

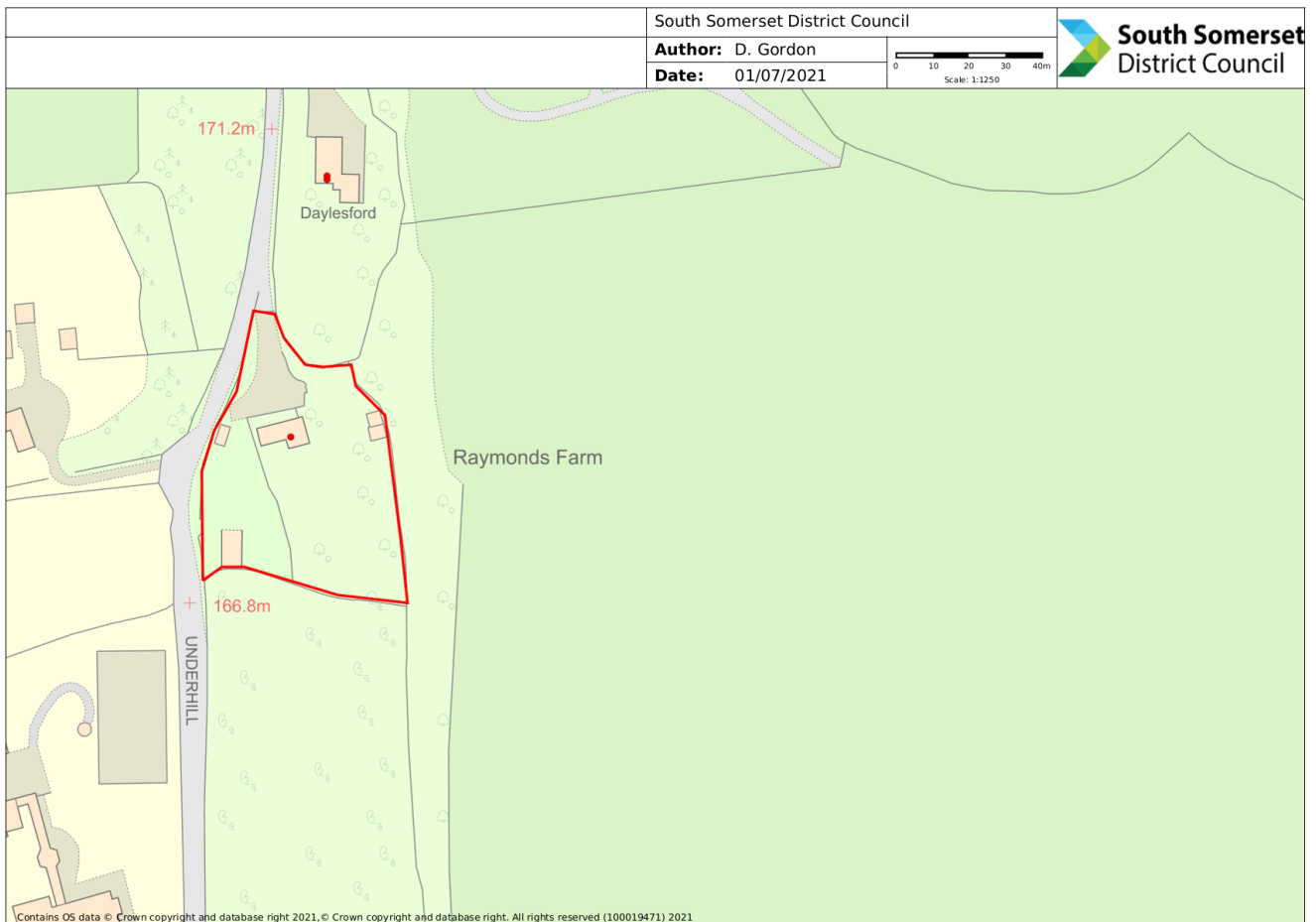
Officer Report On Planning Application: 21/00153/FUL

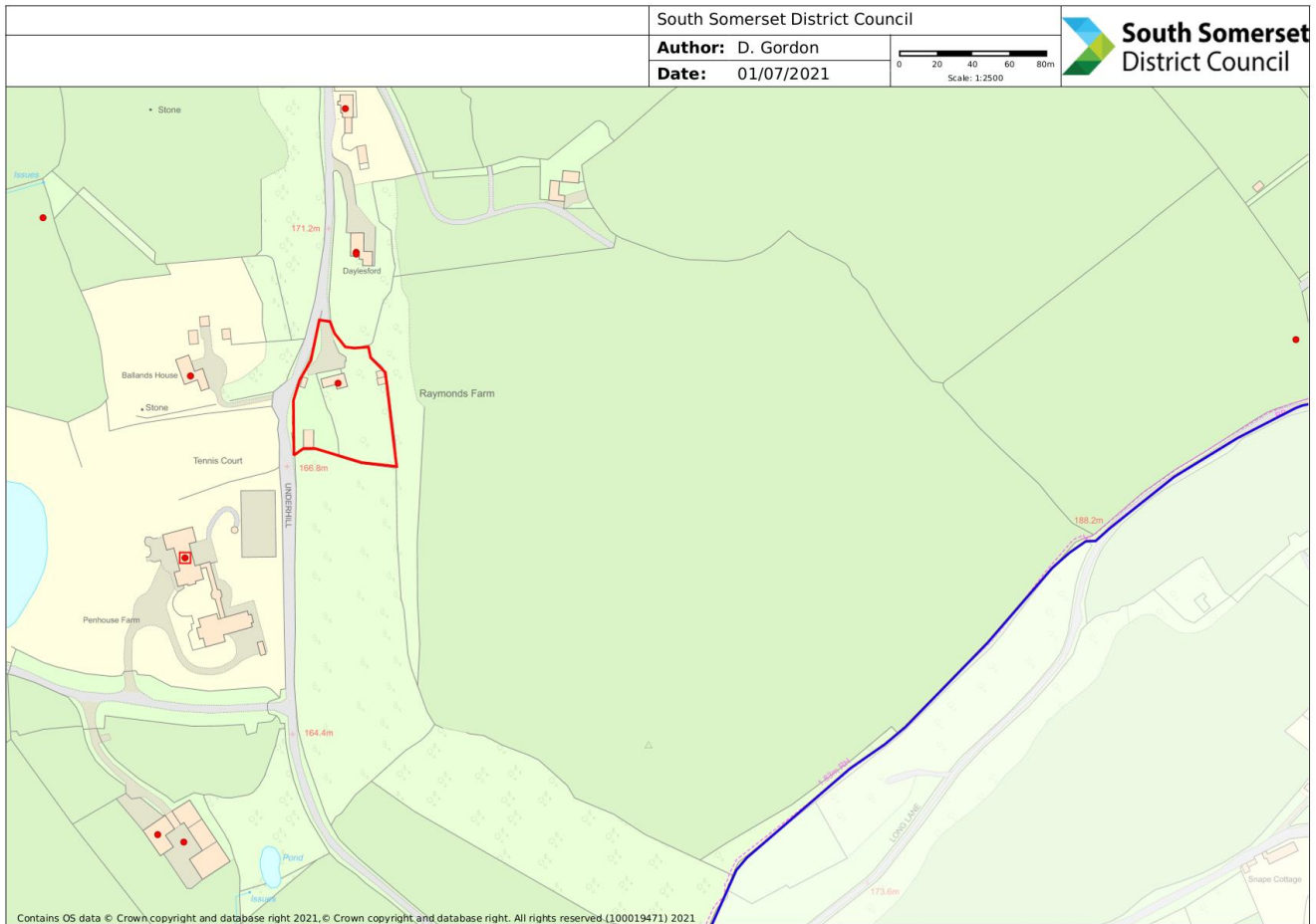
Site Address:	Raymonds Farm Underhill Pen Selwood
Ward :	TOWER
Proposal : CIL Liable = YES	The erection of 1 No. new dwelling at Raymonds Farm. Existing Cottage retained to be used as workshop, ancillary to the new house.
Recommending Case Officer:	Peter Thomas (Specialist)
Target date/Ext of time	16th March 2021
Applicant :	Mr Terry Fricker
Type : 06	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL

This application has been brought to committee as the recommendation is contrary to that of the Ward Member who has stated that:

Do not agree at all that this is a one for one application, the old dwelling will remain and therefore there will be 2 dwellings on this site and not 1 however this is conditioned. This is in line with the Parish Councils opinion and also the AONB letter that also states and I agree that landscaping and arboreal information not enough to access this application properly.





SITE DESCRIPTION AND PROPOSAL

The site refers to Raymonds Farm, Penselwood. It comprises a cottage which has been the subject of extensions. It is within a rural area, where there is a sporadic number of dwellings. Separated by a road to the west of the site there is a large dwelling. The site is largely surrounded by mature evergreen and deciduous native trees with a particular tall grouping along the northern boundary. There is an access which offers poor visibility out on the road.

Public footpath (WN 21/8) crosses the most northern end of the site running from Underhill eastwards towards Bleak Farm but intersecting various footpaths along the way.

There are at least seven other corrugated iron and timber clad buildings in several locations within the domestic curtilage

The proposal is to construct a new dwelling to the north east of the site and retain the existing dwelling as an annex, including the removal of the outbuildings and extensions.

The dwelling has a contemporary design, with living rooms at the upper floor, and bedrooms on the lower floor. The floor area would measure 171sqm (the existing dwelling is 170sqm).

It is also proposed to improve the existing access.

HISTORY

None relevant to this property.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11 and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development

plan unless material considerations indicate otherwise.

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.

South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development
Policy SS1 - Settlement Strategy
Policy SS4 - District Wide housing Provision
Policy SS5 - Delivering New housing Growth
Policy SS6 - Infrastructure Delivery
Policy EQ2 - General Development
Policy EQ4 - Biodiversity
Policy HG8 - Replacement dwellings in the countryside
Policy TA1 - Low Carbon Travel
Policy TA5 - Transport impact of new development
Policy TA6 - Parking standards

National Planning Policy Framework

Core Planning Principles
Chapter 5: Delivering a sufficient supply of homes
Chapter 9: Promoting sustainable transport
Chapter 12: Achieving well-designed places

National Planning Practice Guidance
Design

Policy-related Material Considerations
Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2017)
AONB Management Plan

CONSULTATIONS

Parish council

Despite the claim made by the applicant, in the Design and Access Statement (page 19), Pen Selwood Parish Council is disappointed that no notice has been taken, by the architect, of the comments we made in response to the Zoom meeting held in December 2020 regarding the siting of the new dwelling.

During that meeting a specific question was asked about how much the proposed property would overlook Pen House. It was suggested that there would be very little impact on the privacy enjoyed by this property and that only one chimney was visible in the photograph highlighted in the Design and Access statement. On closer examination of the photograph, and, as a result of site visits, it is clear that the majority of the roof of Pen House is visible and, that now the leaves have fallen from the trees, it is very clear that most of Pen House will be overlooked by the proposed development.

We also note that paragraph 2.2.2. of the Ecology Report states that "No trees will be affected by the proposed development". Having looked at the site on Google Maps, it would probably be more accurate to say that - No more trees will be affected by the proposed development.

We are aware that Policy HG8 of the South Somerset Local Plan states that the replacement of existing dwellings in the countryside will only be permitted where:

The scale of the replacement would not result in an unacceptably large increase in the height or size of the original dwelling;

Whilst the height of the proposed building may be similar to that of the existing building, the fact that the building is elevated to a higher part of the site means that the surrounding area will be considerably overlooked.

and

The development is compatible with and sympathetic in scale, design, materials, layout and siting to the character and setting of adjoining buildings, and to the landscape character of the location:

Whilst we fully understand the applicant's wish to take advantage of the view enjoyed from the property, this should not be to the detriment of the existing properties in the area. There is no right to a view. The proposed siting is not very sympathetic towards the setting of Pen House or Ballands House. The proposed house would be an unacceptable intrusion in the steep scarp of woodland which is an important feature of the AONB in this area and there cannot be any guarantee that trees would be kept as a shield in the future. It was suggested, at the meeting in December, that none of the principle windows face towards the AONB when, in fact, the windows will face across Pen House's grounds and beyond which is all within the AONB. The site itself is within the AONB and therefore all the windows face the AONB. Consideration should also be given to the fact that a large new house, in this elevated position, will damage the AONB when looked at from the local area and from outside the AONB.

Much more detail about the way that the AONB Dark Skies policy has been considered, would be welcome. The amount of light being emitted from the large windows will be a considerable intrusion upon the visual amenity of the hillside.

and

The replacement is on a one for one basis.

Whilst the application states that the old cottage will only be used for an office and storage, there is no guarantee that this will continue to be the case in the future. If the existing cottage is to be retained it should form a part of the new dwelling which would ensure the development is kept at a less intrusive level within the site and that, at least the front elevation of a good example of vernacular architecture is retained in a prominent position.

Whilst there are some similarities in design to the house highlighted as a "local precedent" the two fundamental differences are that:-

1) The house, known as Woodlands, only looks over agricultural land and has no impact on other dwellings.

2) The original cottage was demolished making sure that the new dwelling was, in fact, a replacement. The entrance to the site at Raymonds Farm remains a cause for concern. We are unsure of the detail to widen the entrance towards the South. The steep drive gradient that will replace this high bank will make this part of the drive very difficult to use. Concern has also been expressed that there appears to be no mitigation for increased surface water run off. Any additional water will increase the already considerable run off onto this part of Underhill that is not served by drainage.

Any planting to screen the footpath WN21/8 should not lead to pedestrians being hidden from view and, therefore, being put at risk from vehicles entering or leaving the site.

The proposed development cannot even be classed as infill as it will extend the building line of the village, as opposed to an extension to a property, on the east side of Underhill and could be seen as a precedent for developments in other parts of the village. Such an outcome would bring no benefits to the village.

Pen Selwood Parish Council is concerned that the (anonymous pre-app) planning officer makes no mention of the Parish Council's response to the December meeting. We can only assume that he has not seen the comments made by us in December or has chosen to ignore them. His comments made in section 23 of the planning application give a very strong hint that the development will be permitted anyway and may be based upon misunderstandings of our concerns.

Cranborne Chase AONB Team

To conclude, there appear to be a number of policy matters that are relevant to the proposal. Primarily this is a proposal for an additional dwelling onto the site with the existing dwelling being retained. There is, in my professional opinion, insufficient survey and landscape analysis for you to conclude, if policy matters

are adequately covered, that the proposed development would not have adverse impacts on the local landscape, the local environment, and the tree cover at a time when we are all being encouraged to plant more trees. The access to the site is likely to have impacts on the character of the rural lane, Underhill Road. The proposed substantial parking area outside of the existing dwelling suggests that it would be used to a considerable extent. The proposal to retain the existing dwelling as a separate workshop implies rather more than a 'home office', indicating a substantial potential business use of the site. There do seem to be a significant number of issues that need to be clarified as well as details to be attended to if you conclude the proposal could be acceptable.

SCC highways - Standing advice

SSDC highway consultant:

On the basis that this would be a replacement dwelling and no additional traffic would be generated, the development scheme can be supported on highways grounds. The proposed parking provision can be secured by condition.

Ecology:

Comments received regarding the retention of a tree and scrubland.

Archaeology:

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

Footpath officer:

No objections subject to conditions.

REPRESENTATIONS

Four letters of representation received raising issues of:

Within an AONB

Liable to subsidence

Lane is used by fast moving traffic

Worried about surface water runoff.

Goes against the dark skies policy

Require clarifications to what will happen with the footpath

Want reassurance that sited far enough from the trees to avoid pruning

Legal guarantee that the existing property is renovated

Will be high enough to look over Pen House

Existing building requires ground up rebuild to make it habitable.

