

**1 APPLICATION NUMBER:** [WD/D/19/003186](#)

**APPLICATION SITE:** HOMESTEAD FARM, MAIN STREET, BOTHENHAMPTON, BRIDPORT, DT6 4BJ

**PROPOSAL:** Demolition of original farmhouse in Conservation Area. Erection of 1.no. new 4 bed low carbon house (with variation of condition 1 of planning approval WD/D/17/002888 to amend approved plans)

**APPLICANT:** Mr & Mrs Hughes

**CASE OFFICER:** Darren Rogers

**WARD MEMBER(S):** Cllrs Bolwell/Clayton/Williams

**The application is reported to Committee as agreed by the Head of Planning given that the site has a contentious background and given the level of representations from local residents.**

**2 RECOMMENDATION SUMMARY: Grant subject to conditions.**

**3 Reason for the recommendation:**

- The location is considered to be sustainable being within the defined development boundary of Bothenhampton.
- Impact on the character and appearance of the Conservation Area is considered acceptable .
- Impact on the character and appearance of the AONB is considered acceptable.
- There is not considered to be any significant adverse effect on neighbouring residential amenity.
- There is not considered to be any sever harm to highway safety with no highway objections.

**4.0 Key planning issues**

Issue	Conclusion
Principle of Development	Presumption in favour of sustainable development being within the defined development boundary of Bothenhampton .
Design	Design and scale considered appropriate for the site.
Conservation Area/AONB	Impact on both the character and appearance of the Conservation Area and AONB is acceptable.
Neighbouring Amenity	There is not considered to be any significant harm to neighbouring

	residential amenity.
Highways	There is not considered to be any sever harm to highway safety with no highway objections.
Community Infrastructure Levy (CIL)	CIL liable.

## 5 DESCRIPTION OF SITE:

5.1 The site is located on the corner of Main and Duck Street within the village of Bothenhampton, which is on the edge of Bridport. It sits within the designated Conservation Area (CA) and the previous farmhouse that stood on this site was a building of special interest as set in the CA, but was not listed. The site is also within the Dorset Area of Outstanding Natural Beauty (Dorset AONB).

5.2 Planning permission has previously been granted to replace the former farmhouse buildings on this site. The southern half of the site was previously in agricultural use and the site slopes gently from the northern frontage on Main Street down to the southern boundary with an approximate drop of 12m across the 100m length of the site. The site had prior to its redevelopment been left unattended for some years, and was previously in a poor condition and overgrown state with the former buildings in a dilapidated state with warning/health and safety notices placed on the Main Street frontage.

5.3 There is established housing opposite the site to the north in Main Street and to the west in Duck Street. To the east is the village hall. The southern boundary is bounded by a commercial greenhouse and agricultural storage with some residential properties. No other properties directly overlook the site but there is a 1970s housing estate ¼ mile away to the South which would have distant views.

## 6 DESCRIPTION OF DEVELOPMENT:

6.1 This is a Section 73A application that essentially seeks to vary the plans list condition associated with originally approved planning permission for this site (WD/D/17/002888/FUL - Demolition of original farmhouse in Conservation Area - Erection of 1.no. new 4 bed low carbon house. Approved April 2018 refers). Section 73A of the Town and Country Planning Act 1990 permits retrospective planning applications to be made for developments which have been carried out without permission, or which have been carried out without complying with some of the planning conditions imposed on a planning permission. The changes between this application and that previously approved are detailed below

6.2 **Planning Background** - As the Planning History below sets out, planning permission was granted for a development described as “new 4 bed low carbon house” in April 2018. This was followed by applications for ‘compliance with condition’ requests under ref numbers WD/D/18/001167/CWC and WD/D/18/002892/CWC that sought to deal with

- access onto Duck Street construction details;

- details of the days and hours that operations should take place on site during the demolition and construction phases of the development and details of site operative parking arrangements;
- samples of all facing and roofing materials including details of the proposed glass (to be of a non-reflective type) to be installed in the rear lower extensions;
- details of the proposed heritage greenhouse; compost bins; wooden shed; mobile chicken caravan; outdoor shelter; and tool shed; and
- proposed drainage works (foul and surface water).

6.3 The above were all approved in December 2018.

6.4 In January 2019 after construction works had commenced complaints were received alleging that the proposal was not being built in accordance with the approved plans but no further action was taken after it was considered that there was (at that time) no breach of planning control.

6.5 The Council then received a Non Material Amendment (NMA) application (WD/D/19/000355/NMA) for some changes to external materials and the omission of rooflights, photovoltaic panels and an external staircase. When planning permission is granted, development must take place in accordance with the permission and conditions attached to it, and with any associated legal agreements. However new issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are fundamental or substantial, a new planning application under section 70 of the Town and Country Planning Act 1990 will need to be submitted. But where less substantial changes are proposed, then a NMA application can be made. There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under the NMA method.

6.6 The NMA changes under application WD/D/19/000355 were to comprise:

- Change approved Purbeck rubble stone finish to lower ground floor eastern and southern elevations to approved lime render above DPC with approved Purbeck rubble stone below DPC.
- Change approved Purbeck rubble stone finish to southern ground floor elevation of Bedroom Cottage to approved timber cladding.
- Change approved Purbeck rubble stone finish to part of ground floor eastern elevations of Dairy Barn to approved timber cladding.
- Omit one rooflight & PV panels to southern roof of Bedroom Cottage.
- Change sedum roof of Entrance link to lead effect metal roof with same pitch.
- Omit rooflights to WC & Bin Store to entrance link roof.
- Change lead and glass roof of glazed link roof to lead effect metal roof. NOTE- large full length window of glazed link retained to maintain transparency.
- Omit external metal staircase to eastern end of ground floor balcony.

6.7 These amendments were approved in March 2019 despite some local opposition to those changes on the basis that they were not considered to be changes that would have significantly altered the whole appearance of what was approved nor were they considered to impact adversely on the amenity of any neighbouring occupier or the character of what was originally approved, nor have any significant adverse impact on the character and appearance of the Conservation Area. When considering those proposed changes as a whole given the approved scheme and the development as a whole they would affect only minor aspects of the approved development.

6.8 The Council then received a further NMA application (ref WD/D/19/000624/NMA) for “Changes to dormer windows on west and east elevation”. These changes were approved in March 2019 and comprised of:

- the southern most dormer on the west elevation which has had to be marginally increased in size in order to accommodate an internal lift as part of the approved scheme. That results in it being wider (2.06 compared to the approved 1.596m) and taller than approved (2.577 compared to 2.134) but it would still be set in from the eaves and set just below the ridge of the main roof.
- the northernmost dormer on the west elevation would be altered in width to 1.596 (from 1.501 as approved) and height to 2.134 from an approved 2.152.
- the dormer on the east elevation would be 2.192 compared to 2.355 highest and 2.058 width compared to 2.686.
- Some minor changes to rooflights on two of the elevations.

6.9 Those changes as outlined above came about partly as a result of an internal lift being provided as part of the approved scheme which led to a change largely related to the southernmost dormer on the west elevation. That however along with the other changes proposed were not considered to be changes that would have significantly altered the whole appearance of what was approved nor were they considered to adversely impact on the amenity of any neighbouring occupier or the character of what was originally approved; nor have any significant adverse impact on the character and appearance of the Conservation Area. When considering those proposed changes as a whole given the approved scheme and the development as a whole they would affect only minor aspects of the approved development.

