

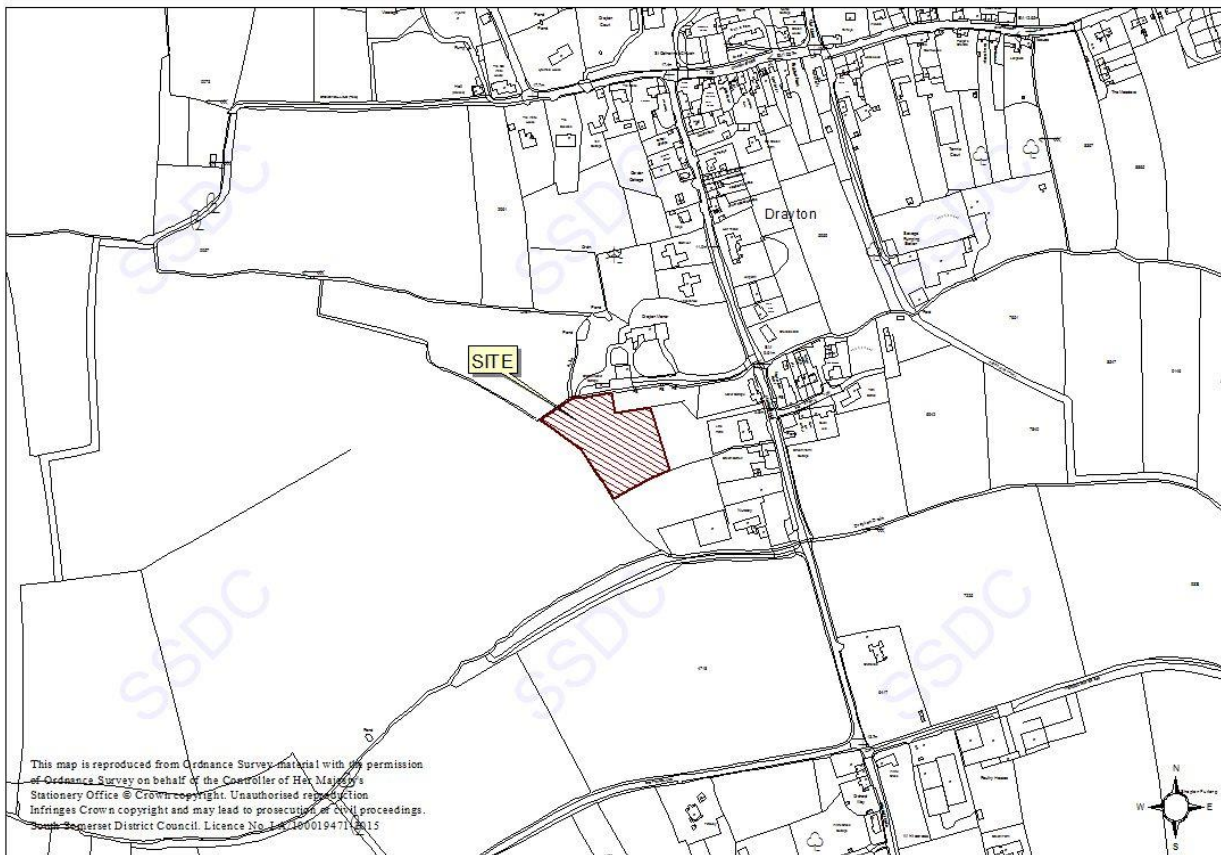
Officer Report On Planning Application: 17/04925/FUL

