

49/17/0070

GADD PROPERTIES (SOUTH WEST)LTD

Erection of 3 No. detached bungalows with car ports and associated works on land adjacent to and to the rear of 13/14 Spring Gardens, Wiveliscombe

Location: 13/14 SPRING GARDENS, WIVELISCOMBE, TAUNTON, TA4 2LQ

Grid Reference: 308161.128035

Full Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The proposed development of three detached bungalows will lead to less than substantial harm to the significance of a designated heritage asset, and in accordance with paragraph 134 of the National Planning Policy Framework, this harm should be weighed against the public benefits of the proposal.

The dwellings, by reason of their design as single storey structures and through the use of inappropriate materials would adversely impact upon on the setting of the Conservation Area and the nearby Listed Buildings; would result in loss of the historic burgage pattern arrangement in the area; and the provision of the car port adjoining the dwellings and the associated vehicular access across the land from open land at Spring Gardens would result in the breach of the distinctive and significant historic town boundary together with the unacceptable loss of an extensive section of the stone wall. Therefore the public benefits of the proposal do not outweigh the harm caused, which makes the proposal contrary to the advice given within the National Planning Policy Framework. For the same reasons, the proposal fails to meet the tests of policy CP8 and DM1 of the adopted Taunton Deane Core Strategy and policies ENV4 and D7 of the adopted Site Allocations and Development Management Plan.

Recommended Conditions (if applicable)

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

Proposal

Erection of 3 No. detached bungalows with car ports and associated works on land adjacent to and to the rear of 13/14 Spring Gardens, Wiveliscombe (revised scheme from previous approval ref 49/17/0015).

The previous approved scheme (49/17/0015) involved the construction of 3 bungalows within the former garden area of the site and the associated parking was to be accommodated under car port parking on the area of open space adjacent to properties in Spring Gardens. This current scheme now seeks to construct an internal road to access car ports within each proposed bungalow plus two visitor spaces on the open space area.

Site Description

The land comprises of rear garden areas of two properties within the adjoining road to the east (known as Golden Hill). These gardens have an existing natural stone High wall along the eastern boundary and this also forms the edge of the existing Wiveliscombe Conservation Area.

The southern boundary of the application site adjoins the garden of No 17, Golden Hill (North-east side), Wiveliscombe (HER PRN 45059), a Grade II listed building.

The proposal site is not directly within the designated Wiveliscombe Conservation Area but directly adjoins this area along the eastern and south eastern boundary.

Mature trees and boundary hedges help screen the listed building from views to the application site but glimpses will be possible in the winter months.

Also adjacent to the boundary walls of the site is a public footpath and adjoining this on the other side is an area of currently green open space area besides nos. 13 and 14 Spring Gardens.

Relevant Planning History

49/16/0023, Erection of 3 detached bungalows with associated works on land adjacent to 13/14 Spring Gardens, on refused on 09/01/17.

This application was for a similar layout of development to the current proposal and included a vehicle access into the main part of the site. It was refused for the following reason:

The proposed development of three detached bungalows will lead to less than substantial harm to the significance of a designated heritage asset, and in accordance with paragraph 134 of the National Planning Policy Framework, this harm should be weighed against the public benefits of the proposal. The dwellings, by reason of their design as single storey structures and through the use of inappropriate materials would adversely impact upon on the setting of the Conservation Area and the nearby Listed Buildings; would result in loss of the

historic burgage pattern arrangement in the area; and would result in the breach of the distinctive and significant historic town boundary together with the unacceptable loss of an extensive section of the stone wall. Therefore the public benefits of the proposal do not outweigh the harm caused, which makes the proposal contrary to the advice given within the National Planning Policy Framework. For the same reasons, the proposal fails to meet the tests of policy CP8 and DM1 of the adopted Taunton Deane Core Strategy and policies ENV4 and D7 of the adopted Site Allocations and Development Management Plan.

49/17/0015, Erection of 3 detached bungalows and car ports with associated works, conditionally approval on 22/09/17.

This application removed the need to provide vehicle access into the main part of the site by providing parking outside of the wall and therefore addressed the issue regarding the removal of a substantial part of the wall.

