

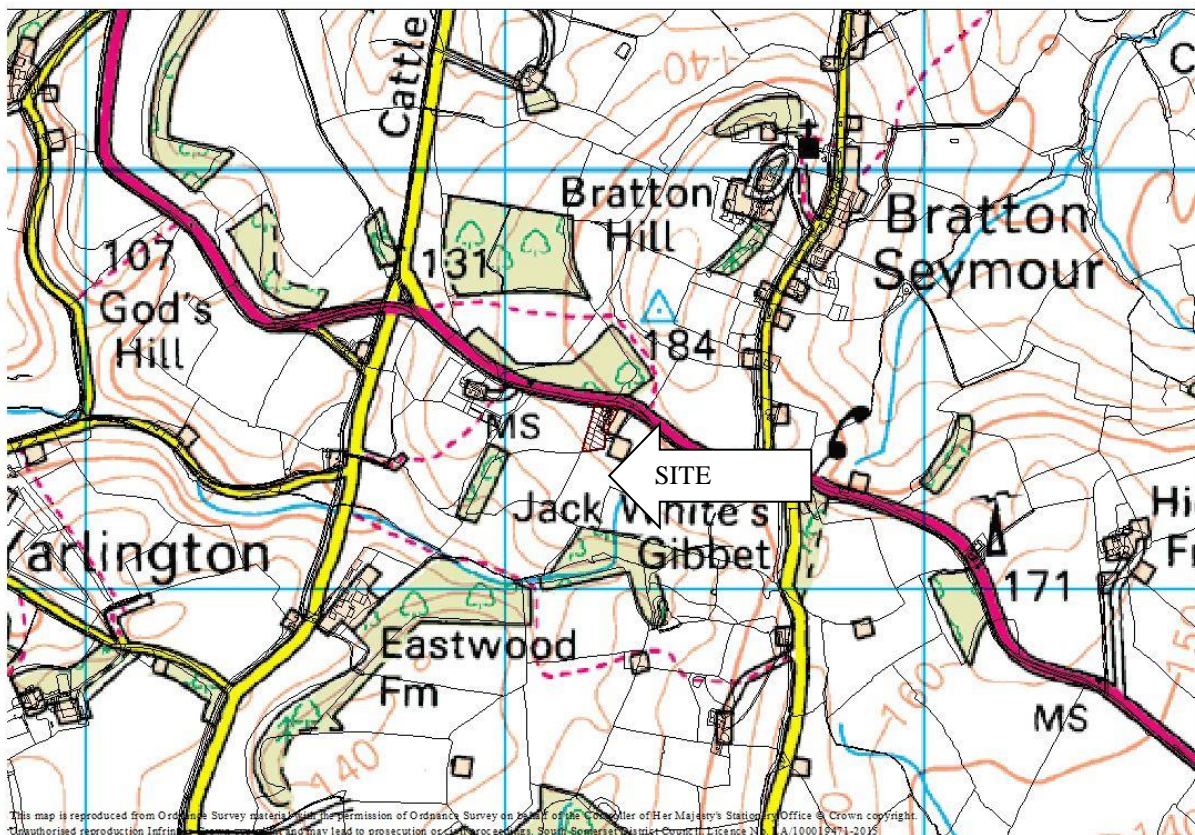
Officer Report on Planning Application: 15/00522/FUL

Proposal :	Proposed demolition of existing dwellings and construction of two dwellings (GR: 367235/129388)
Site Address:	Bratton Lodge Bratton Seymour To Cary Hill Bratton Seymour
Parish:	Bratton Seymour
TOWER Ward (SSDC Member)	Cllr Mike Beech
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	3rd April 2015
Applicant :	Mr P Dick
Agent: (no agent if blank)	Mr David Stephens Mansion House Princes Street Yeovil Somerset BA20 1EP United Kingdom
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at the request of the Ward Member with the agreement of the Chair to enable the views of the Parish to be debated.

SITE DESCRIPTION AND PROPOSAL





The application is a resubmission following extant permissions for a 'dwelling and annex' that allow for the replacement dwellings following demolition of the existing dwellings. This application seeks formal separation of the dwellings. In fact the Planning Officer's report (ref: 12/02898/FUL) recognised at that time that there were two dwellings that had been used as separate dwellings. However the description on the application form referred to a 'dwelling and annex' and consequently condition 9 was attached limiting the use to this. A revised application 13/03917/FUL saw the same description and the same condition reattached, and the subsequent application ref: 14/05214/S73 sought to correct the situation and have condition 9 removed, which happened. Its removal had the effect of maintaining the proposed description; namely, 'replacement dwelling and annex for residential use', and it is this that the current application seeks now to have changed to formally permit two separate dwellings.

