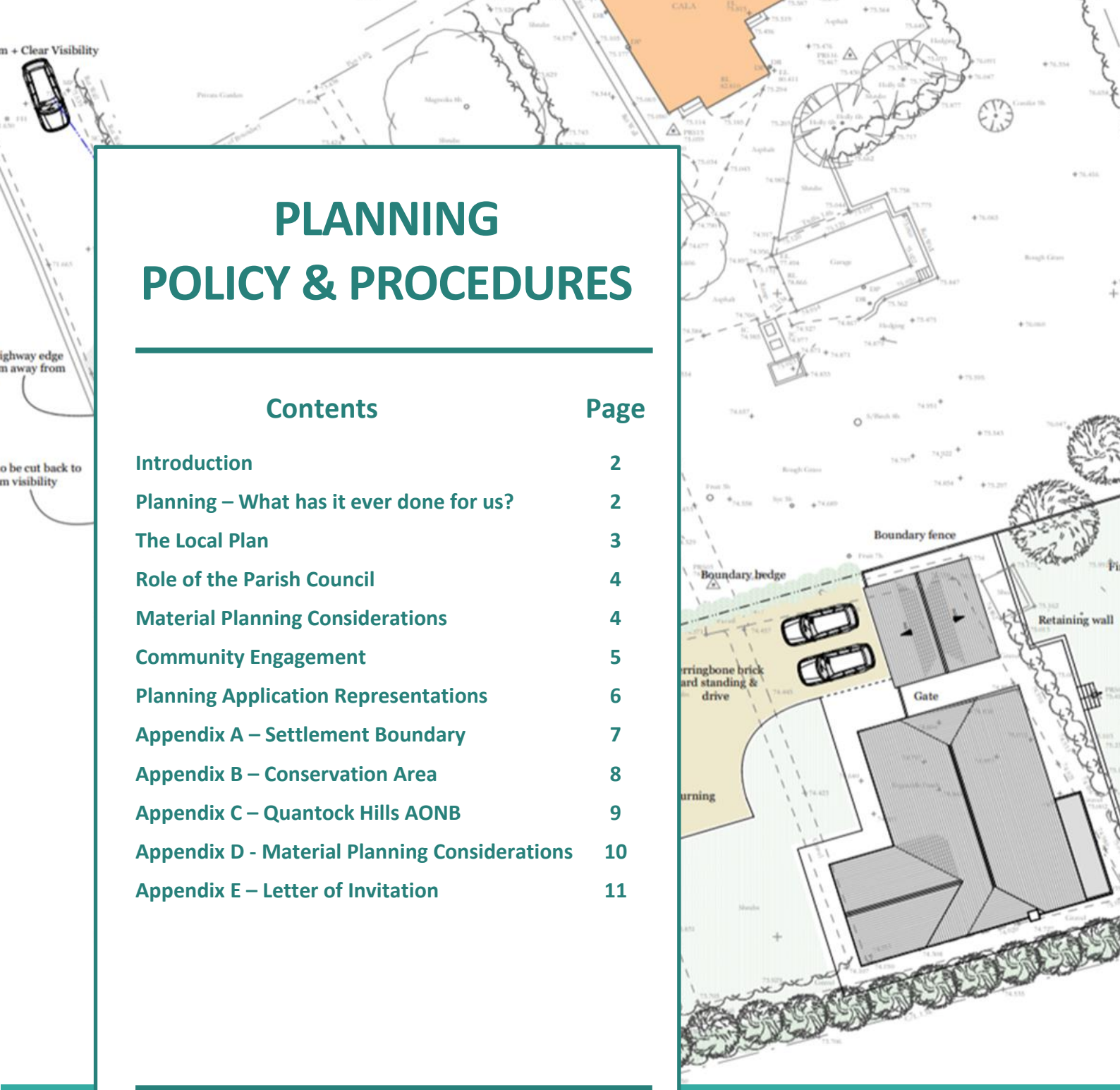


PLANNING POLICY & PROCEDURES

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KINGSTON ST MARY PARISH COUNCIL

FEBRUARY 2021

Introduction

The Parish Council is concerned about the longer term sustainability and conservation of the Parish of Kingston St Mary, the Village, hamlets and surrounding countryside and welcomes modest, appropriate and proportionate development within the Parish. The Parish Council recognises and appreciates the importance of the District Council's Planning Policies and Local Plan, which are designed to preserve the historic nature of Kingston St Mary, its setting and the rural character of the Parish.

