

1.0 APPLICATION NUMBER: [WD/D/20/000583](#)

APPLICATION SITE: 82 EAST STREET, BEAMINSTER, DT8 3DT

PROPOSAL: Demolition of existing bungalow and erection of 5.no dwellings

APPLICANT: Miss Hughes

CASE OFFICER: Darren Rogers

WARD MEMBER(S): Cllr Knox

At the Planning Committee meeting on 9th July 2020 Members resolved to defer the application to visit the site. However this has not been possible due to COVID19 issues and instead Committee members have been presented with a video of the site by the case officer.

2 Summary of Recommendation: Delegate Authority to grant planning permission subject to the completion of a Section 106 Agreement requiring a contribution of £4,233.39 to be made as part of the ecological mitigation proposals for off-site mitigation and subject to planning conditions.

3.0 Reason for the recommendation:

- Absence of 5 year land supply - 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 location is considered to be sustainable despite being outside the defined development boundary.
- Impact on the character and appearance of the Conservation Area is acceptable.
- Impact on the AONB character and appearance is acceptable.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There is not considered to be any severe harm to highway safety with no highway objections (subject to conditions).
- The proposal is not considered to adversely affect nature conservation considerations subject to conditions and a Section 106 Agreement
- There are no other material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of Development	Presumption in favour of sustainable development despite being outside the defined development boundary for Beaminster .

Design	Design and scale considered appropriate for the site.
Conservation Area/AONB	Impact on both the character and appearance of the Conservation Area and AONB is acceptable.
Neighbouring Amenity	There is not considered to be any significant harm to neighbouring residential amenity.
Highways	There is not considered to be any severe harm to highway safety with no highway objections (subject to conditions).
Biodiversity/Nature Conservation	Biodiversity Mitigation Plan considered acceptable subject to conditions and a S106 Agreement.
Community Infrastructure Levy (CIL)	CIL liable.

5 DESCRIPTION OF SITE:

5.1 The site currently has a single dwelling, a bungalow, which is situated directly in front of the access to the site off East Street. It is set further back into the site than the houses along East Street which front the road with no footpath. The site includes a large, flat area of land which is currently being utilised as an extended garden. There are approximately 3 nr. trees on the site, none of which are significant in size. The rear of the site overlooks the allotments.

5.2 The properties adjacent, and in the surrounding area, all edge the road with no pavement, and with front doors that open onto the street. East Street is a narrow road with on street parking prevalent in front of the houses, creating many pinch points. Most of the houses are two storey cottage style properties. There is a mixture of stone and render used to face the houses in the surrounding area.

5.3 The site lies outside of but immediately adjacent to the defined development boundary and Conservation Area which has been drawn tightly around the existing built form of development

5.4 The site has a private main foul surface water sewage system, as well as mains, electric, gas and water all present on site.

6 DESCRIPTION OF DEVELOPMENT:

6.1 It is proposed to demolish the existing bungalow and construct 5 new dwellings. They would be 1½ storey in height. The units are to be set back within the site with an access road creating the boundary between the existing houses along East Street and the proposed development. The units meet Minimum Space Standards. The proposed units have been separated into two blocks, both of which are arranged to create a terraced appearance.

6.2 This is an amended proposal by the applicant following the withdrawal of an earlier application and seeks to overcome issues with reference to the scale and mass of the proposal and concerns regarding overlooking and loss of amenity to neighbours. To address some neighbours' concerns the block of 3 dwellings has been moved across the site, further from the boundary with no.90 East Street, but maintaining the view through the site that the Conservation Officer suggested be provided previously. There is also no overlooking to no.90 East Street as the window to the rear, closest to no.90, is a bathroom window which will be obscured.

6.3 Further discussions with officers, at pre-app stage raised concerns with the proximity of plots 4-5 and Nos. 54 and 56, East Street to the southern end of the site. Plots 4 and 5 have been pulled further away from the boundary shared with these properties and it is proposed to maintain the current planting, just trimming it to allow amenity space for the proposed units. This maintains the current screening and privacy that the mature planting provides, rather than waiting for new planting to establish.

6.4 Following the response from pre-application consultation on this site, the applicants have considered the comments of "*the predominant character of East Street is small C18 and C19 cottages with no off-street parking*" and have sought to reflect this with the proposed 5 dwelling units which would be two-storey in size but visually one and a half storey, faced with a combination of stone features and render with a cottage feel to the design, in keeping with the local vernacular. The roof is to be pitched reflecting the pitch of the surrounding properties with a parapet detail and coping stone which is a detail found in many within the vicinity.

6.5 To create the cul-de-sac on site and reflect the style and design of the surrounding properties and reflect the more recent development on 'The Brit', the proposed units have been separated into two blocks, both of which are arranged to create a terraced appearance. This also follows the comments on the pre-application requesting the dwellings to be arranged as "*smaller cottages in pairs, triplets or a terrace ... to complement the historic urban grain of the town*". Previous pre-app advice with Dorset Highways has dictated the maximum number of 5 units.

6.6 The proposed properties are to be rendered with natural stone quoins and lintels, in limestone or ham stone, to reflect the materials used in the surrounding properties. The windows are to have white frames with front doors with a wood effect to reflect the local area and create the cottage feel to the properties.

6.7 The landscaping for the resubmission remains mostly the same. It is proposed to reduce the ground level on Plots 1-3, where the existing bungalow sits, to reduce the mass of the buildings at the entrance to the site where the driveway level rises.

6.8 The site is relatively flat, dropping off to the southern end of the site meaning that plots 4 and 5 will blend in behind the buildings of East Street. The access road would lead to the frontage of the properties for parking, along with an area of parking towards the centre of the site.

6.9 The site currently has a few small trees and shrubs within its boundary but is mainly grass. The proposed development would include a landscaping plan for amenity areas and existing boundaries, notably the boundary to the allotments that are now relatively overgrown, and this would improve the track boundary. Private gardens are to be provided to each property with landscaped areas to the front to delineate footpath area and roadway. There will be off-street parking to the front of some of the properties and a row of parking spaces. Where possible, existing trees and shrubs are to be retained but overgrown and unkempt ones are to be replaced with properly laid out planting.

6.10 There will be a landscaping plan for the site with appropriate planting areas including British fruiting species for Badgers and all planting to comprise of native British species only and all fencing to be Badger friendly. With the application is a Biodiversity Mitigation and Enhancement Plan which has proposed a dark 'no lighting' zone to maintain a dark corridor for the local bat population, along the southern boundary, to the allotments. Within this area is also proposed a 2m buffer zone for the existing hedgerow with a post and rail fence to delineate this from the proposed amenity area.

