

24/14/0019

HIGDON HOMES LTD

**ERECTION OF 5 DWELLINGS WITH GARAGING, CAR PARKING AND VEHICULAR ACCESS AT LAND OFF WHITE STREET, NORTH CURRY (AMENDED SCHEME TO 24/13/0036)**

Location: LAND OFF WHITE STREET, NORTH CURRY, TAUNTON

Grid Reference: 332274.125356

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

**RECOMMENDED CONDITION(S) (if applicable)**

1. The application site lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map) and the proposal is therefore contrary to Policies SP1 and DM2 of the Taunton Deane Core Strategy.
2. The proposed development would be detrimental to the setting of Longs House/Cottage (a Grade II Listed Building) and the North Curry Conservation Area, in particular, the proposed highway access and urban road frontage, the restricted dwelling and plot sizes, its regimented layout, the loss of the surrounding hedge and tree boundary with White Street, contrary to the requirements of Policies CP8, CP1(h) and DM1(d) of the Taunton Deane Core Strategy .
3. The proposed development would have a detrimental impact on the semi-rural character of the area which forms the boundary between the built form of the development and open countryside beyond and is therefore considered to be contrary to policies CP1(g), DM1(d) and CP8 of the adopted Taunton Deane Core Strategy.
4. The proposal does not provide a suitable means for securing the appropriate affordable housing, the Sustainable Urban Drainage scheme for the site, or a Travel Plan, and therefore is contrary to policies CP4, CP6 and CP7 of the adopted Taunton Deane Core Strategy.

## Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.
2. Although the reason for refusal includes one relating to the lack of a Planning Obligation under s106 of the Town and Country Planning Act, this has been added in order to safeguard the Council's position in the event of any subsequent appeal. It is expected that this issue could be resolved in the event of any appeal.

## PROPOSAL

The proposal is for the erection of 5 dwellings on the northeast corner of White Street and Stoke Road. The plot measures approximately 38m x 56m. The dwellings are shown with their frontages looking into the site, arranged as a terrace of 3 and 2 detached properties. The terrace and one of the detached properties would have rear gardens backing on to Stoke Road, whilst the other detached property would be side on to these others – its frontage looking towards the playing fields and its rear facing White Street. The two detached properties with sides facing White Street would be 6.5 and 12.5 away from the highway edge. The dwellings would be two storeys in height with a traditional design and materials. The existing agricultural access would be closed off and a new access created nearer towards Stoke Road. The access would be 5m in width at its junction with White Street. The formation of the access and provision of visibility splays would result in the loss of the approximately 44m of the existing boundary hedge along White Street, although a new hedge is proposed behind the sight lines. The proposal is for 14 parking spaces, the detached properties having garaging and surface parking, whilst the terraced properties would have just surface parking at their fronts. Some of the trees on the boundary are the subject of Tree Preservation orders.

## SITE DESCRIPTION AND HISTORY

The site is located in the north east of the village of North Curry. It comprises a corner plot with Stoke Road to the northwest and White Street to the south west. The site lies immediately adjacent but outside of the settlement boundary. To the north and adjacent to the site is a new village recreation ground, set within open grassland. Both the application site and the recreation field are elevated above the adjacent highway. The site's boundary with Stoke Road (NW) is formed by a group of trees, many of which are covered by a tree preservation order (TD880). The tree boundary extends around the corner and along the site's boundary with White Street with fewer trees and a hedgerow further away from the corner. The undeveloped site and its tree/hedge boundaries with the two highways give the street scene the character of open countryside when travelling north east and south east, away from the settlement. This is in contrast with the semi-urban character to the south west and northwest of the site, formed by the built development on that side of the road.

To the immediate northwest and southwest of the site (on the opposite side of Stoke

Road and White Street to the site) are two grade 2 Listed Buildings known as The Warren and Longs House/Cottage. The boundary of the North Curry Conservation Area runs along White Street and Stoke Road, including both of the listed buildings and their curtilage but excluding the application site. To the south of the site lies White's Barn which is located back from the boundary of White Street, at a lower ground level to the application site and only the stone entrance and wooden gates are visible in White Street. Originally the barn would have been linked to the listed Longs Farmhouse which lies on the opposite side of the road to the site.

