

1.0 Application Number: 6/2019/0126

Webpage: <https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2019/0126>

Site address: Erect 2 new dwellings & associated infrastructure. Modify existing access.

Proposal: The Paddock, Barrow Hill, Bere Regis

Applicant name: Mrs Diana Rosemary Smith

Case Officer: Andrew Collins

Ward Member(s): Councillor Laura Miller & Councillor Peter Wharf

This application is being considered at the Area East Planning Committee as there is a conflict between the adopted Bere Regis Neighbourhood Plan and the proposals and officers are recommending approval of the scheme.

2.0 Summary of recommendation:

GRANT subject to conditions.

3.0 Reason for the recommendation: as set out in paras 16.0 at end

- Retain 5 year land supply
- S38(6) of the Planning and Compulsory Purchase Act 2004 Act provides that where regard is to be had to the development plan in the determination of the application, “the determination must be made in accordance with the plan unless material considerations indicate otherwise.” In this case there is a conflict with the statement in the Neighbourhood Plan that access should be provided via Tower Hill. However, officers consider that the proposal is in accordance with the development plan as a whole as the proposal meets the overall aims of the Bere Regis Neighbourhood Plan.
- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The proposal for the dwellings in this location and with access from Barrow Hill would preserve the character and appearance of the Conservation Area.
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

Key planning issues

Issue	Conclusion
Principle of development	Acceptable. Site is allocated in the Bere Regis Neighbourhood Plan.
Scale, design, impact on character and appearance of the area and the Bere Regis Conservation Area	Acceptable. The proposed development would preserve the character of the 'back lanes'. Access to the development from Tower Hill would have an unacceptable impact upon the Conservation Area.
Impact upon the adopted Neighbourhood Plan and proposed Local Green Space Policies BR1: Settlement Boundaries, BR7: Residential Development, BR10: Local Green Space	Acceptable. The aims of the Neighbourhood Plan have been fully assessed. The proposal would not cause any adverse impact upon the proposed Local Green Space or the overall aims of developing this site when the Development Plan is read as a whole.
Impact on the living conditions of the occupants of neighbouring properties	Acceptable. No harmful impact.
The impact of the proposals on the significance of the heritage asset, its features of special architectural or historical interest, and its preservation	Acceptable. The reduction from 3 dwellings to 2 dwellings removes the archaeologist's objection subject to a monitoring condition.
Flooding and Drainage	Acceptable - subject to conditions.
Biodiversity	Acceptable - subject to a condition.
Highway safety and access	Acceptable - subject to conditions.

5.0

Description of Site

The proposed site occupies the southern part of an open paddock immediately north of Tower Hill in Bere Regis. The paddock is open in character but adjoined by existing residential development to the west, east and south. To the north, the paddock is contiguous with a larger parcel of land linking through to open countryside.

Tower Hill is a 'back lane', elevated above the main street and cut into the scarp slope presenting a character of a single sided lane formed by a denser pattern of development on its south side and a looser pattern of detached properties to the

north. The site itself is elevated above Tower Hill (by as much as 4m in the extreme) and therefore presents a planted bank to the street.

The site generally slopes from the north to the south and has been historically used by pasture/grazing. Historic (non-designated) earthworks have been identified on the northern and western parts of the site. There are no trees within the site but it is wrapped by hedgerows on three sides (east, west and south).

The site is within the Bere Regis Conservation Area but outside the defined settlement boundary in the Purbeck Local Plan Part 1. However, the southern part (and majority) of the site is defined in the adopted Bere Regis Neighbourhood Plan as being within the settlement boundary.

6.0 Description of Development

Full planning permission is sought to erect 2 detached dwellings. It was initially proposed to erect 3 dwellings, but 1 was omitted due to an objection from the Council's Archaeologist on the potential impacts upon non designated historic assets.

Access to the site would be from Barrow Hill across to the west to the site of the houses. There is an existing field gate to the site accessed from Barrow Hill. This is proposed to be blocked up and a new hedge planted. A new access is to be formed 4m to the south of the existing access. The existing hedge to the south of the new access is to be removed and a new hedge set back 3m would be planted. This new access would allow for greater visibility splays to the north in Barrow Hill and the junction at Tower Hill.

The dwellings would be located in linear form fronting Tower Hill but with their principle elevation facing towards the north. They have been designed as a chalet bungalow form of development akin to agricultural buildings in the vicinity. Save for rooflights serving stairwells, all first floor windows will be dormer windows facing the north.