6.11 The access to the site is between two properties and currently provides parking in front of the bungalow. The existing bungalow is situated directly in front of the access from East Street, set well back from the street and at an elevated level than the properties on East Street. The proposals are to maintain the current access, extending the width and removing all dwarf walls to maximise visibility splays when exiting the site.

6.12 East Street itself is a narrow road with many cars that park along the edge, making the access itself narrower. The arrangement of the access ensures slow speeds to be used when approaching and exiting the site.

6.13 Pedestrian access will be as already existing, via the main access, but there will be an additional pedestrian access from the additional piece of land that the client owns, outlined in blue. The gate is to be removed to allow access to and from the site.

7 RELEVANT PLANNING HISTORY:

Application No.	Application Description	Decision	Date of decision
WD/D/19/002143	Demolition of existing bungalow and erection of 5.no dwellings	W	28 January 2020

8. RELEVANT PLANNING POLICIES:

8.1 National Planning Policy Framework

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

Section 4 - Decision Making

Section 5 - Delivering a sufficient supply of homes

Section 11 - Making effective use of land

Section 12 - Achieving well-designed places

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

Section 15 - Conserving and enhancing the natural environment

Section 16 - Conserving and enhancing the historic environment

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

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

INT1 - Presumption in favour of sustainable development

ENV1 - Landscape and seascape

ENV 2 - Wildlife and habitats

ENV4 - Heritage Assets

ENV5 - Flood risk

ENV9. Pollution and Contaminated Land

ENV10 - Landscape and townscape setting

ENV12 - Design and positioning of buildings

ENV 15 - Efficient and appropriate use of land

ENV16 - Amenity

SUS2 - Distribution of development

HOUS1 Affordable Housing

HOUS3 Open Housing Market Mix

COM1 Making Sure New Development Makes Suitable Provision for Community Infrastructure

COM7 - Safe and efficient transport network

COM9 - Parking standards in new development

9 OTHER MATERIAL PLANNING CONSIDERATIONS:

9.1 Dorset Area of Outstanding Natural Beauty: A Framework for the Future AONB Management Plan 2019 – 2024

9.2 West Dorset Landscape Character Assessment 2009

9.3 Design and Sustainable Development Planning Guidelines (adopted 2009).

9.4 Beaminster Conservation Area Jan 2007 – Extracts say:

*“The edges of development are characterised by sudden, clean transitions from town to country on the south and eastern approaches (Bridport and Whitcombe Roads), where cuttings, hedge banks and overhanging trees form framed views into the town. Fleet Street has modest modern residential development at its junction with Shortmoor and Hogshill Street/ Clay Lane/Broadwindsor Road have considerable modern development, in the form of residential estates, business parks and the St Mary's School site. There is also a large modern residential block at the end of **East Street** and south of North Street.”*

*“It is possible that **East Street** represents a largely planned suburb of over sixty houses. The immediate evidence for this is the very distinctive regular, long plots, which contrast markedly with the rest of the historic core.”*

*“The vistas along the main radial streets are a series of smaller townscape experiences, closed or partly framed by buildings, walls, hedges and trees. The sequence along Hogshill Street is described in some detail above and the changing compositions of building lines, buildings parallel to roads or set firmly at right angles (with gable ends dominating), walls, the entrances to back yards or lanes and mature trees are also characteristic and pleasant features of Bridport Road, Prout Bridge, Whitcombe Road, **East Street**, North Street and Fleet Street.”*

*“The eastern end of **East Street**, and the pathway to the east of Champions, both within the Conservation Area boundary, form neutral areas, capable of a degree of physical improvement of buildings and spaces”*

9.5 Neighbourhood plan areas - A number of communities are working on preparing a neighbourhood plan including Beaminster which is in preparation. No weight however can be given to this plan which is at an early stage of preparation and has yet to be adopted.

10 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.

11.0 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.

In the context of the above PSED duties the scheme includes some parking spaces in close proximity to the units to provide easier access.

12.0 Financial benefits

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

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

13.0 Climate Implications

13.1 The development is considered to be in a sustainable location, despite its location outside but immediately adjoining the defined development boundary for Beaminster with the services and facilities of the town within walking distance.

13.2 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 between providing housing to meet needs versus conserving natural resources and minimising energy use.

13.3 The development would be built to current building regulation standards at the time of construction. Electric Charging facilities can be conditioned for proposed parking areas

14 CONSULTATIONS:

14.1 Town Council - RECOMMEND REFUSAL - objections are:

East Street is one of the oldest roads in Beaminster and as such is narrow with only a few small stretches of footway, on street parking, two way traffic, HGV (farm) vehicles and a high pedestrian footfall therefore additional dwellings and associated traffic would have a severe impact on the Street.

The Highway Authority objected to a previous application WD/D/15/001713 for the construction of three dwellings on land east of 28 to 34 Hollymoor Gardens due to the impact on East Street, this was upheld by the Planning Inspector in 2016. I quote the Highway engineers comments "residential development proposals would generate further traffic can pedestrian movements along East Street, a County highway with variable and limited carriageway and footway widths. In the absence of the construction of, or programme for, a detailed improvement scheme design to provide suitable and appropriate traffic management and safety enhancements for this street, this development would be likely to cause danger and inconvenience to all highway users. Hence the application would be contrary to Policy COM7 of the West Dorset, Weymouth and Portland Local Plan 2015"

The rearrangement of parking within the site and the creation of pedestrians routes through the site do not improve or alleviate the issues with regard to traffic and pedestrian movements in East Street. We note the statement previously made by Architectural Designer in her letter dated 18th December 2019 relating to pedestrian movements - "This could also create a safer route for existing residents who are walking to, or from, Beaminster town centre" however there are no routes on/off the site indicated on the plans.

The amended plan, for the erection of bungalows does not make any significant improvements and the Town Council re-iterated that housing development is not an appropriate use for this land being adjacent to the Conservation Area. The fact remains that the site is OUTSIDE the Defined Development Boundary Policy SUS2, with no provision for affordable/social housing contrary to Policy HOUS6.

Members noted no amendment in respect of the lack of Eco credentials or recycling facilities. Subsequent to considering the application previously members were concerned to note the number of objections to the proposal and REQUEST Dorset Council determine the application via the appropriate planning committee as opposed to delegated authority

14.2 Technical Services - The site is located in EA flood zone 1 – low probability of fluvial flooding and according to the EA's surface water flood maps apart from an

area of low surface water flood risk to the south, the prevailing surface water flood risk for the site is very low. However, the existing site is primarily greenfield and the proposals would result in an increase in impermeable surfacing. Run off from any new hard landscaped areas would need to be collected into a suitable drainage system. The applicant proposes discharging collected surface water to soakaways which would be acceptable provided ground conditions support the use of soakaways – further testing would be necessary in this regard as conditions may not be suitable at this location. Should soakaways prove viable or any drainage proposal for that matter, it would need to be designed by competent persons so that peak flows and surface water run-off totals will be acceptable as part of any drainage strategy.

