

20/2004/021

DORMER RUD NEUBAU

**RESIDENTIAL DEVELOPMENT OF 25 NO. DWELLINGS, LAND AT HILL FARM,
KINGSTON ST MARY AS AMENDED BY**

21892/29724
FULL

1.0 RECOMMENDATION

Subject to:-

- (i) the receipt of satisfactory amended plans and no further representations raising any new issues thereon;
- (ii) the receipt of a satisfactory design statement; and
- (iii) the applicant entering into a Section 106 Planning Agreement with the Council covering:-
 - (a) A contribution of £2,056 per dwelling towards off-site childrens play and public open space provision; and
 - (b) A contribution of £65,000 towards off-site highway works, comprising the provision of footways between a point opposite the site to the village post office;

the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to the following conditions:-

- 01 The development hereby permitted shall be begun within five years of the date of this permission.
- 01 Reason: In accordance with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.
- 02 Details of the arrangements to be made for the disposal of foul and surface water drainage from the proposed development, shall be submitted to and approved in writing by the Local Planning Authority before any work hereby permitted is commenced.
- 02 Reason: The Local Planning Authority wish to ensure that satisfactory drainage is provided to serve the proposed development(s) so as to avoid environmental amenity or public health problems in compliance with Taunton Deane Local Plan Revised Deposit Policies S1 (E) and EN28.
- 03 Before any work hereby permitted is commenced, details of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority.

- 03 Reason: To enable the Local Planning Authority to give proper consideration to the effect of alterations in the site levels.
- 04 Before the commencement of any works hereby permitted, details or samples of the materials to be used for all the external surfaces of the building(s) shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 04 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 05 Details of the structure and colour of the mortar to be used in the brickwork (stonework) shall be submitted to and approved by the Local Planning Authority before the development commences.
- 05 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 06 Details of all guttering, downpipes and disposal of rainwater shall be submitted to and approved by the Local Planning Authority before works commence.
- 06 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 07 Details and samples of the materials to be used for the surfaces of the courtyards shall be submitted to and be approved in writing by the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- 07 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 08 (i) Before any part of the permitted development is commenced, a scheme of planting of trees, shrubs and hedges, which shall include details of the species, siting and numbers to be planted, including planting within the blue line area to the west of the site, shall be submitted to and approved in writing by the Local Planning Authority. (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. (iii) For a period of five years after the completion of the planting scheme, the trees, shrubs and hedges shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority.
- 08 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.
- 09 Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones,

paving, walls, cobbles or other materials, shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.

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

10 Before any part of the development hereby permitted is commenced detailed drawings showing which trees are to be retained on the site shall be submitted to and approved in writing by the Local Planning Authority and none of the trees so shown shall be felled, lopped, topped, lifted or disturbed without the prior written consent of the Local Planning Authority.

10 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy EN7.

11 Before any part of the permitted development is commenced, the trees to be retained on the site shall be protected by a chestnut paling fence 1.5 metres high, placed at a minimum radius equivalent to the full spread of the tree canopy from the trunk of the tree and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soil levels around the boles of the trees so retained shall not be altered.

11 Reason: In the interests of the visual amenity of the area as required by Taunton Deane Local Plan Revised Deposit Policy EN7.

12 No service trenches shall be dug within the canopy of any existing tree within the curtilage of the site without the prior approval of the Local Planning Authority.

12 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Revised Deposit Policies EN5 and EN7.

13 Before any part of the permitted development is commenced, the hedges to be retained on the site shall be protected by a chestnut paling fence 1.5 m high, placed at a minimum distance of 2.0 m from the edge of the hedge and the fencing shall be removed only when the development has been completed. During the period of construction of the development the existing soils levels around the base of the hedges so retained shall not be altered.

13 Reason: To avoid potential harm to the root system of any tree leading to possible consequential damage to its health which would be contrary to Taunton Deane Local Plan Revised Deposit Policies EN5 and EN7.

14 No tree shall be felled, lopped, topped, lifted or disturbed in any way without the prior written consent of the Local Planning Authority.

14 Reason: The existing trees represent an important visual feature which the Local Planning Authority consider should be substantially maintained in accordance with Taunton Deane Local Plan Revised Deposit Policies EN5 and EN7.

15 The existing hedges on the northern and eastern boundaries of the site shall be retained to the satisfaction of the Local Planning Authority.

- 15 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.
- 16 Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to and approved in writing by the Local Planning Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.
- 16 Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policy S2.
- 17 The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- 17 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 18 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
- 18 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 19 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved by the Local Planning Authority. Such drainage shall be provided prior to the access first being brought into use.
- 19 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 20 At the proposed access, there shall be no obstruction to visibility greater than 300 mm above adjoining road level within splays based on minimum co-ordinates of 4.5 m x 90 m in each direction. Such