The application is accompanied with an ecological assessment, an archaeological assessment, design and access statement and planning statement.

7.0 Relevant Planning History

Under application 6/1986/0084 outline permission was granted for a bungalow with a garage below on land to the north of Tower Hill. A full application for a dwelling was withdrawn under application 6/1995/0393. An outline application (6/1992/0393) was refused for land north of Tower Hill due to landscape impact, suburban design and archaeology. This application was dismissed at appeal due to impact upon the conservation area and no investigation on archaeology. Under application 6/1995/0394 a full planning permission was sought to erect a detached 2 storey house on the land adjacent Tower Hill. This application was refused due to the adverse effect the house would have upon the conservation

area and the rural character of the area. In addition the proposal would have an adverse impact upon archaeology. An appeal against refusal was dismissed at appeal.

There is also planning history on the field the access would cross. A planning application (6/2018/0217) was submitted for the erection of 2 dwellings to the east of Butt Lane. The proposed access to the site was via Barrow Hill in the same arrangement as is now proposed under this application. This application was considered by the then, Purbeck District Council Planning Committee and Members resolved to refuse the application contrary to officer recommendation. The reason for refusal was;

“The proposed access track fails to maintain the character and appearance of the Conservation Area, contrary to National Planning Policy Framework (July 2018) paragraph 196, as whilst less than substantial harm is caused by the proposed track, there are no public benefits arising from the proposals that would outweigh this harm. The proposals are also contrary to Policy D: (Design) bullet point one, in that they do not positively integrate with their surroundings, and contrary to Policy LHH: Landscape Historic Environment and Heritage of the Purbeck Local Plan Part 1 as the proposals do not conserve the appearance, setting or character of the Conservation Area. The proposals are not in accord with the emerging Bere Regis Neighbourhood Plan Policy BR10 (Local Green Spaces) in that they could prevent the full use of the land as a Local Green Space.”

8.0 List of Constraints

- Within settlement boundary as allocated in the Neighbourhood Plan
- Within the Bere Regis Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- Within 5km of a SSSI heathland
- Within 2km of a SAC
- Within the Nitrate SPD Catchment Area
- Within a water source protection area
- In a River Catchment – Bere

9.0 Consultations

All consultee responses can be viewed in full on the website.

Consultees

Wessex Water

No objection. The proposal is located in an area prone to sewer flooding caused by high levels of groundwater during prolonged periods of wet weather. Conditions are recommended in this respect.

Natural England

No objection subject to the Biodiversity Mitigation Plan being agreed with the Natural Environment Team. (This has now been agreed and a certificate issued).

Drainage Engineer

No objection subject to conditions regarding surface water drainage, in the forms of SuDs and a condition in relation to foul water drainage.

Design and Conservation Officer

The submission is in line with a pre-submission from last year which was generally supported. There is no reason to change this opinion.

Archaeologist

The Council's archaeologist has no objection to the proposals on the historic features on the site.

Highways

No objection subject to the imposition of conditions relating to parking and turning, visibility splays and surface water drainage.

Bere Regis Parish Council

Strongly oppose as the proposal is contrary to the Bere Regis Neighbourhood Plan. Development of the site should be kept lower than the historic features on the wider site to maintain the setting of the historic features. It is important to maintain a physical barrier between new development and the remainder of the field. Any development of the site should be kept at low level to avoid views from Woodbury Hill and Black Hill. Do not consider that the perching of the development at the top of the earth bank would be appropriate and replicates poorer quality development in the 1970's.

Representations received

The Council received 12 comments from neighbours and residents about this planning application. All are objections.

- Extra traffic on narrow rural lanes
- Could allow future development in the future
- Overlooking of neighbouring property at 1 Tower Hill and Tower House
- Impact upon boundary hedge along western boundary
- Concerns over surface and foul water

- Increase in traffic in Barrow Hill would cause a hazard
- The site is larger and the opposite way round from those envisaged in the neighbourhood plan.
- The development will be prominent from the North.
- Concerns over design of dwellings within the Conservation Area.