14.3 Highways - East Street is an unclassified road subject to a 30mph speed limit and for reference is locally designated as the D11203.

The nature and width of the carriageway combined with reduced forward visibility, multiple existing frontage accesses and on-street car parking along East Street all help to control the flow and reduce the speed of traffic below the prescribed speed limit in the vicinity of the site.

National Planning Policy Framework (February 2019) in paragraph 109 states that:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Taking into consideration the above factors, combined with the geometry of the proposed vehicular access and the number of likely trips expected to be generated by the proposal the Highway Authority considers on balance that an objection to the proposed vehicular access arrangements and associated development cannot be sustained.

On-site car parking has been provided that accords with guidance contained within the Bournemouth, Poole and Dorset Residential Car Parking Study and turning is proposed which meets the needs of the proposal.

Potential for a secondary pedestrian access is indicated on the plans, but no specific details are included. A secondary pedestrian access would help permeability of the site, as such if this can be secured details of this access should be submitted and agreed (see suggested conditions).

Temporary bin storage areas close to the accesses should be included to help reduce the period of time refuse vehicles are required to wait on the highway during collections (see suggested conditions).

With the above in mind the Highway Authority recommends the following condition(s):

Vehicle access construction

Before the development is occupied or utilised the first 5.0 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.

INFORMATIVE NOTE: Dorset 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 01305 221020, by email at dorsethighways@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.

Turning and parking construction

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.

Pedestrian access construction

Before the development is occupied or utilised details (construction and positioning) of the secondary pedestrian access (between 64 East Street and the garages adjacent to 62 East Street) should be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the additional pedestrian access is suitably surfaced and constructed.

Temporary refuse storage area

Before the development is occupied or utilised details (construction and positioning) of temporary refuse storage areas should be submitted to and approved in writing by the Local Planning Authority.

Reason: To expedite waste collection from the site.

Construction traffic management plan to be submitted

Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:

- o construction vehicle details (number, size, type and frequency of movement)
- o a programme of construction works and anticipated deliveries
- o timings of deliveries so as to avoid, where possible, peak traffic periods
- o a framework for managing abnormal loads
- o contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- o wheel cleaning facilities
- o vehicle cleaning facilities
- o Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- o a scheme of appropriate signing of vehicle route to the site
- o a route plan for all contractors and suppliers to be advised on
- o temporary traffic management measures where necessary

The development must be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

14.4 Natural England – Natural England has no comments to make on this application - Apply Standing Advice to this application as regards the Dorset Biodiversity Appraisal Protocol

14.5 Environmental Health - It is recommended that, should consent be granted, a suitable condition is applied which requires the applicant, in the event that ground contamination is encountered during construction, to cease operations and seek specialist advice; operations should not recommence without the written consent of the planning authority.

15 REPRESENTATIONS:

15.1 46 representations have been received with 1 general comment and 1 in support. Those objecting raise the following issues:

- **Outside the defined development boundary** - It is outside the development area.
- There remains too, the fact that this land is outside the defined development area and as the proposed housing would be for the open market, not to meet local requirement for social or affordable housing, no exception should be made.

- Highways** – The dominant factor is the effect of increased traffic and access onto East Street. At present vehicles entering East Street from Woodswater Lane do so without any view of oncoming traffic and vehicles leaving or entering the development will exacerbate the problem. It is unlikely neighbours will permit the installation of viewing mirrors on their property and in any event this would not necessarily relieve the inherent danger to both vehicles and pedestrians or improve the junction safety with Woodswater Lane. The proposed additional pedestrian access will do little or nothing to alleviate the danger to pedestrians in East Street which is already unsafe due to high levels of parking, high traffic levels and the fact there are few pavements with most houses opening directly onto the road. At present it is difficult for any large vehicle including fire engines, ambulances etc to navigate East Street due to the number of parked vehicles and the narrow width of the street with few pavements. The majority of heavy vehicles, including the milk lorry collecting from Lower Langdon Farm twice a day, delivery lorries, tractors and trailers have to use Woodswater Lane on a frequent daily basis as they are unable to gain safe access via East Street. They have great difficulty navigating the junction of Woodswater Lane / East Street / Hollymoor Lane immediately adjacent to the entrance to the site and are only able to travel along Woodswater Lane through residents parking their vehicles half on the pavement opposite our home. The residents of the bungalows 7 - 13 Woodswater Lane have no off road parking and residents, delivery vehicles, and visitors including carers have to park half on the pavement to avoid their cars being damaged by heavy vehicles. This blocks the pavement to pedestrians with pushchairs, mobility scooters, etc who have to then go into the road. There are a high number of mobility scooter/ wheelchair users and parents with pushchairs that use Woodswater Lane as a safer access to Beaminster Square as they feel East Street is too dangerous for them. Considerable damage has already been caused by delivery vehicles entering Woodswater Lane, including two separate occasions recently to the Limes where the perimeter wall has been knocked down and the outbuilding and its roof damaged. It is obvious that should this development be permitted that the majority of site traffic and delivery vehicles both during the build and to service the properties later will use Woodswater Lane as an access. This will put further pressure and cause considerable danger for both pedestrians and drivers on a lane that is already overused for heavy traffic because of the limitations of East Street and at the junction described above.
- Dwellings are proposed, at a dangerous location near a blind junction, on the narrowest part of the road on which many of the properties have a street frontage. The construction phase represents a significant danger in itself due to the number of delivery vehicles and contractors required who would need to drive along East Street which has a number of dangerous pinch points. After completion, the traffic servicing five large dwellings would represent a significant ongoing risk to the safety of residents of East Street, many of whom are elderly

