

1.0 Application Number: 6/2020/0334

Webpage: <https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2020/0334>

Site address: 73 West Street, Bere Regis, Wareham, BH20 7HL

Proposal: Demolish workshop. Sever plot & erect dwelling.

Applicant name: D Bell

Case Officer: Cari Wooldridge

Ward Member(s): Councillors Peter Wharf and Laura Miller

The Nominated Officer has identified this application to come before the Planning Committee in light of the concerns raised by ward members and the parish council in relation to harm to the Conservation Area and impact on neighbouring amenity, and that of future occupiers.

2.0 Summary of recommendation:

GRANT planning permission subject to conditions.

3.0 Reason for the recommendation:

- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The location is considered to be sustainable and the proposal is acceptable in its design, general visual impact and impact on the Bere Regis Conservation Area.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no objections on highway safety, traffic or parking grounds.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable within settlement boundary.

Scale, design and impact on the character and appearance of the area and the significance of the heritage asset of Bere Regis Conservation Area, its features of special architectural or historical interest, and it's preservation	Acceptable scale, design and impact on the character and appearance of the area and the significance of the heritage asset of Bere Regis Conservation Area.
Impact on the living conditions of the occupants of neighbouring properties	Acceptable subject to conditions.
Highway safety and car parking	Acceptable subject to condition and informative note.
Flood risk and drainage	Acceptable subject to condition.
Biodiversity impacts	Acceptable.
Ground stability	Acceptable subject to condition.

5.0 Description of Site

The application site is located to the rear of 73 West Street, Bere Regis. It forms part of the existing garden of 73 West Street, which is proposed to be subdivided into a separate plot. The site is accessed off Tower Hill, a lane that extends up hill to the north-east. Currently, the site contains a black outbuilding, clad and roofed in corrugated black metal. The building is single storey with a relatively low level pitched roof. The site also contains a gated vehicular access to the side of the outbuilding, with space for one car to park off road. The remainder of the site forms part of the garden currently serving 73 West Street and includes a number of shrubs and flower borders. The garden is enclosed by a hedge on the western boundary and part hedge / part wall on the eastern boundary.

73 West Street is set at a significantly lower level than the outbuilding and the most northern part of the garden, with stepped access down to a small patio / terrace area directly to the rear of no. 73. No. 73 has a kitchen window and rear access looking onto the terrace area and a first floor rear facing bedroom that looks towards the application site / garden area. Due to the levels differences, the rear facing bedroom window would be at a similar level to ground floor windows proposed in the new dwelling.

The site is surrounded by residential development on all sides, with all dwellings on West Street being located at a significantly lower ground level. On the opposite side of Tower Hill lies the garden to Laurel Cottage (a listed building), a parking area and two garages. Land levels rise to the north and north-east along

Tower Hill and Butt Lane. Telephone wires cross the outbuilding with the telephone post lying to the north-west of the site on a small area of green at the junction of Tower Hill and Butt Lane.

The site is located in the Bere Regis settlement boundary, Bere Regis Conservation Area, and a water source protection zone.

6.0 Description of Development

The application proposes to sever the plot of 73 West Street, creating a new plot on the northern half of the site that is accessed off Tower Hill. It is proposed to remove the existing outbuilding and replace this with a part ground floor and part underground (lower ground) one bedroom dwelling. At ground floor level, the new dwelling will provide a single bedroom with en-suite in a simple structure of similar size, design and external appearance to the existing outbuilding.

7.0 Relevant Planning History

Pre-application advice on two proposed schemes was provided in December 2019 (PAP/2019/0099). The scheme included a granny annexe and dwelling. Whilst the principle of the proposed development within the settlement boundary was considered to be acceptable, other planning considerations raised officer objections. These included design, impact on the street scene, impact on the Conservation Area and townscape setting, and impacts on neighbouring properties.