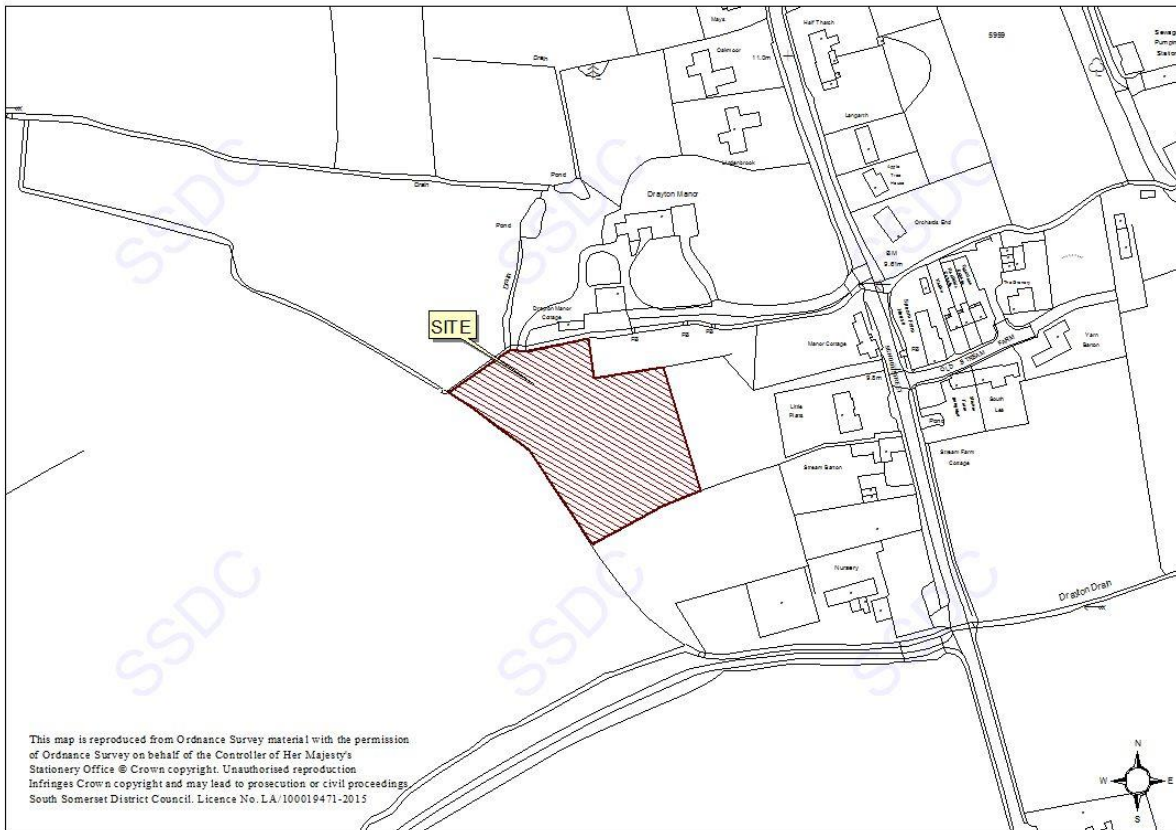
Proposal :	Proposed tennis court with pavilion outbuilding including the change of use of land from agricultural to domestic use.
Site Address:	Drayton Manor, School Street, Drayton.
Parish:	Drayton
CURRY RIVEL Ward (SSDC Member)	Cllr Tiffany Osborne
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	8th February 2018
Applicant :	Mr And Mrs Hall
Agent: (no agent if blank)	Mr Richard Rowntree, Della Valle Architects, Lake View, Charlton Estate, Shepton Mallet BA4 5QE
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee with the agreement of the Ward Member and the Area Chair to enable the issues raised to be fully debated by Members.

SITE DESCRIPTION AND PROPOSAL





The application relates to agricultural land to the south of, and adjoining the garden of Drayton Manor, a grade II listed house located on the west side of School Street. The land is set well back from the highway, and is not readily visible from public views. There are residential properties to the east and south east, with countryside to the west. The site also adjoins the Drayton Conservation Area, which extends up to the southern boundary of the garden of Drayton Manor.

The application is to change the use of the part of the field to residential use, along with the provision of a tennis court and small pavilion building.

HISTORY

17/02270/FUL: Proposed 7-a-side Football Pitch and Tennis Court on land associated with Drayton Manor - Application withdrawn.

17/02150/LBC: Proposed demolition of existing garages and erection of replacement double garage with wine store - Permitted with conditions.

17/02149/LBC: Proposed demolition of existing garages and erection of replacement double garage with wine store - Permitted with conditions.

17/01145/FUL: Proposed single storey orangery infill extension and new single storey study/gym outbuilding - Permitted with conditions.

17/00725/LBC: Proposed single storey orangery infill extension and new single storey study/gym outbuilding - Permitted with conditions.

09/03225/LBC: The installation of replacement window frames to north elevation of house and south and west elevations of cottage - Permitted with conditions.

Various consents for works to trees within the conservation area.