6.10 The Council then approved in May 2019 under an application for ‘compliance with condition’ request ref number WD/D/19/000782/CWC, a request for an alternative tile sample namely; the Phalempin Single Camber Clay Plain Roof Tile - Val De Siene (which was considered acceptable) and then a further ‘compliance with condition’ request ref number WD/D/19/001329/CWC. This was for confirmation of compliance with condition 3 of the original approval (Proposed materials have been agreed previously except for the non-reflective glass to be installed in the rear lower extensions), and the use of the Guardian clear float glass with a Guardian Clarity low reflectance coating was considered acceptable and was Approved in Oct 2019.

6.11 Application number WD/D/19/002277/NMA then sought further amendments to the original approval (planning permission WD/D/17/002888) for alterations to the height and

width of the dwelling (as a result of further complaints received alleging that the proposal was not being built in accordance with the approved plans). The amendments proposed alterations to:

- the height, width and length of the elements of the building as approved,
- together with the previous changes made under previous NMA applications to the dormer windows on west and east elevations, external materials, the omission of roof-lights, photovoltaic panels and an external staircase.

6.12 As a whole these changes were considered to be material changes and therefore not acceptable as a Non Material Amendment – However this was not a refusal of planning permission – it was solely a refusal to accept the changes as being non material when viewed as a whole and hence why this current application that seeks to formally alter the plans list condition as material amendments is now the subject of this Section 73A application.

6.13 Finally the Council then approved under another ‘compliance with condition’ request ref number WD/D/19/002463/CWC details of the render mix for the rendered parts of the development to be a traditional lime render as being acceptable on 30<sup>th</sup> October 2019.

**6.14 The amendments to the development as now submitted** - The main changes and reasons for the development are as set out in the applicants Design and Access Statement which are as follows:-

- Alterations to the height of the roofs of the dwelling;
- Revisions to its length and width;
- Change to the angle of its southwest wing
- Re-siting of Duck Street entrance
- Alterations to the landscape proposals to include a pond

6.15 In addition, the proposal also includes details of a chicken coop for approval. The chicken coop was shown on the approved landscaping plan and is therefore agreed in principle. But details of the coop, which were reserved by condition, had not been submitted for approval, unlike the other outbuildings where their details have been approved.

**6.16 Reasons put forward by the applicant for the Changes.**

The change to the heights of the southeast and southwest wings were made to enable the insertion of sufficient insulation in the roof space above the steels to avoid thermal bridging and thus maximise sustainability.

The building’s dimensions were reduced in order to save costs.

The change to the angle of the southwest wing to make it perpendicular (90 degrees) to its opposing wing was undertaken to improve the floor layout.

The Duck Street entrance was adjusted to avoid having to re-locate the telegraph pole and disrupt the existing utilities.

6.17 Looking at the changes in more detail beginning **with the height of the development**, the changes are listed in the table below:

Building Height	Height as built	Height as approved	Difference
The Old Barn	32.070	32.074	0.004+
The Farmhouse – Clay Roof	32.470	32.472	0.002+
The Farmhouse – Slate roof	32.100	32.081	0.019+
Winter Garden	31.950	31.895	0.055+
Dairy Barn	30.530	30.482	0.048+
Bedroom Cottage	30.530	30.462	0.068+

6.18 The height of the development has been surveyed by the applicant and cross referenced against the approved slab level (23.45 above sea level) issued on the approved drainage drawing to give a true height of the development as built and to provide as accurate a height as possible of the approved development, bearing in mind that:-

- The plans were hand drawn which inevitably produce inaccuracies and variations in the heights of the elevations.
- There were no datum heights given on the approved drawing, nor were these required by condition. The approved height was therefore relative, (the difference between the ground level and ridge height) rather than being absolute.

6.19 That said the degree of accuracy in height between the approved development and as built development is not critical because it is the development as built which is being considered, in the general context of its setting and the approved development.

6.20 The **changes to the length and width of the building** are as follows: -

Building Width	Length	Width
The Old Barn	-83cm	0cm
The Farmhouse – Clay Roof	-170cm	0cm
The Farmhouse – Slate Roof	-220cm	0cm
Winter Garden	-216cm	0cm
Dairy Barn	-148cm	-66cm
Bedroom Cottage	-58cm	0cm

6.21 The southwest wing has been cranked by 2 degrees towards the Road; and the access has been relocated 1.75m southwards.

6.22 The landscaping proposals now include a pond with adjacent bog area in the southeast corner of the lower reaches of the garden. This will be fed by rainwater and if it

exceeds capacity it is designed so that the water will run-off into the adjacent bog area. The pond endorses the design philosophy to increase the biodiversity of the site. The ecological measures, aside from the bat boxes which are awaiting delivery, have been fully implemented and signed off in accordance with the required Biodiversity Mitigation Plan.

6.23 The chicken coop is a mobile structure. It measures 2m wide x 2.5m long by 1.85m high and would be built in timber.

6.24 Finally in terms of external materials these are as flows - all as previously agreed under the compliance with condition applications set out above:

- Natural Finish Larch Cladding T&G
- Purbeck Stone
- Re-Used Dry Stone Wall
- Lime Render 1:3 NHL mix with washed sand
- Slate Tile - Del Carmen Ultra Spanish slates 500x250mm by SSL
- Standing Seam Zinc - ZM Silesia (Pre-Aged Grey)
- Clay Tile - Phalempin Single Camber Clay Plain Roof Tile
- Sinusoidal Corten Steel Roof
- Sedum Roof - Bauder Sedum on Green Felt
- Doors and Windows - Painted timber (RAL 7016)
- Lead
- Black Metal Gutters and RWPs

Glass:

- Low reflectance glass to southern elevations
- Balcony glass - Guardian Glass with 1 coat of Clarity Low reflectance coating to the outside. Light reflectance of 4%-approved by LPA
- Glass to windows and doors SSG Climate Plus 6. Light Reflectance 12% - approved by LPA

## **7 RELEVANT PLANNING HISTORY: see above in paras 6.2-6.13**

## **8. RELEVANT PLANNING POLICIES:**

### **8.1 National Planning Policy Framework**

As far as this application is concerned the following section(s) of the NPPF are considered to be relevant;

Section 4 - Decision Making

Section 5 - Delivering a sufficient supply of homes

Section 11 - Making effective use of land

Section 12 - Achieving well-designed places

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Section 15 - Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

## **8.2 Adopted West Dorset and Weymouth & Portland Local Plan (2015)**

As far as this application is concerned the following section(s) of the NPPF are considered to be relevant;

INT1. Presumption In Favour Of Sustainable Development  
ENV2. Landscape, Seascape and Sites of Geological Interest  
ENV2. Wildlife and Habitats  
ENV4. Heritage Assets  
ENV0. The Landscape and Townscape Setting  
ENV11. The Pattern of Streets and Spaces  
ENV12. The Design and Positioning Of Buildings  
ENV13. Achieving High Levels of Environmental Performance  
ENV15. Efficient and Appropriate Use of Land  
ENV16. Amenity  
SUS1. The Level of Economic and Housing Growth  
SUS2. Distribution of Development  
HOUS1. Affordable Housing  
COM1. Making Sure New Development Makes Suitable Provision for Community Infrastructure  
COM7. Creating a Safe and Efficient Transport Network  
COM9. Parking Standards in New Development  
COM10. The Provision of Utilities Service Infrastructure  
CPM11. Renewable Energy Development

## **8.3 Bridport Neighbourhood Plan**

As far as this application is concerned the following policies of the Neighbourhood Plan are considered to be relevant:

### **Climate Change**

POLICY CC1 - Publicising Carbon Footprint  
POLICY CC2 - Energy and Carbon Emissions  
POLICY CC3 - Energy Generation to Offset Predicted Carbon Emissions

### **Access & Movement**

POLICY AM1 - Promotion of Active Travel Modes  
POLICY AM2 - Managing Vehicular Traffic

