

HIGDON HOMES LTD

ERECTION OF 5 DWELLINGS WITH GARAGING, CAR PARKING AND VEHICULAR ACCESS AT LAND OFF WHITE STREET, NORTH CURRY

Grid Reference: 332280.125355

Full Planning Permission

RECOMMENDATION AND REASON(S)

Subject to the receipt of no additional letters raising new issues by 5th September 2013 the Growth and Development Manager in consultation with the Chair/Vice Chair of the Planning Committee shall be authorised to determine in accordance with the following recommendation:

Recommended Decision: Refusal

- 1 The application site lies outside of the settlement limits of North Curry as defined in the adopted Core Strategy (proposals map) and is therefore considered to be contrary to policies SP1 and DM2 of the Taunton Deane Core Strategy.

The Council is approaching publication of the Preferred Option of its Site Allocations and Development Management Plan. A number of sites have been promoted as being available for development and, as the overall rural housing target has been met there is no immediate need to bring sites forward in advance of the Plan led system. Rather, approving this application in advance of the plan process could result in development of a less sustainable site than would otherwise occur thus resulting in adverse impacts significantly outweighing the benefits, contrary to policy SD1 of the 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 the Taunton Deane Core Strategy policies CP8, CP1(h), DM1(d)
- 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 considered contrary to Taunton Deane Core Strategy policies CP1(g) and DM1(d).

RECOMMENDED CONDITION(S) (if applicable)

Notes to Applicant

PROPOSAL

The proposal is for the erection of 5 dwellings on the northeast corner of White Street and Stoke Road. The plot measures approximately 45m x 56m. The dwellings would front onto White Street and set back between 9m and 11m back from the highway edge. The dwellings would be two storey in height with a traditional design and materials. Part of the site on which the dwellings would be situated would be reduced in level by 0.7m (White Street) and taper back into the site to the rear access and parking which would be at existing site levels. The existing agricultural access would be closed off and a new access created approx 15m to the north. The access would be 5m in width at its junction with White Street and reduce to 4m in width approx 9 m into the site. The formation of the access and provision of visibility splays would result in the loss of the approx 44m of boundary hedge along White Street. The access would lead to the car parking area situated along the north eastern boundary of the site with a garage at the south east of the site behind plot 5. The proposal is for 13 parking spaces equating to 2 each for the terraced units and 3 each for the detached dwellings with an additional space for visitors. The boundary trees and hedge fronting Stoke Road would be managed to retain the main TPO trees within a planted area and the rear boundary hedge would be retained with reinforcement planting where necessary.

SITE DESCRIPTION AND HISTORY

The site is located to the north east of the settlement of North Curry. It comprises a corner plot with Stoke Road to the northwest and White Street to the south west. The site lies outside and immediately adjacent to the settlement limit of the village. 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, a barn conversion which also lies outside of the settlement limit. White's Barn 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 – Erection of 1 dwelling and garage with access off White Street, North Curry. (Full) Planning permission refused on 6th June 2008. Appeal dismissed on 21st October 2008
- 24/10/0034 – Erection of 11 affordable homes and access at White Street, North Curry. (Full) Planning permission refused on 11th March 2011

Planning History – in the vicinity of the site

- 24/06/0041 Change of use of agricultural land to recreational use. Permission granted April 2007 (outline)
- 24/08/0007 Conversion of Barns to form 1 dwelling and garage at Whites Barn, North Curry. Planning permission granted on May 2008 (Full)
- 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

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - I refer to the above planning application, I have the following comments on the newly submitted drawing No. 100 rev B:-

Access Arrangements - The Highway Authority would wish to see a minimum access width of 5.0 metres this is to allow two-way vehicle flows. A width of 4.0 metres is considered insufficient to allow for two-way vehicle flows, meaning that a motor vehicle will need to wait on the public highway to give way to vehicles exiting the site, in a location in proximity to the junction with Stoke Road.

