

You are requested to attend a meeting of the Planning Committee to be held in West Monkton Primary School, Bridgwater Road, Bathpool, Taunton (Main School Hall) on 10 January 2018 at 18:15.

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### **Agenda**

- 1 Apologies.
- 2 Outstanding minutes of the Planning Committee meetings in 2017 (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of Disclosable Pecuniary Interests or personal or prejudicial interests, in accordance with the Code of Conduct, in relation to items on the agenda. Such interests need to be declared even if they have already been recorded in the Register of Interests. The personal interests of Councillors who are County Councillors or Town or Parish Councillors will automatically be recorded in the minutes.
- 5 53/17/0005 Outline planning application with all matters reserved, except for means of access, for a residential development of up to 8. No dwellings with associated access, landscaping and infrastructure works on land to the south of Dene Road, Cotford St Luke
- 6 49/17/0021 Formatin of ramped access to north porch, alterations to entrance driveway and insertion of glazing to upper panels of the west and north porch doors at St Andrews Church, Church Street, Wiveliscombe
- 7 Latest Appeals and Decisions received

Bruce Lang  
Assistant Chief Executive

01 May 2018

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

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The meeting rooms at both the Brittons Ash Community Centre and West Monkton Primary School are on the ground floor and are fully accessible. Toilet facilities, with wheelchair access, are available.

Lift access to the Council Chamber on the first floor of Shire Hall, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are available through the door to the right hand side of the dais.



An induction loop operates at Shire Hall to enhance sound for anyone wearing a hearing aid or using a transmitter.

**For further information about the meeting, please contact Democratic Services on 01823 219736 or email [r.bryant@tauntondeane.gov.uk](mailto:r.bryant@tauntondeane.gov.uk)**

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**Planning Committee Members:-**

Councillor R Bowrah, BEM (Chairman)  
Councillor M Hill (Vice-Chairman)  
Councillor J Adkins  
Councillor M Adkins  
Councillor W Brown  
Councillor S Coles  
Councillor J Gage  
Councillor C Hill  
Councillor S Martin-Scott  
Councillor I Morrell, BA LLB  
Councillor S Nicholls  
Councillor J Reed  
Councillor N Townsend  
Councillor P Watson  
Councillor D Wedderkopp

NHS PROPERTY SERVICES LTD

**Outline planning application with all matters reserved, except for means of access, for a residential development of up to 8. No dwellings with associated access, landscaping and infrastructure works on land to the south of Dene Road, Cotford St Luke**

Location: LAND SOUTH OF DENE ROAD, DENE ROAD, COTFORD ST LUKE,  
TA4 1DE

Grid Reference: 317119.126963

Outline Planning Permission

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## **Recommendation**

### **Recommended decision: Refusal**

- 1 The application site forms a significant gateway site into Cotford St Luke. The character and appearance of the site and immediate environs are striking; a strong urban form to the north of Dene Road and open, park-like village green to the south. The proposed development, which intrudes into the land to the south of Dene Road, would result in substantial harm to the landscape character and appearance of the site and surroundings in an area sensitive to intrusion by new development, contrary to Policy DM1 of the Taunton Deane Core Strategy. Due to that substantial harm, and its lack of substantial environmental benefits, the proposal would fall short of fulfilling the environmental role of sustainable development referred to in paragraph 7 of the Framework. Whilst the proposal would bring economic and social benefits, primarily in relation to housing, the proposed development would not, in overall terms, constitute sustainable development.
- 2 Insufficient information has been submitted to demonstrate that adequate visibility splays can be provided at the proposed access or that the proposal will not be detrimental to pedestrian safety. The proposal is, therefore, considered to be detrimental to highway safety, contrary to Policy DM1 of the Taunton Deane Core Strategy.
- 3 The application proposals do not include a contribution towards provision of public open space or affordable housing. The development is therefore contrary to policy C2 of the SADMP and policy CP4 of the Core Strategy.

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

Notes to Applicant

## **Proposal**

This is an outline planning application for the construction of up to 8 dwellings with associated access, landscaping and infrastructure works on the site on land south of Dene Road. All details are reserved with the exception of access into the site from Dene Road.

The indicative masterplan layout for this 2 hectare site shows one way that the site could be developed for up to 8 dwellings – comprising a cluster of 3 terraced units, 2 semi-detached units and 3 detached units to provide a mix of dwellings arranged around a single cul-de-sac route located in the north west of the site.

The majority of the site will be retained as informal open space, with the area of mature tree groups and woodland retained to the east of the new housing. The southern half of the site will be landscaped to create a setting to the development and wider village. This will include a new landscape buffer to the south to limit views into the development from the arrival into the village along Dene Road.

New screen planting will also be provided along the western edge in the form of a 5m buffer. Along the eastern edge of the housing area, a footpath will provide access from Dene Road.

To facilitate surface water drainage, it was proposed to extend the existing swale which is located on land immediately to the west of the site, but amendments to the drainage strategy now propose on-site attenuation.

## **Site Description**

The 2.0ha site is located adjacent to Dene Road in the south east of the village of Cotford St Luke. The site is bounded by Dene Road to the north and east, recreational space to the west, and a small watercourse and hedgerow beyond the boundary to the south. There is a pedestrian path running along the northern boundary of the site with Dene Road. Dene Road provides access from Cotford St Luke to Taunton, approximately 8km away.

The site the site slopes from north to south with a maximum elevation of 37mAOD to a low point in the south western corner of the site at a level of 32mAOD falling at a grade of 1:45.

The proposed development is located in Flood Zone 1, 2 and 3 but only land within Flood Zone 1 will be used for the development of new homes.

## **Relevant Planning History**

There is no relevant planning history on the site.

## **Consultation Responses**

**Parish Council:** No representations received.

**SCC Highways:** Comments as follows:

Thank you for your email of 1 December 2017 regarding the above application. I have reviewed the drawings and planning response from Curtins Ltd provided in support of this application, and my comments are as follows.

I accept the proposed 2.4m by 33m visibility splays would be appropriate at this location, providing the 20mph speed limit is relocated as proposed (so as to encompass both approaches to the proposed access). However, I am concerned that the submitted drawing (BR1513-H-100 – B) again appears inaccurate, as it states in the notes that it is based on OS information and aerial photography, and is subject to change from topographical survey.

The applicant has therefore still not demonstrated that suitable visibility can be achieved, despite access not being a reserved matter and the Highway Authority's stated concern about achieving suitable visibility because of the adjacent mature trees. The Highway Authority restates its recommendation that the application should be based on a properly scaled and accurate plan to demonstrate that the proposed access is achievable in practice.

I do not agree that the proposals will not intensify use of the existing pedestrian route and crossing. The plans submitted with the application show new pedestrian links onto the relevant footpath (T 4/22), and it is not unreasonable to conclude that the overall improvements to the area that are proposed (including new pedestrian routes and boardwalk) would additionally encourage greater pedestrian flow in the area. The submitted masterplan appears to show the red line for the site abutting the public highway at the location where the existing footpath crosses the highway (shown as a blue arrow to the south of the area indicated as 'retained woodland' and thus highlighted as a pedestrian link within the application). The Highway Authority therefore recommends that as a minimum suitable visibility improvements for pedestrians be provided for the western (site) side of this footpath crossing.

Bearing in mind access is not a reserved matter, the additional details of the proposed access remain insufficient to fully confirm suitability of the proposals (lacking details such as access width, radii, footway crossing points, swept path analysis etc). However, the principle of vehicle access into the development at this location is acceptable, providing the 20mph speed limit is relocated to an appropriate position and suitable alterations to the existing highway are completed.

If full details are not provided at this stage, the Highway Authority would recommend that a condition be included on any approval to require the implementation of the access in accordance with a design and specification to be approved in writing by the Local Planning Authority to ensure that the final design is acceptable.

