

APPLICATION NUMBER: WD/D/18/001644

APPLICATION SITE: LAND NORTH OF, EAST FARM LANE, OWERMOIGNE

PROPOSAL: Application for approval of all reserved matters in relation to Outline Approval WD/D/14/002818

APPLICANT: Northshore Companies Ltd

CASE OFFICER: Jo Riley

WARD MEMBER(S): Cllr N Bundy, Cllr A Thacker

RECOMMENDATION SUMMARY: Approve reserved matters

1 SUMMARY RECOMMENDATION

1.1 Approve the reserved matters of 'Appearance', 'Landscaping' 'Layout', and 'Scale' only.

2 PROPOSAL

2.1 This reserved matters application follows the approval of outline permission in 2015 for the erection of 9 dwellings (three affordable and six open market) with garages and stores. The outline permission dealt with the points of access off East Farm Lane, leaving the matters of appearance, landscaping, layout and scale for consideration now.

2.2 This reserved matters application seeks approval of those remaining matters.

2.3 Amended plans were received on 6th November 2018 providing

- an increase in the number of car parking spaces,
- a change in the design of plot 4 to become a thatched cottage,
- removal of dormer windows to unit 9, and
- a vehicle tracking plan to show that a refuse vehicle can access and turn within the site.

2.4 The proposal is accompanied by a Biodiversity mitigation certificate and a tree report.

3 RELEVANT PLANNING HISTORY

Application No.	Application Description	Decision	Date of decision
WD/D/14/002818/OUT	Construction of access, access road and erect nine dwellings (three affordable and six open market) and associated garages and stores	A	23.7.15

4 POLICY CONSIDERATIONS

The West Dorset, Weymouth and Portland Local Plan (adopted October 2015).

As far as this application is concerned the following policies are considered to be relevant.

ENV1 Landscape, Seascape, and Sites of Geological Interest
 ENV3 - Green Infrastructure Network
 ENV10 The Landscape and townscape setting
 ENV 11. The Pattern Of Streets And Spaces
 ENV 12. The Design And Positioning Of Buildings
 ENV13 Design and positioning of buildings
 ENV15 Efficient use of land
 ENV16 Amenity
 COM7 Creating a safe and efficient transport network
 COM9 Parking provision

National Planning Policy Framework (NPPF)

- 4. Decision-making
- 12. Achieving well designed places

Decision taking:

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible

Para 109 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 127 - Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area..
- b) are visually attractive as a result of good architecture, layout and appropriate landscaping,
- c) are sympathetic to the local character and history while not preventing or discouraging appropriate innovation or change
- d) establish a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- e) Optimise the potential of the site to accommodate and sustain an appropriate mix of development including green and other public space,
- f) Create places that are safe, inclusive and accessible.

5 OTHER MATERIAL PLANNING CONSIDERATIONS:

- Design and Sustainable Development Planning Guidelines (2009), incorporating the West Dorset Landscape Character Assessment (2009);
- Osmington, West Knighton, West Stafford & Owerneigne Conservation Area Appraisal

6. HUMAN RIGHTS

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

7. PUBLIC SECTOR EQUALITIES DUTY :

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED

8 CONSULTATIONS

DCP Design and Conservation Officer - Support subject to conditions. The site borders the east side of Owermoigne Conservation Area and as such the development affects the setting of the conservation area. The nearest listed building is the Grade II Church. The dominant garage of Plot 6 with its two storeys and gables are of concern on the general character of the settlement. The use of thatch should conform to the vernacular regional style of Dorset and not of the south east with decorative box ridge detail. The scale of the development is in keeping with the boundary character of this section of the settlement. Condition external materials.