- visibility shall be fully provided before the access hereby permitted is first brought into use and shall thereafter be maintained at all times.
- 20 Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 21 The proposed access shall be constructed in accordance with details shown on the approved plan and shall be available for use before the commencement of the development hereby approved.
- 21 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 22 Prior to the commencement of work on the development site, a pedestrian crossing point shall be installed in the existing highway in accordance with a plan and specification to be submitted to and approved in writing by the Local Planning Authority. There shall be no obstruction to visibility greater than 300 mm above adjoining road level in advance of lines drawn 2.0 m back from the carriageway edge at the pedestrian crossing and extending to points on the nearside carriageway edge 90 m either side of the crossing.
- 22 Reason: To ensure that the proposed estate is laid out in a proper manner with adequate provision for various modes of transport in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.
- 23 The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- 23 Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway in accordance with Taunton Deane Local Plan Revised Deposit Policy M3a.
- 24 The garages hereby permitted shall be constructed only in accordance with the approved plans and shall remain available in perpetuity for the parking of motor vehicles for domestic purposes only.
- 24 Reason: In order that satisfactory parking facilities are maintained in accordance with Taunton Deane Local Plan Revised Deposit Policy M3a.
- 25 Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the Local Planning Authority before development is commenced.
- 25 Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Revised Deposit Policy S2(A).
- 26 The new doors and windows indicated on the approved plans shall be made of timber only and no other materials unless the written consent of the Local Planning Authority is obtained to any variation thereto and thereafter shall be retained in timber without the express written consent of the Local Planning Authority to the use of a different material.

- 26 Reason: To reinforce the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(A).
- 27 All services shall be placed underground.
- 27 Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Revised Deposit Policies S1(D) and S2(F).
- 28 Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order) there shall be no addition or extension to the dwelling(s) (including the insertion of dormer windows) unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 28 Reason: The Local Planning Authority is not satisfied that the dwelling(s) could be extended without detriment to the amenities of the area or the existing dwelling in accordance with Taunton Deane Local Plan Revised Deposit Policies S2 and H19.
- 29 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), there shall be no further building, structure or other enclosure constructed or placed on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.
- 29 Reason: The Local Planning Authority consider that any further development on the site may prejudice a satisfactory layout which would be in conflict with Taunton Deane Local Plan Revised Deposit Policies S1 and S2.
- 30 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority
- 30 Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with Taunton Deane Local Plan Revised Deposit Policy S2 (A).
- 31 There shall be no street lighting, other than with the prior written consent of the Local Planning Authority.
- 31 Reason: To protect the character of the rural location in the Quantock Hills Area of Outstanding Natural Beauty and adjacent to listed buildings and the Kingston St Mary Conservation Area in compliance with Taunton Deane Local Plan Revised Deposit Policies S1(D), S2(A), and (F), H1(H), EN10, EN15 and EN17.
- 32 Before any work, other than investigative work, is carried out in connection with the use hereby permitted a suitably qualified person shall carry out an investigation and risk assessment to identify and assess any hazards that may be present from contamination in, on or under the land to which this permission refers. Such investigation and risk assessment shall include the following measures:- (a) The

collection and interpretation of relevant information to form a conceptual model of the site; and a preliminary risk assessment of all the likely pollutant linkages. The results of this assessment should form the basis of any subsequent site investigations. (b) A ground investigation shall be carried out, if required, before work commences to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants. (c) A site-specific risk assessment shall be carried out to evaluate the risks to existing or potential receptors, which could include human health, controlled waters, the structure of any buildings and the wider environment. All the data should be reviewed to establish whether there are any unacceptable risks that will require remedial action. (d) If any unacceptable risks are identified a remediation strategy shall be produced to deal with them effectively, taking into account the circumstances of the site and surrounding land and the proposed end use of the site. (e) Submission to the Planning Authority of 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. The Report and remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented. (f) If any significant underground structures or contamination is discovered following the acceptance of the written Report, the Local Planning Authority shall be informed within two working days. No remediation works shall take place until a revised risk assessment and remediation strategy has been submitted to and accepted in writing by the Local Planning Authority. (g) On completion of any required remedial works two copies of a certificate confirming the works have been completed in accordance with the agreed remediation strategy, shall be submitted to the Local Planning Authority. (h) All investigations, risk assessments and remedial works shall be carried out in accordance with current and authoritative guidance. (i) All investigations and risk assessments shall be carried out using appropriate, authoritative and scientifically based guidance (Stat guidance B.47). Any remedial works should use the best practicable techniques for ensuring that there is no longer a significant pollutant linkage. (Stat guidance C.18).

32 Reason: To ensure that the potential land contamination can be adequately dealt with prior to the use hereby approved commencing on site in accordance with Taunton Deane Local Plan Revised Deposit Policy S1(E).

33 No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

33 Reason: To help protect the archaeological heritage of the district in accordance with Taunton Deane Local Plan Revised Deposit Policy EN24.

Note to Applicant

- 01 Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.
- 02 To help conserve the world's energy you should aim to build houses which are well insulated, designed to reduce overheating in summer and to achieve as high an energy rating as possible.
- 03 When consideration is given to the issue of street naming you are urged to bear in mind the use of field names and historic or other associations with the land in seeking a satisfactory name.
- 04 Meter boxes can often have a jarring effect on the appearance of buildings. You are asked to consider carefully the position, materials and colour of any meter boxes in the overall design of the dwellings.
- 05 You are asked to consider the adoption of water conservation measures to reduce wastage of water in any systems or appliances installed and to consider the use of water butts if at all possible.
- 06 Your attention is drawn to the publication 'Secure by Design' as a means of designing out crime. You are advised to contact the Police Liaison Officer at Burnham Police Station (01278) 363414 for further advice.
- 07 Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Somerset County Council, Taunton Deane Area , Burton Place, Taunton, TA1 4HE. Application for such a Permit should be made at least three weeks before access works are intended to commence.
- 08 With regard to Condition 22, the proposed pedestrian crossing point should be provided to allow pedestrians to access the village and cross the highway at a point with adequate visibility. Both pedestrians and vehicles should be able to see each other over the full Y visibility splay with no obstruction to visibility greater than 300 mm. In order to demonstrate this a full survey drawing in both horizontal and vertical section should be submitted indicating such visibility at the crossing point.
- 09 With regard to Condition 08, you are advised that this should include reinforcement planting for the eastern boundary.
- 10 With regard to Condition 04, in view of the location of the site within the Quantock Hills Area of Outstanding Natural Beauty and adjacent to listed buildings and the Kingston St Mary Conservation Area, natural materials for the walls and roofs should be specified.
- 11 You are reminded of the need to satisfy yourself that the proposed development can be accommodated on the site in accordance with the approved plans and to ensure that the development is carried out strictly in accordance with those approved plans. Any variance thereto may result in enforcement action being taken by the Local Planning Authority.
- 12 The development hereby approved may be subject to the Construction (Design and Management) Regulations 1994 which govern the health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and

principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline (08701 545500).

- 13 Your attention is drawn to the agreement made under Section 106 of the Town and Country Planning Act 1990, relating to this site/property.
- 14 You are requested to discuss your proposals with the Borough Council's Landscape Officer before preparing the required planting scheme. (Telephone Taunton 356491).
- 15 All proposed planting should be native species.
- 16 You should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.
- 17 The Applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who may be affected by contaminated materials or gases. The site investigation and report should be in line with the latest guidance. Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs (formally DoE and then DETR) the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land (attached) which gives more details on the relevant sources of information available.
- 18 Noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:- Monday - Friday 0800 - 1800, Saturdays 0800 - 1300. All other times, including Public Holidays no noisy working.
- 19 You are advised that the soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
- 20 With regard to Condition 33, the County Archaeologist would be happy to provide a specification for the work and a list of suitable archaeologist to undertake it.

2.0 **APPLICANT**

Dormer Rud Neubau

3.0 **PROPOSAL**

The full application provides for residential development of 25 two storey dwellings on land to the west of Hill Farm. The site is proposed for development in the emerging Taunton Deane Local Plan. The scheme provides for a mixture of 2, 3 and 4 bedroom properties served by a new access onto Bay Hill. This latter access has already been provided by the implementation of an earlier permission for the conversion of a barn and restoration of the farmhouse at Hill Farm.

The proposed development will be in the form of a series of courtyards. The materials proposed are natural stone, render and timber for the walls and tiles and slate to match the adjacent house and barns for the roofs.

4.0 **THE SITE**

The site comprises 0.78 ha of former agricultural farmyard. The buildings formerly on the site have now been demolished. The site is at the north-western end of the village of Kingston St Mary, within the Quantock Hills Area of Outstanding Natural Beauty and adjacent to the Kingston St Mary Conservation Area.

Part of the eastern boundary borders the farmhouse and traditional barns, one of which has now been converted to a dwelling, at Hill Farm and the remainder borders the main road leading into the village from the north. It is elevated above the road and the boundary slopes are vegetated by a mix of trees and hedges. The western boundary of the site abuts the remainder of the field within which the farmyard was located beyond which is a hedge. This hedge is at a lower level than the site. The site is clearly visible from the west against the backdrop of trees on the northern and eastern boundaries. To the south lies the road Bay Hill beyond which is the existing residential development of Leaches Field and Sawyers Leigh.

5.0 **RELEVANT PLANNING HISTORY**

20/1997/008LB Demolition of stone retaining wall and rebuilding wall to improve sight lines at Hill Farm, Kingston St Mary. Consent granted 3rd April, 1997.

20/1997/012 Alterations to retaining wall at Hill Farm, Kingston St Mary. Permission granted 22nd May, 1997.

20/1998/012LB Conversion of outbuildings to form a dwelling (unit 2) at Hill Farm, Kingston St Mary. Consent granted 26th November, 1998.

20/1998/013LB Conversion of outbuildings to form a dwelling (unit 1) at Hill Farm, Kingston St Mary. Withdrawn December 1998.

20/2001/017 Residential development at Hill Farm, Kingston St Mary. Outline permission granted 30th January, 2003 (considered by Planning Committee 3rd October, 2001) The permission was subject to a Section 106 Planning Agreement providing for:-

- (i) A contribution of £25,000 towards the cost of provision of footways or traffic calming within the vicinity;
- (ii) Renovation and repair of the listed farmhouse prior to the occupation of any of the proposed dwellings;

- (iii) Not less than 33% of the dwellings (including the barn conversions the subject of permission 20/2001/020) to be smaller one or two bedroom properties;
- (iv) A contribution of £13,500 towards the provision of off-site playing field provision within the vicinity; and
- (v) A contribution of £30,000 towards the provision of affordable housing within the area.

The site broadly equates with the area of the current proposal.

Although the site was in outline only, an illustrative plan was submitted indicating 9 dwellings on the site.

20/2001/020 Conversion and extension of farmhouse to form 2 dwellings and conversion and alterations of barns to form 6 dwellings at Hill Farm, Kingston St Mary. Full permission granted 10th October, 2001. In practice, the farmhouse has been renovated as a single dwelling and one of the barns has been converted to a single dwelling. The other barn is likely to be retained with the farmhouse as ancillary accommodation.

20/2001/021LB Conversion and extension of farmhouse to form 2 dwellings and conversion and alterations to barns to form 6 dwellings at Hill Farm, Kingston St Mary. Consent granted 30th January, 2003.