10.0 **Relevant Policies**

Purbeck Local Plan Part 1:

Policy LD: General Location of Development

Policy NW: North West Purbeck

Policy SD: Presumption in Favour of Sustainable Development

Policy HS: Housing Supply

Policy CO: Countryside

Policy LHH: Landscape, Historic Environment and Heritage

Policy D: Design

Policy IAT: Improving Infrastructure and Transport

Policy BIO: Biodiversity and Geodiversity

Policy FR: Flood Risk

Emerging Purbeck Local Plan

Regard has been had to the policies of the emerging Local Plan but none are considered to be material to the determination of this application.

Bere Regis Neighbourhood Plan

Policy BR1: Settlement Boundaries

Policy BR4: Bere Regis Groundwater

Policy BR7: Residential Development

Policy BR10: Local Green Space

NPPE

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

- Paragraphs 47 & 48 – Determining applications
- Paragraphs 54 & 55 – Planning conditions and obligations

Chapter 9: Promoting sustainable transport

- Paragraphs 108, 109 & 110 – Considering development proposals

Chapter 12: Achieving well-designed places

- Paragraphs 124, 127 & 130 - Achieving well-designed places

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

- Paragraphs 155 & 163 – Planning and Flood Risk

Chapter 15: Conserving and enhancing the natural environment

- Paragraphs 170, 172 & 173 - Conserving and enhancing the natural environment

Paragraph 175 – Habitats and biodiversity

Other material considerations

Purbeck District design guide supplementary planning document adopted January 2014.

Bere Regis Conservation area appraisal adopted July 2002.

Purbeck townscape character appraisal supplementary planning document adopted September 2012.

Landscape Character Assessment (Non AONB).

Bournemouth, Poole and Dorset residential car parking study May 2011.

Dorset biodiversity appraisal and mitigation plan.

Strategic Flood Risk Assessment 2018.

British Standard 5837:2012 Trees in relation to design, demolition and construction – recommendations.

11.0 Human rights

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.

12.0 Public Sector Equalities Duty

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 Public Sector Equalities Duty.

- Access; arrangements made to ensure people with disabilities or mobility impairments or pushing buggies have been accommodated with the off road footpath links and widening of road junction at junction of Tower Hill with Barrow Hill.

13.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
CIL Contributions	£8,838.85
Extra Council Tax (Band D)	£4048.68
New Homes Bonus	£3340

14.0 Climate Implications

The site is located within the settlement boundary as defined by the Bere Regis Neighbourhood Plan. As such this is a sustainable location with easy access to facilities and services including primary school, church, dentist, doctors, shops and pubs resulting in less need to travel. The new dwellings will be built in accordance with the relevant Building Regulations. For these reasons the proposal is not considered to have a significant impact on climate change.

15.0 Planning Assessment

Principle of development

In the opinion of the Council the former Purbeck area of Dorset Council has an in excess of a 5 year supply of housing land. The principle in developing this site for housing is established through the recently adopted Bere Regis Neighbourhood Plan.

The site is allocated in the Bere Regis Neighbourhood Plan as shown on Map 3 and is detailed in the text to Policy BR7 Residential Development as “New residential development will be allowed on the five allocated sites shown on Map 3, comprising: Tower Hill – Land extending to about 0.1 Ha (0.25 acres) to deliver 3 homes”. The accompanying text in the policy makes clear that “Development on these sites must be in accordance with the relevant adopted district plan policies” as well as various identified policies of the Neighbourhood Plan itself. Consideration of relevant policies of the development plan and their implications on this policy are considered further below.

“The Tower Hill site is sensitive both due to the close proximity of residential properties and the ecological/historical significance of land to the north of the area designated for development. Any planning application for this site must include proposals for the provision of appropriate protection for the undeveloped area. The land to the north of the development area will be designated as Local Green Space or used for the Common Land swap (see further detail in the section on the Community Hall).”

Under the Community Hall section of the Neighbourhood Plan. It is stated that; “Use of this site will require de-registration of part of Souls Moor as common land by way of a land swap. The referred area for such a land swap lies to the north of the Tower Hill development site.”

Map 5 of the neighbourhood plan does not show this area as local green space but the land to the north of the application site could be utilised to access the proposed SANG to the north or common land as detailed in the Neighbourhood Plan.

The allocation in the neighbourhood plan identifies the site being suitable for 3 dwellings. However as quoted above the neighbourhood plan is aware of constraints on the site and this is based on developing at 30 dwellings per hectare. The constraints involving the non-designated heritage assets has resulted in the removal of a single dwelling. Therefore only 2 dwellings are now proposed on the site. Also in order to meet highway requirements for adequate turning on the site, the proposed site extends further to the north to allow for the turning area. Whilst this area is located outside of the settlement boundary, as defined in the neighbourhood plan this is necessary to provide the safe access and egress into the site.