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

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

SD1 - Sustainable Development
EQ1 - Addressing Climate Change in South Somerset
EQ2 - General Development
EQ3 - Historic Environment
EQ4 - Biodiversity
EQ7 - Pollution Control

National Planning Policy Framework

Core Planning Principles - Paragraph 17
Chapter 7 - Requiring Good Design
Chapter 10 - Climate Change and Flooding
Chapter 11 - Conserving and Enhancing the Natural Environment
Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

Conserving and Enhancing the Historic Environment
Design
Flood Risk and Coastal Change
Natural Environment

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

Parish Council: 18th Jan 18 Drayton Parish Council strongly objects to this planning application based on the following points:-

CONSERVATION AREA

The proposed change of use from agricultural to domestic use would surely suggest this area would be considered within the conservation area as the rest of Drayton Manor grounds currently are.

NEIGHBOURS

Representation was made from all neighbours stating this proposed development will be detrimental to their quiet enjoyment of their own properties due to further light and noise intrusion.

DRAINAGE

Drayton Parish Council is concerned about additional flooding in an area already prone to flooding. Further development in Curry Rivel is already likely to increase the problem on this land. Additionally,

concerns were raised of the effectiveness of a soakaway in an already water logged ground.

SEWER

According to Wessex Water's official sewage map, there is a gravity main sewer running under the proposed development, including an access man hole beneath the proposed tennis court. This raises concern over the risk of damage and pollution to the sewer and all questions over the need for the installation of a package treatment plant.

County Highway Authority: Standing Advice applies.

SSDC Highway Consultant: No highway issues - no objection.

SW Heritage Trust: No objections on archaeological grounds.

Wessex Water: I refer to your letter of inviting comments on the above proposed development and advise the following on behalf of Wessex Water as sewerage and water supply undertaker for the area in question:

Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

Protection of Existing Assets

Public sewers are shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter.

Building over existing public sewers will not be permitted (without agreement) from Wessex Water under Building Regulations.

Building Near to a Public Sewer

No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water. Please contact our sewer Protection team to discuss further 01225 526333.

SSDC Tree Officer: Provided that a reasonable degree of care is undertaken, the arboricultural impacts of this proposal ought to be minimal - the trees within or in close proximity to the foot-print are quite young and any required losses (which seems to be limited to a fastigate Hornbeam) could be replaced with new plantings.

However, the property does benefit from the presence of numerous trees with high arboricultural values. Works typically associated with development can have a detrimental impact well beyond the immediate foot-print (please refer to Figs 1, 2 & 3 below).

If the proposal is to be granted consent, I'd be grateful if we could issue an 'Advisory Note' stating the following:

"You are reminded that those trees at Drayton Manor which are located within the Conservation Area, are legally protected below-ground as well as above. Unauthorised damage to protected trees can

result in a significant fine and a criminal record for those who instruct or those who carry out such damage. Therefore, it is prudent to ensure that reasonable measures to avoid damage to protected trees and their roots are undertaken during the ground-works, construction and landscaping phases of this development. The types of activities that ought to be avoided in proximity to trees, such as the operation of heavy machinery and the disposal of soil arisings; are explained within the information-graphic below:"

If screening is considered to be an important element, the current proposal to plant fruit trees and thorn bushes in close proximity to the tennis courts may prove to be rather ineffective and unpleasant to maintain in future. You might consider stating that the submitted planting scheme does not form part of the approved consent and you may wish to apply the following:

Tree & shrub planting condition: No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of UK- provenance tree and shrub planting. Such a scheme shall include the planting locations, numbers of individual species, sizes at the time of planting, details concerning root-volumes - e.g. whether the trees are cell-grown or container-grown and the intended date of planting. Installation details regarding ground preparation, weed-suppression, staking, tying, strimmer-guarding and mulching shall also be included in the scheme. All planting comprised in the approved details shall be carried out within the first available dormant planting season following the commencement of any aspect of the development hereby approved; and 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 dormant planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting and healthy establishment of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

SSDC Environmental Protection Officer: I have reviewed the application in light of the objections received and can confirm that my position remains the same. However, you may wish to include the following informative should the application be approved,

Statutory nuisance

The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health section.

SSDC Drainage Engineer: Without looking into too much detail but initial comments :-

Do the photographs show the land where the tennis court is to be located flooded? If so unless they do something with the surface water then the tennis court will flood.

Have they done any infiltration tests as a porous surface only works effectively if the underlying surface will allow the water to soak away at a sufficient rate.

The '90%' of courts may well provide a fully porous surface but the above applies. There is no reference as to the surfacing of the tennis court to indicate that this will be one of the 90% or the specification of the sub-base.

The pavilion is shed size so not really concerned but will not be porous!

Levels across the site to indicate where any exceedance flows will end up.