6.0 **RELEVANT PLANNING POLICY**

Somerset and Exmoor National Park Joint Structure Plan Review

Policy STR1 Sustainable Development

Policy STR5

DEVELOPMENT IN RURAL CENTRES AND VILLAGES

Development in rural centres and villages should be such as will sustain and enhance their role and will be commensurate with their size and accessibility, and appropriate to their character and physical identity.

Policy 3 Areas of Outstanding Natural Beauty

Policy 5 Landscape Character

Policy 9 The Built Historic Environment

Policy 11 Areas of High Archaeological Potential

Policy 42

WALKING

Facilities for pedestrians should be improved by maintaining and extending the footpath network, particularly between residential areas, shops,

community facilities, workplaces and schools and by ensuring that improvements to the highway provide for safe use.

Policy 49 Transport Requirements of new development

West Deane Local Plan

WD/SP/1 Settlements defined as villages

WD/SP/2 Development outside the defined settlement limits

WD/HO/3 Development within the identified limits of settlements

WD/HO/7 Design and layout of new housing developments

WD/HO/8 Removal of appropriate permitted development rights

WD/CS/4 THE BOROUGH COUNCIL WILL EXPECT SIGNIFICANT DEVELOPMENTS TO MAKE PROVISION FOR DIRECTLY RELATED INFRASTRUCTURE AND COMMUNITY FACILITIES.

WD/RT/6 Play areas/open spaces

WD/EC/13 Areas of Outstanding Natural Beauty

WD/EC/23 Conservation Areas

WD/EC/25 Preservation and Enhancement of Conservation Areas

WD/EC/29 Areas of High Archaeological Potential

WD/EC/30 Areas of High Archaeological Potential

WD/EC/31 Landscaping

WD/KM/2 Infill within settlement limits of Kingston St Mary

Taunton Deane Local Plan Revised Deposit

Policy S1 General Requirements

Policy S2 Design

Policy S7 Village

Policy H1

Housing development will be permitted within defined limits of settlements, provided that:-

- (A) there is safe and convenient access by bus or on foot to facilities and employment. In the case of proposals of a significant scale, bus or walking access to a town centre or rural centre will be required, taking account of any off-site works proposed in accordance with criteria (B);
- (B) necessary provision is made for off-site public transport, cycling and pedestrian facilities and highway improvements to cater safely for the expected number of trips generated by the development and minimise the proportion of car trips;
- (C) traffic calming, pedestrian, cycle and bus measures are incorporated where necessary to give priority to safe and convenient access and circulation by means other than the car;
- (E) the layout allows people with impaired mobility or a disability safe and convenient access and movement to and between dwellings by careful positioning of potential obstructions, ramps, dropped kerbs, textured surfaces and reserved car parking;
- (G) small scale schemes in existing residential areas will increase the development density of these areas without individually or cumulatively eroding their character or residential amenity;
- (H) a coherent approach to the overall design is adopted, including layout, landscaping, building designs, materials, open spaces and circulation routes, to create locally distinctive developments well related to their surroundings; and
- (I) existing and proposed dwellings will enjoy adequate privacy and sunlight.
- (J) on housing developments and conversions of a substantial scale a reasonable mix and balance of housing types and sizes be incorporated to cater for a range of housing needs particularly those low cost housing types which are under represented in the current stock.

Policy H12 Affordable housing within general market housing

Policy 21 Designing out Crime

Policy M3a Residential Parking Requirements

Policy C4 Recreational Open Space

Policy EN10 Areas of Outstanding Natural Beauty

Policy EN13 Landscape Character Areas

Policy EN15 Conservation Areas

Policy EN17 Listed Buildings

Policy EN24 Areas of High Archaeological Potential

Policy KM1 A site of 0.65 hectares at Hill Farm as shown on the Proposals Map is allocated for a minimum of 20 houses, provided that:

- (A) the proposed scheme ensures the restoration of the listed farmhouse prior to the occupation of any new dwellings;
- (B) the proposed scheme design respects the setting of Hill Farm farmhouse (listed building) and the Conservation Area;
- (C) a landscaping scheme is provided, to incorporate the protection of existing road side hedgerows;

In association with the development the following will also be sought:

- (D) improvements to the pedestrian network to secure improved linkages with village facilities; and
- (E) affordable housing provision in accordance with policy H12.

Policy KM2 Infill within settlement limits of Kingston St Mary

7.0 **PPG1 General Policy and Principles**

Paragraphs 4 –6 Sustainable Development

Paragraph 13 Design

Paragraph 24 Historic Environment

Paragraph 28 Rural Areas

Paragraph 40 The plan-led system

Paragraph 54 Development Plan

PPG3 Housing

Paragraphs 1 - 2 Governments' Objectives

Paragraph 14 Affordable Housing

Paragraph 16 Decisions about the amount and types of affordable housing to be provided in individual proposals should reflect local housing need and individual site suitability and be a matter for agreement between the parties. Local planning authorities and developers should be reasonably flexible in deciding the types of affordable housing most appropriate to a particular site. The objective should be to ensure that the affordable housing secured will contribute to satisfying local housing needs as demonstrated by a rigorous assessment.

Paragraphs 30-31 Identifying Areas and Sites

Paragraph 32 Allocating and Releasing Land for Development

Paragraph 38 Determining Planning Applications

Paragraphs 57 - 58 Housing Densities

Paragraph 69 In terms of overall housing provision, only a limited amount of housing can be expected to be accommodated in expanded villages. Whilst occasionally a village could be the basis for a new settlement where, for example, the development accords with the policy of developing around major nodes in transport corridors, most proposals for additional housing will involve infill development or peripheral expansion.

