

## REPORT SUMMARY

<b>REFERENCE NO.</b>	3/19/1504/FUL
<b>APPLICATION PROPOSAL</b>	Erect a pair of 3 bedroom semi-detached two storey houses, with associated parking. Demolish existing garages. (Amended description).
<b>ADDRESS</b>	Garage Court at New Merrifield Colehill Wimborne BH21 7AL
<b>RECOMMENDATION</b>	GRANT subject to conditions (see Section 12 of the report for the full recommendation)
<b>REASON FOR REFERRAL TO COMMITTEE</b>	The Nominated Officer has referred this application to the Planning Committee, to allow consideration of the concerns raised by the Parish Council with regards to the loss of the garage forecourt.
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>	<ul style="list-style-type: none"><li>• The proposal comprises new residential development within the urban area which will contribute to housing provision.</li><li>• 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;</li><li>• The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.</li><li>• There is not considered to be any significant harm to neighbouring residential amenity.</li><li>• The number of residential units (2) and the mix of unit sizes (3 bedroom dwellings) are considered to be appropriate for this site.</li><li>• The traffic movements generated by the development can be accommodated without detriment to highway safety and adequate parking will be provided to serve the dwellings</li><li>• Adequate mitigation can be secured through planning conditions to offset any harm to the ecological and biodiversity value of the site.</li><li>• The development would not be significantly harmful to the residential amenities of nearby dwellings by reason of loss of privacy, overshadowing, dominance or noise; and an acceptable level of residential amenity is capable of being provided for occupiers of the proposed dwellings.</li><li>• Adequate parking provision will be provided to serve the proposed dwellings</li><li>• The scale, layout, design and landscaping of the development would respect the context of the site and preserve the visual amenities of the locality.</li><li>• Other environmental impacts have been assessed and there are not any which are potentially significant and which cannot be controlled by conditions.</li><li>• Other issues raised by consultees have been assessed and there are not any which would warrant refusal of the application.</li></ul>

**INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL**

The following are considered to be material to the application:

Contributions to be secured through Community Infrastructure Levy (CIL) payments:  
£23,300 (approx. 11649 x 2)

The following are not considered to be material to the application:

Estimated annual council tax benefit for Dorset Council: £3,200 (approx.)  
Estimated annual council tax benefit total: £4000 (approx.)

<b>APPLICANT</b>	Aster Group	<b>AGENT</b>	Mr Samuel Croft
<b>WARD</b>	Colehill & Wimborne Minster East	<b>PARISH/ TOWN COUNCIL</b>	Colehill Parish Council
<b>PUBLICITY EXPIRY DATE</b>	30 September 2019	<b>OFFICER SITE VISIT DATE</b>	04 September 2019
<b>DECISION DUE DATE</b>	23 October 2019	<b>EXT. OF TIME</b>	07 February 2020

**RELEVANT PLANNING HISTORY:**

There is no relevant planning history on the application site.

The following relates to Treetops, a dwelling sharing the southern boundary:

<b>App. No</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
3/18/1695/FUL & 3/19/0299/NMA <i>[neighbour to south]</i>	<b>Treetops:</b> Erection of a one and a half storey cottage and a garage for the principal dwelling (Treetops). Amendments approved under Non material amendment application.	Granted	10.12.2018 & 27.02.2019
3/16/0645/TTPO <i>[neighbour to south]</i>	<b>Treetops:</b> Fell Scots Pines trees (T17 & T20 to T26)	Granted	24.06.2016

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE AND SURROUNDINGS**

1.01 The application site has an approximate area of 0.06ha and is located within the Wimborne and Colehill urban area. Access to the application site is from New Merrifield to the north between two storey properties, 8 & 9 New Merrifield. The site comprises a surface level parking forecourt in front of 8 single storey flat roofed garages which are positioned outside of the site but along the northern edge. The agent has confirmed that the garages are to be demolished but this will be dealt with outside of this application process; it is anticipated that prior approval will be sought under the Town and Country Planning (General Permitted Development) Order Schedule 2, Part 11, Class B.

