

APPLICATION NUMBER: [WD/D/20/000228](#)

APPLICATION SITE: Land at Jesmond Farm, Monmouth Gardens, Beaminster

PROPOSAL: Erect dwelling

APPLICANT: Mr A Fox

CASE OFFICER: Emma Telford

WARD MEMBER(S): Cllr R Knox

Taking account of representations made during the Scheme of Delegation consultation with Members, the Head of Service considers that under the provisions of Dorset Council's constitution this application should be determined by the Area Planning Committee.

1.0 Summary of recommendation:

1.1 Grant, subject to conditions.

2.0 Reason for recommendation:

- Absence of 5 year housing land supply.
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- It is not considered to result in any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

3.0 Key planning issues

| Issue | Conclusion |
|---|---|
| Principle of development | The site lies outside of the DDB for Beaminster. Para 11, d) of the NPPF is relevant as the Council cannot demonstrate a 5 year housing land supply. The principle of development is acceptable if other considerations do not outweigh the lack of a 5 year housing land supply. |
| Visual Amenity & Area of Outstanding Natural Beauty | The proposal will not harm the character, special qualities or natural beauty of the Dorset Area of Outstanding Natural Beauty. |
| Residential Amenity | No significant adverse impact on the living conditions. |
| Flood Risk | Environment Agency raised no objection. |
| Highways | Highways raised no objection. |

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| Contamination | Environmental Health raised no comments. |
| Right of Way | Right of Way not impacted. |
| Affordable Housing | Not required. |
| Community Infrastructure Levy | CIL liable. |

4.0 Description of Site

4.1 The application site comprises a fenced paddock set within a larger parcel of agricultural land located to the north of Beaminster. The site is accessed from the south which adjoins a cul-de-sac Monmouth Gardens. There are a number of buildings within the north eastern area of the paddocks, the majority of these are associated with an existing joinery business.

4.2 The sites lies outside but close to the defined development boundary (DDB) for Beaminster. The site is also within the Dorset Area of Outstanding Natural Beauty.

5.0 Description of Proposal

5.1 The proposed development involves the erection of one dwelling. The proposed dwelling would be one and a half storey with dormers in the roof slope. It would be accessed from the south of the site from Monmouth Gardens. The proposed dwelling would be clad in larch boarding with brick detailing and clay plain tiles for the roof.

6.0 Relevant Planning History

6.1 No relevant planning history.

7.0 Relevant Constraints

- Outside of Defined Development Boundary
- Area of Outstanding Natural Beauty
- Contaminated Land Buffer
- Flood Risk Zones 2 & 3

8.0 Consultations

8.1 Beaminster Town Council – *Recommend Refusal - the site is designated agricultural land outside the defined development boundary. The land forms part of Beaminster's Flood Alleviation Scheme and was designed to hold flood water (Policy ENV6). Existing structures on the site are temporary in nature and*

Councillors consider a dwelling to be contrary to the intent of the Flood Scheme plan for Beaminster. The application makes no reference to eco credentials (Policy ENV13) or recycle/waste facilities.

8.2 Environment Agency – We have no objection to the proposed development and have the following comments and informatives to make.

Flood Risk

There is a very short length of the access at the bridge watercourse crossing in Flood Zone 2 (medium risk) and 3 (high risk). Therefore, we can confirm that the dwelling appears to be well above the 1 in 100 and 1 in 1000 year Flood Zones, based on our comparison of the topographic survey data provided against Flood Zone outlines. The building is also two storey so occupants would always be able to reside significantly above the design flood level.

Safe Access / Egress

The National Planning Policy Framework Planning Practice Guidance states that Access considerations should include the voluntary and free movement of people during a 'design flood', as well as the potential for evacuation before a more extreme flood. Access and egress must be designed to be operational for changing circumstances over the lifetime of the development.

The Council's Emergency Planners should be consulted in relation to flood emergency response and evacuation arrangements for the site. We recommend that the applicant prepare a Flood Warning and Evacuation Plan for future occupants. We do not normally comment on or approve the adequacy of flood emergency response and evacuation procedures accompanying development proposals, as we do not carry out these roles during a flood event. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users registered for this service further information can be found at: <https://fwd.environment-agency.gov.uk/app/olr/home>

Flood Risk - Environmental Permit

Development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>

Pollution Prevention during Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and

materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Waste Management

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to offsite incineration and disposal to landfill during site construction.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>

Bio-security

Bio-security precautions should be undertaken when working on sites with water bodies on them.