Currently access into the site is via an agricultural access located to the south west of the site. The access has a slope up into the site with a gate located away from the highway boundary, in line with the boundary hedge.

#### Planning History – application site

- 24/08/0015 – Full application for the erection of 1 dwelling and garage with access off White Street, North Curry (the current application site). Planning permission refused on 6<sup>th</sup> June 2008. Appeal dismissed on 21<sup>st</sup> October 2008, with the Inspector concluding that “the harmful effect on the housing policies of the Development Plan, on the character and appearance of the locality and on nature conservation interests are compelling reasons to dismiss the appeal”.
- 24/10/0034 – Full application for the erection of 11 affordable homes and access at White Street, North Curry. Planning permission refused on 11<sup>th</sup> March 2011 on the basis of being contrary to the settlement limits policy; Impact on the rural character of the area; design and layout; Lack of a historic statement; lack of an up to date ecological report; insufficient archaeological information; and impact upon protected trees
- 24/13/0036 – Full application for the erection of 5 dwellings (originally submitted as 6 and later revised). Refused 10<sup>th</sup> September 2013 as being prejudicial to the progress and content of the SADMP; Detrimental to the area in terms of its affect on Listed buildings, the Conservation area, and landscaping; Detrimental impact on the semi-rural character of the area.

#### Planning History – in the vicinity of the site

- 24/13/0032 - Outline application for 30 dwellings in 2 phases and ancillary facilities on land adjacent Overlands. Refused 4<sup>th</sup> September 2013 for policy reasons in relation to the SADMP and subsequently allowed on appeal by decision dated 12<sup>th</sup> March 2014
- 24/08/0007 - Conversion of Barns to form 1 dwelling and garage at Whites Barn, North Curry. Planning permission granted in May 2008.
- 24/06/0040 - Outline Planning application for the erection of 5 dwellings and three affordable dwellings and access off White Street on land to the south of Whites Barn, North Curry (now Morris Way). Reserved Matters and conditions approved by several subsequent applications.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

## *PLANNING POLICY -*

The site lies beyond existing and proposed settlement limits as set out in the adopted Local Plan (2004), Core Strategy (2012) and the emerging SADMP. In this regard, the proposal is contrary to policy DM2 and SP1 (Development in the Countryside) and CP8 (Environment) of the Core Strategy. A planning application for one dwelling was refused and appeal dismissed (24/08/0015) in 2008. Further applications in 2011 (24/10/0034 for 11 dwellings) and 2013 (24/13/0036 for 5 dwellings) were also refused.

From a Policy perspective there are two issues to be addressed. Firstly, are the reasons for previous refusals still valid? In this regard the site is still beyond the defined settlement limits. Added to this I would envisage that concern over impact on the listed building and adjoining conservation area would remain as both designations remain in place (and it is likely that 5 dwellings would impact more than the one proposed and dismissed on appeal), as would impact on the semi rural character which would not have changed. Other issues in the past have included an out of date ecology report, location within an area of high archaeological potential and landscape/TPO issues.

Secondly, would the benefits of this proposal outweigh the consequences? The size of the site and number of dwellings proposed (5) would not make a worthwhile contribution to the 5 year land supply (which we meet with a 5% plus buffer) but could set a precedent elsewhere in North Curry and across the Borough for not conforming to the Development Plan. We have an up to date Core Strategy which defines the settlement limits and countryside (policies SP1 and DM2). The site is too small for an allocation (which should start at about 10 dwellings, being the size regarded as a 'major application' and of a scale to provide other benefits only deliverable through the Development Plan such as affordable housing, e.g. the government is proposing no requirement on sites below 10 units). The SADMP is about to reach publication stage following Preferred Option stage with allocations at Knapp Lane and Overlands. This site could not therefore be used as a 'trade-off' to reduce or replace the Preferred Options allocations.

In conclusion, from a policy perspective the proposal fails both of the above tests, is contrary to policies SP1, DM2 and CP8 of the Core Strategy. It may also be contrary to other aspects of CP8 (e.g. landscape and heritage) but will no doubt be considered by relevant colleagues.

## *NORTH CURRY PARISH COUNCIL -*

In line with the North Curry Parish Plan, North Curry parish Council support the granting of this application, but stress that the 5 houses provided should be included in the development allocation for North Curry.