- The Highway Authority and the applicants fail to say that the current viewing splays fall well short of the current criteria. Viewing splays for the type of junction that exists and will continue to exist state that a motorist leaving the entrance to the proposed development should be able when 2.5m (x - distance) away from the edge of the carriageway in this case East Street, be able to see a point 33m (y-distance) to the right as measured along East Street and another point to left also 33m away, for this to be achieved the neighbouring buildings would need to be demolished. Therefore it seems that because the current viewing splays fall well short of the minimum required, the junction carries greater inherent risks than one that does satisfy the minimum requirements. The Highway Authority seem to be ignorant of this or are ignoring it in their response.
- There are going to be problems with traffic, people walking and how will emergency services be able to access the area
- Adverse Highway impacts as a result - Should this development proceed it will entail hundreds of tonnes of spoil being removed from the site and thousands of tonnes of material taken in over a prolonged period of time, probably spanning many months. This will involve many hundreds of trips by HGV's, for those familiar with East Street and the adjoining roads this would prove a danger to existing buildings, vehicles and pedestrians, East Street is a lovely road but is not user friendly for the movement of large vehicles, it struggles to cope with normal deliveries and agricultural vehicles.
- Health and Safety: The proposed development would be in a dangerous location, near a blind junction on the narrowest part of East Street. Currently large vehicles struggle to manoeuvre at this junction, and emergency vehicles struggle to access this end of East street because of the parked cars from cottages with no garage. As there are no pavements, the safety of pedestrians would be further compromised by the increased traffic.
- In addition whilst East Street have street lights, these are switched off later in the evening. Additional road users on this street using it at night would make this even more dangerous for pedestrians.
- The access to the property at 82 East Street, is currently at the most narrow part of the road, with already extremely limited parking for residents. Cottages at this point have to park on this part of East Street, with no possible alternative, and there is the added concern that there is already no pavement on either side of the road rendering it potentially dangerous for pedestrians at times of busy traffic.
- Should this application be accepted, it will produce unacceptable levels of vehicle congestion during the construction process and a considerable strain on the infrastructure of the surrounding area caused by its over development. The development would also be outside the defined development boundary. Additional strain would be caused in the future by deliveries, waste collection,

emergency services and visitors to the properties which would have limited parking.

- Many old cottages have their front doors directly onto East Street and the thought of encouraging even more traffic through East Street is of paramount concern. Recently East Street endured additional traffic due to the road being closed at North Street, it became busy and dangerous.
- Access to the site is not suitable for large lorries when exiting the site to the left, visibility is limited.
- Increased traffic will endanger pedestrians as there is no pavement on much of the street and is very narrow in places.
- The Highways department made no objection to previous applications but on many occasions wing mirrors and scrapes have happened, though not reported as too minor an accident. Speeding along East Street is impossible, hence no major accidents are likely to occur.
- Resubmission fails to address the major issues re Highways has already reported that further development in East Street without a traffic management scheme should not be allowed on safety grounds. Please read WD/D/15/001713. This proposal is in the most dangerous part of the Street, and the suggestion of mirrors indicates that they know this.
- East Street is extremely narrow in parts with many larger vehicles struggling to get through, this will have an adverse impact on lorries delivering building materials to the proposed site. In addition we believe that no larger vehicle would be able to access the site using the suggested entrance, even with the adaptations made. This would ultimately block the road between houses 73 to 79 for lorries trying to make their access and is unacceptable for road users to sit and wait while they unload their materials out on the road.
- The National Planning Policy Framework (NPPF) states under Point 102 that opportunities to promote walking, cycling and public transport use are identified and pursued. This has not been met. Whilst East Street has a pavement for part of it there is no pavement between properties numbers 58 to 90 where the proposed development sits. East Street does not have the capability to accommodate one due to the road not being wide enough. The street was not built for high volumes of traffic. In addition the public transport to /from Beaminster has decreased significantly in recent times.
- NPPF point 103 states 'significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions'. Only vehicles have been considered in this

application due to the car parking spaces allocated which will ultimately increase congestion and emissions. No thoughts have been made to cycle or walking infrastructure.

- In response to the Highways Authority Recommendation. The recommendation appears to be mainly based on the expectation that traffic will travel below the prescribed speed limit in the vicinity of the site. This is a seriously flawed theory. The majority of the vehicles passing East Street houses at the start of East Street from Hollymoor Lane and in particular HGVs do so at near to or exceeding the speed limit. To exit the new development and see around the corner the vehicle's front end will be in the direct path of oncoming vehicles which will not have sufficient breaking distance to stop or space to avoid. This is a severe safety issue.
- **Design and Conservation Area Character** - It is not true that using render and Ham stone quoins and lintels for the proposed development will make it "blend in more naturally with the local area" as claimed by the applicants. The majority of East Street and surrounding area is constructed almost entirely of inferior grade oolitic limestone which has a very different aesthetic to render and quoined walls. The proposed design has interrupted eaves and gutter lines which are totally alien to this area. The drawings omit to show the proliferation of downpipes necessary to serve the design either in error or deliberately to misrepresent the scheme. Semi-detached properties with garages on the end are not the local vernacular of East Street. To suggest otherwise is untrue. The application is NOT "in keeping with the local vernacular" as asserted by the applicants.
- There is no reference in the application to the "Historic Towns Survey (Feb 2011) produced by Dorset County Council and West Dorset District Council and funded by English Heritage. It refers to this area as "the only part of Beaminster where there appears to have been a planned layout. The large proportion of historic 18th and 19th century attached cottages and small terraces of workers houses gives this area its own distinctive character within the town. The widespread use of local materials creates a pleasing whole for the built character." It goes on to say "The scale and shape of the long narrow historic plots reflect a planned layout of considerable time depth which gives this part of Beaminster its character. Any further erosion of this pattern would have a detrimental effect on its historic character."
- Views over the garaging from the conservation area of East Street to the countryside to the south will not be maintained but reduced. A parallel edge to the field of view from East Street is not the true field of view. It would be the case if the observer was at an infinite distance away. The field of view is dependent on the position of the observer on East Street and these lines of observation cover a greater angle and area than indicated. Further, the proposed view is narrowed by omitting the garages gaps and openings east and west of the group of garages selected. There will therefore be a detrimental loss of views to the countryside to

the south which the conservation officer has expressed are an important aspect of East Street conservation area and a contravention of planning policy.

- The NPPF is not a licence to build anything anywhere and without regard to the safety of the local people or maintaining properties in a Conservation area including listed buildings.
- Not in keeping with the conservation area.
- Additional construction in a conservation area, construction outside of the agreed building boundaries and the increase in pollution resulting from the increase in traffic. Any development within the conservation area would diminish the areas attraction and be counterproductive to the towns appeal to both residents and visitors alike
- The Conservation Officer previously noted that the 'views are a positive feature of the conservation area'. Whilst the most recent application has rearranged the dwellings to enable a view, this only makes the situation worse for properties along the line of East Street who will lose ALL their view and most of their light.
- **Amenity** - The new development will closely border the small gardens of properties in East Street. The land is elevated to such a degree that cars approaching and pedestrians walking through the new development will be looking into first floor bathrooms and bedrooms of existing properties, particularly 60-68, including my own at 64.
- Many of the houses adjoining the proposed site have small rear gardens (south facing) that lie lower than the proposed site, so the new houses will tower over them and cause loss of privacy, light and they will suffer additional noise and car fumes. Number 80 to 58 will be particularly affected.
- In proposing to build a private road with 5 properties in a garden is an unacceptable over development of the site and will affect outlook of occupants of properties that are attached to the proposed site.
- The occupants of 24 adjoining houses will suffer some degree of loss of existing views which form part of their living where they do. This includes property especially the outlook from gardens towards the church.
- As the field to be built on is higher than most of the houses along East Street the proposed development will be unacceptably over-bearing. For example the ground level of the proposed site is level with the top of the ground floor windows of 64 East Street.
- Given that the height of the field on which the proposed properties would be built is a lot higher than the road level, loss of privacy will remain an issue, as will loss of light.

