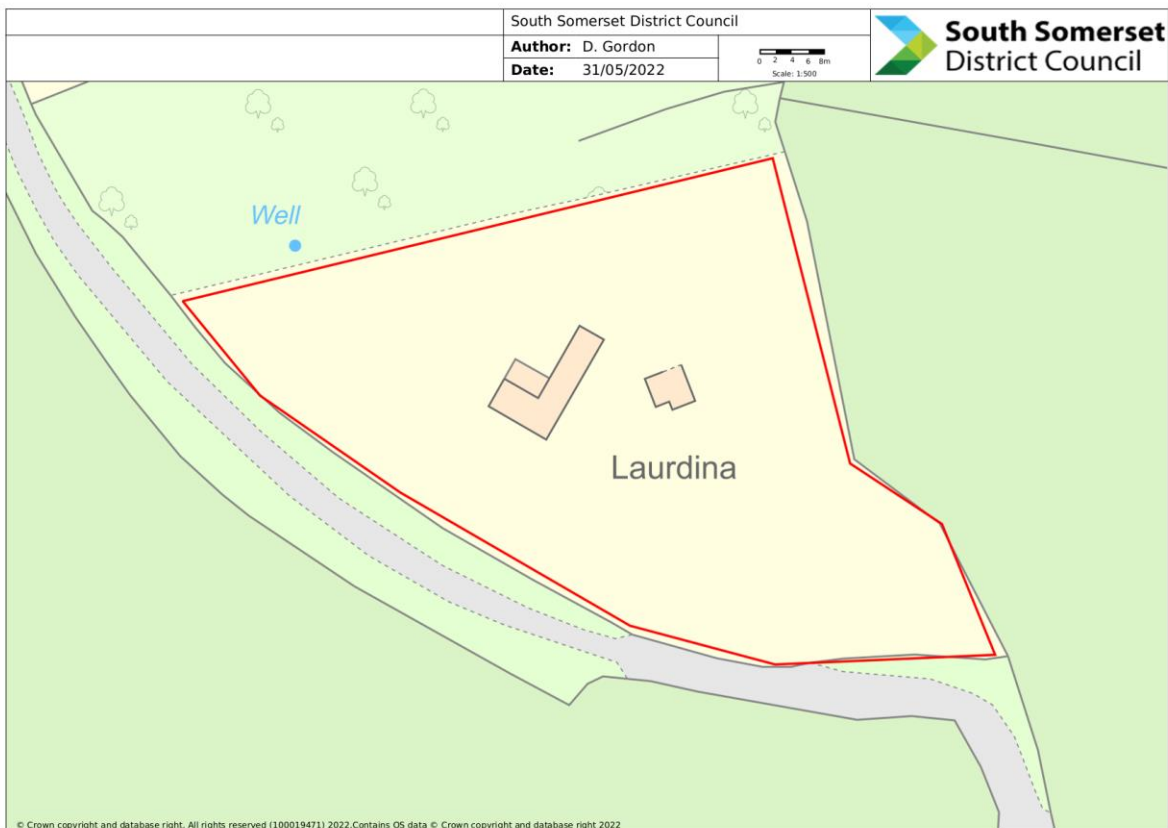


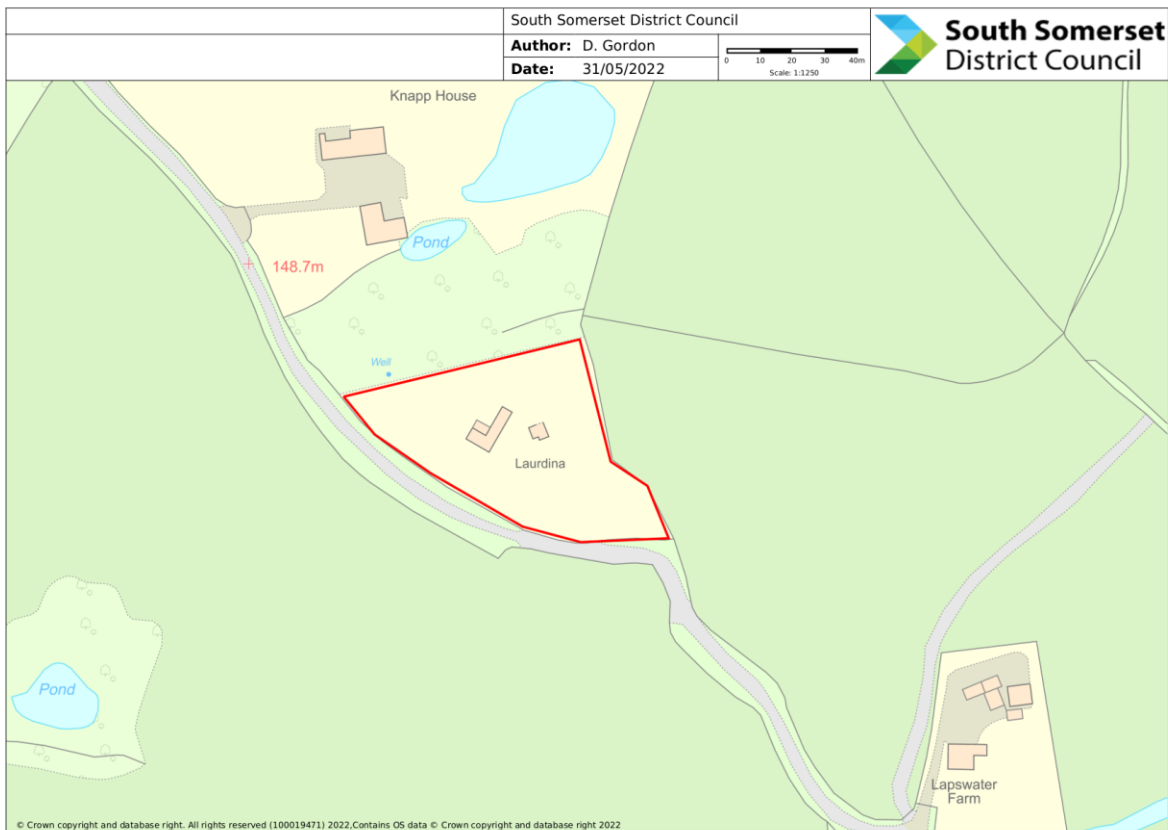
## Officer Report On Planning Application: 21/01562/FUL

<b>Proposal :</b>	Erection of replacement two storey dwelling and garage/home office together with remodelling of the site levels.
<b>Site Address:</b>	Laurdine, Howley, Chard, Somerset, TA20 3DU
<b>Parish:</b>	Whitestaunton
<b>BLACKDOWN, TATWORTH &amp; FORTON Ward (SSDC Member)</b>	Cllr M Wale Cllr J Kenton
<b>Recommending Case Officer:</b>	Tel: 01935 462531 Email: john.hammond@southsomerset.gov.uk
<b>Target date :</b>	24th August 2021
<b>Applicant :</b>	Mr and Mrs Fred and Margo Coate
<b>Agent: (no agent if blank)</b>	Mr Steve Reading Collier Reading Architects Coach House Studio 34A Chamberlain Street, Wells, BA5 2PJ
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application has been referred to committee because the Ward Councillors & Chairman consider the proposals merit committee referral in light of the views of the Blackdown Hills AONB officer's comments and likely impact of the proposed development.





## SITE DESCRIPTION AND PROPOSAL

The application site comprises an existing bungalow Laurdine/a (there are various spellings of its name) set within generous grounds to the north of Howley. The landform rises to the north with the site sloping up to the north and east away from the road.

The site is located in open countryside and within the Blackdown Hills Area of Outstanding Natural Beauty.

The site's roadside and northern boundary are defined by mature tree planting.

The property has a grassed gated access from the highway to the north west of the site's roadside boundary.

The south east of the site is Lapswater Farm set at the foot of the valley. From here the road rises steeply to the north west and serves 3 properties, including the application site, Knapp House and Alcazar before linking to the A.303 at Marsh. Each of the properties is set within generous grounds and the boundaries are well landscaped, reducing the visual impact of the 3 properties within the wider landscape.

The application proposes to replace the existing bungalow with a 2 storey dwelling together with detached double garage and workshop with accommodation over the ground floor space. The application proposes to excavate into the natural slope of the site to create the dwelling albeit with ground being made up to the south of the site.

The application proposals have been reduced in height from the initial submission by some

1.7m, reducing a central range and the various extensions from full two storey height to 1 ½ storey forms with first floor accommodation partly contained within the roofspace.

## **HISTORY**

There is no planning history for the application site. The land to the north west of this site, including both Knapp House and Alcazar both have long planning histories although neither directly impacts upon the application site.