## *LANDSCAPE -*

Has concerns on -

- Impact on the setting of the North Curry Conservation Area

- Loss of roadside hedgerows to visibility splays
- Proximity of dwelling and garage to the north-eastern boundary hedgerow

#### *BIODIVERSITY -*

The proposal involves the removal of 20 m of hedgerow adjacent to White Street. The site comprises of semi improved grassland managed by occasional mowing, with boundary hedges and broad leaf woodland along the NW boundary. EAD carried out an ecological assessment of the site in June 2013. In addition Caroline Wright carried out a Great Crested Newt survey in May 2013. These surveys have identified the wildlife and potential wildlife on the site and I raise no objection to the proposal subject to a planning protected species condition as recommended.

#### *NATURAL ENGLAND -*

Note that the site is close to a number of S.S.S.I.'s but that the proposals, if carried out strictly as proposed, will not destroy the interest features for which the S.S.S.I.'s have been notified.

N.E. standing advice applies for protected species

N.E. also note that the application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably, and to incorporate features into the design which are beneficial to wildlife.

#### *WESSEX WATER -*

New water supply and waste water connections will be required from Wessex Water. DEFRA intend to implement new regulations that will require the adoption of all new private sewers, which will require a signed adoption agreement with Wessex Water before any drainage works commence.

#### *SOMERSET DRAINAGE BOARDS CONSORTIUM -*

The site lies outside the board's operating area however any surface water run-off generated will clearly enter the Board's district and discharge to the area of West Sedgemoor and ultimately onto the main river - 'River Parrett'. The Board will need to receive satisfactory details and assurances regarding the restriction of flow, volume and long term maintenance regime of the infrastructure proposed. The proposals to be agree the design principles of the surface water strategy and if appropriate consent any modification.

The proposals to be agreed will need to strictly limit any proposed discharge to the receiving system and provide better than existing 'greenfield run-off' from the land, with an emphasis on betterment. Any variation or modification will need to be agreed. Particular attention should be paid to the control of the volume of the discharge from the proposed site as well as flow rates.

The Board does not object so long as the following condition can be secured.  
"No development should proceed until surface water details for the proposals have been agreed with the LPA in conjunction with the Parrett Internal Drainage Board."  
The Board state that the strategy must include maintenance liabilities as well as storage facilities.

*HOUSING ENABLING -*

25% of new housing should be in the form of affordable homes. This equates to 1.25 affordable homes within a scheme of 5 houses. The requirement is for one house to be an affordable home for discounted open market to be sold at 70% of the open market value. Details of the affordable housing units must be submitted to and approved in writing by the Housing Enabling Lead at Taunton Deane Borough Council and sold in accordance with the TDBC discounted open market homes sales procedure. Plus a financial contribution of £18,329 which equates to the 0.25 affordable home obligation. The anticipated trigger for payment of the financial contribution is to be when the 2<sup>nd</sup> open market property is completed and ready for occupation. Financial contributions will be ring fenced for developing the affordable home elsewhere within Taunton Deane Borough.

*DRAINAGE ENGINEER -*

I note that a sustainable drainage system is to be utilised to dispose of surface water run-off. However, no details have been provided as to how this would be achieved. Details should be provided before any permission is granted. Until such time, I will have to object to this application.

*Further information has now been submitted and the Drainage Engineer's further observations upon this information is awaited.*

*SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST - Observations awaited*

*SCC - FLOOD RISK MANAGER - Observations awaited*

*ENVIRONMENT AGENCY - Observations awaited*

*HERITAGE - Observations awaited*

*SCC - CHIEF EDUCATION OFFICER - Observations awaited*

*SCC - TRANSPORT DEVELOPMENT GROUP - Observations awaited*

## Representations

There have been 13 representations received in connection with this proposal. Of these, there are 8 representations against the proposal; 4 in support of the proposal and 1 neutral to the proposal.