Paragraph 70 Villages will only be suitable locations for accommodating significant additional housing where:

- it can be demonstrated that additional housing will support local services, such as schools or shops, which could become unviable without some modest growth. This may particularly be the case where the village has been identified as a local service centre in the development plan;
- additional houses are needed to meet local needs, such as affordable housing, which will help secure a mixed and balanced community; and
- the development can be designed sympathetically and laid out in keeping with the character of the village using such techniques as village design statements.

Paragraph 71 The Government is concerned, however, that there should be adequate housing provision in rural areas to meet the needs of local people. Local planning authorities should therefore make sufficient land available either within or adjoining existing villages to enable these local requirements to be met. The needs of local people for affordable housing may often be best met by the exception policy.

PPS7 Sustainable Development in Rural Areas

Paragraph 3 Location of Development

Paragraphs 8 and 9 Housing

Paragraph 12 Design and the character of rural settlements

Paragraphs 15 and 16 Countryside protection and development in the countryside.

PPG15 Planning and the Historic Environment

Paragraphs 2.11 – 2.15 Development Control

Paragraph 4.1 Conservation Areas.

8.0 **CONSULTATIONS**

County Highway Authority

“There are no objections in principle to the above proposal however, the Estate Road is sited at the crest of the hill and is in close proximity to an existing junction and will result in conflicting traffic movements. It is of vital importance that should a pedestrian crossing point be installed in lieu of a footway over the entire frontage which allows pedestrians to access the Village and cross the highway at a point with adequate visibility. Both pedestrians and vehicles should be able to see each other over the full 'Y' visibility splay with no obstruction to visibility greater than 300 mm. It is, therefore, recommended that a full survey drawing indicating such visibility at the crossing point should be provided both in horizontal and vertical section.

The previous planning application No. 20/2001/017 was granted permission and is subject to a Section 106 Agreement. This agreement provides for the payment of a contribution of £25,000 towards provision of footways or traffic calming. In view of the increase in the number of dwellings to 251 would request that the contribution be increased to £65,000. The Section 106 Agreement should be amended to include the figure of £65,000 as a contribution to a scheme to provide a footway from opposite the site to the Village Post Office.

I enclose comments made by the Estate Road Section, these comments are to be included in a Section 38 Agreement. In the event of planning permission being granted I would recommend that the following conditions are imposed:-

1. The proposed estate roads, footways, footpaths, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking, street furniture and tactile paving shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and

method of construction shall be submitted to the Local Planning Authority.

2. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
3. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved by the Local Planning Authority. Such drainage shall be provided prior to the access first being brought into use.
4. At the proposed access, there shall be no obstruction to visibility greater than 300 mm above adjoining road level within splays based on minimum co-ordinates of 4.5 m x 90 m in each direction. Such visibility shall be fully provided before the access hereby permitted is first brought into use and shall thereafter be maintained at all times.
5. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing No 005A, and shall be available for use before the commencement of the development hereby approved.
6. The contribution of £65,000 towards highway works will need to be the subject of a legal agreement.
7. There shall be no obstruction to visibility greater than 300 mm above adjoining road level in advance of lines drawn 2.0 m back from the carriageway edge at the pedestrian crossing and extending to points on the nearside carriageway edge 90 m either side of the crossing.

Note: Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that a Section 184 Permit must be obtained from the Highway Service Manager, Taunton Deane, Burton Place, Taunton, Somerset, TAI 4HE. Application for such a Permit should be made at least three weeks before access works are intended to commence.”

County Archaeologist

“The site lies within the Area of High Archaeological potential as defined by the Local Plan. It is likely that this development will affect archaeological remains associated with the medieval occupation of the village.

For this reason I recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries

made. This should be secured by the use of model condition 55 attached to any permission granted:

"No development hereby approved shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority."

I am happy to provide a specification for this work and a list of suitable archaeologists to undertake it. "

Wessex Water

"The development is located within a foul sewerage area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. This can be agreed at the detailed design stage.

The developer has proposed to dispose of surface water to soakaways. It is advised that your Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal.

With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure."

Somerset Environmental Records Centre

No statutory and non-statutory sites and species at the site. One or more legally protected species have been found within 1 km of the site. There are 3 County Wildlife Sites within 1 km of the site. One or more badgers have been found at the site.

Landscape Officer

"My main concerns are:-

- i. the view of the proposed development from the west where no landscape mitigation is proposed.
- ii. no space is allowed for landscape planting; and
- iii. the proximity of units, especially 5, 6 and 7, to the northern boundary of the site. I suggest stepping them back at least 5 m.

The above need to be addressed to meet the requirements of EN10 and EN13.

I could find no design statement to meet the requirements of PPG15.”

The anticipated amended plans seek to overcome these concerns.

Conservation Officer

A. Layout

Would appear to be based on maximisation of number of units, rather than a pleasant environment with cohesive approach to a design, reflective of its rural location, vis a vis:-

1. focal point on approach to site is garaging with parking spaces outside.
2. parking/garaging often divorced from houses – poor planning which will lead to ad hoc on road parking.
3. garaging and associated parking, more akin to 1970’s design.
4. defensible spaces for individual plots lacking, which could lead to ad hoc applications to provide the same. Rethink re this required now in order to avoid this.

B. Materials

On the application form, these are stated as varied but such is not apparent from the submitted elevations and hence the ‘true’ effect of the proposal cannot be adequately assessed.