Under the general information under ‘Housing’ in the Bere Regis Neighbourhood Plan it states that; “The Parish Council expects: Access to the Tower Hill site for

construction and future parking will be from Tower Hill with no traffic access from Barrow Hill.” These comments and explanations as to why this is not appropriate are detailed below under ‘scale and impact upon the character and appearance of the Conservation Area’ and ‘highway safety and access’.

Officers consider that there is no fundamental conflict with the overall aims of the plan and site constraints have limited the proposed number of dwellings to 2. Land to the north of the application site would be left predominately open and be a green space. Access through to the proposed SANG (Suitable Alternative Natural Greenspace) is provided by a footpath.

Scale, design and impact on the character and appearance of designated and non designated heritage assets

The Council has a statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when considering applications. Policy LHH within the Purbeck Local Plan is relevant to this. The Bere Regis Conservation Area Appraisal forms a key point of reference.

The Council has also a statutory duty under section 66 (1) (when considering whether or not to grant planning permission) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) to have special regard to the desirability of preserving the listed building or its setting and any features of special architectural or historic interest it possesses.

Section 16 of the National Planning Policy Framework (NPPF) contains various advice relating to conserving and enhancing the historic environment. The Conservation Area is a designated Heritage Asset. To the north of the application site are lynchets which are non designated heritage assets. The Old School House, the property to the east of the access is Grade II listed and other buildings within Barrow Hill are identified in the Conservation Area Appraisal as being key unlisted buildings (non designated heritage assets).

As previously identified, as a result of concerns raised by the Council’s Archaeologist regarding the impact of three dwellings on the non designated heritage asset to the north, the current proposal only provides for 2 dwellings. The additional dwelling would have had an effect upon the reading and nature of the historic features. This third dwelling has now been omitted and the amended plans show that the lynchets would not be affected by the new dwellings or infrastructure. As such the Council’s archaeologist is now satisfied that this concern has now been addressed. A condition is imposed following his recommendation.

In design terms, it is considered that this amendment overcomes any harm to the Conservation Area and other heritage considerations. The archaeologist does not consider that there needs to be a physical barrier between the proposal and the remainder of the field.

This proposal involves relocating the access into the field to the south, with increased planting along Barrow Hill. Due to this, and the low key nature of the access proposed, officers consider that the proposal will adversely affect the setting of the Grade II listed The Old School House or the other buildings in the vicinity identified as non designated heritage assets in the Conservation Area.

Neither Policy BR7 nor its supporting text make any express reference to the importance of protecting the hedgerows relating to this site. The preamble to the Housing section of the Neighbourhood Plan states that; “access to the Tower Hill site for construction and future parking will be from Tower Hill with no traffic access from Barrow Hill.”

In the Bere Regis Conservation Area Appraisal, the site is located within the character area defined as ‘Back Lanes’. These are medieval in origin. The appraisal details that this area retains a rural character derived mainly from banks, hedges and soft landscaping. Their relationship to open countryside and the sense of the village edge merging into the rural edge is marked. It further states that, “taking into account their considerable historical significance, they are a major contributor to the character and legibility of the settlement.”

The Townscape Appraisal describes the built form within the settlement. The area is defined as being within Barrow Hill which follows an irregular pattern in terms of layout and built form. The steep topography influences the area with development arranged along various lane that cross the slopes and run up the hillside. It goes on to say that the majority of the development around the upper slopes comprise scattered individual buildings loosely arranged around the lanes or set back in modest sized plots.

In terms of visual impact, the Townscape Appraisal details that due to the height and scale of buildings in this area, the buildings in this area have an exaggerated prominence in the views up the hill. However this is not seen as a criticism as it states that the buildings appear to tumble down the hillside in a pleasing assortment of roof forms, chimneys and materials. In addition it considers that hedges are an important aspect of the character of the lanes on Barrow Hill.

