

42/15/0042

TAYLOR WIMPEY UK LTD, MACTAGGART & MICKEL LTD, BOVIS HOMES

DEMOLITION OF A SECTION OF WALL ON THE WESTERN SIDE OF HONITON ROAD FOR CREATION OF THE ACCESS TO THE SOUTH WEST TAUNTON URBAN EXTENSION (UNDER PLANNING APPLICATION NO. 42/14/0069) ON HONITON ROAD, TRULL

Location: HONITON ROAD, TRULL, TAUNTON

Grid Reference: 321354.122258

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

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. No part of the wall shall be demolished until a contract for the carrying out of the works for the new roundabout junction to serve the South West Taunton Urban Extension has been made and planning permission has been granted for the roundabout for which the contract provides.

Reason: To ensure that the wall is only demolished as part of the works required for the wider development of the urban extension in order to protect the character and appearance of the Trull Conservation Area, in accordance with guidance contained in Section 12 of the National Planning Policy Framework.

3. Before any sections of the wall are demolished as hereby granted, a Heritage Conservation Strategy shall have been prepared and approved by the Local Planning Authority which shall have identified heritage assets potentially susceptible to impact (including nearby listed buildings and most importantly the Trull Conservation Area), their significance, settings, and where appropriate, proposed mitigation measures sufficient to avoid or minimise harm.

Reason: To ensure adequate and appropriate consideration is given to the desirability of preserving or enhancing the character or appearance of the Trull Conservation area in accordance with the provisions of the section 72 of the Planning (Listed Buildings and Conservation Areas) Act of 1990 and in accordance with guidance contained in Section 12 of the National Planning Policy Framework.

4. The material from the sections of wall to be demolished shall be salvaged and reused in the two new reconstructed sections of wall at each end and these new walls shall match the existing wall in all respects.

Reason: In the interests of the character and appearance of the Trull Conservation Area.

5. Before any part of the development hereby allowed is commenced, 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. The scheme shall show that the large pine tree reference T116.64 shall be kept. The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

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

6. Before any demolition is carried out, details shall be submitted to and approved by the Local Planning Authority of the making good of the ends of the wall that is to remain, together with full details of the construction, appearance, measurements and materials to be used in the construction of the new walls. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: In order to protect the character and appearance of the Trull Conservation Area in accordance with the provisions of the section 72 of the Planning (Listed Buildings and Conservation Areas) Act of 1990 and in accordance with guidance contained in Section 12 of the National Planning Policy Framework.

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 negotiated amendments to the application to enable the grant of planning permission.

Proposal

Planning permission is sought for the demolition of two sections of wall. It is proposed to demolish approximately 62 metres of wall at its northern end, which lies opposite the shops and wraps around Dipford Road. At the southern end, it is proposed to demolish approximately 82 metres of wall. This will leave approximately 56 metres of the original wall still in situ in the middle. The scheme also includes the reinstatement of approximately 15 metres of wall at the south end and approximately 11 metres at the northern end, both on slightly altered alignments. This demolition will allow for two vehicular access points off Honiton Road for the concurrent application for an urban extension at south west Taunton.

Site Description

The wall is situated on the western side of Honiton Road, on the opposite side to the shops and beyond to the south. It is approximately 1 metre in height throughout its length and serves as a retaining wall to the field behind which is at a slightly higher level than Honiton Road. The wall is built of stone rubble and is laid in irregular courses with no particular pattern, except for the top which is capped by a coping, comprising evenly placed roughly shaped sections of stone. The wall is plain and somewhat utilitarian and highly typical of the wider agricultural landscape around Trull.

Relevant Planning History

There is no recent planning History concerning the wall. However, in determining this application, Members will also need to be aware of the concurrent application reference 42/14/0069 which seeks planning permission in Outline with all matters reserved (except points of access) for a residential and mixed use urban extension at Comeytrove/Trull to include up to 2000 dwellings, up to 5.25 hectares of employment land, 2.2 hectares of land for a primary school, a mixed use local centre, and a 300 space 'park and bus' facility on land at Comeytrove/Trull.

Consultation Responses

HERITAGE (CONSERVATION OFFICER) –

The stone boundary wall is a visually prominent traditional feature within the village that positively contributes to the character and appearance of the Conservation Area. The loss of a substantial part of this would undoubtedly cause harm to the Conservation Area's significance.

