

MR D, R & T PARSONS

ERECTION OF TWO DETACHED TWO STOREY DWELLINGS AND ANCILLARY GARAGES AT DAIRY HOUSE FARM, STOKE ST MARY AS AMENDED BY EMAIL AND PLANS REF 1823-3A AND 1823-2C RECEIVED ON 08/03/11 AND EMAIL DATED 26/04/11.

Grid Reference: 326311.122376

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval for the following reason.

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable. The continued use of the existing access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties. The revised illustrative plan with the re-orientation of the dwellings, together with the reduction to one and a half storeys, contributes to the character of the village. It is not considered that there would be any overlooking to neighbouring properties and the new dwellings are considered to be an appropriate use of already developed land within the village. It is not considered that the loss of the existing parking area will result in detriment to the character of the village or local roads, and the retention of the existing landscape business is a benefit to the locality. The proposal is therefore considered to be in accordance with PPS3, PPS7, Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements) and M4 (Residential Parking Provision).

RECOMMENDED CONDITION(S) (if applicable)

1. Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of **three** years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of S92 (2) Town and Country Planning Act 1990 (as amended by S51 (2) Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo 1823-1 Location Plan

(A3) DrNo 1823-2C Illustrative Site Plan

(A3) DrNo 1823-3A Identification of existing uses

Reason: For the avoidance of doubt and in the interests of proper planning.

3. As part of the details to be submitted, details of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority, and there shall be no variance to the agreed levels unless otherwise agreed by the Local Planning Authority.

Reason: To enable the Local Planning Authority to give proper consideration to the scale and height of the new dwellings in relation to the existing dwellings in the area in accordance with Policy S1 and S2 of Taunton Deane Local Plan.

4. Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:

- (a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.

- (b) If the report indicates that contamination maybe present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

- (c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately prior

to the use hereby approved by the Local Planning Authority in accordance with Taunton Deane Local Plan Policy EN32.

5. Prior to commencement of the development, details of a strategy for dealing with foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include a full operation and maintenance strategy. The drainage strategy shall be implemented in accordance with the approved details prior to the occupation of the buildings and thereafter maintained.

Reason: To avoid pollution of the environment and/or flooding in accordance with Taunton Deane Local Plan Policy EN26 and guidance contained within PPS25.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed **before the buildings are occupied** and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the neighbouring residents in accordance with policy S1 of the Taunton Deane Local Plan.

7.
 - (i) The landscaping scheme submitted as part of the reserved matters 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.
 - (ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development 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 Policy S2 and to provide screening to/from adjoining residential properties in accordance with Policy S1.

8. The proposed dwellings shall be constructed as one and a half storey buildings with the main eaves line approximately level with the ground-floor window heads.

Reason: In the interests of the character of the locality in accordance with Taunton Deane Local Plan Policy S2(A) and to be in accord with the Stoke St Mary Village Design Statement.

9. All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(F).

10. In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the dwellings.

- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with [British Standard 3998:1989 (Tree Work)].
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

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 Policy S2.

11. Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 9 and detailed in figures 2 and 3 of BS 5837:2005.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Taunton Deane Local Plan Policies S2 and EN8.

12. No service trenches shall be dug within the canopy of any existing tree within

the land shown edged red on the approved drawing without the prior written approval of the Local Planning Authority.

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 Policies EN6 and EN8.

13. Prior to commencement of trenching works within the canopy spread of existing trees all trenching works shall be agreed with the Local Planning Authority. All trenching works should be hand dug and no roots larger than 20mm in diameter should be severed without first notifying the Local Planning Authority. Good quality topsoil should be used to backfill the trench and compacted without using machinery.

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 Policies EN6 and EN8.

14. The applicant shall undertake all the recommendations made in Country Contracts Protected Species Survey dated September 2010, and provide mitigation for bats in accordance with the recommendations; and in accordance with a timetable which should be submitted to and approved in writing by the Local Planning Authority.

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.

The development shall not be occupied until the scheme for the maintenance and provision of the new bat roosts and related accesses have been fully implemented.

Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To protect and enhance the site for wildlife in accordance with PPS9.

15. The parking and turning areas shown on the plans submitted as reserved matters shall be laid out prior to occupation of the dwellings and thereafter be kept clear of obstruction and not used other than for the parking/turning of vehicles.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13 and in order to prevent obstruction to the certified caravan site.