- 1.02 Dwellings in the surrounding area comprise two-storey semi-detached & terraced dwellings, with some terraced bungalows. The bungalows at 18-23 New Merrifield have grassed front gardens and pedestrian only access; a path runs in front of these properties between the New Merrifield cul-de-sac to the east and the application site. Without highway access these properties are dependent upon the parking area now proposed for development or on-street parking.
- 1.03 The two-storey semi-detached dwellings at 9-12 New Merrifield also lack front gardens with sufficient depth to achieve full off-street parking. These properties appear to use the garages & parking areas within the application site, and there is some parking over pavements.
- 1.04 The row of 8 single storey garages lie at the end of the rear gardens of no's 9-12 New Merrifield and face the application site northern boundary. Consultation responses suggest that these garages are currently leased to various individuals in the vicinity, including to occupants of some of the properties already mentioned and a dwelling to the south of the site.
- 1.05 The site lies outside of the Burts Hill Conservation Area which sits to west, beyond and including Merrifield Road, and to the north beyond New Merrifield road.
- 1.06 Fencing runs along the access road and western boundary, while vegetation and hedges form the southern boundary. There are some Tree Preservation Orders (TPOs) within close proximity; the TPOs adjacent and overlapping the southern site boundary are TPO ref: CO/116 group ref: T26 & CO/116 group ref: T25 respectively. There are also large trees located to the west of the timber fence/brick western boundary.
- 1.07 A Grade II Listed building (Little Thatch) is located across the road from the north-east of the application site. (Historic England list entry number: 1031528).
- 1.08 Adjoining properties to the application site are:
- Rear gardens of no's 9, 10, 11 & 12 New Merrifield to the north boundary beyond the garages
  - Sides of no's 9 & 8 New Merrifield to the west & east (respectively) of the access road within the application site
  - Side of no. 23 New Merrifield (bungalow) to the most easterly part of the eastern boundary
  - Treetops (dwelling) to the south screened by trees and vegetation

## **2.0 PROPOSAL**

- 2.01 The proposed development comprises of the erection of 2 no. new semi-detached dwellings. Whilst the existing row of garages to the north are outside of the application site, the proposal would render them inaccessible. Although the garages are not included in the application site they are not shown on the

proposed plan and the agent has confirmed by email that the garages will be demolished outside of this application process by means of an application to the Local Planning Authority to determine if prior approval will be required.

- 2.02 The existing forecourt to the garages for surrounding residents would no longer be available as a parking forecourt for neighbouring properties and would instead provide a total of 4 no. parking spaces for the proposed 2 no. semi-detached dwellings. Those who use the existing parking forecourt and garages would have to find alternative parking nearby either on plot frontages or on-street parking. During the application process, in response to officer and third party concerns regarding the loss of parking, the Agent submitted a Transport Note (produced by Evoke), which included the findings of a Parking Survey in support of the application.
- 2.03 Each semi-detached dwelling would provide 3 no. bedrooms at first floor level.
- 2.04 Materials are proposed to match the surrounding dwellings which are brick.
- 2.05 The site will be screened from development to the south by mature vegetation and boundary treatment to side and rear dwelling boundaries would be 1.8m close boarded fencing to match existing timber fencing in the surrounding area.

### 3.0 SUMMARY OF INFORMATION –

<i>All measurements are approximate</i>	<b>Existing</b>	<b>Proposed</b>
<b>Site Area</b> (ha)	0.06 ha	0.06 ha
<b>Use</b>	Parking forecourt serving 8 garages	Residential
<b>Approximate Ridge Height</b> (m)	Adjoining garage height not supplied	7.25m/8m
<b>Approximate Eaves Height</b> (m)	Adjoining garage height not supplied	5.35m
<b>Approximate Length</b> (m)	Adjoining garage block 5.2m	Total 7.1m
<b>Approximate Width</b> (m)	Adjoining garage block 20.15m	11.4m (5.7m each approx.)
<b>Distance from east (front) boundaries</b> (minimum in metres)	N/A	6.75m
<b>Distance from north (side) boundary to rear of 9-12 New Merrifield</b>	N/A	0.9m

(minimum in metres)		
<b>Distance from north boundary to New Merrifield (road)</b> (minimum in metres)	N/A	30.7m (direct line from dwelling to boundary across no. 9)
<b>Distance from west (rear) boundary</b> (minimum in metres)	N/A	7.8m
<b>Distance from south (side) boundary</b> (minimum in metres)	N/A	0.35m
<b>No. of Storeys</b>	N/A	2
<b>Parking Spaces</b>	Approx. 18 parking spaces. (14 if method from Parking Survey is used).	4 parking spaces.
<b>No. of Residential Units</b>	N/A	2
<b>No of Bedrooms</b>	N/A	(3 bedrooms x 2 dwellings) 6 total