### **Housing**

POLICY H7 - Custom-Build and Self-Build Homes

### **Heritage**



POLICY HT1 - Non Designated Heritage Assets  
POLICY HT2 - Public Realm

### **Landscape**

POLICY L2 - Biodiversity  
POLICY L5 - Enhancement of the Environment

### **Design for Living**

POLICY D1 - Harmonising with the Site  
POLICY D2 - Programme of Consultation  
POLICY D5 - Efficient Use of Land  
POLICY D6 - Definition of Streets and Spaces  
POLICY D7 - Creation of Secure Areas  
POLICY D8 - Contributing to the Local Character  
POLICY D9 - Environmental Performance (see also Policies CC2, CC3)  
POLICY D11 - Building for Life

## **9 OTHER MATERIAL PLANNING CONSIDERATIONS:**

### **9.1 Design & Sustainable Development Planning Guidelines (2009)**

Village Design Statements (VDSs) previously adopted as SPG in West Dorset, which remain relevant and may be material considerations in planning decisions include:

- Bothenhampton: includes parish plan (2003)

WDDC Landscape Character Assessment February 2009 – Urban Area

### **Bothenhampton Conservation Area Appraisal**

Following public consultation, the district council adopted the appraisal in December 2007 as a document that supports conservation area policies in the West Dorset, Weymouth & Portland Local Plan (adopted 22 October 2015). The district council then approved an extension to the Bothenhampton conservation area in November 2008, details of which are included in the appraisal – in that Appraisal it states:

*“Homestead Farmhouse (important local building) seems to be in a poor state of repair and its surrounds are untidy”*

*“The green spaces ...particularly below Homestead Farmhouse.... of great importance to the setting of the village”*

*“The villages are characterised by a general good condition of the building stock, boundaries and the public realm. The exceptions are the Manor Farm barns group and The Buildings in Symondsbury and Homestead Farm in Bothenhampton”*

*“Important Local Buildings: The contribution made by important local buildings is important and there are a number of individually attractive and interesting unlisted buildings, most of which contribute to the value of larger groups: ..... Homestead Farm, C19 roadside barn and house at right angles, stepping downhill in two blocks with lean-to, render over rubble, slate and pantile, casements; an interesting group in its own right and of wider group value”*

## **10 HUMAN RIGHTS:**

10.1 Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## **11 PUBLIC SECTOR EQUALITIES DUTY:**

11.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED

## **12.0 Financial benefits**

Material benefits of the proposed development	
Affordable Housing	N/A
CIL Contributions	The development is CIL Liable

Non-material benefits of the proposed development	
Council Tax	Not known
New Homes Bonus	Not known

## **13.0 Climate Implications**

13.1 The development is considered to be in a sustainable location, within the defined development boundary for Bothenhampton with the services and facilities of Bridport town within walking distance.

13.2 Energy has been used as a result of the production of the building materials and during the construction process. However that is inevitable when building houses and a balance has to be struck between providing housing to meet needs versus conserving natural resources and minimising energy use.

13.3 The development is being built to current building regulation standards at the time of construction. The applicant has also submitted a document that explains that the building despite being extremely complex uses simple principles to ensure that it meets and exceeds its Climate Change requirements.

- It uses renewable systems to lower the energy usage from the grid.
- The insulation values are higher than legally required to lower the energy usage.
- The building has a high air tightness level to lower the energy usage.
- It has been designed to minimise penetrations through the external envelope to ensure the integrity of the airtightness.
- The floors have high thermal mass to retain heat.
- The basic design uses established low carbon design principles to mitigate against heat loss from glazing.
- The basic design uses established low carbon design principles to mitigate against heat loss gain from glazing.
- The building has been technically assessed by a third party to ensure that it meets the requirements and has been assessed as passing .
- The specification for the building has been upgraded to ensure that it exceeds the pass when the as built analysis is submitted.
- Reused and recycled materials were used throughout.
- A carefully designed landscape to enhance the ecology of the site.

#### **14 CONSULTATIONS:**

14.1 Highways - NO OBJECTION, subject to the following condition(s):

*Before the development hereby approved is occupied or utilised the turning and parking shown on Drawing Number 1702 L 001 Rev B must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.*

*Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon*

14.2 Technical Services - no objection or further comment to make.

14.3 Bothenhampton Parish Council - *The corporate view of the parish council is that the additional height of the Homestead Farm complex has had a big impact on the conservation area within Bothenhampton. This building now dominates the centre of the village and is over-bearing and out of keeping with its surroundings. Given the variety of materials used in the construction of the various roofs, the additional height has resulted in the most prominent building in the village being out of sympathy with the adjacent cottages and houses, many of which are listed.*

14.4 Conservation Officer - *These are minor alterations to an approved scheme.*

14.5 Historic England - *does not wish to offer any comments.*

14.5 Natural England - *no comment.*

14.6 Environment Health – *Refer to their comments on the original application re Hours of operation are to be limited to:*

*Monday – Friday 0800 – 1800*

*Saturday 0900 – 1300*

*No activity on Sundays or Bank Holidays*

## **15 REPRESENTATIONS:**

15.1 42 representations have been received with the vast majority objecting to the application. Those objecting raise the following issues

- Highways Dept. had no objection providing the turning area and parking area had been constructed. The access to and exit from the property onto Main Street entails a very steep slope down to the garage immediately inside the boundary. It is not possible for delivery vehicles to enter from the street and park in the manner shown without being on this steep gradient. Exiting the property will require a difficult hill start onto a crowded, narrow road which is in effect single lane.
- Access onto Duck St for service vehicles is now much larger than the 5m originally stated and hedges have been removed over an area of 11m.
- The site can easily be seen from the public road
- The roof heights are now significantly higher than the original plan and the whole building is closer to the road than that plan. It is not acceptable at this late stage for the architects to excuse the increase in height by stating that this is to accommodate service piping.
- The Barn which was to have been faced with reused Forest Marble has been faced with incongruous Purbeck Stone. This has completely destroyed the pleasing look of Main Street in this conservation area. It is an eyesore visible from a wide area.
- The Forest Marble boundary wall is now being rebuilt with breezeblocks. There is not enough original FM stone to face this with.
- Views from the High Pavement have been dramatically reduced due to the increased height of the building. The original proposal was that views would be maintained as per Conservation Area Designation.
- This build varies greatly from the original plan. The NMA application to regularise a number of significant issues was rejected by yourselves but the applicant has shown no regard for this ruling and has continued to build apace.
- It would be a dangerous and illegal precedent if this build were accepted within a Conservation Area.