Consultation Responses

WIVELISCOMBE TOWN COUNCIL - The town council support the application with the following comments;

- The proposed development site has now received an archaeological investigation and as not found anything of significance, but it should be a condition that a watching brief be carried out by the County Archaeology team to record anything else that may be found on the site.
- The wall in some form or another stretches from North Street to Northgate and has been breached in recent years by two roads and ten gateways. A few years ago, the section of wall next to the proposed development collapsed and blocked the footpath. No one showed any interest in this and the Council at considerable public expense had to cap it off at low level to make both the wall and the footpath safe.
- The wall is not classed as a 'positive wall' in the conservation document and is not listed and like some other parts it is showing signs of deterioration and will need maintaining to keep it safe.
- The conservation area has had a number of dwellings built on it over the last few years with no damage to the area.
- It will be more sensible to have cars parked next to the dwellings rather than parked away in a carport on the roadway, this will reduce criminal activity and improving the visual appearance of the area.

SCC - RIGHTS OF WAY - No comments received.

SCC - TRANSPORT DEVELOPMENT GROUP –

In reference to the application and to reiterate previous comments

There was no appropriate drawing to condition the visibility splays. The Highway Authority had a 'pre app' discussion with Mike Bellamy (as attached) regarding proposed splays for the site which was considered acceptable in principle in this instance. If the applicant can demonstrate these proposed splays as agreed in principle on a suitably scaled drawing then it is likely that these visibility splays can be conditioned to a suitably scaled drawing.

The Highway would prefer the 'X' distance be set back to the standard distance of 2.4m in accordance with MFS. However in this instance we would consider the proposed visibility splays set out below despite being in a built up area.

Given the nature of the unclassified road, it may be perceived that the immediate highway would experience a low volume, low speed vehicle movement environment in an existing estate road whilst noting the cul de sac/no through road arrangement to the south of the proposal site.

With the above in mind it would be likely that the Highway Authority would not object to the proposed visibility splays set out below in this instance.

Amended plan/additional comments;

In response to the application above and with reference to Drawing No: 2573-SK-02, it would appear that the drawing isn't to scale as initially requested by the Highway Authority. Therefore the current drawing cannot be conditioned. However, if the proposed visibility splays can be achieved by the applicant (2m x 33m in either direction, to the nearside carriageway edge to the north and up to 1m out carriageway edge to the south), there is no objection to this element of the application by the Highway Authority, however please note our previous comments dated 25/7/17. If the Local Authority is minded to grant planning permission to the application, please find the following conditions recommended:

- There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.0 metres back from the carriageway edge on the centre line of the access extending to 33 metres in each direction to points on the nearside carriageway to the north and up to 1m out from the carriageway edge to the south. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.
- Before the dwellings hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.
- No work shall commence on the development site until an appropriate right of discharge for surface water has been obtained before being submitted to and approved in writing by the Local Planning Authority. A drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to and approved in writing by the Local

Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

- The area allocated for parking on the submitted plan, A2013 / 02 / PL202 Rev B shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Note: In terms of the internal layout it should be aware that the internal layout of the site is envisaged to remain private. The Highway Authority has no wish to adopt this.

Further comments;

I apologise if this has caused any inconvenience but I misread the drawing and can confirm that drawing no 2573-SK-02 can be conditioned for the application subject to approval.

Please find the following to be added to the remaining conditions in our email to you yesterday.

- At the proposed access there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Drawing No 2573-SK-02) Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

WESSEX WATER - Wessex Water as sewerage and water supply undertaker for the area in question.

Water supply and waste connections

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer services web-pages at our website www.wessexwater.co.uk.

Further information can be obtained from our new connections team by phoning 01225 526222 for water supply and 01225 526333 for Wessex Water.

Protection of existing assets

Public sewers are shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter.

Building over existing public sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

Building near to a public sewer

No building will be permitted within the statutory easement width of 3 meters from the pipeline without agreement from Wessex Water. Please contact our sewer Protection team to discuss further 01225 526333.

Separate Sewer Systems

Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

DRAINAGE ENGINEER - no comments received.

