

REPORT TO THE SOUTHERN AREA PLANNING COMMITTEE

Date of Meeting	16 January 2014		
Application Number	13/04200/FUL		
Site Address	Lyvers Farm, Lyvers Lane, East Grimstead, Salisbury, SP5 3RX		
Proposal	Demolition of existing dwelling erection of replacement with the demolition of existing agricultural buildings		
Applicant	Mr Cooper		
Town/Parish Council	Grimstead		
Electoral Division	Alderbury and Whiteparish	Unitary Member	Cllr Richard Britton
Grid Ref	422402 128140		
Type of application	Full Planning		
Case Officer	Ben Hatt		

Reason for the application being considered by Committee

The application has been called to committee by Councillor Richard Britton for the following reason:

- Design and impact on area.

1. Purpose of Report

To consider the recommendation of the Area Development Manager (South) that planning permission be **GRANTED** subject to conditions.

2. Report Summary

The issues in this case are:

- The principle of residential development in this location;
- Design and impact on character of the area;
- Highway safety;
- Financial contributions.
- Ecology

The application has received an objection from East Grimstead Parish Council and no representations from other third parties.

3. Site Description

The application site is an area of land currently occupied by agricultural buildings and a separated dwellinghouse. It has an existing access from Lyvers Lane.

The site is on the west side of Lyvers Lane with open farmland to its north, west and south sides. The existing residential dwelling which is to be demolished is at the east of the site and adjacent to the entrance drive.

In planning policy terms the site lies within the countryside outside of the housing policy boundary of East Grimstead.

4. Planning History

S/1998/0567	Change of use from farm building to light industrial
S/2001/0586	Alterations and extensions
S/2002/0788	Occupation of the dwelling other in compliance with condition 1 of 7949/12744 & 5810/9444
S/2003/0646	Remove stables; extend bungalow at ground and first floor level and alterations to existing access
S/2003/1895	Continued use of disused poultry houses for storage of gearboxes, classic cars and classic car components
S/2004/1154	Change of use of redundant agricultural building to business
S/2004/0607	Replacement dwelling and alterations to access
S/2004/0099	Change of use if redundant agricultural building to business use (workshop and store) with associated residential unit
S/2005/2510	Create ménage and change use of land for equestrian purposes
S/2007/0318	Change of use of redundant agricultural building to mixed business and associated residential
S/2008/1217	Demolition of existing dwelling; replacement dwelling and garage
S/2011/0491	New storage building for mixed equestrian and agricultural use
S/2011/1104	Application to vary condition 1 of approved application S/2008/1217 (demolition of existing dwelling, replacement dwelling and garage) to extend the time allowed to implement the planning permission

5. The Proposal

The proposal is to demolish the existing dwelling and barns and erect a new dwelling, garage and home office on the site of the barns.

The new dwelling would be large with accommodation over two and three floors. Its design is traditional.

6. Planning Policy

Salisbury District Local Plan: Policies G1, G2, D2, H30 (as 'saved' within the adopted SWCS)

South Wiltshire Core Strategy: none

NPPF

7. Consultations

East Grimstead Parish Council:

The Parish Council considers that this application contravenes Policy H30 which states that the replacement dwelling should be closely associated on the site and not significantly larger than the existing building. There is also concern over the height and size of the proposed building, and that the existing building may be retained. It is pointed out that the proposed footprint compared to the existing is at least 70% larger. There is also no drawing of the existing dwelling available to compare size & massing – in this respect councillors considered the application to be incomplete and further drawings (at same scale) should be provided.

The application also identifies possible harm to protected species and the environment, but no ecology report to view. The council highlighted that the application was incomplete in terms of drawings and reports.

The Parish Council recommends REFUSAL for this proposal on the grounds that:

- a) It is not in keeping or appropriate with its environmental surroundings.
- b) The siting of the replacement dwelling is not closely related to the siting of the existing dwelling.
- c) The applications also identifies possible harm to protected species and the environment. The parish Council would have liked to have viewed an ecology report but there wasn't a report available to view.
- d) The extraordinarily large windows have no precedent in local residential housing.
- e) The Parish would like to see a preclusion to any further development of the existing building.
- f) Not compliant with saved policy H30 which states replacement dwelling must not be significantly larger than existing chalet bungalow and be closely related to the existing site.
- g) The footprint of the existing dwelling is approx. 115 M2 (including conservatory) and not 190M2 as stated in the design & access statement (para 5.5). The increase in building footprint is approx. 70%. Parish Councillors considered this increase, together with the fact that the proposed dwelling is on three floors, results in a significantly larger dwelling.
- h) The proposed dwelling is approx. 180 M from the site of the existing dwelling.
- i) Councillors failed to see the relevance of reference to, and drawings of, the extant application S/2008/1217 & S/2011/1104.
- j) The councillors considered the design & access statement to be incorrect as follows:
 - Para. 1.5 - The replacement dwelling will not replace a large dwelling on the immediate site of the existing dwelling - presumably the reference to 'large detached dwelling' refers to the extant approved dwelling.