Vehicular Visibility - It is considered that the appropriate level of visibility can be achieved for the development based on Manual for Streets guidance. However, I would require this to be incorporated into the request access drawing detailing the achievable splays to the extremities of the site or the 'Y' coordinates of 43metres.

Parking Provision - Parking provision for the scheme has been amended

Site Parking Provision comparison (Amended scheme drawing No. 100 rev D):

<u>No of Dwelling</u>	<u>Proposed parking</u>	<u>SCC parking requirement</u>
<u>1 x 2 bed</u>		
<u>2 x 3 bed</u>		
<u>2 x 4 bed</u>		
<u>5</u>	<u>13</u>	<u>15.5</u>

Internal Layout - I would require clarification on the future maintenance of the proposed private road.

Refuge Storage - A suitable bin storage facility for the site is provided in proximity to the proposed access.

Cycle Parking Provision - As part of the Somerset County Council – Parking Strategy, new residential dwellings are required to provide cycle parking provision to promote sustainable modes of transport, based on one space per bedroom. This has not been demonstrated as part of this proposal.

NORTH CURRY PARISH COUNCIL - support the application but consider that the number of trees planted in front of plots 4 and 5 should be increased to a minimum of 4 and a hedgerow of native planting should be maintained to the front of all the houses fronting White Street; Whilst welcoming the increased parking on the site there is concern that tandem spaces are impractical; to reduce run off a permeable surfacing material should be used for the parking spaces and each house should have its own water butt; to improve safety and visibility, a pavement should be provided along Stoke Road from Manor Lane to White Street and from the corner of White Street to Longs Cottage (on the southwest side of the road with the existing width of White Street to be maintained

POLICY - The Planning policy team have profound concerns about the timing of the three planning applications (Overlands, White Street and Windmill Hill). All these schemes are being promoted ahead of the Site Allocations Plan: the proper process for the consideration of potential future site allocations to meet the Core Strategy requirements.

Furthermore, the consequences of approving all three of these applications ahead of the plan would be to prejudge and predetermine the outcome of the plan making process. It would commit North Curry to a quantum of new housing development (around 80 units) which is significantly above that likely to be required by the SADMPP.

Moreover, in the potential granting of these three sites planning permission it is clear that the adverse impacts associated with the development insofar as there is an established need for the quantum of housing proposed would outweigh the benefit of granting consent (as required by policy SP1 of the Core strategy and could propagate unsustainable patterns of development

For the above reasons It would not be appropriate for the planning Committee to undertake its own plan making exercise through weighing of these three sites against one another at Committee since planning applications can only be judged on their individual merits. Indeed there are more than 10 further potential sites that will be considered for allocation through the SADMPP process.

Whilst North Curry Parish Council has undertaken its own early consultation to inform the development of the SADMPP this has not been done under the guise of

Neighbourhood Planning. Crucially this means that TDBC remains ultimately accountable for the identification of appropriate future site allocations to be made in the Village. As such the weight that should be attached to the Parish's findings to-date should be limited.

LANDSCAPE - main concerns :- The proposal will result in a loss of rural character; loss of road frontage hedgerow; the visibility splay will leave insufficient room for a replacement hedgerow; removal of tree and hedge boundary will result in a domestication of Stoke Road; plot 6 is too close to the rear boundary hedgerow; there will be significant level changes detrimental to the landscape character and the proposed open space will not be useful

HISTORIC ENVIRONMENT OFFICER - I agree that a watching brief condition is suitable for this application.