- This application is, in effect, an attempt to reverse a decision already taken by Dorset Council. That decision, taken following an application for the acceptance of a Non Material Amendment (NMA) to an original application WD/D/19/002888, was for REFUSAL. The decision is dated 14th October 2019. The NMA was for alterations to height and width of (the) dwelling. In addition previously granted NMAs were REFUSED being found “material and therefore not acceptable under section 96A of the Town and Country Planning Act 1990 (as Amended)”.
- This current application is, basically, under the same headings. The submitted drawings, as far as it is possible to ascertain, are related to heights and widths of the dwelling. At an early period of construction it was apparent that the original planning permission was being flouted, principally as the structure was being built too high.
- Dorset Council Highways has raised NO OBJECTION to the driveway to the development on the basis of a single drawing 1702 L 001 Rev B which shows the arrangement in plan. This drawing has no levels on it, so it would not be unreasonable to assume that the driveway would be at existing levels. However what Dorset Council Highways has not seen, or upon which no comment is made, is a second drawing, 1702 L 605, submitted as part of this application, showing the driveway leaving Main Street at what appears to be an unacceptably steep slope. Independent advice has been sought from a Highways Engineer to establish whether, in highway terms, the driveway as shown on the Project Architect’s drawings is safe. The report is prepared as an advisory to Dorset Council Highways. It will be seen that the driveway design is “outside the recommended standards.....and should therefore not be constructed”. This is a matter of public safety.
- Within the context of this application there are Objections to the driveway as shown on the submitted drawing 1702 L 605. Furthermore, if these comments are accepted by Dorset Council, please be on notice that the design drawn up by the Project Architect is potentially unsafe, and that Dorset Council Highways (our custodians when it comes to highway safety) have also not approved drawing 1702 L 605. However the driveway appears to have been constructed to the submitted drawings. This being the case it is essential that the recommendation by Dorset Council Highways that “Before the development hereby approved is occupied or utilised the turning and parking shown on Drawing Number 1702 L 001 Rev B must have been constructed.” should be rigorously enforced. This will mean abandoning the garage and infilling the excavated driveway back to the original ground profiles – as assumed by Dorset Council Highways, before the development is occupied or utilised.
- Conservation input appears sadly lacking. This site has an area of 5,000 square metres. Under legislation any site over 1,000 square metres in a Conservation Area has to be referred to Historic England. There is no published comment from Historic England. Objections to the fact that either Historic England has not been consulted, or, in the alternative, they have been consulted and their report has not been made available.

- Technical Services have commented on the current application. Their response is *"With regards to the above application, I have no objection or further comment to make"* The current application is for a higher building than previously approved. As the Wanderwell Valley is a known zone of excessive wind load (an adjacent property lost ridge tiles in a recent moderate gale) the structural design of the development should be reviewed as it is now declared to be significantly higher. Objections are raised to Technical Services' comment, until such time as confirmation is publicly given that the as submitted design is approved. The relevant legislation is contained within the Building Regulations.
- Not in line with approval given by Dorset Council.
- From the east facing kitchen window of a Duck Street resident, hedging along the previous field, was low enough to see sheep peering over and to throw them occasional apples. The view from the east facing bathroom window was outstanding with nothing overlooking and therefore no need for glazed windows or indeed curtains. The former have been lost completely and the latter dramatically reduced in the kitchen/dining room.
- The development has had a negative impact on not only Duck Street but from many surrounding aspects, included the Bothenhampton nature reserve in particular the issue of field height and the more than double size opening into Duck Street.
- The increased size of opening into Duck Street and what appears to be totally inadequate drainage, led to flooding serious enough to require the intervention of Wessex Water and the Environment Agency. This flooding is causing deterioration to the left (field) side of the surface of the lane and if this continues, it will reach a point where normal vehicles will have difficulty in accessing the properties. This ancient lane of historical interest should not be allowed to be misused and abused.
- In terms of the drainage allegedly installed on the Homestead Farm property, this appears to be woefully inadequate.
- Bothenhampton is a unique place, in a conservation area and an AONB. It deserves to be treated with respect and both its inhabitants and Dorset Council had the right to expect that Homestead Farm would be built according to the permission granted in April 2018.
- The barn adjacent to the road is an eyesore. The Conservation Officer's remarks in the original application stated that rebuilding the barn using reclaimed stone would mean that the street frontage would remain the same; and that any wall frontage along Main Street which was removed during the building process must be re-built using reclaimed stone.
- The decrease in length of the main structure means that the wings are closer to the road than they should be and this has a significantly detrimental effect on both the residents and the village.

- As regards the glazed atrium of the 'winter garden' of the new house this feature as originally shown on the plan would have been barely visible from Main Street Bothenhampton, well down the hill and obscured by the wings of the building. The combined effect of the increased height of each of the main run of buildings and the change in length means that the glazed section is now glaringly prominent from any part of high pavement, and totally out of keeping with the protected village conservation scene.
- When the building is occupied and lit it will be as if Bothenhampton has its own lighthouse.
- The land has been significantly raised across the site. The site now sits well above the hedge line. This not only impacts upon the appearance of the conservation area but has already caused severe drainage problems and flooding to the surrounding area.
- The building itself does not conform to the original plans in terms of height. The planning department need to consider the impact for local residents and the conservation area. The result has been negative to the local area and more imposing for residents.
- Contrary to Conservation Area and Design policies of the Local Plan.
- A driveway has now been made onto Duck Street destroying the hedge separating the site from Duck Street. The original hedge has been thinned beyond recognition and the level of the site towers high above the street the other side. The changes have drastically affected the character of this historical street and the privacy for its residents.
- This building's size (footprint) is way over what would be deemed compatible for this conservation area.
- The building is also higher than envisaged in many places, does not follow the contours of the falling site.
- As originally planned, the owners made great play of this being an eco building. The amount of energy-using concrete used for the massive foundations alone plus the general spoiling of the landscape into a mud-heap plus the desecration of trees and a hedge for a huge side entrance plus the lack of even any solar panels which were originally designated makes the use of the word "eco" ridiculous.
- The failure to use local stone in an area of conservation is another reason for refusing permission.
- Shocked and astounded by the difference between what was originally proposed.

- There have been some independent surveys taken place that have shown the building to be over a metre higher than was proposed and that it is situated much closer to the road than was suggested on the plans
- It was proposed that this building would not be any more visible than the original barn and that it would "cascade down the hillside". There is no way of looking at the current build that could support this as anything other than fiction.
- Bothenhampton Village is a conservation area and in an area of Outstanding Natural Beauty and this enormous house has a hugely negative effect on the surroundings, the views and character of the village
- The development has not proceeded in line with the approved plans and therefore does not benefit from the permission therein. The fact is that the developer decided to execute a scheme that is significantly different from that approved. Their ability to lawfully execute the fall-back scheme appears questionable and therefore the weight attributed to the fall back should be reflective of this.
- Whilst the applicant claims that some of the changes are minor in nature the NPPF emphasises the need for early engagement with local communities on design and these evolve to a high standard delivered on the ground rather than a diluted and different scheme leaving local communities frustrated and disappointed with the outcome. The changes, involving re-positioning of buildings and significant increases in heights of buildings, taken together, fail to effectively integrate with their surroundings and that of the conservation area and heritage assets.
- Weight should also be attributed to the fact that the development constitutes intentional unauthorised development.
- The planning committee are respectfully requested to refuse this variation and furthermore respectfully urged to direct officers to proceed with formal enforcement action.

## **15.2 Support** – Those in support include:

A 12 signatory petition in support of the proposal has been received saying that there are no objections to the increase in roof height.

In addition separate representations have replied stating:

- *As residents of Bothenhampton who regularly drive and walk past Homestead Farm we have no concerns about this development as it now stands in any respect. Lowering the roof height would seem to us to make no appreciable difference from street level.*
- *I live on the high pavement opposite Homestead Farm. Fail to see what all the fuss is about. When the building and gardens are completed it will no doubt look fine.*



## 16 PLANNING ISSUES:

16.1 There are 2 main planning issues arising for this application which are:

- Impact on the character and appearance of the Conservation Area and setting of any Listed Buildings/Impact on AONB
- Impact on amenity of neighbours

## 17 PLANNING ASSESSMENT:

17.1 An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. In this case as the proposal has already commenced the provisions are made under Section 73A.

17.2 Under Section 73A, and prior to any formal enforcement action, a local planning authority (LPA) can invite a retrospective application where the LPA consider that an application is the appropriate way forward to seek to regularise the situation. It is important to note however that:

*“although a local planning authority may invite an application, it cannot be assumed that permission will be granted, and the local planning authority should take care not to fetter its discretion prior to the determination of any application for planning permission – such an application must be considered in the normal way”;*

17.3 Section 36(6) of the Planning and Compulsory Purchase Act 1990, and Section 70(2) of the Town and Country Planning Act 1990 require applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations **which may have changed significantly since the original grant of permission**. The approved development is therefore an important material consideration which carries significant weight essentially as a fall-back position.