DCP Environmental Health - No comment

DCC Highways - No objection subject to a condition 'Before the development is occupied or utilised, the access, geometric highway layout, turning and parking areas shown on Drawing No. P9066/100 REV H must be constructed unless otherwise agreed in writing by the Local Plan Authority. Thereafter these must be retained, kept free from obstruction and available for the purposes specified. '

Wessex Water - No objection provided that a condition is attached ' Before any foul drainage pipe work is installed the details of that system and how it will be implemented to ensure it results in a sealed system must be submitted to and approved by the Planning department of the council. The system must be installed entirely in accord with the agreed details'.

Owermoigne Parish Council - Object. There should be more use of flint and stone, refuse cannot be collected, there is inadequate parking which will lead to on street parking, the three storey property would be unique in Owermoigne and would be intrusive on the neighbouring property, the indicative plans showed a pair of semis which are now two detached, property sizes have increased from the indicative plans, there is no landscaping plan. The parish welcome the development but it must be sympathetic to the conservation area.

9 REPRESENTATIONS

At the time of writing 18 representations have been received. 15 of these are objections, 3 are noted as comments. One objection has been received from the CPRE who are concerned with access of a narrow lane, inadequate parking, design of buildings not in keeping with the conservation area.

The objections refer to the following issues:

- The access to the site from Church Lane is narrow and in need of repair
- The proposal will cause excessive vehicle movement and disruption
- The outline referred to construction vehicles using a temporary road north of East Farm Lane.

- There are no footpaths in church Lane or East Farm Lane and this is a problem for pedestrians.
- Originally it was agreed that access was to be gained from the A352 to prevent driving through Owermoigne.
- Access from lorries will endanger children.
- The illustrative plans are more suitable than those put forward now.
- There is no visitor parking.
- The thatch cottage is a token effort. There should be at least 3 thatched cottages.
- The design and types of materials are not in character with the existing properties in East Farm Lane or Old School Lane.
- The design is cramped, all the detached plots only have single garages which will cause parking on the road.

10 PLANNING ISSUES

10.1 The main planning issues relevant to this application are:

- whether the reserved matters of 'Appearance', 'Layout', 'Scale' and 'Landscaping' are acceptable. The principle of development on this site has already been agreed through the grant of outline permission.

10.2 'Appearance', The matter of appearance is that of how the buildings look. The outline application did not include a list of materials but indicated in elevations the use of thatch on one property. Elevations showed two storey dwellings, small windows under eaves, multi paned glazing, small porches, chimneys, brick, tile hanging or cladding. The reserved matters shows one thatched property and the proposed materials are stone, and render, slate, brick and flint, thatch, upvc windows in multi paned windows with decorative headers, chimneys, red clay tiles roofs, and various porch styles that all have the appearance of older traditional cottages. The character of East Farm Lane and Old School Lane and the wider context of housing in Owermoigne are a mix of traditional and newer properties. The appearance of dwellings in this area essentially is a continuation of East Farm Lane and are considered to be acceptable. The use of thatched cottages even in East Farm Lane is not exclusive. The materials in the proposal reflect those of East Farm Lane, and would not detract from the conservation area character and appearance.

10.3 'Layout', The layout follows that essentially indicated at outline stage which set out how 9 dwellings could be configured on the site. Those plans were indicative only and the differences between then and those submitted now are minor with the differences being garages and parking either side of Plot 5. A footpath link to Old

School Lane and a field gate in the north east corner of the plot which were shown on the indicative plans are now not shown. At outline stage it was agreed that the layout was acceptable and sympathetic to the setting of the Owermoigne Conservation Area and that is still considered to be the case here. The layout is not considered to be overly developed or cramped. There are spaces between the dwellings, amenity space, turning and parking spaces and space retained for landscaping. The main access point remains as that coming off East Farm Lane. There are no objections from DCC highways officers and a refuse tracking layout now shows that refuse vehicles can manoeuvre within the site indicating that the plot is not overdeveloped. The matter of layout is therefore considered to be acceptable.