The site is located in open countryside on the south side of the A371, 375m to the west of the intersection with Bratton Seymour Road. It is a large site (0.56 Ha), dropping in level away from the highway. Immediately adjacent to the highway is a brick cottage; further down the site, approx. 40m from the highway, is a large red brick Victorian house, in a poor state of repair. The smaller cottage was evidently the 'lodge' or subservient building to the larger house (although the main house is confusingly called a 'Lodge'). The site extends a total of 100m southwards from the highway, and has a width of around 45m. It is well wooded in parts, with some impressive mature trees making a significant impact to the appearance and setting of the site.

The application is submitted with a Design and Access Statement, Ecological Appraisal and Bat Survey Report, and an Arboricultural Implications Assessment and Method Statement,

HISTORY

14/05214/S73 - Application to remove condition 9 (annexe occupancy) of approved planning permission 13/03917/FUL. Approved.

13/03917/FUL - Proposed replacement dwelling and annexe for residential use. Approved.

12/02898/FUL - Replacement dwelling and annexe for residential use (revised scheme 12/00256/FUL). Approved.

12/00256/FUL - Replacement dwelling and annexe - withdrawn

901514 - Demolition of store and kitchen and the erection of a two-storey extension to dwelling house - approved

890065 - Alterations and extension to cottage to form a three bedroom dwelling house - refused

(Both these latter applications applied to the smaller cottage on the highway edge)

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)

HG8 - Replacement Dwellings in the Countryside

EQ2 - General Development

TA6 - Parking Standards

EQ4 - Biodiversity

National Planning Policy Framework (March 2012):

6. Delivering a wide choice of high quality homes

7. Requiring good design

8. Promoting healthy communities

11. Conserving and enhancing the natural environment

National Planning Practice Guidance

CONSULTATIONS

Bratton Seymour Parish Meeting: It is noted that: The Bratton Seymour Parish Meeting objected to the withdrawn January 2012 application [12/00256/FUL] because of the visual impact of the proposed buildings. The approved 2013 application (13/03917/FUL) was for buildings with timber and stone cladding.

The current application states: 'This is a resubmission of a previous application for a development which was granted permission in 2013 (reference 13/03917/FUL). The only difference is that whereas the 2013 application was for a replacement dwelling and annexe for residential use this application is for two replacement dwellings'. However a further difference has been noticed: the stone cladding has been removed and white render replaced on the walls of the basement floor.

Regarding the approved application [13/03917] the Landscape Architect commented that: 'The current lodge and its annex are relatively unobtrusive given their dark tones...The

proposal ...intends two replacement buildings of a contemporary finish which are of an enlarged scale by comparison with the current building group...rather than a potentially 'bright' render band, the preferable solution will be to timber clad the upper two storeys...On this matter a strict control of material selection should be achieved by condition" [25 Oct 2013].

Also regarding the approved application 13/03917/FUL, the Conservation Officer commented: 'I remain unhappy with three different materials of the main building. Although approved like this before, this is too many in my view: two would be sufficient and perhaps you will negotiate a change here. The rendered ground floor has the potential to be a visually intrusive, bright feature in the landscape and is the material I would look at changing'. [30 Oct 2013].

Although the area of south facing glass has been reduced since the withdrawn 2012 Application, there is still a significant amount to emit light into what the Landscape Architect described as [27 Feb 2012]: 'a length of the hillside that currently benefits from a 'dark-sky' character'.

It would be appreciated if these issues concerning the visually intrusive aspects of the proposed buildings were addressed.

We also note the increase in mobility/disability features.

In August 2012, the County Highways Officer reported: 'Access is directly from/onto the A317...it is a well utilised route that is subject to the national speed limit of 60mph and it would appear from my personal observations during my site visit, that traffic is travelling up to the permitted maximum...the Highways Authority would not wish to see a proposal that would effectively result in two dwellings being erected as it would result in an increase/intensification in traffic over and above the existing use in this unsustainable location deriving access onto a County Route'. So the 'annex...shall be occupied only by persons of the same household' [13 August 2012].

The Bratton Seymour Parish Meeting objects to application 15/00522/FUL as potential selling on ('no connection in the occupation of the replacement dwellings') could intensify road danger close to a hazardous bend on the A371. We request that stone cladding shown on approved 13/03917/FUL plans be reinstated and opportunity be taken to reduce the visual intrusion of the buildings according to these previous observations of the Landscape Architect and Conservation Officer.