The Kingston St Mary Community Plan highlighted that the outstanding majority of parishioners (89%) attached the highest importance to the separation of Kingston St Mary Parish from Taunton and the surrounding villages, by fields and open countryside. A similar or higher number of Community Plan respondents appreciated the Parish's rural environment, the easy access to the countryside and that the land in the Parish is used mainly for working farms. It was also felt that the quality of the Village as a place to live, reflects the heritage represented by its historic nature, with St Mary's Church, the Manor House and other scheduled buildings, giving the Village its character. With regard to housing, 94% of respondents considered that the level of luxury housing was about right or too high and 58% would like to see more affordable housing available for local people to buy or rent.

Although Community Plans are not recognised by the official planning process, it is not the role of the Parish Council to duplicate or replicate the role of the Local Planning Authority (LPA). The Parish Council will therefore take the findings of the Kingston St Mary Community Plan into account, when considering planning applications.

The Parish Council will seek to protect and enhance the character and appearance of the Parish by supporting developments which comply with the Local Plan[1] and are sympathetic to their surroundings, conserve wildlife habitat, flora and the countryside and, where appropriate, benefit sustainability and increase facilities for parishioners.

Planning – What has it ever done for us?

At a high level, planning is about making the places where we live, developing communities, shaping the future and preserving the past. It plays a critical role in identifying what development is needed and where, what areas need to be protected or enhanced, and in assessing whether proposed development is suitable. Planning is also about upholding the wider public interest for the benefit of the whole community and not just individual constituents or particular interests.

At a more everyday level, planning is about what people and businesses want to do with buildings and land, e.g. house extensions and alterations, changes in the use of buildings and land, businesses expanding and contracting, new housing, etc..

The goal is to plan for and deliver sustainable development, which means balancing the economic, environmental and social impacts of new developments.

The Parish Council's decision making will seek to give appropriate weighting to the competing priorities of sustainable development and preserving the existing character of the Parish, Village, hamlets and surrounding countryside. To reach a balanced decision, the Parish Council will also take into consideration the impact of new development on Kingston St Mary's conservation area[2], settlement boundary[3], its listed buildings and the Quantock Hills Area of Outstanding Natural Beauty[4], which borders the northern part of the Parish.

[1] Small-scale (such as appropriate infilling and conversions) and in character with the area.

[2] Refer to Appendix A for a map of Kingston St Mary's Conservation Area.

[3] Refer to Appendix B for a map of Kingston St Mary's Settlement Boundary.

[4] Refer to Appendix C for a map of the Quantock Hills Area of Outstanding Natural Beauty.

The Local Plan

The new Somerset West and Taunton Council (SWAT) came into being on 1 April 2019, combining the former West Somerset Council and Taunton Deane Borough Council into a new District council. SWAT has a statutory requirement to prepare a new Local Plan which covers the whole of the Somerset West and Taunton area (excluding Exmoor National Park which produces its own Local Plan). When adopted by the Council, the Local Plan 2040 will replace the existing Local Plans of the former Taunton Deane Borough Council and West Somerset Council.

Local Plans are used to help decide on planning applications and other planning related decisions. In effect, they are the local guide to what can be built where, shaping infrastructure investments and determining the future pattern of development.

Chapter 16 of the current Taunton Deane Local Plan provides Planning Policy KM2, which governs current development within Kingston St Mary, as follows:

- **Policy KM2 - New Housing Development Restrictions**
  Other than on the site allocated in Policy KM1[5], new housing development will be restricted to small-scale developments, including infilling, within the defined settlement limits.

