

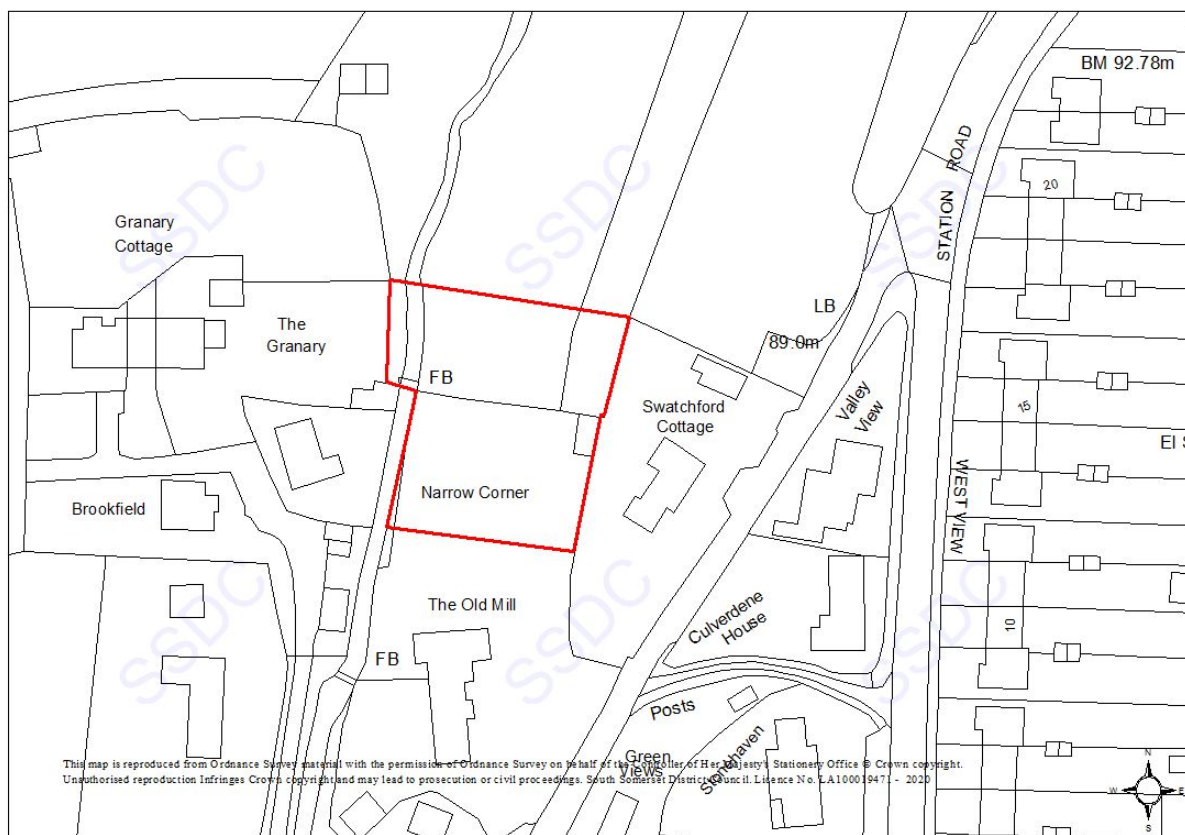
## Officer Report On Planning Application: 20/00962/FUL