SOUTH WEST HERITAGE -

The site lies within an area of High Archaeological Potential in the historic burgage plots of Wiveliscombe. The applicants have identified that this is in an area of archaeological importance and have already identified the need for archaeological recording of the proposed sites of the buildings and the old boundary wall. The revised scheme retains this historic boundary in the townscape and this is to be welcomed.

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 the following conditions attached to any permission granted:

"Programme of Works in Accordance with a Written Scheme of Investigation (POW) Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme." and: "Archaeology and ensuring completion of works No building shall be occupied until the site archaeological investigation has been completed and post-excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the POW condition and the financial provision made for analysis, dissemination of results and archive deposition has been secured."

I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it. Please get in touch if you require any further information.

CONSERVATION OFFICER - This site was approved following extensive negotiation regarding design of buildings and access to protect and designated

heritage asset, being the walls to the north-west of the site and the setting of the conservation area as viewed from Spring Gardens. The setting of the conservation area and listed buildings to the east was also a significant influence. I have copied the comments from myself and also the County Archaeologist at the South West Heritage Centre.

My comments were as follows:

I am writing regarding the revised submission of three bungalows for the above site. My previous objection concerned the removal of the historic wall to provide parking and the impact that the bungalows would have on the setting of the conservation area and listed building on the hill above towards the town. This has been addressed with the relocation of the car parking to the access strip which has pergolas to shield the cars in the street scene. The bungalows have now been redesigned in a green eco style so that they sit down into the landscape. The impact has been dramatically reduced on surrounding heritage assets. The wall will be repaired and now only has pedestrian access. Again this is a great improvement.

I consider that the impact of the development as defined in NPPF chapter 12 is now at the bottom end of less than substantial harm. The improvements to the walls are a public benefit.

The acceptability of this scheme depended on the conservation and repair of a designated heritage asset, namely the historic walls that bound the site to the north west. Also the protection of the setting of the conservation area as viewed from spring gardens and also back from the town.

Having considered the new proposal, I find that the harm as prescribed in the national Planning Policy Framework Chapter 12 has increased. The walls that were to be conserved by the previous approval will now be demolished to provide vehicular access. In the previous scheme, the repair of the walls and footpath was the public benefit that offset the harm of the scheme making it acceptable. This represents less than substantial harm in the medium range of the spectrum of harm. Also the introduction of cars onto the site will sit very uncomfortably alongside the 'eco' style buildings which are designed to sit into the landscape. It would compromise the design that led us to recommend approval of the scheme.

I think that it is a great shame that the previous approval which was the result of extensive negotiation is not being implemented.

The revised scheme causes less than substantial harm at a greater level than the previous approval, but has no public benefit to offset the harm as described in paragraph 134 of the National Planning Policy Framework..

Accordingly I recommend that the scheme be refused.

Amended Plan - comments,

As the agent suggests this proposal still requires the demolition of a wall in the Conservation Area.

The cars will still be visible when viewed from the town centre which forms the

Conservation Area which is my main issue aside from the demolition.

I maintain my objection to the proposal.

BIODIVERSITY - The site comprises the rear gardens of two properties along Golden Hill and an area of mown grass between 13/14 Spring Gardens.

A PROW bordered by a stone wall passes through the site

EPS ecology carried out a Preliminary Ecological Appraisal of the site in July 2016. The site was then revisited in December 2017 when it was confirmed that there was no change

Findings of the 2016 survey which are still valid were as follows

Bats

The surveyor considered the site to having low value to roosting bats due to the lack of buildings and trees with features suitable for roosting. The site however does have some foraging value.

Dormice

The surveyor considered that the likelihood of dormice being found on site is low as the site is surrounded by dense urban development and does not have links to the wider landscape.

Badgers

No evidence of badgers was found on site.

Reptiles

The surveyor considered that the site does not provide suitable habitat to support reptiles as it is too disturbed and heavily shaded.

Birds

Vegetated areas within the site have potential to support nesting birds. Vegetation should therefore be removed outside of the bird nesting season.

I would like to see some biodiversity gain and so support the provision of bird and bat boxes within the new build.

