

20/18/0018

MR S FINEBERG

Erection of 1 No. detached dwelling with associated works on land at Copper Hill, Lodes Lane, Kingston St Mary (resubmission of 20/17/0018)

Location: COPPER HILL, LODES LANE, KINGSTON ST MARY, TAUNTON,
TA2 8HU

Grid Reference: 322206.129666

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A3) DrNo 2017019 001 Location and Block Plans

(A3) DrNo 2017019 002 Site Survey

(A3) DrNo 2017019 004 Proposed Site Layout Plan

(A3) DrNo 2017019 005 Proposed Floor Plans & Elevations

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

3. Details of the proposed boundary treatments on the application site shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location of all boundary treatments shown in a scaled plan and details of the height, type, materials, finish and colour of the proposed boundary treatments. The approved details shall be carried out in accordance with the approved details, prior to the occupation of the dwelling hereby approved.

Reason: To safeguard the character of the area and in the interests of the amenities of the neighbouring residents.

4. (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior such a scheme being implemented. The

scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development.

(iii) For a period of five years after the completion of each 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.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

5. Prior to the wall construction of the building, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the area.

6. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Quantock Ecology's submitted reports (Ecological assessment and Great crested newt survey) both dated July 2018 and include:
1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
 3. Measures for the retention and replacement and enhancement of places of rest for the species
- Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented

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

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.

2. Wessex Water will not permit the build over of public shared sewers by new properties.
Your contractor must undertake private survey to determine the precise location of the existing 150mm public foul sewer which crosses the site. Easements are usually 3 metres either side of public sewer, subject to application sewers can sometimes be diverted, at the applicants cost, to achieve suitable easements.

One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution.

You have indicated that surface water will be disposed of via soakaway.

The strategy is currently acceptable to Wessex Water, subject to agreement to detail with the local planning authority.

The planning authority will need to be satisfied that soakaways will work. Soakaways will be subject to Building Regulations

3.
 1. The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.
 2. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended)
 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.

Proposal

The application proposes the demolition of a former agricultural building (dutch barn and lean-to) and the erection of a one and a half storey two bed dwelling. The dwelling is proposed to be constructed in local natural stone, with stained vertical boarding on the dormer windows. The pitched roof is proposed to be clad in clay pantiles. The door and windows are to be stained timber. The site measures 316m² and the building footprint measures 62m².

The application also indicates the demolition of a second barn (cowstalls). However this barn is outside the application site and not subject to consideration under this application.

Site Description

The application site lies within the settlement boundary of Kingston St Mary and also

located within the conservation area and the Quantock Hills Area of Outstanding Natural Beauty (AONB). Residential properties are located to the east and south, with open agricultural land to the north-west. A public footpath runs across the agricultural land to the north.

Relevant Planning History

20/17/0018 - Erection of dwelling - Application withdrawn 16 October 2017

Consultation Responses

KINGSTON ST MARY PARISH COUNCIL - The Parish Council objects to this application for the following reasons:

- the development would have a detrimental impact on the view and setting of the Grade 1 listed building
- overdevelopment of a sensitive site within the conservation area
- concerns regarding additional traffic accessing/egressing from the junction of this area onto Church Lane

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice applies

WESSEX WATER - No objections

BIODIVERSITY - The proposal is for the demolition of existing barns and the erection of a detached dwelling on land at Copper Hill, Lodes lane, Kingston St Mary.

Barn 1 is a metal framed Dutch barn whilst barn 2 is a block built barn. No loss of hedgerow will occur as a result of the proposed plans. Three ponds are present within 200m of the site.

Quantock Ecology carried out an Ecological assessment of the site and a great crested newt survey to produce two reports dated July 2018.

Findings of the reports are as follows

Birds - A number of bird nests were noted within the building 1

Bats - No bats or evidence of bats was recorded in the buildings. The open nature of the buildings and lack of suitable roosting features suggest that the buildings have negligible value for bats.

Great crested newts - Surveys of the three ponds classed the ponds as poor to average. No GCN were found during survey.

I support the recommended biodiversity enhancements subject to the imposition of conditions.

HERITAGE - I have visited the site. The existing buildings on the development plot are not special. In my view a development in this location will cause no harm to the setting of the church.

It would help if the concrete block barn was removed as that causes minor harm. However it also shields the proposed building so in heritage terms there is no objection

QUANTOCK HILLS AONB - While recognising the amendments made to the previous withdrawn proposal for this site the AONB Service remains concerned that removal of agricultural buildings and erection of a dwelling will change the character of this part of the village edge.

We are concerned that the removal of redundant agricultural buildings and replacement with a mock agricultural 'conversion' could give a false history in the landscape. We are also concerned how this development would affect the setting and views to St Mary's church. The change from agricultural buildings to domestic property (and associated domestication of the landscape) is likely to be marked. We are unclear how this change will conserve the agricultural character of the village edge. We ask that due regard is had to the current AONB Management Plan (2014-2019), in particular:

SEO3: Reinforce and protect the rural and historic character of the agricultural landscape within its distinctively sparse settlement character, scattering of isolated farmsteads, tiny hamlets and small villages. Protect and manage the longstanding agricultural land use for its important role in the local economy, for the habitats it supports and to ensure it contributes to the regulation of soil and water.

Development and Infrastructure: That design respects and reinforces local character and scale in new development affecting the AONB.

"The Quantock Hills AONB is visually very vulnerable, with much of the landscape having a pronounced physical form ... Equally the more intimate landscape of the lower slopes and coastal strip, the irregular hedged fields and small stone-built hamlets and villages, can be stripped of its special character by inappropriate development and the cumulative effect of insensitive changes over time".

Action Point D14: To support the protection of local distinctiveness in AONB settlements and Quantock lanes and roads.

SCC - NOW HISTORIC ENV SERVICE (AS NOT PART OF SCC 2015) - No comments received

Representations Received

Representations have been received from thirteen residents objecting to the proposal on some or all of the following comments:

- applicant has no right of access over the lane for residential purposes

- the scale of the development is out of keeping with surrounding properties, shoehorned onto a small site with little outside space
- demonstrable harm to the character and appearance of the conservation area and AONB
- access road is narrow with no passing places, which would be dangerous
- access road cannot accommodate additional traffic generated by the development
- additional traffic on Church Lane would add to congestion
- increased noise disturbance and loss of privacy to existing dwellings
- replacing the barn with a new dwelling would result in creeping urbanisation
- the design is out of keeping with neighbouring buildings
- planning permission should improve an area
- no provision for outdoor storage
- the site sits between two important listed buildings, the Manor House and St Marys Church
- new utility connections would be required in the private lane
- there are a number of inaccuracies in the Access Statement submitted with the application

One representation received asking for the following points to be taken into consideration:

- erection of a 1.8m high boundary fence along the south-western boundary
- details of all drainage matters to be secured prior to the commencement of any works and to be conditioned accordingly
- if any asbestos found, reassurance it will be disposed of in the correct manner

Planning Policy Context

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

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

Relevant policies of the development plan are listed below.

DM1 - General requirements,
 SP1 - Sustainable development locations,
 SB1 - Settlement Boundaries,
 SD1 - Presumption in favour of sustainable development,
 A1 - Parking Requirements,
 D7 - Design quality,
 CP8 - Environment,
 D10 - Dwelling Sizes,
 D12 - Amenity space,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Creation of dwelling is CIL liable.
Proposed dwelling measures approx. 86sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £10,750.00. With index linking this increases to approximately £14,250.00.

New Homes Bonus

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

1 Year Payment

Taunton Deane Borough	£1079
Somerset County Council	£270

6 Year Payment

Taunton Deane Borough	£6474
Somerset County Council	£1619

Determining issues and considerations

The site lies within the settlement boundary of Kingston St Mary. The site is considered to be a sustainable location and principle of development on the site is therefore acceptable.

Highways

The Highway Authority has referred to Standing Advice in their response.

The new access to the development is proposed from the private road. No changes or alterations are proposed to the existing private road or the visibility at the egress onto Lodes Lane whereas the standing advice refers to creation or alteration to access. The Standing Advice requirements relating to visibility splays are therefore not relevant in this instance.

Policy A1 requires two off street car parking spaces for a two bed dwelling. Two spaces are proposed to the front (north-east) of the dwelling.

A number of residents have raised concerns regarding the applicants right of access over the access lane and claim the right of access over the lane to a domestic use has not been proven.

The application has been submitted with the relevant notices served on the owners of the property. However should an approval be granted this does not imply rights over third party land without the owners consent.

Residential Amenity

It is considered that given the orientation of the existing and proposed dwellings and distances between, residential amenity of existing properties should not be adversely affected.

The design of the dwelling incorporates a private amenity space to the rear of the proposed dwelling which is to be enclosed with a stone wall with fence above along the south-eastern boundary, a 1.8m high close boarded fence along the south-western boundary and native hedging along the north-western boundary.

Visual Amenity

The dwelling would be one and a half storeys high and not significantly higher than the existing agricultural buildings on the site. Whilst the footprint is in a slightly different location than the existing building it is considered that the location would allow for a more traditional residential layout with private amenity space to the rear. The dwelling is proposed to be constructed in natural local sandstone with a clay tiled roof which are considered to be in keeping with the area.

A landscaping scheme along the north-western boundary is indicated on the proposed plans however the proposed planting is located outside the application site. Therefore a condition has been included to require the submission of a landscaping scheme which should include planting along the site boundary.

Impact on Listed Buildings, Conservation Area and AONB

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard is paid to the desirability of preserving or enhancing the character and appearance of the conservation area when deciding whether to grant planning permission and Section 66 relates to the setting of listed buildings.

The Conservation Officer has visited the site and concluded that the development in this location would not harm the setting of the Grade I listed church. The removal of the second barn would improve the appearance of the conservation area. The development is therefore considered to be in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policy CP8 of the Core Strategy.

The AONB Services Officer has raised concerns regarding the design of the building and its potential impact on the character of the AONB in this location. It is considered that the proposed dwelling is modest in scale, using materials in keeping with the architectural vernacular. The character of the edge of the village will change in this location, but the change is considered to be beneficial to, and in keeping with, the primarily residential character.

Conclusion

It is considered that the proposal complies with adopted policies and, subject to conditions listed, approval is recommended.

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

Contact Officer: Denise Grandfield