SSDC Ecologist: 5th Feb 18 In view of the various comments on wildlife, and nature of the site, I recommend asking the applicant for an ecological survey/assessment (e.g. extended Phase 1 survey/biodiversity survey/preliminary ecological assessment) to be submitted prior to any grant of permission.

19th Mar 18 I'm satisfied with the survey report which doesn't identify any significant issues nor constraints to this proposed development. The consent notice could include an informative to endorse the recommendations of the report.

SSDC Landscape Architect: 16th Jan 18 I have now had opportunity to review the proposal.

The tennis court is located adjacent an area of semi-formal garden that projects to the south of the stream. The west boundary return of the hedge containing this garden has formed a recessed area in the field into which the court has been inserted. On the basis that there is this close correspondence to both the garden, and garden buildings to the north, and a relationship to this hedgerow pattern, I consider that the court is satisfactorily located. However, there are two elements of the proposal that do not have landscape support;

(i) lighting. This land originates as a small paddock, which is one of a number of small enclosure plots at the village edge that buffer the residential core of the village from the wider agricultural field pattern. In laying away from the residential core of the holding, and at the rural edge of the settlement generally, I do not consider it an area where flood lighting will be appropriate. I'd suggest that the lighting element is removed from the application.

(ii) extent of residential curtilage. Whilst I consider that there is scope to include the court within an extended area of residential curtilage, the extent indicated is far too great. To provide landscape delineation that better corresponds to both the garden and field patterns, I would suggest that the line of the garden hedge to the east of the proposed court is projected south, then dog-legs WSW adjacent the court's SE corner, to meet the field hedgerow below the court's SW corner. Appropriate garden planting can then be undertaken within the curtilage area to substantiate screening. I have no issue with the prospect of further tree planting within the paddock, as inferred by the proposals plan.

If the above changes can be agreed, then the proposal should be acceptable from a landscape perspective. However, I would advise that the hedging spec is fine-tuned, to be primarily a field maple; hawthorn mix, with dogwood; hazel; wild privet and hornbeam the secondary species, to better coincide with the species mix of local hedgerows.

20th Mar the layout is now amended along the lines suggested in my initial response (below) and I have no further landscape issues to raise.

REPRESENTATIONS

92 letters of objection have been received from 49 local residents of Drayton. The comments received relate to the following areas:

- Adverse impact on the setting of the local conservation area
- Adverse impact on the rural character of the area
- Harmful impact on local biodiversity
- Increased risk of flooding
- Unacceptable harm to residential amenity
- Presence of sewer pipeline through the application site

- Errors in the application form and statement

Representation has also been made by the Somerset Wildlife Trust, with the following comment made:

We have noted the above planning application as well as many concerns expressed by neighbours about the possible impact of existing wildlife in and around the site. We have noted that, despite the potential for negative ecological impact no information has been provided which would clarify the extent to which this might occur. We would have expected to see an Environmental Impact Assessment or wildlife survey, carried out at an appropriate time of the year, included in the supporting documents for the application. In the circumstances we object very strongly to this application.

CONSIDERATIONS

Principle of Development

The application comprises the change of use of 0.25 hectares of agricultural field adjoining the grounds of Drayton Manor to residential use, and also includes the provision of a tennis court and single storey pavilion building. The land in question is part of a larger field to the south of Drayton Manor. The site is proposed to be enclosed by a new native species hedgerow with some additional tree planting proposed on the field beyond.

The proposed provision of a tennis court in connection to the residential occupation of Drayton Manor is generally acceptable in principle, however there are a number of site specific constraints that require very careful consideration. In particular, the site lies immediately to the south of the Drayton Conservation Area, immediately adjoining both the conservation area and the curtilage of the listed building. Consideration will need to be given to the impact on the setting of these heritage assets, along with the general rural character of the area. Numerous objections have been received, which as well as referring to the impact on the character of the area (including the adjoining heritage assets), also raise concerns regarding impact on residential amenity through increased noise and light pollution, potential harm to local ecology, and increased risk to flooding with localised surface water flooding having occurred on several occasions in recent years.

Prior to submission of the application, the applicant sought advice through the Council's pre-application advice service. While detailed plans were not seen at that stage, the proposed change of use was supported in principle subject to final details, including extent of change of use, scale and appearance of built form and inclusion of appropriate mitigation through landscaping, as well as consideration against other relevant local and national planning policies, such as impact on residential amenity. Advice was given at this point by the Council's Planning Officers, Landscape Architect and Conservation Officer.