Of the 4 representations in SUPPORT it is noted that 1 lives in Holcombe Rogus, 1 in Tiverton, 1 in Wellington and 1 in North Curry. They make the following points:-

- The new application has taken into account the comments raised by the original scheme;
- It has far stronger planting and setting back of houses from the road;
- Small developments are right for the village as supported in the Parish Plan;
- This site would help to fill the shortfall of 10 units after the Overlands site was granted on appeal;
- I am not aware of any opposition to this site from the latest consultation on the emerging plan;
- The inspector (5 years ago) did not dismiss the appeal on Listed Buildings or Conservation grounds;
- The Council's Conservation Officer had no objection on a more recent application for 6 houses;
- This is a small group of houses on a plot near village facilities, infilling between the road and other housing. It is therefore appropriate for the village.

Of the 8 representations OBJECTING to the proposal, 7 are from residents of North Curry and 1 does not give an address. They make the following points:-

### Principle

- The site is too cramped for 5 units;
- 5 houses is too many for the site which is outside the village boundary and specifically excluded from Taunton Deane's own long term plan for extra housing in North Curry;
- 4 units, with a pair of semi detached rather than a terrace of 3 would be a more suitable development;
- If permission is granted then the proposal should be reduced to a maximum of 4 dwellings;
- The physical properties have not changed since previous applications on this site were rejected;
- The impact of 5 dwellings in such close proximity to this bottleneck [*White Street/Stoke Road*] in the village will only amplify the strain on environmental resources and coping mechanisms.

### Parking and access

- 5 dwellings will mean extra cars parking in the narrowest part of White Street;
- The Morris Way development to the immediate south did increase the number of vehicles parking in White Street;
- People never park where they are supposed to;
- 1 house has been turned down because of access, now 5 are being proposed;
- There is poor visibility and consequent danger to pedestrians and other road users at the junction of White Street and Stoke Road. If permission is granted then the developer should be invited to make a financial contribution towards

improvements;

- White Street is at its narrowest point between Longs House and this proposed development. Road congestion and traffic visibility at this point is a hazard;
- Further traffic congestion is undesirable;
- The increase in people cars and visitors to this part of White Street and the connecting section of Stoke Road would totally change the quality of living for the current residents;
- On weekends, the number of cars that are packed into this area is already too much and any additional burden would be unmanageable;
- The associated access and parking provision is inadequate;
- The number of visitor parking spaces proposed is insufficient;
- The Stoke Road/White Street junction is the most dangerous junction in the village and will be exacerbated by the 'Overlands' decision. If this application is approved it will make the situation worse;
- Nothing has changed since the previous applications, except an increase in parking outside Longs House, Longs Cottage and on the junction with Stoke Road;
- With increased traffic following the development of 30 houses at Overlands, approval of this proposal will only add to the danger for pedestrians and vehicles;
- The proposal will lead to overspill parking in White Street on the dangerous junction with Stoke Road;
- The logistical impact on the junction between White Street and Stoke Road remains forever unpredictable.

#### Landscaping

- The development would irreparably damage the hedgerows that surround this field and which contribute to the rural character of this part of the area;
- The proposal will involve the destruction of an ancient hedge.

#### Flood risk

- I have a soakaway on my plot and it floods me out. I don't wish this to happen again;
- The development would increase the chances of flooding in White Street and Stoke Road due to increased run-off;
- Flash flooding occurs in the vicinity of this site.

#### Heritage

- The application does not - indeed cannot - address the issue of the proximity of the listed buildings at Longs House and The Warren. The Council's refusal of previous applications has been supported at appeal by the Planning Inspectorate on these grounds;
- The proposal would seriously damage the character of this part of North Curry;
- The proposal would be a huge mistake due to the detrimental impact it would have on such a wonderful rural setting;
- The proposal would seriously damage the character of this part of North Curry;
- This beautiful historic setting should be protected;
- The proposed development remains close to Listed Buildings and would dominate Longs Cottage.

#### Amenity

- The main entrances for Longs Cottage and Longs House are opposite the



proposed entrance to the development. I have a young family and I believe it would make entering and exiting my front door unsafe;

- The development would be above the height of Longs Cottage and will completely destroy the privacy of the garden and the rooms that have windows that open onto White Street;
- The elevated position of the site means the houses will dominate an historic part of the village.

