

Application No:	3/01/21/005
Parish	Bicknoller
Application Type	Reserved matters
Case Officer:	Briony Waterman
Grid Ref	Easting: 311517 Northing: 139007
Applicant	Mr & Mrs J Bridgland
Proposal	Application for approval of reserved matters following outline application 3/01/20/016 for the appearance, landscaping, layout and scale for the erection of 1 No. dwelling and garage
Location	Land adjacent to Chilcombe House, 30 Trendle Lane, Bicknoller, TA4 4EG

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - (A3) DrNo 21-063/LP1 Location Plan
 - (A1) DrNo 21-063/2 A Proposed Elevations
 - (A2) DrNo 21-063/G1 Proposed Garage
 - (A2) DrNo 21-063/1 Proposed Plans
 - (A2) DrNo 21-063/SP1 Proposed site Plan
 - (A1) Drno B20073_2D_SX Topographical Survey
 - (A2) DrNo 21-063/TPP1 Tree Protection Plan

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

- 2 The external finishes of the works hereby permitted shall be as stated in the application, light coloured render with quoins for the walls, brick chimneys and a natural slate roof.

Reason: To safeguard the character and appearance of the area.

- 3 To avoid harming hazel dormice and nesting birds, removal of hedgerow shall be in according to the following prescriptions. Prior to any works, including groundworks, commencing on site vegetative clearance will be carried out in strict accordance with the following procedure, either:

a) Between April and August, a licensed dormouse ecologist will check the site for nests immediately before clearance. If there are no nests, then the hedgerow can be removed. If present the removal shall proceed either as per b) or c) below. The results will be communicated to the Local Planning Authority by the licensed dormouse ecologist within 1 week of the inspection.

b) In September or October when dormice are still active but avoiding the breeding and hibernation seasons. A licensed dormouse ecologist shall supervise the work checking the site for nests immediately before clearance and, if needed, during clearance. All work shall be carried out using handheld tools only. If an above-ground nest is found it shall be left in situ and no vegetation between it and the adjacent undisturbed habitat shall be removed until dormice have gone into hibernation (December) as per method b). The results will be communicated to the Local Planning Authority by the licensed dormouse ecologist within 1 week; or

c) Between December and March only, when dormice are hibernating at ground level, under the supervision of a licensed dormouse ecologist. The hedgerow, scrub and/or trees will be cut down to a height of 30cm above ground level using hand tools. The remaining stumps and roots will be left until the following mid-April / May before final clearance to allow any dormouse coming out of hibernation to disperse to suitable adjacent habitat.

No vegetative clearance will be permitted between June and September inclusive when females have dependent young. Written confirmation of the operations will be submitted to the Local Planning Authority by a licensed dormouse ecologist within one week of the work.

Reason: In the interests of the 'strict protection' of a European protected species nesting wild birds and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and enhancement of biodiversity.

- 4 Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with West Somerset Local Plan to 2032: Policy NH6: nature conservation and the protection and

enhancement of biodiversity.

- 5 The parking space/s in the garage(s) hereby approved shall at all times be kept available for the parking of vehicle/s and shall be kept free of obstruction for such use.

Reason: To retain adequate off-street parking provision in the interests of highway safety.

- 6 Prior to first occupation of the development hereby permitted the provision of facilities for the charging of electric vehicles shall be provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of securing sustainable development.

- 7 The development hereby approved shall not be occupied until space has been laid out, drained and surfaced within the site for the parking, turning, loading and unloading of vehicles, in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority, and such area(s) shall not thereafter be used for any purpose other than the parking, turning, loading and unloading of vehicles associated with the development.

Reason: To ensure that sufficient provision is made for off-street parking and turning of vehicles in the interests of highway safety.

- 8 Details of the proposed hedge to the western boundary shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location of the planting and details of the mix of species shown in a scaled plan. The approved details shall be carried out in accordance with the approved details, prior to the occupation of the dwelling hereby approved.

Reason: To safeguard the character of the area

Informative notes to applicant

- 1 In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
- 2 The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and

experienced ecologist at the earliest possible opportunity.