CONSERVATION OFFICER -

1. The planning history for the site is well documented (2 x Planning refusal, 1 x appeal dismissal);
2. The site is acknowledged as being semi-rural in character and well screened;
3. Large listed buildings exist to the SW (Longs House) and to the NW (19 and 20 Stoke Road, (The Warren))
4. Despite the proposal to reduce site levels within the site, the erection of 6 dwellings will have a different impact on the setting of the listed buildings, as compared to the one dwelling previously dismissed on appeal;
5. I note that highways are requiring a larger access and wider visibility splays than currently shown. This along with the promoted footpath and block paving for the access, will erode the sites semi-rural character
6. The proximity of units 1-3 to the existing roadside boundary, is very likely to result in future erosion of the hedgerow, thus further eroding the sites current character
7. Slate is a common material to the area and is therefore considered appropriate. Clarification as to what is proposed for the ridges is required
8. Units 1-3 are proposed to be stone, a common material in this location.. Brick corbelling and decorative brick coursing below eaves are again shown but this time with a brick course also abutting the roof on gables. As before, the latter should be removed from the design. As above deeper timber fascias would be more appropriate. I note the materials for windows and doors are "to be agreed"
9. Units 4-5 are proposed to be rendered, again not an uncommon material. Brick corbelling and decorative brick coursing below eaves however is not a common feature and neither are bay windows and should therefore be removed. What are the horizontal features in the render over the windows? Deeper timber fascias would be more appropriate. I note the materials for windows and doors are "to be agreed"
10. Unit 6 is proposed to be brick, which is acceptable. Observations above on detailing and features applied equally to this unit
11. Design symmetry – the mixture of materials and features result in an eclectic design which is not synonymous with the local design.

Views on amended plans

I have looked at the amended plans for the above, received via e-mail dated 12 August 2013 and have the following comments:

1. Points 1, 2, 3 and 4 of my consultation response dated 1 August 2013, still apply.
2. Good to see that plots 1-3 are set further back from White Street.
3. A low lias wall to White Street, with planting behind, is an improvement.
4. Is block paving still proposed for the access road? (The latter, as noted previously, is not deemed appropriate).
5. Point 7 of my consultation response dated 1 August 2013, still relevant.
6. Noted that brick corbelling and decorative brick banding, as suggested, have been removed from the designs.
7. There are still horizontal lines above windows and doors. No explanation for this feature has been given. If it is meant to be representative of lintels, they should abut the openings, not be sited a short distance above. In any event, given the promoted designs of the units, lintels would not be exposed.

It is important to note that, as acknowledged in the submission, whilst officers have entered into pre-application discussions and have made detailed comments on the proposals, this does not imply that there is tacit support for the principle.

BIODIVERSITY - The proposal is for the erection of six dwellings on land off White Street, North Curry. 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.

SCC - DEVELOPMENT CONTROL ARCHAEOLOGIST –

The application area lies within the North Curry Area of High Archaeological Potential, which includes the core of the medieval village. It therefore lies within an area of archaeological potential, on the edge of a settlement known to have been in existence by the late Saxon period at least. Further to this, the heritage assessment concludes that the original medieval settlement may well have extended further to the east of its current limits, possibly encompassing the site. While the surrounding landscape contains few known sites of a date earlier than the medieval period, it seems unlikely that the area had not been previously settled and exploited.

The proposed development therefore has the potential to affect a heritage asset. For this reason I recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of model condition 55 attached to any permission granted

NATURAL ENGLAND - No objection although an assessment of biodiversity interests is required.

WESSEX WATER - water supply and waste water connections will be required for this development

DRAINAGE ENGINEER - rain water is to be disposed of via soakaways and water butts. Soakaways should be constructed in accordance with the required standards. All porosity tests should be undertaken and approved prior to construction work on site

HOUSING ENABLING - 25% of the new housing should be affordable homes this equates to just over 1 dwelling within a scheme of 5 houses. The requirement is for 1 discounted open market dwelling to be sold at 70% of the open market values plus a contribution of £17,814.

Financial contributions will be ring fenced for developing the affordable home elsewhere within Taunton Deane Borough.

SCC - FLOOD RISK MANAGER - Surface water should be disposed of via soakaway and permeability of the soil will need to be carried out prior to the granting of planning permission to ensure this is feasible. Soakaways will need to cope with the 1 ; 100 year rainfall + climate change. Flow paths for design events should be shown to ensure no property flooding as a result of the proposals.