Subsequent planning application 6/2020/0103 to 'demolish workshop, sever plot and erect dwelling' was refused planning permission in May 2020 for the following three reasons:

The proposed development would result in a new dwelling that would appear cramped in its appearance on a narrow and constrained plot, with limited private amenity space and loss of rear access to 73 West Street, to the detriment of the prevailing rural lane character of the area and the amenity of future occupiers of the proposed property and the parent property of 73 West Street. The size, height and mass of the dwelling results in significant dominance and enclosure to the street scene and the dwelling does not integrate well in relation to neighbouring properties and the informal rural land townscape character on Tower Hill. The contorted shape and domestic appearance of the property does not reflect the existing rural function of the outbuilding, appearing visually intrusive in the street scene. The proposed dwelling is not considered to positively integrate within its surroundings and the overall quality of the area, represent good architecture, nor is it considered to be sympathetic to the local character and history of the area, including the built environment and landscape setting. The design is considered to lack any obvious interest or innovative quality in architectural terms, and makes no contribution towards raising the standard of design more generally in the area. The proposal is therefore contrary

to paragraphs 127 and 131 of the National Planning Policy Framework, Policy D: Design of the Purbeck Local Plan Part 1; Bere Regis Townscape Character Appraisal SPD 2012, and paragraphs 17, 18, 19, 20, 21, 25 and 71 of the Purbeck Design Guide SPD 2013.

The proposed plot subdivision would not conserve or enhance the historic fabric of the Bere Regis Conservation Area or the key characteristics of the rural lanes on which the new dwelling would be located. The size, height and mass of the dwelling, together with its poorly integrated design and external finish are considered to give rise to a visually discordant form of development which would detract from the general appreciation of the character and quality of the townscape of the Conservation Area. The proposed dwelling is therefore considered to be harmful to the immediate rural lane character of the Conservation Area, and is not considered to preserve or enhance the character or appearance of the heritage designation. The degree of harm would lead to less than substantial harm to the significance of the designated heritage asset, however there are not considered to be any identifiable public benefits to outweigh the level of identified harm. The proposal is considered to be contrary to section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended), paragraphs 193 and 196 of the NPPF, and Policy LHH: Landscape, historic environment and heritage of Purbeck Local Plan Part 1.

The proposed dwelling, by virtue of its size, height and mass directly on the boundary with Meadow View Barn would result in unacceptable levels of harm to the occupiers of this neighbouring property in terms of loss of daylight, sunlight, and outlook to habitable rooms. The proximity of the dwelling to the west facing habitable windows of Meadow View Barn would also result in a development that is overbearing, oppressive and overshadowing in impact to the significant detriment of the occupiers of this property. The dwelling would also appear dominant and overbearing in views from neighbouring properties on West Street, an impact which is intensified by land levels. In addition, there would be a significant loss of privacy to the rear facing bedroom window and private amenity space of the parent property (no. 73 West Street) due to the proximity of the proposed first floor bedroom windows to the proposed boundary and the intensified window to window overlooking as a result of differences in levels. The proposal is therefore contrary to paragraph 127 of the National Planning Policy Framework, Policy D: Design of the Purbeck Local Plan Part 1; and paragraphs 34, 35, 38, and 39 of the Purbeck Design Guide SPD 2013.

Following refusal of the above application, informal pre-application advice was provided to the applicant advising of a similar scheme in Swanage where a part underground dwelling had addressed concerns in relation to impact on the Conservation Area and neighbouring Listed Buildings.

8.0 List of Constraints

The following constraints and designations are applicable to this application:

- The parish of Bere Regis.
- Bere Regis settlement boundary.
- The Bournemouth Airport Windfarm Safeguarding Area.
- Bere Regis Conservation Area.
- 5km of a European Habitat (SSSI).
- Bere River Catchment.
- 2km of a SAC.
- A water source protection zone.
- The Nitrate SPD Catchment Area.

9.0 Consultations

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

Consultees

- **Dorset Council Highway Engineer** (received 6 August 2020)

Proposal utilises an existing access and whilst the application states it is not going to be altered, this seems optimistic, and I have assumed it will need to be. This shouldn't present a problem provided a Section 184 licence is obtained.

Visibility is considered acceptable as the access is set back from the edge of the carriageway. There have been no recorded injury collisions for a least 5 years in the vicinity. It does take the current properties only parking space which unfortunately doesn't appear to be protected by planning condition.

Proposal would benefit from an additional parking space however, this cannot be insisted on as Dorset Council's parking standards are guidance. There is also unallocated on-street parking on West Street upon which existing property has a frontage.