The relocation of the existing 20mph speed limit is clearly essential to the proposals put forward by the applicant. The proposed visibility splays are only acceptable to the Highway Authority on the basis that the 20mph limit is extended and the construction of the access would affect the existing speed limits on the main road, as the 20/30mph boundary is currently on the centreline of the proposed access.

While I agree a condition could not be applied to require the successful implementation of the TRO on its own, the changes to the existing highway proposed in this application will require a Section 278/ Section 106 agreement, which could include the appropriate relocation of the 20mph limit to facilitate this development. The Highway Authority therefore recommends that, if the Local Planning Authority are minded to grant approval for the development generally in accordance with the submitted plans, it be conditioned that a suitable S278/ S106 agreement be entered into before works commence to undertake the required highway improvements, including the suitable alteration of the existing speed limits and associated signing, and that the approved highway works be fully implemented before first occupation.

I note that the requirements of the APC regime have been acknowledged, and agree that the applicant's decision whether to propose a layout suitable to be offered for adoption can be taken at a later stage.

I also note that a Flood Risk Assessment was included with the supporting documents recently submitted, which will need to be reviewed by the Highway Authority's drainage engineer.

However, the results of this review will not be available for some time, and any issues subsequently identified should be considered during any later reserved matters application.

With the above in mind the Highway Authority still considers that the application is not acceptable in its current form, as the submitted plans remain on insufficient quality and accuracy to enable the Local Planning Authority to make a full assessment of the traffic impact of this proposal.

**Open Spaces Manager:** Comments as follows.

The boundary map provided shows the existing attenuation pond as being within the development land, this belongs to TDBC and is part of existing flood attenuation plans for the area. The developer requested that this pond could be extended to accommodate their infrastructure needs and as this was adjacent to a play area contacted TDBC Open Spaces. Although the proposal would not impact on the play area in question it would prevent TDBC from further upgrading this area for public use and limit our flexibility in the use of the space. I do not therefore feel that it is in the public interest for TDBC property to be put to dual use in this manner and the attenuation provision should be provided within the land allotted for the development. Permission was denied in an email to the Developer on the 28th June 2017.

**Landscaper Officer:** Comments as follows.

This is not a site allocated for housing.

In fact this arbitrary site with its undefined western boundary, gives the impression that it is part of the POS, being visually isolated from the main development of the village on the opposite side of the main road into Cotford St Luke.

The site does not relate well to other housing in the locality, but rather intrudes into this attractive open area. I consider that will be difficult to successfully define the

boundary with the adjoining POS to the west.

Some of the trees on site, several of which are protected by a TPO (TD 545) will need to be felled to accommodate the development. This will impact on the general amenity of the area at a key location at the entrance of the village.

**Community Leisure Officer:** Comments as follows.

In accordance with TDBC Adopted Site Allocations and Development Management Plan Policy C2 and Appendix D, provision for children's play should be made for the residents of these dwellings.

An off-site contribution for children's play of £3,150.00 per each 2 bed+ dwelling should be made. The contribution should be index linked and spent on play equipment within the vicinity of the development.

The Design and Access Statement page 15 Drawing 0612-01000 Masterplan appears to show an extension to the SUD which is on TDBC owned land. Any extension to the SUD is unacceptable as it would encroach on the playing field and playing pitches.

**Biodiversity Officer:** Comments as follows.

The application is outline for residential development on land south of Dene Road , Cotford St Luke

jh Ecology carried out an Ecological Impact Assessment of the site in November 2016.

Findings are as follows

### **Habitat**

The survey identified 13 habitat types on site. Habitats within the footprint of the development which would be removed include amenity grassland, dense scrub, young trees and semi improved grassland. The former pumping station will be demolished. Retained woodland and hedgerow habitats adjoining the development are likely to be subject to increased disturbance and increased lighting which could reduce their ecological value.

### **Reptiles**

A reptile survey comprising of seven visits was carried out during September 2016. Three grass snakes and three slow worms were found. To avoid impacts on reptiles clearance should take place during the reptile active season (March/April to October). To avoid the bird nesting season and to avoid potential impacts to dormice (if present) clearance should take place during October.

I support the recommendation to a purpose built hibernaculum on land on the periphery of the site.



## **Amphibians**

Common toad and smooth palmate newt were recorded during the reptile survey. However no apparent suitable breeding habitat for amphibians occurred within the site boundary.

Amphibians are unlikely to be present in Halse water and the ditch on the site's southern and western boundaries.

## **Badger**

The surveyor found no obvious field signs of badger but considered that the site is likely to be used by foraging badgers. Immediately prior to any construction works commencing on site, a badger survey should be undertaken.

## **Bats**

Bat surveys were undertaken in the form of walked transects, automated monitoring and a dusk emergence survey of the disused pump house in the woodland.

Seven species of bat were recorded. Common and soprano pipistrelle were the most frequently recorded species and the majority of recordings were made along Halse water.

No bats were seen to emerge from the pump house and as the building was assessed as having low bat roosting potential no additional dusk emergence/pre-dawn survey was considered necessary.

The lighting scheme for the development should be sensitively designed to ensure that dark corridors are maintained on site.

I support the recommendation to erect bat boxes on site.

## **Birds**

Apart from the amenity grassland, vegetation on site is likely to offer nesting potential for birds. I support the recommendation to erect bird boxes on site.

## **Dormice**

Overall the hedgerows and woodland bounding the site to be retained are considered as moderate value for dormice. It is possible that dormice may nest in the scrub so this should be cleared in October in a precautionary manner.

## **Otters**

Otters may be present on Halse water.

In the absence of mitigation, the proposed development could result in some negative impacts on ecological receptors within or adjacent to the site. If

permission is granted I therefore suggest the following condition

Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of JH Ecology's Ecological Impact Assessment of the site dated November 2016 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when reptiles, dormice and nesting birds could be harmed by disturbance.
3. Measures for the enhancement of places of rest for reptiles, bats and, nesting birds.
4. Details of lighting

Once approved 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 hibernaculum, bat and bird 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

Suggested Notes to applicant:

1. The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.
2. 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.

**Tree Officer:** Comments as follows.

No objection, in principle. It looks as though they should be able to carry out a development there without damaging the most significant trees, subject to the details of a Tree Constraints Plan, showing the Root Protection Areas and how they would be avoided, and Tree Protection Plan. Plenty of scope for new planting also, including parkland species such as oak, chestnut, lime etc.

**Housing Enabling Officer:** Comments as follows.

25% of the new housing should be in the form of affordable homes. The scheme indicates 8 dwellings, which would result in two affordable homes.

Taking into account the tenure of recent affordable housing in the area, it is considered that these properties should be in the form of 2 discounted open market

dwellings. The affordable housing scheme must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council.

**Senior Historic Environment Officer:** Comments as follows.

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.

## Representations Received

13 letters of representation received voice **concerns** and raise **objection** to the proposal, raising the following comments:

- Visual Impact on Character and Appearance of Entrance to the Village: Our village is approached via Dene Road along a tree lined avenue with housing on the right hand side and trees, hedgerows and the playing field on the left. South Lodge is the original lodge to Tone Vale hospital and is an iconic building. Any new building would be out of character and not in keeping with its surrounds. This development would damage the natural environment and result in the loss of trees and hedgerows and be replaced by yet another built up area on both sides of the road.
- Road safety/access issues: close to driveway to cause potential issues when backing out onto Dene Road if residents of the new development are exiting at the same time. Vehicles come around the bend as you come into the village far too fast, despite the speed limits.
- Increase in noise and disturbance from extra traffic
- There is not the infrastructure to support these extra developments, we are in danger of over- developing and ruining the village.
- Visual impact on landscape of community greenfield site: is on a greenfield site used by many villagers and visitors. This is a much loved spaced which sets Cotford St Luke apart from many other modern villages and something which must be protected. Building here will diminish the striking green field and tree lined community space that we villagers treasure. The development will not only be prominent from most angles of the playing field and spoil our open views but will also decrease the amount of recreational space available to us, making the playing field feel more crowded, especially at weekends when football matches etc are taking place.
- Plans to extend the dip (pond) within the site are also ill-considered for two reasons 1) the dip was created to alleviate flooding, by extending it and filling it with water is surely counterproductive 2) extending the pond yet again decreases the amount of recreational space available to all. The attenuation pond lies close to a children's play area. If this is extended and the water not drain so quickly because of new housing, it could be a real danger to small children. Fencing it off would seriously detract from the existing amenities.
- The Indian Bean Tree, two Nootka Cypress and comparatively recently planted trees should have preservation orders on them.
- Sleeping policemen should be eliminated
- A car park preferably well disguised included in the scheme could benefit the smooth running of traffic on the main road.
- At least two informal approaches were made to develop this land. Both were

rebuffed so they did not go any further. When the SADMP was re-written in 2016 the protected status was taken away leaving the site open to potential development which is scandalous. The planners at that time had no intention of this land ever being developed. If there was no chance 15 years ago, if this council had any consistent planning strategy, there should be 'no chance' now.