Chapter 16 also provides background information relating to Kingston St Mary and further planning guidance on residential development, as follows:

16.1 Kingston St Mary nestles at the foot of the Quantocks, where two streams from the hills meet. The village straddles the boundary between the Landscape Character Areas of the Quantocks to the north and Low Vale to the south.

16.2 Kingston St Mary is nucleated in form, with development tightly clustered within the historic core of the village, with more recent development on the fringes.

16.3 The quality of the local environment is the major feature of Kingston St Mary, and the northern part of the village is within the Quantock Hills Area of Outstanding Natural Beauty. The majority of the village is within a conservation area, the boundaries of which also coincide with the boundary of an Area of High Archaeological Potential. There are a number of listed buildings within the village, including most notably the Church of St Mary (a grade 1 listed church dating from the thirteenth century) and Kingston Manor (grade 2*). Hill Farm farmhouse is also listed (grade 2) but in a poor state of repair[6]. It occupies a prominent position astride the northern entrance to the village. There are several Important Tree Groups which help to define the character of the village. The most substantial groupings are found within the grounds of The Grange and adjoining the road towards Buncombe. Many groupings (and individual specimens) are protected by Tree Preservation Orders.

16.4 Kingston St Mary has a reasonable level of local services, with a primary school, village hall, public house, church, part-time post office[7] and a garage. A regular weekday bus service runs to Taunton, although there are no services at the weekend.

16.10 Other than on the allocated site[5], residential development will be restricted to small-scale development in character with the settlement, such as appropriate infilling and conversions. The character and compactness of the village provide only limited scope for such development.

[5] Kingston Court.

[6] Now restored.

[7] Now closed.

Role of the Parish Council

Kingston St Mary Parish Council is consulted by its LPA (Somerset West and Taunton District Council) on all planning applications within the Parish. Any views expressed by the Parish Council will be taken into account by the LPA before a decision is made, providing the points made are relevant to the determination of a planning application.

The final decision is made by the LPA not the Parish Council, who are statutory external consultees in the planning process. This means that the Parish Council only has the right to be informed of planning applications within the Parish and cannot approve or reject planning applications. However, where four or more objections are received by the LPA and these views are supported by the Parish Council and/or a Ward Member, planning applications are referred to the Planning Committee to decide.

Parish Councils can only comment on planning applications in the same way that individuals can and the length of time taken to determine a planning application is governed by the LPA, not the Parish Council. A Parish Council can request that it be given extra time to comment on an application, which can only be granted by the LPA in accordance with its own decision making deadlines.

Parish Councils can only agree to comment on planning applications in properly called Council or Committee Meetings, which the public can attend. Comments agreed in Parish Council Meetings are submitted in writing by the Parish Clerk to the relevant LPA.

Material Planning Considerations

The Parish Council will consider all planning applications based on their individual circumstances and merits. All responses to planning applications will be based on valid planning grounds, known as 'Material Planning Considerations'[8], which include the following:

- National Planning Policy and Guidance;
- the Local Plan;
- environmental impacts of the proposal (e.g. impact on ecology or landscape);
- social impacts (e.g. loss of privacy, light or overshadowing);
- traffic generation and highway safety resulting from the proposed development;
- adequacy of parking/loading/turning associated with the proposed development;
- access and infrastructure provision for the site;
- the layout and density of the proposed building/development;
- the design, appearance and materials of the proposed development;
- the planning history of the site;
- the views of individuals and organisations in relation to relevant planning matters;
- the impact of the development on a Listed Building and/or the setting of a Listed Building.
- effect on Conservation Areas and Areas of Outstanding Natural Beauty;
- nature conservation and impact on protected species (e.g. bats) and habitats.

