, drawing number 184343_PD01, and shall be available for use prior to first occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

    Reason: In the interest of highway safety

11. The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

    Reason: In the interest of highway safety

12. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 40 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced brought into use and shall thereafter be maintained at all times**.**

    Reason: In the interests of highway safety

13. During construction the applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to commencement and thereafter maintained until the construction of the site discontinues.

Reason: In the interest of highway safety

14. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before commencement and thereafter maintained at all times.

    Reason: In the interest of highway safety

15. Before the development hereby permitted is first brought into use, a properly consolidated and surfaced access, set back 5 metres from the public highway shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

    Reason: In the interest of highway safety

16. High speed Broadband connectivity shall be made available for all properties on the site. It shall be made available to each property prior to the fist occupation of that property.

    Reason: To ensure that the site is adequately served by the necessary utility services in accordance with Core Strategy Policy DM1

17. The development shall provide for bin storage facilities, details of which shall be indicated on the plans submitted in accordance with condition 1 above. Such facilities shall be provided prior to the occupation of any dwelling to which it relates and shall thereafter be retained for those purposes.

    Reason: To ensure that adequate facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area.

18. Prior to first occupation of the development hereby permitted, access to covered cycle and electric vehicle charging points will need to be available to all dwellings. This can be provided through shared charge points. They shall be in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

    Reason: In the interests of maintaining a safe and serviceable highway network.

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. The applicant/developer will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of the highway works necessary as part of this development. The applicant/developer should contact the Highway Authority to progress this agreement well in advance of commencement of development

Proposal

The application is submitted in outline for residential development for four dwellings, with all matters, except access, reserved for subsequent approval. The site measures 0.19 ha. and is relatively flat in nature, set at a slightly higher level to the road.

Vehicular and pedestrian access to the site are proposed from Bushy Cross Lane.

Site Description

The site lies wtihin the settlement boundary of Ruishton, to the north of the A358 at its junction with Bushy Cross Lane. It is currently an open area of grassland used in conjunction with the residential property, Highcroft. An established hedgerow runs along the boundaries of the site along A358 and Bushy Cross Lane. There is an existing access into the land from Bushy Cross Lane.

Residential properties are located to the west and north, with open agricultural land to the east. The residential properites nearby are generally detached, with a mixture of architectural styles.

Relevant Planning History

31/98/0005- Demolition of existing dwelling. Erection of two dwellings - Approved - 6 August 1998

Consultation Responses

HIGHWAYS ENGLAND - Offered no objection

SCC - TRANSPORT DEVELOPMENT GROUP -

First Consultation Response

The proposal site lies off the unclassified Bushy Cross Lane on the southern edge of Ruishton. Bushy Cross ties into the very busy A358 approximately 40 metres south of the proposed access point. At the point of the proposed access, the posted

speed limit is 30 mph. It was noted at the time of visit that there is an existing access that serves the site.
In terms of residual cumulative impact, it is the view of the Highway Authority that the development proposed is unlikely to have a severe impact on the local highway network.
The applicant has proposed visibility splays of 2.4 metres x 40 metres in both directions. On the basis of that the applicant can lawfully provide these visibility splays without any third party encroachment and being mindful of the existing visibility splays from the current access, the proximity of the A358 and the observed vehicle speeds at the time of the site visit it would be difficult to object in this instance, however it is advised that lawful visibility splays are provided by the applicant to their best endeavours in line with an appropriate design service, the maximum 'Y' distance of which should be clarified.
The Highway Authority consider this as an opportunity to make minor amendments and widen the existing highway to improve two way vehicle flow along the frontage and as such manoeuvring into and out of the site. Detail of which should be provided within the next submission.
No dimensions have been provided for the entry and exit radii at the junction of the new access although it is stated that it will be a Type 4 Access Road. Where there is no provision made for large goods vehicles, it is recommended that the minimum circular corner radius at simple junctions should be 6m. The designer should confirm the size of the junction radii with the next submission.
It is noted from the drawings provided that Bushy Cross Lane will be widened in front of the new access road. There appears to be a well-established steep embankment at this location with a number of trees. Cutting back the embankment at this location will likely bring vehicles closer to these trees and destabilise the embankment leading to soil deposits on the carriageway. More detailed cross sections will be required along this section to show what works will be carried out and what impact this might have on the existing hedgerow.
This should be provided with the next submission to ensure that the works are feasible and within the control of the developer and the Highway Authority prior to planning permission being granted.
It is noted from the drawings provided that an existing retaining wall at the back of the highway verge will be removed to provide suitable and sufficient visibility out of the new access. Further detail is required in the form of a cross section so that the Highway Authority is satisfied that these works will not have a detrimental effect on the proposed footway at the bottom of the regraded slope. It is advised that this is to be provided with the next submission to ensure that the works are feasible and within the control of the developer and the Highway Authority prior to planning permission being granted.
Longitudinal or contour drawings haven't been submitted. Suitable approach gradients for the access road to ensure surface water drains back into the site and not the highway whilst ensuring level sections of the carriageway to enable vehicles to pull out safely.
Additional drawings would be required for surfacing, surface water drainage, highway lighting, kerb details and road markings to comply with design standards.
No drainage details have been provided at this time. During the time of the site visit it was noted that ponding was present at the Bushy Cross Lane/A358 junction. It is essential that, if consented a robust drainage system is delivered to ensure that ponding at the above location is not exacerbated. Full detail of which would need to be agreed in conjunction with the Highway Authority at the detailed design stage.
The designer will need to investigate the existing drainage system and provide