- Para. 1. 7 - Planning permission has not been granted for a new dwelling on the immediate site of the proposed dwelling- again presumably this refers to the extant application.

Demolition of existing dwelling:

Parish Councillors were concerned that the existing dwelling would not be demolished due to the construction of the proposed dwelling not being dependent upon demolition of existing dwelling. Planning department must legally ensure demolition is enforceable.

Retention of the existing dwelling would result in an additional burden on the access to the public highway - in the past highways have refused any additional vehicular movements at the point of access to the highway.

Further policy considerations:

The site area is not within the Housing Policy Boundary of East Grimstead. There is no agricultural or forestry need - the site is in open country side.

Extant application for replacement dwelling on site of existing chalet bungalow – Application Nos. S/2008/1217 & S/2011/1104.

Councillors were concerned that in the event of the application for new dwelling at location off buildings (App.No. 13/04200) being approved the applicant would be in a position to demolish the existing chalet bungalow and construct a replacement dwelling on the same site area-this would result in an additional dwelling using the vehicular access onto the public highway. Highways have, in the past, stated that an additional dwelling using the access is not acceptable.

Councillors were of the opinion that should approval be granted for the new dwelling the extant approval for a replacement dwelling should be rescinded and this requirement form a condition of any planning approval that may be forthcoming.

WC Ecology:

The Extended Phase 1 Habitat Survey Report (Ahern Ecology, Sept 2013) demonstrates various protected species issues associated with demolition of the house and barns in this application.

Regarding barn owls, a nest box at the southern end of one of the barns is being used for breeding and therefore I suggest that a condition is used to ensure that demolition of this barn is undertaken in such a way as to avoid a breach of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to cause disturbance to this species while it is breeding. In addition, mitigation will need to be provided and I suggest this is done through a condition to mark locations of barn owl boxes pre- and post construction on a site ecological mitigation plan. Swallows can be equally covered by this condition.

In relation to bats, the consultants consider the dwelling house has been confirmed as a bat roost, probably for brown long-eared bats and several of the barns hold medium potential for bats. So far the consultant has not commented on the risk of the roost being significant and no mitigation has been put forward for the worst case scenario. I suggest therefore that plans are submitted to demonstrate the location and design of a replacement roost, being mindful of the proposed new location of the barn owl box, so that

the application can be determined. Currently I cannot conclude whether or not a Natural England licence would be granted if indeed it is required.

The barns appear to be unsuitable for a significant (breeding / hibernation, large pre-maternity) roost and therefore mitigation is likely to take the form of bat boxes etc.

I suggest bats will need to be covered in two conditions, one to require further survey to inform whether a Natural England licence will be required and a second to secure the bat mitigation measures.

WC Housing:

As the proposals do not include any net gain in the number of residential dwellings, there will be no requirement for an affordable housing contribution.

8. Publicity

The application has been advertised by way of site notice and letters to near neighbours.

The publicity has generated no letters of support or objections.

9. Planning Considerations

9.1 Principle

This application follows a previous approval for the erection of a 5 bedroom house on the site.

The site lies within open countryside. Saved Policy H30 of the Salisbury District Local Plan, indicates that the replacement of an existing dwelling in the countryside will be permitted provided that:

- (i) the proposed replacement dwelling is not significantly larger and has no greater impact than the existing dwelling;
- (ii) the design of the new dwelling is of a high standard and is appropriate to the rural surroundings;
- (ii) the siting of the replacement dwelling is closely related to that of the existing;
- (iii) current parking and access standards can be met; and
- (v) the existing dwelling has not been abandoned.

The parish council have raised concerns that the proposal is not in accordance with Policy H30, and it further states that the proposal is not in keeping with its surroundings, would possibly harm protected species, and would be significantly larger than the existing dwelling.