- The SADMP (2016) Preferred Options document details the housing requirement for Cotford up to 2028. Paragraph 2.108 states that "The scale of new housing allocation at Cotford St Luke should not exceed 60 units. Such a number could be accommodated within existing primary school capacity, would meet currently identified social housing need and would be of a scale of growth over the Plan period which the Council consider reasonable to absorb into the social and environmental fabric of the village." Since that document was produced TDBC has approved 30 dwellings on land to the east of West Villas and provisionally approved, subject to legal agreement, 30 dwellings on land to the east of North Villas. Consequently, Cotford is already up to the 60 houses limit and should not have any more. Additionally, there have also been 28 new dwellings on the old Orchard Lodge site. Although the Orchard Lodge site was regarded as a 'windfall' and not counted towards the SADMP allocation figure of 60 houses, the SADMP document points out that the Orchard Lodge development 'makes a significant contribution towards meeting village growth' and therefore 'officers would not support an allocation any larger than 60 units because of the Orchard Lodge scheme'. I would suggest this provides concrete evidence that TDBC should refuse this application, and any future applications until 2028, on the grounds that it raises the housing above the limit which 'officers would not support'.
- It appears that the site has been considered to be "within the settlement boundary". We would disagree with this and we consider that the proposed use of this site for housing does not reinforce the settlement pattern of Cotford St Luke. There is a clear defined edge to the built form of Cotford St Luke along the northern boundary of the southern approach road. The southern boundary of this road is noted for its undeveloped nature and the site in question adds to the green appearance of this side of the road and provides a characterful backdrop to the adjacent recreational area.
- Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Another principle is that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- There is also the impact on historic fabric, both within the site and near to it. In terms of within the site, there are clearly parts of brick buildings/structures which were original part of the use of the site as a medical institution. It is understood that they formed part of the pumping station. This should be investigated further on the basis that historic fabric could be lost without record.
- Impact on the setting of the original lodge on the opposite side of the road. This is clearly a non-designated heritage asset and therefore its setting should be considered carefully under the objectives of the National Planning Policy Framework, in particular, Paragraphs 132 and 135. It is difficult to

ignore the fact that the proposed development will cause harm to the setting of this heritage asset.

- Part of the site would appear to be within a County Archaeological Site, as designated in the adopted SADMP 2016. The application has not complied with Policy ENV4.
- Parking for some of the dwellings within garages. No one parks within garages nowadays. Some of the vehicles associated with these proposed dwellings, especially visitors' cars, will find themselves on the main road.
- The introduction of significant levels of hardstanding so close to the functional floodplain of the nearby watercourse will cause further issues by increasing surface water runoff. It is clear from the comments from the Open Spaces Manager that the proposal to increase the size of the attenuation pond within the recreational area to accommodate the additional surface water is not acceptable. His statement that it is not in public interest to do so should be taken into account. Given the inability to accommodate the increased surface water runoff within the existing attenuation pond, has the Drainage Officer or the Lead Local Flood Authority been consulted?
- The reduction of the recreational space available by the enlargement of the attenuation pond, as a direct result of the proposed development, is at odds with Paragraph 74 of the NPPF. The area where the attenuation pond is located is designated as Recreational Space in the adopted SADMP 2016. The increase in size of the pond proposed would reduce this space and therefore the application is contrary to Policy C3 of the SADMP 2016.
- Do we wish to support greedy developers over the natural environment, what future do you support?
- The tree officer suggests planting oak trees as part of this development - oak trees are growing like weeds in this area.
- The village already has substantial housing, and where others may disagree with this, please remember that the neighbouring Norton Manor Camp also has plans to build houses in the future.
- Cotford needs more amenities not more houses when the school, shop and bus service already struggles

Further documents submitted by the applicant in regard to drainage, landscape and visual, highways and open space addressing the concerns raised, and raising the following points:

#### Highways

- The visibility splay noted on the previous drawing is based on the Manual for Streets approach given the low speed limit and low speeds due to the traffic calming features (31m for a conservative average speed of 25mph), this has now been revised to 33m, to suit the Somerset Estate Roads guidance.
- There is an existing Public Right of Way to the south east of the site onto Dene Road, which has limited scope for improvements due to the existing geometry and land ownership. There are no proposals to intensify the existing pedestrian route and crossing. Speed management improvements have been proposed in the form of a gateway feature with advanced warning signs, thus reducing the speed limit to 20mph and improving the safety at the existing pedestrian crossing. Further potential improvements at this location can be discussed with the Highways team through the S278 and TRO process.
- The planning application should not be contingent on the successful TRO application as this could prejudice the development proposals. The planning

application should stipulate that a TRO application has to be made, but not dependent on the outcome. Any development proposals would be subject to the Road Safety Audit and Non-Motorised User assessment processes to ensure a proportionate, safe and viable scheme.

- All appropriate permissions and agreements will be put in place prior to the relevant areas of work. It is noted regarding the redline boundary on third party land.
- Comments referring to the potential for adoption or private streets are noted also. There is the option for the inclusion of an adopted turning head within the site should the client wish to progress with this option. The consultation response from Highways does not necessitate the adoption of the road at this juncture and can therefore be resolved post-planning approval.

### Drainage

- Due to the nature of the underlying geology infiltration techniques are not viable for this development.
- Permeable pavements will be used where possible with the remainder in geocellular units as Taunton Deane Borough Council do not want the attenuation basin expanded, providing both source control and site control. The outfall will be to the existing public storm sewer located to the west.
- Permeable surfaces should be included wherever feasible within the development to provide a source control feature and water quality benefits.
- New foul connections can be made to the existing adopted foul drainage network beneath Dene Road.
- Wessex Water has noted that sufficient capacity is provided at this point and the downstream network to accommodate the full development.

### Landscape and visual

- Though the site is not allocated for housing neither is such development precluded in policy terms.
- In its current state the site reads as one continuous area with the adjacent open space due to the site's western boundary being undefined on the ground. This was a key consideration through the design process with the final illustrative masterplan indicating a strong physical definition through a combination of timber fencing along plot boundaries, positioned to avoid existing trees and associated RPAs, behind an approximately 3m deep green buffer of native and ornamental shrubs with a secondary screening layer of specimen trees positioned at intervals to break up the massing of built form with a visual connection to the mature ornamental groups along Dene Road and Bethell Mead. This buffer will provide a clear definition between the two spaces connecting to areas of existing planting and creating a habitat connection to the southern landscape area adjacent to the Halse Water.
- The site is currently visible from the Dene Road approach to the village and houses along Aveline Court as well as from the public open space and village school. Though outside the main area of development it cannot therefore be described as 'visually isolated' from it.
- The previous use of the area as the grounds of the asylum has resulted in a number of mature areas of trees and shrubs along Dene Road and Bethell Mead which create a very green wooded character around the site. This characteristic has been retained and enhanced in the proposals through the

incorporation of existing trees in the site layout and new planting throughout including along the western boundary.