- Plots 1-3 will have clear line of site into neighbours gardens at 92 East Street and therefore have an adverse effect on residential amenity and that of neighbours at 90 East Street. If the planning department are of a mind to approve this application requests that plot 1 be remove from the proposal or at the very least all upstairs windows of plots 1-3 be obscure glass
- **Demolition Concerns** - Demolishing a building needs to be done with care. The applicants have not submitted a detailed and comprehensive plan as to how this is to be done. Surely the building and site needs to be examined for any toxic or dangerous materials e.g. asbestos.
- A detailed account as to how the disposal of all material produced during the demolition is to be removed and how it is to be processed after removal from the site should be submitted.
- Such an account needs to be available for public scrutiny and comment, as well as the relevant authorities to ensure that it is acceptable before any decision is made on the application.
- The Environmental Health report acknowledges that there exist contaminative sites within 250m of the proposed development
- The first part of the application title is the demolition of the existing bungalow which is not to be taken lightly.
- **Flooding**
- The application states that there will no risk of increased flooding. The application states that soakaways are to be used for drainage, given the underlying soil is clay, there is every possibility that they will fail and flood surrounding buildings.
- Concerns the sewer system is already at capacity.
- **Waste and Refuse Issues**
- There are no arrangements shown for the management of recycling and refuse. The access for recycling and refuse vehicles and emergency vehicles is inadequate creating further problems on East Street. Similar problems would be exacerbated during the construction phase as quantities of materials are offloaded in the narrowest part of the street
- **Defined Development Area and Rural Exemption Sites**
- According to the Local Plan map, the proposed site lies almost entirely outside the area for which development is possible. The applicants state quite clearly that the houses are for the open market and so would not be available for those whose incomes fall so short that it is impossible to buy or rent on the open market, thus the site cannot be considered as an exemption site

- The Council if it allows the development must make sure that there are sufficient funds from the beginning to ensure that the roads are finished to a high standard and that street lighting is installed; there have been cases around the country where developers have started building only to go out of business or through lack of funds not be able to finish the development as specified
- **Climate Change** -In the design the proposal shows no commitment to ameliorate its impact on the current climate crisis for which Dorset Council has declared an emergency. The statement: "proposing a fabric first approach to the construction" is meaningless. So too is: "high level of insulation and air tightness" meaningless without stating what the value of these criteria are going to be. "We propose to look at various options to maximise on suitability for this site" is as far as this application goes meaningless too.
- **Housing Need** -Realise there is a housing shortage and support appropriately located proposed developments like those off Tunnel Road and Broadwindsor Road, Beaminster. I understand planning approval has been obtained for a significant number of houses in these locations which I imagine fulfils our towns needs and therefore these additional 4 units aren't required, especially the high price the local people will have to pay for them to be built
- If it is approved, please make it a condition that a developer financed public consultation takes place and that an appropriate traffic management and safety enhancement scheme is approved by planning and highways; and is implemented in East Street prior to any work commencing on site. Also that both upstairs rear windows are obscured glass on Plot 1
- **Decision Making** - A decision as important as this application should be made by Elected Members rather than a sole Officer.

15.2 The 1 supporting and 1 general comment state – With the amendments of recent plans / drawings, it would not have much or any detrimental effect on any of the concerns the objectors raise.

- The demolition of the existing bungalow and the building of the further 5 dwellings would be in a strict manor to cause as less inconvenience and health concerns as possible, the access points are to be made much bigger and safer than the entrance to the bungalow which as of google maps have 2 vehicles coming & going from this area, which then leaves the question of the new dwellings occupants vehicles being parked in the new development leaving no cars etc in east street itself.
- The amount of extra comings and goings on an extra 4 property's will be very minimal and observant.

- It also looks that there will be extra parking for existing occupants of east street to park their cars in the new development, with extra width and clearer exit points to and from the new development.
- Any ongoing construction sites will have a slight inconvenience at the time of construction but with strict health & safety measures in place at all times with top priority to the surrounding neighbourhood.
- No reason as to why this development cannot proceed as highways have said before, they have no issues with any safety during development and after use.
- In reply to a couple of comments from the objectors that because I don't live in Beaminster, I do therefore have elderly relatives that do, and not too far from east street and regularly use east street with sensible care and consideration without any issues " the comments on it being dangerous are somewhat fabricated and misleading, they are in support of this development but understandably refraining from publicity, there are many towns like Beaminster with small narrow streets with no pavements in the uk , those towns don't get building development turned down on that basis it's down to the public to use common sense when commuting, whether using their own transportation or walking / riding their bicycle.
- The development company have been very generous in their thinking on this development and the changes have married in very well with the surrounding areas.
- There will always understandably be issues when in full construction but always being in strict Health and safety measures, the comment on any asbestos material in the existing bungalow will obviously have been made aware of way before any work will commence with a professional company, as the plans are where they are now and the first highways comments of there being no issues on their part I see no reason for this development not to be granted.

16 PLANNING ISSUES:

16.1 The main planning issues relevant to this application are:

- Principle of the development
- Design and Impact on the character and appearance of the Conservation Area and setting of any Listed Buildings
- Impact on AONB
- Impact on amenity of neighbours
- Impact on Traffic and Highways and use of East Street
- CIL/Affordable Housing
- Drainage
- Impact on Trees/Nature Conservation

17 PLANNING ASSESSMENT:

17.1 Principle of the development

The site is outside of the development boundary but is immediately adjacent to it and is considered to be in a sustainable location close to public services provided in Beaminster.

17.2 Policy SUS2 of the Local Plan aims to focus residential, employment and other development to meet the needs of the local area within defined development boundaries (DDBs) and taking place at appropriate scales to the size of each settlement. The policy also indicates that outside defined development boundaries, development will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints. Open market houses can be acceptable under this policy but only when this involves the re-use of existing rural buildings. Policy HOUS6 of the Local Plan is not applicable in this case as the scheme has not been put forward as new housing for rural workers.

