

Application No:	<u>3/18/19/008</u>
Parish	Kilve
Application Type	Outline Planning Permission
Case Officer:	Richard Hawkey
Grid Ref	Easting: 314857 Northing: 142912
Applicant	Mrs M Ewens
Proposal	Outline planning application with all matters reserved for the erection of 1 No. detached dwelling with alterations to parking area and removal of garage
Location	Midways, Main Road, Kilve, TA5 1EA
Reason for referral to Committee	

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 Approval of the details of the (a) layout (b) scale (c) appearance (d) access and (e) landscaping of the site (hereinafter call 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of two years from the date of this permission. The development hereby permitted shall be begun not later than the expiration of two years from the 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: This is an outline permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

(A3) DrNo PHP100/010 Combined plans

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

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority in advance of submitting the application, for the reasons given above and expanded upon in the planning officer's report, the application was considered acceptable and planning permission was granted.

- 2 The applicant is reminded of the legal protection afforded to both nesting birds under the Wildlife and Countryside Act 1981 (as amended) and bats which are a protected species under the Habitats Regulations 2017. In the event that protected species are encountered during works undertaken at this site, such works should cease and advice sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

Proposal

Outline planning with all matters reserved for the erection of 1 No. detached dwelling with alterations to parking area and removal of garage in the garden and to the rear of Midways, Main Road, Kilve

Site Description

The site sits within the settlement boundary of Kilve, which lies within the Quantock Hills Area of Outstanding Natural Beauty. The development site is in the back garden of an existing dwelling and is accessed via a private driveway, from Millands Lane. The east boundary of the site is defined by a stone built wall in excess of 2 metres in height with the west boundary being defined by mature hedging of a similar height to the wall. The site shares its eastern boundary with the Hood Arms public house which is a Grade II listed building.

Relevant Planning History

3/18/81/004 Erection of dwellinghouse. Withdrawn by applicant 24 September 1981

Consultation Responses

Kilve Parish Council -

1. Any new dwelling built on the proposed site will infringe on immediate neighbours privacy and light,
2. There is an approximate drop of 3m between the Hood Arms retaining wall and

the proposed dwelling, we understand that the wall is listed under the curtilage of the Hood Arms.

3. Sewage from the property would enter the main pipe in Sea Lane which being a 6" pipe is already over capacitated and blockages are a frequent problem. This site does not lend itself to alternative types of disposal.

4. Hall Cottage shown on the site plan is no longer a single dwelling but a part of "The Old Post Office"

5. It is unclear as to the ownership of the drive way leading from Millands Lane to proposed site which could cause problems with deliveries to the site or if the garage to be demolished comes under the curtilage of the Hood Arms as it is attached to the listed wall.

Wessex Water Authority - No objections

Quantock Hills AONB - Has no comments to make

Highways Development Control -

Visibility from the site access onto Millands Lane is considered to be acceptable. The width of the access is relatively narrow; however, its alignment means that inter-visibility between the existing drives and the Millands Lane junction is good.

In traffic impact terms, a typical dwelling would be expected to generate an average of 6 trips per day. This increase in traffic using the private drive or Millands Lane is unlikely to result in any significant highway safety or capacity issues, therefore the Highway Authority would not wish to raise an objection to the development proposals.

SCC - Ecologist - No comments received

Conservation Officer - Having looked at the information provided I do not consider the garage to be curtilage listed to Hood Arms.

Representations Received

11 letters of objection were received in relation to this application which raised the following concerns:

- Increase in traffic - Sea Lane is a narrow, busy lane leading to the popular Kilve Beach, extra traffic would lead to further congestion and impact safety of pedestrians
- Road safety - Sea Lane has no footpath for pedestrians
- Invasion of privacy - land is at slightly higher elevation than neighbours so there will be overlooking if the property is a two storey building
- Will the applicant pay to repair any or all damage caused by construction work and will the new property owners automatically have permission to use it
- There are bats in the area that may or may not be disturbed by the building of a new dwelling
- Noise disturbance caused by the construction of the property and associated increase in traffic
- Access to site is via a private driveway where parking and turning of tradesman and delivery vehicles is not permitted
- Creation of additional three spaces seems excessive
- We do not feel it is right to infill even more in our small village
- The garage is not derelict and is currently used for storage

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 the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

NH5	Landscape character protection
SC1	Hierarchy of settlements
SV1	Development at primary and secondary villages
SD1	Presumption in favour of sustainable development
T/8	Residential Car Parking
NH13	Securing high standards of design
NH1	Historic Environment
NH2	Management of Heritage Assets
NH6	Nature conservation & biodiversity protection & enhancement

Retained saved policies of the West Somerset Local Plan (2006)

NH5	Landscape character protection
SC1	Hierarchy of settlements
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NH1	Historic Environment
NH2	Management of Heritage Assets
NH6	Nature conservation & biodiversity protection & enhancement

Determining issues and considerations

This is an outline application with all matters reserved for the erection of 1 No. detached dwelling with alterations to parking area and removal of garage.

The most relevant policies from the adopted West Somerset Local Plan to 2032 are:

SD1 (Presumption in favour of sustainable development), SC1 (Hierarchy of settlements); SV1 (Development at primary & secondary villages), NH1 (Historic environment), NH2 (Management of heritage assets), NH5 (Landscape character protection), NH6 (Nature conservation and the protection and enhancement of biodiversity), NH13 (Securing high standards of design) and NH14 (Nationally designated landscape areas). Also applicable would be saved policy T/8 (Residential car parking) of the West Somerset District Local Plan (Adopted April 2006).

Principle of Development

This site is located within the settlement limits of Kilve. Under Policy SC1 of the West Somerset Local Plan to 2032 this location is designated as a primary village within which limited development can be permitted where it can be demonstrated that it will contribute to wider sustainability benefits for the area. Within the village are a number of local services which comprise of a post office / convenience store, a public house and a village hall. The provision of an additional house in this general location would help to support these services and in doing so reduce the need to travel and on this basis I consider that this proposal would satisfactorily accord with the requirements of this policy.

The position of the site, whilst to the rear of "Midways" is to be accessed from a private road which branches off from Millands Lane. This private road already has two dwellings which are located off it and form a small cul-de-sac type of development. The proposed plot would be at the southern most extent of the private access way and so would have the appearance of adding to this cul-de-sac rather than being a form of back land development. The size of plot to be created would not be dissimilar to others in the nearby locality and would provide for both adequate amenity space to be retained with "Midways" as well as adequate space for the new dwelling. The width and depth of the plot would be sufficient to allow for a dwelling to be constructed on it that would reflect the size of other surrounding dwellings without having a cramped appearance.

As this is an outline application there is no indication given at this stage as to the size or design of the proposed dwelling however consideration must still be given to the potential impact a dwelling on this site would have on the amenities of adjoining dwellings. The properties fronting onto the Main Road (A39) are located approximately 35 metres to the south of where a dwelling could be located on the proposed plot. I consider that a carefully designed dwelling could satisfactorily be accommodated without causing significant detriment to the amenities of those properties through overdominance, overshadowing or loss of privacy. Similarly the two existing dwellings off the private road (which are to the north of the site) are distant enough to be unlikely to be significantly affected by these issues provided careful consideration is given to detailed design at the reserved matters stage.

It has been clarified with the conservation officer that the existing garage to be demolished as part of this proposal is not curtilage listed as part of the "Hood Arms" which is itself a Grade II listed building. The creation of one additional dwelling in this position within the existing built up area of Kilve would have no significant impact on the Quantock Hills Area of Outstanding Natural Beauty whose designation covers this location furthermore the AONB Board in their response have indicated that they

have no comment to make on the proposal.

Concern has been raised by one local resident that bats may be present in this general locality. This proposal would involve the demolition of an existing garage as well as development in an existing garden area, however, as this is an outline application it is considered that this concern may be adequately addressed through an appropriate informative attached to an outline consent to make the applicants aware of their legal obligations with respect to protected species. Further information can also be required as part of a reserved matters application.

The indicative layout provided demonstrates that adequate car parking could satisfactorily be provided for both the new dwelling as well as for "Midways". Although the proposed parking for "Midways" is located approximately 55 metres from that dwelling this echoes a situation currently existing on site and as such would be considered acceptable. It should be noted that no parking for "Midways" is available at the front of that property as it is located immediately adjacent to the A39.

A number of the responses received from nearby residents have raised concern about the generation of additional traffic arising from the creation of a further dwelling in this location particularly given the narrowness of Sea Lane. The Highway Authority advise that the increase in traffic would be unlikely to result in significant highway safety or capacity issues and as such they do not raise any objection to the development proposals.

On the basis of the above I consider that this outline proposal would satisfactorily accord with the relevant policies of the West Somerset Local Plan to 2032 and as such I recommend conditional permission of this proposal.

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