Doesn't follow convention of another box.

CONSIDERATIONS

The main issues to assess as part of this application are the principle of a replacement dwelling and its impact on visual amenity, residential amenity, and ecology and highway safety.

Principle of replacement dwelling:

Policy HG8 supports the replacement of existing dwellings where the scale of the replacement is not unacceptably large in regard to height and size of the original dwelling, it is acceptable in regard to the character of the area and that there is evidence that the existing use has not been abandoned.

In this case, whilst the existing dwelling is in a poor state of repair, there is no evidence of abandonment.

Unusually in this case, the proposal involves the creation of a new dwelling and the use of the existing dwelling as an outbuilding for the proposed new dwelling. It is considered that, provided the existing building is conditioned to be ancillary to the existing dwelling that there would not be a net gain and therefore the principle of development is acceptable.

The NPPF states (paragraph 172) that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The conservation and enhancement of wildlife and cultural heritage are important considerations in these areas. This paragraph is also clear that the scale and extent of development within AONBs and National Parks should be limited, and planning permission should be refused for major development.

The Planning Practice Guidance, updated 21.07.2019, helpfully includes landscapes, environmental gain, Areas of Outstanding Natural Beauty, and their settings in the Natural Environment section. In particular, paragraph 042 highlights the importance of settings, their contributions to natural beauty, and the harm that can be done by poorly located or designed development especially where long views from or to the AONB are identified. Paragraph 041 is clear that policies for protecting AONBs may mean that it is not possible to meet objectively assessed needs for development, and any development in an AONB will need to be located and designed in a way that reflects its status as a landscape of the highest quality.

It is considered that, in itself, the scale of the proposal is not overly large and is fairly unique and modern in design and response to the context in which it is set. The house would be set into the bank and generally following the contours of the site, allowing to fit it carefully into the landscape. It would also be read against the backdrop of the hill to the rear.

It would be constructed of materials which whilst modern are considered to be sympathetic to the nature of the site with stone and timber boarding. The extensions to the existing building would be removed as would the outbuildings, which it is considered would lead to an enhancement of the AONB.

The AONB team have further commented that:

This AONB is in one of the darkest parts of Southern England and hence the visibility of stars and, in particular, the Milky Way, is a key attribute of this AONB. On the 18th October 2019 this AONB was designated the 14th International Dark Sky Reserve in the world. Development that could contribute to light pollution, and hence impact adversely on those dark night skies, has to be modified so that such impacts are eliminated. The AONB team advise that any external lighting should be explicitly approved. They also advise that landscaping should be submitted as part of the application rather than as a condition, if minded to accept the development.

However on balance it is considered that this proposal is for one dwelling and these details could be provided through a planning condition. It is recommended that for any glazing a detailed scheme is provided to demonstrate how the extensive areas of glazing would be managed at night time to prevent sideways and upwards escape of light. It is considered that these details could be submitted through planning condition.

Concerns are raised regarding the widening of the access, but this needs to be balanced against the highway improvements to the site as it is clearly a difficult site to access for an occupiers of the existing dwelling. Details of the access could be supplied through a suitably worded planning condition.

There have been concerns that the retention of the existing building implies a substantial business on the site. This too can be conditioned to be ancillary to the main dwelling, along with the removal of all of the outbuildings and extensions. A business use would require planning permission.

In summary, whilst the site is within an AONB and it is considered overall, that the removal of the buildings and extensions, and the provision of a well-designed building such as this, would on balance actually enhance the AONB rather than detract from it.

The car parking areas would be located on the northern part of the site, behind the dwelling, and it is considered that with suitable landscaping could further mitigate any impact.

It is considered that by reason of scale, location, design and materials the proposal will not adversely affect visual amenity in accordance with policy EQ2 of the local plan.

Residential amenity:

In terms of residential amenity, the proposal would face to the west. Penhouse Farm is located to the south west and forms a large dwelling with significant curtilage. It is considered that in terms of overlooking, given the substantial distance that there would not be significant overlooking to this property. The site is surrounded by trees and it is considered that the overlooking would not be such that permission could be withheld.