17.4 The effect of Section 73 of the Town and Country Planning Act 1990 is to leave intact the original planning permission. It therefore represents the baseline to assess the proposal by, as it is the changes from this baseline on which the current application should be considered.

17.5 The approval of the dwelling under WD/D/17/002888 and the subsequent approval of non-material changes to its design, as outlined in the Planning History section above, confirms that the scheme, as was then amended, was acceptable within its planning context. It therefore sets the baseline by which to assess the new changes to the scheme. In other words, the elements of the development common to both the approved development and the scheme as built are not in dispute. It is the changes between the approved scheme and as built scheme which are to be considered.

**17.6 The Development Plan** – Since the original permission was granted there is now a Neighbourhood Plan (NP) in force in this area that covers Bothenhampton, and this essentially is the most recent Development Plan document on which to assess the merits of the proposals along with those of the adopted Local Plan (2015). The NP has a number of Policies that are applicable to this determination as are set out below:

**17.7 Climate Change**

*POLICY CC1 - Publicising Carbon Footprint - Applicants should seek to minimise the carbon footprint of development proposals and are encouraged to submit a statement setting out the anticipated carbon emissions of the proposed development.*

*Policy CC2 - Energy and Carbon emissions - New development should aim to meet a high level of energy efficiency where achievable, by:*

*a) Exceeding the target emission rate of Building Regulations Part L 2013 for dwellings.*

*Policy CC3 - Energy generation to Offset Predicted Carbon emissions - New development, both commercial and residential is encouraged, where possible, to secure at least 10% of its total unregulated energy from decentralised and renewable or low carbon sources.*

**17.8 Officer comment** - In answer to the above the applicant has submitted a document that explains the building despite being extremely complex uses simple principles to ensure that it meets and exceeds its Climate Change requirements.

- It uses renewable systems to lower the energy usage from the grid.
- The insulation values are higher than legally required to lower the energy usage.
- The building has a high air tightness level to lower the energy usage.
- It has been designed to minimise penetrations through the external envelope to ensure the integrity of the airtightness.
- The floors have high thermal mass to retain heat.
- The basic design uses established low carbon design principles to mitigate against heat loss from glazing.
- The basic design uses established low carbon design principles to mitigate against heat loss gain from glazing.
- The building has been technically assessed by a third party to ensure that it meets the requirements and has been assessed as passing.
- The specification for the building has been upgraded to ensure that it exceeds the pass when the as built analysis is submitted.
- Reused and recycled materials were used throughout.
- A carefully designed landscape to enhance the ecology of the site.

It is considered that the proposal meets these NP Climate Change policies.

**17.9 Access & Movement**

*POLICY AM1 - Promotion of Active Travel Modes - Proposals for new development which are likely to generate increased pedestrian and/or vehicular traffic movement should:*

*a) Provide for pedestrian movement as a priority.*

- b) Make appropriate connections to existing footpaths, cycle paths, rights of way and bridleways to improve connectivity in and between settlements.*
- c) Enable safe and convenient access to be provided for all people including the disabled.*
- d) Make possible, or not hinder, the provision of improvements to public transport and of facilities for car sharing and electric vehicles.*

*POLICY AM2 - Managing Vehicular Traffic - Proposals for new development which are likely to generate increased vehicular movement should:*

- a) Provide convenient and safe access onto the adjacent roads and this should not adversely affect existing pedestrian movement.*
- b) Make the best use of existing transport infrastructure through improvement and reshaping of roads and junctions where required to improve pedestrian access and connectivity to surrounding areas.*
- c) Ensure residential and environmental amenity is not adversely affected by traffic.*

*Development proposals that cannot meet the above requirements will not be supported.*

17.10 Officer comment - In light of the above NP Policies coupled with the response from highways who raise no objection, subject to conditions, the proposal is not considered to be contrary to the Access & Movement Policies of the NP.

### **17.11 Housing**

*POLICY H7 - Custom-Build and Self-Build Homes - The provision of Custom Build and Self Build Homes is supported. For major applications the inclusion of 4% of serviced plots is encouraged.*

17.12 Officer comment – Clearly this proposal meets this Policy as the proposal is a new self-build custom build on this site.

### **17.13 Heritage**

*POLICY HT1 - Non Designated Heritage Assets*

*The Joint Councils Committee has prepared (and will maintain) a list of buildings, features and structures in the neighbourhood plan area which are considered to be 'non-designated heritage assets' and should be treated as such for the purpose of applying national and Local Plan policies including Policy ENV4 of the Adopted Local Plan (2015).*

*POLICY HT2 - Public Realm*

*Proposals that have a negative impact or "harm" the qualities of the public realm as identified in the Neighbourhood Characteristics of this plan will not be supported.*

17.14 Officer comment – see comments on Impact on Listed Buildings and Conservation Area/AONB below at para 17.24 onwards.

### **17.15 Landscape**

*POLICY L2 – Biodiversity*

*1. Development proposals will be expected to demonstrate how they will provide a net gain in biodiversity and, where feasible, habitats and species, on the site, over and above the existing biodiversity situation.*

*2. If significant harm to biodiversity resulting from a development cannot be avoided (For example through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission will not be supported.*

*3. Wildlife corridors and important habitats have been identified on Maps 7, 8 and 9 and proposals that would result in their loss or harm to their character, setting, accessibility, appearance, quality, or amenity value should be avoided.*

*POLICY L5 - Enhancement of the Environment - Appropriate to the scale of development, proposals for new housing development should:*

- 1. Include good quality outdoor space, both private and community gardens, and contribute to providing tree cover and improving biodiversity and*
- 2. Make provision for green infrastructure.*

**17.16 Officer comment** – This proposal is considered to meet Policies L1 and L5 as the originally approved proposal required under condition 8 that the development be carried out in accordance with the submitted biodiversity mitigation report of William Davis, Lindsay Carrington Ecological Consultancy Ltd dated 3rd January 2018 in the interests of nature conservation. The current landscaping proposals include a pond with adjacent bog area in the southeast corner of the lower reaches of the garden which will be fed by rainwater and if it exceeds capacity it is designed so that the water will run-off into the adjacent bog area. The pond endorses the design philosophy to increase the biodiversity of the site. The ecological measures, aside from the bat boxes which at the time of writing this report are waiting delivery, have been fully implemented and signed off in accordance with the required Biodiversity Mitigation Plan.

17.17 In addition the proposals would clearly meet Policy L5 which requires new housing development to include good quality outdoor space, both private and community gardens, and contribute to providing tree cover and improving biodiversity. This is a private dwelling site where good quality private space would be provided.