The Townscape Appraisal identifies the area of the proposed dwellings as being a critical townscape. This is defined as elements of the urban environment which are irreplaceable but vulnerable to damage or loss. They should remain unchanged or virtually unchanged. The appraisal further details that the steep and narrow lanes of Barrow Hill have a less urban character but are equally important in terms of their contribution to the quality of the village townscape. The

key features of the area is the presence of dominant vegetation and steep embankments. Some of the strengths of the area include a distinctively enclosed rural lane character and streetscenes are dominated by trees and landscaping.

In order to create an access onto Tower Hill there would need to be extensive site levelling and engineering works with the loss of significant existing hedge banks. There is already an existing field access into this site in Barrow Hill. This proposal will result in the closure of the existing access, the creation of a new access and the planting of new hedge bank where the existing access is sited. The Design and Conservation Officer has clarified that in his opinion this arrangement would conserve the Conservation Area. This opinion is accepted by officers and on this basis officers consider that the proposal would comply with Policy LHH of the Purbeck Local Plan Part 1.

The Parish Council have raised concerns over the siting of the dwellings at the top of the bank. The dwellings are located at a flatter piece of land at between 58.5 and 59.5 AOD. The road level, for reference, in Tower Hill is located between 55 and 56.5 AOD. The dwellings have been designed in a linear form parallel to the road. This layout respects and accords with the urban grain which comprises the historic street pattern within the back lanes part of the Conservation Area. The dwellings are 1.5 storey in height with a maximum height of approximately 7m in height. But this varies across the plots with the levels on the site. Materials are proposed to be brick and slate and these are appropriate materials in this context. The Design and Conservation Officer has assessed the proposals and has no objections to the amended plans. On this basis the proposals are considered to preserve the character and appearance of the area and the Conservation Area and comply with Policy LHH of the Purbeck Local Plan Part 1.

Conclusion on Impact upon Heritage Assets

The application has been reduced from 3 dwellings to 2 due to an objection from the Council's archaeologist due to the impact upon non designated heritage assets. There is no conflict with these now.

Due to the location, design and form of the dwellings, and the low key nature of the access proposed, officers consider that the proposal will not adversely affect the setting of the Grade II listed The Old School House or the other buildings in the vicinity identified as non designated heritage assets in the Conservation Area.

In assessing the characteristics of the Conservation Area, the submitted proposal preserves this character. The vegetated roadside bank would be retained and the proposals would provide low scale detached dwellings that would reflect this area. Whereas the actual allocation within the Neighbourhood Plan with the access from Tower Hill would, if reflected in full in an application, result in harm

to the Conservation Area. Public benefits would still result within increased public access, via a footpath to the proposed SANG to the north of the application site.

In considering all heritage assets, the proposal conserves them all as required by Paragraph 193 of the NPPF and Policy LHH of the Purbeck Local Plan Part 1.

Landscape Impact

The siting and form of the dwellings allows a visual connection to be made from the north, across the village to the church and wider landscape beyond. Any potential views from Woodbury Hill and Black Hill would be seen against existing built form in Barrow Hill and development tumbling down the hill to the north of the village. Therefore the development would not be seen as having an adverse visual effect upon the surrounding landscape.

As such officers consider that the proposal would comply with Policy LHH of the Purbeck Local Plan Part 1.

Highways Issues including Access

As part of the proposals, a new access to the south of the existing field gate is proposed. Currently on site the field is accessed via a 5 bar field gate located approximately 23m north of the junction of Barrow Hill with Tower Hill. A new vehicular access will be located a minimum of 10m from the junction of Tower Hill. This new access would be 3m wide. Up to 9m from the carriageway edge the access would be finished in resin bound rolled gravel. New visibility splays of 23m to the north and 16m to the south would be provided. In order to provide this new access, the existing hedge is proposed to be removed and a new hedge set back outside of the visibility splay on both sides of the access. The existing field gate access would be blocked up and included within the planting area.

As previously identified, the housing preamble of the Neighbourhood Plan contains information relating to parking and access. It comments that “it is important that new residential developments do not increase the parking load on the existing narrow streets. Consequently, this plan requires that each unit of housing in all development areas be provided with adequate off-road parking spaces.” It is in this context that it then identifies that access from the site should be from Tower Hill.

Policy IAT of the Purbeck Local Plan Part 1 requires that development should provide safe access to the highway, and/or should provide towards new/improved access to the highway and improvement of the local highway.