County Highway Authority: The proposed dwellings will be replaced by a slightly smaller dwelling and a slightly larger dwelling respectively. With the net change in floor area minimal there is likely to be little change in traffic generation compared with the existing use.

Despite the similarity in traffic generation, the applicants have decided to replace the poor accesses to the site with a single much improved access. The visibility available for exiting vehicles will be much improved and the geometry will make the situation much better. A generous apron is proposed allowing vehicles to pull clear of the highway while the proposed sliding gates are operated. The gates will be set back 6 metres from the carriageway edge. There is no annotation on the drawing showing the surface treatment of the apron and this should be hard surface so that there is no possibility of loose material being carried on to the highway.

There is a highway margin of at least 2 metres along the frontage of the site which means that most of the necessary visibility splays will be contained within the adopted highway. The speed limit past the site is the national speed limit of 60 mph which means that visibility splays should be 2.4 by 215 metres. It is not clear from the submitted plans if this level of visibility is available. Given that the existing accesses are poor and that the proposed replacement is a great improvement, despite no increase in use, the Highway Authority would be churlish to

recommend refusal for substandard visibility.

It is proposed to offer 8 parking spaces compared to the 6 presently on the site. This is slightly in excess of the optimum standard but the isolated location means that this is acceptable. There is room for turning on site which means that vehicles can enter and leave the site in forward gear which is important for access to a Class 1 road.

In conclusion, the Highway Authority raises no objection to this application subject to conditions to secure the access, as proposed, consolidated surfaces, and no obstruction of the parking and turning area.

SSDC Landscape Architect: I have reviewed the above re-submission and its supporting information seeking to construct a replacement of the existing dwelling and its annexe at the above site. I am mindful that a consent for two new dwelling of this proportion and style already exists.

The current lodge and its annexe are relatively unobtrusive given their dark tones and mature tree surround. The proposal before us intends two replacement buildings of a contemporary finish, which are of an enlarged scale by comparison with the current building group.

As before, there is no landscape issue with the prospect of a replacement dwelling on this site, providing there is no adverse reduction of the site's tree presence. To that end, an arboricultural plan is offered which indicates the retention of the majority of the trees, the extent of which I view as satisfactory providing the SSDC Arb. Officer is satisfied that the plan detail is robust. Whilst I have some concerns over the apparent bulk of the main house, I consider that the mature tree presence will help to counteract the massing effect, and I am pleased to see both a better organisation of the glazing areas, and the break-up of the external elevations, by use of timber and render. On the matter of render, a strict control of material finish should be achieved by condition to ensure that the finish is not too 'bright'.

SSDC Tree Officer: I'm pleased to confirm that the proposal still appears to safeguard the sustainable retention of the most valuable arboricultural features within and adjoining the site. I'd be grateful if you would consider imposing a condition to secure tree protection.

SSDC Ecologist: Please carry forward my previous response (13/03917/FUL) in respect of this application. I recommend one slight amendment to the informative re EPS licence:

REPRESENTATIONS

None

APPLICANT'S CASE

In response to Bratton Seymour Parish Council we make the following comments:

- 1) The Council has already granted permission for a dwelling and lodge (reference 13/03917/FUL).
- 2) Earlier this year under permission reference 14/05214/S73 the authority agreed that the condition restricting occupancy of the lodge to persons of the same household as those occupying the main house could be deleted.
- 3) The design of the dwellings (the subject of this application) is substantially the same as the dwellings which already have planning permission (with reference 13/03917/FUL and 14/05214/S73).
- 4) The external materials shown on the drawings accompanying this application (namely render and timber boarding) are in accordance with details which you approved in discharging condition 2 of permission reference 13/03917/FUL. You will recall asking our client to remove one of the materials and subsequently approving the removal of

the stone cladding (we refer to your email of 8 July 2014, in direct response to a letter from our client's architect dated 16 June 2014). Our client already has permission to build two dwellings and use render as a material.

- 5) The permission granted earlier this year with reference 14/05214/S73 includes a condition making clear that the details of materials to be used for the external walls and roofs are those approved under cover of the email ref 14/02844/DOC dated 8 July 2014.
- 6) Re the objection of the Parish Council on highway grounds, we note that the Highway Authority has raised no objection to the scheme.

CONSIDERATIONS

Principle of Development

There is support in principle for the replacement of two dwellings as is referred to by the planning officer in their report ref: 12/02898/FUL and recognised by the subsequent permission ref: 14/05214/S73 that removed the annex condition. Accordingly the main considerations include visual and landscape impact, impact on residential amenity, and highway safety.

