

## **1.0 Application Number – [2/2018/0372/OUT](#)**

**APPLICATION SITE:** Land at Pond Walk, Stalbridge, Dorset

**PROPOSAL:** Develop land by the erection of 9 No. dwellings. (Outline application with all matters reserved).

**APPLICANT:** PSP North Dorset LLP

**CASE OFFICER:** Richard Temple

**WARD MEMBERS:** Cllr. Pauline Batstone

Application to be heard at planning committee as Dorset Council is the applicant.

## **2.0 Summary of Recommendation: Grant subject to conditions.**

The proposal is considered to represent sustainable development and meet the aims of Local Plan policies and the National Planning Policy Framework (NPPF). It would provide 9 units of accommodation to contribute to the Council's 5 year housing supply for the former North Dorset area, protect and enhance biodiversity on the site, safeguard protected mature trees and the site from flood risk.

## **3.0 Reason for the recommendation:**

- Absence of 5 year land supply
- Para 14 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 location is considered to be sustainable
- The principle of development for 9 dwellings would have an acceptable general visual impact and preserve the character and appearance of the Stalbridge Conservation Area and other heritage assets
- 9 dwellings can be developed on the site without any significant harm to neighbouring residential amenity.
- There are no other material considerations which would warrant refusal of this application

#### 4.0 Table of key planning issues

Issue	Conclusion
Location of development	Site is located within settlement boundary of Stalbridge in a sustainable location. Principle of development established in 2013 with previous consent for residential units granted on site.
General impact on heritage assets and amenity	<p>Demonstrated that 9 units can be accommodated on site away from the conservation area and other heritage assets to preserve their character and appearance.</p> <p>The size of the site would also allow for 9 units without any significant impact on neighbouring residential amenity of surrounding properties.</p> <p>In terms of the consideration of heritage assets and their setting, the impact on the conservation area and on nearby listed buildings, would be neutral. An indicative layout has been produced which demonstrates a scheme could be developed without an unacceptable impact occurring.</p>
Parking, highways and access	No objection from Highways team and public right of way to the east of the site will be unaffected by development.
Flooding and drainage	Pre-commencement conditions to be imposed to demonstrate how site can be sustainably drained to reduce flood risk. Site is at low risk of flooding from fluvial sources.
Trees	Considered that 9 units can be accommodated on site without harm to protected mature trees via appropriate pre-commencement conditions.
Biodiversity	Biodiversity Mitigation and Enhancement plan approved by the Council's Natural Environment Team.

Archaeology	No record of historic remains on site.
Affordable Housing and Contributions	Not liable for affordable housing as below 10 units of accommodation. Contributions are not sought for below 10 units, either.
Environmental Impact Assessment (EIA)	Not considered that an Environmental Statement is required and the proposals is not EIA development.

## 5.0 Description of Site

The site is located in the north-western part of Stalbridge, within the Conservation Area. Stalbridge is a small town situated in the Blackmore Vale area of North Dorset, close to the border with Somerset. It lies on the A357 north west of Sturminster Newton.

The site is bounded to the south by Local Authority allotments. At the existing end of Pond Walk is a small area of tarmac providing car parking for the use of the allotment holders. To the west of the site is the rear of properties facing Park Grove. To the north of the site is Grove House (Grade 2 Listed), to the east is the rear of properties facing Grove Lane and the rear garden of Glebe Court (Grade 2 Listed), and to the south-east is the rear of properties in the older part of Pond Walk.

Mature trees of high amenity value are located to the north east part of the site and are covered by tree protection orders.

The area of the site is approx. 7114m<sup>2</sup>. It is currently open space, predominantly grass, arranged as two fields, bounded by hedgerows and with a band of mature trees between. The ground level rises, with the existing end of Pond Walk being the low point and the furthest north-western point of the site being the high point. A public footpath (N51/4) runs along the east side of the site from Pond Walk to Grove Lane.

## 6.0 Description of Development

Develop land for 9 residential units accessed to south via pond walk. Application is for outline permission with all matters (Access, Scale, Appearance, Landscape and Layout) reserved.