17.3 However the Council cannot currently demonstrate a 5 Year Housing Land Supply for the West Dorset, Weymouth & Portland plan area. It is 4.83 yrs – less than 5 years. This means that para 11 footnote 7 of the NPPF is 'engaged' and relevant supply of housing policies, including Policy SUS2 may no longer be considered to be up to date. Where a 'relevant policy' such as SUS2 is considered to be out of date, para 11 of the NPPF is also engaged indicating that in such cases planning permission should be granted unless:

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

17.4 In this regard the main policy issues are:

- conflict with the spatial strategy of the Local Plan; and
- the impacts of the proposed development given its location outside a DDB.

17.5 The proposed development would ordinarily be contrary to criterion i) of Policy SUS2, which sets out the spatial strategy for the Local Plan area. Criterion i) of Policy SUS2 directs development to settlements with DDBs, and the 'main towns' of Dorchester and Weymouth and the 'market and coastal towns'.

17.6 As part of the determination, it is also important to have regard to: the extent of the current housing land supply shortfall; and the measures the councils are putting in place to address it.

17.7 The Council has taken action to address the housing land supply shortfall not

only by making progress on the Local Plan Review, but also through the granting of consents on sites that are outside, but adjoin settlements with DDBs. That is the case here as the site adjoins the DDB of Beaminster.

17.8 Given the fact that the Council cannot currently demonstrate a five year housing land supply the contribution that 5 additional dwellings would make is a modest but positive contribution to that supply but we also need to consider para 11 of the NPPF which is also engaged and that “planning permission should be granted unless”:

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

17.9 These detailed considerations are as set out below.

17.10 **Impact on the AONB** - Whilst the site (like much of West Dorset) falls within the Dorset AONB, the site also forms part of an undeveloped large garden area to an existing dwelling. This area is characterised by the narrow street of East Street that forms part of the Conservation Area with its many terraced houses while to the north just beyond the application site the town becomes more suburban in nature. To the east the area is more open and undeveloped in character. In this regard the proposal is considered acceptable and officers are satisfied that the proposed development would sit comfortably in this AONB designated landscape and would not be an incongruous feature, it forming part of the wider built up part of the town. On this basis it is concluded that the proposal would be acceptable and would not harm the character and appearance of the area designated an AONB.

17.11 **Design and Impact on the character and appearance of the Conservation Area and setting of any Listed Buildings** - It is clear that the site lies outside the development boundary and outside the Conservation Area. Both are drawn tightly around the existing built form of the town. The Conservation Area excludes the host dwelling but is drawn around the rear gardens of nos 54-56; and nos 60-90 East Street. All land beyond that lies outside the Conservation Area. There are no nearby listed buildings whose setting would be affected.

17.12 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 however requires LPA's to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. In this regard your Conservation Officer has been party to the pre-application discussions that took place with your officers and the agent between the withdrawal of the previous application and the making of this one.

17.13 The site is set behind buildings fronting East Street and a feature here is the small group of low garages which provide views directly through the proposed

development site to the countryside beyond. Despite the garages, the views are a positive feature of the Conservation Area as are the terraced houses. The layout now submitted maintains this gap and view through from East Street. In addition in terms of detailed design the proposal has responded to a number of earlier criticisms by the Conservation Officer on the previous scheme in that the number of windows particularly to the front elevations has been much simplified. The vernacular is of a simpler elevational treatment.

17.14 Given the above it is considered that the proposal being set behind the terraced properties in East Street, which forms the main character of the Conservation Area while retaining views above the garage block in East Street to the wider countryside beyond, results in a proposal that preserves the character or appearance of the conservation area and is acceptable in this regard. In that regard Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the preserve/enhance test) is considered to be met.

17.15 Impact on amenity of neighbours - Policy ENV16 of the Local Plan and paragraph 127 of the Framework seek to ensure that new development provides a high standard of amenity for existing and future users. During previous officer consultation, the potential overbearing impact upon neighbouring occupiers was raised. In order to address this, the overall scale and height of the proposed dwellings have been scaled back to produce a 1½ storey high proposal. The main impact on neighbour's amenity therefore relates to those at nos 78-92 East Street as regards the location of plots 1-3; nos 60-68 East Street as regards plots 4 & 5 and nos 54 and 56 East Street also as regards Plots 4 & 5.

17.16 Impact on nos 78-92 East Street as regards the location of plots 1-3;
The front elevation of Plots 1-3 would be around 10m to the rear boundary of nos 78 & 80 East Street and a further circa 16m to the rear elevation of no 80 in particular. These properties are set at slightly lower level to the garden area at the application site as their rear gardens are set lower but coupled with the simple fenestration of plots 1-3 with -only 2 first floor windows per dwelling each to a bedroom at first floor level and given the 1½ storey scale of the proposal, this relationship is considered to be an acceptable one particularly given the more tighter knit character of the terraced street that is East Street.

17.17 The relationship to no 86 would be an improved one given the proximity of the existing bungalow to the rear of this property which is currently built close to the rear of no.86. As regards nos 88 and 90 it is not considered that there would be any unduly adverse impact on the amenity of these neighbours given the proximity of plot 1 to the rear of these properties. As regards no 92, this property has an extensive rear garden area with a domestic pond and outbuilding that adjoins the boundary with plot 1 but by reason of the orientation of the plot 1 such that it would be gable end on to this rear garden and the fact that the first floor rear window closest to this boundary would have an obscure glazed bathroom/en-suite window, it is not considered that the mass, scale and bulk of the proposal would result in any unduly

dominating or overbearing impact on these neighbours sufficient to withhold planning permission.

17.18 Impact on nos 60-68 East Street as regards plots 4 & 5

The relationship to nos 60-68 would also be acceptable. Plots 4 and 5 would be roughly gable end on to the rear of these properties with the gabled end of plot 4 circa 13m to the rear boundary with nos 64/66 and the rear aspect of no 68 would remain largely unchanged other than overlooking the open aspect of the access drive and parking areas. The rear aspect from nos 60 and 62 would be towards the open rear gardens of plots 4 and 5. As such it is not considered that the mass, scale and bulk of the proposal would result in any unduly dominating or overbearing impact on these neighbours sufficient to withhold planning permission.