### **17.18 Design for Living**

*POLICY D1 - Harmonising with the Site*

- 1. A housing development will be required to respect and work in harmony with:*
  - a. the local landform and microclimate*
  - b. the existing pedestrian, cyclists and motorised network*
  - c. existing features that are locally significant or important for local character, historical, ecological or geological reasons*
  - d. neighbouring land uses.*
- 2. Opportunities to incorporate features that would enhance local character, or the historical, ecological or geological interest of a site, should be taken if practical and appropriate.*

*POLICY D2 - Programme of Consultation - Applicants are encouraged to enter into a meaningful programme of community consultation appropriate to the scale of development.*

#### *POLICY D5 - Efficient Use of Land*

*Development should make efficient use of land, and layouts that create wasted or leftover land will not be supported.*

*a) The design and management of outdoor spaces within and adjoining settlements should fully utilise the opportunities for:*

- Recreation and social interaction.*
- Dealing with surface water drainage and alleviating flooding.*
- Providing new or enhancing existing wildlife habitats.*
- Incorporating landscape solutions to soften the urbanising impact of new development.*

*b) Development of brownfield sites for housing will be supported provided the land is not of high environmental value.*

*c) Application for residential development above commercial ground floors will be supported.*

#### *POLICY D6 - Definition of Streets and Spaces*

*Proposals for new residential development in the Plan area should create a sense of place through:*

*a) A strong sense of enclosure, considering building lines and appropriate building height to street width ratio.*

*b) The use of street trees or appropriate boundary features (walls or hedges) in areas where a sense of enclosure is needed but cannot be achieved through strong building lines.*

*c) The provision of parking to the required standard so that it does not dominate the street scene.*

#### *POLICY D7 - Creation of Secure Areas*

*1. New developments should:*

*a) Have the main access to a building at the front, facing the street or communal entrance courtyard.*

*b) Make sure doors and windows face onto the street and other places where surveillance is needed.*

*c) Avoid that blank walls enclose public areas.*

*d) Provide a basic level of privacy at the rear of homes either through sufficient rear garden depth or orientation and screening to prevent direct overlooking. Private areas should be clearly defined through appropriate boundary treatment, and care taken to limit opportunities for intruders to gain easy access to the rear of buildings and other private spaces.*

*2. Exceptions to a) and b) may be permitted where the development is a gated community or there are other compensatory measures taken in the design to increase security.*

#### *POLICY D8 - Contributing to the Local Character*

*Proposals for new development (residential and commercial) in the Plan area should demonstrate high quality architecture and seek to maintain and enhance local character as follows:*

- a) New development should reflect the local building forms and traditions, materials and architectural detailing that are significant in the local area, and maintain or, where appropriate, enhance local character. Exceptions may be the use of modern design and materials that contrast with yet complement local character.
- b) New developments should enhance the local character, although this does not imply simply duplicating existing developments which, in themselves, may not be of good quality.
- c) Where a development is proposed in or on the edge of an existing settlement, any new routes will respect their place in the hierarchy within the overall network, and the design of the development should be influenced by the need to define or soften the transition between areas of different character.
- d) Where new plots are being formed, these should reflect the existing grain and pattern of development where these form a significant characteristic in the street scene, unless this would conflict with other policies.
- e) New developments should not be disproportionate in scale to adjoining buildings in the locality, unless warranted by its proposed use and position on the street.
- f) Innovation in building design and materials in a way that supports local distinctiveness and the other objectives for good design and sustainable development will be supported.
- g) Buildings should normally be no more than two storeys in height, (with use of the roof space with dormer windows as a useable living space being accepted), unless heights of neighbouring buildings dictate the appropriate height for a new or extended building and the proposed design causes no impairment of light or visual impact.

#### *POLICY D9 - Environmental Performance (see also Policies CC2, CC3)*

*Applicants are encouraged to design buildings to last, employing modern innovative technologies and methods of construction to, for instance, reduce construction costs, speed up construction, and minimise energy consumption and carbon emissions during the building's lifetime, such as:*

- a) *Adopting energy conservation in the construction phase of new buildings (including the use of local materials to avoid transport impacts).*
- b) *Avoid using those materials most harmful to the environment (those given a 'D' or 'E' rating in the Green Guide to Specification).*
- c) *Use southerly facing roof slopes for solar thermal and/or photovoltaic installations, where possible integrated into the roof design, subject to the appropriate level of heritage and conservation assessment.*
- d) *Maximise opportunities for natural lighting and ventilation to buildings.*
- e) *In areas with known flooding issues, or where extensive areas (greater than 5 square metres) of hard surfacing are required, using permeable materials.*
- f) *Including systems to collect rainwater for use, also the use of grey water.*
- g) *Designing homes to Lifetime Homes Standard.*

#### *POLICY D11 - Building for Life*

- 1. Applicants for new housing developments are encouraged to assess their proposals against the 12 objectives in the guidance published in the latest edition of "Building for Life" published by the Design Council.*
- 2. Proposals for large scale residential development should obtain the Building for Life quality mark and the achievement of nine "green" levels is encouraged.*

**17.19 Officer comment** - As the applicants submission explains the overall effects of the changes to the dwelling have to be viewed in the context of the 'as approved' substantial dwelling which is of complicated design set in a large plot. Consequently, the effect of the changes to the design are considered overall, and with the backdrop of the approved scheme, are considered to be minimal within the setting of the street scene and further afield.

17.20 The originally approved design created separate elements of the building stepping down the hillside to reflect the contours of the site, the history of development on the site and to articulate the dwelling to read as a series of buildings. The design facing the road frontage reflected the more traditional buildings on Main Street, while the rear had a more contemporary feel. This approach was previously accepted by the Council as Local Planning Authority as demonstrated by the previous approval. The changes to the design still adhere to this approach.

17.21 The change in ground levels of the site is reflected in the changes in the ridge heights so from the "Farmhouse" to the "Dairy Barn" and to "Bedroom Cottage" the ridges aim to cascade down the slope. The variations in ridge heights, the changes in appearance, the stepping in and angling of parts of the elevations, allows the design to be broken down into discreet modules which complement but are different to each other and therefore appear as a series of buildings. The effect of this is to create a dynamic design so it varies as one moves along Main Street in either direction. No two views are the same.

17.22 With the dwelling's complicated design, as well as extending far back into the plot, with plenty of space either side of it, this allows the changes to be easily absorbed into the overall design without any ill effect.

17.23 Furthermore, the building recedes away from the viewer when seen from public viewpoints, primarily from the high pavement of the Main Street opposite the site. Indeed, the buildings that have the largest increase in ridge height are approximately 30m from the raised pavement. Overall, the change in height does not materially alter the composition of the design. The stepped ridge lines are still maintained, as are the series of buildings. The bulk and mass of the approved development and its articulation, which is a fundamental characteristic of the design, has also not been compromised. Space around the building is also unaffected. Visually the development as constructed and as proposed to be completed makes little difference to its overall composition when compared to the approved plans.

#### **17.24 Detailed examination of the changes to the design – Impact on Listed Buildings and Conservation Area/AONB.**

The nearest Listed Buildings are opposite - 33 and Hopewell House Main Street, The George Inn Main Street and 3 & 4 Sunnyside – all are Grade II listed. Nos 2, 5 and 6 Sunnyside are notable Important Local Buildings as are 35 and 37 Main Street and of course the application site and its previous buildings were also identified as an Important Local Building. Clematis Cottage to the west on the corner of Duck Street is also an Important Local Buildings as is Ab Antiquo beyond the Village Hall building to the east. To the south is Spring Farm Cottage another Grade II Listed Building.

17.25 There are statutory duties which apply to this proposal that special regard is given to the desirability of preserving listed buildings and their setting and to preserving or enhancing the character or appearance of the conservation area. These are set out in Sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990

17.26 Changes to Height - The Heritage Statement looks at the effect of the individual changes to the design on the Conservation Area.

17.27 It is considered that the increased height of the Winter Garden makes no discernible difference on views of the valley. The approved development would have obscured sky views.

17.28 Therefore, it is considered there is no greater impact upon the character and appearance of the Conservation Area

17.29 In terms of the effect of the increased height of Dairy Barn and Bedroom Cottage the impact depends very much on the viewing angle. The two angled ranges are not easily seen together from the lower view point of the road and from the higher viewpoint of the raised pavement even if they are seen together the change in height is considered to be a minor variation such that it would not have a material impact on the character and appearance of the conservation area. Originally, views across the valley were partly contained by the former development and vegetation. The approved scheme would also have contained views across the valley. The effect of raising the ridge slightly higher on Dairy Barn and Bedroom Cottage to contain the view between the approved ridgelines and the as built ridgelines do not materially alter the impact of the development on views across the valley.