10.4 'Scale' The matter of scale deals with the size of houses, including width, height and length of each proposed building. As mentioned in the matter of appearance, the proposed houses including those of plots 1 and 2 which are two bedroomed flats have the appearance of two storey houses. Plot 1 and 2 has a dual aspect so that the south elevation faces East Farm Lane when approaching from the south, with the additional door to the upper flat facing east along with the linked dwelling of Plot No. 3. The ridge heights are not excessive to any of the plots. Comments objecting have referred to the scale of the garage at Plot No. 6 which is two parking spaces on the ground floor and a studio above. The ridge height is 7.5m with a vaulted ceiling and full length glass. This is 1m lower than the dwelling. The glass window looks towards open fields. The use of two storey dwellings is acceptable having regard to the character of the area.

10.5 'Landscaping' The site is a level site with most trees set along the edges of the site. Four trees have already been removed from the site as shown on plan 9066/100 REV H. The proposal is accompanied by a tree constraints plan and a tree protection plan. The constraints plan shows a further 3 trees to be felled with a possible 4th tree. These are shown as category C trees which are those of low quality without a significant landscape value. Tree T8 Ash is the only tree shown as a category B tree which is a tree of moderate quality with a height of 14m and this is shown to remain. All other 7 trees within the site would remain. These would receive some minor work. The site plan shows some new planting but does not give details. There is however plenty of space within the site to provide new planting and a condition for new planting and boundary treatments to be approved is attached. Habitat enhancements proposed include planting around the edges of the site, native berry, seed or fruit trees and gardens would be planted with native plants. This is considered to be acceptable.

11 SUMMARY OF ISSUES

11.1 Outline planning permission was granted for 9 dwellings dated 23.7.15. The permission was subject to a Section 106 agreement for a contribution towards Heathland Mitigation and for not less than 2 of the 9 units to be affordable housing, as specifically set out on the decision notice at outline stage, and that agreement still applies. The outline permission was granted before the introduction of CIL. The

reserved matters applied for namely 'Appearance', 'Layout', 'Scale' and 'Landscaping' are acceptable.

12 RECOMMENDATION

12.1 Approve the reserved matters of 'Appearance', 'Layout', and 'Scale' and 'landscaping' and subject to the following conditions:.

1. The development to which this permission relates must be begun not later than the expiration of 2 years from the approval of the reserved matters hereby approved.

Reason: This condition is required to be imposed by Section 72 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:

Insert plans list.

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

3. The development shall be completed in accordance with the provisions and enhancements as set out in the biodiversity mitigation plan dated 19.7.18 and Ecology Report dated 19.7.18

Reason: In the interests of the natural environment.

4. The landscape enhancements shall be implemented during the planting season November - March inclusive, immediately following commencement of the development, or as may be agreed otherwise in writing by the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years from the date of this permission.

Reason: In the interest of visual amenity.

5. No development shall take place until all existing trees, shrubs and other natural features not scheduled for removal have been fully safeguarded and fenced in accordance with a scheme to be first approved in writing by the Local Planning Authority. Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels and chemicals, soil or other materials shall take place inside this fenced area. The soil levels within the fenced area shall not be raised or lowered and no trenching or excavation shall take place. In the event that protected trees (or their roots) become damaged, are lost or become otherwise defective in any way during such period, the Local Planning Authority shall be notified immediately and a programme of remedial action as directed by the Local Planning Authority shall be carried out within a timescale to be specified by the Local Planning Authority.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity.

6. Before the development is occupied or utilised, the access, geometric highway layout, turning and parking areas shown on Drawing No. P9066/100 REV H must be constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter these areas must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site.

7. Before any foul drainage pipe work is installed, the details of that system and how it will be implemented to ensure it results in a sealed system must be submitted to and approved by the Local Planning department. The system must be installed entirely in accord with the agreed details.

Reason: To ensure no groundwater enters the foul water drainage system within the site.

8. No development shall be commenced until a sample panel of the proposed external facing material(s) shall have been erected on site, and approved in writing by the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the Local Planning Authority the development shall proceed in strict accordance with such materials as have been agreed.

REASON: To ensure a satisfactory visual appearance of the development.