

42/18/0040

MR S MARTIN-SCOTT

**Erection of 1 No. four bedroomed dwelling with detached single garage and ancillary works on land to the side of The Old Rectory, Wild Oak Lane, Trull**

Location: THE OLD RECTORY, WILD OAK LANE, TRULL, TAUNTON, TA3  
7JT

Grid Reference: 321592.122356

Full Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

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

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 3056.001 Tree Survey & Constraints  
(A1) DrNo 3056.002 Rev B Structure Planting Plan  
(A4) DrNo S0\_229\_101 Location Plan  
(A4) DrNo S0\_229\_102 Block Plan  
(A1) DrNo 229\_103 Existing Site Plan  
(A1) DrNo 229\_104 Proposed Site Plan  
(A1) DrNo 229\_201 Proposed Ground Floor Plan  
(A1) DrNo 229\_202 Proposed First Floor Plan  
(A1) DrNo 229\_203 Roof Plan  
(A1) DrNo 229\_204 Site Elevations and Images  
(A1) DrNo 229\_205 Dwelling and Garage Elevations

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

3. Prior to the wall construction of the building samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the building/area.

4. The applicant shall undertake all the recommendations made in jh Ecology's report dated September 2018, and provide mitigation for bats as recommended. The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

The development shall not be occupied until the scheme for the maintenance and provision of the new bat boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To protect and accommodate wildlife.

5.
  - (i) Prior to its implementation, the landscaping scheme shall be carried out as per drawing 3056.002 Rev.B.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of 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 shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

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

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

7. There shall be no obstruction to visibility above 900mm from the adjoining carriageway level within the splays indicated on drawing 2229\_104:6. Such visibility splays shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such.

Reason: In the interest of highway safety.

8.
  - i) Before construction commences (including site clearance and any other preparatory works) the scheme for the protection of the TPO tree to be retained shall be implemented.
  - ii) Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected.
  - iii) It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of the existing tree and natural features during the construction phase.

Reason for pre-commencement: To ensure protection of the TPO tree during construction.

#### 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 and has imposed planning conditions to enable the grant of planning permission.
2. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

## **Proposal**

This application seeks full planning permission for the erection of a new dwelling. It is a revised design for a dwelling previously given approval on Plot 2 in 2015. This is a full application, as the proposal revises the height and design of the dwelling previously granted permission. The proposed dwelling would be 4 bedrooms over 2 storeys. The proposal reflects the levels of the adjacent new build although is marginally higher. The dwelling would be finished in render and brick with a tile roof. A gable projection is proposed to the front together with a detached garage.

The dwelling would be staggered back slightly from the front of the adjacent dwelling and provides parking and turning for two cars, including a single garage. It is proposed to create an access in the same position as that previously approved. The north (side) boundary is proposed to be delineated by a 2 metre high rendered wall to the rear of the property, which would be lowered to a low retaining wall on the element that protrudes to the front of the property.

## **Site Description**

The site comprises part of the large garden of The Old Rectory, which is a substantial render and tile property set back from and on a higher level than the road. The site lies just outside of the Conservation Area and there is a large tree on the roadside, which is subject to a Tree Preservation Order. There is a mix of size and style properties along Wild Oak Lane, with substantial dwellings set within large plots to the north and a mix of semi-detached and terraced dwellings to the south. These terraced/semi-detached properties are largely red brick with slate/tile roofs, set on a higher level than the road.

## **Relevant Planning History**

Outline planning permission was initially granted for the erection of two dwellings in the southern part of the garden in 2007, which was renewed in January 2011. That outline application reserved all matters for future consideration, with the exception of means of access. A subsequent application sought approval of reserved matters for the erection of the dwelling on Plot 1, which was granted in February 2012 and has since been constructed. A further reserved matters application was approved in February 2014 for Plot 2.

42/15/0020 - ERECTION OF 1 No 5 BEDROOMED DETACHED DWELLING WITH SINGLE GARAGE AND ASSOCIATED WORKS IN THE GARDEN TO THE SIDE OF THE OLD RECTORY, WILD OAK LANE, TRULL - CA 25/9/15

## Consultation Responses

*TRULL PARISH COUNCIL* - Support

*SCC - TRANSPORT DEVELOPMENT GROUP* - refer to Standing Advice.

*WESSEX WATER* - The applicant has indicated that foul sewerage will be disposed of via the main sewer.

Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The applicant has indicated in the current application that rainwater (also referred to as "surface water") will be disposed of via soakaway.

*LANDSCAPE* - As the proposal involves the felling of a tree , I would like to see a replacement tree planted.

*BIODIVERSITY* - The site comprises of amenity grassland with occasional trees and shrubs bounded by native and garden hedges.

The application includes the removal of a section of hedge (15m) fronting Wild Oak Lane and up to six trees.

### **Biodiversity**

Jh Ecology carried out a preliminary ecological appraisal of the site dated September 2018.

### **Birds**

Hedges, shrubs and trees on site provide potential habitat for nesting and foraging birds.

In order to avoid potential impacts , hedge, shrub and tree clearance should be undertaken outside of the main bird-breeding season i.e. between September and February inclusive; or subject to a check by an ecologist.

### **Hedgehogs**

Hedge bottoms provide potential for hedgehog.

Hedge clearance should be preceded by a thorough search (by operative undertaking work) for sheltering hedgehog. Any hedgehog found should be moved to alternative suitable habitat (at base of dense vegetation / hedge).

### **Bats**

None of the trees on site supported suitable potential roost features (PRFs.)