additional gullies where necessary to prevent ponding on Bushy Cross Lane. Gullies will also be required on the high sides of the dropped kerbs for the uncontrolled crossing. Full construction details including spot levels and locations of gully pots will be required at the detailed design stage for consideration by the Somerset County Council drainage engineer.
Turning to the internal layout the applicant has provided a swept path analysis of a 10.1m refuse vehicle as part of the supporting information A swept path analysis needs to be provided tracking an 11.4m refuse vehicle on a suitably scaled topographical drawing (1:200 scale advised), it is recommended that this is provided in the next submission to demonstrate safe access, manoeuvring within the internal layout and egressing back onto the public highway in a forward gear can be achieved. Alternatively, it is recommended the designer confirms with the local Waste Partnership to ascertain the largest vehicle likely to serve the development on provide a suite swept path analysis on this basis.
Subject to consent, the applicant needs to provide appropriate vehicle parking in line with the Somerset Parking Strategy (SPS). The site sits in zone B of the SPS parking map. Detail of parking standards can be found the public domain. Cycle parking needs to also be provided at a rate of 1 per bedroom and be safe, secure, sheltered and accessible. The Highway Authority expect Electric Vehicle Charging Points to be provided for all dwellings as part of SCC policy. All vehicles must be able to enter the public highway in a forward gear.
Given the proximity of the A358 the Highway Authority strongly advise that Highway England are consulted (if they haven't been already) for their comments regarding the scheme proposed.
With the above in mind, whilst there is no objection to the principle of the proposal, the Highway Authority recommend that additional information be submitted.

<u>Response to further information received from applicant on 18 March 2020</u>
Following on from our previous comments the Highway Authority have now assessed the additional supporting detail. I apologise for the delay in our reply.

For avoidance of doubt and to reiterate from our previous comments the applicant needs to demonstrate that a 11.4m refuse vehicle can safely enter and egress onto the public highway in all directions.
This drawing, (based on a suitable scaled topographical drawing) needs to also show the access and all associated works as proposed in detail.
Furthermore prior to any recommendation the applicant will need to clarify/demonstrate how pedestrian/non-motorised users (NMUs) will safely enter and exit the proposal site without any vehicle confliction at the bellmouth of the access to the satisfaction of the Highway Authority.

The Highway Authority need to be satisfied that a safe and suitable access for vehicles and pedestrians/NMUs can be achievable/provided and annexed into a suitable legal agreement should consent be granted.

<u>Final comments</u>
The additional information has since been assessed. Given the change in design guidance, the submitted supporting detail of the refuse vehicle in this instance (Drawing No: 184343_AT_A02) is considered acceptable. The applicant should be mindful however, should the internal layout of the site be offered up for adoption in the future (subject to consent) a detailed technical swept path analysis will be carried out as part of the S38 process.

With reference to drawing number 184343_PD01, the proposed access and its associated footways and proposed road widening of Bushy Cross Lane is considered generally acceptable, clarity will be needed on how pedestrians will safely leave the footway to the north however, where detailed design and any minor amendments can be agreed at detailed design stage. Associated works will be secured through a suitable legal agreement.

If the application is to be approved, conditions are proposed.

SCC - ECOLOGY - A Preliminary Ecological Appraisal for the application site was reported by Western Ecology in January 2020. The surveys considered that nesting birds were potentially present within vegetation on the application and could be affected by the proposed development.
Three discrete areas of piled brick rubble and other waste material associated with a former building exists in the northern section of the application site. Encroaching vegetation from the surrounding scrub. Occasional reptiles, such as Slow Worm, may utilise the crevices within the rubble/waste piles for hibernation between November and March. The current cleared ground provides very open conditions, both of which make it unlikely that the application would support a population of reptiles during their active period.
In addition, as no bat activity surveys have been undertaken, and as long-eared bats have been recorded in the vicinity of the major road.
Montbretia (invasive non-native under Schedule 9 of the Wildlife and Countryside Act, 1981) is present in localised areas of the application site. Stags Horn Sumach, which is common within the site, is not listed as non-native invasive under the Wildlife and Countryside Act, however it is a highly competitive non-native shrub that is a potential nuisance species due to its ability to sucker and rapidly regenerate.
The National Planning Policy Framework (170d) requires biodiversity enhancement to be provided within development. A bee brick would contribute to the Somerset Pollinator Action Plan. Research shows that bees will live in the bricks and there is no risk associated with their installation as solitary bees do not live in hives or have a queen, and do not sting. The bricks have a solid back with the cavities placed on the outside wall.
Conditions are required.