1. The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.
2. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
3. 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.
4. The developer is advised to have regard to the Stoke St Mary Parish Council Design Statement when designing the dwellings.
5. In respect to the illustrative plan, it is considered that the proposed dwellings being at an angle to the access tend to overcome potential overlooking issues, but the amount of hard standing/parking area shown appears excessive, and should be reduced in the detailed submission.
6. No planters should be placed within the highway limits at any time and the existing planters should be removed with immediate effect.
7. The landscaping scheme should include a line of trees on the western side of the site, and hedges in other locations as shown on plan ref 1823-2C.

PROPOSAL

The proposal is in outline and is for the erection of two detached dwellings with associated garages. The original plans had the properties facing west towards Winters Orchard. Revised plans have the dwellings facing southwest, with two double garages side by side in the middle of the site, but the plans are still for illustrative purposes only. Originally the dwellings were two storey; the revised illustrative plans show 1.5 storey (with dormers/rooflights). Several trees will be retained around the edge of the site, most of the others within the site will be removed.

The wildlife survey indicates that one of the buildings to be demolished has been used as a feeding perch by long-eared bats, there is no large bat roost, barn swallows have nested in one building and badgers are active in the area. Mitigation including provision of areas for bat roosts and at least one bat box is recommended.

The agents have advised that there will still be parking provision for Barn Owl

Cottage and Dairy House Farm as well as parking for staff and visitors just to the rear of Harvest Cottage and Dairy House Farm. The staff in the office are family members, welfare facilities for the staff are either provided on site or in portaloos if on contract. There is no intention for the operatives of Parsons Landscaping to drive through the caravan site to reach the storage working and parking areas to the north. Adequate means of communication between the office and the site can be provided through mobile phones and other means. There is no proper hardcore access and no intention to provide such. It is not envisaged that there would be any increase in vehicle movements as a result of this development. The office development does not need to be directly linked with the storage, working and parking areas to the north.

In response to concerns raised by residents, the agents have stated that the proposed development will involve the removal of the semi pervious surface and this will be replaced by garden lawns, the surface water from roofs would be provided with adequate soakaways, thus there should be no resultant run off onto third party land or highway. In terms of the foul water drainage, the intention is to connect to the existing public sewer, and pipework will comply with current Building Regulations.

SITE DESCRIPTION AND HISTORY

The site is located in Stoke St Mary, on the northern side of the road. The application site is to the rear of the Dairy House Farm, and is currently used as carparking for Parsons Landscaping business. Dairy House Farm itself is on the opposite side of the road to the Half Moon Public House. Winters Orchard, a close of 6 properties, lies to the west/southwest of the site. There is a certified caravan site located to the rear of the application site, accessed from the same point of access. Several storage buildings will be removed from the site. Other storage buildings remain sited to the north of the site, and the office for the gardening business will remain in an outbuilding to the Farm House, together with associated parking area.

- 37/01/003 two storey extension, granny annex and porch at Dairy House Farm, approved on 04/05/01.
- 37/94/002 two storey offices for landscaping business at Dairy House Farm, approved 24/03/94, not constructed.
- 37/93/011 garage to rear, approved 01/11/93.
- A series of temporary permissions for the siting of a caravan (rear of Mayfield), refusal of permission for continued siting of caravan (1977) and enforcement action authorised for removal of same.
- 37/74/014 (land currently certified caravan site and land to its east) residential development refused on basis of not required for agricultural purposes, undesirable extension of development beyond existing development, village not suitable for such development and insufficient frontage for road access (29/10/74).

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The Agent has set out the existing/ongoing welfare facilities in connection with the existing business use

(Parsons Landscapes Ltd) in the email dated 12 April 2011. It would appear that an element of the business use will continue in its current position and will utilise the same access as the proposed new dwellings, with the main working and parking areas being utilised from an existing access to the north.

It is not particularly ideal to have the landscaping business effectively split particularly as there would be no physical barrier to prevent vehicles accessing the offices and/or the storage area to the north so they could effectively derive access into the to the rear of Dairy House Farm. In addition it would appear that there would be nothing to prevent vehicles from continuing to use the existing access and driving past the proposed new dwellings to access the land to the north.

It maybe unreasonable to raise a highway objection if effectively there is no increase in traffic over what currently, particularly as the Agent is claiming that it will actually be a decrease. However the LPA need to be sure that this is the case and that the traffic cannot be re-introduced through an internal route. The existing access between Dairy House Farm and Harvest Cottage does not benefit for visibility splays commensurate with traffic speeds therefore I would not welcome any increase/intensification in use of this access.

In addition (it was noted at one of my previous site visits) that the Applicant has placed decorative planters within the highway limits which restricts visibility and restricted the width of the footway for pedestrians directly outside of Dairy House Farm. The red line of the application site has also included part of the highway, and I am not aware that notice has been served on the Highway Authority.