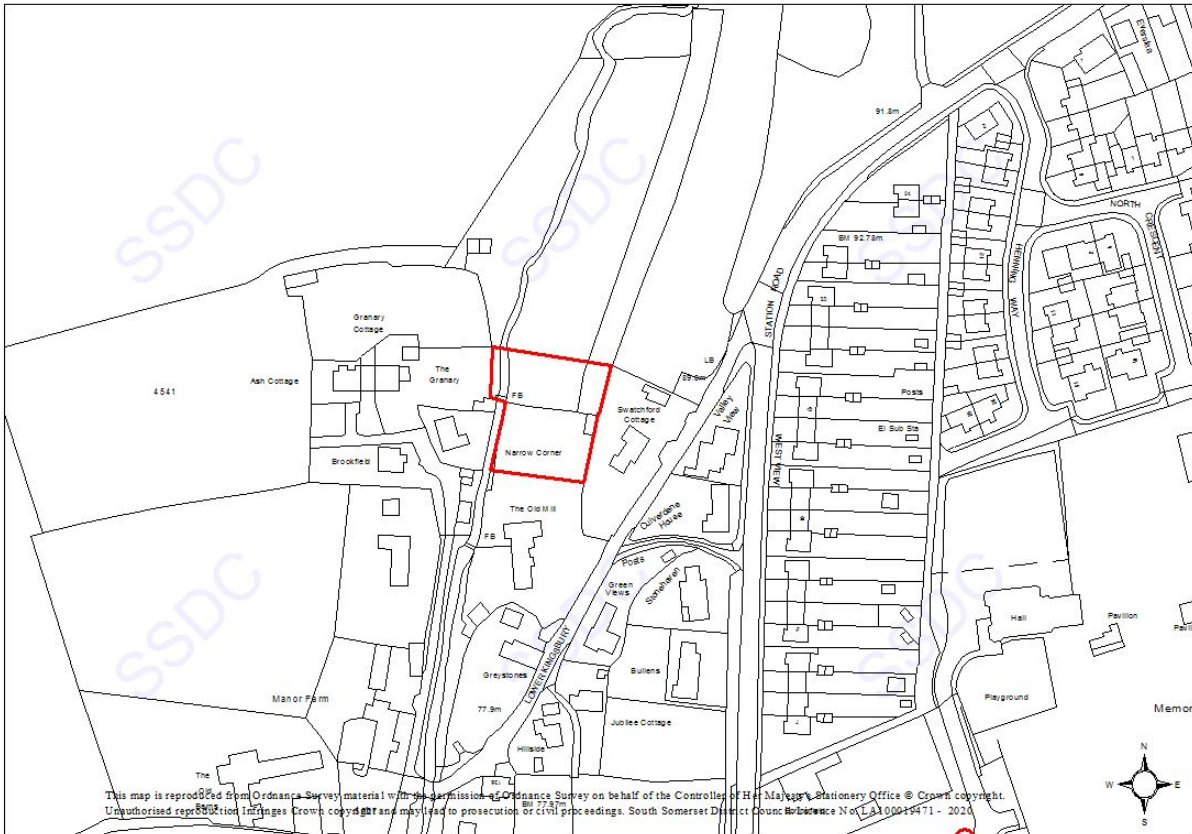
<b>Proposal :</b>	Change of use of agricultural land to garden; the erection of a garden store; amendments to dwelling design (roof height, fenestration and internal layout of east wing); deletion of approved access driveway (17/02438/REM) and the formation of a replacement access and driveway
<b>Site Address:</b>	Meadow House Lower Kingsbury Milborne Port
<b>Parish:</b>	Milborne Port
<b>MILBORNE PORT Ward (SSDC Member)</b>	Cllr S Dyke
<b>Recommending Case Officer:</b>	Trudy Gallagher Tel: 01935 462462 Email: trudy.gallagher@southsomerset.gov.uk
<b>Target date :</b>	27th May 2020
<b>Applicant :</b>	Mr and Mrs J Austin-Crowe
<b>Agent: (no agent if blank)</b>	Mrs Helen Lazenby Sanderley Studio Kennel Lane Langport TA10 9SB
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application is referred to the Chair following contrary views from the ward member, Parish Council and local residents.

### SITE DESCRIPTION AND PROPOSAL





**SITE DESCRIPTION AND PROPOSAL**

Planning permission has previously been granted for the construction of a single dwelling in this location on the northern fringes of Milborne Port. Construction is currently ongoing.

The applicants are seeking to amend the previous approval in the following ways;

- o An amended roof design and floor plan (relating to the approved garage area).
- o The erection of a garden store.
- o The change of use of agricultural land to provide a larger residential amenity area; and
- o The provision of a new access and driveway from Lower Kingsbury, to the north of the previous application site, in lieu of the originally approved access from the south.

In seeking to justify their proposals, the applicants have argued that building works proposed are modest in nature with no material impact on local residential amenity or the overall design of the scheme and that the extended residential curtilage will have minimal landscape impact as it would align with existing garden boundaries on surrounding plots and represent a natural "rounding off". The application is supported by a detailed landscaping plan which seeks to mitigate the visual impact of the new access driveway and to naturalise the revised curtilage boundary. The scheme includes new native hedgerows along the road-side boundary and along the entire length of the northern boundary; substantial new tree planting in the north east corner of the site; and meadow grass, bulb and woodland planting elsewhere.