It is considered that the proposal will have no adverse impact on residential amenity in accordance with policy EQ2 of the South Somerset local plan.

Ecology:

Comments received to date have queried whether a tree would be retained and whether some scrub land had been assessed. The applicant has stated that the scrub has been removed and that the tree would be retained. The ecology survey says that:

The site offers good habitats for nesting birds, hibernating reptiles and foraging/commuting bats in the hedges and trees along the boundaries, all of which will remain. The cottage is a Common pipistrelle summer roost and is also to remain on the site, not as a dwelling but as an ancillary office, workshop and storage accommodation. A small amount of work is required to remove two extensions on the cottage, but this can be done without a European Protected Species Licence (EPSL), provided that the method statement in Appendix 1 is followed. No other protected species or evidence of protected species were found on site. Mitigation and enhancement are required to ensure Biodiversity Net Gain on site in line with National Planning Policy Framework (NPPF), 2019.

Highway safety:

Policy TA1 requests that all new development meet certain criteria. The plans show that an electric charge point for vehicles will be provided adjacent to the proposed dwelling sparking spaces and it is considered reasonable to condition that the charge point is implemented as per the plan.

It is considered that the proposed parking and access is acceptable and in accordance with policies TA5 and TA6 of the South Somerset Local Plan and the implementation of the necessary condition will also enable the development to be in accordance with policy TA1 of the South Somerset Local Plan.

It is acknowledged that there would be some impact upon the impact of the lane in visual terms, however the proposal would result in a much improved access given the limited visibility of the existing access. Even if permission were refused for this dwelling, there would still be an existing dwelling and it would be considered unreasonable not to allow an improvement. Details of the access could be secured by condition to ensure that it is carried out sympathetically to the setting

Footpath

The footpaths officer does not raise an objection, but requests informative to be attached to any permission. These are included at the end of this report.

Trees

The supporting statement says that all works will be outside the root protection area of trees. If necessary, a condition could be attached to any permission to ensure that ensure tree protection measures are carried out.

Subsidence

The proposal would require a retaining wall to the parking area. There is no know subsidence issues on this site. Building regulations would ensure that any development is structurally sound.

Conclusion

Recommend **approval** for the following reason;

01. The proposed development would represent a well designed form of development without unduly compromising the protected character of the surrounding Cranborne Chase Area of Outstanding Natural Beauty. The new dwelling is also considered acceptable in this location by reason of its size, scale,

materials proposed and that it causes no demonstrable harm to residential amenity or highway safety. It is in accordance with policies SD1, SS1, EQ2, EQ3, EQ4, TA5, and TA6 of the South Somerset Local Plan and the aims and provisions of 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:

02 proposed site plan
03 proposed plans
04 proposed west elevation
05 proposed east elevation
06 proposed north elevation
07 proposed south elevation
08 context with trees
Ecological report
building survey 20.1009

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

03. Prior to their first use details of the materials to be used for the exterior surfaces of the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority. Once approved the development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the locality and to accord with Policy EQ2 of the South Somerset Local Plan.

04. Prior to the installation of any external lighting details of any exterior lighting proposed shall be submitted to and approved in writing by the local planning authority. Such lighting should be designed to minimise light pollution to the surrounding environment. Thereafter the development shall be carried out in accordance with the approved details unless any variation is agreed by the local planning authority.

Reason: To safeguard the character of the Cranborne Chase Area of Outstanding Natural Beauty from intrusive light pollution and to accord with policies EQ2 and EQ4 of the South Somerset Local Plan.

05. Prior to the first occupation of the dwelling hereby approved, a scheme of hard and soft landscaping, including vegetation to be retained, shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding and turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any trees or plants, including existing vegetation to be retained, which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species. The approved hard landscaping details shall be provided within four weeks of the development being brought into use, and shall be retained for the life of the development.

Reason: In the interests of visual amenity and to accord with Policy EQ2 of the South Somerset Local Plan.