The significance of the wall lies primarily in its visual contribution to the Conservation Area, rather than any intrinsic value of its historic fabric – which is relatively low. Although the proposal would result in the loss of much of the wall, I would describe the harm its removal would cause as less than substantial.

There is a strong presumption against removing features that positively contribute to a Conservation Area's significance. However, assuming its removal is fully justified and there are no viable alternatives to this proposal that would retain all or more of the wall, then under paragraph 134 of the National Planning Policy Framework less than substantial harm to the Conservation Area can be weighed against public benefits. There are no heritage benefits relating to this application so it must come down to the benefits of the enabling the housing scheme to be determined under 42/14/0069.

If permission is granted, I would suggest conditions are included to ensure that demolished material is salvaged and reused in the reconstructed sections and that these sections match the existing wall in all respects.

ARBORICULTURE –

Having reviewed the Arb Impact Assessment for the above site, my comment would be as follows.

Obviously, the loss of any protected trees is not ideal. The copse is a significant feature of the village, and is prominent alongside this busy road. The trees, being largely mature sycamore and oak, can be viewed from a wide area.

Two sizeable chunks of the copse are to be removed, comprising approximately 42 trees. The majority of the trees to be removed are category 'B' (moderate quality and value) or category 'C' (poor quality and value). Only one category 'A' tree is shown to be removed.

However, a good group of the best trees, mainly oaks, is to be retained between the two new roads. The retained trees are largely category 'A' oaks, very prominent due to their height. Another smaller group is shown to be retained at the northern end, which should help to soften this area initially, and similarly at the southern end of the copse.

Due to the way the trees have grown as a copse in close proximity, many of those that are to be removed are, as individuals, of poor quality, spindly or small. Some of the trees are leaning heavily towards the road and would probably need to be removed before too long. The majority of those to be removed are sycamores. There are no trees of particular antiquity in this area.

As a detail, I would question the removal of the large pine tree, T116.64, which is a very good and prominent specimen, category 'A', which does not appear to be in the way of the new road or its embankment. Can I strongly urge that this one is retained and its removal is questioned?

On the whole, I'm not totally against these tree removals, as good numbers of the best ones are being retained. However, we should ensure that good numbers of replacement trees are planted in suitable locations, and I think that this should include both new native woodland and some specimens planted as semi-mature trees.

HIGHWAYS AUTHORITY -

The proposal relates to the demolition of a section of wall on western side of Honiton Road.

It is understood from the Design and Access Statement that this application is required as the wall is located in a conservation area. Having reviewed the drawing the proposal will not have a detrimental impact on the highway network as a consequence the Highway Authority raises no objection to this proposal.

TRULL PARISH COUNCIL -

It should be noted that the application is in fact for demolition of “two sections “of wall – not “a section” as written in the proposal. Trull Parish Council objects to this application and has also objected strongly to the associated application 42/14/0069. Trull Parish Council believes this proposal will have a severe effect on the Trull Conservation Area which has long defined the identity of the parish.

In response to several points raised in the Heritage Impact Statement prepared by The Environmental Dimension Partnership Ltd (EDP) on behalf of The Comeytrowe Consortium it has the following comments:

1)3.8 Paragraph 133 states that “where a proposed development will lead to substantial harm or total loss of a designated asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”. The preferred access would necessitate the loss of at least 127m of the stone wall - leaving only around 60m of the original wall at best. Trull Parish Council believes that The Consortium has not adequately investigated all the options for an access at this point. Therefore, it cannot be argued that this proposal for destruction of a designated asset is necessary.

2)3.12 Policy EN14 of the Adopted Taunton Deane Borough Council (TDBC) Local Plan, which has been saved, states that: “Development within or affecting a conservation area will only be permitted where it would preserve or enhance the appearance or character of the conservation area.” Any access at this point will have a huge negative impact on the setting of the Conservation Area. The report itself states: 4.2 “This conservation area designates the majority of the historic core of Trull”. The designation of a Conservation Area is created to preserve areas which have importance historically and their status should not be underestimated or undermined. Taunton Deane's saved Local Plan Policy EN14 is unequivocal. This proposal for demolition of parts of the wall is associated with the creation of access points for a roundabout which can only destroy the Conservation Area and would neither preserve nor enhance it.

3)3.14 The document references the Government's overarching aim that the: “historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations”. In response to a residents questionnaire conducted by the Trull Neighbourhood Plan Group in 2013, the three most important aspects to living in Trull were identified as the fact that it is a ‘distinct community, separate from Taunton’, that it is ‘set amongst farmland, with a rural feel’ and that ‘the gardens and surrounding fields make it a green village’. In this context it is evident that conserving our historic environment and heritage assets (including the area in this application) is seen as important not only by the Government but by the people of Trull.