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of EPS ecology's submitted report, dated July 2016 and the ecology Addendum dated December 2017 include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance

3. Measures for the retention and replacement and enhancement of places of rest for the species

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented

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

Informative Note

The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how the wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by this development proposal.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

LANDSCAPE - Please see landscape comments made in connection with the previous application 49/17/0015 (shown below).

This scheme is an improvement upon the scheme formally submitted (49/16/0023).

However, could the existing breach in the wall or an entrance to the immediate north of the wall be used for pedestrians to reach their properties instead of forming a new entrance?

What is happening with levels in the residents parking area? This should be handled sensitively as it is the entrance to the site.

NATURAL ENGLAND - has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran tree which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-advice>.

Representations Received

3 representations of objection have been received (2 from the same person, all from the same household) and 4 letters of support raising the following issues;

Objections

- It has been thoroughly documented that the boundary wall is 19 century not medieval.
- It does remain the boundary wall that defines the conservation area and is an important buffer zone between the conservation area and spring gardens.
- The report talks about the structural integrity of the wall and that it would be rebuilt at the same height as recognised in the previously approved scheme (ref 49/17/0015). Putting a 3m wide hole in the wall and identifying as being structurally unsound it is a surprising tactic to allow vehicles into the conservation area.
- The ingress of vehicles into the conservation area devalues the conservation concept where property owners have to apply to cut limbs from tree and hang satellite dishes.
- This area would become an extension of the Spring Gardens development and therefore inappropriate development.
- The proposed development will adversely affect the setting of 17 Golden Hill by views into and out of the property to the proposed new buildings.
- From the plans the side of one of the new bungalows is 1m away from the curtilage of 17 Golden Hill.
- Observations and concerns by SW Heritage remain valid and that a buffer should remain in place.
- The re-instatement of vehicle parking would add to the negative impact proposed development.
- The centuries old drainage system runs from our property a few feet below ground level ultimately connecting with main in Spring Gardens. It seems likely that major building work could disrupt this fragile structure.
- We are concerned over loss of privacy and the impact on views from and into our property.
- Significant alterations have been made to the stone wall running adjacent to the public footpath with substantial areas of wall being reduced in height.
- The lowered section of wall on adjacent land to the SW was undertaken in 2014

which I now own and this should not be used as justification for further damage to this important wall.

Support

- With the new application and inclusion of car ports within the bungalow footprint these look most practical and improve the situation for residents in Spring Gardens, as the siting of car ports in the gap did look unsightly.
- We now see the provision for 2 visitor spaces plus some landscaping which appears acceptable.
- I welcome the single storey development which seems ideal for elderly and less-abled residents of the town, especially as the site is situated close to Wiveliscombe centre.
- The addition of car ports and possible electric car charging ports provide a very nice addition that most developers are overlooking at the moment.
- The unsightly car port outside the main area would look vastly different to the rest of Spring Gardens and surely invite more people to park along spring gardens which is already overly congested.
- I support the latest application to allow vehicular access.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM1 - General requirements,
CP8 - Environment,
CP4 - Housing,
CP5 - Inclusive communities,
CP6 - Transport and accessibility,
A1 - Parking Requirements,
A5 - Accessibility of development,
D7 - Design quality,
D10 - Dwelling Sizes,
D12 - Amenity space,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.
Proposed development measures approx. 375sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £47,000.00. With index linking this increases to approximately £62,500.00.

New Homes Bonus

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

1 Year Payment

Taunton Deane Borough	£3,237
Somerset County Council	£810

6 Year Payment

Taunton Deane Borough	£19,422
Somerset County Council	£4,857

Determining issues and considerations

The main issues and considerations in this case are;

- Principle of development
- Impacts in the character and appearance of the area
- Impacts on residential amenity
- Ecology
- Highway safety

Principle of development

The proposal site is within the development limits of Wiveliscombe and therefore development of this site is acceptable in principle in accordance with policy SD1 of the adopted Taunton Deane Core Strategy 2011-2028 and with the NPPF in terms of the presumption in favour of Sustainable Development. However, this must be subject to consideration of the other relevant issues and local policy.