It is acknowledged that the proposed dwelling is larger than the existing. It is also acknowledged that the proposed siting is some distance from the existing dwelling, albeit within the same overall holding. However, it is material in this case that the proposed dwelling would not only replace the existing dwelling but would also replace an extensive

group of not insubstantial barns. The proposed dwelling is considered to have a comparable impact to that of the existing barns and dwelling in combination, and consequently it is not considered that any measurable harm would be caused by its additional size and different siting. In isolation the proposed dwelling is considered to be of a high standard of design appropriate to its rural surroundings.

There is an extant permission for a replacement dwelling on the site of the existing dwelling (S/2011/1104). To ensure that there is no net gain in dwelling numbers or over-development of the site a S106 agreement would be necessary to rescind this extant planning permission in the event of planning permission being given. The applicant has indicated agreement to enter into this obligation.

The site is isolated from the nearby neighbouring properties sited along Lyvers Lane being at the far end of the site away from the existing dwelling. As a consequence there would be no adverse impact on residential amenity.

9.2 Design and impact on character of the area

The proposal would result in a large dwellinghouse on the site of existing agricultural buildings. The existing dwelling is currently sited away from the agricultural buildings and so the proposal would see the overall development of the site limited to one location. The site itself is reasonably well screened from views to and from the open countryside, and it is not considered that any glimpsed views of the new dwelling would detract from visual amenity in any event. Overall it is considered that the proposal would have no greater impact than the existing developments on the site.

9.3 Highways

The WC Highways Officer has raised no objections to the on-site parking provisions for the development and the alterations to the access. Whilst the proposed replacement dwelling would be of a larger overall scale than the existing dwelling it would be unlikely to result in a significant increase in traffic flow using the access track and as such is considered to be acceptable in terms of highway safety. It is noted that there is a concern from the Parish Council regarding additional pressure on the existing access, however the proposal is for a replacement dwelling and would not result in a net gain in the number of dwellings on site.

9.4 Contributions

The proposal which is for a replacement dwelling would not result in a net gain of residential units and therefore there is no requirement for any contributions towards affordable housing (CP3) or recreational facilities (R2).

9.5 Ecology

An extended phase 1 habitat report has been submitted as part of this application. No objections have been received from the WC Ecologist subject to conditions which would ensure mitigation for protected species.

10.0 Conclusion

The proposed dwelling and associated development would not have an adverse impact on the visual appearance and character of the area. The impact would be comparable to that of the existing buildings on the site which are to be demolished. There would be no harmful impact on other material considerations, including residential amenity and ecology.

The proposal would therefore accord with the aims and objectives of the development plan and other Government guidance, having particular regard to Local Plan policies G1, G2, and D2 (as saved within the adopted South Wiltshire Core Strategy).

RECOMMENDATION

To delegate to the Area Development Manager to APPROVE permission, subject to the applicant entering into a Section 106 agreement to rescind the earlier planning permission, and subject to the following conditions:

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until details of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

3. Before any works commence, a report detailing the results of bat surveys undertaken in accordance with the recommendations at 5.2 of the Extended Phase 1 Habitat Survey Report (Ahern Ecology, Sept 2013) shall be submitted for the approval of the local planning authority.

REASON: To safeguard protected wildlife species.

4. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;

- means of enclosure;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, lighting etc);

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

6. No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

7. Prior to first occupation of the dwelling hereby approved all existing buildings indicated to be demolished in the Design and Access Statement accompanying the application and the existing dwelling, Lyvers, shall be demolished and the resulting waste materials removed from the site. Following removal of the waste materials the land shall be re-graded to original levels and re-used for appropriate purposes in accordance with a scheme to be first approved in writing by the local planning authority.

REASON: To accord with the terms of the planning application and to ensure that the development results in enhancement of the area which is one of the exceptional reasons planning permission has been granted in this case.

8. Before works commence, drawings identifying the location and design of ecological mitigation measures for bats, barn owls and swallows shall be submitted for local planning authority approval. The measures shall be implemented in accordance with the approved drawings before first occupation of the new dwelling and they shall be retained in a suitable condition for use by bats and/or birds (as appropriate) thereafter.

REASON: To safeguard protected wildlife species.

9. No demolition of any barn within the application site shall be undertaken while barn

owls are breeding on site and until a survey by a competent person has confirmed that breeding barn owls are absent. At least one alternative breeding box for barn owls shall be provided at the site in accordance with details to be approved in writing by the local planning authority prior to occupation.

REASON: To safeguard protected wildlife species.

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

Extended phase 1 Habitat Survey Report,
Design and Access Statement,
Drawing nos. Ceg/p/03, Ceg/p/02, Ceg/p/01 received on 13/09/13.

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

INFORMATIVE:

The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. The season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.