Scale, Appearance and Historic Context

The proposal comprises an encroachment of residential land into agricultural land, with the inclusion of a new tennis court and associated building. The original submission included a much greater extent of land to be included within the change of use, however this has since been amended to reduce the land to be used for residential purposes to better relate to the tennis court, with some additional land to the west included.

Objections received raise concerns about the loss of agricultural land through the introduction of built form and domestic usage. As well as erosion of the rural character, it is suggested that there would be an adverse impact on the character, appearance and setting of the conservation area. Concerns are also raised about the effectiveness of the proposed planting scheme, should consent be granted.

In considering the impact, it is considered that the tennis court is proposed to be sited relatively

sensitively, adjacent to both the formal garden of Drayton Manor to the north, and an area of semi-formal garden area to the east, which projects to the south of a stream that passes through the grounds of Drayton Manor. The site also has a close correspondence with existing garden buildings to the north. Having commented on the application, the Council's Landscape Architect highlighted concerns about the impact of floodlighting and the extent of the domestic land being proposed. These concerns have been satisfactorily addressed by the reduction in land proposed to change use, and the omission of floodlighting. On this basis, the Landscape Architect is satisfied that the proposal will not have an unacceptable visual impact.

The proposed built form has been designed to limit the additional visual impact, with a modestly proportioned outbuilding proposed, with low profile monopitch roof and timber cladding. An area that could have caused concern was the manner of enclosure of the tennis court, however following advice given by the Conservation Officer at pre-application stage, it is proposed to use a simple solution of netting on varying height poles, which will give a less solid presence to the development.

Overall, it is considered that the change of use, and associated works are acceptable and located sensitively to avoid adverse impact on the setting of the nearby heritage assets and no unacceptable harm to the general character of the area.

A planting scheme has been proposed, however this could ideally do with better tree planting, as well as confirmation of the species and mix of native hedge planting. A suitably worded planting condition is proposed. To limit impact further, conditions are also proposed to remove permitted development rights for the provision of any outbuildings, means of enclosure, and flood lighting.

Residential Amenity

Local residents have objected to the potential impact of additional noise and light. Many comments received have made reference to existing issues of light pollution emanating from the grounds of Drayton Manor, as well as noise from outdoor speakers.

The tennis court and pavilion building are proposed to be located just over 100m from the nearest residential property to the east. The Council's Environmental Health Officer has not objected, with the distance considered adequate to avoid unacceptable harm through what amounts to a residential scale use.

The issues raised in relation to alleged disturbance from Drayton Manor is not relevant to this application, although to reduce the likelihood of a similar impact occurring, it is considered appropriate to remove permitted development rights for the use of amplified audio equipment, in addition to the removal of permitted development rights for the use of flood lighting, and other means of external lighting. The Environmental Health Officer has also suggested an informative be added reminding that the grant of planning permission does not prevent action being taken under Environmental Protection legislation should a statutory nuisance action take place.

Overall, notwithstanding existing complaints alleging disturbance from the existing occupiers of Drayton Manor, it is not considered that the proposed development will in itself lead to unacceptable harm to the residential amenity of local residents, subject to the additional protection of removal of permitted development rights.

Flood Risk

The site is not within, or close to any Flood risk Zones (2 or 3), as designated by the Environment Agency, however there are identified localised surface water issues, with evidence provided showing parts of the Drayton Manor grounds, and adjoining land being flooded by the watercourse passing through the site. This has also led to serious flooding of School Street. Several objections have

highlighted this potential risk, with concerns that the provision of additional hard surfacing will lead to increased risk of surface water flooding.

During the course of the application, the applicant has confirmed that the tennis court surface is intended to be fully permeable, thereby not increasing the likelihood of flooding. It is advised that 90% of the manufacturers courts are fully porous and do not require a soakaway. Further advice has been sought from the Council's Drainage Engineer, who has confirmed that while this may be acceptable in principle, the ability to provide a porous surface will ultimately be dependent on the ground conditions, and whether infiltration is achievable at a sufficient rate. Should ground conditions, mean that this court is one of the 10% not able to drain freely, then there is the possibility of increasing flood risk. Notwithstanding this, should it not be possible to provide a porous surface, there is no reason to believe that appropriate alternative drainage provision could not be made. It is considered that there is sufficient room available to the applicant to deal with surface water runoff by alternative non-infiltration methods, should this be required. Subject to the imposition of a suitable condition requiring the approval of a drainage scheme, it is considered that the proposed development will not lead to any significant increase in the risk of localised flooding.

