

DEMOLITION OF VICARAGE AND ERECTION OF REPLACEMENT VICARAGE WITH PARISH OFFICE AND 2 NO DWELLINGS WITH ASSOCIATED ACCESS AT THE VICARAGE, CREECH ST MICHAEL, AS AMENDED BY PLANS AND REVISED PLANNING STATEMENT RECEIVED ON 29 JULY 2010.

Grid Reference: 32741.125334

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

It is considered that the proposal is in line with PPS 5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review in respect of proposals relating to listed buildings (St Michael's Church), is in line with Policies S1(General Requirements), S2(Design), and M4(Residential Parking Requirements) of Taunton Deane Local Plan. It is not considered that there are any detrimental impacts on the amenities of the nearby residents and that the replacement Vicarage and the two new properties are a positive contribution to the character of the village.

RECOMMENDED CONDITION(S) (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:

(A3) DrNo 758/TS/02 Tree survey
(A1) DrNO 758/TS/02A Constraints and Protection Plan
(A2) DrNo 1031/P01B Proposed site plan
(A2) DrNo 1031/P02 Rev B Proposed ground floor plan
(A2) DrNo 1031/P03 Rev B Proposed first floor plan
(A2) DrNo 1031/P04 A Proposed roof plan
(A3) DrNo 1031/P05 A Proposed vicarage elevations
(A3) DrNo 1031/P06 Rev A Proposed vicarage elevations
(A3) DrNo 1031/P07 Rev A Proposed vicarage elevations
(A3) DrNo 1031/P08 Rev A Proposed vicarage elevations
(A3) DrNo 1031/P09 Rev B Proposed elevations D1-D2
(A3) DrNo 1031/P10 Rev B Proposed elevations

(A3) DrNo 1031/P11 Rev B Proposed elevations D1-D2
(A3) DrNo 1031/P12 Rev A Proposed elevations
(A3) DrNo 1031/P13B Proposed site sections AA
(A3) DrNo 1031/P14 Rev A Proposed context plan
(A2) DrNo 1031/P15 Rev C View of proposals-1
(A2) DrNo 1031/P16A View of proposals-2
(A3) DrNo 1031/P21 Rev A Proposed sections BB
(A3) DrNo 1031/P22 Existing sections site/churchyard
(A1) DrNo 7875-200-001 Rev A Topographical survey

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

3. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.

Reason: To ensure the preservation of archaeological remains in accordance with Policy 11 of the Somerset and Exmoor National Park Joint Structure Plan Review, Policy EN23 of the Taunton Deane Local Plan and advice contained in Planning Policy Statement 5.

4. None of the dwellings shall be occupied until works for the disposal of surface water and sewage have been provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent discharge into nearby water courses in accordance with Policy EN26 of the Taunton Deane Local Plan.

5. 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 Michael Woods Associate's submitted reports, dated August and November 2009 and the advice of the reptile surveys to be undertaken and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.

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.

Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To protect wildlife and their habitats from damage bearing in mind this/these species is/are protected by law.

6. The development hereby permitted shall not be commenced (including any ground works or site clearance) until reptile surveys have been carried out and have been submitted to and approved in writing by the Local Planning Authority.

Reason: To establish the presence of reptiles on site prior to any development on site in accordance with PPS9.

7. All existing trees on site as shown on plan 758/TS02A shall be protected (to the areas shown) in accordance with BS5837:2005 Trees in relation to construction.

Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policy EN8.

8. In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 3 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:1989 (Tree Work)].

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

9. No service trenches shall be dug within the canopy of any existing tree within the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority.

Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Policies EN6 and EN8.

10. All services shall be placed underground unless otherwise agreed in writing

by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(F).

11. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been 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 otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

12. The dwellings shall not be occupied until the means of vehicular access has been constructed in accordance with the plans hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

13. The bathroom, shower and landing windows to be installed in the northeast elevation of the building shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed) to be agreed in writing by the Local Planning Authority prior to installation and shall not be modified thereafter without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of nearby dwellings in accordance with Policy S1(E) of the Taunton Deane Local Plan.