- The site is physically and visually connected to other areas of residential and community development within the village and contained by the same physical features.
- The proposals and accompanying documents indicated that the design had avoided all RPAs and any need for removal for trees in this location.

## **Development Plan Policies**

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 Site Allocations and Development Management Plan (2016), Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2004), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

### Core Strategy

- CP3 – Town and Other Centres
- CP4 – Housing
- SP4 – Realising the vision for the Rural Areas
- DM1 – General Requirements
- DM4 – Design
- DM5 – Use of Resources and Sustainable Design

### SADMP

- A1 – Parking Requirements (Appendix E)
- A5 – Accessibility of Development
- ENV1 – Protection of trees, woodland, orchards and hedgerows
- ENV2 – Tree planting within new developments
- ENV4 – Archaeology
- D7 - Design Quality
- D9 – A co-ordinated approach to development and highway planning
- D10 – Dwelling Sizes
- D12 – Amenity Space
- SB1 – Settlement Boundaries

## **Local finance considerations**

### **Community Infrastructure Levy (Taunton Deane only)**

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 £92,500.00. With index linking this increases to approximately £112,250.00.

## **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/West Somerset Council	£8,633
Somerset County Council	£2,158

### *6 Year Payment*

Taunton Deane Borough/West Somerset Council	£51,795
Somerset County Council	£12,949

## **Determining issues and considerations**

The main issues in the consideration of this application are:

1. The principle of the development
1. The impact on the highway network
2. The impact on landscape and visual amenity
3. The impact on ecology
4. The impact on trees, including those covered by TPO
5. The impact on archaeology, and
6. The impact on drainage.

### **1 The principle of development**

Where previously the Core Strategy indicated that the site formed part of an area allocated for urban/recreation space, upon adoption of the SADMP last year, that allocation was removed. The site sits within the settlement of Cotford St Luke. Therefore, the principle of residential development of the site is now considered to be acceptable.

In order to meet housing needs, the Council has accepted the development of greenfield land is required. To this end, policy MIN1 allocates a greenfield site for around 60 dwellings and employment units east of Deane Barton, on the eastern edge of Cotford.

### **2 The impact on the highway network**

On the basis of the originally submitted plans, the Highways Authority raised



objection as the plans were not of sufficient quality and accuracy to enable a full assessment of the traffic impact of the proposal.

During the application, the applicant has completed a topographical survey and the access proposal drawings have been revised to show the exact location of the existing highway and the mature tree to the west of the proposed access. In addition, the visibility splays have been revised to show some 33m in each direction, having proposed speed management improvements in the form of a gateway feature with advanced warning signs, thus reducing the speed limit to 20mph to the south east of the site.

However, the Highway Authority still consider that the information provided is insufficient to demonstrate that there would not be adverse impacts upon highway safety.

### **3. The impact on landscape and visual amenity**

The site is located within NCA 146 “Vale of Taunton and Quantock Fringes”, which lies between the Brendon Hills on the edge of Exmoor to the west and the Somerset Levels and Moors to the east. It overlooks the Bristol Channel to the north and the Blackdown Hills Area of Outstanding Natural Beauty (AONB) to the south, and encircles the Quantock Hills AONB. The steep, moorland-topped character of the Quantock Hills and the Brendon Hills and the open character of the clay levels contrast with this area’s lush pastoral character. Panoramic views are gained from these hills across the vale to the coast and are an ecological link between these two areas of moorland. Within the overall character there is considerable variety, united by its lowland mixed farming landscape, with dense hedges, sparse woodland, red soils and settlement pattern.

The site is on a junction with a number of Landscape Character Areas (LCAs); LCA 1A: Taunton Deane Farmed and Settled Low Clay Vale abuts the site’s southern boundary, LCA 2A: The Tone River Floodplain covers the site, and LCA 3A: Quantock Fringes and West Farmed and Settled High Vale is adjacent to the site’s northern boundary.

The strength of LCA 1A landscape character varies across the vale but is judged to be moderate to strong overall. There is, overall, a requirement to enhance the landscape of the Farmed and Settled Low Clay Vale. Although the Vale contains distinctive characteristics, there are a number of human elements that detract from the character of the landscape, including intrusive developments e.g. town edge development.

The strength of landscape character in the Tone River Floodplain LCA is judged to be moderate. The simplicity of the naturally flat, open floodplain landscape is noted to have been notably lost in places due to the dominance of a number of human influences – the railway, pylons and urban edge developments that detract from the natural physical character of the landscape. Overall, a requirement to enhance (and, in places, restore) the landscape pattern of the floodplain – improving the condition of existing hedgerows and restoring hedgerows in areas where they have almost disappeared from the landscape could considerably improve the sense of intactness and strengthen landscape character overall. A number of opportunities

exist to implement local landscape schemes that would enhance the rural-urban fringe areas in order to visually improve the often-awkward interface between rural and urban land uses.

The strength of character in LCA 3A is also judged to be moderate (to strong in places) and this judgement is significantly influenced by the condition of landscape elements e.g. hedgerows and the introduction of new landscape elements e.g. field of biomass crops. The overall strategy for the Farmed and Settled High Vale is to enhance the quality of the landscape e.g. through improvement of the rural-urban interface and, in areas where landscape character is stronger, to conserve those features, elements and characteristics that combine to form a strong and recognisable landscape pattern.

The 2005 Landscape Character Assessment of Taunton's Rural-Urban Fringe Landscape Sensitivity and Capacity Study (Final Draft Report) puts the site within 3B: Norton Brook – Halse Water Rural River Floodplain. Here, *“where the character area abuts Cotford St Luke, recreational space defines much of the floodplain – playing fields with some mature trees evoking a parkland character and describes the overall character as small-scale, narrow floodplain with fields of pasture, well-managed hedges and a prominence of willow evoking a wet, lush character. The lack of obtrusive human elements in the landscape is evident – the floodplain retaining a tranquil and overtly rural character. The area is unsettled though bordered by settlement with the secondary roads leading to villages being unobtrusive and well treed and well connected by public rights of way across the fields. Landscape character sensitivity is judged to be moderate – high with low – moderate visual sensitivity being higher in areas closer to settled areas. Overall sensitivity to development is judged to be moderate with guidance including to conserve the mature deciduous belts/overgrown hedges, thickening or extending these wooded areas, to avoid elements that lead to cluttering, and to incorporate an appropriate soft landscaping scheme to prevent a blunt interface between residential development and open fields.”*

The applicant; describes the site character as *“being a lush floodplain landscape with an almost parkland landscape bordered by the built area of Cotford though with a stronger connection to the Halse Water stream corridor. It has a localised hillock landform within the developable area of the site with scattered specimen trees and with mature planting to the north screening existing residential development, east screening Dene Road, and south along the stream corridor with a transitional strip of grassland and scrub across the southern half of the site. The western boundary is open with no physical definition between the site and adjoining open space which extends west to the low school buildings. In context the site has a character of an established village park lying between the edge of the village and the open countryside beyond.”* The Council would not disagree with this assessment.

However, whilst the Council does not contend that the site forms part of a valued landscape and thus benefits from the protections afforded by paragraph 109 of the Framework, it is more than “...mere countryside...” and it is clear from the representations received that the site's open and undeveloped nature is clearly appreciated and valued by those who live in and around the area.

The site forms a small part of a much wider landscape the key characteristic of which appears to be its parkland like appearance and lack of obtrusive human

elements which enables expansive rural views. It contributes positively to the character of the LCA 2A: The Tone River Floodplain and Rural – Urban Fringe Character Area 3B: Norton Brook – Halse Water Rural River Floodplain.