#### 4.0 RELEVANT PLANNING CONSTRAINTS

- SSSI Impact Risk Zone
- Heathland 5km Consultation Area
- Rights of Way - 3.53m
- Airport Safeguarding
- Open Space/Recreation
- Main Urban Area
- Adjacent Tree Preservation Orders TPO ref: CO/116 group ref: T26 & CO/116 group ref: T25
- Beyond but immediately east of the Conservation Area

#### 5.0 POLICY AND OTHER CONSIDERATIONS

The guidance contained in the National Planning Policy Framework (NPPF) is a material consideration.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Christchurch and East Dorset Local Plan and saved policies of the East Dorset Local Plan 2002.

**Development Plan:**

## **Christchurch and East Dorset Core Strategy 2014**

The following policies are of particular relevance in this case:

- KS1 Presumption in favour of sustainable development
- KS2 Settlement Hierarchy
- HE1 Valuing and Conserving our Historic Environment
- HE2 Design of new development
- HE3 Landscape Quality
- LN1 The size and type of new dwellings
- LN2 Design, Layout and Density of New Housing Development
- ME2 Protection of the Dorset Heathlands
- KS12 Parking Provision
- ME1 Safeguarding biodiversity and geodiversity

### **Supplementary Planning Documents:**

- Dorset Heathlands Planning Framework SPD

### **The National Planning Policy Framework (2019)**

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

- Section 9 Promoting sustainable transport

Transport issues are to be considered from the earliest stages of development proposals. It is recognised that 'opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account' (para 103). When considering applications paragraph 110 requires that applications should (inter alia) give priority to pedestrian and cycle movements and to facilitating access to public transport, should address the needs of people with disabilities and reduced mobility, create places that are safe, secure and attractive and allow for delivery of goods and access by service and emergency vehicles.

- Section 12 Achieving well-designed places

The requirement for good design set out in section 12; paragraph 127 requires that development should add to the overall quality of the area. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions (para 130).

## **6.0 LOCAL REPRESENTATIONS**

6.01 In addition to letters to neighbouring properties, a site notice was posted outside the site on 04.09.2019 with an expiry date for consultation of 30.09.2019. A further letter consultation was carried out on 09.09.2019 following the amendment of the description.

6.02 11 representations have been received, all of these raising objection. The issues raised are summarised in the table below. See Section 8.0 of this report for the officer level responses to the points below.

<b>Summary of Objections &amp; Comments from third parties</b>	
<b>Use, Design &amp; Impact on Character of the Area</b>	<ul style="list-style-type: none"> <li>• The site is described as within the urban area - it is within a rural area.</li> <li>• Overdevelopment and design is inappropriate in scale, bulk and height.</li> <li>• 2-storey height is not in character with the surrounding</li> <li>• Ridge height too high along with elevated site.</li> </ul>
<b>Amenity &amp; Neighbouring amenity</b>	<ul style="list-style-type: none"> <li>• Bedrooms don't meet the National Housing Minimum Standards.</li> <li>• Intrusive, harmful visual impact to neighbouring amenity</li> <li>• Southerly semi-detached dwelling is too close to the southern boundary of the site.</li> <li>• Removal of vegetation/trees may lead to harmful overlooking and loss of privacy/amenity.</li> <li>• Loss of gardens for existing residents of New Merrifield.</li> <li>• No provision of a footpath along New Merrifield road.</li> <li>• Buildings too close to boundaries.</li> </ul>
<b>Displacement of Parking</b>	<ul style="list-style-type: none"> <li>• Displacement of 19 vehicles</li> <li>• No provision for parking, during &amp; after the construction &amp; a further 4 existing cars on service road.</li> <li>• Parking demand would increase due to the displacement &amp; hinder access for emergency service vehicles.</li> <li>• No provision for resident/visitor parking who have to use the garage court, nor visitors, care workers, delivery vans and ambulances etc.</li> <li>• To find alternative garaging nearby would be an impossible task.</li> <li>• Disabled residents unable to park near to their homes.</li> <li>• Parking issues already exist in the area.</li> <li>• Not all dwellings around the application site have driveways or parking spaces.</li> <li>• Those who rent the garages were not informed of the proposal, other than by the site notice and/or neighbour letters for the planning application.</li> </ul>
<b>Access, Traffic, Infrastructure &amp; Road Safety</b>	<ul style="list-style-type: none"> <li>• Access from New Merrifield which is a rural unmade road.</li> <li>• Merrifield is a single road, with no passing places, &amp; badly maintained</li> <li>• Health and Safety of elderly residents/children during construction &amp; the additional vehicle access.</li> <li>• Merrifield is used as a footpath for walkers, horse riders, pony trap, elderly residents and young children who cycle in the road.</li> </ul>
<b>Ecology/ Environment</b>	<ul style="list-style-type: none"> <li>• Garage Court to New Merrifield is a bat fly route.</li> <li>• Slow worms, grass snakes and bats have been sighted in and around the green area.</li> <li>• Concern for the habitats of existing wildlife.</li> </ul>