8.3 Environmental Health – *No comment.*

8.4 Countryside Access Team – No comments received at the time of report preparation.

8.5 Technical Services – *With regards to this application I have no 'in principle' objection. The site is partly within EA flood zones 2&3 although the main area of the development is located on more elevated ground in flood zone 1 where the risk is lower. However as part of the access into the site is within flood zones 2&3 and the EA's surface water (SW) flood mapping indicates that there is a higher level of SW flood risk to the west of the site area, the applicant should be mindful of these risks. SW will have to be suitably managed on site so that the flood risk is not exacerbated locally as the existing site is greenfield and the proposals will result in an increase in impermeable surfacing.*

8.6 Highways - *The Highway Authority has NO OBJECTION, subject to the following condition(s):*

*Turning and parking construction as submitted
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.

9.0 Representations

9.1 No third party responses were received at the time of report preparation.

10.0 Relevant Policies

West Dorset, Weymouth and Portland Local Plan

ENV 1 – Landscape, Seascape and Sites of Geological Interest
ENV 5 – Flood Risk
ENV 6 – Local Flood Alleviation Schemes
ENV 9 – Pollution and Contaminated Land
ENV 10 – The Landscape and Townscape Setting
ENV 11 – The Pattern of Streets and Spaces
ENV 12 – The Design and Positioning of Buildings
ENV 15 – Efficient and Appropriate Use of Land
ENV 16 – Amenity
SUS 1 – The Level of Economic and Housing Growth
SUS 2 – Distribution of Development
HOUS 1 – Affordable Housing
COM 7 – Creating a Safe and Efficient Transport Network
COM 9 – Parking Standards in New Development
COM 10 – The Provision of Utilities Service Infrastructure

National Planning Policy Framework

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment

Other Material Considerations

Design and Sustainable Development Planning Guidelines (2009)
West Dorset Landscape Character Assessment 2009
Dorset Area of Outstanding Natural Beauty Management Plan 2019-2024 (2019)

11.0 Human Rights

Article 6 - Right to a fair trial.
Article 8 - Right to respect for private and family life and home.
The first protocol of Article 1 Protection of property

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

12.0 Public Sector Equalities Duty

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

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

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

13.0 Financial Benefits

| Material Considerations | |
|--|-----------|
| Employment created during construction phase | Not known |
| Spending in local economy by residents of 1 dwelling | Not known |

| Non Material Considerations | |
|--------------------------------------|-------------------------|
| Contributions to Council Tax Revenue | Not known |
| Community Infrastructure Levy (CIL) | Not known at this stage |

14.0 Climate Implications

14.1 The construction phase would include the release of carbon monoxide from vehicles and emissions from the construction process. Energy would be used as a result of the production of the building materials and during the construction process. When occupied the dwelling would generate vehicular movements releasing carbon monoxide. Heat escape from the dwelling would contribute to greenhouse gases. However it should be noted that modern building regulations would help minimise such heat release. A balance has to be struck between providing housing to meet needs versus conserving natural resources and minimising energy use.

15.0 Planning Assessment

Principle of Development

15.1 Beaminster is a settlement with a defined development boundary (DDB) in the adopted Local Plan. The spatial strategy in the Local Plan is set out in Policy SUS 2. This has a three-tiered approach, with the main towns of Weymouth and Dorchester as the highest priority locations for new development and elsewhere in the market and coastal towns of Beaminster, Bridport, Lyme Regis, Sherborne, the village of Crossways and Portland at the second tier of the hierarchy.

15.2 Policy SUS2 also advises that development outside of Defined Development Boundaries will be “strictly controlled” and limited to the exceptions listed in bullet point iii) of the policy. This includes affordable housing, but not open market housing. Therefore the provision of open market housing on the site is contrary to SUS2 as it lies outside of the DDB for Beaminster.

15.3 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved; and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance and a material consideration in determining applications. The Council’s policies in the adopted Local Plan follows the approach of the presumption in favour of sustainable development. The Council cannot currently demonstrate a five year housing land supply for the West Dorset, Weymouth & Portland plan area and is at a position of 4.83 years. Therefore the relevant policies for the supply of housing should not be considered up-to-date. This invokes NPPF paragraph 11, d) which states, *where there no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission 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.