Furthermore, partly due to its open nature, prominence in some views including from some nearby rights of way, and convex profile, it is sensitive to intrusion by new development. Indeed, the applicant's LVIA agrees with this point of view. It notes that *“Residential development on an existing area of open space that is of good quality and provides an enhanced green wedge between the existing developed area and rural landscape around it will necessarily result in a complete change of site character for which reason the high sensitivity existing site character will experience a high magnitude change resulting in a substantial adverse effect.”*

The precise extent of any landscape character and visual effects that would arise from the proposal would depend on the extent to which such effects would be mitigated at the detailed layout and design stage.

Despite the scope for such mitigation, however, and the relatively small number of dwellings proposed for a site of this size the proposal would inevitably cause a substantial loss of the currently open/treed landscape character of the site itself. It would also cause a loss of the primarily open context within which the adjacent countryside can be seen from the site.

Although domestic architecture is a feature of the landscape character in this area, this does not justify what would be a prominent extension to the existing housing estates on the southern side of Cotford St Luke. The site forms a significant gateway site into Cotford; the Lodge building is visually prominent when travelling northwards along Dene Road and, when continuing westwards, the character of this part of Dene Road constitutes built form to the right (north) and open land to the left (south). This visual differentiation between urban and parkland-style village green is distinct and striking.

Whilst the development would be of limited size compared to the floodplain and the LCA as a whole, and would be softened to a degree by existing/proposed trees and hedging around the site, and be seen in the context of existing neighbouring development, it would cause suburban development to encroach into an area which is sensitive to harm from such encroachment.

For these reasons, the Council consider that the proposal would, even assuming it would be well designed and after any planting proposed has matured, cause substantial harm to the landscape character of the site and its immediate environs. Whilst its effects on the character of the LCA 2A: The Tone River Floodplain and Rural – Urban Fringe Character Area 3B: Norton Brook – Halse Water Rural River Floodplain as a whole would be more limited this would not detract from the more localised harm that would be caused.

The proposal would inevitably cause an urbanising effect upon views from the footpath which crosses the site. These include the currently open views from parts of the site towards the school and the Clock Tower and users would be presented with development in the foreground. Whilst these views are already experienced in a partly urban context due to the presence of the housing areas to the north of Dene Road, this effect would be increased significantly by the proposal and would not be fully addressed by siting the proposed dwellings so as to maintain those views. In

addition, it would erode the still partly tranquil rural nature of the site and the adjacent open space. Furthermore, users of the footpath walking alongside Dene Road, where the proposed visibility splay would allow use into and over significant hard landscaping and suburban development. Although the extent of this effect would depend upon the siting, design and height of the proposed dwellings, the convex profile of the site and number of dwellings proposed means that there would inevitably be a considerable urbanising effect on these views.

Core Strategy policy DM1 requires that proposals, taking into account any mitigation measures proposed, should not unacceptably harm the character and appearance of any affected landscape, settlement, building or streetscene. The question of how to determine whether harm is unacceptable for the purposes of Policy DM1 is clearly important. Policy DM1 does not require the decision maker to consider unacceptability in the context of the overall planning merits of the scheme. The policy must be read in a straightforward manner. Of course, the overall merits of the scheme must be considered before reaching a final decision on it.

Given the policy protection given by policy DM1, the proposal to maintain part of the site as undeveloped land does not provide a substantive landscape or visual benefit. Therefore, due to the substantial harm that it would cause to the landscape character and appearance of the site and surroundings, and having regard to the purposes of policy DM1, the proposed development would conflict with this policy.

#### **4. The impact on ecology**

An extended Phase 1 habitat survey of the site was carried out. That survey noted the key potential unmitigated impacts associated with the proposed development of the site to be the potential for disturbance of ecological viable habitats comprising woodland and hedgerow habitats binding the site, loss of amenity and poor semi-improved grassland habitats, dense scrub and young trees, disturbance to bat foraging habitat and commuting corridors, disturbance/harm to reptiles and loss of habitat, potential disturbance/harm to nesting birds and loss of foraging and nesting habitat and minor potential for disturbance/harm to dormice within dense scrub (if present).

In order to mitigate and enhance the ecological nature of the site, the applicant proposes an Ecological Management Plan to be produced prior to the start of development activities. The report acknowledges that short term adverse impacts would occur as a result of the loss of amenity and poor semi-improved grassland habitat, dense scrub and young trees. This would be mitigated in the medium and long term through the provision of new habitats. Overall, in the long term the report concludes that the impact of the proposals on habitats are considered to be neutral. Long-term management of new and retained habitats would be achieved through the production and implementation of the recommended Ecological Management Plan.

The Council's ecologist does not disagree with the outcome of the report and supports the submission of an Ecological Management Plan based on the advice within the applicant ecologists report, recommending that, in the event of planning permission being granted, a condition requiring the submission and implementation of such a management plan.

In this respect the proposed development is not considered to be contrary to policy ENV1 or ENV5 of the SAADMP, policy SD1 or CP8 in regard to the habitat and ecology issues in those policies.

## **5. The impact on trees, including those covered by TPO**

The Council's tree officer raises no objection in principle. In the event of planning permission being granted, a condition requiring the protection of root protection areas and hedgerows during the development, together with details of proposed soft landscaping, is appropriate.

## **6. The impact on archaeology**

An archaeological desk-based assessment was submitted with the application. There are no Scheduled Ancient Monuments either on the site itself or in the immediate vicinity, and the nearest listed building is over 350m away. The site includes, close to its northern boundary, the site of Cotford Farm, which appears in the documentary record from at least the early 18th century, but it is highly likely that it stands on a far earlier site. The farm, which was demolished and removed during the establishment of the mental hospital, had a water mill driven from a leat running off the Halse Water stream. It is because of the presence of the farm site that an area around it has been formally designated as a site of High Archaeological Potential, and roughly a quarter of this area intrudes into the north-west boundary of the development site.

Whilst the report does not conclude whether the site is of archaeological importance, it concludes that it is *“very likely that when the available evidence, whether archaeological, historical, topographical, or toponymic, is taken together as a coherent body of data, it is likely to form a material consideration the local authority's deliberations relating to the archaeological implications of the proposed development.”*

However, the County archaeologist has indicated that as far as they are aware there are limited or no archaeological implications to this proposal and they have no objections on archaeological grounds. The application therefore complies with policies CP8 and ENV4 in this regard.

## **7. The impact on drainage.**

The application was submitted with the supporting flood risk assessment which was updated in October 2017 to reflect the Council's objection to the use of its land for surface drainage. As a result, the development now proposes below ground geocellular storage tanks located beneath the access road, together with permeable pavements where possible.

The residential development site is within flood one and the flood risk assessment proposes that finished floor level should be raised by 300 mm above the adjacent flood zone 2 level.

It is proposed that the foul drainage network will discharge into the existing Wessex Water foul water sewer located beneath Dene Road. The discharge will need to be pumped. The number of dwellings had indicated that Type II pumping station adopted by Wessex Water would be the most suitable solution, subject to detailed design and liaison. It is understood that Wessex Water has noted that sufficient capacity is provided at this point in the downstream network to accommodate the development.

## **Conclusions**

The development would bring a range of benefits including (in summary) increased choice and competition in the housing market and the contribution to the overall supply of housing; the provision of affordable housing; the location of development near to the Borough's main town; economic benefits; ecological enhancement; and benefit of the New Homes Bonus. Paragraph 47 of the framework establishes that local planning authority should boost significantly the supply of housing. The proposal would contribute up to 8 dwellings to the overall supply of housing in the Borough, and would therefore make a small but positive contribution in this respect.

In the context of the requirements of paragraph 47, the Council has allocated a site for residential development for around 60 dwellings at Cotford up to 2028. The Council can also demonstrate a five year housing supply. The Council's view is that, although the application proposal could be deliverable in the next five years, there is no need for the proposal in this respect. There is no indication in the Framework that the presence of a five year supply (including an applicable buffer) would preclude further housing which would be available within this period from being regarded as beneficial.