#### Other issues

- The development should be refused to ensure that local facilities are not over-whelmed;
- I am amazed that another application has been lodged considering it has been refused twice in the past, including as recently as Sept. 2013;
- I am surprised to see two endorsements for this application from residents in Wellington, one of whom I note from the original application has the same name and address as the owner of the site;
- I note that supporters come from Tiverton and Wellington, including the owner of the site;
- I am curious why there are two letters of support from addresses in Wellington and Tiverton;
- Must ensure that the safety, the productivity and appearance of our village is not compromised by an ongoing pursuit to take advantage of this area of natural beauty.

1 NEUTRAL representation has been received raising the following two issues:-

- If this application is approved then road safety measures must be put in place for both vehicles and pedestrians at the White Street/Stoke Road junction.
- The proposed 5 houses should be part of the North Curry allocation of new houses and not additional to it.

#### **PLANNING POLICIES**

EN12 - TDBCLP - Landscape Character Areas,  
EN23 - TDBCLP - Areas of High Archaeological Potential,  
EN14 - TDBCLP - Conservation Areas,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP4 - TD CORE STRATEGY - HOUSING,  
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,  
CP7 - TD CORE STRATEGY - INFRASTRUCTURE,  
CP8 - CP 8 ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,

#### **LOCAL FINANCE CONSIDERATIONS**

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 £73,000

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

#### 1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£ 5,395.00
Somerset County Council (Upper Tier Authority)	£ 13,40.00

#### 6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£32,372.00
Somerset County Council (Upper Tier Authority)	£ 8,093.00

### **DETERMINING ISSUES AND CONSIDERATIONS**

#### The Previous Planning Appeal

This site has been the subject of applications for development in the past, and these applications set the framework for considerations. In 2008, a planning application for one dwelling (under LPA ref. 24/08/0015) was refused and subsequently dismissed on appeal. Further applications in 2011 (24/10/0034 for 11 dwellings) and 2013 (24/13/0036 for 5 dwellings) were also refused.

It needs to be borne in mind that the number of units now proposed is greater by 4 than that considered at the appeal, and so the impacts identified by the Inspector are likely to be heightened. This means that the appeal decision is a crucial and material consideration because the applicant will need to clearly demonstrate how he has overcome the reasons given by the Inspector for dismissing the appeal. The main issues of the appeal were:

- (i) Whether the scheme would accord with the housing policies of the development plan
- (ii) The effect on the character and appearance of the locality including the effect on trees protected by a Tree Preservation Order (ref: TD880), the adjacent North Curry Conservation Area and the setting of Listed Buildings.
- (iii) The effect on nature Conservation Interests.

At the time of the appeal the Inspector was aware of the extant outline planning permissions for the use of land to the east as a recreation use (24/06/0041) and the erection of 8 dwellings on land further south along White Street (24/06/040), now known as Morris Way. Indeed the appellant argued that the latter permission had set a precedent for development to the North of White Street.

In his decision the Inspector concluded:

- That the site was outside of the settlement limit and contrary to the

Development Plan for the area (Structure Plan policy STR7 and Local Plan policy S7) and that the contribution to the Deane 5 year housing supply (which was established as available by TDBC) and the Morris Way precedent argument put forward by the appellant was not sufficient to outweigh the development plan,

- That in spite of the sympathetic design and materials of the scheme, the proposal would be harmful to the character and appearance of the locality
- That the character of the site plus the recreation area behind form a substantial break in development and provide the area around the junction of Stoke Road and White Street with a semi-rural quality and that the appeal site relates to that open space and cannot be said to be a natural rounding off of development.
- That whilst the dwelling would be set into the ground and only glimpsed from Stoke Road, the garage, access and visibility requirements along White Street would partly detract from the setting of Longs House Listed Building
- That the whole scheme would detract from the semi-rural quality of the area adjacent to the boundary of the Conservation Area
- He also concluded that, on the basis of the ecological surveys submitted with the appeal indicating 4 Badger sett entrances on the site; slow worms and a grass snake at the site, he was not convinced that the mitigation measures would be appropriate and he therefore concluded that the scheme would be harmful to Nature Conservation Interests.

Looking at each of the issues referenced above, this report will consider the concerns raised by the Inspector and whether there has been a material change in circumstances since that decision.

### Policy considerations - Local Plan Policy

Planning Policy and Government Guidance requires all planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Taunton Deane Core Strategy contains policies for the development of the Borough. The policies are listed above. Within the document major sites for housing development have been identified in detail. Reference is also made for the need to allocate additional small scale housing within minor rural centres, such as North Curry, via a 'Site Allocation and Development Management Plan' – [SADMP].