The following examples are not material planning considerations:

- precedent (every planning decision must be reached on the merit of each planning application);
- loss of views;
- negative impact on property values;
- competition between individual businesses;
- moral considerations (e.g. religious objections to licenced premises);
- political or ideological opinions;
- the cost of the development;
- the impact of construction work;
- whether or not the applicant owns the site;
- boundary and access disputes, covenants and other private property matters;
- private disputes between neighbours;

[8] Refer to appendix 'D' for a more comprehensive list of Material Planning Considerations.

- issues covered by other legislation (e.g. building regulations);
- that a planning application has been submitted retrospectively;
- the cost of the development;
- speculation over future use;
- applicant's motives;
- the character of the applicant.

Community Engagement

Whether the application for planning permission is for an extension to a house, a small infill development or for a small residential scheme, the outcome is important to the applicant, to those neighbouring the development and the wider community.

To ensure that interested parties are able to participate in the planning process, the Parish Council has adopted the following democratic procedures. With the objective of helping Councillors reach a balanced determination when considering planning applications received from the LPA:

- the Parish Council Clerk (Clerk) will include the Planning Application on the agenda for the Parish Council's next meeting. There is a 21 day consultation period for commenting on planning application. If the 21 day period expires before the Parish Council's next meeting the Clerk will request an extension for receipt of the Parish Council's comments, until after its next scheduled meeting. The Parish Council's agenda can be viewed on the five Parish noticeboards, on the Parish Council's webpage'[9] and are available on request from the Clerk;
- if considered appropriate by the Parish Council Chairperson, the Clerk will attempt to arrange a site visit for Parish Councillors to better understand the applicant's proposed development. Councillors attending a site meeting can ask the applicant or their representative questions but will not offer any opinion concerning the suitability of the proposed development. This can only be considered by the full Parish Council at a scheduled Public Meeting;
- as members of the public are entitled to attend Parish Council Meetings and comment on planning applications, the Clerk will make every attempt to contact and invite[10] the applicant or their representative to attend the applicable Parish Council Meeting. This will enable the applicant to respond to any concerns the Parish Council and the wider public may have concerning their proposed development. This will help the Parish Council to reach a balanced decision based on arguments presented by both the applicant and the public.
- if a group of parishioners attend a Parish Council Meeting regarding a planning application they will encouraged to elect a speaker, as time may not allow for them all to speak. It should be borne in mind that members of the public may wish to support or object to an application.

Residents can be suspicious of new developments and may have an in-built resistance to change but controlled development is generally beneficial. It may bring families into the Parish making the Village and surrounding area more sustainable, thereby contributing to the viability of local facilities and organisations. Small-scale controlled development can improve living conditions, contribute towards combating climate change and improve the local environment, infrastructure and economy.

[9] https://www.kstm.uk/content/parishcouncil/pc_meetings

[10] Refer to appendix 'E' for an example of the Letter of Invitation.

Planning Application Representations

Planning decisions affect peoples' lives and the value of land. It is therefore critical that the Parish Council's representations to the LPA are made fairly and in the public interest, in accordance with the Parish Council's approved Policies and Procedures.

In order that it can work efficiently, the Parish Council has given the Clerk delegated powers of authority to deal with planning applications relating to the maintenance of trees. The Clerk will reply directly to the LPA on these applications, stating the Parish Council has 'no comment' to make on the application. The Clerk will refer the application to the Parish Council when considered necessary.

All other planning applications are considered by the Parish Council at its scheduled public meetings. The Parish Council cannot give consent for a development and can only offer an opinion on the planning application, which the Clerk submits to the LPA.

The LPA must take the Parish Council's representations into account. The Parish Council may vote in favour of a planning application but would like to see certain conditions imposed on the proposed development, e.g. retention of hedgerows to protect the environment, additional tree planting to lessen the impact of agricultural buildings on the landscape, etc.. However, if these comments do not relate to legitimate planning issues (i.e. material considerations), they will be set aside by the LPA.