Representations

Cllr Edwards – _ _

There are a significant number of sites being considered across the Borough many of which will not be allocated but have to be considered as part of the SADMP. The Council undertook the initial "issues and options" consultation earlier this year and has recently published for consideration the additional potential sites consultation and it is now for the Council to consider its "Preferred options" in the Autumn which will then need to be fully consulted on before being finalised in advance of being inspected and then finally adopted.

There have been a number of planning applications submitted recently, which I consider are premature to that process and I would strongly suggest that these applications are refused so that the engagement can take place with the community to therefore arrive at the most sustainable and appropriate plan which relates to the size and need of the community.

Cllr Stone –

My comments are made firstly against the background of being in the middle of the preparation of a new Local Plan for Taunton Deane with a policy of allocating between 30 and 50 house in North Curry. Secondly, they are made in the light of the work which North Curry Parish Council have done over the past two years to come forward with the housing site allocations which meet the approval of the majority of Parishioners.

Given that North Curry has to allocate land for new housing for the Local Plan 2013- 28, the application site is a reasonable one to contribute to the required number. The six houses proposed seems to be an acceptable number for this site, being more reasonable than the 11 house in one previous application and the single house in another, both of which were, understandably, refused by the Planning Committee.

Following the development of the sports field on the land behind the application site during the past 5 years, the White Street site is now more obviously within the village envelope, having houses on all the 3 other sides of the site. It has therefore become a more obvious infill site which can help to meet the Local Plan allocation requirement.

This site has been identified in the Parish Council's own emerging Parish Plan as being one of several small sites which is suitable for new housing to meet the Local Plan requirement. This plan, which is being prepared for submission to Taunton Deane as the sites preferred by the Parish Council and Parishioners, is stalled at present as a result of the submission of 4 applications in North Curry for a total of 85 houses. Copies of the draft plan have however been submitted to Planning officers and key TDBC Councillors as this plan received the support of approx 66% of those who responded (138 of 198 responses).

I am pleased to see that the layout in the application has most of the housing fronting onto White Street which is a feature of much of the traditional housing pattern in North Curry. The layout shows provision of more than 2 car spaces per house and this should ensure that there is no parking on White Street itself. It is important that the provision of impermeable hard surfaces should be kept to a minimum and paved areas should be designed to allow surface water to pass through. The developer may need to contribute to the improvement of the drainage system in Stoke Road if the development of the site is considered to generate more run off into the existing road drains. These drains are recognised as being inadequate and contribute to flooding in parts of the village.

As the listed Longs House is further along White street I feel that it is desirable that more trees and a new native species hedge should be provided along the road in front of the two detached houses. There is plenty of space here. The car parking spaces are presently shown to be surfaced with tarmac. This should be changed to a permeable surface such as 'grasscrete'.

I am pleased to see that the application includes the retention of the existing tree group along Stoke road which will help to screen the development. Thought should be given to the future ownership and management of this tree group. Should the whole group be protected with a Tree Preservation Order ?

Finally, there is concern amongst Parishioners about the dangers to pedestrians coming from White Street into Stoke Road as this is a narrow part of Stoke road with no grass verges. The development should contribute to the cost of creating a section of pavement between White Street and Manor Lane which would also improve the visibility

from White Street. The pavement should extend down White Street, on the opposite side to the development, as far as Longs Cottage. This will provide a significant length of pavement which will make the road safer for pedestrians.