On the site of the proposed houses will be 6 car parking spaces. These result in 2 each for the dwellings and 2 further visitor / unallocated spaces. The 2 spaces for plot 1 would be in tandem located between the two dwellings. The spaces for plot 2 would be located 7m to the north of the dwelling. A turning area is

proposed to the north of the site to allow vehicles to enter and exit the site in forward gear.

The Highways Officer advised the applicant at pre-app stage that an access from Barrow Hill with greater visibility splays, would be preferable and be an enhancement to road users. In addition the then Highways Authority identified in the consultation to the Neighbourhood Plan, that the original advice given to the Neighbourhood Plan group that access should be from Tower Hill was an error and in highway terms access should be from Barrow Hill.

The Highways Officer has carefully considered the proposal in relation to access to the site along the narrow back lanes of Tower Hill, Barrow Hill, Butt Lane, Snow Hill and Snow Hill Lane. It is acknowledged by the Council's Highways Officer that these lanes are somewhat constrained. However, this provides a natural form of speed control. Despite the number of houses already served by these roads, no injury or accidents for certainly the last 5 years have been recorded. Barrow Hill itself currently manages to serve four existing dwellings despite it being very narrow at the top end. The lower end flares out, providing inter-visibility for road users and reasonable passing space for cars. It is recognised that the field already has an access but the Highways Officer requested that it be moved further south away from the boundary of Mount Pleasant, so that an improved visibility splay could be provided at a point where the road was wider. Also, the hedge line to the south is proposed to be set back providing an area of inter-visibility between users of Tower Hill to the south, and people exiting the relocated access (also residents further up Barrow Hill). Whilst the alterations to the highway access are necessary for this scheme the Highways Officer notes that this should also provide significant benefit over the existing junction arrangement. This would be of benefit to existing residents and users of Barrow Hill. The road geometry however remains unchanged to keep vehicle speeds low.

In assessing all the highway issues, the Highways Officer considers that the proposed access is acceptable, and that roads leading to the site are narrow and constrained but this in itself reduces traffic speeds and accidents. As detailed in the NPPF, the proposed access and any increased use of the back lanes is not considered to cause an unacceptable impact upon highway safety or the road network. The proposed new access would also allow for greater visibility of existing users of Barrow Hill whilst still retaining its character. The proposal provides sufficient parking to meet the needs of the development. In the opinion of officers therefore the proposal accords with Policy IAT of the Purbeck Local Plan Part 1 and the requirements of the housing preamble of housing section of the neighbourhood plan in relation to parking. Whilst the proposal does not accord with the Neighbourhood Plan statement that access should be provided

from Tower Hill, this is not considered to be sufficient reason to refuse the application.

Conditions are imposed to ensure parking and turning, the new access, surface water drainage and a Construction Method Statement are submitted and agreed, and the existing access closed off.

In order to provide sufficient visibility splays and a safe access, it is necessary to reposition the field gate in a different location and therefore a different route across the field is necessary.

In the Bere Regis Neighbourhood Plan (Policy BR10), land to the north of Bere Regis is proposed to be allocated as a SANG. Access to this area is proposed through the field. The submitted plans have included a new footpath to the north to facilitate access to the SANG.

Impact on the adopted Bere Regis Neighbourhood Plan – Bunds / Local Green Space

The Bere Regis Neighbourhood Plan has gone through a consultation exercise, referendum and has been formally adopted (made).

Policy BR7 of the Neighbourhood Plan allocates residential development in Tower Hill for 3 homes. Map 3 shows the site allocated on a plan.

Upon meeting with the committee clerk and a representative of the neighbourhood plan group, their proposals were that sites located within the hillside should be dug out to road level and any spoil used to create an acoustic bund around the north of the village. There is no reference to digging out this site within the adopted Neighbourhood Plan and the only reference to a bund is within supporting text to policy BR5 which is concerned with a different site.

There is no evidence to suggest that this site would give rise to amenity issues necessitating the need for an acoustic bund. Further, as identified above, the Archaeologist has confirmed that reducing this proposal from 3 to 2 dwellings will address harm to the undeveloped area to the rear, whilst retaining access via Barrow Hill will prevent harm to the Conservation Area that would be caused by excavating this site. For all these reasons, it is not considered that requiring a provision of a bund in relation to this development can be justified.