<b>Trees</b>	<ul style="list-style-type: none"> <li>• Application failed to identify the trees and hedges on and adjacent to the application site/ important in terms of landscape character.</li> <li>• No mention of replanting of 3 oak trees to replace diseased TPO trees removed from Treetops (property to the south).</li> <li>• The most southerly dwelling is too close to trees/vegetation.</li> </ul>
<b>Conservation Area</b>	<ul style="list-style-type: none"> <li>• Site is close to the Burts Hill Conservation Area</li> </ul>
<b>Construction</b>	<ul style="list-style-type: none"> <li>• Construction works and addition of heavy vehicles - chaos and safety issues for residents</li> <li>• Noise, dust &amp; loss of privacy, during and after the works.</li> </ul>

## 7.0 CONSULTATIONS

### 7.01 Colehill Parish Council Objection (received 05.09.2019)

*'Colehill Parish Council objects strongly to this application by Aster, a housing association. Removal of the garage forecourt will have a profound effect on the many residents of New Merrifield where parking on the narrow roadways/tracks is extremely difficult. It may be true that the garages are not suitable for modern cars, but they have their uses and more so the forecourt. Furthermore, while the proposed semidetached houses may have sizes of accommodation to national standards, the designs of the bathrooms and bedroom 3 are awkward and impractical.'*

### 7.02 Natural England No objection (received 23.09.2019)

*'No objection subject to mitigation being secured.'*

### 7.03 Dorset Council Highways No objection subject to condition (received 18.09.2019)

*'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.'*

Further comments following receipt of the Transport Note (02.03.2020)

*'The information supplied within the Transport Note appears acceptable; therefore I have no concerns, and nothing further to add to my observation of 18 September 2019.'*

### 7.04 Dorset Council Conservation Officer Comments (received 11.10.2019)

*'The proposal will have no greater effect upon the setting of the Conservation Area, than the garages do at present. Therefore I have no objections.'*

### 7.05 Dorset Council Trees & Landscape Comments (received 16.10.2019)



*'Following my initial site visit an Arb report (Hellis Arb and Landscape ref: 19/08/143/NH) has now been submitted in support of the submission. I am of agreement that the need for tree protection measures are not needed in this instance. Recommendation: No Objection.'*

## **8.0 APPRAISAL –**

8.01 The main considerations involved with this application are:

- the principle of the development
- the impacts upon the character of the area
- the impacts on neighbouring amenity
- the impact upon the Conservation Area
- the impact upon ecology
- the impact upon parking provision

These points will be discussed as well as other material considerations under the headings below.

### Principle of Development

8.02 The site is located on the edge of, but within the Wimborne and Colehill urban area. Objections on the basis of a rural location are unfounded. The principle of development is acceptable subject to compliance with local and national planning policies. The proposal will make a modest contribution to housing supply and the size of the properties accords with local need for 2 and 3 bedroom houses identified by the Council's Strategic Housing Market Assessment (SHMA).

8.03 In addition to compliance with the SHMA, policy LN1 requires that all housing be built to meet minimum space standards. The minimum space standard for a three-bedroom property as set out in the Christchurch and East Dorset Councils' Housing and Affordable Housing SPD is 57m<sup>2</sup>. The current properties have approximately 66.5m<sup>2</sup> Gross Internal Floor Area each, and therefore do not conflict with the minimum standards required.

### Design and Impact on the Character of the Area

8.04 The proposed 2 no. semi-detached 2 storey dwellings are in keeping with the character of the surrounding area and will have a limited impact upon the street scene as they are to the rear and sides of existing dwellings in New Merrifield.