C. Design of Houses

Design statement required as I can see a common approach to this but cannot relate this to the character of Kingston St Mary (e.g. pentice porches) or the setting of Hill Farm House e.g. intimate courtyards suggesting foldyard form of development but layout and design clearly more contemporary.”

The anticipated amended plans seek to overcome these concerns.

Environmental Health Officer

“CONTAMINATED LAND

Before any work, other than investigative work, is carried out in connection with the use hereby permitted:-

(a) A suitably qualified Consultant shall be appointed to investigate the nature, degree and extent of contamination, if any, in, on or under all parts of the land to which this permission refers. Previous land uses shall be researched and site inspections shall be made as necessary, having regard to the likely nature of any contamination arising from such land uses.

(b) If a hazard or hazards are identified from such investigation, a site specific risk assessment shall be undertaken to consider risks to the following, as appropriate: 1. Water resources, including any private water supplies 2. Surrounding land 3. Wildlife, livestock and eco-systems 4. Trees and plants 5. Building materials 6. Future users of the site 7. Any other persons

(c) If any unacceptable risks to any of the above are identified, a detailed remediation strategy is produced to deal effectively with them, having due regard to the proposed end use of the development.

(d) All investigations, risk assessments and remediation strategies shall be carried out in compliance with recognised protocols.

(e) Submit to the Planning Authority 2 copies of the Consultants written Report which shall include, as appropriate, full details of the initial research and investigations, the risk assessment and the remediation strategy. Such remediation strategy shall be accepted in writing by the Local Planning Authority and thereafter implemented.

(f) Any significant underground structures or contamination discovered following approval of the remediation strategy shall be notified to the Local Planning Authority within two working days. No further remediation works shall take place until a report thereon has been submitted to and accepted in writing by the Local Planning Authority.

(g) On completion of all remediation works two copies of a certificate confirming the works have been completed in accordance with the remediation strategy, shall be submitted to the Local Planning Authority.

Reason: To ensure that the land contamination can be adequately dealt with prior to a new use commencing on site.

Note to Applicant

The Applicant is reminded that a Remediation Strategy should include reference to the measures to be taken to safeguard the health and safety of the workforce undertaking the remediation works and any other persons who may be affected by contaminated materials or gases. The site investigation and report should be in line with the latest guidance Sources of such guidance will include, although not exclusively, publications by the Department for Environment, Food and Rural Affairs (formally DoE and then DETR) the Environment Agency and the British Standards Institute. The Council has produced a Guide to the Assessment and Remediation of Contaminated Land (attached) which gives more details on the relevant sources of information available.

NOISE

Noise emissions from the site during the construction phase should be limited to the following hours if nuisance is likely at neighbouring premises:

Monday - Friday - 0800-1800 Saturdays - 0800-1300. All other times, including Public Holidays - No noisy working”

Leisure Development Manager

“This development should make a contribution of £806.00 for sport and £1,250.00 for play, a total of £2,056.00 per dwelling. The per dwelling cost should be applied to the entire site to include this application together with the earlier conversion and alterations to existing buildings applications.”

Parish Council

“The Parish Council supports this application. The Parish Council has the following comments:-

1. There should be no flats allowed above the garages.
2. Parish Council is reassured that the development would be a quality build and finish, this should be ensured.
3. Some evergreen trees should be included in the landscaping.”

9.0 **REPRESENTATIONS**

Two letters of representation have been received raising the following:-

1. Difficult to believe that this rigid form of high density development can be taken seriously, being totally out of character with the existing informal pattern of buildings which exist within the village. The scheme is now so far away from the original concept of relatively low density courtyards which paralleled what might have been a large farmyard, that it can hardly be considered as an approval of reserve matters. Fully appreciate the blanket policy requesting density being handed down, but submit that this is not one of the sites to implement this policy, in spite of the Inspector’s recent findings. The village has one public house, no shop, a part time post office and a very limited bus service. Understand the school is already used to capacity. The buildings proposed should, by its size and very small surrounding spaces available to each occupant, be relatively low cost. Higher cost units will not satisfactorily mix in the context of very high density and cramped rigid planning. Urge Committee to give more mature thought to this matter, in particular the realistic needs of the village, its ability to absorb some 100 new residents and the preservation in a balanced way, of a community which has taken centuries to develop.
2. No objection to units being developed, but feel that 25 houses is an excessive number for this particular site within the village. The Parish Council went to considerable lengths to gather the opinion of the village residents and it was considered that this site should have no more than

17 houses in total, bearing in mind the infrastructure available in the village and position of the site. 25 properties would also bring an excessive amount of traffic to a part of the village which has already been developed, but which retains narrow roads. Up to 50 cars trying to leave the village in a morning means there would be considerable congestion and presents a potential hazard.

10.0 **PRINCIPAL ISSUES FOR CONSIDERATION**

- A. Is the site appropriate for development having regard to the policies contained within the Taunton Deane Local Plan Revised Deposit? POLICY
- B. Does the proposal meet local house needs? LOCAL HOUSING NEED
- C. Is the proposed density of the development appropriate? DENSITY
- D. Does the proposed design respect the setting to the adjacent Listed Building and Conservation Area? CONSERVATION
- E. Does the proposed development provide for appropriate community benefits? COMMUNITY BENEFITS.
- F. Do the proposals constitute unsustainable development? SUSTAINABILITY.