## 7.0 Relevant Planning History

2/2013/0732/PLNG

Develop land for residential purposes. (Outline application with all matters reserved). For up to 20 units with 7 affordable. Permission was granted September 2015.

## 8.0 List of Constraints

- Within Stalbridge settlement boundary
- Within the Stalbridge Conservation Area (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Grade II listed buildings Grove House (north of the site) and Glebe Court to the east (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*).
- Flood Zone 1 (low risk).
- Public rights of way (footpaths) N51/4 and N51/89

## 9.0 Consultations

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

**Historic England-** No comment.

**Wessex Water -** There was no response from this consultee at the time of report preparation.

**Tree Officer-** No objection. Tree protection and retention measures to be secured by conditions and at reserved matters stage.

**Conservation Officer-** Supports the development to no properties located to the south of Glebe Court at reserved matters stage.

**Public Rights Of Way-** No objection subject to informative note.

**Transport Development Management-** No objection subject to conditions.

**Dorset Police Architectural Liaison Officer-** No objection.

**Principal Technical Officer-** No objection subject to pre-commencement drainage conditions.

**County Archaeological Office-** No objection

**Natural Environment Team-** No objection. The Biodiversity Mitigation and Enhancement Plan (BMEP) has been approved, full implementation to be secured by condition.

**Stalbridge Parish Council-** No Objection. Disappointed regarding lack of Social Housing provision and requested consideration of archaeology of the site.

## **10.0 Representations**

Four letters of public representation received. Three objections and two neutral comments.

Reasons for objection include:

- Overbearing impact and loss of privacy to Glebe Cottages and other neighbouring dwellings.
- Harm to levels of biodiversity
- Detrimental impact to visual amenity of the area
- Harmful impact on the Listed Building and Conservation Area
- Noise and disturbance during construction and once properties are occupied
- Council owned land should be reserved for the community
- Light pollution from new houses and street lights
- Pressure on school places and other local infrastructure

Neutral comments:

**Ramblers-North Dorset Group.** Noting that the footpath is not to be diverted, they suggest a green area is retained to the side of the footpath at design stage.

**The Woodland Trust-** Recommends applicants consider increasing the root protection areas around the mature trees on site at reserved matters stage. This should be in line with Natural England's Standing Advice.

Some of the points raised will be covered in the planning appraisal section. But some points will not be covered directly and are covered below:

- Hours of construction will be controlled by condition of a construction management plan and control of hours of construction.
- Council owned land is often used to provide housing and cannot always be used for community use. However, green space will be provided on site.
- The site is within an urban settlement and the impact of an additional 9 units with street lighting is not considered to add significantly to existing artificial light levels.
- Some additional demand will be placed on schools and local infrastructure. However, as this is a minor development of less than 10

units the Council cannot require planning obligations and affordable housing on this site owing to requirements of the National Planning Policy Framework.

## **11.0 Relevant Policies**

### **North Dorset District-wide Local Plan (2003) saved policies:**

- 1. 7 Dev. within Settlement Boundaries
- ST2 Stalbridge Conservation Area
- ST6 Footpath Links

### **North Dorset Local Plan Part 1 (2016) (NDLP):**

- Policy 1 - Sustainable Devt.
- Policy 2 - C Spatial Strategy
- Policy 3 - Climate Change
- Policy 4 - The Natural Env.
- Policy 5 - The Historic Env.
- Policy 6 - Housing Distribution
- Policy 7 - Delivering Homes
- Policy 23 – Parking
- Policy 24 - Design
- Policy 25 – Amenity

### **National Planning Policy Framework (NPPF):**

As far as the application is concerned, the following sections of the NPPF are considered to be relevant:

- 1. Introduction
- 2. Achieving sustainable development.
- 3. Plan-making
- 4. Decision-making
- 5. Delivering a sufficient supply of homes.
- 8. Promoting healthy and safe communities.
- 9. Promoting sustainable transport
- 10. Supporting high quality communications
- 11. Making effective use of land
- 12. Achieving well designed places.
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment.
- 16. Conserving and enhancing the historic environment

Stalbridge is yet to be designated as a neighbourhood plan area.