WESSEX WATER - No objections

TREE OFFICER - No issues here with existing trees. The hedges are nearly all elm so, as shown on the plan, would need to be replaced – preferably mixed native, with trees planted in the hedge line on the eastern and southern boundaries and in the verge to the west.

ARCHAEOLOGY - As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds

RUISHTON & THORNFALCON PARISH COUNCIL -
Ruishton and Thornfalcon Parish Council has strong objections as follows:
• Over development of the site from the lapsed planning permission for 2 dwellings now to 4 dwellings.
• Lack of parking provision on the site which would mean that vehicles will park on Bushy Cross Lane.
• Concern that this development will generate extra traffic movement onto a very busy trunk road (A358)
• The access onto the site is at a narrow point of Bushy Cross Lane and is not the 5.5m as claimed in the application.
• The new footpath will reduce the width of the road even further

Representations Received

Five objections received including one from the Ward Councillor received raising the following concerns:

- location of access near busy T junction with A358, with blind corner when turning into it.
- further access onto the lane would add to hazards for pedestrians using lane
- parking issues with cars parking on the lane
- collection of refuse from the footpath would add to the hazards for predestrians and wheelchair users
- to create a footpath would require the removal the hedgerow
- there have been a number of traffic accidents for traffic turning into and out of the lane
- unacceptable amount of traffic
- could open up the potential for development on the fields beyond

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.

DM1 - General requirements,
A1 - Parking Requirements,
CP8 - Environment,
SP1 - Sustainable development locations,
SD1 - Presumption in favour of sustainable development,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.
This is outline application so no details of house sizes yet submitted.
Using illustrative site plan, proposed development measures approx. 375sqm.

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 £47,000.00. With index linking this increases to approximately £66,500.00.

Determining issues and considerations

Policy SP1 requires that 'Proposals should make efficient use of land and follow a sequential approach, prioritising the most accessible and sustainable locations.' The site lies within the settlement boundary of Ruishton, where the principle of small scale infill development is acceptable, subject to compliance with adopted policies.

Policy DM1 sets out the general requirements for development. It is considered that the proposal would make effective and efficient use of land in a sustainable location.

The appearance and character of the street scape should not be unacceptably harmed by the development. Whilst the loss of the hedgerow along Bushy Lane is unfortunate, it will allow the provision of a footpath to link up with the existing footpath along the A358, the widening of Bushy Lane and improved visibility. New planting is proposed behind the footpath. Furthermore the existing hedgerow is mainly elm which is dying back in places.This can be replaced with broad leaf native species.

Wildlife species would not be harmed by the proposal and biodiversity enhancements are conditioned in accordance with the requirements of the NPPF.

Issues relating to appearance, landscaping, layout and scale will be considered in the reserved matters application.

<u>Highways</u>
Somerset CC - Highways in their first response dated 6 March 2020, whilst raising no objection in principle requested the submission of further information, specifically:

•Provide minor alterations to existing highway along an element of the site frontage where applicable to the satisfaction of the Highway Authority.

•Provide additional cross sectional detail drawings to clarify the above comments and queries.

•Provide a swept path analysis of a 11.4m refuse vehicle in all directions of travel on suitably scaled topographical drawing (1:200 advised), clarifying track plotting

speeds.

Additional information was submitted by the applicant on 18 March 2020.

Somerset CC- Highways in their response to the additional information requested further information to demonstrate that a refuse truck could enter and egress the site in all directions and also that pedestrians and NMU could enter and exit the site without conflict.

Further plans received on 10 July indicate the swept path analysis for the refuse truck. The plans also indicate the provision of a 2m wide footpath along the frontage of the site to link up with the existing footpath at the junction of A358 and a footpath along the frontage of Highcroft.The footpath will be provided within the application site.

In their comments of 21 July 2020, SCC - Highways considered that the addtional information was acceptable.

Car parking

Car parking requirements are set out in policy A1 and are based on the number of bedrooms in each dwelling. For example a three bed dwelling requires a maximum of three spaces. Whilst a garage and one parking space are proposed on the illustrative plan, the details will need to be resolved at reserved matters stage. Adequate car parking will need to be provided within the site.

Cycle parking is required at a minimum of one space per bedroom. Again this will be addressed at reserved matters stage when the detailed design of the dwellings is submitted.

Landcaping

Whilst landscaping is a reserved matter, the proposed access affects the current vegetation on the site. To facilitate the provision of a footpath along Bushy Lane the existing hedgerow will be removed and planting is proposed to the rear to the footpath. Where removed the hedgerow can be replaced by mixed native species.

The hedgerow to the south would not be affected by the proposal and would help to provide a screen from the A358. Its retention has been conditioned.

Refuse Collection

The access to the site is designed to allow a refuse truck to enter the site to collect refuse and to leave the site in a forward gear. A refuse storage area is also indicated within the site. No refuse bins will be located on the road outside the site for collection.

Conclusion

The main issues raised by the submitters relate to traffic and parking along Bushy Lane and accessing onto the A358. The Highway Authority consider the proposal acceptable as detailed above and subject to conditions. Highways England have raised no objections.

The proposal complies with adopted policies and approval is recommended.

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

Contact Officer: Denise Grandfield