- 3 The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

Proposal

Permission is sought for the approval of reserved matters following outline planning permission (ref: 3/01/20/016) being granted for one dwelling in March 2021. The outline permission includes the access which is not a reserved matter. This application seeks reserved matters approval for the appearance, landscaping, layout and scale for the erection of 1 No. dwelling and garage.

The proposed dwelling will include a kitchen/family room, study, utility, dining room, W/C and drawing room at ground floor with four bedrooms three bathrooms at first floor.

Site Description

The site is to the east of Chilcombe House, a large detached house, in an area of garden/amenity land. The area is laid to lawn with mature trees and currently accessed via the access at Chilcombe House off Trendle Lane. The site is located within the Quantock Hills Area of Outstanding Natural Beauty (AONB).

Relevant Planning History

3/01/20/016 - application for outline with all matters reserved except for access for the erection of 1no dwelling and detached garage - refused and allowed at appeal in March 2021

3/01/18/009 - outline application for the erection of 1no dwelling and double garage refused 30.11.18 dismissed at appeal on 08.08.19

3/01/16/004 - approval of reserved matters following outline application (3/01/15/009) for the erection of 1 dwelling house with double garage - granted 24/02/2017

3/01/15/009 - outline permission with all matters reserved for the erection of a single dwelling with double garage with new access - granted 13/11/2015

3/01/06/017 - single storey side extension - granted 17/10/06

3/01/86/029 - proposed dwelling - granted 05/11/86

Consultation Responses

Bicknoller Parish Council - Objects for the following reasons:

- No Georgian style houses within the village - out of keeping against SC1.4.c
- Removal of mature trees - Bicknoller Village Design Statement 7.5.
- Alteration of hedges and water courses in construction of driveway will be damaging to ecology
- Access is on a dangerous blind bend only 20cm from existing access Secretary of State's decision only refers to an access on Trendle Lane.
- Preservation of a large oak opposite whose roots cannot be protected under the tree protection plan.
- Over development of a small site
- No Needs Survey
- Fails policy SC1 and CC1 based on gas heating and wood burning fires
- no plans to show how the existing utility services will be rerouted to avoid trees
- no condition 18 of the inspectors decision requesting a drainage scheme.
- has set a precedence for more houses to the south west as Beacon Hill House set a precedent for this application
- A contentious application that has been twice refused by LPA and once by PINS
- Permission was granted on appeal on flawed statements PINS gave permission prior to the closure of comments.

Highways Development Control - No objections

- Detailed matter of access has already been agreed
- Proposed layout reflects indicative layout submitted with the outline
- sets out the provision of 4 parking spaces and space for turning in accordance with SCC's Parking Strategy,
- Position of 1.2m high post and wire fence is within the visibility splay and will need to be realigned
- Is not seeking to agree any of the outstanding highway conditions
- no objection subject to the condition that requires parking and turning is provided prior to occupation

SCC - Ecologist - No objections

- Trees being removed need to be checked for bats
- Hedgerow removal condition re nesting birds and dormice
- Lighting design for bats

Tree Officer -

- Request the Arboricultural Method Statement
- Access and parking areas appear to be well within RPAs
- protective fencing follow the RPAs of these trees before needing to be moved to complete the driveway and parking area - how would this be achieved?

Landscape - Objection

- No objection in principle to a new dwelling concern over scale, form and appearance

- Bicknoller has a strong vernacular
- house is more Georgian in style which does not respond well to the content of the village or the lane.
- building is large for the size of the plot
- site needs to accommodate tree and shrub planting to help assimilate the development.
- entrance from the lane is formed by a hedge bank that to match will need to be stone faced.
- development shows insufficient regard to the character or the context or comply with local and national policy.

Wessex Water Authority - No objection

Quantock Hills AONB - Object

- House design is not appropriate for the character of the village.

Habitats Regulations Assessment

Due to the location of the proposal it is considered a HRA is not required.