It is also noted that the previous approval for 3 bungalows on this site ref 49/17/0015, is a material consideration and is the current fall back position.

Impacts in the character and appearance of the area

The open grassland area located between nos. 13 and 14 Spring Gardens fronts the estate road and terminates at an existing footpath. The footpath is the designated area of high archaeological potential (AHAP) and stretches from the footpath to the rear gardens on the eastern side of Golden Hill.

It is understood that The application site was included in the Conservation Area Designation in the 2007 review for the following reasons (p.17 and 22):

- to form a buffer between the historic townscape and modern housing development,
- to include the remaining fragments of town orchards (No 17, 19 and 23 Golden Hill)
- to include the high local stone rubble wall, which forms the boundary of the historic burgage plots of the town.

The main consideration in this case is the impact of the proposal on the character and appearance of the area and the impacts on the designated Wellington Conservation Area and in particular the breaching/alterations to the existing historic stone boundary wall adjacent to the public footpath, and the impacts on the listed buildings to the east of the site at Golden Hill.

As stated in the earlier approved scheme, a Public footpath WG15/4 is affected by this proposal, as this bisects the garden area of the site at the rear of Golden Hill and the area of open space land adjacent to 13/14 Spring Gardens. It is also noted that the land at Spring Gardens is significantly higher than the level of the footpath and modification of the land levels would be required adjacent to either side of the footpath. This would require a licence from the Public Rights of Way Group in Somerset County Council.

As can be seen in the comments above from South West Heritage, this site lies within an area of archaeological potential and that this scheme requires not only removing part of the current natural stone boundary wall, it will also mean a reduction in ground levels in garden areas of the plots (x3). Advice from the archaeological evaluation (produced by Cotswold Archaeology December 2017) has confirmed the presence of archaeological remains on the site and the report advises that any development would require a programme of works in accordance with a written scheme of investigation.

Also shown above are the comments from the Councils Conservation officer who continues object and to recommend refusal of this current scheme due to the impacts upon the conservation area and also in terms of the level of harm when weighed against the public benefits of the development. The officer, advises of the objection raised due to the extent of the removal of wall, (a new 5m wide opening through the wall and including a reduction in height in part to 600mm as shown on dwg. no. A2013/02/PL304) in order to provide a vehicular access and in this case integral car port spaces for each of the three new bungalows. The previous scheme included a much smaller breach of the existing wall as this was to provide pedestrian access only and not vehicle access.

Having assessed and considered the proposal, the conservation officer comments that the scheme will cause harm which has (as prescribed in the national Planning Policy Framework Chapter 12) increased from previously repairing the wall and providing a single pedestrian gate to now a vehicular entrance. It was also noted that in the previous scheme (ref 49/17/0015) was considered acceptable only on the conservation and repair of the historic walls which bound the site to the north west, however, the conserved wall will now be demolished to provide a larger opening and this represents a less than substantial harm, but at a greater level than the former scheme and has no public benefit to offset this harm as described in paragraph 134

of the National Planning Policy Framework.

The Councils Landscape Officer (to the previous scheme and now re-iterated), advises that the ground levels in the area should be handled sensitively and they questioned if the existing breach in the wall (a narrow single pedestrian gate) could be used as access to the dwellings instead of forming a new entrance?

In terms of boundary treatments of the garden part of the site, the submitted drawing no. A2013/02/PL302, shows existing boundary fencing to Plots 1 and 2 (north) is to be made good. A new 1.8m close boarded fence is to be erected along the eastern boundary along with some enhanced planting. The southern site boundary fencing is to be made good and a new 1.8m close boarded fence is to be erected inside and along the western boundary.

The Town Council support this proposal as they comments there have been several breaches of the walls (which is not historic) have been made in the past, that development has also been constructed within the conservation area and they consider it would be more sensible to have vehicles parked next to the dwellings. However, to quote Historic Englands 'Conservation Principles', 'Change to a significant place is inevitable, if only as a result of the passage of time, but can be neutral or beneficial in its effects on heritage values. It is only harmful if (and to the extent that) significance is reduced' (Paragraph 84).