It should be noted that the red line boundary has been significantly reduced during the course of the application to ensure that the majority of the landscaping area proposed to the north remains in an agricultural use and would not be subject to any residential paraphernalia. The scale of the garden room has been slightly reduced and some of the proposed orchard trees have been repositioned away from Hilltop View following concerns raised during the consultation period.

**HISTORY**

17/02438/REM - Reserved matters (including details of access, appearance, landscaping, layout and scale) in respect of 17/01514/OUT. Approved.

17/01636/OUT - Outline application for the erection of a four bedroom dwelling and garage (resubmission of 14/01514/OUT). Approved.

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. Access was an issue.

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.

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

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ1 - Addressing Climate Change in South Somerset Page 2

EQ2 - General Development

EQ4 - Biodiversity

EQ5 - Green Infrastructure

National Planning Policy Framework (March 2012):

7. Requiring good design

Somerset County Council Parking Strategy, September 2012.

County Highways Standing Advice 2013

## **CONSULTATIONS**

Milborne Port Parish Council:

Object. Whilst they welcome the applicant's attempts to address concerns previously stated, the Council remains concerned regarding the following elements of the proposal;

- o Unacceptable incursion into agricultural land to facilitate the access and extended curtilage.
- o That the revised access provides the potential to develop further housing to the north of the site.
- o The impact of the use of the new access on the amenity of occupants of Hilltop View.
- o The design and siting of the garden store is unsympathetic. Should be moved to the area shown for parking.
- o The proposed tree planting would block light to the occupiers of Hilltop View.
- o Notwithstanding the County Highways view the access is less safe than that previously approved.
- o Drainage concerns relating to the capacity of the Gascoigne River.

There are also other comments made in respect of the enforcement of the previously approved Construction and Environmental Management Plan insofar as it relates to ongoing construction but these are not relevant to the consideration of the current application.

County Highway Authority: Refer to standing advice.

SSDC Highway Consultant : Refer to SCC Standing Advice.

SSDC Environmental Protection Officer : No comments received.

Lead Local Flood Authority: No comments as the application is minor.

Tree Officer: Recognises that the revised access arrangements will avoid the need for complex arboricultural supervision and specialist engineering measures. However the location of the proposed parking, within the Root Protection Area of protected trees is unacceptable. Recommends some alterations to the submitted landscaping scheme.

## **REPRESENTATIONS**

Letters objecting to the scheme as originally submitted were received from four neighbouring households as well as one letter of support. All of the objections reference the loss of agricultural land through the construction of the new access and curtilage extension and the consequent negative impact on the character of the area. All of the objectors cite the revised access as being "unnecessary" and two correspondents specifically argue that the new access is less safe. Two of the objectors also express concern that the new access could facilitate further development to the north of the site. One household expresses dissatisfaction with the design of the garden store and suggests that it should be relocated elsewhere in the plot.

Following the submission of amended plans two correspondents have further commented that the changes to the plans are minimal and maintain their objection.

One correspondent writes in support of the application arguing that the new access is preferable as it has less impact on trees and historical character than the earlier scheme.

## **CONSIDERATIONS**

### **Principle of Development and Landscape Impact**

The principle of a dwelling in this location has been established by the previous grant of planning permission so is not in itself an issue. The principle of creating an alternative access and extended curtilage into land outside of the settlement boundary are effectively the main issues to be considered. If these are considered acceptable then the design and location of the garden store can be considered on its merits in the context of a new curtilage to the dwelling.

Whilst there is a presumption against development outside of the settlement boundary one must assess whether the harm is significant in respect of matters of acknowledged importance and whether there are benefits which may outweigh any identified harm. On the face of it, a new access outside of the settlement boundary in a case where an approved alternative exists, would suggest harm. However in this instance the submission includes a very detailed landscaping and management plan which would significantly mitigate the visual impact. Similarly, the curtilage extension would be softened by the proposed hedgerow. The topography means that the curtilage extension would not be highly visible in any case. There is no doubt that the submitted landscaping scheme - which has been amended in response to the Tree Officer's comments - is of high quality, would provide biodiversity benefits and would provide a strong green boundary to the new plot and arguably strengthen the delineation between the built settlement and open country. There is also a logic to the applicant's argue that it represents a logical "rounding off" of the settlement boundary. It is not considered therefore that one could reasonably refuse the application solely on the grounds that the development extends into the open countryside.