Two of the proposed eight dwellings would be affordable. The Council accepts the importance of the contribution that the proposal would make to affordable housing and, the Council agree that the provision of affordable housing would add notably to the benefit to be provided by the new housing.

The application site is accessible to services, by choice of walking, cycling and public transport as well as private car. However, these factors also likely to influence the location of sites generally including those being brought forward through the Local Plan process. This benefit is not likely to be unique to the application site and accordingly it should be given very limited weight.

The Framework encourages the creation of a strong, responsive and competitive economy, and the jobs created over a temporary period for the duration of the construction works have limited weight to the benefits of the proposal.

The proposal would result in there being additional spending in the local area, associated with the occupation of new dwellings. However, the proposal would result in a minute increase in the Cotford St Luke's population and the contribution that the proposed development would make to the viability of the local services and the amount of spending power in the local economy compared to that which would exist without it is therefore likely to be limited and the Council gives limited weight to this benefit.

An Ecological Management Plan based on the recommendations of the submitted ecological assessment could provide material benefits, but the reports indicate little evidence to suggest that a major net enhancement in the quality and diversity of habitats present would be achieved and therefore the Council gives this benefit limited weight.

Whilst Figure 3 of the ecological impact assessment indicates land to be gifted, there appears to be little amplification of this possible benefit throughout the remainder of the application documents. There is limited evidence before the Council to identify the degree to which the “gifted land” would be needed in any event to meet the pressures arising from the development. Therefore the Council gives this potential benefit limited weight.

The application proposes the change the tabletop arrangement on Dene Road and the extension of the 20 mph speed limit. Whilst this could benefit the safety and convenience of existing residents as well as future occupiers of the proposed development, there is little evidence to identify the degree to which its alteration would improve safety at this location. The Council therefore gives this benefit limited weight.

There is no substantive evidence before the Council to support the concerns expressed by some interested parties about the effects of the development in relation to flooding and drainage, hedges and trees and the historic environment which could not be addressed by any condition on the planning permission. The site is not subject to any formal designation relating to ecological interests and there is no substantive evidence to suggest that the proposal would cause harm to the habitat of any protected species which could not be appropriately mitigated. There is also no firm evidence of the proposal would, in conjunction with other development in the area, cause unacceptable pressure on community services or infrastructure provision in the area.

### Planning balance

Even if well-designed, the proposed development would cause substantial harm to the landscape character and visual appearance of the site in the nearby area within a landscape valued by local people. Due to this harm, the proposal conflict with policy DM1 of the Core Strategy. Given the statutory duty to determine the application in accordance with the Local Plan unless material considerations indicate otherwise, the landscape and visual harm that would be caused carries substantial weight.

Having considered the other points raised against the proposed development by interested parties, and concluded that they do not add substantially to the harm that would be caused by the proposed development, this does not detract from the weight to be attached the landscape and visual harm.

Set against the identified harm, the proposal, by delivering new market and affordable housing, would be consistent with the Government’s aim of boosting the supply of all types of housing in delivering a wide choice of homes. However, whilst this constitutes a notable benefit of the proposal, particularly in relation to affordable housing, it must be viewed in the context of the existence of a five year supply of

land and the likelihood that other sites within the supply will help to meet the needs of affordable market housing. A number of other points that weigh in favour of the proposal are set out in the conclusion above. However, these are all of limited or very limited weight.

Due to the substantial harm to the landscape and visual character of the area and its lack of substantial environmental benefits the proposal would fall short of fulfilling the environmental role of sustainable development referred to in paragraph 7 of the Framework. Whilst the proposal would bring economic and social benefit, primarily in relation to housing, the Council do not regard the proposed development in overall terms to constitute sustainable development. The adverse effects of granting permission would in this case significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the Framework as a whole. The benefits are collectively insufficient to justify the granting of planning permission contrary to the provisions of the Development Plan. Planning permission should therefore be refused

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



49/17/0021

REV D WIDDOWS

**Formation of ramped access to north porch, alterations to entrance driveway and insertion of glazing to upper panels of the west and north porch doors at St Andrews Church, Church Street, Wiveliscombe**

Location: ST ANDREWS CHURCH, CHURCH STREET, WIVELISCOMBE,  
TAUNTON

Grid Reference: 308271.127676

Full Planning Permission

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## **Recommendation**

### **Recommended decision: Refusal**

- 1 The proposals would result in the loss of a cobble path that contributes to the setting of this highly significant church and the surrounding Wiveliscombe Conservation Area and is an example of a Westcountry vernacular tradition which is becoming increasingly neglected.

The proposed design will cause harm at the medium to high end of the spectrum of harm and it is considered that an alternative and less harmful option exists that will achieve the same public benefit. Before weighing up the harm against any public benefit associated with a proposal, it needs to be demonstrated that that harm cannot be avoided or reduced through amendments to the scheme, or offset by mitigation of the harm or enhancement of the asset. As the proposal does not limit the harm to the setting of the listed building and character and appearance of the conservation area, it does not accord with the provisions of the National Planning Policy Framework and sections 38(6) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

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

Notes to Applicant

## **Proposal**

This application seeks approval for three separate items within a wider re-ordering scheme granted faculty on 03.11.2015.

It is proposed to remove the central row of timber panels within the west doors and insert 12mm Slimlite double glazed units fixed with matching timber beads internally. The west lobby in the tower base entered via the west doors forms part of the main processional route. The glazed panels will afford views both into and out of the church which will greatly assist with the coordination of arrivals and departures.

The door frame and tracery date with the other external joinery but both of the west doors have been replaced with modern replica joinery as recently as within the last 30 years. The timber panels are plywood and in a poor state of repair as the lower edges are delaminating/rotting. A workshop overhaul of the doors is proposed as part of the proposal to include the replacement of the lower panels with timber. The finished doors will be painted to match the existing joinery. The octagonal west lobby is also used as a meeting room and is locally heated with electric convector heaters. The proposed slim double glazed units will help reduce the heat loss from this area giving greater comfort to those assembled.

It is proposed to remove the upper timber panels within the north porch doors and insert toughened safety glass beaded internally with matching timber beads. The construction of the north porch doors dates with the other existing external joinery. The finished doors will be painted to match the existing joinery.

The church is opened daily and the north porch doors are hooked back to show that the church is open for visitors. The glazed panels are intended to offer an inquisitive view of the church interior for those visiting outside of the normal opening hours. There are original glass lights in the upper panels of the exterior doors in the northeast and south porch doors.

It is also proposed to lift and relay the existing entrance driveway and form a DDA compliant ramped access up to the north porch doors. The existing cobbled driveway is in need of urgent repair. The existing surface is very uneven and immediately within the north churchyard gates the cobbles have sunk very badly.

## **Site Description**

The church of St Andrew is a grade II\* listed building and was entirely rebuilt in 1827-29, and is an early and therefore unusual example of nineteenth century church reconstruction. Built in perpendicular gothic style, it is the design of Richard Carver and much of his external structure survives, including the semi-hexagonal chancel and four gabled porches. The church is surrounded on all sides by a churchyard, which itself is enclosed by houses, garden walls and allotments on three sides, with the north open to Church Street.

## **Relevant Planning History**

None

## **Consultation Responses**

*WIVELISCOMBE TOWN COUNCIL* – Supports the Application.

SCC - TRANSPORT DEVELOPMENT GROUP – No Observation

SOUTH WEST HERITAGE TRUST – No Comments

HISTORIC ENGLAND – Recommends Refusal of the Application

Thank you for your (email) of (6 November 2017) regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

### **Historic England Advice**

As was stated in our letter of the 4<sup>th</sup> July 2017, the grade II\* church of St Andrew was entirely rebuilt in 1827-29, and is an early and therefore unusual example of nineteenth century church reconstruction. Built in perpendicular gothic style, it is the design of Richard Carver and much of his external structure survives, including the semi-hexagonal chancel and four gabled porches. The church is surrounded on all sides by a churchyard, which itself is enclosed by houses, garden walls and allotments on three sides, with the north open to Church Street. The subject of an 'overarching' faculty, the reordering of the interior of the church is currently underway, and this application relates only to alterations to the north and west doors and the cobbled north path.