## Other material considerations

Dorset Council Climate Crisis Statement.  
DCLG statutory guidance Technical housing standards - nationally described space standard March 2015

### **12.0 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.

### **13.0 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 PSED.

### **14.0 Financial benefits**

Material benefits of the proposed development	
Affordable Housing	N/A
CIL/contributions	North Dorset Local Plan area does not have CIL. The development is for 9 units so would not require contributions.

Non-material benefits of the proposed development	
Council tax	Amount not known.
New Homes Bonus	Amount not known but Council would potentially receive the New Homes Bonus.

## **15.0 Climate Implications**

Dorset Council declared a climate emergency in June 2019 which included a statement. Regard must be had to this statement alongside the Local Plan policies and NPPF policies on sustainable development and climate emergency. Development must meet strict standards at building control stage.

The development is considered to be in a sustainable location, within the settlement boundary for Stalbridge with the facilities and public transport close by.

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

Within the Design and Access Statement submitted with the application, the applicant has outlined how the development would be sustainable in terms of renewable energy. Whilst the application is outline only with all matters reserved, this demonstrates a commitment to sustainability, reuse of resources and climate change. An informative will be included outlining the Council's statement on climate change and a condition included to ensure the applicant makes full consideration to how to accommodate electrical vehicle charging technology where reasonably possible at reserved matters stage.

## **16.0 Planning Assessment**

### **Location of Development**

The site is located within the settlement boundary of Stalbridge, identified as one of the 18 larger villages for growth outside of the four main towns of North Dorset in Policy 2. As such the site is also considered to be a sustainable location in line with the requirements of Policy 1. Permission was also granted in 2013 for residential development of the site which weighs in favour of the site being acceptable in principle. The development will also further count towards the 5 Council's 5 year housing supply for the former North Dorset area, subject to compliance with other policies in the Local Plan area for North Dorset District Area.

The site is suitable for residential development as it is in a sustainable location with access to local facilities by foot and served by public transport.

The Council cannot currently demonstrate a five-year supply of deliverable housing sites. The Council (former North Dorset Area) have approximately 3.98

years of supply across the local plan area. This means that para 11d, of the NPPF is 'engaged' and relevant policies for the supply of housing, including Policy 6 (Housing Distribution), may no longer be considered to be up-to-date. Where a 'relevant policy' such as Policy 2 is considered to be 'out-of-date', Para 11d of the NPPF, indicates that in such cases planning permission should be granted unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

The lack of a 5 year supply, means that less weight has to be given to policies such as Policy 6 in decision-making. This application site is located within the settlement boundary of Stalbridge in the adopted local plan and would be seen in the wider context of the surrounding buildings. Based on the requirement to assist in the lack of five year housing supply, and subject to compliance with other policies in the local plan, the proposal in principle is considered acceptable.

### **Heritage Assets**

The site is located within the Stalbridge Conservation Area, close to two grade II listed buildings. Grove House a 19<sup>th</sup> Century Villa and Glebe Court, a house constructed of coursed rubble stone with a tiled roof which dates from the 17<sup>th</sup> Century. The Conservation Officer was initially concerned with the potential for units to be located to the east of the protected trees to the south of Grove Court which the first illustrative layout plan showed. It is considered the sensitivity of this area with the public footpath to the east, protected tree to the west and Grove Court (grade II listed) to the north requires a corridor of open space to be left. This would offer an improved green walk (via the public right of way) to Gold Street to the north.

Special regard must be paid to protecting heritage assets and any harm to their significance requires clear justification. In this case, the original concerns that were raised by the Conservation Officer have been addressed. An amended illustrative layout plan has shown that it would be possible for the layout at reserved matters stage to include an open space around the trees and to the south of Grove Court, in line with the Conservation Officer's guidance. This application is for outline consent (with all matters reserved) and the layout of the development cannot be secured at this stage. However, the illustrative layout evidences that 9 units can be accommodated on the site with the open space left at the north east corner of the site. This would reduce the potential hard urban feel of the development and preserve the character of the listed buildings and their setting, including the footpath and the mature trees on site and the wider

conservation area. The open space, to preserve the setting around the trees and the heritage assets, would be required by the Council at reserved matters stage. With this in mind, the impact on the Conservation Area and the impact on the setting of the listed buildings is considered by officers to be neutral.