## **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) Policies:

- SD1 - Sustainable Development
- TA1 - Low Carbon Travel
- TA5 - Transport Impact of New development
- TA6 - Parking Standards
- EQ2 - General development
- EQ3 - Historic Environment
- EQ4 - Biodiversity
- EQ5 - Green Infrastructure
- HG8 - Replacement dwellings in the countryside

National Planning Policy Framework

Chapter 2: Achieving sustainable development

Chapter 12: achieving well designed places

Chapter 15: conserving and enhancing the natural environment

Somerset County Council Highways Development Control - Standing Advice (June 2017)

## **CONSULTATIONS**

Parish Council: No observations received

Ecologist: Sought additional information to include a further bat survey, assessment of the grassland sward within the site to include habitat survey and details of biodiversity net gain.

Blackdown Hills AONB Partnership: Object. The application has been considered against the

provisions of policy PD2 (Planning and Development) of the AONB Management Plan 2019 - 2024. The existing dwelling is typical of the scale & simplicity of the AONB. Whilst there may be a case for replacement the replacement dwelling should reflect the simple design and this approach should extend to the curtilage dealing with the detail of outbuildings. Gates, enclosures, surfacing and driveways to maintain the rural character. The scale of the proposed dwelling would appear contrary to local plan policy and together with extensive earthworks are not characteristic of the local area.

SCC Highways: Standing advice applies

SSDC Highways: No highway issues, no objection.

## **REPRESENTATIONS**

Representations received from 2 properties.

Resident of Knapp House (adjoining)

Support the scheme design & use of traditional materials. Consider it will enhance the site.

Resident of Alcazar (North of Knapp House)

- Confirms planning history of Alcazar & Knapp House were the subject of S.106 Agreements that restricted development to 2 plots within the (approximately) 23 acres within the S.106. Significant comment upon the evolution of the S.106, earlier agreements and the planning history to these two properties has been provided.
- Query why resident of Alcazar was not provided with notification of the application's submission.
- Indicates that Laurdina was previously an old poultry building and should be demolished.
- Confirms no planning permission exists for Laurdina.

## **CONSIDERATIONS**

The main issues to assess as part of this application are:

### **Planning history to the site and adjoining land**

Further to the range of comments regarding the planning history to the area and the role of S.106 Agreements with SSDC, the following is of relevance.

Planning permission 760770 (granted 29/06/1976) approved an agriculturally tied dwelling. The dwelling, known as Devon View was associated with Knapps Copse Farm. For clarification, Devon View was replaced by Alcazar & is located to the north of this application site.

Planning permission 20/01535/FUL approved the removal of an agricultural tie (Condition 3) of planning permission 760770.

The permission was accompanied by a Section 106 agreement (S.106) dated 25/09/2020.

This S.106 covered land attached to Devon View and the dwelling known as Knapp House but did not include land at Laurdina. The S.106 plan extends to approximately 21.5 acres. (The contributor refers to the S.106 relating to 23 acres.)

The S.106 required the removal of a number of agricultural buildings and the landscaping of

the site. Again, the site controlled by the S.106 is to the north of Laurdina and does not include it.

Upon execution of the 2000 S.106, earlier agreements from 1976 and 1991 were cancelled and of no further effect.

The S.106 plan clearly defines the extent of land covered by the 2020 Agreement and this does not include the curtilage of Laurdina. As such the agreement and its provisions do not impact upon the land the subject of this application.

The dwelling Laurdina does not have a planning history as noted above. Of itself this is not uncommon for older properties which have not been significantly altered. Planning records indicate the occupant of Laurdina was in correspondence with officers in relation to the 2000 application to lift the agricultural tie on the land to the north referred to above.

### **Landscape impact of the proposed dwelling**

Policy EQ2 deals with both development design and local character:

This requires attention to the following key points.

Development will achieve a high quality, promoting local distinctiveness and preserves or enhances the character and appearance of the district and should address:

#### **Sustainable construction principles:**

Advice relating to sustainable construction for dwellings was set out at Policy EQ1 of the 2006-2028 Local Plan. The standard required was however subsequently withdrawn.

#### **Creation of quality places:**

The dwelling is well designed and adopts a rural and traditional design form, using high quality natural materials.

#### **Conserving and enhancing the landscape character of the area:**

The dwelling sits within a large plot, although the replacement will be more prominent than the dwelling it replaces it will retain a 2 storey form and the use of regressive materials, particularly the slate roof will blend with the backdrop of existing tree planting.

#### **Reinforcing local distinctiveness and respect local context:**

The design form is rural reflecting a dwelling with subsequent extensions. Whilst a new version of this form it does reflect styles to be found at the edge of local settlements.