Historic England was consulted on the reordering, including the above elements in 2012 and 2014 and commented in detail at this time.

Historic England's 2014 comments relating to the path were brief and reflected the initial nature of the comments on the major reordering scheme. They stated "*at present a step restricts access. The proposal to introduce a soft ramp that slopes gently away at its side could be developed so that the visual impact is acceptable. Cobbles currently provide the surface - these should be retained in the repaving proposals.*"

Our previous comments on this planning application stated that we were content with the proposals relating to the doors, but that we had serious concerns about the loss of the cobbled path as the path with cobbles laid both on edge and flat, contributes to the setting of this highly significant church and the surrounding Wiveliscombe Conservation Area and is an example of a Westcountry vernacular tradition which is becoming increasingly neglected. Little information about the history of the path was included within the application and it is therefore unclear whether this path is the last remaining cobbled example within the churchyard, or whether it was always the only one, being the primary entrance to the building. Some further research into the history of these cobbles has now been undertaken and has been relatively inconclusive as to the date and possible designer of the path.

On receipt of Historic England's most recent comments, a site visit was held to discuss the proposed design and possible alternatives. Subsequently two alternative designs were drawn up, one which relays all of the cobbles flush (option

1) and one which included a central paved path, split into three blocks but which retained both type of cobbles in a wider margin down either side (option 2). This second option is that which was considered might provide a suitable alternative when discussed on site.

It is understood that the PCC do not wish to take either of the above designs forward, but intend proceed with the initial scheme, which involves the loss of nearly all of the cobbles and the creation of a paved road to the North door. As I set out in my letter, paragraph 132 of the National Planning Policy Framework states that in considering the impact of proposed development on significance great weight should be given to the asset's conservation and that the more important the asset the greater the weight should be. It goes on to say that clear and convincing justification is needed if there is loss or harm and unjustified harm is not acceptable, regardless of the public benefit it brings, if alternative and less harmful options exist. Option 2 (narrower strip of central paving) would appear to be this alternative and less harmful option - retaining a higher proportion of cobbles, of both type, as well as the semi-circular apron at the threshold to the church which is an attractive feature. This would maintain a greater level of historic fabric, symmetry and quality of the original path, whilst making the church sufficiently accessible by providing a flat, paved central path for pedestrians. It would also be an attractive, more interesting design, which seems to relate well to the main entrance and to the symmetry of the church building.

This application has not responded satisfactorily to our concerns regarding justification for the substantial loss of historic fabric and the impact on the setting of the Grade II\* church. Consequently we maintain our position as set out in our earlier letter in recommending that a more sensitive solution to the provision of access to this church is required. The NPPF advises in paragraph 132 that any harm or loss to a designated asset should require a clear and convincing justification - unjustified harm is never acceptable, regardless of the public benefit it brings, if alternative and less harmful options exist. This applies most strongly to highly designated heritage assets. Before weighing up the harm against any public benefit associated with a proposal, it needs to be demonstrated that that harm cannot be avoided or reduced through amendments to the scheme, or offset by mitigation of the harm or enhancement of the asset. Historic England's *Good Practice Advice Note 2: Managing Significance in Decision-Taking in the Historic Environment*, sets out a clear process for making that assessment in paragraphs 6 and 25-26. It is for your Authority to be satisfied that that process has been rigorously applied and the tests of the NPPF have been met by the application.

## **Recommendation**

Historic England objects to the application on heritage grounds. We consider that the element of the application relating to the path does not meet the requirements of the NPPF, in particular paragraph numbers 63, 132 and 134.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or

appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If, however, you propose to determine the application in its current form, please treat this as a letter of objection, inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

## **Representations Received**

Ward Councillor Steve Ross Comments:

To register my support for the improvements to accessibility at St Andrew's Church in terms of access and lighting. While this is an historic 19th century building it's future lies in accessible community use.

It should be noted that the current access causes issues for a large group of users, especially those members of our community with difficulties arising from age, disability or parents with prams. Improvement is long overdue.

The improvements should complement the building's sustainable future within the community and works may even allow some different insights into the building's history.

Ward Councillor Eddie Gaines Comments:

I am the Ward Councillor for Wiveliscombe and West Deane. I have lived in the Wiveliscombe area for over 25 years and have also been a regular visitor to St Andrews and was also married at this church. I fully support the application and at the same time understand that to achieve better access there will be some alterations to the main public entrance. I believe these changes are expected and very necessary - but, those that are making these changes have total respect for the aspect and heritage of this building. We are all custodians of where we live and work at the same time we must realise that where necessary alterations are needed - in this case to make it easier for people to enter and utilise the full church events and of course pastoral care. I am aware that there was a fatality of an elderly person leaving the church by this door - tripping on steps, co-incidentally leaving a funeral service. Providing better access and egress provision is vital and also being able to support less able and disabled people is vital in a caring community and if you can't provide it at a church - then something is amiss. I respectfully ask that this planning permission is granted in its current form.

21 Letters of Support – All supporting for the following reasons:

- The current driveway is dangerous
- Limited access for those with disabilities over cobbles

- Access for pushchairs
- Access for wheelchairs
- Access for people with walking frames
- Access for delivery of bulky loads
- Removal of steps
- Replacement of temporary ramps
- Improve slippery surface in the wet
- Make the doors easier to open for services
- Increase use of the building
- Alternative designs are less visually appealing
- Compliance with the Disability Discrimination Act
- Duties as a service provider under the Equalities Act (2010)

## **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.

EN12 - TDBCLP - Landscape Character Areas,  
 EN23 - TDBCLP - Areas of High Archaeological Potential,  
 EN14 - TDBCLP - Conservation Areas,  
 EN22 - TDBCLP Dev Affecting Sites of County Archaeological Importance,  
 EN12 - TDBCLP - Landscape Character Areas,  
 EN23 - TDBCLP - Areas of High Archaeological Potential,  
 EN22 - TDBCLP Dev Affecting Sites of County Archaeological Importance,  
 EN14 - TDBCLP - Conservation Areas,  
 CP8 - Environment,

This takes into account the recent adoption of the SADMP.

## **Determining issues and considerations**

The main issue for consideration is the impact that the scheme will have on the listed church and the improved access that the new ramp and doors will provide.

The National Planning Policy Framework Chapter 12 requires the planning authority to balance harm to the heritage with public benefit. In this case the alterations to the porch and door will cause less than substantial harm as prescribed in chapter 12 paragraph 134 of the National Planning Policy Framework. This is offset by public benefit of allowing continued use of the church as a place of worship.

The alterations to the cobbles leading to entrance are more of a concern. They have been assessed independently by both Historic England and the Council's Conservation Officer. Both have come to the same conclusion. Creating a ramp with the existing cobbles will cause less than substantial harm as prescribed in chapter 12 paragraph 134 of the National Planning Policy Framework. The current proposed design will cause harm at the medium to high end of the spectrum of harm. An alternative design that places a pathway at the centre of the cobbles leading to the porch would be the least harmful way of achieving the required access, addressing all issues raised in representations and could be recommended for approval. However, the applicant do not wish to amend the proposals and the current proposal represents a significantly more harmful design with no greater benefit than the suggested alternative. The same public benefit of providing access to the church can be achieved in a way which causes less harm. Accordingly the application is recommended for refusal.