A. Policy

The site is allocated for residential development of a minimum of 20 houses in the emerging Taunton Dean Local Plan. It is considered that changing social circumstances through the trend towards smaller household sizes, will eventually result in a declining village population. The Local Plan allocation at Hill Farm is seen as a modest amount of development which will help to counter such problems. It is aimed to achieve this through the delivery of a high density development, coupled with specific requirements for low cost market housing.

In view of the sites inclusion for development in the emerging Local Plan and the previous outline planning permission the principle of residential development is considered to be acceptable.

B. Housing Need

Policy KM1 of the emerging Taunton Deane Local Plan Revised Deposit states that in association with the development, low cost market housing to meet local needs will be sought. This will help to improve the balance of housing within the village.

During the preparation of the Local Plan, the Parish Council maintained that there was no need for additional social housing in the Parish. Instead they

referred to the need for smaller housing units to provide starter homes for young people and also smaller properties for the elderly wishing to downsize. The Section 106 Agreement related to the previous outline planning permission required that 33% of the total number of dwellings to be smaller one or two bedroom properties. Although the current application does not provide for any one bedroom properties, a substantial proportion of the proposed dwellings are two bedroom. The absence of any one bedroom units is broadly in line with the Parish Council's wishes for there not to be any flats above the garages.

C. Density

The emerging Taunton Deane Local Plan notes that changing social circumstances within the village, in particular the trend towards smaller household sizes, will eventually result in a declining village population. The residential allocation at Hill Farm is seen as a modest amount of development which will help to counter such problems. The Local Plan states that this will be achieved through the delivery of a high density development, coupled with specific requirements for low cost market housing. To secure this, the Local Plan Policy KM1 allocates the site for a minimum of 20 houses. With the site area of 0.65 ha in the Plan this equates to 30.8 dwellings per hectare. The application site extends to 0.78 ha with the provision of 25 dwellings. This equates to 32 dwellings per hectare.

PPG 3 advises that Local Planning Authorities should:-

- (i) avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare net); and
- (ii) encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net)

With the density of the development proposed I consider that the proposed development is in compliance with the emerging Local Plan Policy and within the parameters set down by Central Government Guidance within PPG3.

D. Conservation

The site is immediately adjacent to Hill Farm farmhouse and its traditional outbuildings. The farm house is listed in its own right and the outbuildings are listed by virtue of curtilage. The site is also immediately adjacent to the village conservation area. Policy KM1 of the emerging Taunton Deane Local Plan states that residential development on the site is appropriate provided that the proposed scheme ensures the restoration of the listed farmhouse prior to the occupation of any new dwellings and that the proposed scheme design respects the setting of Hill Farm farmhouse and the Conservation Area. The lower case text notes that having regard to the setting of the listed building, land at Hill Farm has the potential for a residential scheme consisting of about 20 dwellings. The Plan goes on to say that an imaginative design solution is required in this sensitive location, which could involve the creation

of a courtyard development, resulting in a series of spaces and building to give the feel of a natural part of the farm.

The Conservation Officer has concerns with regard to the originally submitted scheme. As a result, discussions have taken place with the applicants and their agent and amended plans are to be submitted which need to meet her concerns. A Design Statement is also to be submitted. Subject to the receipt of these, I consider that the proposal is acceptable from a conservation point of view.

E. Community Benefits

As part of the development, there is a need to secure convenient and safe pedestrian access to local facilities. Traffic calming and footway provision for the village have been designed by the County Highway Authority. The current development will add to traffic flows within the village so the Local Plan Policy for the site requires that the development should contribute towards the implementation of the scheme. The recommended Section 106 Agreement requires a contribution of £65,000 towards these works, as requested by the County Highway Authority.

The proposed development provides for a proportion of the dwellings to be low cost market housing to meet local needs. This will help to address the changing social circumstances referred to earlier in the report.

In line with Taunton Deane Local Plan Policy C4, the Leisure Development Manager requests contributions towards improvements toward off-site children's play and public open space provision. A contribution of £2,056 per dwelling is to be secured through the recommended Section 106 Agreement.

F. Sustainability

The Government seeks to concentrate most additional housing development within urban areas. PPG3 states that villages will only be suitable locations for accommodating significant additional housing where:-

- it can be demonstrated that additional housing will support local services, such as schools or shops, which could become unviable without modest growth;
- additional houses are needed to meet local needs, such as affordable housing, which will help secure a mixed and balanced community; and
- the development can be designed sympathetically and laid out in keeping with the character of the Village.

It goes on to say that there should be adequate housing provision in rural areas to meet the needs of local people ... "local planning authorities should therefore make sufficient land available either within or adjoining existing villages to enable these requirements to be met."

Other considerations include:-

- the availability of previously developed sites and empty or under-used buildings and their suitability for housing use; and
- the location and accessibility of potential development sites to jobs, shops and services by modes other than the car, and the potential for improving such accessibility.

In the case of the Hill Farm site, the following considerations are relevant.

1. At the present time the Village provides a primary school, village hall, public house, church, part time post office and a garage. The two local shops, the butcher and baker, have now closed. It is acknowledged that the proposal will only offer limited support to these facilities, but it may help to prevent further losses.
2. The proposal will provide an element of low cost housing in response to identified local needs embracing starter homes suitable for young people and smaller properties suitable for the elderly wishing to downsize.
3. The development is designed to respect the character of the listed farmhouse, the Conservation Area and the AONB. The site was previously occupied by a range of modern farm buildings. The proposal therefore enhances this part of the village
4. Whilst not strictly constituting previously developed land, because of the former agricultural use, the range of modern farm buildings and concrete surfaces which previously occupied most of the site had the appearance of brownfield land and detracted from the character of this part of the Village.