When considering a planning application the Parish Council will weigh all the views expressed on an application in order to reach a balance decision. The options available to the Parish Council when responding to a planning application are as follows:

- Fully Support;
- Support;
- No Objection;
- Object;

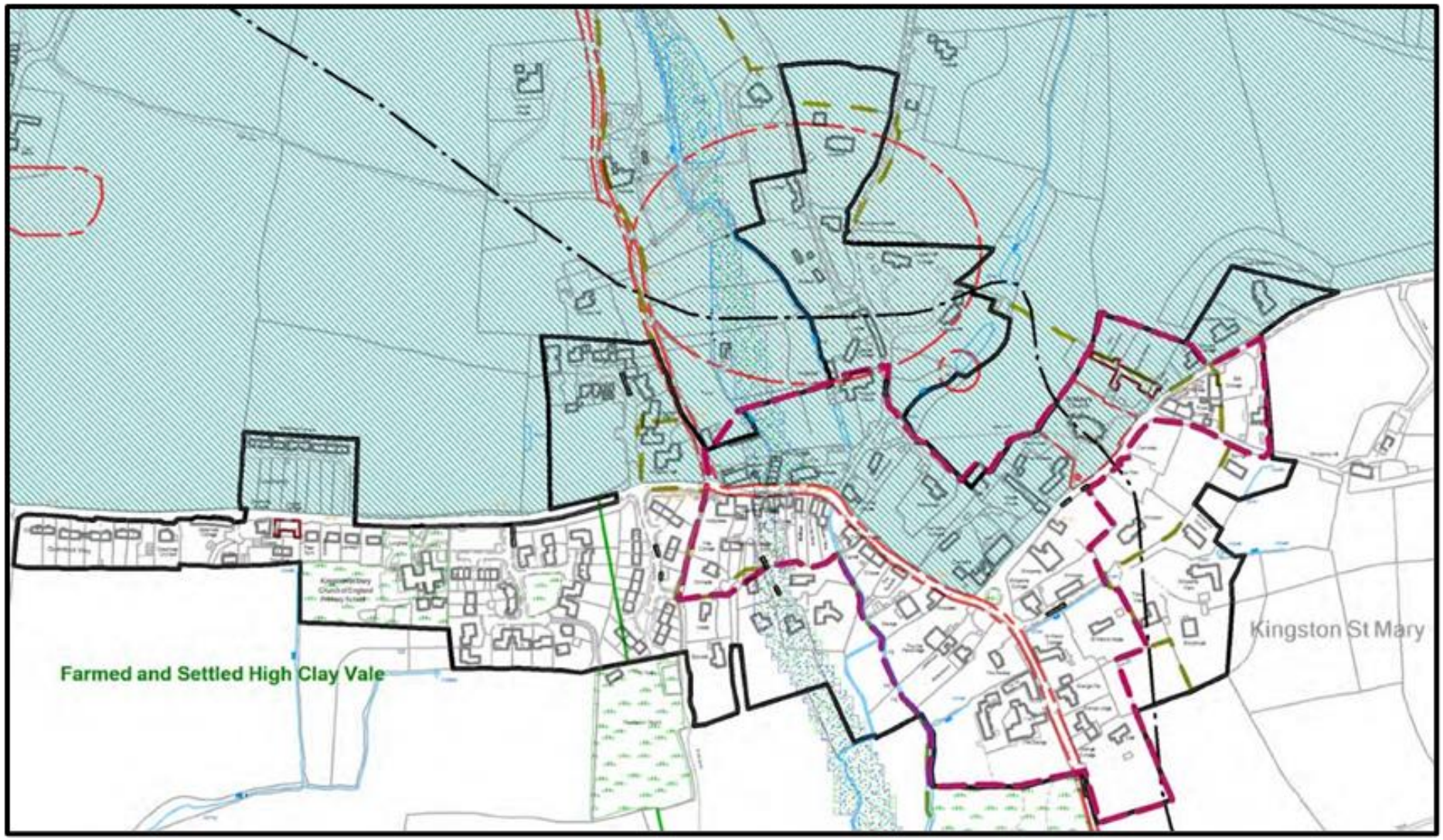
which is dependent upon how the Parish Councillors vote on a particular planning application, as set out below:

Result of Vote	Parish Council's Representation
All Councillors in Favour – no conditions.	Fully Support Planning Application.
All Councillors in Favour – with conditions.	Support Planning Application.
Majority of Councillors in Favour – no conditions.	Support Planning Application.
Majority of Councillors in Favour– with conditions.	No Objection to Planning Application.
Minority of Councillors in Favour.	Object to Planning Application.