17.19 Impact on nos 54 and 56 East Street also as regards Plots 4 & 5.

The relationship to nos 54 and 56 would also be acceptable. Plots 4 and 5 would have their rear elevation facing the rear of these properties with a separation distance of circa 16m to their rear boundary with the site. The rear aspect from nos 54 and 46 has limited rear windows and incorporates existing trees and bushes which are essentially to remain as part of the garden areas to plots 4 and 5. As such coupled with the separation distance it is not considered that the mass, scale and bulk of the proposal would result in any unduly dominating or overbearing impact on these neighbours sufficient to withhold planning permission.

17.20 Conclusion on Amenity Impacts

Given what is set out above it is considered that there would be no significant adverse impact on any of the neighboring properties sufficient to warrant refusal of permission. As such Policy ENV16 of the Local Plan and paragraph 127 of the Framework are considered to be met.

17.21 Impact on Traffic and Highways and use of East Street

As your Highways officer sets out, East Street is an unclassified road subject to a 30mph speed limit and for reference is locally designated as the D11203. The nature and width of the carriageway combined with reduced forward visibility, multiple existing frontage accesses and on-street car parking along East Street all help to control the flow and reduce the speed of traffic below the prescribed speed limit in the vicinity of the site.

17.22 The National Planning Policy Framework (February 2019) in paragraph 109 states that:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

17.23 Taking into consideration the above factors, combined with the geometry of the proposed vehicular access and the number of likely trips expected to be

generated by the proposal, the Highway Authority considers on balance that an objection to the proposed vehicular access arrangements and associated development cannot be sustained. On-site car parking has been provided that accords with guidance contained within the Bournemouth, Poole and Dorset Residential Car Parking Study and turning is proposed which meets the needs of the proposal.

17.24 Although those objecting cite previous responses and alleged inconsistencies of highway responses on other previous applications, it has to be borne in mind that each application has to be considered on its own individual merits.

17.25 Having said this your officers are also mindful of a recent appeal decision on Portland for 3 dwellings also on a backland site (35 Easton Street Portland ref WP/18/00302/FUL) where vehicular access was sandwiched between 2 terraced commercial properties via a narrow single cars width private access. That proposal was refused on highway grounds by the former Weymouth and Portland Borough Council contrary to officer advice where there were no highway objections. At appeal the Inspector stated (see my bold emphasis):

29. Access to the proposed dwellings would be by means of a narrow entrance between No 33 and No 35 Easton Street. Vehicles emerging from the entrance would have their visibility restricted by the high flank walls of the properties either side, in addition to a projecting bay window to the left of the access. Before manoeuvring onto Eaton Street, a wide pavement would need to be crossed, and a dropped kerb is proposed to facilitate this.

30. I acknowledge that visibility is significantly impaired, although it is highly likely that vehicles merging on to Easton Street would be doing so with caution and at low speeds. I noted these types of manoeuvres at other restricted accesses in the vicinity during my site visit. Furthermore, the wide pavement and presence of the projecting bay window would likely make pedestrians take a wider route along the pavement away from the access. This, in my view would increase the likelihood of pedestrians being alert to cautiously emerging vehicles, thus reducing conflict. Also, the sound from car engines would likely be audible and provide pedestrians with an indication that a vehicle is about to emerge from the access and cross the footway. I therefore do not consider that the safety of pedestrians would be materially harmed by the proposed access.

31. Consequently, the proposal would have an acceptable effect on highway safety as the proposed access onto Easton Street is considered suitable. The proposal therefore complies with Policy COM7 of the LP, which amongst other things, requires development not to have a severe detrimental effect on road safety.

17.26 This case (notwithstanding that each application has to be considered on its own individual merits) is brought to Members attention as arguably the access width and visibility was worse than what is proposed here at East Street and the Planning Inspector considers the issue of '**severity**' as per the NPPF.

17.27 As such your Highways officer raises no objections subject to conditions that seek to deal with Pedestrian access provision and construction to East Street, to provide improved pedestrian access back along East Street into the town, and a Construction Traffic Management Plan to be submitted, then as such policies COM7 and COM9 of the Local Plan are satisfied.

17.28 It should be noted that their recommend condition re temporary refuse storage areas has now been addressed but this should now be conditioned to be provided and retained.

17.29 **CIL**

The adopted charging schedule only applies a levy on proposals that create a dwelling and/or a dwelling with restricted holiday use. All other development types are therefore set a £0 per square metre CIL rate. The rate at which CIL is charged is £100 per sqm. Confirmation of the final CIL charge will be included in a CIL liability notice issued prior to the commencement of the development with Index linking as required by the CIL Regulations

17.30 **Affordable Housing Contributions**

Policy HOUS1 requires all new dwellings to make a 35% contribution towards affordable housing. National planning policy and national guidance establish thresholds below which affordable housing contributions should not be sought. As this proposal complies with these thresholds (5 dwellings or less in this rural area) an affordable housing contribution is not required.

17.31 **Drainage**

The proposal would have access to necessary utilities service infrastructure. The site not within an area at risk of flooding nor is it within 20 metres of a watercourse. It is not considered that the proposal would increase the flood risk elsewhere. The proposal would accord with policy COM10 of the Local Plan which, among other things, requires development to have access to energy supplies, drainage, sewerage, sewage treatment and water supply.

17.32 In addition your Technical Services Officers comment that the site is located in Env Agency flood zone 1 – low probability of fluvial flooding and according to the EA's surface water flood maps apart from an area of low surface water flood risk to the south, the prevailing surface water flood risk for the site is very low. However, the existing site is primarily greenfield and the proposals would result in an increase in impermeable surfacing. Run off from any new hard landscaped areas would need to be collected into a suitable drainage system. The applicant proposes discharging collected surface water to soakaways which would be acceptable provided ground

conditions support the use of soakaways – further and testing would be necessary in this regard as conditions may not be suitable at this location (this is usually done at Building Regulations stage). Should soakaways prove viable or any drainage proposal for that matter, it would need to be designed by competent persons so that peak flows and surface water run-off totals will be acceptable as part of any drainage strategy. There is nothing at this stage to indicate that flooding or satisfactory drainage is not possible for this proposed development but details of surface water drainage as recommended by our Technical Services officer can be conditioned.

17.33 Impact on Ecology/Nature Conservation

The applicant has submitted an ecology report. Recommendations for mitigation and ecological enhancements have been provided and that has been the subject of a consultation with Dorset Natural Environment Team and a Dorset Biodiversity Appraisal Protocol Certificate of Approval has been granted for the Biodiversity Plan dated 5th June submitted by Amy Parsons (ABR Ecology Ltd). Provided that a condition is attached to any permission requiring this to be carried out, then policy ENV2 of the Local Plan is satisfied.