8.05 The site is approximately level with properties to the north and east, however there appears to be a slight downwards slope towards the north. Whilst it is noted that the dwellings to the east/south-east of the site are single storey and some dwellings to the south are below 2 storeys in height, the proposed dwellings are sites 20m from the nearest bungalow (no. 23) which provides

appropriate separation. The dwellings will be read in relation to the two storey semis to the north and the proposed ridge heights, eaves heights, scale, massing and design reflect the existing properties and are considered to be acceptable. Appropriate materials can be secured by condition (3)

- 8.06 Policy LN2 requires that the design and layout of new housing development should maximise the density of development to a level which is acceptable for the locality.
- 8.07 The net density of the site is: 2 dwellings ÷ 0.06 hectares (ha) = 33.33 dwellings per hectare (dph), which is just above the required minimum density of 30dph set out in policy LN2 and will not conflict with local character.
- 8.08 The Parish Council has raised concerns about the arrangement and size of bedroom 3 and the bathroom in each of the dwellings. The overall floor areas of the properties meet the minimum gross internal floor areas within the National Technical Housing Standards. Although modest, the third bedroom in each property is large enough to accommodate a single bed, so refusal on this ground would not be justified.

#### Amenity Issues

- 8.09 The minimum separation distances (approx.) of the proposed north elevation first floor side window to the rear elevation of neighbouring dwellings are:
- 9 New Merrifield (rear elevation)
    - Two storey: 18.15m
    - Single storey rear projection: 15.1m
  - 10 New Merrifield (rear elevation)
    - Two storey: 17.4m
    - Single storey rear projection: 13.05m
  - 11 New Merrifield (rear elevation)
    - Two storey: 18.45m
    - Single storey rear projection: 13.45m

The minimum separation distances (approx.) of the proposed south elevation first floor side window to Treetops to the south has been calculated as approx. 10m to the ground floor and 15m to the first floor.

The proposed first floor front bedroom windows will look towards unenclosed space to the west of no. 23 New Merrifield Road (12m separation) and the side of that property (19m) with only oblique views of the rear garden of no. 9 to the northeast (the boundary has a separation distance of approx. 15m).

- 8.10 Given the above separation distances, there is no anticipated harmful overbearing appearance, overlooking or privacy impact arising as a result of the proposal, provided that the secondary window on the north facing and south facing elevations to bedroom 2 in both dwellings are obscure glazed. This is secured by condition (8).

### Impact on Highway Safety

- 8.11 The Dorset Council Residential Parking Standards calculator identifies that a total of 4 parking spaces should be provided for 2 no. semi-detached dwellings. The proposal provides 4 parking spaces to the front of the dwellings, to the east, with access from New Merrifield to the north.
- 8.12 Dorset Council Highways considers that the proposed access and parking provision for the new properties is acceptable and has no objection to the proposal on highway safety grounds subject to the inclusion of the following turning and parking condition (condition 4):  
*'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.'*

### Displacement of Parking

- 8.13 The National Planning Policy Framework seeks to promote sustainable transport as set out in chapter 9. There is recognition that opportunities to maximise sustainable transport solutions will vary between urban and rural areas (para 103) but the planning system is to actively manage patterns of growth in support of the objectives set out in paragraph 102 which include the requirement for development proposals to consider transport issues at the earliest stages so that *'e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places'*.
- 8.14 In this case the development will result in the loss of the use of 8 garages (adjacent to the northern boundary of the site) and the parking forecourt which serves them. A Transport Note (produced by Evoke) was submitted in support of the application on 02.03.2020 following officer and third party concerns regarding loss of parking. The report states that the garages are of a limited size and *'they cannot realistically be used for the parking of modern vehicles'*. This statement is disputed by some objectors who claim that they use garages for the keeping of their cars, with 8 consultation responses providing evidence on this, from 6 households.
- 8.15 The Transport report that was submitted following officer concerns, acknowledges that the courtyard and access road provides parking opportunities for up to 22 vehicles but on the basis of a parking survey concludes that *'it is generally considered that the courtyard is underutilised'*
- 8.16 The report notes that *'the majority of properties on New Merrifield have private driveways'* (2.2.2). Whilst this is true for some properties along the northern stretch of New Merrifield, it is not the case for those to the south; properties 18-23 have no direct highway access so no opportunity to create off-street parking and are reliant upon the parking area proposed for development or

on-street parking the closest opportunity lying over 50m from no. 23. Some houses to the north (nos. 9-12) also lack front gardens with insufficient depth to achieve full off-street parking.