Revised proposals do not present a material harm to the transport network or to highway safety. No objection subject to a condition and informative note on the decision.

- **Dorset Council Drainage Engineer** (received 25 August 2020)

No objection. Proposal in flood risk zone 1. Application form states that surface water will be dealt with by Sustainable Drainage System or soakaway but no details provided. Surface water drainage scheme should cater for both new and existing development unless it can be

demonstrated that drainage to existing dwelling is adequate and it would not be impacted by the proposed development.

Recommend use of standard SUDs condition requiring details of surface water drainage scheme, its viability, ongoing management and maintenance to be approved by the Council.

- **Dorset Council Design and Conservation Officer** (received 25 August 2020)

No objection.

Current submission has addressed the chief heritage concern and the proposal above ground, will be almost the same as the existing Tower Hill frontage. I am therefore happy to concede that the issue of plot subdivision as the public benefit and inventive solution are justification to outweigh this level of harm.

Two further comments -

1. Stable door should be omitted and replaced with a simple plank door design.
2. Window joinery and finishes generally should not over domesticate this part of the structure/design. (Timber joinery, simple form reflecting the previous non-residential use)

- **Dorset Council Engineer** (received 13 October 2020)

I am unaware as to whether any site investigation works have been undertaken in order to inform the retaining wall and foundation designs and also the drainage plans.

As the development will involve a significant amount of excavation and slope unloading in fairly close proximity to neighbouring properties, the works are likely to come under the provisions of The Party Wall Act and, if this is the case, the procedures in relation to this Act should be followed. Usually the Building Control Officer will advise.

As is normal for this type of construction the works should be carefully co-ordinated to ensure that there were no unexpected ground movements. In this regard all excavations, temporary excavation supports etc. should be carefully monitored during any construction work in case of localised ground movement or groundwater seepage.

The change in slope unloading as a result of the excavation and subsequent future building loadings needs to be fully understood as part

of the design work. I would expect that the geotechnical aspects would be designed and supervised by a geotechnical engineer.

The Building Control Officer will have to be satisfied with the retaining wall and foundation arrangements if/when an application is made for Building Regulation approval.

We are not aware of any general ground stability issues in this area.

- **Natural England.**

No response received. Standing advice followed.

- **Bere Regis Parish Council.**

Object.

Increase in traffic in already congested area.

Access will introduce further complications close to highway junction.

Overdevelopment of back land.

A considerable amount of the bank will be removed and may result in overlooking.

Summary of Local Representations received

The application was advertised by means of a site notice displayed on 12/08/2020 and by letters sent to neighbours. The Council received a total of 6 letters of objection from neighbours about the application. The representations are all available in full on the Council's website.

The following list sets out a summary of the key issues raised:

- **Highway safety and car parking** - Insufficient parking on-site for occupiers of parent property and proposed. No overspill space on Tower Hill and West Street already congested with residents parking. No room to park on Tower Hill and proposed space is unusable. Site next to a junction – highway safety impacts.
- **Impact on the living conditions of the occupants of neighbouring properties** - Deep excavations will require lorry and construction traffic causing obstruction to residents requiring access. Deep excavations do not take into account drainage or wells known to exist in area or impact on destabilising hillside. No structural / engineering survey. Impact on foundations of neighbouring properties. Privacy and amenity issues for

neighbouring properties. Insufficient distance between no. 73 and the new property with privacy, noise and visual impacts. Lack of amenity space.

- **Scale, design and impact on the character and appearance of the area, and the Bere Regis Conservation Area** - Ribbon development / site is not permitted under Bere Regis Neighbourhood Plan. Size of proposed property appears larger than existing. Density of development too high. Overdevelopment of site. Site in Conservation Area. Sub-division of the plot remains a reason for refusal as with previous application. No detail on agreed access to side road for bins. Loss of green vegetation will detract from character of area.
- **Flood risk and drainage** - How will drainage be achieved with proposed excavation?
- **Private boundary issues** - Difficult to see how dwelling could be constructed without intrusion onto neighbouring land.