4)3.15 Policy CP8: Environment states that: “The Borough Council will conserve and enhance the natural and historic environment, and will not permit development proposals that would harm these interests or the settings of the towns and rural centres unless other material factors are sufficient to override their importance”. The impact of the proposed urban extension on our parish and its historic setting is unquestionable and without the necessary infrastructure and funding in place, for roads and education, it will be catastrophic for the whole of Taunton. The lack of certainty over infrastructure and how it will be funded constitutes material factors which have not been addressed and therefore cannot be seen to override the importance of the natural and historic environment. Trull Parish Council believes that the forthcoming review of the Core Strategy in 2016 provides the opportunity for TDBC to look again at the need for an urban extension on this site. It also believes the SADMP consultation process should be finished before it can be considered whether any material factors outweigh the destruction of our historic environment.

5)4.7 “The Honiton Road part of the conservation area is characterised by its enclosed nature, with modern and historic residential properties to the east and, to the west, the wall (the subject of this assessment) and adjacent tree plantation forming a boundary on the periphery of the designated area. The latter contains tall species which overhang the road, thereby contributing to the enclosed nature.” The loss of two sections of the tree line in this Conservation Area is unacceptable in itself but would also leave the remaining trees exposed and susceptible to damage. It should be noted that these trees are covered by TPO's which should also be the subject of a separate planning application.

6)4.13 The wall is c.1m high and serves as a revetment, as the field to the west is higher than Honiton Road. This type of wall is a common form of enclosure to the area both inside and outside of the conservation area. 4.14 The Trull Parish Map (1842) and Ordnance Survey maps do not show the area in sufficient detail to aid in identifying when this wall was constructed, but, on the basis of the above information, it appears to have been fairly recent. The Consortium's own documents show photographs of the wall with people very clearly in Edwardian dress.

7)4.15 “ due to the frequency of this type of wall, its relatively recent construction and very limited architectural and aesthetic values, the wall makes only a neutral contribution to the conservation area's character and appearance”. This conclusion is very obviously contrary to points made above in 4.2 and 4.13. and 4.10 which states that “one of the component parts of the conservation area, which forms the focus of this statement, comprises a length of stone wall.”

8) Trull Parish Council takes issue with the following statement at point 7.5: “although this site has been under consideration since 2012, the impact upon the Trull Conservation Area has not previously been raised as an in principle or over-riding issue. “It would refer members to its responses to the SADMP consultations in February, August and December 2013 and February 2015 which consistently stated that “we are committed to maintaining the identity and character of the parish” and that we vehemently oppose the creation of an access road emerging onto the Honiton Road at this point which we have always desired to maintain as a green buffer. Furthermore Trull Parish Council wrote a strong representation to Taunton Deane Borough Council in February 2015 requesting the

adoption of a new green wedge in the parish. It was the wish of Trull Parish Council that consideration is given to the adoption of this extended green wedge as part of the current Site Allocations and Development Management Plan, and any further planning strategies including the Green Spaces Review. The broad area identified represents an extension of the Trull Ridge Green Wedge which the Parish Council believes is necessary to separate the western edge of the settlements of Trull and Staplehay from the proposed urban extension at Comeytrove and any future development on land to the south west of Taunton.

Representations Received

There have been 4 representations received from members of the public, all of which oppose the proposal. These are summarised below. In addition, representations have been received from Cllr. Edwards and from the Trull Neighbourhood Plan Group. These are précised separately at the end.

Comments from the 4 members of the public make the following points -

Procedural issues.

- This Application is a procedural technicality, because it involves demolition within a Conservation Area. It obviously runs in parallel with 42/14/0069, and would only become active if 42/14/0069 were approved.
- To anticipate the road junction via this second application (when 42/14/0069 has not been decided) is presumptuous and premature.
- This application should not be considered in isolation from the main proposal.
- The Location Plan, Drawing 9610, shows that the length of the wall within the Application Site Area, is 190m; so the 140m to be demolished represents about 74% of that length. That figure takes no account of further breaches in the wall for footpaths through the Plantation, indicated on their documents, elsewhere.

Heritage and conservation issues.