06. Prior to occupation of the new dwelling hereby approved drainage measures shall be incorporated into the construction of the widened vehicular access to prevent surface water from discharging onto the highway in accordance with details that shall have been submitted to and approved in writing by the Local planning Authority. Such measures shall thereafter be adequately maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and to accord with policy TA5 of the South Somerset Local Plan.

07. Prior to occupation of the dwelling hereby approved, the extensions shown on drawing 20.1009 shall have been removed from the existing dwelling. The remaining building shall only be used for purposes ancillary to the new dwellinghouse.

Reason - To define the permission to prevent the creation of an additional market dwelling in the countryside in accordance with policy SS2 of the South Somerset Local Plan.

08. Prior to their installation, lighting and glazing details shall be submitted (including through the provision of technical specifications) and where required SMART glass, shall be submitted to and approved in writing by the Local Planning Authority. The glazing 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 or other types of glazing be installed without prior consent from the Local Planning Authority.

Reason: To ensure that the glazing installed has minimal lighting impact upon the dark skies landscape and the impact on the Area of Outstanding natural Beauty in accordance with policy EQ2 of the South Somerset Local Plan.

09. Prior to any demolition works, details of the access including cross sectional details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and retained in accordance with the approved details.

Reason - In the interests of the visual appearance of the access in accordance with policy EQ2 of the South Somerset Local Plan.

10. The development shall be carried out in accordance with the mitigation and enhancements contained within the ecological report carried out by kpecology dated 7th December 2020.

Reason - In the interests of ecology in accordance with policy EQ4 of the South Somerset Local Plan.

11. Prior to first occupation of the dwelling hereby permitted, a 16amp electric charging point, for electric vehicles, shall be provided on the site. Once installed such electric charging points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

12. The areas allocated for parking and turning on the approved plans shall be fully provided prior to the dwelling hereby permitted being first occupied. Thereafter these areas shall be kept clear of obstruction and not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework.

13. There shall be no obstruction to visibility greater than 900 millimetres within a 2.4m x 43m splay in the northerly direction above adjoining road level. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan(2006-2028).

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) there

shall be no external alterations or extensions undertaken to the dwelling hereby permitted without the prior express consent of the local planning authority.

Reason: To safeguard local character and residential amenity, in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

15. Prior to occupation of the dwelling hereby approved, the outbuildings hatched in red and shown as being removed on drawing 02 shall have been permanently removed from the site.

Reason - In the interests of the appearance of the site and surrounding Area of Outstanding Beauty in accordance with policy EQ2 of the South Somerset Local Plan.

Informatives:

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. You are required to complete and return Form 2 - Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. (Form 6 - Commencement)

Please Note: It is the responsibility of the applicant to ensure that they comply with the National CIL Regulations, including understanding how the CIL regulations apply to a specific development proposal and submitting all relevant information. South Somerset District Council can only make an assessment of CIL liability based on the information provided.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk.

02. Specific Comments

SURFACING AUTHORISATION REQUIRED

The proposed access improvements will require surface authorisation from SCC Rights of Way Group where these cross path WN 21/8. Associated infrastructure may also be required. I have attached a form that should be completed and returned to Eve Wynn (Rights of Way Officer - email: EWynn@somerset.gov.uk). Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

Also:

The legal line of the path WN 21/8 is not shown correctly on the applicant's plans. Any proposed planting must not obstruct the public footpath WN 21/8.

2. General Comments

Any proposed works must not encroach onto the width of the PROW.

The following bold text must be included as an informative note on any permission granted:

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so. If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- * A PROW being made less convenient for continued public use.
- * New furniture being needed along a PROW.
- * Installing any apparatus within or across the PROW.
- * Changes to the surface of a PROW being needed.
- * Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- * make a PROW less convenient for continued public use; or
- * create a hazard to users of a PROW, then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:
<http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>

03. Any external lighting should comply with the AONB's Position Statement on Light Pollution and the more recent Good Practice Notes on Good External Lighting and Paper by Bob Mizon on Light Fittings.