#### **Creating safe environments addressing crime prevention and community safety:**

As a single replacement dwelling with a single point of access there is limited scope to address this issue.

#### **Having regard to South Somerset District Council's published Development Management advice and guidance:**

There are none published.

**Making efficient use of land:**

As a one for one replacement in open countryside this is satisfactory.

**Housing demand and need:**

The authority will seek a mix of housing to meet local needs on larger sites but not single replacement dwellings.

**Infrastructure and service availability:**

As a single replacement dwelling this is not a relevant issue.

**Accessibility:**

As a single replacement dwelling this is not a relevant issue.

**Local area character;**

The design breaks up the building's mass and uses local natural materials as well as recesses window openings. The character of the local area is for larger dwellings within generous plots. This scheme will reflect that character.

**Site specific considerations:**

The development is excavated into a sloping site & will be screened by both roadside foreground planting and the mature landscape planed backdrop when viewed from the south and west which represent the clearest views towards the plot.

Development must not risk the integrity of internationally, nationally or locally designated wildlife and landscape sites. Ecology is dealt with further on in the report.

Further guidance in relation to development within AONB's is provided at paragraphs 176 and 177 of the National Planning Policy Framework:

This requires that great weight should be given to conserving and enhancing landscape and scenic beauty in AONB's. The scale and extent of development within designated areas should be limited to avoid or minimise adverse impacts on the designated areas. (Para 176)

Permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. (Para 177, the development is not of major scale)

The application site currently accommodates a small, single storey dwelling with a footprint of some 83m<sup>2</sup>. The overall plot extends to some 0.38 Ha.

The proposed dwelling has a footprint of some 337m<sup>2</sup> with a garage of 112m<sup>2</sup>. The challenge of Para 176 is to avoid or minimise adverse impacts on the designated area.

The scheme has been re-designed following initial submission to reduce the height of the main element of the dwelling such that it now adopts a 1 ½ storey height with a plan form that suggests an original central build with subsequent additions. This design approach is a common solution to reduce the scale of built form and to disperse the building's mass.

The design form adopts a generally traditional theme with a rectangular, central element with a

ridge of some 8.5m from which a number of apparent extensions project to the south and north elevation.

The south facing elevation (the one that is most visible when approaching the site from Howley) is some 0.8m above natural ground level, however by comparison, as the site rises to the north, the dwellings north elevation is excavated some 0.75m into the natural level, the garage is excavated some 0.7m into the natural level.

The use of gable extensions to the dwelling serve to reduce the bulk of the building. The south facing elevation adopts a 1 ½ storey form with a central dormer and parallel gable extensions with first floor windows set within the eaves. From this view, the eaves to the gable projections are set at 4m above ground level whilst the main roof plane eaves are some 2.7m above ground level. This elevation is finished in a mix of natural stone plinth, horizontal timber cladding and render under a slate roof.

The window openings on the south facing elevation are significantly recessed from the external elevation whilst the central glazed ground floor windows are set back some 2m from the outer face of the enclosing gable wings. The impact of these recesses is to provide shadowing to the openings to reduce the impact of glazing when viewed from the south.

The west facing elevation which presents to the adjoining road comprises a natural stone gable under slate roof with a mix of natural stone and render to the front and rear gable projections.

The overall design seeks to reduce the impact of what is clearly a significantly larger building than the dwelling it seeks to replace, however the combination of retained roadside mature tree and hedge planting, the backdrop of rising ground and woodland planting defining the skyline, the use of natural, regressive materials such as slate, timber cladding and natural stone will serve to tone down the impact of the dwelling within the wider landscape.

In addition to its objection to the scale of the proposed dwelling, the AONB Partnership had objected to the treatment of boundaries and enclosures surfacing and driveways. The proposals does formalise the driveway which is currently a grassed access only, however the excavation that will achieve this and will necessitate the use of a retaining wall to the northern boundary of the drive, will be undertaken wholly within the application site & by reason of the degree of excavation of between 0.8m to 2m will be generally set back and down from the site's western boundary. As such this work would only be apparent from within the site itself.

It will however be important to secure details of the landscape treatment to the western boundary as well as the gate design to ensure that these remain naturalistic and typical of a rural rather than urban setting.

### **Replacement dwelling policy**

Policy HG8 states:

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; 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; and

The replacement is on a one for one basis and evidence is provided that the use of the existing dwelling has not been abandoned.