The adopted Core Strategy policy SP1 states.....

*"Minor Rural Centres are identified as Cotford St Luke, Creech St Michael, Milverton, **North Curry** and Churchinford. New housing development at these locations will include an appropriate balance of market and affordable housing together with some live-work units and will be small scale allocations, **sites within the development boundary** (primarily on previously developed land) and sites fulfilling affordable housing exceptions criteria outside of development boundaries. For these settlements a total allocation of at least 250 new net additional dwellings will be made through the Site Allocations and Development Management DPD"*

The site lies beyond existing and proposed settlement limits as set out in the adopted Local Plan (2004), Core Strategy (2012) and the emerging SADMP. In this regard, it is clear that the proposal should be treated as being within Open

Countryside (see Core Strategy Policy SP1).

From a Planning Policy perspective there are two issues that are relevant to this application. Firstly, the site is still beyond the defined settlement limits, which means that the proposal should be treated as being within open countryside (stated in policy SP1). In such circumstances, the proposal should be determined in accordance with policy DM2, which list the types of development that are acceptable. Open market housing is not within the list of uses that would be supported. The proposal therefore does not accord with the adopted development plan

Secondly, it is appropriate to consider whether or not the benefits of this proposal would outweigh the harm. The size of the site and number of dwellings proposed (5) would not make a worthwhile contribution to the 5 year land supply (which the Council meets with a 5% plus buffer) but could set a precedent elsewhere in North Curry and across the Borough for not conforming to the Development Plan. The LPA has an up to date Core Strategy which defines the settlement limits and countryside (policies SP1 and DM2). The site is too small for an allocation, which would normally have at least 10 dwellings (the size regarded as a 'major application' and of a scale to provide other benefits only deliverable through the Development Plan such as affordable housing. The SADMP is about to reach publication stage following Preferred Option stage with allocations at Knapp Lane and Overlands. This site could not therefore be used as a 'trade-off' to reduce or replace the Preferred Options allocations.

In conclusion, from a policy perspective the proposal fails both of the above tests and is contrary to policies SP1, DM2 and CP8 of the Core Strategy.

#### Impact on the street scene and character of the area

The application site comprises a small oblong shaped grassed area surrounded by a mix of hedge and hedge and tree boundaries. The site is approximately 0.14 hectare in size. It is situated approximately 2m above the level of the adjacent White Street and as such creates a rural character marking the outside edge of the village. Land to the east of the site has been formed into a recreation area and its sloped boundary adjacent to Stoke Road retains an open rural character. Due to the level of the adjacent highway, the form of built development opposite, the change in ground level and the position of the site on the edge of the settlement, the site has a semi rural appearance which creates the character of the area when viewed from the public highway - Stoke Road and White Street.

The proposed development would result in a significant change to this character. The boundary hedge along White Street would be removed to provide visibility splays and the level of the site adjacent to the highway would inevitably have to be reduced, although the submitted drawings do not explain how this would work. This would create a more open aspect and result in the loss of the screening of the site when viewed from White Street. As such all development taking place on the site will be open to view along White Street and looking down White Street from Stoke Road. This would result in a more urban character to the area which it is considered would be detrimental to the character of the area.

The proposed houses are not shown fronting onto the highway and they would be

set back from the highway in an effort to reduce the detrimental impact of the development on the street scene and setting of the listed building. However this all serves to exacerbate the urban character of the development, completely transforming the street scene and removing the rural context of the listed farmhouse opposite. The development requires the formation of a new access which would be 5m in width and provide a standard estate style entrance into the site. This would afford views of the houses and access road into the site. The setting back of the hedge would alter the rural feel and would in any event take some years to establish itself. Again this would completely urbanise the visual character and amenity of the site, detrimental to the semi-rural character of the area. I consider that the quantum of development and the associated infrastructure it would require would create an urban character for the site. Given all this, it is considered that the development would have a significant and detrimental impact to the semi-rural character and street scene of the area. Furthermore that impact would be significantly greater than the previous appeal scheme (because of the greater amount of development and associated infrastructure). The Inspector dismissed the appeal partly due to the loss of that character and therefore any exacerbation of this cannot be said to have addressed the concerns of the Inspector.