- The Applicants' Heritage Impact Statement describes the existing wall variously, as "fairly recent" (4.14); "relatively recent" (4.15); "relatively modern" (6.2), and "of no architectural or aesthetic value", and they propose to demolish 140 metres of it. The only fact in these arbitrary, subjective evaluations, is the reference to 140m.
- It is probable that the wall was built shortly after the Plantation was laid out.
- It is difficult to understand, how TDBC's Conservation Officer arrived at his conclusion, that "I would regard its demolition as causing less than substantial harm to the significance of the conservation area".
- The proposal to drive four roads through the Plantation, and the engineering requirement for excavation, would have an unacceptable impact on the Trull Conservation Area. This demolition proposal confirms my worst fears.
- The infrastructure of the village should be taken as a whole and the wide use of rural stone walling is a distinctive feature of the village.

Environmental and green issues.

- This application is both unnecessary and conflicting with the objective of maintaining the separate character of Trull via significant green space.

Access issues.

- The inclusion of the Gatchell entrance is not valid supporting evidence as this merely reinstated an access point already in use.

Councillor Edwards has also responded and makes the following comments:

- He is unconvinced by the arguments put that there is any need for the Roundabout that is being suggested.
- The area which is being massively impacted upon is a Conservation area and not only is this protected under TDBC policy EN14 but also by National Planning policy.
- There are far better ways of developing the junction on this road. The alternative versions put forward clearly had merit but the Consortiums report seems to almost dismiss them.
- The near destruction of the wall on Honiton Road is completely unacceptable and the description given of it by the consortium is not an accurate description of the wall. It is a flint stone wall, I believe this has been there in excess of 150 years.
- Trull Parish Council, The Neighbourhood Plan group, the Parish Plan and the wider community have consistently stated that their core priority is that Trull retains its identity this has not been considered at all.
- The concerns over the roads and infrastructure are far wider than just this particular junction.
- The overall application is premature, does not give regard for the Conservation area and not enough thought and consideration has been given to this planning application.
- I wish to see the application refused and the Consortium told to go back to the drawing board and prepare a proper masterplan as requested and as stated in the Core Strategy.

The Trull Neighbourhood Plan Group have responded and make the following comments:

- The application is premature.
- The Core Strategy Key Diagram shows a potential Green Wedge in the area of the proposed roundabout.
- SADMP is, as the document says, draft.
- Trull Neighbourhood Plan and Trull Parish Council have objected to the lack of a green buffer and are seeking to amend the SADMP proposals to show this area as Green Wedge.
- TNP seeks the designation of a Local Green Space – a national designation of the same status as Green Belt, which again would not preclude a road link but would require a lesser impact.
- The necessity of the access has not been demonstrated.
- The requisite Masterplan has not been submitted for 42/14/0069 which would set out how the infrastructure necessary for the wider development, as proposed in the Core Strategy, would be addressed.
- The value of the wall within the Conservation Area has not been given weight in the evaluation of the options that have been considered – for example, a T-junction would result in the loss of a shorter length of wall (and be safer for pedestrians).
- The importance of the wall to the Conservation Area has been significantly understated.
- The wall and trees are essential to the Conservation Area, the field beyond is a vital part of the setting.
- The application does not refer to the footpaths which would require further breaks in the residual structure.

- TDBC Saved Local Plan Policy EN14 states that: *‘Development within or affecting a conservation area will only be permitted where it would preserve or enhance the appearance or character of the conservation area.’* This is clear and conclusive.
- In the Heritage Impact Statement, paras 6.2 and following, a number of statements are made to trivialise the loss.
- The NPPF says *‘Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification’*. They have not made that justification.
- The lack of availability of equivalent stone has not been addressed. If permission to demolish the wall is granted, it is important that the materials be recovered and reused in other retaining structures nearby.
- Should the application be granted, TNP would wish to see 1) Archaeological investigation before demolition, and a watching brief whilst underway; 2) Ecological investigation relating to the disturbance of European Protected Species; 3) Tree survey of the TPO trees; and 5) Retention and reuse of the demolished flint rubble-stone.

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), saved policies of the Taunton Deane Local Plan (2004), 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. Policies from emerging plans are also listed; these are a material consideration.

NPPF - National Planning Policy Framework,
 CP8 - CP 8 ENVIRONMENT,
 SS7 - TD CORE STRATEGY - COMEYTROWE/TRULL LOC GROWTH,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

Local finance considerations

This proposal would not be liable for a CIL contribution and would not attract any monies from the New Homes Bonus.