When considering a planning application that would affect a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area as defined in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Officers consider that the scheme will cause harm to the conservation area and the setting of listed buildings on Golden Hill, and this is not outweighed by the public benefits and is contrary to local planning policies DM1, CP8, of the Taunton Deane adopted Core Strategy 2011-2028 and policies; ENV4 (Archaeology) and D7 (Design) of the adopted Site Allocation and Development Management Plan.

Impacts on residential amenity

A mixture of comments objecting and in support have been received from the local community and can be seen above.

The comments of objection centre on the following;

The stone boundary wall of the site is 19th century and not medieval, but does define the designated conservation area and is an important buffer zone between the conservation area and spring gardens and in the view of SW Heritage the buffer should remain in place. The submitted report talks about the structural integrity of the wall which would be rebuilt at the same height as recognised in the previous scheme (49/27/0015) but putting a 5m wide hole in it and identifying it as structurally unsound is a surprising tactic to allow vehicles into the area, which devalues the conservation area. Objections to previous breaches of the wall have also been raised and these aforementioned considerations have been discussed in the previous section.

The right to a view is not a material planning consideration. Privacy and overbearing

impacts are however, whilst it is noted that the bungalow shown as plot 3 is sited approximately 1 m from the rear garden boundary of no. 17 Golden Hill, the site layout plans show that the existing boundary fencing is to be made good in this part of the site and that the land levels in the garden of golden hill range from 97.34 to 98.95 and the levels of the adjoining plot 3 are shown as 96.96 to 98.69. It is therefore considered that there would not be significant overlooking or overbearing impacts to residential amenity.

In response to the objection/comments on centuries old drainage systems being a few feet below ground level and connecting with the mains in Spring Gardens and it being likely that building works could disrupt this fragile structure, this would be controlled by the water supplier (Wessex Water) and the developer who would be responsible for any damage and is not controlled by the planning remit.

It is therefore considered that the proposal accords with local planning policies DM1 and D7 and that the development is acceptable in terms of residential amenity.

Ecology

The applicant has submitted an addendum to the original EPS ecology's Ecological Appraisal report, dated July 2016, and these details have been assessed by the Councils Biodiversity Officer, who has advised that they would like to see some biodiversity gain and so support the provision of bird and bat boxes within the new build. They have also suggested an appropriate protected species condition and informative note be appended should the proposal be approved.

It is therefore considered that on ecological grounds, the proposal accords with local planning policies DM1, and CP/8 of the adopted Taunton Deane Borough Council Core Strategy 2011-2028.

Highway safety

SCC Highways conclude that following the receipt of additional information, they do not object to the proposal given the nature of the unclassified road, low vehicle movements in the existing estate road in Spring Gardens and the previous discussions/information from the applicant Highway consultant Mr M Bellamy. SCC Highways also confirm that the internal layout of the proposal site is envisaged to remain private and that the Highway Authority has no wish to adopt this.

If approved highways would wish to see a series of conditions attached to an approval including a condition re the additional information recently submitted regarding the visibility splays as per drawing no. 2573-SK-02.

It is noted that the applicant confirms that the parking provision comprises of 6 no. parking spaces, garaging and vehicle turning within the site (dwg. no. A2013.02/PL302).

It is therefore consider that on highway grounds, the proposal accords with local planning policy DM1 and CP8 of the adopted Core Strategy and policy A1 (Parking) of the adopted Site Allocations and Development Management Plan 2016.

Water/Drainage;

Following comments from Wessex Water, the applicant confirms that the development would be connected to the mains water system and that surface water would be drained via soakaway.

Conclusion

Given the above considerations of the proposal and in particular the adverse impact on heritage issues and local amenity together with the public benefit of the repair of the historic wall, it is concluded that there is harm to the historic environment which would not be outweighed by the public benefits of the proposal. The proposal is therefore contrary to the guidance in the NPPF and the local considerations of policies DM1 and CP8 of the adopted Taunton Deane Core Strategy and policies ENV4 and D7 of the adopted Site Allocations and Development Management Plan. It therefore recommended for refusal.

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

Contact Officer: Sue Keal