Representations Received

There have been four letters of objection making the following comments (summarised):

- site is controversial in nature
- Lies within the AONB and a departure from the Bicknoller Village Plan
- No Georgian styled houses in the village
- a diverse mix of houses in the area
- the site is small just 0.11 hectares in site
- proposed size is disproportionately large in comparison
- Georgian style will be incongruous in its surroundings
- house will be heated by a gas fired boiler which misses the point of eco-credentials.
- the utilities for Beacon Hill run through the site
- Streams are a feature and Trendle lane is at risk of flooding.
- access to the plot must be via a culvert or bridge
- culvert would need to meet the requirements of the EA and Land drainage consent.
- The telegraph pole at the entrance is at risk from the culvert and site works.
- new and inappropriate dwelling
- needs to be sympathetic to the AONB
- dwelling should be of a size appropriate to the site which ensures protection of the existing trees.
- detrimental in every impact
- further urbanisation of a sensitive area accept a house can be built there
- Large house on a small plot

- Only Georgian-styled house and will be incongruous and disproportionate to the plot
- Design and style out of keeping with local plan and Bicknoller Village Design Statement
- Not improve nor protect the visual amenity of the site or surrounding area.
- Trees - are at risk
- Concerns that there will be tree die-back
- Smaller dwelling should be considered
- Hedgerows - the EIA states that the hedge will be removed its states only 10 when the inspector has allowed for 25metres.
- The access will require the removal of a BT pole and the culverting of the stream
- Is compensation planned for business as well as private communication interruption?
- The installation of a culvert to bridge the stream could create flooding issues
- Suggest the access is combined with the existing access
- no mention of trees that have already been removed

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

SD1	Presumption in favour of sustainable development
SC1	Hierarchy of settlements
SV1	Development at primary and secondary villages
SC2	Housing Provision
NH14	Nationally designated landscape areas
TR2	Reducing reliance on the private car
TW/2	Hedgerows
T/8	Residential Car Parking
NH13	Securing high standards of design

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

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The emerging District Wide Design Guide SPD

Determining issues and considerations

The main issues in determining this application are the principle of development, the appearance, landscaping, layout and scale.

Principle of development

The principle of development has been established under application 3/01/20/016 which was granted outline planning permission following an appeal for a new dwelling on this application site. The Planning Inspector allowed the appeal as they concluded:

'Overall, although an area of garden would be replaced with built form, and a short length of hedgebank lost, I consider that the result of this would not be so obtrusive or so out of keeping as to cause noticeable harm to the AONB in the wider sense. The integrity of the AONB would therefore, as a whole, be conserved.'

My attention has also been drawn to the Bicknoller Village Design Statement (DS). Whilst not part of the development plan the DS recommends that developments which involve the removal of field hedges should be resisted. However, the hedgebank in question forms the boundary of a domestic curtilage, and is not therefore strictly a field hedge. The weight that I can give to this recommendation is therefore very limited.

In arriving at this conclusion I am aware of the previous appeal decision relating to the site. In that proposal however the access would have been off Chilcombe Lane, where there are far fewer existing accesses and consequently the proposed one would have been far more conspicuous. I cannot therefore take the previous appeal as a compelling precedent for refusing the current one.'

This application merely seeks approval for the reserved matters which include appearance, landscaping, layout and scale.

Design, layout and materials

The proposed design is for a dual pitched roof to form a single detached dwelling with detached garage. The design is considered to be in accordance with the local area and requirements under Policy NH13 as this part of Bicknoller is characterised by large detached properties there is no cohesive design between the plots, the design of the proposed dwelling draws on design features of the Chilcombe House, which when viewed from the rear has Georgian design features. Letters of objection received from the Parish, neighbours and the landscape officer all comment on the design being out of keeping with the village. However given that there is no cohesive design between the existing dwellings and the design of this proposed dwelling drawing on design features of the neighbouring property, it is considered that the proposal would not form an incongruous feature in this part of the village.

The use of render with quoin's, brick chimneys and a natural slate roof is in keeping with the other properties in the area and accords with the Council's emerging Design Guide and the Bicknoller Village Statement.

The proposed layout allows for sufficient turning and parking arrangements for the new dwelling without compromising parking provision and amenity provision at the host dwelling. The orientation of the proposed follows that evidenced along Trendle Lane. The Planning Inspector felt that the "dwelling would be seen as an infill dwelling and would retain a reasonable distance to Chilcombe House and the neighbour to the east due to the size of the plot which is commensurate with the spacing between other properties along Trendle Lane". It is therefore considered that the layout of the plot is considered acceptable.

