

Officer Report On Planning Application: 17/01636/OUT

Proposal:	Outline application for the erection of a four bedroom dwelling & garage (resubmission of 14/01514/OUT)
Site Address:	Land Adj The Old Mill House Lower Kingsbury Milborne Port
Parish:	Milborne Port
MILBORNE PORT Ward (SSDC Member)	Cllr Sarah Dyke
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date:	15th June 2017
Applicant:	Mr P Rewrie
Agent: (no agent if blank)	Mr Barry Blaker 7 Mile Lane Exeter EX4 9AA
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

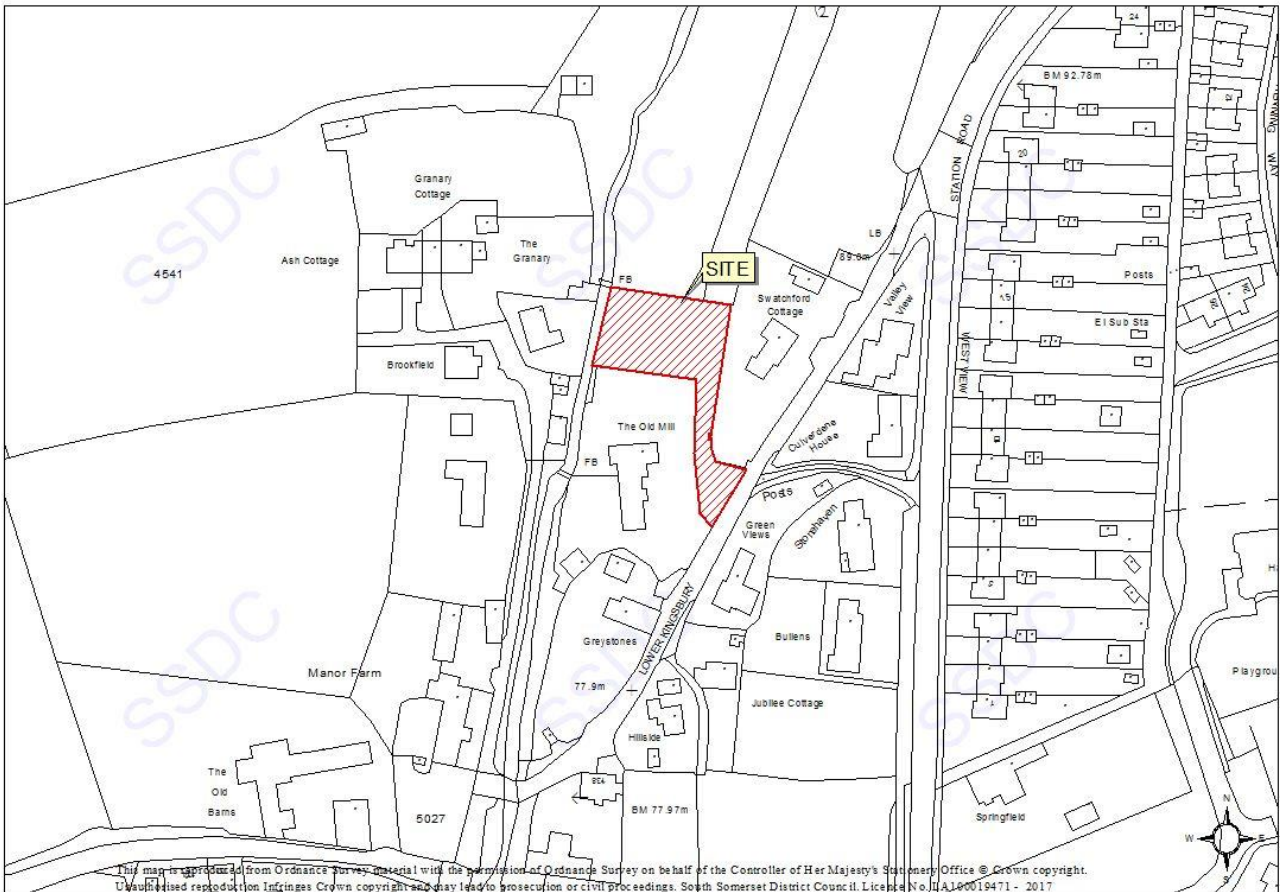
Members will recall that this application was considered at their July meeting at the request of the ward member, and with the agreement of the area chair, in order to allow the concerns of the neighbours to be publicly debated. At that time Members deferred their decision in favour of a site visit that took place on 26 July 2017, to be brought back to committee for the application's determination.