The AONB Partnership has suggested the development may be contrary to the provisions of Policy HG8.

In this respect the questions are, is the increase from a single to two storey dwelling (acknowledging there are two floors, albeit the first floor is partly contained within the roof) unacceptable?, is the increase in footprint unacceptable and cumulatively is the increase in scale unacceptable?

The existing modest bungalow is part of a local character which is characterised by building either taller and or of greater footprint than the existing bungalow. The closest dwellings to north and south are two storey properties. There is no justification, other than additional height leading to increased visibility therefore that indicates a taller dwelling is out of character with the setting.

The increased footprint is significant, however it is designed around a plan form that adopts a central range element comprising a 1 ½ storey core building with a width of circa 15m and depth of 7.5m from which extend 2 x extensions to the south and 1 to the north.

Within a plot of some 0.38 Ha the dwelling would not appear cramped or over development notwithstanding its increase in scale over the original property. The use of the extensions to north and south with first floor accommodation partly within the roof space and ridges set down from the main ridge line will reduce the overall scale of the building.

The retention of existing planting to the roadside and to the rear (northern boundary) of the site will screen, frame and provide a skyline backdrop of native planting for the new building.

### **Ecology & biodiversity**

In response to the original submission, the ecologist sought further survey work and proposals for biodiversity enhancement. These requirements were addressed by the submission of a further site assessment that set out proposals for habitat and biodiversity enhancement.

### **Other matters**

The requirement for issuing neighbour notifications is set out in the General Development Management Procedure Order and requires a combination of site notices, press notices and notifications to adjacent neighbours. The provisions were met for this application.

### **Conclusion**

The proposed re-development of this site will, by reason of its design approach, use of materials, levels and location within a large curtilage serve to respect the landscape character of the local area and wider Area of Outstanding Natural Beauty, in accordance with the provisions of Paragraph 176 of the NPPF, together with the provisions of Policies HG8 and EQ2 of the South Somerset Local Plan 2006 - 2028.



## **RECOMMENDATION**

Approve, subject to conditions:

01. The proposed re-development of this site will, by reason of its design approach, use of materials, levels and location within a large curtilage serve to respect the landscape character of the local area and wider Area of Outstanding Natural Beauty, in accordance with the provisions of Paragraph 176 of the NPPF, together with the provisions of Policies HG8 and EQ2 of the South Somerset Local Plan 2006 - 2028.

### **SUBJECT TO THE FOLLOWING:**

01. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

S6309/002,  
S6309/100A,  
S6309/101A,  
S6309/102,  
S6309/103A,  
S6309/104B

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

03. No development above damp proof course shall commence until samples of the materials to be used in the construction of external surfaces of the development hereby approved have been submitted to and approved in writing by the local planning authority. Development shall be carried out in complete accordance with the approved materials.

Reason: To ensure that the external appearance of the development is appropriate to its surroundings in accordance with Policy EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

04. The finished levels, including finished ground floor levels of the driveway, patio, dwelling and garage shall accord with those levels indicated on drawing S6309/103A

Reason: For the avoidance of doubt and to clarify the finished ground levels of the development to accord with Policy EQ1 of the adopted South Somerset Local Plan 2006 - 2028.

05. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number S6309/104B, and shall be available for use prior to first occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety and the maintenance of the public highway in accordance with Policies TA5 and EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

06. No development (other than the works required by this condition) shall take place until works have been undertaken to ensure that there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Drawing No S6309/104B) Having been provided the visibility splay shall be maintained in perpetuity.

Reason: In the interests of highway safety and the maintenance of the public highway in accordance with Policies TA5 and EQ2 of the adopted South Somerset Local Plan 2006 - 2028 This is a pre-commencement condition to ensure that throughout the development of the site it is provided with a safe means of access.

07. In accordance with the submitted Clark Landscape Design Arboricultural Impact Assessment recommendations, prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme of tree and hedgerow protection measures must be prepared by a competent Arboriculturist in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction (in accordance with item 6.3, the scheme must include a sequenced scheme of supervisory monitoring of the installation and maintenance of protective measures and the supervision of specialist working techniques - by a competent Arboriculturist) and the prepared scheme must be submitted to the Council for their approval in-writing. Upon receipt of the Council's approval in-writing, the appointed Arboriculturist must inspect and confirm in-writing to the Council (contact us at [planning@southsomerset.gov.uk](mailto:planning@southsomerset.gov.uk) - quoting the Planning or DOC Reference number) that the approved tree and hedgerow protection measures (in particular, any required fencing, signage, and ground-protection installations) are installed to a satisfactory standard, prior to development works taking place. The approved protection requirements must remain implemented in accordance with the approved scheme throughout the duration of the construction of the development (inclusive of hard and soft landscaping measures) and may only be moved, removed, or dismantled with the prior consent of the Council in-writing.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Biodiversity & EQ5: Green Infrastructure. This is a pre-commencement condition because the works comprising the development have the potential to harm retained trees and therefore these details need to be agreed before work commences.