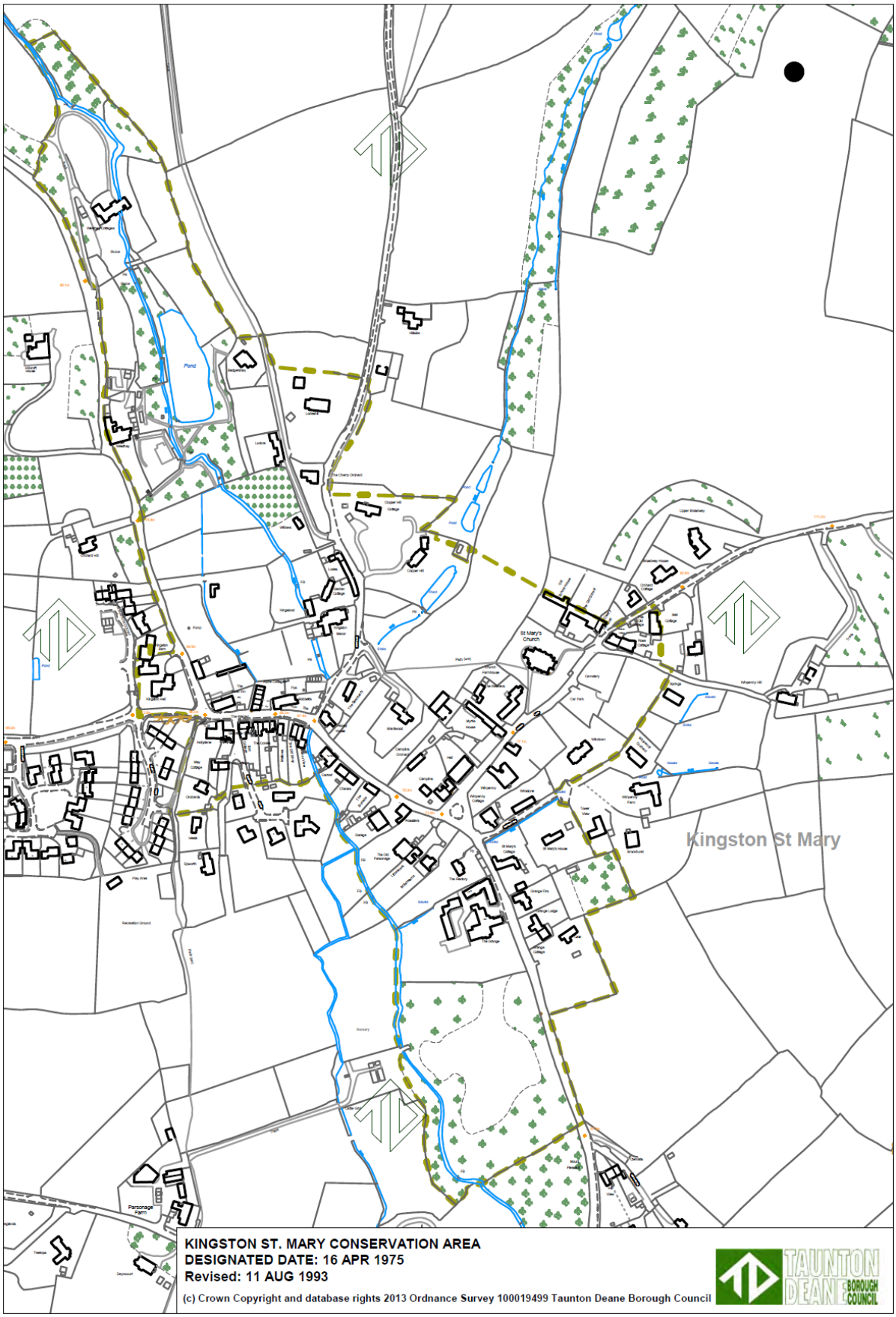
The Parish Council will strive to ensure that the decisions and recommendations it makes on planning applications are transparent and inspire confidence. When reviewing planning applications the Parish Council will endeavour to represent a balanced view of local interests and its comments will reflect its local knowledge and desire to protect the environment.