10.0 Relevant Policies

Purbeck Local Plan Part 1 (2012)

Policy SD: Presumption in favour of sustainable development;

Policy LD: General location of development;

Policy HS: Housing Supply;

Policy D: Design;

Policy LHH: Landscape, historic environment and heritage;

Policy IAT: Improving accessibility and transport;

Policy FR: Flood Risk;

Policy BIO: Biodiversity and Geodiversity;

Policy DH: Dorset Heaths International Designations;

Policy PH: Poole Harbour.

Emerging Purbeck Local Plan 2018 – 2034

Regard has been had to the policies of the emerging Local Plan. The weight that can be given to these policies will increase as the emerging plan moves towards adoption.

Bere Regis Neighbourhood Plan

Policy BR1: Settlement Boundaries;

BR4: Bere Regis Groundwater.

National Planning Policy Framework

Section 2: Achieving sustainable development;

Section 4: Decision-making;

Section 5: Delivering a sufficient supply of homes;

Section 9: Promoting sustainable transport;

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.

Other material considerations

National planning practice guidance (PPG)

Purbeck District design guide supplementary planning document adopted January 2014.

Bere Regis Conservation area appraisal.

Bere Regis townscape character appraisal supplementary planning document adopted August 2012.

DCLG 'Technical housing standards – nationally described space standard' 2015.

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

Purbeck Strategic Flood Risk Assessment 2018.

Dorset biodiversity appraisal and mitigation plan.

The Dorset heathlands planning framework 2020 - 2025 supplementary planning document adopted March 2020.

Nitrogen reduction in Poole Harbour – supplementary planning document April 2017.

11.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

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

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

It is not considered that the proposed dwelling would result in any disadvantage to persons with protected characteristics.

13.0 Financial benefits

What	Amount / value
Material Considerations	
None.	N/A
Non Material Considerations	
CIL Contribution	£1143.90
Council tax	£2108.21 (based on average Council Tax Band D)

14.0 Climate Implications

The proposal is for one new dwelling which will be constructed to current building regulation requirements and which will be serviced by suitable drainage to prevent any additional impact on terms of flood risk that may be exacerbated by future climate change.

15.0 Well-being and Health Implications

In accordance with the Council's responsibility for promoting health and wellbeing and the reduction of health inequalities across the county, the potential impact of the proposal on general health and wellbeing has been considered.

The Bere Regis Neighbourhood Plan reports that in 2014 the mid-year estimate was the 61.8% of the population of the parish within the age range of 16-64 years and 58.8% of properties were owner occupied, with 38.4% rented properties. The application site is surrounded by dwellings on a sloping site. The amenity of occupiers of the proposed dwelling and neighbours and any third party representations have been taken into account as part of the planning appraisal which has found that the development is acceptable in planning terms subject to conditions. In considering this application regard has been given to the future wellbeing and health of the local population within the scope of the material planning considerations applicable to this application and the realms of planning legislation.

16.0 Planning Assessment

The main planning considerations in respect of this application are:

- The principle of development;
- Scale, design and impact on the character and appearance of the area and the significance of the heritage asset of Bere Regis Conservation Area, its features of special architectural or historical interest, and its preservation;
- Impact on the living conditions of the occupants of neighbouring properties;
- Highway safety and car parking;
- Flood risk and drainage;
- Biodiversity impacts; and,
- Ground stability.

These and other considerations are set out below.

Principle of development

- 16.01 The application site is located within Bere Regis settlement boundary as defined by Policy BR1: Settlement Boundaries and Map 3 of the adopted Bere Regis Neighbourhood Plan (BRNP). The proposed development is therefore considered to be acceptable in principle in accordance with Policies SD: Presumption in favour of sustainable development and LD: General Location of Development, of the Purbeck Local Plan Part 1 (PLP1) and Policy BR1 of the BRNP. This is subject to the consideration of all other material planning considerations as set out in the relevant sections below.
- 16.02 The proposed dwelling would also provide an additional dwelling to meet the Purbeck area housing supply requirement as set out in Policy HS: Housing Supply of PLP1.