The July committee's officer report is re-attached although amended to include an up-date from the Environment Agency in response to additional information from a Neighbour. The E.A. response maintains their original comment that sought a planning condition.

SITE DESCRIPTION AND PROPOSAL



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The site is located at the northern end of Milborne Port, within the defined development area. The land slopes gently from north to south and the application site is taken from the large garden area to the Old Mill House from which it has been separated that is bounded to the North by an open field; to the West by the stream, beyond which are the gardens of the dwelling houses 'The Granary' and 'Narrow Corner'; and to the East, raised up on the adjacent land, by Swatchford Cottage. A Tree Preservation Order applies to trees that form part of the eastern boundary.

The proposal comprises a re-submission of an earlier approval ref: 14/01514/OUT that proposed an outline application for the erection of a detached 4 bedroom house and garage with all matters reserved. Notwithstanding, an acceptable access arrangement is identified that can form the basis for subsequent details submitted with the application for Reserved Matters. The outline planning permission reserves all matters; namely, Access, Appearance, Landscaping, Layout and Scale.

The application is submitted with a Flood risk assessment and drainage strategy report, a Arboricultural Method Statement and Design and Access Statement.

HISTORY

14/01514/OUT - Outline application for the erection of a detached 4 bedroom house and double garage, Approved.

13/01931/OUT - Outline application for the erection of a detached 4 bedroom house and double garage, Refused 9.07.2013.

10/00042/OUT - The erection of a detached dwelling with double garage and construction of rear access. (Revised application) - refused

09/01932/OUT - The erection of a detached dwelling with double garage and construction of rear access - withdrawn

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028):

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS5 - Delivering New Housing Growth

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General development

EQ3 - Historic Environment

National Planning Policy Framework (March 2012):

6. Delivering a wide choice of high quality homes
7. Requiring good design
10. Meeting the challenge of climate change, flooding and coastal change
12. Conserving and enhancing the historic environment

Somerset County Council Parking Strategy, September 2012.
County Highways standing advice 2013

CONSULTATIONS

Milborne Port Parish Council - feels that consideration should be given to the impact of the new proposed building on the existing property. The Council are concerned about the risk of flooding and feel consideration should be given to the proposed access to the property opening on to a narrow road which could potentially be very dangerous.

Highway Authority - standing advice to consider parking standards, turning on site and visibility offering safe access with the highway.

SSDC Highway Consultant - It would appear that the previous submission was considered acceptable in terms of the proposed access arrangements, on-site parking and turning, etc. I believe the current application proposes the same arrangement and therefore no objection is raised.

SSDC Landscape Architect - as expressed at the time of the earlier application, there is no substantive landscape issue with the prospect of a house. Whilst the new entrance will be at variance with the narrow character, and sense of enclosure of the lane, there is scope for a degree of mitigation by additional planting where there may be gaps in the vegetation cover behind the new walling. Whilst not supportive of the proposal, providing Phil is content that the existing trees will not be subject to negative impact, to enable the drive to be accommodated then there is no over-riding landscape case for refusal.

SSDC Tree Officer - I have no objections to the proposal, subject to securing the effective implementation of the submitted tree protection measures.