Visual and Landscape Impact:

The Landscape Officer is supportive of the proposal and comments that provided the tree cover is maintained a condition requiring further details to control the render finish to avoid 'too bright' a finish is necessary. Otherwise there is no objection to a scheme that was previously considered acceptable.

Impact on Residential Amenity:

The dwellings would have been considered in the context of their relationship as a main dwelling and its annex. While there is a close relationship between the dwellings the application is supported by drawing S5110/106B that shows a distance of some 13m. at an angle between openings. As two new dwellings not affecting existing occupants the relationship is considered acceptable in this instance.

Highway Safety:

The Highway Authority have raised no objection. Having re-evaluated the scheme the Highway Officer considers the new access to be a great improvement over the existing access.

Lighting

In accordance with the previous permission no external lighting is to be permitted without details first having been approved.

Ecology

The proposal involves the destruction of a bat roost, and the proposal has therefore been considered against the three Habitats Regulations tests set out above by the Council's Ecologist:

1. The proposal will contribute to the tidying up and improvement of this derelict site and removal of derelict structures, thereby enhancing the environment
2. There is not considered to be a satisfactory alternative, given the range of buildings included.
3. Mitigation measures are possible, and the proposal would not be detrimental to the maintenance of the population of the species concerned. The proposal includes the erection of a separate new building for use as a bat roost.

Conditions and informatives are included as advised by the Ecologist.

Parish Council's Response:

The comments are noted however, both Landscape and Highway responses having had the

opportunity of considering the current application and are supportive. The use of render is accepted notwithstanding that a condition is sought to control the render finish and avoid too bright a finish. The Highways Officer considered the access to be a significant improvement over the existing and has raised no objection to there being two separate dwellings using the access.

The application is made on the basis of a timber clad and rendered finish. We have therefore to consider the use of these materials, the stone finish is not an option. It is already reported that the Landscape officer is otherwise supportive subject to control over its finish that accords with the Parish Council's own concern, while the overall form and design accords with the extant permissions.

RECOMMENDATION

Approve

01. The proposal, by reason of its scale, design and siting, respects the character and appearance of the area, and causes no demonstrable harm to residential amenity, landscape or ecology, in accordance with the aims and objectives of Policies HG8, EQ2, TA6 and EQ4 of the South Somerset Local Plan, 2006-2028, and the NPPF.

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 accordance with the following approved plans: drawings ref. S5110/100D, /101H, /102G, /103B, /104D, /105D received 4 February 2015.

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

03. No development hereby approved shall be carried out until particulars of following have been submitted to and approved in writing by the Local Planning Authority:
 - a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs; this shall include surface modelling and interface between the various wall materials;
 - b. a sample panel, to be prepared for inspection on site, to show the render finish of the external walls;
 - c. details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
 - d. details of all hardstanding and boundaries
 - e. details of the rainwater goods, and eaves and fascia details and treatment.

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

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

04. No external lighting shall be installed or erected on the site unless as part of a scheme, details of which have been submitted to and approved in writing by the Local Planning

Authority. The scheme of lighting should seek to minimise external lighting and avoid spotlights particularly any visible from the public highway. Once approved, such lighting shall only be erected and used in accordance with such scheme unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the character of the area and in the interests of preventing light pollution in accordance with Policy EQ2 of the South Somerset Local Plan, 2006-2028, and the NPPF.

05. No development hereby permitted shall be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The scheme of landscaping shall be generally in accordance with the submitted site layout plan ref. S5100/105D, and shall include supplementary boundary tree & shrub planting, which would benefit the existing screening values of the mature trees by ensuring a succession of younger age-structure.

Reason: To safeguard the character and appearance of the area, and to accord with Policy EQ2 of the South Somerset Local Plan, 2006-2028, and the NPPF.

06. The tree protection measures as specified within the submitted Tree Protection Plan [Appendix 1 of Report Reference: 1054 - AIA 2] and Arboricultural Method Statement [Chapter 5.1 - 5.3.5 inclusive, as detailed within Report Reference: 1054 - AIA 2] shall be implemented in their entirety for the duration of the construction of the development, inclusive of any landscaping operations.

Reason: To preserve the health, structure and amenity value of trees in accordance with the objectives within Policy EQ4 of the South Somerset Local Plan 2006-2028 and those statutory duties as defined within the Town & Country Planning Act, 1990 (as amended).