17.34 In addition the Ecology report explains that the Dorset Biodiversity Compensation Framework (DBCF) sets out in this case that the site comprises 0.211a of semi-improved grassland which is of 'local interest' due to the presence of three Dorset Notable species at least occasional in the sward. An area of grassland equating to approximately 0.01Ha will be fully retained as a buffer to the southern hedgerow however, an area equating to 0.19Ha will be lost to facilitate the development.

17.35 Due to the small size of the development plot, there is no scope to include replacement grassland creation on-site and there is no alternative land within ownership that is available for off-site compensation. Therefore, the total loss of 0.19Ha of semi-improved grassland at 'local interest' remains.

17.36 In accordance with the current DBCF, to offset the loss of 0.19Ha of semi-improved grassland of 'local interest' would require the creation of 0.79Ha of replacement semi-improved grassland. There is no potential to accommodate this sized area of grassland on site or off-site; therefore, the loss of grassland must be addressed through the funding of The Dorset BAP Partnership Project, the loss of 0.19Ha of semi-improved grassland of 'local interest' would equate to a compensation off setting fee of £4,233.39.

17.37 The DBCF guidance states that the Councils Natural Environment Team (NET) will secure financial compensation payments via a Section 106 Agreement or Unilateral Undertaking, required as part of this application.

17.38 The submitted BP also explains sets out that a permanent fence on the southern boundary to protect the wildlife area will be required and its retention can be conditioned

18 CONCLUSION/SUMMARY: Overall, it is considered that given the above issues there are no material harmful effects that would warrant the refusal of planning permission as detailed in the main body of the report. The proposed development while outside the DDB for Beaminster is immediately adjacent to it with a short walk into the town. In the light of the current housing land supply position the proposal would make a small but positive contribution to the supply of housing where there are no other obvious and adverse planning impacts to justify a refusal of planning permission given the issues as set out above.

18.1 The proposed development is considered acceptable and therefore recommended for approval.

19 RECOMMENDATION: Delegate Authority to grant planning permission subject to the completion of a Section 106 Agreement requiring a contribution of £4,233.39 to be made as part of the ecological mitigation proposals for off-site mitigation and 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 (as amended).

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

Proposed Floor plans and Elevations Plot 1-3 - Drawing Number 11352-07 Rev A received on 03/03/2020

Proposed Floor plans and Elevations Plots 4-5 - Drawing Number 11352-08 Rev A received on 03/03/2020

Street Elevations - Drawing Number 11352-06 Rev D received on 03/03/2020

Proposed Sections - Drawing Number 11352-09 Rev A received on 03/03/2020

Proposed Site Plan - Drawing Number 11352-01 Rev D received on 27/05/2020

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

3) Before any development is carried out above damp proof course level details and samples of all facing and roofing materials shall be submitted to, and approved in writing by, the Local Planning Authority and the development shall be completed in accordance with the approved details.

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

4) Before any development is carried out above damp proof course level, full details of both hard and soft landscape works and a maintenance scheme for the

landscaping shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscaping shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme first agreed in writing with the Local Planning Authority. The landscaping shall be maintained in accordance with the approved scheme for a period of 5 years from the date of the planting and if in that time any tree/plant or any tree/plant planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) another tree/plant of the same species and size as that originally planted shall be replanted in the first available planting season unless the Local Planning Authority agrees in writing to any variation

REASON: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality.

5) The development shall be carried out in accordance with the recommendations of the Amy Parsons (ABR Ecology Ltd) Biodiversity Plan as approved by the Dorset Natural Environment Team Certificate of Approval Dated 5th June 2020 unless agreed otherwise in writing with the local planning authority. This shall include the provision of fencing details of which are to be submitted to and approved by the local planning authority prior to the occupation of any dwelling hereby approved and thereafter the fencing shall be provided in accordance with the approved details prior to the occupation of any dwelling and shall be permanently retained as such thereafter.

REASON: In the interests of nature conservation.

6) Before the development is occupied or utilised the first 5.0 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.

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 the development is occupied or utilised details (construction and positioning) of the secondary pedestrian access (between 64 East Street and the

garages adjacent to 62 East Street) should be submitted to and approved in writing by the Local Planning Authority. The pedestrian access shall be provided in accordance with the approved details prior to occupation of any of the dwellings hereby approved and shall be retained and maintained as such thereafter.

REASON: To ensure that the additional pedestrian access is suitably surfaced and constructed in order to encourage pedestrian trips to the town centre.

9) Before the development is occupied the temporary refuse storage areas as shown on the approved site layout plan shall be provided. When provided it shall be retained as such thereafter.

REASON: To expedite waste collection from the site in the interests of highway safety.

10) Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:

- o construction vehicle details (number, size, type and frequency of movement)
- o a programme of construction works and anticipated deliveries
- o timings of deliveries so as to avoid, where possible, peak traffic periods
- o a framework for managing abnormal loads
- o contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- o wheel cleaning facilities
- o vehicle cleaning facilities
- o Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- o a scheme of appropriate signing of vehicle route to the site
- o a route plan for all contractors and suppliers to be advised on
- o temporary traffic management measures where necessary

The development must be carried out strictly in accordance with the approved CTMP.

REASON: To minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway; and to safeguard the amenity of neighbours from undue noise and disturbance.

11) 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 to and approved in writing by 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.

12) In the event that contamination is found at any time when carrying out the approved development, all work shall cease and the applicant shall seek specialist advice. The contamination must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 and the investigation and risk assessment reports shall be submitted to and approved by the Local Planning Authority for approval. If such reports require site remediation measures then the investigation reports must identify any necessary remediation and that scheme of remediation shall be submitted to and approved by the Local Planning Authority for approval. The approved remediation scheme shall be carried out to a timescale to be first agreed with the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted which is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure risks from contamination are minimised.

13) Prior to occupation of the dwellings hereby approved those windows to bathrooms/en-suite rooms shall be obscure glazed to a minimum obscurity level 3 and when provided they shall be retained as such.

REASON: To safeguard the amenity of neighbouring occupiers.

14) No external lighting shall be installed as part of this development until details showing their location, appearance and luminance has been submitted to and approved in writing by the local planning authority. Any such external lighting shall be carried out in accordance with the approved details and shall be permanently retained as such thereafter.

REASON: To safeguard the amenity of neighbouring occupiers and in the interests of nature conservation.

15) Prior to commencement of the development hereby approved, details of the finished floor level(s) of all the building(s) hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity.

16) Prior to commencement of the development hereby approved, details of the surface water drainage proposals shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of ensuring satisfactory drainage arrangements are in place in order to prevent localised flood risk.

INFORMATIVE NOTE: Dorset 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 01305 221020, by email at dorsethighways@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.