The Parish Council will also be forward thinking and proactive in its approach to proposed developments, both within the Parish and surrounding district, and will in accordance with Planning Policy support development that reflects and preserves the character of the area.

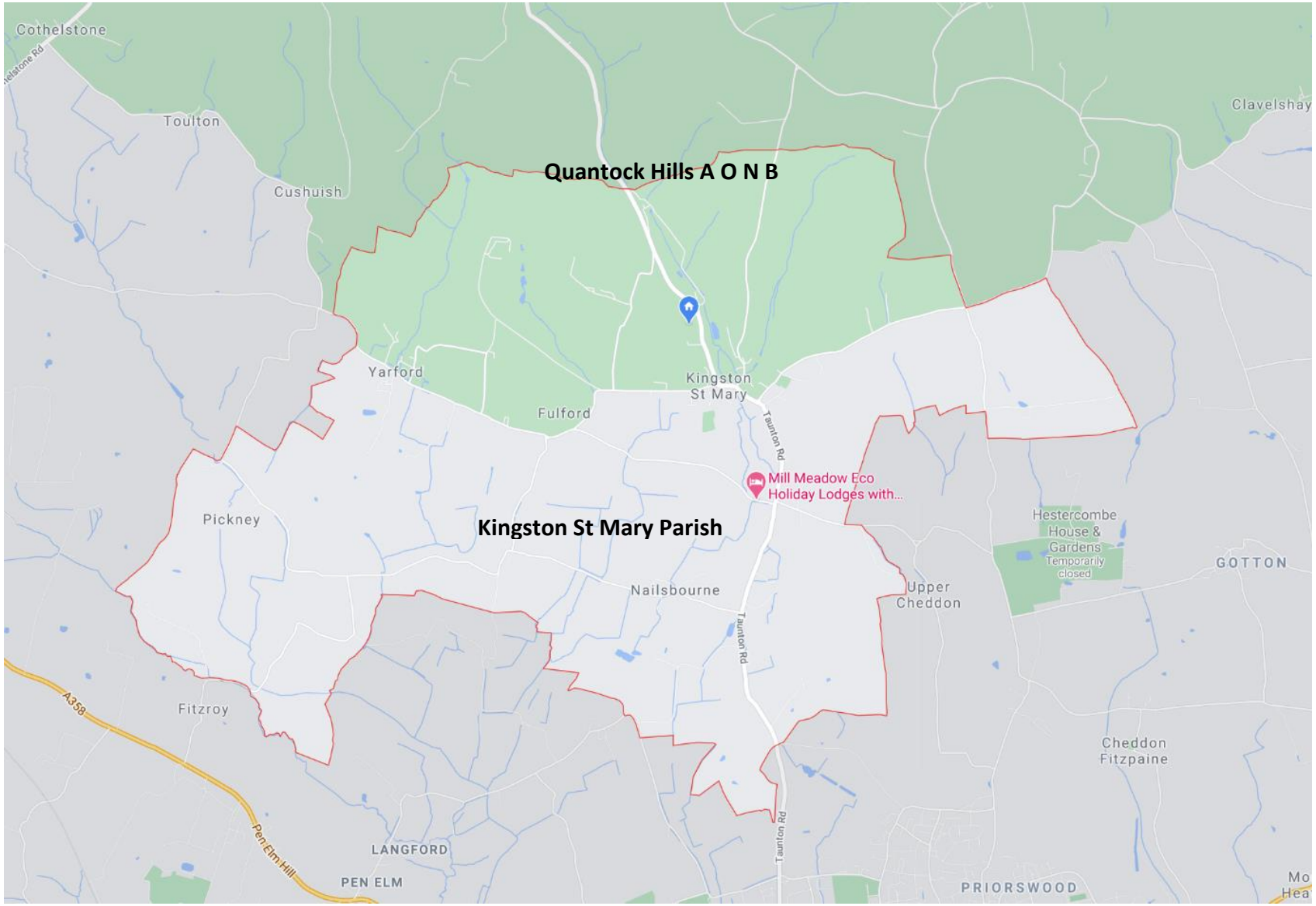
Kingston St Mary – Settlement Boundary



Kingston St Mary – Conservation Area



Quantock Hills Area of Outstanding Natural Beauty



Material Planning Considerations

The LPA and Planning Committee must exercise their judgement when deciding whether planning permission should be granted for a proposal. This means examining the development plan and taking relevant matters which apply to the proposal into account. These are usually referred to as 'material planning considerations' Comments on planning applications should therefore, be relevant to planning matters only. The following list is not exhaustive but gives an indication of the sort of comments that are relevant to the consideration of planning applications.

- Loss of light or overshadowing resulting from the development;
- Overlooking and loss of privacy;
- Impact on Visual amenity (but not loss of private view);
- Traffic generation and highway safety resulting from the proposed development;
- Adequacy of parking/loading/turning associated with the proposed development;
- Noise and disturbance resulting from the proposed use/development;
- Hazardous materials/ground contamination;
- Smells generated by the development;
- Flooding;
- Loss of trees on the site and impact on trees covered by a Tree Preservation Order;
- The impact of the development on a Listed Building and/or the setting of a Listed Building;
- Effect on conservation areas and areas of outstanding natural beauty;
- The layout and density of the proposed building/development;
- The design, appearance and materials of the proposed development;