- 8.17 The submitted report, and indeed the application, recognises the need to provide parking for the new dwellings in accordance with Dorset’s parking standards, notwithstanding the opportunities for walking, cycling and using public transport that are identified as being available within the suburban locality. It also recognises that there is higher than average car ownership in East Dorset (2.6.2) with high car reliance for accessing work (2.6.3).
- 8.18 The parking survey identifies a worst-case scenario of 16 cars being displaced (8 garage and 8 spaces) and claims that the additional parking demand can be absorbed on streets in the vicinity. The parking/traffic survey, carried out on behalf of the applicants on two weekdays in January between the hours of 00:30 & 05:30, identified that on Marshfield to the southeast parking was close to capacity but identified parking opportunities on New Merrifield (5), Merrifield (14), Colehill Lane (31) and Smugglers Lane (16). At that time, only 6 vehicles were seen parked in the parking courtyard, (the subject of this application) on the two nights surveyed, in addition to any cars parked in the garages.
- 8.19 The assessment submitted on behalf of the applicants concludes that the parking court is currently underutilised and there is ample capacity for the nearby highways to accommodate parking for the displaced vehicles.
- 8.20 Officers have had regard to the report and its conclusions, but disagree that all the areas shown as parking opportunities are realistic or accessible:
- Merrifield is a private road with signs indicating ‘no parking’ which explains why the survey recorded that all the spaces were available; this road should not have been included in the survey.

- When considering the findings of the report it is also important to consider the distances between the parking opportunities and the dwellings requiring spaces together with topography. Smugglers Lane is a walking distance of 200m which is not realistic for residents returning home with shopping or other heavy items.
- The survey shows that the southern part of New Merrifield (NME7 & 8) is already at close to capacity with 4 cars parked on the nights of the survey, one being parked on the pavement.

8.21 Nevertheless, it is recognised that the survey demonstrates that opportunities for parking exist along Colehill Lane, 70-120m (approx.) from nos. 18-23 and approx. 145m-190m from 8-12 New Merrifield. Some parking opportunities also exist along New Merrifield (eastern stretch). Whilst sub-optimal, especially for elderly or infirm residents, it is clear that the existing parking provision for vehicles in the garages and parking court already places parking spaces some distance from properties in a similar manner to on street parking so the main difference would be the loss of assured parking provision.

Existing dwellings	Existing walking distances to parking (exc. access) (approx. min. in metres)	Min. proposed walking distances to on-street parking (approx. min. in metres)	Difference to walking distance (approx. min. in metres)
8 New Merrifield	Garage Court: 50m New Merrifield (eastern): 128m	Colehill Lane: 145m New Merrifield (eastern): 128m	+95m 0m
9 New Merrifield	Garage Court: 43m New Merrifield (eastern): 113m	Colehill Lane: 162m New Merrifield (eastern): 113m	+119m 0m
10 New Merrifield	Garage Court: 53m New Merrifield (eastern): 130m	Colehill Lane: 173m New Merrifield (eastern): 130m	+120m 0m
11 New Merrifield	Garage Court: 61m New Merrifield (eastern): 134m	Colehill Lane: 177m New Merrifield (eastern): 134m	+116m 0m
12 New Merrifield	Garage Court: 73m New Merrifield (eastern): 144m	Colehill Lane: 189m New Merrifield (eastern): 144m	+116m 0m
18 New Merrifield	Garage Court: 74m New Merrifield (eastern): 15m	Colehill Lane: 70m New Merrifield (eastern): 15m	-4m 0m
19 New Merrifield	Garage Court: 66m New Merrifield (eastern): 25m	Colehill Lane: 77m New Merrifield (eastern): 25m	+11m 0m
20 New Merrifield	Garage Court: 53m New Merrifield (eastern): 39m	Colehill Lane: 90m New Merrifield (eastern): 39m	+37m 0m
21 New Merrifield	Garage Court: 43m New Merrifield (eastern):	Colehill Lane: 100m New Merrifield (eastern):	+57m 0m

	48m	48m	
22 New Merrifield	Garage Court: 33m New Merrifield (eastern): 56m	Colehill Lane: 108m New Merrifield (eastern): 56m	+75m 0m
23 New Merrifield	Garage Court: 20.5m New Merrifield (eastern): 65m	Colehill Lane: 120m New Merrifield (eastern): 65m	+99.5m 0m

- 8.22 Objections have been received from residents concerned about hindrance of emergency vehicle access as a result of additional on-street parking, but the parking survey takes account of areas where the road would be too narrow (less than 4.1m in width) to accommodate a vehicle safely. The new layout will not have a demonstrable impact on access by service and emergency vehicles.
- 8.23 Dorset Council Highways are satisfied that the findings of the Transport Note are acceptable and in the light of the evidence provided, Officers note that while the development misses an opportunity to contribute to creating a high quality place where residents are assured of parking opportunities, there is no contrary evidence to support refusal on the grounds of demonstrable harm arising as a result of parking displacement. On balance, therefore, it is considered that a refusal of the scheme on the grounds of displaced parking could not be substantiated.