Whilst it is understood that the access to the north could be utilised at any time, this development would clearly result in an intensification of its use, as 35 vehicular movements will be relocated to this access on a permanent basis. Therefore I would seek that this is improved in the interest of highway safety for all road users, by repositioning it perpendicular to the highway and incorporating visibility splays.

Taking all of the issues into consideration it must be a matter for the LPA to decide if this proposal is acceptable and that appropriate conditions can be imposed to ensure access onto the adjoining public highway is not intensified to the detriment of highway safety for the users of the site and or those utilising the adjoining public highway.

STOKE ST MARY PARISH COUNCIL - (summarised), Part of the site is outside settlement limits; overlooking to some properties, the properties could be slightly turned; ridge and eaves' heights above others in the area; issue with the main sewer, and questions whether it can cope with heavy rain; the Parish Design Statement seems to have been ignored, with 'executive' type houses proposed. (Stoke St Mary PC Design Statement published)

On revised illustrative plan:- the amended plan seems to have addressed two of the concerns, the orientation and the roof height decreased to one and a half stories. However as the ground level has not been fixed, the final height cannot be measured. There is still no report in respect to the drainage, no report from CHA re access or splays. Concern that this is only outline and problems will still remain.

LANDSCAPE LEAD - subject to retention of trees as proposed, protection during construction and details of landscaping the proposals are acceptable.

re amended plan:- main concern is the proximity of the more westerly garage to the existing tree, however as the land is already well compacted, it should be possible to build the garage without damaging tree roots subject to foundation type and depth ie. a raft foundation of 300mm rather than trench foundations to 500mm would be better and less damaging.

CONSERVATION OFFICERS - no observations.

NATURE CONSERVATION & RESERVES OFFICERS - results of survey noted, condition suggested.

DRAINAGE ENGINEER - note that surface water to be discharged to soakaways, these should be constructed to BDG 365. No details of how foul sewerage is to be treated, details required prior to any approval.

ENVIRONMENTAL HEALTH OFFICER - contaminated land condition suggested.

Representations

2 letters of no objection, 1 letter of comment - no objection in principle to the proposed houses, but request substantial fence or fence with hedge to help overcome overlooking. Suggests additional trees to help screening from upper floor.

4 letters of objection -

- overlooking from the new dwellings, suggests a change in aspect; that they should be single storey as in the Parish plan. (The PC say this document is in draft form only at this stage, and has not been published.)
- the proposal extends beyond the settlement limit (where one garage is proposed), this will invite further encroachment on non residential land;
- rooflines very high, with designs styles and sizes not in keeping with the Parish Council Design Statement in the Village plan;
- Overlooking to rear facing bedrooms, living rooms and gardens;
- Overlooking and loss of privacy to adjacent garden;
- Loss of views;
- The proposed access road is closer to properties than the existing route, this will result in an increase in noise and nuisance, affecting current tranquillity;
- There should be a limit on traffic using this route to the new occupiers;
- If permission is granted the landscaping must be provided as a boundary to the access route;
- Concerns about the increase in flow of storm drains;
- Concerns about sewage back ups;
- Loss of village character;
- Concerns that this will lead to a further extension of the commercial activity onto the land at the rear of the site;
- If houses have to be built, they should be smaller;
- Object to the row of trees which will provide screening as these will further block light to property;
- Concern about structural damage if more trees are planted.

Comments in respect to the amended site plan:

1 letter of objection:

- A greater reduction in privacy;

1 letter reiterating previous comments:

- object to bringing the proposed road access closer to dwelling than existing route and need to ensure planting is carried out and maintained;
- suggests conditions to ensure the landscaping is carried out and the workers do not go through the site.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

S7 - TDBCLP - Outside Settlement,

M4 - TDBCLP - Residential Parking Provision,

EN8 - TDBCLP - Trees in and around Settlements,

EC25 - TDBCLP - Touring Caravans and Camping Sites,

EC9 - TDBCLP - Loss of Employment Land,

EN8 - TDBCLP - Trees in and around Settlements,

EN12 - TDBCLP - Landscape Character Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The amended plans show all the site to be within the settlement boundaries, previously one of the garages had been outside this boundary line. The amended plan also indicates that the proposed dwellings could be one and a half storey, thus are more compact in overall height and more akin to the cottages in the vicinity. There are however larger dwellings as well in the area, but given the immediate surroundings, the lower roof line would be more appropriate.

Whilst the plans are for illustrative purposes only, the plans do give an idea of the distances between dwellings. The nearest point of dwelling A is at least 34m from the rear face of no 6 Winters Orchard, and the nearest point of dwelling B is about 21m from the north-eastern corner of no 5 Winters Orchard. In respect to the objection on the amended plans to overlooking; this objector is over 50m away, thus is not considered to be unduly affected.