Determining issues and considerations

The wall the subject of this application is situated within the Trull Conservation Area. The requirement for Conservation Area Consent for demolition was abolished by the Enterprise and Regulatory Reform Act 2013 and replaced with a requirement for planning permission for demolition of a building in a conservation area. What constitutes demolition for these purposes has been decided by the courts in a case

known as 'Shimizu'. Excluded from the need for planning permission for demolition are several factors which include - any gate, wall, fence or means of enclosure which is less than one metre high where abutting on a highway. In this case, the wall is not less than 1 metre in height and does abut a highway. Therefore planning permission for demolition is required. The circumstances in which such planning permission is required and the consequences of failing to apply for it when it is needed are the same as applied to conservation area consent.

The primary legislative instrument addressing the treatment of listed buildings and conservation areas through the planning process is the *Planning (Listed Buildings and Conservation Areas) Act of 1990*. Section 72 addresses conservation areas and states that “...with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.

The National Planning Policy Framework (NPPF) of 27 March 2012 sets out national planning guidance concerning archaeological remains and other elements of the historic environment. The opening paragraph of Section 12 (paragraph 126) emphasises the need for local authorities to set out a clear strategy for the conservation and enjoyment of the historic environment, however, it should be noted that there is currently no up-to-date or adopted conservation area appraisal for Trull. Designated heritage assets are addressed in paragraph 132, which states that “...When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting”. However, paragraph 133 does add some useful commentary here in stating that “where a proposed development will lead to substantial harm or total loss of a designated asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”. Paragraph 134 continues in this vein by stating that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”.

It is noted that there are precedents for creating sympathetically designed entrances through this wall, both within and outside of the conservation area. There is a modern entrance to Gatchell House through the stone wall. The wall here appears to have been rebuilt when this modification was made, and exhibits decorative stone piers that are at odds with its plain and architectural appearance. There are also examples where gaps have been created or designed into this type of wall throughout the Trull area (both inside and outside of the conservation area) in order to allow access to residential properties. Whilst the proposed impact of losing two large sections of wall would represent a highly localised change to the form of this wall, overall it is not considered that the proposal would cause severe harm to the character and appearance of the Trull Conservation Area.

The Council’s Conservation Area Officer has assessed the proposal and maintains that the stone boundary wall is a visually prominent traditional feature within the village that positively contributes to the character and appearance of the Conservation Area. The loss of a substantial part of this would undoubtedly cause harm to the Conservation Area’s significance. However, it is his view that the

significance of the wall lies primarily in its visual contribution to the Conservation Area, rather than any intrinsic value of its historic fabric – which is relatively low. Although the proposal would result in the loss of much of the wall, he describes the harm its removal would cause as less than substantial.

There is a strong presumption against removing features that positively contribute to a Conservation Area's significance. However, the Conservation officer remarks that if the removal of parts of the wall are fully justified and there are no viable alternatives to this proposal that would retain all or more of the wall, then under paragraph 134 of the National Planning Policy Framework, less than substantial harm to the Conservation Area can be weighed against public benefits. There are no heritage benefits relating to this application, so it must come down to the benefits of enabling the urban extension to be determined under concurrent application 42/14/0069. The Conservation Officer concludes by stating that if planning permission is granted, then he suggests that a condition is attached to ensure that demolished material is salvaged and reused in the reconstructed sections and that these sections match the existing wall in all respects.

Members should also be aware that there is a group of trees immediately on the other side of this wall, which are also within the Conservation Area and which are the subject of a group Tree Preservation Order. Technically, the application does not seek permission for removal of any trees because works to trees the subject of Tree Preservation Orders need to be dealt with under different legislation. However, where a planning permission impacts upon a tree, this will override the requirements of other legislation. Therefore given that the trees are both protected and an important feature of the Trull Conservation Area, it is reasonable to ascertain whether or not the trees would be adversely affected by the demolition of the wall. Given their proximity right against the wall, it is highly likely that demolition of sections of the wall would affect the trees, either the visible trunk or the root systems. In any event, the whole point of seeking the demolition of a section of the wall is to provide room for the proposed roundabout access into the development site. This roundabout will also inevitable involve the loss of many trees. So considerations of the wall are inevitably and inextricably linked to considerations of the trees.