#### Impact on Ecology

- 8.24 A biodiversity survey was requested, but none has been submitted. Objectors have referred to bats and reptiles in the vicinity.
- 8.25 In the absence of a biodiversity study, the Council's Natural Environment Team (NET) has advised that there may be some impact on nesting birds within and surrounding the application site so should the application be approved, it is necessary that conditions should be imposed to protect nesting birds (Condition 5), and also restrict any external lighting (Condition 6).
- 8.26 On the advice of NET it is also considered necessary and reasonable to require biodiversity enhancements to 50% of the proposed dwellings. The enhancements required are: 1 built in bat tube and 1 built-in box for birds (Condition 7).
- 8.27 Conditions 5, 6 and 7 will secure the necessary mitigation/enhancement in terms of biodiversity to accord with policy ME1.

#### Protection of the Dorset Heathlands

- 8.28 The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site. The proposal for a net increase in 2 residential units, in combination with other plans and documents and in the absence of avoidance and mitigation measures, is likely to have a significant impact upon the site.

- 8.29 The appropriate assessment (separate document to this report) has concluded that the likely significant effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the supporting policy documents, and that the proposal is wholly compliant with the necessary measures to prevent adverse effects on site integrity detailed within the Dorset Heathlands Planning Framework SPD 2020-2025.
- 8.31 In accordance with the SPD the Community Infrastructure Levy (CIL) includes the necessary contribution towards heathland mitigation in the form of Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). This has been effectively offered by the applicant as they have declared the proposal CIL liable. On this basis, no objection would be raised with regard to the impact of the scheme on the SSSIs.

### Impact on Trees

- 8.32 Concerns were raised by objections about the impact of the proposal on trees. Following a site visit and the request of an Arboricultural report by the Tree Officer, the following document was received on 28.08.19: *'Tree Survey & Arboricultural Impact Assessment' produced by HELLIS Arboriculture & Landscape Design'*. This demonstrated that the proposal would not harm neighbouring trees.
- 8.33 Further to Tree Survey and Arboricultural Impact Assessment submission, it is considered that tree protection measures are not needed and there is no objection to the proposal from the Tree Officer.
- 8.34 The objections included mention of replacement trees following tree removal, but this relates to Treetops to the south rather than the application site.

### Impact on Conservation Area

- 8.35 Whilst the proposed two storey dwellings are located in the existing surface parking forecourt, where there are currently no buildings other than those surrounding the site (including the garages to the north), it is similar in form to the two-storey dwellings located outside of the site (to the north and north-east).
- 8.36 The site lies outside of the Burts Hill Conservation Area and whilst the proposed works would as a result of their height and position, be partially visible from the Conservation Area, the proposal lies within the adjoining urban settlement and is in keeping with the character of existing dwellings in the surrounding area, in terms of storey height, form, scale and materials. The Council's Conservation Officer is satisfied that the proposal would therefore not have a harmful impact on the setting of the Conservation Area, so there is no conflict with policy HE1.

### Other matters

- 8.37 Objectors have raised concerns that as tenants of the garages they were not served notice of the application. The application was accompanied by an ownership certificate, as required by Articles 13 and 14 of the Town & Country Planning (Development Management) Procedure Order 2015 which confirmed that the applicant is the sole owner of the land to which the application relates and it is noted that this excludes the garages. The Council does not have access to tenancy agreements so their nature and duration are unknown.
- 8.38 Legislation states that a local planning authority shall not “entertain” any application for planning permission where the article 13 ownership requirements have not been satisfied. If a person knowingly falsifies information on a certificate this is an offence which is dealt with outside the planning system. It does not necessarily render any permission granted on the basis of incorrect ownership unlawful as permission runs with the land and not the applicant. The grant of a planning permission does not convey rights on an applicant to carry out development on land they do not own. The application has therefore been allowed to progress.
- 8.39 Concerns have also been raised by objectors about the implications of construction traffic on the amenities of residents and highway safety. Due to the limited widths of the highway in the vicinity and the close proximity to existing dwellings it is considered necessary and reasonable to require a construction management plan including details of construction parking arrangements (condition 9). The agent agreed to the imposition of this pre-commencement condition by email on 22.05.2020.
- 8.40 All comments raised by third parties which are material considerations have been assessed within this report. Any other comments are not considered to be material to this application.