- The provision or need for landscaping;
- Road access to the development site;
- Local, strategic, regional and national planning policies;
- Proposals in the Development Plan/Local Development Framework;
- Government circulars, orders and statutory instruments;
- Disabled persons' access;
- Compensation and awards of costs against the Council;
- Previous planning decisions (including appeal decisions) on the application site;
- Nature conservation/impact on protect species (e.g. bats/great crested newts) and habitats;
- Archaeology impacts.

KINGSTON ST MARY PARISH COUNCIL

Chairman: Cllr Paul Townsend

Clerk: Katie Gibbins
Hayrig, Nailsbourne,
TAUNTON, TA2 8AG
Tel: 01823 451505
Email: clerk@ksmpc.org.uk

Date

Dear

Planning Application: xx/xx/xx
(description of planning proposal).

We are writing to let you know that Kingston St Mary Parish Council as an external consultee will be reviewing your planning application **xx/xx/xxxx** at the Council's next meeting. The meeting is scheduled for **xx/xx/xxxx** at 7.30pm and will be held at Kingston St Mary's Village Hall/virtually using Zoom.

You are welcome to attend the meeting. If you would like to be involved, please let me know and we will send you joining instructions together with the meeting Agenda.

For your information, the Agenda for each Council meeting is published on the Kingston St Mary website, www.kstm.uk, as well as on the 5 Parish noticeboards. The Minutes to the meetings are also published on the Kingston St Mary website but only after they have been approved by the Council. The Parish Council's comments on planning applications can also be viewed on Somerset West and Taunton's Planning Portal, https://www2.somersetwestandtaunton.gov.uk/asp/webpages/plan/plapplookup.asp

If you have any questions, please feel free to contact me.

Kind regards.

Katie Gibbins

Clerk to Kingston St Mary Parish Council