Ecology

Letters received in objection to the application raise concerns regarding loss of habitat and the impact on local biodiversity, with an abundance of wildlife noted in the vicinity, including bats, owls, badgers, kingfishers, egrets, and other birds. It is also suggested that the submitted survey has missed out some nocturnal wildlife, while it is alleged that others such as badgers have already been affected by works carried out on the site.

The submitted ecology survey does identify many different wildlife species either active, or likely to be active within the local area, however it does not identify any of these being a constraint to the development proposal, with mitigation measures proposed, including actions to be taken should certain species be found on site, such as reptiles and nesting birds. The Council's Ecologist has considered the report and is satisfied by its findings, raising no objections. It is recommended that an informative is added endorsing the recommendations proposed.

Other Issues

During the course of the application, it has been brought up that a Wessex Water foul sewer runs under the application site, with concerns raised about the impact of construction works on the pipeline. Wessex Water have been consulted and commented in respect to the developer's obligations in respect to works being undertaken in close proximity to these services. Ultimately, this is not strictly a planning matter as the grant of planning permission does not override the applicant's responsibilities in this respect. The applicant has advised that they have undertaken further consultation with Wessex Water, with it expected that the sewer is deep enough not to be impacted. Nevertheless, the applicant's attention will be directed to Wessex Water's comments.

The proposal raises no highway safety issues.

Conclusion

Notwithstanding the high level of interest in this application, the proposed development is considered to be acceptable as it will have no unacceptable impact on the character and appearance of the site and its surroundings, including the adjoining heritage assets, has no adverse impact on highway safety, local ecology, flood risk and causes no unacceptable harm to residential amenity.

RECOMMENDATION

Grant permission with conditions

01. The proposed development, by reason of size, scale and materials, is acceptable as it respects the character of the and appearance of the site and its surroundings, does not adversely affect the character and setting of the adjoining heritage assets, would not lead to increased risk of flooding and has no unacceptable detrimental impact on local ecology, highway safety or residential amenity. As such, the proposed development is considered to accord with the aims and objectives of policies SD1, TA5, EQ1, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 4, 7, 10, 11 12 and the core planning principles of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in complete accordance with the approved plans: 'F351_LOCb', 'F1351_511e' and 'F1351_512a'.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of UK- provenance tree and shrub planting. Such a scheme shall include the planting locations, numbers of individual species, sizes at the time of planting, details concerning root-volumes - e.g. whether the trees are cell-grown or container-grown and the intended date of planting. Installation details regarding ground preparation, weed-suppression, staking, tying, strimmer-guarding and mulching shall also be included in the scheme. All planting comprised in the approved details shall be carried out within the first available dormant planting season following the commencement of any aspect of the development hereby approved; and 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 dormant planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity, and to ensure the planting and healthy establishment of new trees and shrubs in accordance with policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

04. Details of foul and surface water drainage to serve the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby approved being commenced. Such approved drainage details shall be completed and become fully operational before the dwellings hereby approved are first occupied. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To ensure that the site is adequately drained and will not have an adverse impact on flood risk elsewhere, in accordance with policies EQ1, EQ2 and EQ7 of the South Somerset Local Plan and the provisions of chapter 10 and the core planning principles of the National Planning Policy Framework.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no means external illumination/lighting shall be installed or provided on the residential land and buildings hereby approved, without the prior express grant of planning permission.

Reason: In the interests of residential amenity, in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the core planning principles of the National Planning Policy Framework.

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no system of public address, loudspeaker, amplifier, relay or other audio equipment shall be operated on the residential land and buildings hereby approved, without the prior express grant of planning permission.

Reason: In the interests of residential amenity, in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the core planning principles of the National Planning Policy Framework.

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures including ponds, pools, walls, fences, gates or other means of enclosure are to be built on the residential land hereby approved without the prior express grant of planning permission.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

Informatives:

01. You are reminded of the contents of the Council Environmental Health Officer's email response of 7th February 2018, which is available on the council's web-site.
02. You are reminded of the contents of the Council Tree Officer's letter of 7th February 2018, which is available on the council's web-site.
03. You are reminded of the contents of Wessex Water's email response of 24th January 2018, which is available on the council's web-site.
04. You are reminded of the contents of the Council Ecologist's email response of 19th March 2018, which is available on the council's web-site.
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