With regards to residential amenity, it is considered that due to the layout of the new dwelling that there would be no adverse impact upon the residential amenity of the neighbouring properties in terms of overlooking, overbearing or over dominance.

Landscaping

The northern boundary along Trendle Lane has a 1.2metre high post and wire fence with a hedgerow that runs along its length, with the exception of the new access no changes are proposed to this boundary, a new holly will be planted either side of the access in line with visibility requirements to replace some of the removed hedgerow, the access has already been approved by the outline permission and does not form part of the application. There are no changes proposed to the eastern boundary which has a 1.8m close boarded fence with trees and hedging along its length, nor are any alterations proposed to the southern boundary which has an established hedgerow. The new boundary to the west is a close boarded fence, a condition has been included to ensure a hedge is planted along this boundary to soften the impact of the fence. There application states there are to be a couple of trees removed with a number of root protection and tree protection measures on site to protect the remaining trees to mitigate against any landscape harm. The planning inspector reported that "*although an area of garden would be replaced with built form and a short length of hedgebank lost, it is considered that the result would not be so obtrusive or out of keeping as to cause noticeable harm to the AONB and that the integrity of the AONB would be conserved.*" It is therefore considered that the proposal would not result in significant harm to the landscape.

The comments from the landscape officer are noted however there is significant planting within the site and a number of mature trees around the boundaries which is to be retained and is considered to be adequate for the plot and helps with the screening of the development.

Comments have been received raising concerns that the proposed development will have an adverse impact on existing trees due to root protection not being possible. The Planning Inspector has imposed a condition on the outline permission requiring a scheme for the protection of trees that will be retained to be submitted to and approved in writing by the Local Planning Authority prior to works commencing. This condition must be complied with before works commence.

Scale

The existing houses along Trendle Lane are characterised by large detached dwellings set back from the highway. The proposed development is considered in keeping with the surrounding properties in terms of scale whilst maintaining adequate amenity space for both the new and host dwellings.

Highways

The access was approved under appeal reference: APP/W3330/W/20/3263909 and does not form part of the determination of this application. The Inspector felt that the necessary visibility splays would be achievable and the resulting access would be similar to a number of accesses already in existence along Trendle Lane. There is suitable provision for parking on site and adequate space for the turning of vehicles, it is therefore considered that the proposal would not have a significant impact upon highway safety.

Biodiversity

A preliminary ecological assessment was submitted with the application and no objections were raised by the County Ecologist subject to conditions and infomatives. It is noted that the ecologist recommended a survey be undertaken on the trees that are to be removed to look for bats however it was not considered expedient as the trees could be removed at any time as they are not protected by a Tree Preservation Order or within the Conservation Area, instead the applicant is reminded of the legal protection offered to bats and birds and that any works to the trees are done so in accordance with the correct legislation.

Additional matters

There was a previous appeal relating to the site which was refused with access off Trendle Lane and was not taken by the Inspector as compelling precedent for refusing the latest appeal. A comment received states that the Planning Inspector issued the decision for the appeal on the site before the consultation period had ended, this was not the case the inspector issued the Environmental Screening Opinion which stated one was not required, the formal decision allowing the appeal

was issued on the 9th March 2021, it is the opinion of the Local Planning Authority that the Inspectors decision is lawful.

Concerns were raised over the access arrangements and the utilities running through the site, neither of which form part of the determination of this application.

Other comments relate to the flooding, however as the site is located within Flood Zone 1 it is not considered to significantly exacerbate any potential flooding risks.

With reference to the Bicknoller Village Design Statement within the recommendations it states that the preservation and maintenance/replacement of all trees should be encouraged, the developer has provided an arboricultural statement which covers the root protection of the majority of trees on the site and a landscaping condition was included within the outline permission which will provide details of the future planting for the site. The Statement recommends that new development should provide adequate space between dwellings, and design should be sympathetic to their surroundings. As mentioned above it is considered that the design of the building is in keeping with Chilcombe House and respects the density and character of this part of Bicknoller.

Conclusion

It is therefore recommended that reserve matters permission is granted subject to conditions.

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