07. The development hereby permitted shall not be commenced (including any demolition or site clearance) until there has been submitted to and approved in writing by the Local Planning Authority, full details of a bat mitigation plan and method statement. The works shall be implemented in accordance with the approved details and timing of the mitigation plan and method statement, as modified to meet the requirements of any 'European Protected Species Mitigation Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

No demolition of either Bratton Lodge or Bratton Lodge Cottage shall commence until the replacement Bat Roost (as indicated on Drawing no. S5110/104D and appended to the bat survey report) has been constructed, and an inspection and confirmation by a Natural England licensed bat consultant verifying it is fit for purpose (for use by the intended species of bats) has been submitted to and approved in writing by the Local Planning Authority.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with Policy EQ4 of the South Somerset

Local Plan 2006-2028, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

08. If the development hereby approved, including any demolition, does not commence within the period of 2 years from the date of the most recent wildlife surveys, then a further survey shall be undertaken to ascertain any changes in protected species presence or activity before work commences. Such surveys shall be submitted to the local planning authority and approved in writing before work commences along with any further mitigation proposals that may be necessary as a result of any significant changes in protected species presence or activity. Any amended mitigation measures shall thereafter be implemented as agreed.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with Policy EQ4 of the South Somerset Local Plan 2006-2028, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

09. Before the dwelling is occupied, the revised access over the first 5m of its length shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing (before works commence), by the Local Planning Authority and thereafter maintained at all times.

Reason: In the interests of highway safety and to accord with Policy EQ2 of the South Somerset Local Plan, 2006-2028, and the NPPF.

10. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number S5110/105D, and shall be available for use before development commences. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety and to accord with Policy EQ2 of the South Somerset Local Plan, 2006-2028, and the NPPF.

11. The driveway between the edge of carriageway and the entrance gates shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety and to accord with Policy EQ2 of the South Somerset Local Plan, 2006-2028, and the NPPF.

12. The area allocated for parking and turning on the submitted plan, drawing number S5110/105D, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and to accord with Policy TA6 and EQ2 of the South Somerset Local Plan, 2006-2028, and the NPPF.

13. Before the dwelling is occupied the existing vehicular and pedestrian accesses to the site shall be stopped up, their uses permanently abandoned and the verge/kerbs reinstated.

Reason: In the interests of highway safety and to accord with Policy EQ2 of the South Somerset Local Plan, 2006-2028, and the NPPF.

14. The existing structures, including Bratton Lodge, Bratton Lodge Cottage and associated outbuildings, shall be removed from the site in accordance with a timetable and scheme

of demolition to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Such details shall reflect the mitigation measures to be agreed under condition 7 above, and shall provide for the demolition and removal of both dwellings prior to the occupation of the replacement dwelling and/or annexe hereby approved.

Reason: To ensure that comprehensive development of the site and its final development in accordance with the approval hereby granted.

15. The development shall not commence (specifically including any site clearance or ground works) until a scheme for the eradication of Japanese Knotweed from the site has been submitted to, and approved in writing, by the local planning authority. The approved scheme shall be implemented in full unless otherwise agreed in writing.

Reason: For the protection of amenity of future owners/occupiers of the site and neighbours, and to ensure compliance with The Wildlife and Countryside Act 1981 (as amended).

Informatives:

01. Update bat surveys will be required in spring/summer 2015 before a European Protected Species Mitigation Licence (under The Conservation (Natural Habitats, &c.) Regulations 2010) application can be made to Natural England. This licence will be required before the development can commence. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.
02. Badgers are present on the site and may create 'outlier setts' (temporary setts) at any time, which could require identifying an exclusion zone or require closure under licence from Natural England (normally restricted to July to November inclusive). Update surveys for badgers are recommended prior to commencing development (particularly each new stage of ground works or excavations) in order to minimise the risk of damaging setts in contravention to the Protection of Badgers Act 1992, and introducing delays to the development. Site specific advice from an ecological consultant is recommended in order to inform appropriate exclusion zones and protection, timing of sensitive operations (which may be limited to July to November), and assistance with the application for sett closure licence from Natural England.
03. Reptiles (particularly slow worms) could be present on the site and could be harmed by construction activity, contrary to legislation (Wildlife and Countryside Act 1981), unless appropriate precautionary measures are employed. Suitable measures could include appropriate management of the vegetation to discourage reptiles away from areas of risk, reptile exclusion fencing, and/or translocation of animals from the site. An ecological consultant should be commissioned to undertake further reptile specific survey and provide site specific advice.
04. The Wildlife and Countryside Act 1981 makes it an offence to disturb a nest of any wild bird whilst it is in use or in the process of being built. Clearance of trees, scrub, ivy, bramble or other dense vegetation, and demolition of, or works to buildings, could cause disturbance to nesting birds, and it is advisable to carry out such works outside of the main nesting season of 1st March to 31st August inclusive, unless a prior check by a competent person has confirmed the absence of nesting birds.