23 Letters of OBJECTION have been received raising the following points:-

- The proposal is outside of settlement and against policy.
- Policies should not be ignored.
- Two previous proposals have been refused and there has been no change in circumstance that would override those reasons, which are still relevant and should be applied again
- Whilst some of the village is considered appropriate for a conservation area, planners are proposing a massive amount of development which is at odds with that
- The infrastructure is not suitable for such a scale of development
- The roads around the corner and into White Street are used for the parking of cars on both sides creating a hazardous place for pedestrians to build 6 extra houses and add additional traffic is folly and would add to the traffic danger at that point.
- White street is used by pedestrians, buses, tractors, and cars accessing Morris Way, Longs Field, Barton way, Overlands, Helland, and the new sports facility and the additional development will exacerbate the already dangerous situation
- New housing is being built at Longs House and combined with the application at Overlands will result in additional traffic and increase the risk of an accident
- Whilst the site is shown in the Parish plan any approval must have regard to the fact that White Street is a country lane and the area around the application site is frequently congested with parked cars and heavily used by tractors
- The developments will result in more traffic in the centre of the village when it is already overcrowded and dangerous already
- The junction of Stoke Road and White Street is dangerous and unsuitable for more traffic
- Tandem parking spaces are impractical and there is no visitor/service parking spaces.
- There is insufficient parking for the development and where garages are proposed they will be used for storage rather than parking.
- Access and parking is poor and if allowed there should be no more than four houses on the site.
- Earlier this year surface water ran along White Street towards its junction with Stoke Road (which was approx 18" deep with water) almost flooding Longs Cottage (listed building with its door below the level of the highway. The new access into the site will be located opposite to Longs Cottage and, with the elevated nature of the site, could result in surface water from the site actually flooding Longs Cottage.
- Surface water from North Curry flows down towards Broad Lane where there is already significant flooding the additional surface water from the proposed development sites must be properly dealt so that it does not exacerbate the flooding this is likely to require significant improvement to the existing drainage system including the receiving ditches downstream of Broad Lane
- The proposed dwellings will totally overlook and overshadow Longs Cottage resulting in a loss of privacy and amenity for its occupants.
- The proposed dwellings on plots 1-3 will not be subservient to Longs Cottage which will be overlooked by the proposal

- The first floor windows of the proposed dwellings will look into the garden of Longs Cottage and Longs House and would have a detrimental impact on their privacy.
- The site should be lowered to make the new houses less dominant and overpowering especially to existing residents
- It would be great to see some modern architecture rather than modern boxes with fake pillars
- The development of the site would result in the loss of boundary hedgerow and would have a detrimental impact to the setting of the adjacent Listed Building.
- The undeveloped site and its boundary hedgerow and trees is a home for a range of birds and other wildlife and this will be lost if the site is developed.
- The proposal would result in a change to the hedge and tree boundary resulting in the loss of the rural character of the lane, an essential feature of this part of the village
- The development of this site will result in a massive increase in noise and disturbance from the site both during construction and in the long term, when occupied.
- The village often only has one route in and out, when the moor is flooded and that is unsuitable for large increases in traffic due to its width, on the original playing field
- When the moor was flooded earlier this year there was considerable congestion at Thornfalcon which will be even worse if new housing is allowed is it really sensible to put more pressure on the rush hour traffic?
- It is already difficult to get an appointment to see a doctor with patients already having to wait a week for an appointment and the attached car park is often overflowing into Greenway;
- There should be a larger car park for the medical centre
- This (and the other two sites in North Curry) is the wrong site with too many dwellings coming at once.
- The village school is already overcrowded with three portacabins and I question whether there is adequate space to expand – the village children deserve better facilities and space.
- Applications at Windmill Hill, Overlands and White Street are too many houses in too quick a period of time
- Development should blend in with the character of the village not change it
- There is no employment in the village and all new residents will need to commute
- There are three applications for housing in North Curry and these should be considered together not individually allowing them to be viewed holistically rather than piecemeal as together they will amount to 81 new dwellings with increased risks of flooding ; traffic and safety; in and result in unacceptable pressure for existing services and a change to the character of the village

9 letters in SUPPORT of the principle (5 of these have qualified that support with concerns that either flooding or traffic issues need to be resolved) have been received raising the following points:

- The Parish plan accepts that development must take place but proposes a number of smaller sites such as this to enable organic growth and the local views should be given considerable weight
- A small site of 6 dwellings is more easily assimilated into the village than larger developments
- Small development are a better way to increase housing in the village

- As the village has grown gradually over the years through small developments and some infilling I consider that a number of small developments is preferable to the proposed developments totalling 81 houses. Such a speed and level of growth cannot be absorbed by the community without a loss of community feeling,
- Whilst this site has a measure of support from local residents, 6 houses is too many for the site and proposes inadequate facilities for parking and servicing of the new units
- Whilst not living in North Curry but nearby I understand the North Curry has to accommodate additional dwellings and I consider that the current application offers a range of house types and affordability and has dwellings which front onto White Street as elsewhere in the village
- Parish Council concerns, in part have been taken on board and although outside the settlement limits with a history of planning applications and subsequent to the recreation grounds and Morris Way permission the site has been identified in the Parish Plan as an ideal position for new development
- The trees on the site are small and replaceable whilst the green space adjacent to Stoke Road is retained as a barrier to Stoke Road
- This proposal would enable the provision of a footpath along White Street which would in part solve the problem of a pedestrian link to the village centre.
- The Parish support a number of smaller sites in preference to the larger sites that are proposed.
- The settlement limit is out of date and needs to be altered to accommodate the additional development expected by the Local Plan, in anticipation the parish council have developed a parish plan which identifies this site for development.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
 CP1 - TD CORE STRAT. CLIMATE CHANGE,
 CP8 - CP 8 ENVIRONMENT,
 DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 DM2 - TD CORE STRATEGY - DEV,
 SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
 SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
 CP4 - TD CORE STRATEGY - HOUSING,
 EN23 - TDBCLP - Areas of High Archaeological Potential,

LOCAL FINANCE CONSIDERATIONS

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

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £5,955

Somerset County Council (Upper Tier Authority) £1,489

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority) £35,732

Whilst the payment of the new homes bonus is a material consideration in the determination of the application, officers consider that it should be attributed limited weight.

DETERMINING ISSUES AND 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 applicants refer to paragraph 14 of the NPPF claiming that, as the development plan is silent on the allocation of sites at North Curry permission should be granted for the development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the poles in the National Planning Policy Framework.

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 has been made for the need to allocate additional small scale housing within minor centres, such as North Curry, via a Small Sites Allocation Plan

The Core Strategy policy SP1

*“Minor Rural Centres are identified as Cofford 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 Small Sites Allocation Plan is currently being produced and potential sites have been identified and are in the process of evaluation before the preferred options plan is published later this year (expected Oct to Nov this year).

Considering the above, the development plan is not silent about the future development in minor centres although it is silent with regard to the allocations for the location of development. Therefore Paragraph 14 of the NPPF is relevant and this advises that:

“where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;*
- or*
- specific policies in this Framework indicate development should be restricted.”*

The benefits of providing housing in the minor rural centres is clear and it is necessary to consider whether the adverse impacts of granting permission significantly and

demonstrably outweigh these benefits. The comments of the Planning Policy Team and the recent paper considered by the LDF Steering Group (report on rural centre housing distribution) raises significant concerns about the quantum of development in North Curry and, in light of the number of potential sites identified that to determine this application in advance of the assessment of all options would be inappropriate, and as such, the application is unacceptable on the grounds of prematurity.

This is a particular area of concern and there would be significant adverse impacts of granting planning consent for a quantum of development which the minor rural centre might not be able to sustainably accommodate. It is important that whichever site (or sites) are developed, they are chosen through a process that considers all of the benefits and potential impacts in relation to each other. The issue of prematurity is key to the determination of this application and officers are satisfied that the benefits of granting planning permission do not significantly and demonstrably outweigh the issue of prematurity in this case.