Some neighbours have argued that the scheme should be resisted on the basis that the dwelling under construction already has an approved access and the alternative is unnecessary. Whilst one may sympathise with this view it is the duty of the Local Planning Authority to deal with any submitted application on its merits.

## **Scale and Appearance**

The built elements of the proposal comprise a garden store and alterations and amendments to the previously approved garage section of the new dwelling. The latter actually reduces the scale of the new-build and will create a pleasanter elevation through the removal of the up-and-over garage door. These changes are to be welcomed.

The new garden store has been reduced in size from that originally proposed and sits close to the eastern boundary of the new curtilage. There are no windows overlooking adjoining properties and the materials and simple design are appropriate for this location. There is therefore no justification to relocate it or delete it from the scheme.

## **Highway Safety**

The Highway Authority have raised no objections to the revised access.

## **Residential Amenity**

The element of the scheme which is most likely to materially affect existing residential amenity is the revised access. However the new access is some distance away from the nearest residential property (Hilltop View) and the traffic generated will be modest. Indeed one could argue that the previously approved access, being closer to a number of properties, had the potential to cause more disturbance.

## **Impact on Trees**

The applicant has submitted amended plans on the advice of the Tree Officer to relocate the parking area which was originally sited within the Root Protection Area of important trees. The applicant has also amended the landscaping scheme to avoid shading the adjacent property and to improve the boundary treatment. In overall terms the revised scheme has less impact on existing trees and provides the visual and biodiversity benefits of significant additional planting.

## **Planning Obligations**

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply). This application will be subject to CIL at the appropriate rate.

No other obligations are requested as the indicative numbers and site size (under 10 units and less than 0.5ha) is under the national threshold.

## **Conclusion**

The principle of a dwelling on this site has been established by the previous approvals. The amendments to the design of the dwelling itself are modest and welcome and the addition of an outbuilding is non-contentious. More contentious are the revised access arrangement and curtilage extension because they occupy land outside of the settlement limit (there is no highway safety issue). However a combination of the topography and the proposed landscaping scheme will significantly reduce the visual impact of the development and on this basis it would be very difficult to refuse the application.

The development is considered to be acceptable in principle, contributing towards identified local and district-wide housing need, without significantly and demonstrably harming the character of the surrounding area, residential amenity, highway safety, or employment land provision. The proposal is considered to accord with policies SD1, SS1, TA5, TA6, EQ1, EQ2, EQ4, and EQ5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

## **RECOMMENDATION**

Approval with conditions for the following reason:

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 policy SD1, SS1, TA5, TA6, EQ1, EQ2, EQ4 AND EQ5. EQ2, EQ3, TA5 and TA6 of the South Somerset Local Plan 2006- 2028.

**SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be carried out in accordance with the following approved plans: Garden Room Plans 6987-01b, Proposed Dwelling Plans and Elevations 6987 - 03 and Proposed Landscaping 20.03.44. LAN\_01b.

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

02. The finished ground floor levels of the dwelling altered under this planning application must be at least 79.000 AOD as agreed under the previous discharge of condition application (19/01586/DOC).

Reason: To ensure the finished floor levels are of a suitable height to comply with the recommendations of the Flood Risk Assessment previously submitted, in accordance with policies EQ1, EQ2 and EQ7 of the Local Plan and the provisions of the NPPF.

03. Development must continue to proceed in strict accordance with the particulars agreed under 19/01586/DOC for conditions 2 and 3 of 17/02438/REM, concerning the design and installation of the retaining structures and below-ground services required within the designated Root Protection Areas, as well as the agreed Arboricultural Method Statement and Tree Protection Plan.

Reason: To preserve existing landscape features (trees) in accordance with the Council's policies as stated within policy EQ2, EQ4 and EQ5 of the Local Plan and the provisions of the NPPF.

04. Notwithstanding the proposed garden room, development must proceed in strict accordance with the materials, sample panel, rainwater goods, eaves and fascia details and treatments, window and door particulars received on 22nd February 2018 under the previous reserved matters application (17/02438/REM).

Reason: To safeguard the character and appearance of the area in accordance with saved policies EQ2 of the South Somerset Local Plan 2006- 2028.

05. All planting comprised in the approved landscaping scheme (plan reference 20/03/44/LAN\_01b) shall be carried out in the timescales detailed on the plan, unless the Local Planning Authority agrees to any variation in writing. If any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location.

Reason: To safeguard the character and appearance of the area in accordance with saved policies EQ2 of the South Somerset Local Plan 2006- 2028.