SSDC Conservation Officer - I have reviewed the proposal and am of the view that it will not harm the setting of the listed buildings to the south, that are set some distance away from the proposed site. The site is not in a conservation area, and the Old Mill, although an interesting historic building is not listed. A new dwelling in this position will be read alongside existing new properties either side of the site. I am of the view that the proposal is acceptable.

County Archaeologist - No objection.

Environmental Agency - No objection subject to attaching a condition. A neighbour's additional information was also considered by the E.A, however they maintain their original response.

REPRESENTATIONS

There have been eight neighbour objections received, making the following main points:

- Destruction of old stone wall to Lower Kingsbury Lane
- Unnecessarily obtrusive
- Access onto narrow busy lane
- Disturbance to wildlife
- Loss of privacy

- Additional noise and disturbance from the presence of the lengthy driveway
- Impact on trees and risk of falling
- Increase risk of flooding

CONSIDERATIONS

Principle of Development

The principle of development was established by the extant outline planning permission ref: 14/01514/OUT permitted on 9 June 2014 and although its three year time limit is about to expire the principle remains. Accordingly we have to consider any changes to policy or local circumstance that might have come about since the original permission. It is noted that the previous applicant has since moved on and the site separated from the Old Mill House.

Impact on Highway Safety

The only change, as is noted above, is the separation of the Old Mill House that has the effect of removing part of the boundary wall from the red outline although on closer inspection this appears to not have any detrimental impact on the required visibility. The new access point requires infilling and raising of the land immediately behind the proposed entrance. This results in the existing embankment being raised that is located between this point and the Old Mill House and levels the surface within the immediate area to bring ground levels up to a similar level as the adjacent highway and the alignment of what was originally the water feed supplying the mill that is to become the continuation of the driveway to the new dwelling travelling northwards and is bounded to the West by the protected trees (TPOs), and to the East the property boundary with Switchford Cottage.

Sufficient space is shown that can achieve a 3m wide carriageway giving access to a single dwelling and likewise the details indicate that the access where it adjoins the highway provides motorists with the visibility required that is 40m and 43m where this relates to a 30mph speed limit, as is required by the Standing Advice.

The application is considered to demonstrate that a satisfactory access can be made for the site. A planning condition can be attached to any permission that requires the drawing(s) to be the basis for the relevant details submitted as part of the Reserved Matters.

Within the site land levels fall away from the area of the proposed drive so that within the parking and turning area there appears to be a need to raise the ground levels, however at worst this perpetuates the embankments that are already existing within the wider site. Reserved matters would be able to consider further the detailed finishes.

Character and Appearance

The setting of the proposed dwelling house falls within a building line established by dwellings on either side, albeit that the spacing is fairly generous. The site extends to the edge of the defined settlement limit. The placement of a two-storey dwelling in this position is considered to be possible without prejudicing the essential character of the landscape beyond, or creating an incongruous or unacceptable intrusion to this rural/urban edge. At this stage, no detailed design is being considered, but the scope clearly exists to design an appropriate house in terms of massing, materials and appearance to be accommodated in this position without undue visual harm either to the village or its surrounding landscape.

Impact on Residential Amenity

As was previously shown in the submitted indicative layout, it would be possible to site and orientate a dwelling house on the site and provide adequate space between it and neighbouring dwellings to avoid any overbearing impact, or overlooking. Notwithstanding the separation of the site from the Old Mill House the amenity of occupants was previously considered. It is not considered that there is demonstrable amenity harm in the proposal that would warrant a refusal of the application.

Trees

There are several Tree Preservation Orders on trees that form the western boundary to the drive. The presence of a roadway within this location is sensitive to the wellbeing of the trees and their long term viability with care needed in the construction of the drive. The Tree Officer comments that the proposed solutions amount to significant engineering requiring specialist input, design and supervision. He suggests that the proposals appear feasible but their implementation would clearly have an increased cost implication and propose planning conditions that would be attached to any permission.