Scale, design and impact on the character and appearance of the area and the significance of the heritage asset of Bere Regis Conservation Area, its features of special architectural or historical interest, and its preservation

- 16.03 The application site is located within an area of 'critical' townscape quality as identified in the Bere Regis Townscape Character Appraisal (TCA). The appraisal notes that the areas of critical townscape encompass the historic parts of the village and coincide with many parts of the Bere Regis Conservation Area. The TCA also notes that these locations are very important in defining the identity of the village and should be protected from inappropriate types and levels of development.
- 16.04 In terms of 'character type', the site is located within the 'West Street' area. This includes features of plots with narrow frontages, buildings positioned close to the back edge of the pavement, with plots being deep. The opportunity for infill development is identified where this 'preserves or enhances the traditional character' of the area. Adjoining the enquiry site to the north is the 'Barrow Hill' character type. Whilst the opportunity to replace existing insensitive buildings to enhance traditional character is identified as a potential opportunity, existing 'insensitive development' that 'jars' with the informal character of the lanes is identified as a weakness. Any new development must therefore be able to address both character types and be sensitive to their key characteristics.
- 16.05 In terms of the Bere Regis Conservation Area, the enquiry site is located within the West Street sub-area. The Conservation Area Appraisal identifies West Street as being one of the main original routes through the village, having a modest urban character and sense of enclosure, with single plot gardens to the

rear of buildings. Whilst 73 West Street is not a listed building, it is identified in the appraisal as a key unlisted parish building with the adjoining neighbouring properties of 72 and 74 West Street both being Grade II Listed. 73 West Street is therefore considered to form an undesignated heritage asset which, together with its plot, form a key part of the setting of the Conservation Area.

- 16.06 Directly to the north of the enquiry site, the lane (Tower Hill) that provides access to the existing workshop forms part of a small network of lanes to the north of West Street (comprising Back Lane, Snow Hill Lane and Tower Hill Lane). The Conservation Area Appraisal notes that 'these lanes retain a rural character, principally derived from the banks, hedges and soft landscaping and their relationship with the open countryside surrounding the village. They have a number of links to the main streets and contribute significantly to the permeable street layout of the village. Taking into account their considerable historical significance, they are a major contributor to the character and legibility of the settlement'. The development proposed as part of the enquiry must therefore be considered to conserve and enhance the character and appearance of the key characteristics of the Conservation Area as outlined above.
- 16.07 The existing workshop building forms a corrugated metal single storey structure that is located directly on Tower Hill. Whilst relatively large in scale for a domestic location (approx. 4.6m x 3.8m with a foot print of roughly 20sqm), it has a low level pitched roof and access is retained to the rear garden of no. 73 with wide gates to the side and areas of hedging retained.
- 16.08 Despite receipt of pre-application advice, previous planning application 6/2020/0103 failed to respond appropriately to the constraints and the two storey house was refused on three grounds (as detailed above) including the cramped appearance, limited private amenity space and loss of rear access to 73 West Street, dominance of the building and resulting enclosure, poor integration in the street scene, loss of original function of the outbuilding, lack of architectural quality, harmful impact on the Conservation Area and harmful impacts on neighbouring properties due to the size, height, and mass of the dwellings and significant overlooking.
- 16.09 The current application attempts to address as many of the previous reasons for refusal as possible. The site remains severed from no. 73 forming a new residential planning unit. No. 73 retains an area of amenity space of approximately 43sqm to the rear with a new boundary fence to separate the existing and proposed amenity areas. Whilst no. 73 will lose access to Tower Hill as a result of the plot subdivision, they will retain pedestrian access to Tower Hill to the side of no. 72 due to an existing right of way (confirmed by agent in email

dated 12th October 2020). This will enable bins to be provided for collection without being taken through the property of no. 73.