08. No development above damp proof course shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include where relevant:-
- i. proposed finished levels or contours;
  - ii. means of enclosure including retaining walls and structures together with any boundary enclosure and the entrance gates;

- iii. hard surfacing materials;
  - iv. proposed and existing functional services above and below ground (e.g. drainage power,
  - v. communications cables, pipelines etc. indicating lines, manholes, supports.);
- Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason: In the interest of visual and natural amenity, in accordance with Policies EQ5 and EQ6 of the adopted South Somerset Local Plan 2006 - 2028.

09. In this condition a "retained tree" means an existing tree which is to be retained in accordance with the approved plans. Paragraphs (a) and (b) below shall have effect until the expiry of FIVE years from the date of occupation of the building for its permitted use.
- a). no retained tree shall be cut down, uprooted, or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans unless agreed otherwise in writing by the local planning authority. Any lopping or topping shall be carried out in accordance with British Standard BS3998 Tree Work.
  - b). If any retained tree is removed, uprooted, or destroyed or dies, another tree shall be planted at the same place and the specification of the replacement tree shall be agreed in writing by the local planning authority.
  - c). The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans before any equipment, plant machinery or materials are brought onto the application site for the purposes of implementing the development hereby approved. Such fencing shall be maintained in situ for the duration of the construction works. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within the areas protected by the fencing shall not be altered in any way without the prior written agreement of the local planning authority.

Reason: In the interest of visual and natural amenity, in accordance with Policies EQ5 and EQ6 of the adopted South Somerset Local Plan 2006 - 2028.

10. No development shall commence until a scheme for biodiversity enhancement associated with the proposed development, based upon the principles set out in the Greena Ecology Consultancy Report of 29th December 2021, Section 7, to include management proposals for the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme must demonstrate a net gain in biodiversity unless it can be demonstrated that it is not possible to achieve. The scheme must be prepared in the context of the relevant advice in the Government's Planning Practice Guidance and any other relevant best practice. Thereafter, the site shall be developed and maintained in accordance with the approved management proposals.

Reason: In the interests of nature conservation in accordance with the provisions of the National Planning policy Framework and policy EQ4 of the adopted South Somerset Local Plan 2006 - 2028. This is a condition precedent because in order to establish the net gain it is important that the scheme is based upon the pre-development context.

11. All window openings on the south elevation of the approved dwelling (excluding the dormer window) shall be recessed by not less than 150mm from the outer face of the wall enclosing the window.

Reason: To reduce the level of light reflection from the openings and to maintain the integrity of the building design in accordance with Policy EQ2 of the South Somerset Local Plan 2006 - 2028.

12. Other than site clearance and the creation of the site access, the approved development shall not commence until a drainage scheme for the site, showing how surface water and land drainage will be dealt with, has been submitted to and agreed in writing by the Local Planning Authority. No part of the development shall be brought into use until the approved drainage systems have been constructed and completed in accordance with the approved plans.

Reason: To ensure that effective drainage facilities are provided for the proposed development given the sites topography and relationship to the surrounding landform, and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with Policy EQ2 of the adopted South Somerset Local Plan 2006 - 2028. This is a condition precedent because it is necessary to understand the drainage scheme in detail prior to any initial construction works which may prejudice the foul and surface water drainage strategy.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking, and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwelling hereby permitted, including any additions or alterations to the roof, without the prior written approval of the Local Planning Authority.

Reason: To safeguard the dwelling's landscape setting and impact within the wider AONB in accordance with Policy EQ2 of the adopted South Somerset Local Plan 2006 - 2028.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking, and re-enacting that Order with or without modification), no enclosure along the roadside boundary (other than any screening approved as part of Condition 8 above) shall be erected within the application site without the prior written approval of the Local Planning Authority.

Reason: To ensure that the public appearance of the application site is defined by retained planting rather than fencing and walls in the interests of the wider landscape character of the development and the surrounding area in accordance with Policy EQ2 of the adopted South Somerset Local Plan 2006 - 2028.