15.4 The site is located outside of the defined development boundary (DDB) for Beaminster although it is in close proximity to the DDB. The DDB boundary is located approximately 15m south-east of the site. Local Plan policy SUS 2, i) bullet point 2 sets out that Beaminster will be a focus for future development and therefore the Local Plan regards Beaminster as a sustainable location for further development.

15.5 In the circumstances, it is considered that the site should be regarded as a sustainable location for further development. The assessment of the merits of the scheme against the remaining policies of the Local Plan is set out in the following sections of the report. Footnote 6 of the NPPF states that:

The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

15.6 The application site is located within the designated Dorset Area of Outstanding Natural Beauty and therefore para 11 d) i) of the NPPF is applicable in this instance. The impact of the proposal on the AONB will be considered in the following section of this report.

Visual Amenity & Area of Outstanding Natural Beauty

15.7 The application site is located within the Dorset Area of Outstanding Natural Beauty. Initially concerns were raised that the development would result in an uncharacteristic encroachment into the open green space. In response to these concerns a Landscape and Visual Appraisal of the proposed development was undertaken. The assessment showed that the wider site of the main paddock is enclosed on all sides by vegetation and is visually well contained with the exception of views from along the public footpath crossing the paddock field. It assessed that the established existing hedgerow bounding the road, whilst in reasonable condition, contains sections of failing elm regeneration and larger ash trees in only moderate condition. Part of the mitigation strategy for accommodating a new building in the existing paddock field is to provide substantial reinforcement and thickening of the existing field boundary and securing improvements to the roadside setting. The LVIA concludes that taking into account the proposed tree and hedgerow planting the proposal is assessed as giving rise to minor beneficial landscaping impacts and the development is found to be highly contained by the existing well established boundary vegetation of the main paddock field, giving rise to low-moderate impacts that are extremely localised in nature. A plan was also submitted showing positions of proposed planting including additional hedge and tree planting. In light of the further information, it is considered that the proposal would encroach into the green space however this would have a very localised impact as it would not be visible from outside of the wider paddock. It would be visible from the public footpath but would then be viewed in conjunction with the existing workshop buildings and surrounding vegetation. Given the above it is considered that the proposal will not harm the character, special qualities or natural beauty of the Dorset Area of Outstanding Natural Beauty. A condition would be placed on any approval for the landscaping and its maintenance and management.

15.8 It is also considered that the proposal would not have an adverse impact on the visual amenities of the site or locality. The proposed dwelling would be one and a half storey with dormer windows in the roof minimising the built mass of the proposal. It would be constructed of clay tiles for the roof, larch boarding for the walls with a brick plinth which is considered to help soften the appearance of the dwelling. A condition would be placed on any approval granted for samples/details of the proposed materials.

Residential Amenity

15.9 The proposed development involves the erection of a dwelling. It would not have a significant adverse impact on the living conditions of occupiers of residential properties due to its positioning a sufficient distance away and its orientation in relation to the closest neighbouring property no. 1 Monmouth Gardens.

15.10 Local Plan policy ENV 12 sets out that *new housing should meet and where possible exceed appropriate minimum space standards*. The proposed dwelling would exceed the space standards for a three bedroom dwelling and is considered to have sufficient garden space around the dwelling.

Flood Risk

15.11 The application site comprises a fenced paddock set within a larger parcel of agricultural land. The lower lying area of the larger parcel of agricultural land is within flood risk zones 2 & 3. Concerns were raised by the Town Council that the land forms part of Beaminster's Flood Alleviation Scheme and was designed to hold flood water. The proposed dwelling would not be located within the flood risk zones however a very short length of the access is in flood zones 2 & 3. The Environment Agency were consulted on the application and raised no objection as the proposed dwelling would be well above the 1 in 100 and 1 in 1000 year flood zones and as the building is two storey occupants would always be able to reside significantly above the design flood level. The Environment Agency recommended that the applicant prepare a Flood Warning and Evacuation Plan and therefore this would be secured through a condition on any approval granted. Technical Services were also consulted on the application and set out that surface water *will have to be suitably managed on site so that the flood risk is not exacerbated locally as the existing site is greenfield and the proposals will result in an increase in impermeable surfacing*. In light of these comments a condition would be placed on any approval granted for a surface water management scheme to be submitted and agreed.