The intensively managed grassland was of limited botanical diversity and considered

to provide low value foraging habitat for bats, and as the site is small in size, in the context of the surrounding landscape it is unlikely to be an important resource for foraging.

I support the erection of bat box onto a mature tree to be retained.

To avoid the impacts of night-time lighting on bats, light levels around the

external parts of the new dwelling should be kept to an absolute minimum.

#### **Badgers**

The surveyor found no field signs of badger or evidence of entrance holes which might suggest a sett located on or immediately adjacent to the site.

#### **Reptiles**

The short mown grassland and hardstanding which comprised the majority of the site provided negligible potential foraging opportunities and lacked cover suitable for reptiles.

#### **Condition for protected species:**

The applicant shall undertake all the recommendations made in jh Ecology's report dated September 2018, and provide mitigation for bats as recommended.

The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

The development shall not be occupied until the scheme for the maintenance and provision of the new bat boxes and related accesses have been fully implemented.

Thereafter the resting places and agreed accesses shall be permanently maintained.

**Reason:** to protect and accommodate wildlife.

#### **Informative Note**

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

## **Representations Received**

None

## **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.

CP1 - Climate change,  
CP4 - Housing,  
CP8 - Environment,  
DM1 - General requirements,  
A1 - Parking Requirements,

D10 - Dwelling Sizes,  
D7 - Design quality,  
ENV1 - Protection of trees, woodland, orchards and hedgerows,

Trull Neighbourhood Plan  
Policy H2: Housing in Keeping  
Policy H5: External Space  
Policy H6: Development within the Village

## Local finance considerations

### Community Infrastructure Levy

Creation of a dwelling is CIL liable.  
Proposed dwelling measures approx. 240sqm.

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 £16,750.00. With index linking this increases to approximately £22,500.00.

### New Homes Bonus

The development of this site would result in payment to the Council of the New Homes Bonus.

#### *1 Year Payment*

Taunton Deane Borough	£1,079
Somerset County Council	£270

#### *6 Year Payment*

Taunton Deane Borough	£6,474
Somerset County Council	£1,619

## Determining issues and considerations

Planning permission has already been granted on the site for a dwelling and there is an extant permission, which could be implemented at any time. As such, the principle is already established. The matter for consideration is therefore whether the revised scheme would result in any increased harm to the character and appearance of the area, the residential amenities of neighbouring residents and highway safety.

### Character and appearance of the area

The application site sits within a varied, historic street scene. Properties to the north are largely Victorian, both terraced and semi-detached. To the south is the Arts and Crafts style Old Rectory. All of these are rich in their architectural detailing.

Immediately to the north, adjoining this site, is the recently constructed Higher Lea, which, by contrast, is simple. On the opposite side of the road are a number of bungalows, although there are further older properties to the north.

The proposed dwelling will be of modern design but has been altered from the previous scheme so it is of traditional proportions. There is a large projecting gable on the front of the property which reflects the projecting gable on the adjoining Old Rectory. The proposal is of a more traditional two storey design without the previous level of glazing and this has led to there being no local objections to this revised scheme.

The dwelling will be a little higher than Higher Lea to the north, although this dwelling does appear a little too small alongside its Victorian neighbours, and in height terms, the proposal will sit between this and the Old Rectory to the south. Given the set back from the road, subject to suitable front boundary landscaping, the proposal is considered to be acceptable in terms of its impact on the street scene.

The site is close to the boundary with the Conservation Area, but in light of the considerations above, it is not considered to detract from the character and appearance of the area. The development is supported by policies in the Neighbourhood Plan.

#### Impact upon neighbouring residents

The proposed dwelling would be sited largely alongside the gable end of Higher Lea, where there are no windows to be affected. Whilst it would protrude to the rear, this is not considered to be by an amount that would result in any overbearing impact or loss of light to the garden or rear windows. There are no windows in the side elevation that would face Higher Lea. Given the height of the boundary there is not considered to be any unacceptable overlooking of this property. The detached garage projects 4m in front of the neighbour, however given the orientation of the properties this would not impact on the outlook or light.

The Old Rectory is set on a higher level and although close, the proposal is not considered to result in significant harm to the residential amenities of that property. Whilst The Old Rectory faces towards the plot, due to the orientation, the main windows face the parking area to the front and there are no habitable room windows in the side. The proposed 2 metre high boundary wall would prevent overlooking between gardens. As such, there are no concerns regarding overlooking and an element of private amenity space is available to the proposed dwelling.

There are further neighbouring properties to the rear, but again, the distance from these is considered to be acceptable; the boundary being approximately 13m from the house at the closest point.

#### Highway safety

The proposal provides adequate space for two car parking spaces and a turning area within the site. The proposed access lies in the same position as that previously approved under the outline permission. As such, the scheme is not deemed to result in any increased impact beyond that of the extant permission.



Highway standing advice requires the provision of visibility splays. The splays indicated on the submitted drawing are considered adequate given the traffic speeds of between 20 and 25mph along the lane and will be conditioned.

### Other matters

The receipt of the New Homes Bonus and Community Infrastructure Levy is noted, however, it is considered that this matter carries very limited weight in this case.

### Conclusions

The proposed development is considered to be acceptably designed and would not impact unreasonably upon the amenities of neighbouring property, the street scene, character and appearance of the adjoining conservation area or highway safety. It is, therefore, considered to be acceptable and it is recommended that planning permission is granted.

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

**Contact Officer: Matthew Banks**