14. The area allocated for parking and turning shown on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Policy M4.

15. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the 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 other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

16. The cycle storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the dwelling(s) hereby permitted, and thereafter retained for those purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities are included for the storage of cycles, in accordance with policy S1 of the Taunton Deane Local Plan and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

17. The access hereby permitted shall not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

18. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no development of the types described in Schedule 2 Part 1 Class A, B and C of the 1995 Order other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: In order to protect the character of the area adjacent to the Listed Building and having regard to the proximity of Protected Trees in accordance with Policy S1(D) and EN8 of the Taunton Deane Local Plan.

Notes for compliance

1. Having regard to the powers of the Highway Authority under the Highway Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager, Taunton Deane Area Highway Office, Burton Place, Taunton, 0845 3459155. Application for such a permit should be made at least four weeks before access works are intended to commence.
2. The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

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.

3. TDBC Wildlife Officer advises she supports
 - the recommendation that a reptile survey should be carried out between the months of April and September
 - the surveyor's recommendation that clearance of vegetation and demolition of the buildings should take place outside of the nesting season.
 - the following, if work is to be undertaken on the trees, then ivy should be removed by hand and placed on site to allow any bats to escape.
4. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
5. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.

PROPOSAL

The proposal is for the demolition of the 'old' vicarage, erection of a replacement vicarage with meeting room and WC, and two new semi-detached dwellings with associated parking and new vehicular access to Vicarage Lane. The buildings have been designed to minimise any overlooking to the adjoining dwellings to the northeast as the windows are to bathrooms/shower and landings. Only one bedroom window faces north, and the distance to the nearest dwelling to the north (Honeymead) is at least 30m. The turning and parking areas are located between the proposed new dwellings and the fence to the adjoining dwellings. There are also cycle and bin storage areas shown. Hedges will separate the garden areas. A pedestrian path will link through an existing gateway to the Churchyard.

The agent has submitted justification in relation to the proximity to the Listed Building (St Michael's Church) and the situation in an area of High Archaeological Potential, as well as a Design and Access Statement which advises the reasoning for the new dwellings. It is stated that the existing Vicarage does not meet modern requirements for such buildings, it does not have a meeting room, there are no WC facilities in the Church, the building is unattractive in this historic setting, and now does not meet modern energy efficiency standards. The construction of the new Vicarage and 2 new dwellings allows the Bath & Wells Diocesan Board of Finance to meet its duties as Charitable Trustees in providing a building with longevity to support the pastoral needs of the Parish in the most economic way. The layout takes account of the protected trees, the churchyard's stone boundary walls, distance to adjacent properties and the Local Planning Authority/County Highway Authority's concern not to have additional vehicular traffic using the existing vehicular access.

The Archdeacon of Taunton has responded to comments made about the need for a modern Vicarage, meeting room, 2 new dwellings, and the lack of a car park for the Church. He advises the existing vicarage does not meet modern standards, there is

no meeting room nor WC facilities, the sale of the additional dwellings will cover most of the costs associated with the construction of the vicarage. In addition the need to retain trees and the poor access to the vicarage limits additional parking.

SITE DESCRIPTION AND HISTORY

The site is to the east of Bull Street at its junction of Vicarage Lane. St Michael's Parish Church with associated churchyard is situated to the south of the site. Residential properties are sited to the east, north on the opposite side of Vicarage Lane, and to the west on the opposite side of Bull Street. It currently comprises a vicarage which is unoccupied, set in substantial grounds within which are located a number of trees including some which are subject to TPO. These trees are generally sited to the west of the site close to the junction of Bull Street and Vicarage Lane. The site is set on a higher level than the surrounding roads. The existing Vicarage is sited towards the north of the site with car parking to its north with pedestrian access to Vicarage Lane, and a narrow vehicular access from a point at the junction of Vicarage Lane and Bull Street.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - This proposal can be separated into two parts. The first of which is the construction of a new vicarage. This will make use of the existing access which is considered to be sub-standard as it does not provide sufficient visibility for vehicles exiting onto the junction of Bull Street and Vicarage Lane. However as this dwelling will be a direct replacement for the existing vicarage vehicle movements will remain relatively similar to the existing vicarage. In terms of the internal layout, the dwelling will provide parking for two vehicles which is in accordance with the parking standards set out in the Local Transport Plan. Sufficient space has been provided to allow vehicles to turn and leave in a forward gear.