Neighbour Concerns

All objections have been considered, as appropriate, within the relevant sections of the officer report, with the exception of the following:

Notwithstanding that a condition is proposed in accordance with the Environment Agency's (EA) response, the EA accept that the site falls within zone 1 for flood risk purposes and as such the site is removed from the flood risk zone that would otherwise oppose new dwellings.

There are no heritage designations for the boundary wall with the lane. The stone wall appears to be of more than one build, is in poor condition. The proposal would remove part of the wall and involve its rebuild. While a long stretch of uninterrupted boundary wall without a break can be a visually very pleasing the addition of openings within the street scene is not always unwelcome. In this case the proposed new opening arguably complements other openings in the lane while the works required to achieve this enables what remains to be secured and better presented.

Access during Construction is anticipated to be from the field gate further along the lane. As a temporary process any means to reduce impact from construction vehicles using the proposed access point for the new dwelling should be welcomed. This can be arranged in accordance with an agreed management plan for development of the site that is appropriately conditioned at the time of Reserved Matters.

Conclusion

In principle, the proposal represents an acceptable addition of a dwelling house within the defined development area of the village. The impact on the setting, the local environment, protected trees and neighbouring residential amenity are all considered to be acceptable. The access information identifies an acceptable access that accords with the Highway Standing Advice, details of which can be dealt with as part of the Reserved Matters, and the Tree Officer accepts that a suitable scheme notwithstanding that this could be costly for the developer can also be submitted and agreed under Reserved Matters.

RECOMMENDATION

Approve

01. The proposal, by reason of its location, represents appropriate infill within the defined development area and does not foster growth in the need to travel and is therefore sustainable and can achieve an acceptable highways access and on site highway arrangements in accordance with the aims of objectives of policies EQ2 and TA5 of the South Somerset Local Plan 2006- 2028.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

02. 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.

03. Approval of the details of the access, appearance of the building(s), the landscaping of the site, Layout and Scale (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 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

04. The access arrangement submitted with the Reserved Matters shall be based on drawing number 618/01a received 7 April 2017.

Reason: In the interests of highway safety in accordance with policy TA5 of the South Somerset Local Plan 2006- 2028.

05. No development shall commence, before details of the proposed finished ground floor levels of the buildings hereby permitted, in relation to the natural and finished ground floor 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 slab levels, in the interests of visual amenity and the appearance and character of the Conservation Area, further to policies EQ2 and EQ3 of the South Somerset Local Plan 2006- 2028.

06. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include construction vehicle movements, construction delivery hours, expected number of construction vehicles per day, drained parking area for contractors, construction operation hours, construction vehicular routes to and from site, point of access, the making good any temporary access resulting from works to facilitate access, and specific anti-pollution measures to be adopted to mitigate construction impacts. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of highways safety and to safeguard the amenities of the locality in accordance with policies TA5 and EQ2 of the South Somerset Local Plan.

07. Prior to commencement of the approved development, the appointed construction/ groundworks contractor shall arrange for the Council's Tree Officer (01935 462670) to attend a pre-commencement site meeting at a mutually convenient time. The submitted scheme of tree protection measures (as prepared by Mr Nick Hellis, dated May 2016 - specifically the installation of the specially engineered trackway) shall be implemented in its entirety for the duration of the construction of the approved development.

Reason: To preserve existing landscape features (trees) in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the

following policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

08. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA, dated July 2009, by D.G. Alsop) and the following mitigation measures detailed within the FRA: 1. Finished floor levels are set no lower than 79.0m above Ordnance Datum (AOD). 2. Identification and provision of safe route(s) into and out of the site to higher ground.

Reason: In the interests of environmental amenity further to policy EQ2 and EQ1 of the South Somerset Local Plan 2006- 2028.

09. The development hereby permitted shall be carried out in accordance with the following approved plans: LK AL (-) 05 received 3.05.2017.

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