

20/2004/026

DORMER RUD NEUBAU

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

21892/29724

FULL PERMISSION

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**PROPOSAL**

The proposal as submitted provides for the residential development of 25 two storey dwellings. The site is proposed for development in the 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. 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 AONB and adjacent to the Kingston St Mary Conservation Area.

A previous application for a scheme for 23 dwellings was considered by the Committee at its meeting on 3rd November, 2004 and subsequently refused as the Section 106 Agreement which related to sport, recreation and off-site highway works had not been concluded by the due date. The Agreement was concluded following the refusal of permission. The applicants have indicated their intention of amending the current application to also provide for 23 dwellings.

**CONSULTATIONS AND REPRESENTATIONS**

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, TA1 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 1km 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 main concerns are the views of the proposed development from the west where no landscape mitigation is proposed; no space is allowed for landscape planting; and the proximity of units to the northern boundary of the site. Suggest moving the proposed dwellings back by at least 5m. These need to be addressed to meet the requirements of EN10 and EN13. No Design Statement to meet the requirements of PPG15. CONSERVATION OFFICER in essence this scheme is the same as that originally submitted under 20/2004/021. Observations on that application equally apply here - amended plan and design approach and indicative landscape details not included. Design Statement still not submitted. WILDLIFE SPECIES CO-ORDINATOR if development goes ahead, would advise that existing hedgerows are strengthened to provide cover for wildlife. Application as it stands does not provide enough space for adequate planting for wildlife in their village setting. ENVIRONMENTAL HEALTH OFFICER 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). 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). 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. DRAINAGE OFFICER soakaways should be constructed in accordance with Building Research Digest 365 (Sept 1991). Applicant should contact SCC Highways for approval of any surface water system installed. HOUSING OFFICER since previous comments on this site, there is now a proven need in this parish. Would be looking for 35% of total numbers built (8 units). To satisfy the need would accept 2 units of accommodation and the remainder in a commuted sum for new build in surrounding parishes.

PARISH COUNCIL supports the application provided that the development proceeds on the basis of the amended site density of 23 dwellings; a condition of the approval that the land edged in blue on the location plan to the west of the site to be planted with trees to provide effective softening of the elevated development in the AONB, the Parish Council would like to be consulted and invited to suggest planting; the Highway Authority are satisfied with the safety of pedestrians and vehicles in the vicinity of the new access.

ONE LETTER OF OBJECTION query how an applicant can reapply for permission such a short time after having received a refusal; the proposed high density scheme emerges onto a road system with two real hazards, converges with the entrance to an elderly persons' estate and marks the approach to the local primary school; lack of facilities and amenities, limited school space; many of the properties will be let adding nothing to the sense of community; long after the contractors have left the site, the real consequences of volume building on a compact site, with a potentially treacherous exit, will appear and so will the real worries for safety; gardens too small for children to play in so they will be obliged to seek out the playing field, which is accessed via the old person's bungalows, or play in the roads; query whether the development will integrate into the slow pace and lack of amenities of Kingston St Mary life; some institutions such as the pub, post office, church and village hall should see an upturn.

## **POLICY CONTEXT**

Policy STR1 of the County Structure Plan contains criteria for sustainable development, including ones that (a) development should develop a pattern of land use and transport which minimises the length of journeys and the need to travel and maximises the potential for the use of public transport, cycling and walking; and (b) give priority to the continued use of previously developed land and buildings. Policy STR5 of the same plan states that 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 49 covers transport requirements of new developments and in particular requires that developments should provide safe access to roads of adequate standard within the route hierarchy.

Policy S1 of the Taunton Deane Local Plan includes general requirements for new developments. One of these requirements is that the accessibility of the development by public transport, cycling and pedestrian networks would be consistent with its likely trip generation and minimising the need to use the car. Policy S2 of the same plan provides guidelines for the design of new developments. Policy H1 states that housing development will be permitted within defined limits of settlements provided certain criteria are met. It is considered that these criteria are met with the current proposal. Policy H12 requires the provision of affordable housing within general market housing. Policy KM1 is specific to the site and states that the site 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; and (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.

## **ASSESSMENT**

The site is allocated for development in the Taunton Deane Local Plan, for a minimum of 20 dwellings. 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 of the Local Plan and is considered to satisfy the principles of sustainable development set out in PPS1, PPG3 and the Structure and Local Plans. The Section 106 Agreement related to the previous outline application on the site required that 33% of the total number of dwellings to be smaller one and two bedroom properties. Although the current application does not include any 1 bedroom properties, a substantial proportion of the proposed dwellings are two bedroom. I therefore feel that the affordable housing requirements for the site have been met. I consider that the amended plans will respect the setting of the adjacent listed building and the character of the area. A landscaping condition is recommended which will secure adequate screening for the development. This should overcome the concerns of the Landscape Officer and the Conservation Officer.

## **RECOMMENDATION**

Subject to the receipt of satisfactory amended plans and no further representations raising new issues thereon, the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission be GRANTED subject to conditions of time limit, foul and surface water drainage, site levels, materials, mortar, rainwater goods, surfaces of courtyards, landscaping (hard and soft), retention and protection of trees and hedges, no service trenches beneath canopies of trees, no felling/lopping, boundary treatment, estate road, surfacing, no discharge of surface water onto highway, 90 m visibility splays, access, pedestrian crossing point, parking, garaging, meter boxes, timber doors and windows, underground services, removal of GPDO rights for extensions, ancillary buildings and means of enclosure, no street lighting other than with written consent, contaminated land investigation/remediation and archaeological programme of works. Notes re disabled access, energy/water conservation, meter boxes, street naming, secure by design, permit under Highways Act, pedestrian crossing, reinforcement planting to the eastern boundary, natural materials, compliance, Section 106, contact Landscape Officer, CDM Regulations, all planting to be native species, Wessex Water, remediation strategy, noise emissions during construction, soakaways and archaeology.

REASON(S) FOR RECOMMENDATION:- The proposed development is on land previously occupied by farm buildings and is allocated for residential development in the Taunton Deane Local Plan. It is not considered that the proposal will have any adverse impact on the character of the area or the amenities of any nearby residential properties. The development is in compliance with Taunton Deane Local Plan Policies S1, S2, H1, EN15, EN17 and KM1.

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

**CONTACT OFFICER: 356461 MR J HAMER**

NOTES: