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APPL.NO: 06/01495/OUT APPLICATION TYPE: Outline Application

PARISH: Kingsbury Episcopi WARD: BURROW HILL

DESCRIPTION: Erection of seven private dwellings with garaging and alterations to access (GR 343344 / 121198)

LOCATION: Land at Coxs Farm, Silver Street, Kingsbury Episcopi, Martock TA12 6AX

APPLICANT: Mr P Lock

AGENT: Greenslade Taylor Hunt, 1 High Street, Chard, Somerset TA20 1QF

DATE ACCEPTED: 2 May 2006

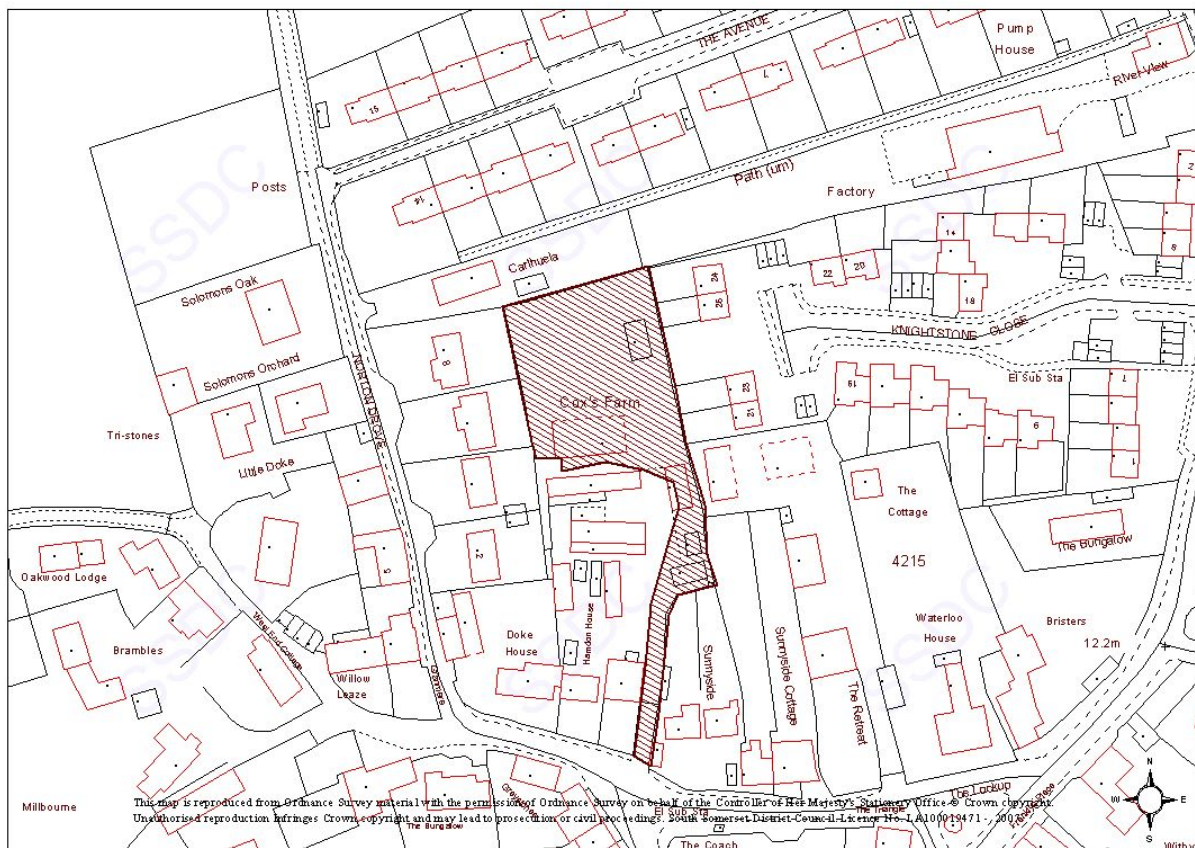
Reason for Referral

The Ward Member requests that Area Committee Members give further consideration to the proposal in terms of over development of the site, highway access and the problems raised by parking on the roads; and overlooking of neighbouring properties.

Site Description and Proposal

The application site is currently an agricultural yard set within the village development area and lies immediately adjacent (south side of site) to the conservation area designated for Kingsbury Episcopi.

The proposal seeks the erection of seven dwellings and associated garages with alterations to the proposed entrance from Silver Street that overcomes earlier Highway Authority concerns. A recent permission in 2006 was granted for the conversion of an agricultural barn to residential that will use the same access route.



Planning History

2006 - Conversion of an agricultural barn to residential.

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under 54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant development plan documents unless material considerations indicate otherwise.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires -(1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Relevant Development Plan Documents:

Regional Spatial Strategy

VIS1 - Expressing the Vision

VIS2 - Principles for Future Development

EN4 - Quality of the Built Environment

EH3 - The Historic Built Environment

Somerset and Exmoor National Park Joint Structure Plan 2000

STR1 - Sustainable Development

STR3 - Rural Centres and Villages

STR5 - Development in Rural Centres and Villages

9 - Historic Built Environment

South Somerset Local Plan 2006

ST2 - Villages

ST5 - Principle of Development

ST6 - Quality of Development

EH1 - Conservation Areas

HG4 - Housing Density

Consultations and Representations

Parish Council:

1st consultation: Reject - site is inadequate for the amount of dwellings - Silver Street is heavily congested.

Revised drawings: Refused - Over-development, overlooking to rear of bungalows, access not adequate.

County Highway Authority - Revised drawings - No objection subject to conditions to control estate roads, footpaths details, consolidated surfaces, build out onto highway constructed and fully implemented prior to dwellings being constructed.

SSDC Technical Services – Soakaways OK subject to satisfactory percolation tests.

Natural England - Full species survey of all the land and buildings is required.

Historic Conservation - Verbally reported that he had concern that the boundary treatment within the site (double garage) should be if an angular character - more traditional than

sweeping lines. (Conservation's views can be expressed via an informative with detailed layout drawings to show angular boundary treatment)

Neighbours

There were 17 neighbour notification letters issued and a site notice posted (conservation area). There have been 13 responses to the first consultation and 6 responses to the revised drawings consultation.

1st consultation:

Site levels 900mm above Norton Drive

Parking, highways safety, congestion, narrow access, visibility

13 metres from dwelling - blocking light, loss of privacy

Drainage/ flooding

Trees planted east side as far as garage

No side windows to new cottages to overlook no. 26 Knightstone Close

High fencing along whole of east side of land

Carilmela - 0.5 to 0.8m below ground level of site - shade, 5.5m to boundary

Bungalows more appropriate

Over development

Village lacks amenities

Use of car

Height of properties - distances between dwellings.

Revised drawings consultation:

Entrance to site - intensification

Village community (increased number of houses)

Congestion in the Triangle, at entrance

Access not appropriate

Trees planted east side

No side windows overlooking no. 26 Knightstone Close

High fencing required along east side

Planning Considerations

The applicant's site forms part of an agricultural yard surrounded by residential dwellings located within the development area that lies adjacent to and forms the setting of the conservation area through which one passes when approaching the site.

The application is for outline planning permission and is supported by a design and access statement. Although only the means of access is to be agreed at this stage with all other matters reserved the illustrative drawing demonstrates that seven dwellings can be successfully fitted onto the site working with the guidance given as to expected distances between windows (20 to 23 metres on western boundary) addressing overlooking and loss of privacy, providing standard parking provision, presenting a layout with character showing vernacular scale demonstrated by the depth to dwellings given in the illustrative drawing and on which one would expect details to build contributing to the application for reserved matters.

Highways have raised no objection to the build out into The Triangle that addresses the earlier concerns of the highways authority.

The illustrative layout shows dwellings with a 7.5metres depth and 6.5metres wide averaging 98 square metres of floor area over two floors per dwelling. The gable end facing no. 26 Knightstone Close can be conditioned to be kept blank with no openings but a condition that

controls this aspect of concern and seeks a non-opened obscure glazed window at first floor level may be more appropriate.

Notwithstanding changes in levels at ground floor level the presence of boundary treatment and distance between (20m +) facing elevations are considered appropriate in terms of the planning guidance. At first floor level the presence of openings for bedrooms - their actual use argues for less frequent use during the day. A condition requiring boundary treatment to secure up to the permitted development height allowed for fencing can be attached to any permission, likewise tree planting is also proposed that could introduce small to medium sized height to break down views notwithstanding that minimum distances are addressed in the illustrative layout plan.

Reference has been made through the neighbour notification responses to the loss of light but given the distances involved officers do not consider this to be the case. A high fence is sought for the entire east side of the land; this can be considered further through condition controlling enclosure and boundary treatment. Tree planting along the east side as far as the garages is not necessarily appropriate due to the proximity of foundations and in any case controls over the presence of openings are likely to address the original concerns where additional tree planting has been requested in this location.

Consultation responses have also been concerned with the current parking provisions in The Triangle, the presence of the build out to overcome visibility issues and the loss of potential parking here - the congestion and the narrow access offered. The ownership of a strip of land at the entrance to the site has been questioned. Notwithstanding the civil issue involved a condition is proposed that seeks works to the access to be completed ahead of the erection of the dwellings.

Other matters raised revolve about drainage problems and flooding and a condition requiring details of foul and surface water can be attached, although Members will be aware that Building Regulations and other utility providers are also responsible for efficient drainage under their separate legislation approaches.

In conclusion

The proposal seeks a layout and design compatible with this edge of conservation area location. The details presented are not considered to be over development of the site. The village has its own development area and policy requires a minimum of 30 units per hectare with an expectation of much higher figures although such figures need to reflect the local character, the particular identity and merits of a particular settlement/ site. In this case the seven dwellings average approximately 30 dwellings per hectare and represent a minimum and it is considered that this can be comfortably accommodated as suggested by the on site layout.

RECOMMENDATION

APPROVE

JUSTIFICATION

01. The proposal, by reason of its size, scale and materials, causes no demonstrable harm to residential amenity or to the character and setting of the conservation area in accordance with the aims and objectives of policies ST5, ST6 and EH1 of the South Somerset Local Plan (2006).

Application Permitted with Conditions

01. Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

02. 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: as required by section 90(2) Town and Country Planning Act 1990

03. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

04. The proposed estate road, footways, footpaths, verges, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture 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 and agreed in writing by the Local Planning Authority. Such details as agreed in writing shall be undertaken as part of the development hereby permitted and thereafter maintained.

Reason: In the interests of highway safety and visual amenity in accordance with policies EH1, ST5 and ST6 of the South Somerset Local Plan 2006 and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan 2000.

05. 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.

Reason: In the interests of highway safety and visual amenity in accordance with policies EH1, ST5 and ST6 of the South Somerset Local Plan 2006 and policy 49 of the Somerset and Exmoor National Park Joint Structure Plan 2000.

06. The dwellings hereby permitted shall not be first occupied until two parking spaces for each dwelling has been provided in the position to be approved in writing by the Local Planning Authority. The said spaces and access thereto shall thereafter be kept clear of obstruction and not used other than for the parking of vehicles or for the purpose of access.

Reason: In the interests of highway safety and in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan 2000.

07. The use of the development hereby permitted shall not be commenced until the surfacing materials of the access drive and turning and parking areas have been

approved in writing by the Local Planning Authority and such areas properly drained, consolidated and surfaced in accordance with those approved details.

Reason: In the interests of highway safety and in accordance with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan 2000. .

08. The dwelling(s) hereby permitted shall be of a full two-storey design.

Reason: To safeguard the character and appearance of the area in accordance with policies EH1 and ST6 of the South Somerset Local Plan 2006.

09. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no window or opening shall be made in the gable end or similar elevation facing Knightstone Close unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties in accordance with policy ST6 of the South Somerset Local Plan 2006.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garages shall be erected other than those expressly authorised by this permission.

Reason: To safeguard the character and appearance of the area in accordance with policies EH1 and ST6 of the South Somerset Local Plan 2006.

11. Before any part of the 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. Any such wall, fence or hedge so approved shall be erected/planted within one month of the substantial completion of the development and thereafter retained, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies EH1 and ST6 of the South Somerset Local Plan 2006.

12. No development shall commence, before details of the proposed finished ground floor level of the dwellings hereby permitted, in relation to the natural and finished ground levels of the site, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with any details as may be agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain adequate control over proposed floor levels, in the interests of neighbour amenity, further to policy ST5 of the South Somerset Local Plan.

13. Before commencement of any development work, other than investigative work, in connection with the use hereby permitted the nature, degree and extent of actual or potential land contamination at the site shall be investigated to the satisfaction of the local planning authority (LPA). Such investigation shall include as a minimum the preparation of a Phase 1 (desk study) contamination report. If actual or potentially significant risks are identified then further investigation and the completion of Phase 2 interpretative land contamination report. Investigation reports shall be submitted to

the LPA for approval. If any unacceptable risks are highlighted, a detailed remediation strategy shall be submitted to the LPA. The remediation strategy shall be approved by the LPA prior to the commencement of any development work. Remediation works shall be fully implemented and completed before any building hereby permitted is first occupied. All investigations, risk assessments and remediation shall be carried out in compliance with recognised guidance, methodology and protocols.

Reason: To ensure that actual or potential land contamination at the site has been investigated and that any associated environmental risks have been assessed. To ensure that development is 'suitable for use' and that identified contamination will not present any significant environmental risks to the identified receptors.

14. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of environmental health.

15. Before the development hereby approved is commenced, a sample panel of the local natural stonework, indicating colour, texture, coursing and bonding, shall be provided on site for inspection and agreed in writing by the Local Planning Authority.

Reason: To ensure the use of materials appropriate to the development and to safeguard the visual amenities of the area.

16. The development hereby permitted shall not be commenced until particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policy ST6 of the South Somerset Local Plan 2006.

17. All of the windows hereby approved shall be traditional side hung balanced casements (with equal sized panes of glass).

Reason: In the interests of visual amenity in accordance with policy ST6 of the South Somerset Local Plan 2006.

18. Before the development hereby permitted shall be commenced details of all eaves/verge detailing, guttering, downpipes, and other rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policy ST6 of the South Somerset Local Plan 2006.

19. Meter boxes, soil pipes and other extractor outlet details shall be located away from public facing elevations details of which shall be submitted to and agreed in writing by the Local Planning Authority. Details as agreed in writing shall be carried out on site

and thereafter retained.

Reason: In the interests of visual amenity in accordance with policy ST6 and EH1 of the South Somerset Local Plan 2006.

20. The windows and doors comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any work on the development hereby permitted is commenced.

Reason: In the interests of visual amenity in accordance with policy ST6 of the South Somerset Local Plan 2006.

21. The development hereby permitted shall include serviceable chimneystacks for each residential unit.

Reason: In the interests of visual amenity in accordance with policy ST6 of the South Somerset Local Plan 2006.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions.

Reason: In the interests of visual amenity in accordance with policy ST6 of the South Somerset Local Plan 2006.

23. No development shall commence until a full species survey of all land and buildings affected by the proposal is undertaken and survey reports received and agreed in writing by the Council's Ecologist. The surveys shall be undertaken by a licensed bat consultant, and proposed measures (sufficient to satisfy regulation 44(3)(b) of the Habitats Regulations in the case of bats) for the avoidance of harm, mitigation and / or compensation if any protected species are present and affected by the proposed development.

Reason: In the interests of protected species in accordance with policy EC8 of the South Somerset Local Plan 2006.

NOTES (if any)

01. The applicant is advised that the illustrative drawing's layout should form the basis of the reserved matters with traditional agricultural features - angular enclosures rather than the sweeping lines shown in the illustrative drawing - and dwellings should be of a vernacular scale with particular attention paid to the height of eaves, pitch of roof (picked up through the depth of dwellings shown on the illustrative drawing) and through the detailed finishes required by the planning conditions attached to this permission.
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