17.30 In addition, the shortening of Dairy Barn and Bedroom Cottage compensates for the small loss of view above the approved ridge line.

17.31 When viewed from the far side of the valley the changes are imperceptible; the dwelling is seen against other buildings, on the hillside above and below the site.

17.32 Shortening and narrowing of dwelling

In terms of the shortening of the farmhouse, the submitted Heritage Statement states that:

*'It has no material effect on the character of the building – it still reads as being domestic in its form and in, the context of the 'barn' to the north and the agricultural shed character of the 'bedroom cottage' and 'dairy barn', it still reads as the 'farmhouse'*

17.33 The statement goes on to say that: -

*'It is considered that the slight shortening of the length of the building has no material impact on the character and appearance of the conservation area over and above the approved scheme. The reduction has actually reduced the mass of this element of the house. It is considered that the change between approved and as built has not caused harm to the designated heritage asset.'*



17.34 As to the changes to the shortening of the other buildings and the width reduction of Dairy Barn these are not really apparent, unless viewed on plan. There is therefore no significant adverse harmful effect on the street scene, Conservation Area or AONB. The changes would therefore accord with policies ENV1, ENV4, ENV10 and ENV12 of the Local Plan and policies HT2, D1 and D8 of the Neighbourhood Plan.

#### 17.35 Re-positioning of southwest wing

The rotation of the south west wing by two degrees is imperceptible in relation to the impact on the street scene. It does allow for an improved internal layout to allow the building to function better. There would be no conflict with policies ENV1, ENV4, ENV10 and ENV12 of the Local Plan or policies D1 and D6 of the Neighbourhood Plan

17.36 The key tests are whether the setting of the Grade II Listed Buildings as set out above are harmed or the character and appearance of the Conservation Areas is preserved or enhanced or so compromised as a result of the development to warrant a refusal of planning permission. In this regard the setting of the listed buildings to the north is not considered to be unduly compromised as there would be little in the way of change arising from the changes to the development which fronting Main Street largely follow the same mass and bulk of the previously existing buildings that have been replaced and their increased height is not considered to be so adverse an impact to warrant a refusal of permission. As a result it is considered that there is no harm to these Heritage Assets.

17.37 Given the above comments it is considered that as a whole the proposals satisfy Section 66 (setting of Listed Buildings) and Section 72 (preserve/enhancement of Conservation Areas) as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy ENV4 of the adopted Local Plan and HT2 of the NP. They would when complete bring about a development that would sit comfortably on the plot given the size of the application site and which pays regard to the sites history in terms of external materials as well as providing a more modern approach to the rearward proposals away from Main Street.

17.38 As a result these changes do not materially have an adverse impact on the character or appearance of the Conservation Area.. It could also be argued that the resulting building as per the previously approved building provides an interesting new building that enhances the character and appearance of the Conservation Area and by extension the AONB. The proposal would therefore accord with policies ENV1, ENV4, ENV10 and ENV12 of the Local Plan and the Heritage and the thrust of the Design for Life Policies of the Neighbourhood Plan.

#### **17.39 Amenity Impact on Neighbours**

As with the previously approved scheme it is considered that there would be no significant adverse impact on neighbouring occupiers. The scheme has been sensitively designed such that there would be no adverse impact on the amenity of neighbours in terms of overlooking or loss of privacy from the built form of the development now proposed nor from the proposed windows particularly given that the proposed development takes a central position within the large plot and given the distances involved to the elevations of existing buildings that neighbour it.

17.40 Previously there was an issue about the use of reflective glass material in the southern elevations of the wing buildings but these details have now been approved in compliance with a previously imposed condition. In addition the west side and rear (lower) half of the application site will eventually be laid out essentially as a large domestic allotment where the applicant intends to grow and cultivate crops. There is no indication that this would comprise a commercial use, which in any event would need a separate planning permission if a commercial venture were to be established.

17.41 To access the allotment land to the south of the site, an entrance has now been formed half way along Duck Street, a private unadopted street. Duck Street was for many years used as the commercial entrance to Springfield Plant Nursery. The new entrance when complete will be a domestic access only and an ecological mitigation plan has been put in place to compensate for any displaced habitat. The new access is proposed to be wide enough to only allow a single vehicle to access this lower allotment part of the site. The new access proposed has caused much concern to other residents who have access over Duck Street but this is a private unadopted lane. The use of Duck Street is a civil and private matter for the applicants to take up separately with those owners or those who have access rights over it. It is not considered that the Duck Street access is unacceptable in terms of it creating a new gap in the lane to warrant a refusal of planning permission.

17.42 The changes now proposed as a whole would not have a significantly adverse impact on the amenities of the occupiers of the neighbouring properties in terms of light loss and overshadowing given the space between the development and the adjacent properties and given the overall small increase in height. There would therefore be no conflict with policy ENV16 of the adopted Local Plan.

17.43 The changes to the height of Dairy Barn and Bedroom Cottage has enabled the buildings to be insulated to a higher specification than the current building regulations to retain the low carbon credentials of the dwelling which is in line with the ambitions of the NPPF, policy ENV13 of the Local Plan and policies D9, CC1 and CC2 of the Neighbourhood Plan.

#### **17.44 Other matters**

##### **Hours of construction**

As regards construction activity the previously approved scheme conditioned details of parking for site operatives and hours of construction. The approved hours were:

- 8am - 5pm Mon – Fri
- 8am - 1pm – Sat
- No Sunday working

17.45 However the Council has now had a formal request as part of the current application from the applicants' agent seeking to alter the approved hours of construction given current Government guidance as regards COVID19. That advice via this link explains what is involved:

<https://www.gov.uk/guidance/coronavirus-covid-19-construction-update-qa>

17.46 The advice states:

*On 13 May 2020, the government published a written ministerial statement on planning and construction working hours. This statement expects local planning authorities to approve requests to extend construction working hours temporarily to ensure safe working in line with social distancing guidelines until 9pm, Monday to Saturday, unless there are very compelling reasons against this.*

*Developers should expect their local planning authority to grant temporary changes to construction working hours until 9pm or later, 6 days a week, wherever possible and where construction working hours are controlled by planning condition. This flexibility is in relation to control imposed by the planning system only.*

*Where there are modest or short-term changes to construction working hours, this may be agreed informally with the local planning authority, and they should use their discretion to not enforce against a breach of working hours.*

*Where long or more significant changes to working hours are required, a formal application may be requested by the local planning authority. In doing so, it will be important for applicants to consider potential impacts and, where necessary, to put forward plans to manage concerns, drawing on existing good practice.*

*We expect local planning authorities to be supportive of reasonable requests. Local authorities should accept proposals for extended working hours unless there are very strong reasons against this. They should ensure that decisions are issued within 10 days where possible. We expect this to be a soft and user-friendly process and for guidance to be available on the local authority website.*

*In making their decision local planning authorities may consider where there are unreasonable impacts but they will be able to reject proposals only where there are very compelling reasons. These reasons could include the significant impact on neighbouring businesses or uses, such as care homes, which are particularly sensitive to noise, dust or vibration, which cannot be overcome through other mitigation, or where impacts on densely populated areas would be unreasonable.*

*The aim is to allow construction work until 9pm, Monday to Saturday. Longer hours may be justified, especially if there are no residential dwellings nearby. However, local planning authorities will maintain local discretion, and where there are unreasonable impacts, they will be able to reject proposals to extend construction hours into the late night or on a Sunday. In all cases, sympathetic site management should be demonstrated.*

17.47 On the one hand extending construction hours until the requested 9pm - 6 days a week - may result in the development being built and completed quicker which would be advantageous to neighbouring occupiers as the resulting impact in terms of construction activity on their day to day amenity which would be less than would otherwise be the case.