The supporting text continues by stating; “The land to the north of the development area will be designated as Local Green Space or used for the Common Land swap (see further detail in the section on the Community Hall).” Under the Community Hall section there is no specific policy and the text states “The preferred area for such a land swap lies to the north of the Tower Hill development site.” Therefore this indicates that nothing has been agreed and is only an option. Map 5 of the Neighbourhood Plan identifies Local Green Spaces

(new and proposed) with footpaths and SANG and is supported by Policy BR10: Local Green Space. However the application site is not identified in the Policy or on the map. A detailed Biodiversity Mitigation Plan has been submitted and this has been agreed with the Council's Natural Environment Team with a certificate provided. The application as amended, does not compromise the ability for an area to the north of the application site to be used in a land swap.

Case law indicates that a proposal does not have to accord with each and every policy in the development plan, but the Local Planning Authority should regard the development plan as a whole. The Local Planning Authority has to make a judgment bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach. Paragraph 2 of the NPPF confirms that Neighbourhood Plan are part of the Development Plan. When read as a whole, officers consider that the areas of conflict with the Neighbourhood Plan are not significant to justify refusing the application.

Impact on the living conditions of the occupants of neighbouring properties

The dwellings are located at the flatter piece of land facing onto Tower Hill. Therefore the nearest neighbours to the dwellings are 1 – 3 Tower Hill. Plot 1 would be located towards to east of the site and opposite Numbers 1 and 2 Tower Hill. These properties are 2 storey semi-detached properties with windows facing north towards the application site. The distance between plot 1 and these existing dwellings is a minimum of 14m. However the dwellings have been design with dormer windows facing the north. A single rooflight for each dwelling is proposed facing the south. These rooflights are to be positioned over the stairwell of the dwellings. Due to the angle of the pitch of the roof and the change in levels, as shown in cross section drawing 18108.21A there would no overlooking of neighbouring properties.

Comments raised over the proposed access from Barrow Hill are detailed above under highway safety and access.

Flooding and Drainage

Flooding and Surface Water Drainage

The flood risk map identifies the site as being within Flood Risk Zone 1. However, the Council's Drainage Engineer notes that surface water mapping identifies flooding problems in extreme events further down the catchment. The development offers the chance to reduce associated surface water drainage issues in the catchment. The Engineer is therefore suggesting a condition to require a sustainable drainage scheme to be provided.

Foul Drainage

Due to a high water table, there are sewage problems in this location. It is therefore proposed that foul drainage would be dealt with by a sewage treatment plant on site. The Council's Engineer considers that the use of a sewage treatment plant is preferable to a septic tank and better for the environment. This is the subject of a planning condition.

Wessex Water have also commented on the proposal. They have confirmed that they have no objections to the proposal and give guidance for the applicant.

Biodiversity

The site is located outside the 400m but within 5km of SSSI heathland.

Mitigation of the impacts on internationally protected Dorset Heathlands will be dealt with through the Community Infrastructure Levy charging process.

The mitigation of the potential adverse effects of nutrient loading on the ecological integrity of the Poole Harbour internationally designated sites will also be dealt with through the Community Infrastructure Levy charging process.

An Appropriate Assessment has been undertaken in accordance with requirements of the Conservation of Habitats and Species Regulation 2017, Article 6 (3) of the Habitats Directive having due regard to Section 40(1) of the NERC Act 2006 and the NPPF , which shows that there is no unmitigated harm generated by the proposals to interests of nature importance.

On the corner of Tower Hill with Barrow Hill a small area of hedgerow would be removed to facilitate the new visibility splay, but new hedge planting is proposed either side of the new splay to compensate for this loss.

A Biodiversity Mitigation Plan has been prepared and this has been agreed and signed off by the Natural Environment Team (NET).

16.0

Conclusion

The site is in a location that is allocated in policy BR7 of the Neighbourhood Plan for development. Whilst the proposal is only for 2 houses, the reduction from 3 which is the number indicated in the policy is in order to meet a requirement of the Archaeologist and avoids creating harm that would conflict with Local Plan Policy LHH. The supporting text to the policy makes clear the need for policy BR7 to accord with relevant adopted district wide policies.

Although the access to the site remains from Barrow Hill, which is in conflict with the statement about access in the Neighbourhood Plan, officers do not consider that this would be sufficient reason for refusal. The proposal provides adequate parking on site. Furthermore, retaining access from Barrow Hill not only avoids engineering works on site that would potentially be significantly harmful to the

Conservation Area but also will provide visibility improvements of benefit in that location.