In regards to the second part of the proposal this relates to the erection of two dwellings with associated parking. This would require the creation of a new access onto Vicarage Lane. It is my opinion that sufficient visibility can be obtained in either direction to allow vehicles to leave in a forward gear. In terms of the access this would have a total width of 5m with a carriageway width of 4.8m. This is sufficient to allow two way vehicle flow. Each dwelling will be provided with two parking bays as per the requirements of the Local Transport Plan. Both dwellings will be served by a shared turning area which will allow vehicles to turn and leave in a forward gear. These dwellings will utilise the junction of Vicarage Lane with Bull Street. It is my opinion that the junction is of sufficient standard to be able to accommodate the additional vehicle movements which will be associated with this proposal.

I therefore raise no objection to this proposal and if planning permission were to be granted I would require conditions to be attached.

CREECH ST MICHAEL PARISH COUNCIL - The Parish Council voted by 6 votes to object to the application, with 3 votes in support and 2 abstentions. The objections were regarding the two new houses to be built on the site of the existing vicarage would be looking straight into the two properties of the Glebe and would take away their privacy. Access into Vicarage Lane was already an issue. This would be

compounded as there would no longer be a carpark for church users. Parishioners would have to park in the road, which was already congested by resident's vehicles. It was also felt there was no need to demolish the existing Vicarage. *On amended plans - strongly object*, the issues of objection still stand, the amendments are only cosmetic.

WESSEX WATER - site is within foul sewer and mains drainage area, notes for connection and re other sewers in the area

HERITAGE AND LANDSCAPE OFFICER - subject to protection of the existing trees during construction, and including landscaping the proposals are acceptable.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST -

DRAINAGE ENGINEER - Note that surface water to discharge to soakaway, this to be to BRD 365.

CONSERVATION OFFICERS - PPS5 & 9 not cited, no cross section of proposal and Church, no mention of Church and Churchyard in Design and Access statement; no mention of any potential for archaeology or potential impact on the setting of the Church; and Churchyard, many other areas of concern in the detailed design. Objections raised on the basis of inadequate information to enable a fully considered response. *Re revised submissions* - Some aspects still not covered, eg need for WC facilities in the Church; appropriate repair/actions of churchyard monuments needed; subject to some further details, the scheme is acceptable.

NATURE CONSERVATION & RESERVES OFFICERS - the wildlife report found no evidence of bats, there was a suitable habitat for nesting birds, any clearance should take place outside the nesting season, the stonewalls and tussocky grass provide good reptile potential, supports recommendation that a reptile survey take place between April and September, suggests conditions.

Representations

Cllr D Fothergill (County Councillor), concerned about impact on local roads and highways, additional traffic generated by 2 new properties and Parish Office, an already unacceptable problem with localised congestion; the new PPS3 rules out "garden grabbing"; this is a unique location beside the Parish Church, the redevelopment would serve to undermine the quality of the historic surroundings.

10 Objections to original plans:

- There should be a carpark for churchgoers instead of the two new houses, as there are poorly parked cars/obstruction caused by cars on Sundays and at other times of services such as weddings and funerals;
- There used to be parking in the pub carpark, but this is now a private house, the 'alternative' parking at the canal car park is a significant distance away and is not used by elderly/disabled churchgoers, parking should be closer to the church;
- On street parking will be reduced further as a result of this proposal;
- There is no access for emergency vehicles when churchgoers park in Vicarage Close;
- Three parishes have amalgamated, so there are an increased number of churchgoers to accommodate;
- There will be more traffic as a result of two additional dwellings;

- Overlooking to adjacent house and garden;
- Fence between properties should be replaced by a wall;
- Concern over the state of the boundary which is supposed to be maintained by the Church;
- The potential for expansion of Creech St Michael could result in further demand for parking;
- The meeting room should be properly accessible, failure to provide parking close to the meeting room may be contrary to the Disability Discrimination Act;
- The Vicarage should be closer to Vicarage Close and the garden area next to the Church could be made into a carpark with easy access to the church;
- The Vicarage parking area should be made larger;
- The meeting room/toilets should be located closer to the Church with direct pedestrian access;
- The original Church setting has been 'overtaken' by housing along narrow lanes which now causes problems to motorists trying to park or manoeuvre;
- There is a need for additional Church facilities to support the growing population.