17.48 On the other hand the site is located in the heart of the village and surrounded on all sides mainly by residential buildings. In that regard it is considered that the already approved hours of construction should only be extended from 5pm to 6pm to allow additional construction work but that this be permitted for weekdays only with any Saturday working being maintained from 8am to 1pm. This is not a town or City centre site which could more readily absorb such extended hours of construction without detriment to neighbouring occupiers.

17.49 As regards these revised hours of construction this can be dealt with by a planning condition with site operatives parking to be provided as per the approved details on the previous application.

#### 17.50 Re-positioning of Duck Street entrance

The slight re-positioning of the Duck Street entrance means that the existing utilities do not have to be disrupted. The change does not materially affect the approved design. Therefore, it would not be detrimental to the character of the Conservation Area and would still provide a safe access, in accordance with policies COM7 of the Local Plan and AM2 of the Neighbourhood Plan. There are no highway objections to the proposals, subject to a condition that prior to occupation the turning and parking be provided and retained as such thereafter.

#### 17.51 Alterations to landscaping to include Pond

The pond is designed to enhance the ecology of the site. It is fed by rainwater and on reaching capacity any excess water will drain into the adjacent bog area, which will drain away at greenfield rates. It therefore would not increase the risk of flooding. From this perspective it will be compliant with policy ENV5 of the Local Plan and D9 of the Neighbourhood Plan. The pond will contribute significantly to the biodiversity of the site by encouraging insects, reptiles and amphibians, birds and bats, as well as flora. Therefore, the scheme will also accord with policy ENV2 of the Local Plan and policies D1, L2 and L5 of the Neighbourhood Plan.

#### 17.52 Impact of Chicken Coop

The chicken coop will be an attractive traditional feature. It reflects the heritage of the site as a former farmstead. Its small scale means that it will not be noticeable other than from inside the garden. Overall it will have no impact on the Conservation Area

### **18 CONCLUSION/SUMMARY:**

18.1 The changes to the dwelling are in keeping with the original design concept. They also allow the dwelling to maintain its low carbon credentials. The changes have no adverse impact on the street scene and have no adverse impact on the character and appearance of the Conservation Area, or the wider AONB given the fall-back position of the approved scheme.

18.2 The changes do not impact adversely on neighbours' amenity. Alterations to the landscaping benefit biodiversity and provide a sustainable solution to run off. The alterations to the access do not interfere with highway safety or impact any more on the Conservation Area than the approved development. There is therefore no conflict with the

adopted Local Plan or Neighbourhood Plan and its policies sufficient to warrant a refusal of planning permission.

**19 RECOMMENDATION:** Grant subject to the following conditions (those that were approved originally have been amended accordingly for this current proposal but as the development has already commenced a new commencement condition is not required):

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

Location Plan - Drawing Number L301 received on 27/12/2019

(As built) Lower Ground Floor Plan & Ground Floor Plan - Drawing Number L401 received on 27/12/2019

(As built) First Floor Plan & Roof Plan - Drawing Number L402 received on 27/12/2019

(As built) Elevation 1 of 3 - Drawing Number L601 received on 27/12/2019

(As built) Elevation 2 of 3 - Drawing Number L602 received on 27/12/2019

(As built) Elevation 3 of 3 - Drawing Number L603 received on 27/12/2019

Barbeque Shelter Area - Drawing Number L501 received on 27/12/2019

Open Compost Bins & Wood Shed - Drawing Number L505 received on 27/12/2019

Chicken Coop - Drawing Number L507 received on 27/12/2019

Tool & Lawnmower Shed - Drawing Number L503 received on 27/12/2019

Open Wood Shed & Trailer Store - Drawing Number L504 received on 27/12/2019

Landscaping Plan - Drawing Number 801 LANDP001 REV 009 received on 27/12/2019

Landscaping Plan - Drawing Number L007 Rev B received on 13/07/2020

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

2 The development shall be carried out in accordance with details and samples of all facing and roofing materials including the glazing installed in the rear lower extensions hereby approved as per the details approved under compliance with condition applications WD/D/18/002892; WD/D/19/00782; WD/D/19/001329; WD/D/19/002463 which sets out the following:

- Natural Finish Larch Cladding T&G
- Purbeck Stone
- Re-Used Dry Stone Wall
- Lime Render 1:3 NHL mix with washed sand
- Slate Tile - Del Carmen Ultra Spanish slates 500x250mm by SSL
- Standing Seam Zinc - ZM Silesia (Pre-Aged Grey)
- Clay Tile - Phalempin Single Camber Clay Plain Roof Tile
- Sinusoidal Corten Steel Roof
- Sedum Roof - Bauder Sedum on Green Felt
- Doors and Windows - Painted timber (RAL 7016)
- Lead
- Black Metal Gutters and RWP's

Glass:

- Low reflectance glass to southern elevations
- Balcony glass - Guardian Glass with 1 coat of Clarity Low reflectance coating to the outside. Light reflectance of 4%-approved by LPA
- Glass to windows and doors SSG Climate Plus 6. Light Reflectance 12% - approved by LPA

Reason: To ensure that the external appearance of the completed development is sympathetic to its locality and to prevent undue glare.

3 The development shall be carried out in accordance with the details hereby approved of the heritage greenhouse; compost bins; trailer store; barbeque shelter area; wood store; chicken coop; outdoor field shelter; and tool/lawnmower shed all as shown on drawing number 801 LANDP001 Rev 009 received on 27/12/2019

Reason: To ensure that the external appearance of the completed development is sympathetic to its locality.

4 Before the dwelling hereby approved is occupied the turning and parking shown on Drawing Number 1702 L 001 Rev B must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon

5 The development hereby approved shall be carried out in accordance with the proposed drainage works (foul and surface water) submitted to and approved by the Local Planning Authority under ref WD/D/18/002892/CWC. That approved drainage scheme shall be completed before occupation of the development.

Reason: To avoid drainage problems as a result of the development with consequent pollution or flood risk.

6 The development hereby approved shall be carried out in accordance with the landscaping details as shown on drawing number Landscape Plan - Drawing Number 1702 L007 Rev B. The scheme shall be carried out in the first available planting season or prior to the occupation of any part of the development. If within a period of 5 years from the date of the planting of any tree/plant, that tree/plant or any tree/plant planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) another tree/plant of the same species and size as that originally planted shall be replanted in the first available planting season unless the Local Planning Authority agrees in writing to any variation.

Reason: To ensure that the external appearance of the completed development is sympathetic to its locality

7 The development hereby approved shall be carried out in accordance with the submitted biodiversity mitigation report of William Davis, Lindsay Carrington Ecological Consultancy Ltd dated 3rd January 2018 unless otherwise agreed in writing with the Local Planning Authority

Reason: In the interests of nature conservation interests

8 The development hereby approved shall be carried out in accordance with the Duck Street access proposals (drawing number L 016 REV H) which shall be completed prior to occupation of the dwelling and retained as such

Reason: To ensure that the external appearance of the completed development is sympathetic to its locality and to ensure satisfactory drainage is provided to prevent problems in Duck Street.

9. Hours of construction associated with the development hereby permitted shall not take place outside the hours of 8am to 6pm on weekdays; 8am to 1pm on Saturdays; with no work on Sundays and Bank Holidays. Parking for site operatives shall be in accordance with the approved details as per application ref WD/D/18/001167/CWC.

REASON: In the interests of residential amenity and highway safety.