### **CONCLUSION**

- 8.41 The development which will secure two new dwellings is acceptable in principle, as it is within the Wimborne and Colehill Urban Area, the dwelling floor areas exceed minimum standards and the proposal is in keeping with the character of the surrounding area in terms of design, materials, scale and form.

Conditions can reasonably be imposed to mitigate the potential for harmful impacts upon neighbouring amenity (condition 8 and 9), highway impact (condition 4) and ecology (conditions 5, 6 & 7). The agent’s agreement to pre-commencement conditions has been secured.

It is recognised that the proposal will have an impact on local amenity with regards to the loss of parking for existing neighbouring occupants but on balance of the material considerations as outlined within the report above, this is not considered to result in such demonstrable harm that it would warrant the refusal of planning permission in this case. Approval is therefore recommended subject to the following conditions.



## **9.0 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

- 9.01 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.

## **10.0 PUBLIC SECTOR EQUALITIES DUTY**

10.01 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.

10.02 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.

## **11.0 CLIMATE IMPLICATIONS**

11.01 The proposed development of 2 no. semi-detached dwellings is of a small scale and will not have a significant impact upon climate change. The proposed development is within a sustainable location within the urban area and should planning permission be granted, the dwellings should be constructed to comply with Part L of the Building Regulations.

## 12.0 RECOMMENDATION

### **GRANT, subject to the following conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - SC/Aster/MF/01 Location Plan (dated March 2019, received 15 July 2019)
  - SC/Aster/MF/03 Block Plan - Proposed (dated June 2019, received 15 July 2019)
  - JH/Aster-101 Layout & Elevations As Proposed (dated June 2019, received 15 July 2019)
  - Tree Survey & Arboricultural Impact Assessment (dated August 2019, received 28 August 2019)

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

3. The materials and finishes to be employed on the external faces of the development, hereby permitted, shall match those of the existing surrounding buildings and as per the Agent emails (received 31.07.2019 & 22.05.2020), unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory visual relationship of the new development to the existing.

4. Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted approved 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.

5. The cutting or removal of vegetation/trimming of trees shall not take place during the bird nesting season (which runs from 1 March to 31 August), without the prior submission of details to, and their written approval from the Local Planning Authority. Details that are submitted to the Local Planning Authority for approval should demonstrate that the works would not have an adverse impact upon active wild bird nests. Thereafter the works shall be undertaken in accordance with the approved details.

Reason: To ensure the adequate protection of bird species and its habitat protected by law that may exist on the site.

6. No external lighting shall be installed unless details have first been submitted to and agreed in writing by the Local Planning Authority and the lighting shall thereafter be maintained in accordance with the agreed details.

Reason: In the interests of protecting bird and bats.

7. Prior to the first occupation of any of the proposed dwellings, one bat tube and one built-in box for birds shall be installed into the fabric of the dwellings hereby permitted and details, including photographs to demonstrate installation, shall be submitted to the Local Planning Authority. The bat tube and nesting box shall thereafter be maintained in perpetuity and replaced if damaged.

Reason: In the interests of biodiversity and to provide net gains for nature.

8. Both in the first instance and upon all subsequent occasions, the windows above ground floor level on the side north elevation and the side south elevation shall be glazed with obscure glazing to industry standard Level 5 Obscurity. These windows shall either be fixed closed or have a top opening fanlight with the cill of the opening part at least 1700mm above the floor level of the room they serve and the lower section fixed shut.

Reason: To preserve the amenity and privacy of the occupants of neighboring properties.

9. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. hours of operation

Reason: This information is required prior to commencement to safeguard the amenity of neighboring residents.

**Informatives:**

1. The applicant is advised that there may be nesting birds within the application site and surrounding areas. The applicant is advised that the cutting or removal of vegetation/trimming of trees should be outside of the bird nesting season, which runs from 1 March to 31 August.
2. Bats are a protected species.
3. CIL Informative

**Background Documents:**

Case Officer: Ellie Lee

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.