To conclude, the character and appearance of the Stalbridge conservation area, would be preserved, and so too would the setting of the grade II assets Grove House and Glebe Court. Thus, the development would be in compliance with the relevant sections of policy 5 (The Historic Environment), and the NPPF.

### **Amenity**

In terms of impact on residential amenity the illustrative layout shows that the units can be located far enough away from neighbouring properties to limit an overbearing and overshadowing impact. Overlooking cannot be fairly considered at this stage as no elevations are required. At reserved matters stage consideration would be given to scale and layout which be required to protect residential amenity further. However, it is considered that it has been reasonably demonstrated that 9 units could be accommodated on the site without a detrimental impact on neighbouring residential amenity.

The applicant's illustrative site plan shows 9 units could be accommodated and provide a reasonable amount of private amenity for each dwelling. The density of development on the site would also be similar to that of the surrounding area respecting its pattern and urban form.

Overall it is considered that 9 dwellinghouses could be accommodated on site without any significant detrimental impact or harm to the overall street scene or residential amenity.

Thus, the development would be in compliance Policy 24 (Design) and policy 25 (Amenity) of the NDLP and policy.

### **Parking, highways and access**

Parking standards could also be met with the illustrative plan showing space for two off street parking spaces per unit.

Safe access vehicle and pedestrian access could also be accommodated. No objection from the Highways officer has been received subject to conditions covering construction method statement, details of access road estate road adoption and cycle parking.

The public footpath/right of way to the east of the site is not shown as being affected by the development. The Council's Senior Ranger has requested informatives to advise the developer of permission needed should the right of

way need to be blocked or diverted during construction and these will be included.

### **Flooding and drainage**

The site is located in flood zone 1, at low risk of flooding from fluvial sources.

Regarding surface water flooding, concerns have been raised by the Flood Risk Management Team regarding the lack of surface water infiltration that can be accommodated on site. As such an attenuated scheme would be required to discharge into public sewers maintained by Wessex Water and Dorset Council on the Highways. Pre-commencement conditions can be imposed which would require the applicant to demonstrate how the surface and foul water can be drained sustainably from the site. Protecting homes on the site from surface flooding and allows foul water drainage in compliance with Policy 3 (Climate Change) of the North Dorset Local Plan. And saved policy ST2 (Stalbridge Conservation Area) of the North Dorset District-wide Local Plan (2003).

### **Trees**

Following amended tree reports and assessments it has been satisfactorily demonstrated that 9 units can be accommodated without the loss of harm to health of protected trees. With the location of open space to the north east section of the site, the root protection areas of the four mature chestnut trees can be avoided with space for two units to the south. Tree protection conditions will be imposed requiring an arboriculture method statement subject to commencement of development.

### **Biodiversity**

The applicant submitted an approved biodiversity mitigation and enhancement plan (BMEP) and ecological assessment. These have been reviewed by the Council's Natural Environment Team. They are considered to demonstrate that mitigation and enhancement of biodiversity could be achieved on site to result in a net gain in biodiversity in line with paragraph 170 of the NPPF and policy 4 of the NDLP. A condition will be included to ensure the mitigation plan is followed during construction. Should this need to be amended, this can be covered at reserved matters stage.

### **Archaeology**

A request has been made by Stalbridge Town Council to consider potential Roman remains present at the site. The Council's Archaeologist had no record of roman remains in the area and has no objection to the application. No conditions were recommended. It is considered that there would be no significant harm to underground historical remains.

## **Environmental Impact Assessment**

The National Planning Practice guidance (Paragraph: 017 Reference ID: 4-017-20170728) states that "Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development."