Highways

15.12 The proposed dwelling would be accessed off the existing road that comes off Monmouth Gardens to the existing workshop located north of the application site. The proposed driveway would be off the existing access road with two parking spaces provided. Highways were consulted on the application and raised no

objection subject to a condition for turning and parking construction as submitted which would be placed on any approval granted.

Contamination

15.13 The application site is located within a contaminated land buffer and the proposed development involves the erection of one dwelling. Environmental Health were consulted on the application and raised no comment.

Right of Way

15.14 A public footpath crosses north westwards from the access to Tunnel Road. The proposed dwelling would not impact on the footpath and the access is to remain as existing. The road into the site is already shared between the right of way and access to the existing workshop buildings to the north.

Affordable Housing

15.15 National Planning Policy Framework paragraph 63 sets out that the *provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)*. This application involves the erection of 1 dwelling and therefore does not meet the threshold for major development. The application site is located within the Area of Outstanding Natural Beauty (AONB) so is considered to be a designated rural area where the threshold is 5 units. Therefore as the proposal is for one dwelling it does not meet the threshold and affordable housing is not required as part of the proposed development.

Community Infrastructure Levy

15.16 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.

15.17 The development proposal is CIL liable. The CIL charge would be confirmed when the liability notice is issued. Confirmation of the final CIL charge will be included in a CIL liability notice issued prior to the commencement of the development. Index linking as required by the CIL Regulations - (Reg. 40) is applied to all liability notices issued, using the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors. CIL payments are index linked from the year that CIL was implemented (2016) to the year that planning permission is granted.

16.0 Conclusion

16.1 The application is for the erection of 1 dwelling. The location is considered to be sustainable given the close proximity of the site to existing development and its location close to the DDB for Beaminster. The Council does not have a 5 year housing land supply, therefore the provisions of paragraph 11 d) of the NPPF are relevant. In this case, the balance of consideration leans towards approval as the benefits would outweigh any adverse impacts and there are insufficient material considerations which warrant a recommendation of refusal of this application.

16.2 The design and layout of the proposed dwelling are considered acceptable. The proposal would not have a significant adverse effect on the living conditions of future or existing occupiers. On site issues of flooding and access and parking have been resolved to the satisfaction of consultees.

17.0 Recommendation

GRANT, SUBJECT TO 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:

Location Plan - Drawing Number 2726-03 - Rev A received on 29/01/2020

New House Ground Lines - Drawing Number 2726 -05 Rev A received on 29/01/2020

Proposed Floor plans and Elevations - Drawing Number 2726-01 received on 29/01/2020

Proposed Floor plans and Elevations - Drawing Number 2726-01 Rev A received on 29/01/2020

Site Plan - Drawing Number 2726-02 Rev C received on 29/01/2020

Site Plan - Drawing Number 2726-04 received on 29/01/2020

Proposed Landscape Strategy - Drawing Number 1107.02 A received on 22/06/2020

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

3) Prior to the commencement of development above damp course level, a landscaping and tree planting scheme in accordance with the Proposed Landscape Strategy plan 1107.02 A, shall have been submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March inclusive, immediately following

commencement of the development. The scheme shall include details of species, provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years and thereafter the maintenance and replacement shall be carried out on accordance with the approved scheme.

REASON: In the interest of visual amenity.

4) No development above Damp Proof Course (DPC) level shall be commenced until details and samples of all external facing materials for the walls and roofs shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the Local Planning Authority the development shall proceed in strict accordance with such materials as have been agreed.

REASON: To ensure a satisfactory visual appearance of the development.

5) Prior to first occupation of the dwelling a Flood Warning and Evacuation Plan shall be submitted and agreed in writing with the Local Planning Authority. Thereafter, the Flood Warning and Evacuation Plan shall be retained on site in accordance with the agreed details.

REASON: In order to safeguard the accommodation from unnecessary flood risk.

6) Before the development hereby approved is occupied 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.

7) No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction and a timetable for the implementation of the scheme, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented in accordance with the submitted details and timetable for implementation.

Reason: To prevent the increased risk of flooding.

Informatives:

Right of Way –

The applicant is advised that the granting of planning permission does not override the need for existing rights of way affected by the development to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed. Developments, in so far as it affects a right of way should not be started until the necessary order for the diversion has come into effect.

Pollution Prevention during Construction –

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Waste Management -

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>