The appropriate conversion of the two traditional barns and the listed farmhouse to small residential units is in line with the principles of sustainable development.

5. Whilst it is accepted that the majority of residents of the new development will look to Taunton for their employment, shopping and leisure activities, sustainable travel options are available. There is a bus service to Taunton. This offers scope for travel to work and shopping. In addition Kingston St. Mary is within easy cycling distance of Taunton town centre, being a relatively flat route and only 15 minutes cycling time.

11.0 **CONCLUSION**

The site is allocated for residential development for a minimum of 20 dwellings in the emerging Taunton Dean Local Plan. The application will

secure a range of benefits for the village, including the redevelopment of what was previously an untidy site with run-down modern agricultural buildings, the provision of low cost housing which will meet the needs of the village and secure a contribution towards the provision of footways in the village.

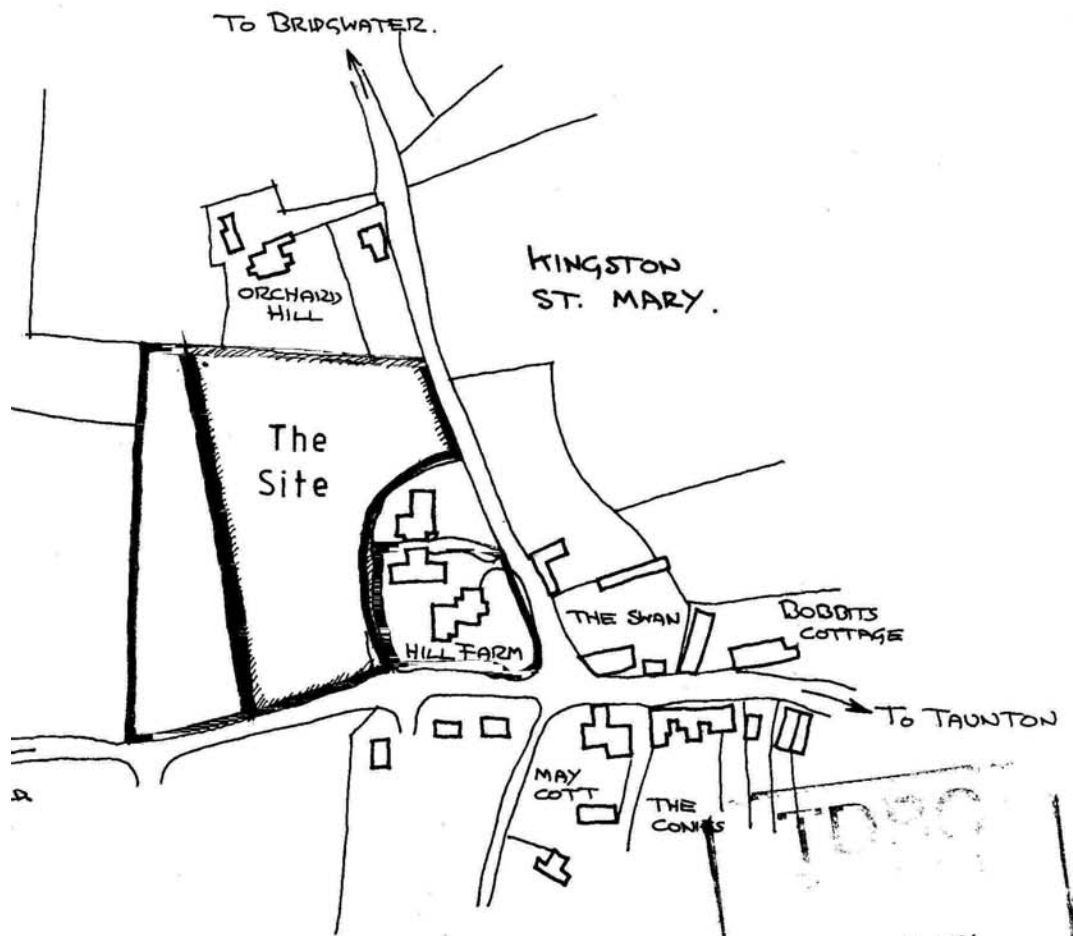
The scheme is in accordance with Policy KM1 in the emerging Taunton Deane Local Plan and is considered to satisfy the principles of sustainable development set out in PPS1, PPG3 and the Structure and Local Plans . I consider that the amended plans will respect the setting of the adjacent listed farmhouse and the character of the area.

The proposed development has the support of the Parish Council and there have only been two letters of concern from local residents, with the main issue raised being the density of the proposed development. I consider that the density of the proposed development is in line with that required by the Local Plan policies and Central Government Guidance.

I therefore consider that the proposal is acceptable and recommend that permission be granted subject to the Section 106 Agreement and the receipt of satisfactory amended plans and Design Statement.

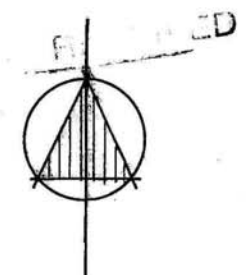
In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mr J Hamer Tel: 356461



Hill Farm
 Kingston St Mary
 201.01

9 AUG 2004
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Location Plan 1:2500

THE PEARCE PRACTICE
 50 HIGH STREET
 TAUNTON.
 tel. 01823 322820