This development is not within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not exceed the thresholds of schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

## **Affordable Housing and Contributions**

National planning policy and national guidance establish thresholds below which affordable housing contributions should not be sought. As this site falls below these thresholds (10 dwellings in this urban area) with 9 units proposed an affordable housing contribution is not required. The Council would also not seek contributions for a minor development at this scale.

## **Conclusion**

The proposal is considered to represent sustainable development and meet the aims of Local Plan policies and the National Planning Policy Framework. It would meet the social dimension of sustainable development through the provision of 9 units of accommodation, to contribute to the Council's 5 year housing supply for the former North Dorset area. It would also protect and enhance biodiversity on the site, safeguard protected mature trees and the site from flood risk. In view of the shortfall in housing provision, the NPPF is clear that development should be granted, unless the proposal would result in demonstrable harm. In this case, the impact on the character of the Conservation Area and on the setting of the two adjacent grade II listed buildings is acceptable. The benefits of providing 9 additional dwellings are noted in the overall planning balance, and officers recommend that permission is granted, subject to the planning conditions listed below.

**RECOMMENDATION:** Grant, subject to the following conditions:

1. Approval of the Reserved Matters (i.e. any matters in respect of which details have not been given in the application concerning the layout, scale or appearance of the building(s) to which this permission and the application relates, or to the means of access to the building(s), or the landscaping of the site) shall be obtained from the Local Planning Authority in writing before any development is commenced. Such development shall be carried out as approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Application for the approval of any Reserved Matter must be made 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 92 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act, 1990.

4. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details: 2611-P-03 REV D forming the approved application. Only the location plan part of this plan is approved.

Reason: For the avoidance of doubt and to clarify the permission.

5. Prior to commencement of any development on site a scheme for the disposal of foul and surface water drainage must be submitted to and approved in writing by the Local Planning Authority. Thereafter, no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented.

Reason: To minimise the risk of flooding and/or pollution.

6. The biodiversity mitigation measures set out in the approved Biodiversity Mitigation & Enhancement Plan submitted by KJF Consultancy Ltd and signed off 11.10.2019 by Dorset Council Natural Environment Team; shall be implemented in full in accordance with the timetable set out in the report, or in the absence of a specific timetable, prior to the development hereby approved being first brought into use and the site shall thereafter be maintained in accordance with the approved mitigation proposals.

Reason: To ensure adequate habitat is provided and subsequently protected to ensure adequate protection for important habitats and species is secured.

7. No development above damp proof course level shall take place until a detailed scheme to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development has been submitted and approved in writing with the local planning authority. The scheme shall include a timetable for implementation. Thereafter the development shall be carried out in accordance with such details as have been approved by the Local Planning Authority including the timetable for implementation.

Reason: To ensure that adequate provision is made to enable occupiers of and visitors to the development to be able to charge their plug-in and ultra-low emission vehicles.

8. No development shall commence until details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the proper and appropriate development of the site

9. Before the development is occupied or utilised the first 15.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing – see the Informative Note 2 'Dorset Highways' 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. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to and approved in writing the Local Planning Authority. Any such scheme requires approval to be obtained in writing from the Local Planning Authority. The approved scheme must be constructed before the development is commenced and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes

11. Before the development hereby approved is occupied or utilised a Construction Method Statement (CMS) must be submitted to and approved in writing by the Local Planning Authority. The CMS must include:

- \* the parking of vehicles of site operatives and visitors
- \* loading and unloading of plant and materials
- \* storage of plant and materials used in constructing the development
- \* delivery, demolition and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: to minimise the likely impact of construction traffic on the surrounding highway network.

12. Prior to the commencement of any development hereby approved, an Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to, and approved in writing by the Council. All works must be carried out in accordance with the approved details. In particular, the method statement must provide the following:

- a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing;
- b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012);
- c) a schedule of tree work conforming to BS3998;
- d) details of the area for storage of materials, plant, concrete mixing and any bonfires;
- e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility;
- f) details of any no-dig specification for all works within the root protection area for retained trees;
- g) details of the supervision to be carried out by the developers tree specialist.

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.