#### Impact on the Listed Building and Conservation Area.

Planning permission was refused and dismissed on appeal in 2008 for the erection of one dwelling on the site. The inspector considered that the site related more to the open space than the built form of the village and would not form a natural rounding off of development in the area. Furthermore he agreed that the development of one dwelling at the far north west of the site would detract from the setting of the Longs House, a grade 2 listed building and that given the need to provide for visibility into the site he considered that the scheme would detract from the semi rural character of the area and adjacent to the boundary of the Conservation Area. The current proposal is 5 dwellings with car parking and associated hardsurfacing. This takes up a significantly greater portion of the site than the one dwelling and results in a transformation in the street scene from a rural character to an urban feel. As a result, this must have a significantly greater detrimental impact on the setting of Long's House and the Conservation Area than the appeal dismissal. The National Planning Policy Framework identifies the protection and enhancement of the historic environment as one of the three dimensions to sustainable development and it is one of the identified Core Planning Principles. In determining planning applications Planning Authorities are advised that "great weight should be given to the conservation of heritage assets. The more important the asset, the greater the weight. Significance can be harmed or lost through alteration or destruction of the Heritage Asset or development within its setting". The Taunton Deane Core Strategy policies reflect Government advice in respect of development proposals and historic assets. In particular Policy CP8 states that Taunton Deane will conserve and enhance the historic environment and will not permit development that would harm those interests. It is considered that the proposal would have a significant impact on the character of the street scene and land use opposite to Longs House. Indeed I refer to the applicant's submitted Heritage Statement para. 5.1.1 " the proposed development....will have an inevitable impact on the character of the northern end of White Street and the setting of the grade II Listed Long's House which stands opposite the site." The statement goes on to explain how the impact can be reduced but does not at any

point state that the impact would conserve or enhance the Heritage Asset as required. It is the opinion of the Planning Officer (and of the planning inspector to the previous lesser scheme) that the impact on the setting of the Heritage Asset is unacceptable in this case.

### Ecological impact

The ecological survey submitted with the application was written in June 2013 and it acknowledges that the desk top survey upon which it is based was conducted on 19th April 2013. It is therefore considered that the survey is out of date and should carry less weight. In any event, it acknowledges the existence (1 year ago) of species and the likely existence of protected species on site, but does not adequately deal with the issues, except to say that any species found would be translocated, due caution would be taken during construction and any licences needed would be sought. This is not considered to be an acceptable approach as the suggested mitigation measures are not specific and there is no certainty that they could be implemented to enable the development to proceed. The survey establishes that the site is suitable for bird nesting and foraging habitat, hedgehogs and that the trees on the site have potential for roosting bats. A single outlier Badger sett was recorded on the edge of the broad leaved woodland and five further animal holes were recorded along the north east boundary of the site. The survey also notes that it is possible that any reptiles present at the time of construction could be injured or killed and appropriate care will need to be exercised to avoid this depending on the timing of the works nesting birds could also be affected. Given that the site remains as an unused field, it is unlikely that use of the site by wildlife would have lessened.

An update to the survey has been very recently submitted which is being considered and members will be updated at the Planning Committee.

### The planning appeal for development at Overlands

This has been referenced by the applicant as being highly relevant to this application. This viewpoint is not shared by officers. That application was proposing development (of 30 houses) on land which was a preferred site in the SADMP and for which a change to the settlement boundary was proposed to accommodate it. The only reason for refusal given was that of prematurity within the Local Plan process. The Inspector did not share the Council's opinion on prematurity. The current application site is not a preferred option site due to the impacts that development would have on the local area. The current application site is not within the settlement boundary either as existing or as proposed. Finally, Officers are not suggesting refusal of this application on the grounds of prematurity. So there are no similarities between the Overlands appeal decision and the considerations with this current application that would help in determination or set any precedent.

### Drainage

Whilst the site lies within the Somerset Levels and Moors, the site itself does not lie within a flood risk area as identified by the Environment Agency. Representations

have referred to surface water flooding and run-off in White Street, particularly around its junction with Stoke Road and residents are concerned that any additional surface water draining from the site will exacerbate the flooding in those areas. The application as submitted stated that a sustainable drainage system would be utilised to dispose of surface water run-off. However, no details were provided with the submission as to how this would be achieved. On this basis, the Council's Drainage Engineer recommended refusal. The Applicant has since submitted some further evidence and this has been sent to the Drainage Engineer for a further comment.