It follows that the proposal should be assessed against the guidance contained within the NPPF and the policies contained within the approved Taunton Deane Core Strategy. Notwithstanding the above, even if the development plan was considered to be silent I consider that the proposal is contrary to the National Policy Framework where one of the Core Planning Principles is the need to conserve historic assets and good design is a key aspect of sustainable development.

As a result of this report I consider that the site lies beyond the settlement limits of North Curry and its development would be contrary to policies SP1, DM1(d), DM2 and CP8 of the Taunton Deane Core Strategy.

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 for 3 x 2 bedroom 2 x 4 bedroom dwellings with car parking and driveway. This takes up a significantly greater portion of the site than the one dwelling and results in a transformation in the street scene from rural to urban and, as a result, this would 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

“great weight should be given to the assets conservation. 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. I consider 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 above and it is the opinion of the Conservation Officer and Planning Officer (and by the previous planning inspector to a lesser scheme) that the impact on the setting of the Heritage Asset is unacceptable in this case.

The representations for or against the development of this site do not consider the impact on the setting of the Listed Building or Conservation Area issue. In this they are, in planning terms, seriously flawed as Government and local policy require these issues to be given great weight when considering planning applications.

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 2m above the level of the adjacent White Street and as such creates a rural character marking the outside edge of the settlement. 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 position of the highway, the form of built development opposite, the change in ground level and the position of the site leaving the settlement this area 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 be reduced by approximately 0.7m. 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 detrimental to the character of the area.

The proposed houses, fronting onto the highway, would be set back approx 90m 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 I consider that the quantum of development would create an urban character for the site 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 narrow after 8m to 4m in width but would afford views of the side of the houses and access road into the site. The new boundary stone wall would be set back approximately 2 m back from the highway edge and would provide an open boundary to the road. Again this would completely urbanize the visual character and amenity of the site detrimental to the

semi-rural character of the area.

The proposal would thin out the treed boundary of the site with Stoke Road but this would retain the trees covered by the TPO and would be unlikely to result in a significant change to the visual amenity of that area in the long term.

Given the above I consider 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 which the Inspector dismissed partly due to the loss of that character.

Highway Impact

The proposed development has now been reduced from 6 to 5 dwellings. The current agricultural access would be closed and a new site access provided approximately 15m to the northwest. In order to provide an acceptable access the existing boundary hedge would be removed and all structures that would interfere with visibility set back behind the required visibility splay. Whilst the visibility distance looking towards Stoke Road is restricted it is considered that given the likely speed of traffic so close to the junction the proposal would be acceptable.

Somerset County Council has introduced new parking standards for development in rural areas depending on the size of the dwelling. The proposal would provide 13 parking spaces which would provide 2 spaces each for the 2 and 3-bedroom dwellings, 3 each for the 4-bedroom dwellings and 1 visitor space and this has been agreed with the Highway Authority. The parking would be provided to the rear of the dwellings adjacent to the rear boundary of the site.

Many of the representations raising objections and support for 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, including the Parish Council, have requested the provision of a footpath. In response the Highway Authority consider that the proposed highway access and parking are acceptable. There are no footpaths from the junction into the village centre and the provision of a short unconnected section along the application boundary in White Street is not considered reasonable in those circumstances. Whilst a formal footpath is not a requirement for this development the set back of the Lias Wall would result in the provision of a grassed area which, whilst not provided for that purpose, could provide an informal off road safety strip for pedestrians should an emergency arise.

Ecological impact

The application includes appropriate and up to date ecological surveys of the site. These establish 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. There was no evidence of crested newts in the crested newt survey.

The development of the site would result in the loss of approximately 750sqm of poor semi-improved grassland and 20m of species poor hedgerow. The planted broad leaved woodland and the remaining hedgerows would be retained. As the quality of

these areas is species poor the impact of the proposed development on the habitat is considered as negligible. It is recommended that the retained woodland adjacent to Stoke Road and remaining boundary hedgerows are protected during construction.

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.

The Biodiversity Officer considers that the proposed mitigation is acceptable subject to an appropriate condition.