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

**Contact Officer: Mr T Garratt**

## Appeal Decisions –10 January 2018

Site: Erection of 3 No. Dwellings with associated car parking, landscaping and drainage infrastructure at Station Farm, Station Road, Bishops Lydeard

Application number: 06/16/0036

The proposed residential development is contrary to Core Strategy Policies CP2 'Economy' SP1 'Sustainable Development Locations' and SP4 'Realising the vision for rural areas' together with Site Allocations and Development Management Policy MAJ5 'Land west of Bishops Lydeard Station' in that it would lead to the loss of a site allocated for recreational, tourism, commercial and other employment generating uses which would represent an unsustainable form of development in this Major Rural Centre. The proposal does not support Objective 3 (Employment: Enhance opportunities for employment in the Parishes by maintaining and increasing the range, extent and scale of commercial and light industrial premises) or Objective 4 (Tourism: Facilitate opportunities to capitalise on the presence of the Quantock Hills AONB and West Somerset Railway in the Parishes) of the adopted Bishops Lydeard and Cothelstone Neighbourhood Plan

Appeal Decision: Allowed



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## Appeal Decision

Site visit made on 12 December 2017

**by Mike Fox BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government Decision

date: 18<sup>th</sup> December 2017

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### **Appeal Ref: APP/D3315/W/17/3180784**

**Station Farm, Station Road, Bishops Lydeard, Taunton, TA4 4BU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Taylor Wimpey, Exeter against the decision of Taunton Deane Borough Council.
  - The application Ref 06/16/0036, dated 5 August 2016, was refused by notice dated 6 April 2017.
  - The development proposed is the construction of 3 dwellings, together with associated car parking, landscaping and drainage infrastructure.
-



## Decision

1. The appeal is allowed and planning permission is granted for the construction of 3 dwellings, together with associated car parking, landscaping and drainage infrastructure at Station Farm, Station Road, Bishops Lydeard, Taunton, TA4 4BU, in accordance with the terms of the application Ref 06/16/0036, dated 5 August 2016, and the plans submitted with it, subject to the conditions set out in the attached schedule.

2.

## Main Issue

3. The main issue is whether the benefits of the proposal outweigh any harm, having particular regard to the development plan and national planning policy relating to the need for employment land in the Bishops Lydeard area.

## Reasons

4. The appeal site is a plot of unused scrubland, located at the south-east corner of a residential cul-de-sac on the edge of the settlement of Bishops Lydeard, but within the designated settlement boundary, so the principle of development has been established. The site was initially allocated for commercial or tourism land in policy CP2 of the Taunton Deane Core Strategy, and again the site was allocated in December 2016 for an extended range of uses - recreational, tourism, commercial and other employment generating uses - under policy MAJ5 of the Taunton Deane Site Allocations and Development Management Plan (SADMP).
5. Outline planning permission was granted on the site in August 2011 for a two-storey office building, in order to provide additional employment generating activities in Bishops Lydeard and to achieve an appropriate balance of housing and jobs within the area, in line with its designation as a Major Rural Centre in policy SP1 of the Core Strategy. However, the permission lapsed in August 2014, with no expressions of interest having been received for employment generating development.
6. The aim to secure the site for employment generating uses is supported in the Bishops Lydeard and Cothestone Neighbourhood Plan<sup>1</sup>, which was 'made' (adopted) in July 2016.
7. The Council considers that it is important that there is an appropriate mix of both employment and residential sites in the Bishops Lydeard area, and that the loss of this, one of only two sites allocated for employment generating uses, would result in an imbalance between housing provision and other uses, contrary to the provisions of policy SP1 of the Core Strategy.
8. The Council accepts that national policy, as expressed in paragraph 22 of *the Framework*<sup>2</sup>, states that planning policies should avoid the long term protection of sites allocated for employment use, and that there should be a regular review of allocated employment sites. *The Framework* states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land should be treated on their merits having regard to market signals.
9. The Appellant has submitted a marketing exercise which demonstrates that despite active marketing over the period April 2013 to May 2015, during which time the site had planning permission for employment use, there was a lack of demand for any form of commercial

property or employment generating use on the site. The Council's Economic Development Manager has indicated that an adequate marketing exercise has been undertaken by the Appellant. The Council, however, states that in the new policy MAJ5 of the SADMP, the range of commercial uses has been extended, and that a judgment has to be made as to whether there is a reasonable prospect of the site being used for the range of uses that would now be accepted on the site.

10. I agree with the Council that a judgment has to be made. The SADMP has now been adopted for a year, with no commercial interest having been recorded during this time. This is despite the representation from the local parish council that the West Somerset Railway (WSR) still has ambitions to grow; however, access from the site to the existing railway facilities could be viewed as challenging or convoluted, and in any event there is no recorded interest from the WSR that has been forwarded to me. Moreover, the WSR did not object to the appeal application, and the appeal site is not included in their Gateway Project for future development.
11. There has now been a period of over four years which has passed since the start of the Appellant's marketing exercise, including the existence of a planning permission for employment uses. I consider that this period is sufficiently long to demonstrate that there is no realistic interest in the site being developed for commercial use, and that the proposed development would pass the tests set out in paragraph 22 of *the Framework*.
12. The main benefits of the proposed development would be a modest contribution of three dwellings to the Council's dwelling stock, within a small residential estate where the proposal can be seen as 'rounding off' the estate rather than as an incursion into open countryside. It would also secure the satisfactory development of a vacant site. My conclusion therefore is that the benefits of the proposed development would outweigh continued safeguarding of a vacant site, on which the evidence points to the site being unwanted for commercial or any form of employment generating development. Policy MAJ5 also does not rule out non-B Class uses on the site, and there would appear to be no environmental or other constraints which would weigh against the proposed development.
13. I also consider that the proposed residential development would be assimilated more successfully with the surrounding housing than employment generating development, especially if there were a substantial amount of associated HGV traffic movement. Earlier representations against the proposal based on difficulty in gaining access onto the A39 to the east, have now been overcome with the recent opening of a roundabout at the junction of the A39 with Greenway Road.
14. I have considered the list of conditions suggested by the Council, which I consider to be reasonable and accord with the requirements of paragraph 206 of *the Framework*. The standard 3 year time limit and list of plans are required in the interests of proper planning. Conditions (3) and (6) are in the interests of safeguarding the character and appearance of the area. Condition (4) is in the interests of the visual amenities of the area. Condition (5) is to prevent any increase in off-site flooding risk, in accordance with policy CP8 of the Taunton Deane Core Strategy and national planning policy. Condition (7) is in the interests of the smooth operation of the highway.
15. In conclusion, I have found that the benefits of the proposal would outweigh any harm, given that there has been no market demand for employment generating development on the appeal site for over 4 years from the start of the marketing exercise; and that the proposed development would not be contrary to either the development plan or national policy. For the reasons given above and having regard to all other matters raised, I

conclude that the appeal should be allowed.

*Mike Fox*

INSPECTOR

## Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, ref 8048-PI01 Rev C; Existing Site Plan, ref 8048-PL02; Proposed Site Plan, ref 8048-PL03 Rev A; Proposed Boundaries Plan, ref 8048-PL04 Rev A; Proposed Materials Plan, ref 8048-PL05 Rev A; Garages – Plans and Elevations, ref 8048-PL06 Rev A; House type PA49 Plans and Elevations, ref 8048-PL20; House type PB52 Plans and Elevations, ref 8048-PL21; and House type D2000 Plans and Elevations, ref 8048-PL22 Rev B.
- 3) Prior to the occupation of the development hereby approved, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the local planning authority, and it shall be implemented in accordance with the approved details. The scheme shall be completely carried out within the first available planting season from the date of the commencement of the development or as otherwise extended with the agreement in writing of the local planning authority. For a period of 5 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.
- 4) Prior to the construction of the foundations of the development hereby permitted, the proposed finished floor levels shall be submitted to and approved in writing by the local planning authority. The approved details shall be adhered to during construction and shall thereafter be maintained as such.
- 5) Prior to their installation, full details of the means of disposal of surface water shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the occupation of the first dwelling and shall thereafter be maintained as such.
- 6) Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless agreed in writing by the local planning authority.
- 7) The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning vehicles in connection with the development hereby permitted.