The Council's Tree Officer Has reviewed the submitted Arboricultural Impact Assessment for this proposal, and makes the following comments. His starting position is that the loss of any protected trees is not ideal. The copse that lies behind the wall is a significant feature of the village, and is prominent alongside this busy road. He notes that the trees, being largely mature sycamore and oak, can be viewed from a wide area. The concurrent proposal for the Urban Extension proposes a new roundabout access at this point and would necessitate the removal of two sizeable chunks of the copse, which would in total comprising about 42 trees. Most of the trees that would need to be removed are either category 'B' (moderate quality and value) or category 'C' (poor quality and value). Only one category 'A' tree is shown to be removed. The proposal would however retain a good group of the best trees between the two new roads. The retained trees are largely category 'A' oaks, very prominent due to their height. Another smaller group is shown to be retained at the northern end, which should help to soften this area initially, and

similarly at the southern end of the copse.

The Tree Officer makes quite clear that because of the way the trees have grown as a copse in close proximity, many of those that are to be removed are, as individuals, of poor quality, spindly or small. Some of the trees are leaning heavily towards the road and would probably need to be removed before too long in any event. The majority of those to be removed are sycamores. There are no trees of particular antiquity in this area.

He does question the removal of the large pine tree, T116.64, which he considers to be a very good and prominent specimen, category 'A' tree, which does not appear to be in the way of the new road or its embankment. On this basis, he strongly urges that this one is retained. Other than this, he does conclude that he is not totally against the removal of these trees, as good numbers of the best ones are being retained. However, he would expect to see a good number of replacement trees planted in suitable locations, to include both new native woodland and some specimens planted as semi-mature trees.

A further consideration with this application should be the views of the Inspector who is currently examining the Council's submitted 'Site Allocation and Development Management Plan'. The Inspector instigated hearings in December 2015 to deal with Draft Policy TAU2: Staplegrove, and Draft Policy TAU1: Comeytrove/Trull. The purpose was to allow exploration of what had the potential to be significant issues around these two major allocations. In the case of policy TAU1, he examined the impacts on the historic environment and whether it would be realistic to expect that those impacts could be mitigated. The Inspector has helpfully released some preliminary findings that are important considerations with this current proposal.

In terms of the historic environment, the Inspector considered that the development proposed in the allocation would be likely to impact on the Trull Conservation Area, and its setting, in that a relatively large section of wall is proposed for removal, along with some mature trees, to facilitate one of the main accesses into the site. In his mind, the issue revolves not so much around the intrinsic value of the wall, and the trees, but the effect that change would have on the character and appearance of the conservation area. The Inspector agreed that if an assessment were made of that impact in terms of the Framework, bearing in mind the overall compass of the conservation area, the conclusion would be that the harm to the significance of the conservation area was less than substantial. However, the requirements of s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 mean that considerable importance and weight must be attached to any harm to the character or appearance of a conservation area.

However, the Inspector states clearly that if sufficient attention is paid to the design of the access, it ought to be possible to arrive at a solution that balanced the requirements of traffic management with aesthetics to the point that the harm caused to the conservation area would be minimised. This, he considers, might well permit a reasonable conclusion that it was outweighed by the public benefits of bringing forward housing, and associated forms of development.

At the hearing the Council agreed to amend Draft Policy TAU1 to include a further bullet point that would seek a Heritage Conservation Strategy, to identify heritage

assets potentially susceptible to impact (including nearby listed buildings and most importantly the Trull Conservation Area), their significance, settings, and where appropriate, proposed mitigation measures sufficient to avoid or minimise harm. The Inspector stated that he was “....*satisfied that with this change, it would be realistic to expect that the potential impacts on the historic environment to be mitigated to the extent that they are of an order that would allow the decision-maker to decide that, in the light of the public benefits involved in bringing forward the housing and other forms of development proposed, they can be accommodated. As a consequence, considerations around the historic environment need not act as a barrier to delivery of the proposed allocation.*” Such a requirement could be incorporated into any decision to approve this application by use of a Grampian condition.

In conclusion, it would appear that this proposal would affect the Trull Conservation Area and its setting, but it would cause less than substantial harm. The SADMP Inspector has identified that if sufficient attention is paid to the design of the access, and if this is co-ordinated with a required ‘Heritage Conservation Strategy’, then a solution could be reached that balanced the requirements of traffic management with aesthetics to the point that the harm caused to the conservation area would be minimised. On this basis, if the public benefits of bringing forward the Urban Extension are considered to outweigh the less than substantial harm caused, then approval can be granted. It is therefore recommended to Members that, subject to the inbuilt safeguards as discussed, the application for demolition of part of the wall on Honiton Road should be approved.

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

Contact Officer: John Burton