Archaeology

The site lies in an Area of high Archaeological Potential and is likely to impact on a heritage asset. An assessment of the impact of the proposal has been submitted with the application. This report considers evidence for Saxon and Medieval archaeology in the area but concludes that there is no indication of the presence of significant archaeological heritage assets within the application site. As a precaution the report suggests that an archaeological watching brief during the construction period is secured and this has been agreed by the County Archaeologist.

Drainage

Whilst the site lies within the Somerset Levels and Moors the site itself does not lie within a flood risk area. Representations have referred to surface water flooding in White Street around its junction with Stoke Road and residents of Broad Lane (approx m to the north east of the site) are concerned that any additional surface water draining from the site will exacerbate the flooding in those areas. The applicant has undertaken soil porosity tests to establish whether soakaways would be appropriate. The results are awaited and will be reported to the planning committee (provided they are available) in the update sheet.

North Curry Parish Plan

The Parish Plan was put together by North Curry Parish Council but did not follow the recognised procedures for the consideration of the allocation of land for development and cannot be given the weight attributable to a properly structured, considered and approved neighbourhood or local plan and as such is seriously flawed.

In considering sites for development The Parish Plan makes no reference to any consideration of the impact of development on the Historic asset of North Curry (North Curry Conservation Area and Listed Buildings), or on Nature Conservation Interests and it only offered a hand picked selection for the public to consider rather than all available land offered for development.

The Parish Plan has been referred to by a number of the representations regarding this development and the question of how much weight should be attached to it is therefore important. Given the restricted nature of the survey work and criteria used to consider the sites included by the Parish the final document is considered to be of limited weight especially in this case where the impact of development of the site on the historic assets (setting of the Conservation Area and Longs House grade 2 Listed), considered to be important in both the Government's NPPF document and Local Plan policies

Planning Appeal

An application for the erection of one dwelling was refused in 2008 and subsequently dismissed on 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 5 dwellings on land further south along White Street (24/06/040). 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 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.

Unlike the appeal decision the current application includes an appropriate Historic Assessment of the site and an up to date ecological survey report, which were not included in the appeal application. The Historic Assessment does not conclude that the proposal would conserve or enhance the setting of the Listed Building or Conservation Area but acknowledges that reduction in ground levels among other design details might reduce the impact. The submission of the ecological survey report is welcomed and as a result, the ecological objection to the proposal has been overcome.

In terms of the other objections to the proposal, whilst the development plan is now the

Taunton Deane Core Strategy, the need for new development to maintain or enhance the setting of a Listed Building, Conservation Area and street scene is still a requirement of the policies for the consideration of this application. Furthermore the advice within the National Planning Policy Guidance attributes great weight to the need for development to maintain or enhance the setting of a heritage asset - Listed Building and new development is required to be in keeping with the character of an area.

In my view the impact of the current application on the semi-rural character of the area, the Longs House and Cottage Listed Building, Conservation Area and street scene would be significantly greater than the refused scheme and for those reasons is unacceptable and should be refused.

Conclusion

The applicants suggest that the lack of identified sites in North Curry and the Parishes support for the site should be given significant weight in considering the current application and it is their view that this should outweigh the planning appeal decision and detrimental impact on the rural character of the area, setting of the listed building and Conservation Area. I do not agree with this assessment.

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. 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 I consider that the weight given to those planning considerations of this proposal clearly outweigh the other planning consideration mentioned by the agent.

The SADMPP will take into account the preferences of the North Curry Parish Council Plan into its considerations but the absence of all available sites in that work and importantly the lack of any consideration of the detrimental impact of the development of the site on the setting of the Listed Building and Conservation area or the conclusions of the appeal decision will need to be taken properly into account in that assessment.

Whilst the Planning Authority have worked with the applicants to produce a scheme which minimised the detrimental impact of the development such amendments 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.

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

CONTACT OFFICER: Mrs J Moore Tel: 01823 356467