8 letters of objection to revised plans

- Previous comments re parking have been ignored;
- Previous comments reiterated;
- New window now overlooks property and garden;
- Disappointed that standard letters of support are from members of the Church, who are not local residents and thus do not appreciate the parking situation;
- The Church should properly consider the parking and facilities for the congregation as a whole, this is the ideal opportunity;
- Still overlooking to The Glebe.

12 standard letters of support

5 letters of support to original plans:

- The proposal will benefit the village;
- A lot of care taken to leave existing trees, and provide a Vicarage and houses which have least impact on the surrounding area;
- parking has always been difficult in Bull Street and the replacement Vicarage does not change this;
- A well designed Vicarage, with facilities such as office and WC, only small windows face the Glebe, the proposal will help towards financing and providing a good quality vicarage with manageable garden;
- Will be up to current standards including energy saving;
- Parking needs to be addressed separately.

1 letter supports a new vicarage but raises concerns over the car parking around the church.

St Michael's Parochial Church Council fully support the proposal for the Parsonage House, whilst recognising that members of the church congregation and the local residents have concerns about parking in the local area.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
 PPS3 - Housing,
 PPS 5 - PPS5 Planning for the Historic Environment,

S&ENPP9 - S&ENP - The Built Historic Environment,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
EN12 - TDBCLP - Landscape Character Areas,
EN23 - TDBCLP - Areas of High Archaeological Potential,

DETERMINING ISSUES AND CONSIDERATIONS

The site is within village boundaries, and is outside flood PPS25 Flood Zone 2 and 3, and as such residential development is in principle acceptable. However it is within an Area of High Archaeological Potential, adjacent to a Grade 1 Listed Building and has TPO trees. These constraints have led to the current proposal. The majority of objections relate to the concept of proposing new dwellings when there is a lack of parking for the Churchgoers. Many churches do not have parking adjacent to or in close proximity. The view of the Local Planning Authority and County Highway Authority is that whilst many community facilities would benefit from parking, such provision is not always provided, especially in an historic context. New facilities normally have parking, but not in town centres. It is considered reasonable for the Church 'Authorities' together with the local PCC to consider the needs and wants of the parishioners together with the constraints of any site. It is not considered reasonable for the Local Planning Authority/County Highway Authority to insist on the provision of parking in this location.

It is not considered that there will be any overlooking to neighbours, there is one window facing northwest, but this is across a road and a significant distance to any dwellings. The upper level windows facing northeast are to bathroom/shower, landing and will all be obscured glass, and thus there should be no overlooking. In terms of decision making this site is not considered to be 'brownfield land' in PPS3 terms, it is an existing unoccupied dwelling in a large site (0.7acre), and the proposed layout is acceptable having regard to the surroundings.

The concerns of the Conservation Officer have now largely been met and the proposals are considered to be appropriate to the location of the site adjacent to the Grade 1 Listed Building. The concerns still outstanding do not prevent a decision from being made and the proposal is considered to preserve the listed building and its setting in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In conclusion, the parking issues are recognised. There appears to be a parking problem on Sundays and other occasions such as Weddings and Funerals, however the absence of on site parking is a situation experienced by many Churches. The application submitted is for a replacement Vicarage and 2 new dwellings, and not for a car park and there is a need for the replacement Vicarage to serve church needs. There are no Highway Authority objections to the proposal and the trees and setting of the church are considered to be safeguarded, as is the amenity of neighbours and proposal as revised is considered to be acceptable.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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