The design and location of the dwellings respects and accords with the urban grain which comprises the historic street pattern within the back lanes part of the Conservation Area. The dwellings have been designed with a courtyard approach that draws influence from agricultural forms to minimise the impression of urbanising the field.

There is no evidence to suggest that this site would give rise to amenity issues necessitating the need for an acoustic bund.

The proposal does not compromise the ability for an area to the north of the application site to be used in a land swap.

Public benefits would result within increased public access, via a footpath to the proposed SANG to the north of the application site.

Overall, notwithstanding the fact that the proposal does not deliver 3 houses or an access via Tower Hill, for the reasons identified above, taken as a whole it is considered that it is in accordance with the relevant policies of the Development Plan. The scheme will also deliver a number of public benefits to the locality. For these reasons and in the absence of any identified material considerations that would outweigh such matters the application should be approved.

17.0

Recommendation

Grant permission subject to the following conditions.

1. The development must start within three years of the date of this permission.
Reason: This is a mandatory condition imposed by Section 91 of the Town and Country Planning Act 1990 to encourage development to take place at an early stage.
2. The development permitted must be carried out in accordance with the following approved plans: 18108.12A, 18108.13, 18108.14B, 18108.15A, 18108.16, 18108.17A, 18108.18, 18108.21A, 18108.22B and 18108.23C
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The manufacturers name, product name and colour of all external facing and roofing materials must be submitted to and approved in writing by the Council before they are used on the proposal. The development must then be implemented using the approved materials.
Reason: To ensure satisfactory appearance of the development within the Conservation Area.

4. The development must be carried out and maintained in accordance with the approved biodiversity mitigation plan dated 11 September 2019 agreed by Dorset Council on 1 October 2019 unless subsequent variation is agreed in writing with the Council.
Reason: In the interests of biodiversity in accordance with Regulation 9(3) of The Conservation of Habitats & Species Regulations 2010.
5. No foul drainage works must start until a scheme of foul drainage, including maintenance is submitted to and approved by the Council. The development must then be implemented and maintained in accordance with the approved scheme.
Reason: To ensure that the development is adequately drained and does not increase the risk of flooding or pose a risk to public health or the environment.
6. A suitable method of dealing with surface water drainage from the development must be installed before the first occupation of the houses. Before any surface water drainage works start, the scheme must be submitted to and approved in writing by the planning department of the Council. This must include details of the on-going management and maintenance of the scheme. The appropriate design standard for the drainage system must be the 1 in 100 year event plus 40% allowance for the predicted increase in rainfall due to climate change. This requirement is above and completely separate to any building regulations standards. Prior to the submission of those details, an assessment must be carried out into the potential for disposing of surface water by means of a sustainable drainage system (SUDs). The results of the assessment must be provided to the Council. The approved drainage scheme must be implemented It must be maintained and managed in accordance with the agreed details.
Reason: These details are required to be agreed before surface water drainage works start in order to ensure that consideration is given to installing an appropriate drainage scheme to alleviate the possible risk of flooding to this site and adjoining catchment land.
7. Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted plans 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.
8. Before any other works are commenced the visibility splay areas as shown on Drawing Number 18108.14B must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent

carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

9. Before the development is occupied or utilised the first 5 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing – see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

10. Informative Note - Community Infrastructure Levy. This permission is subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice has been issued with this planning permission that requires a financial payment. Full details are explained in the notice.

11. Informative Note - The Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2014 apply to all sewage installations in England. The regulations apply to septic tanks and small sewage treatment plants. You are advised to consult the Environment Agency (Tel 03708 506506) to establish whether your proposed discharge will require a permit or will be exempt.

12. Informative Note - Building Regulation approval will be necessary for carrying out any drainage works and a separate application will be required for this.

13. Informative Note - The proposal is located in an area prone to sewer flooding caused by high levels of groundwater during prolonged periods of wet weather. Separate systems of drainage on site must be completely watertight and vent stacks rather than durgo valves must be used to prevent restricted toilet use during these prevailing conditions.

14. Informative Note - Dorset Council Highways.
The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at Dorset Direct (01305 221000), by email at dorsetdirect@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester,

DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

15. Statement of positive and proactive working: In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and creative approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

For this application: pre-application advice was provided; the applicant/agent was updated of any issues after the initial site visit; the opportunity to submit amendments to the scheme/address issues was given which were found to be acceptable; the application was approved without delay.