### Highway Impact

The current agricultural access would be closed and a new site access provided to the northwest. In order to provide an acceptable access, the existing boundary hedge would be set back and all structures that would interfere with visibility set back behind the required visibility splay. However, it should be noted that the Council's Landscape Lead is not happy with the set back of the hedge as he feels that it would totally alter the character and semi-rural ambience of this part of North Curry to an unacceptable degree. If Members are minded to approve this application, they would first need to weigh up whether this change to the character of the village is an acceptable price to pay. Officer's judgement is that it is not, and that the moving of the hedge should form part of the reasons for any refusal.

Somerset County Council has introduced new parking standards for development in rural areas depending on the size of the dwelling. The proposal shows provision for 14 parking spaces, some within formal garaging but most as surface parking outside the properties. This would appear to meet the County's specification for off-street parking.

Many of the representations about the development are concerned about the impact of the proposal on pedestrian and vehicle safety at the junction of Stoke Road and White Street and some have requested the provision of a footpath. Negotiations with the applicant have established that he would be prepared to pay for a footpath at the junction around the vicinity of the existing bus stop. This though is clearly outside of his ownership, and the verge upon which any footpath could be placed is presumed to be highway land. Thus, the provision of any such footpath if required as part of any approval would need to be negotiated as part of a legal agreement with Somerset County as Highway Authority.

The views of the Highway Authority are still awaited at the time this report was compiled, although discussions indicate that they are unlikely to object.

### Affordable Housing

The applicant has made verbal assurances that he is prepared to accept the requirements of the Housing Enabling Lead. This is being sought in writing. However, given the lack of any legal agreement at this stage to guarantee delivery, any refusal would need to cover this issue so that the Council's position is safeguarded in the event of any subsequent appeal.

## Conclusions

The applicant has acknowledged that there is a conflict with Planning Policy because the application site lies outside of the settlement boundary for North Curry. He makes the argument that the SADMP has not yet been adopted and so the development plan should be considered to be silent on where the new housing should be provided. Under these circumstances, it is contended that paragraph 14 of the NPPF must apply indicating that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Core Strategy is clearly not silent on residential development outside of settlement boundaries, and although the SADMP is only at preferred options stage, it has been the subject of extensive public participation and will be submitted to the Secretary of State in the late summer/early autumn of this year. It is contended therefore that the SADMP does carry some weight in planning terms. In any event there are clearly significant technical difficulties with this application that demonstrably outweigh the benefits. Members are therefore recommended to refuse the proposal on policy grounds.

The NPPF and Core Strategy policies attach great weight to the need for new development to conserve and enhance historic assets such as Listed Buildings and their settings, which includes conservation areas. Indeed this feeds into the very essence of sustainability, to protect the environment today for the enjoyment of the future generations. The NPPF and Core Strategy policies also require development to integrate and be in keeping with the character of the area. Given the previous appeal decision whereby the impact of a much smaller development with less impact on the character of the area, listed building and Conservation Area were considered to be unacceptable, Officers are now firmly of the opinion that the weight given to those planning considerations of this proposal clearly outweigh the other planning consideration mentioned by the agent. Whilst the Planning Authority have worked with the applicant to try and produce a scheme which minimised the detrimental impact of the development, the changes now made cannot overcome the strong planning objections to the detrimental impact of the proposal on the character of the area and the setting of historic assets. Considering the detrimental impact of the development to the rural character of the area and street scene, the setting of the Conservation Area and the setting of Longs House/Cottage (listed grade II) the proposal is considered to be unacceptable and it is recommended that this application is refused.

Officers are clear that on all of the relevant issues there have not been any positive changes that would indicate a different decision should be reached from the last consideration made by Members, or indeed from the consideration of a lesser development by the Planning Inspector. The recommendation is therefore one of refusal on policy grounds, impact on the character of the village and its heritage assets and the lack of any agreement or mechanism to secure affordable housing (Core Strategy policy CP4).

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

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