The dwellings, being shown at an angle to the access would not directly overlook Dairy House Farm, Barn Owl Cottage, Mayfield, The Croft or Fyrse Cottage. The rearmost part of dwelling A would be about 40m from the rear studio of Fyrse Cottage. With the existing trees and proposed landscaping it is not considered that there would be loss of privacy or overlooking from the proposed dwellings to the existing dwellings, any overlooking to gardens is minimal given the distances involved and the orientation of the dwellings. In addition new fencing/hedging to the site would overcome any potential overlooking at ground floor level, and the orientation of the upper floor windows will restrict upper floor overlooking.

Loss of view is not a planning matter. The proposed access to the dwellings and to the certified caravan site beyond, is closer to the properties in Winters Orchard than the existing, which is located to the east of existing storage buildings. However use of such access is not considered to be detrimental to the amenities of the existing occupiers of Winters Orchard nor to the new occupiers, given the existing use as car park for the landscaping contractors, and the associated comings and goings.

The scheme is in outline so no detailed landscape plans have been submitted. However, a landscaped strip is shown on the plans to be sited between the proposed new access and the western boundary. This area is about 6m in width and is shown to have a line of trees. This could be a hedge or other landscaping in order to provide screening. There are two contrary issues, in that one neighbour wishes to have a good tree screen to screen the site, and a different neighbour is objecting to further trees along the boundary. This area of screening would be to the east/north-east of no 6 and on the other side of the ownership boundary, and be approx 7m away. It is usual to require screening along boundaries and where there is opportunity to request landscaping rather than just fencing. It is considered that given substantial storage buildings are being removed, a shrub and/or tree screen should be provided.

Other landscape features include indicative hedges on part of the site to screen the new dwellings from the access to the certified caravan site, and to/from Dairy House Farm. The agents have commented that the drainage details can be resolved satisfactorily within the site, there will be less hard standing in the new layout than the current situation and foul water will be connected into the public sewer.

There are comments that the scheme does not accord with the Village Statement; this statement has now been finalised and published. It provides the historical and character basis for the village and gives guidance to new developments. It suggests inter alia, that brick elevations should be avoided, that the scale be limited to one and a half stories, tall fences and open plan frontages be avoided, and parking/garaging should not be at the front of properties. The amended plans indicate a change from two storey to one and a half storey, although the agent states that two storey is also appropriate; they are set behind a hedge, and although the garages are in front of the dwellings, they will not be seen from the main road. In general the plans, although in outline only, generally appear to accord with the main elements of the Statement. An informative will point the developer to the Village Statement for inclusion of the finer elements.

The County Highway Authority has some concerns, in respect to impact of the loss of the parking area associated with the use of the site for the landscaping business. The Office for the business is retained on the existing site, together with sufficient parking for staff and visitors. The main business takes place out at other people's sites/locations, and an area to the northwest of the application site is used by the business for storage, working and parking areas. It is not considered to be appropriate or satisfactory for the lorries associated with the landscape business to drive through the caravan site and past the new dwellings. However the agent has stated that, there is no intention for this to take place; but there is no physical barrier to prevent such a route, although a new bridge would have to be constructed. The construction of this bridge will require planning permission, and thus another condition is not required.

In respect to the County Highway Authority's suggestion for a revised access to the existing access to the storage area, this is not considered to be acceptable in rural planning terms as such a new widened access at 90 degrees to the lane, is considered to be excessively large and would be unacceptable in such a narrow lane. The existing access is considered to be sufficiently large enough to accommodate the workers vehicles. Given the Local Authority's general support for businesses in rural areas, it is not considered necessary to place these particular conditions on this permission.

It is considered that the erection of two dwellings on land rear of Daisy House Farm will not have a detrimental impact on the amenities of the neighbouring properties nor on the character of the village itself. The land is previously developed land, being a parking area with storage, and its development for residential purposes is a suitable use of the site. Employment will not be lost, as the office for the landscaping company will be retained in its current location. The company has an area of land currently used for storage of materials used in the landscape business some 360m directly to the north (approx 700m by road). Any vehicles not going to sites can be left at this site. There is no intention for the workers to access the northern site from the office area through the certified caravan site. It is not considered to be reasonable nor enforceable to prevent workers from accessing the other part of the site.

In conclusion, the proposal is a suitable use and the illustrative plans are an appropriate form of development for the site. It is not considered that there will be any detriment to the character of the village from this scheme.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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