- 16.10 Due to the differences in ground level in the rear garden of no. 73 (Tower Hill approx. 3m higher than finished floor level of no. 73 and West Street), the dwelling currently proposed takes advantage of the differences to be part above and part below the Tower Hill ground level. The structure above Tower Hill ground level is of a very similar size and scale to the existing outbuilding, remaining approximately 4.5m wide, slightly deeper (by approx. 0.1m) varying between approximately 4.2m and 4.7m, and a taller ridge height (by approx. 0.5m) at a height of 4.2m. This part of the dwelling will provide a bedroom and en-suite and will result in minimal additional visual impact in terms of size, mass and scale. The remainder of the dwelling is proposed below Tower Hill ground level in an area of excavation of approx. 200 cubic metres. This lower ground level will provide an open plan dining / living / kitchen with wide patio doors opening onto a reduced level / sunken garden, an office/study with windows into the sunken garden and also served by a sun-tube, and a utility and lower ground w.c.
- 16.11 As a result of the subterranean element of the proposal, the size, height and mass of the visible and above ground level part of the dwelling is considered to be acceptable in terms of integration within the street scene and also in relation to Meadow View Barn to the east. Visual and street scene impacts will not result in demonstrably more harm than the existing outbuilding and retains the existing pattern of loose knit development along Tower Hill that expands to significant space at the western end. On the DCO's request, the door design on the front elevation of the ground level structure has been amended to a simple and more functional plank door which is considered to be more in keeping with the original function of the existing outbuilding. Otherwise, the design of the visible elements of the scheme is considered to reflect the existing outbuilding and remains sympathetic to its location. All other aspects of the built development of the dwelling are located below existing ground level and will not be visible from the surrounding streetscape or neighbouring properties.
- 16.12 The proposed development, by virtue of its limited above ground level structure, is considered to sit comfortably within the informal character of the Tower Hill, the rural lane townscape quality, and continues to respect the visual sense of space between built structures. Whilst the Parish Council and neighbours have raised objections on the basis of overdevelopment of the plot, Officers consider that it would be unreasonable to refuse the proposal on this basis as the innovative design enables a development that would not appear out of keeping with the existing character and appearance of the area.

- 16.13 However, the impact of related development, including hard and soft landscaping provision must be taken into consideration, particularly where this enables the proposal to be acceptable in terms of retaining sufficient privacy between both the existing and proposed dwellings. The eastern site boundary with Meadow View Barn and 74 West Street currently consists of a wall (closer to Tower Hill) and a hedge, both being approximately 1.8m in height. The wall and hedge are both detailed on the existing site plan (BG19/003/A), the site separation plan (BG19/005) and the proposed elevations and section (BG19/208/A and BG19/205/B). On the western site boundary with no. 72, the boundary consists of a low level concrete block wall with a taller hedge within the application site. Following discussion with the agent, and to ensure the privacy and safety of all properties, amended plans have been submitted detailing a 1.8m close boarded fence inside the existing wall and hedge boundary with no. 72 and along the garden separation between the proposed dwelling and the parent dwelling. This is considered to be acceptable as a standard garden feature and one which has also been used to subdivide the adjacent plot to the east. A condition will be added to the decision notice requiring future retention and maintenance of this boundary treatment (condition 7).
- 16.14 The Council has a statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when considering applications. At pre-application stage and in the previous refusal, the Design and Conservation Officer raised an objection to subdivision of the existing plot which is not generally supported within the Conservation Area. In this particular location, single plots that extend back from West Street are identified as a key characteristic that should be preserved and enhanced. However, it was noted that recent development to the east (6/2011/0526) replaced existing outbuildings, and therefore a small proposal of similar height and proportions to the existing workshop (such as an annexe), which would fit more comfortably in relation to the adjacent development in terms of townscape quality, was considered a possibility.
- 16.15 In commenting on the current proposal, the Design and Conservation Officer (DCO) notes that the inventive solution to address impacts on the Conservation Area and neighbours is a more successful approach to development on the site. He considers that the public benefit of the proposal and the inventive solution to impacts on the Conservation Area are sufficient to outweigh the level of harm by the subdivision of the plot. Officers have also carefully considered the level of harm to the Conservation Area. Plots to the east have already established a precedent for plot division between West Street and Tower Hill, the proposal will

result in minimal additional visual impact on the character of the Conservation Area, and the rural character of the lanes identified in the Conservation Area Appraisal, would continue to be retained by the current proposal. The innovative design of the proposed dwelling will preserve the character and appearance of the heritage designation and it is therefore considered that the harm to the Conservation Area will be at the lower end of the scale.

- 16.16 Paragraph 196 of the National Planning Policy Framework (NPPF) advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal use. The current proposal is considered to result in less than substantial harm to the significance of the designated heritage asset, and is considered to be outweighed by the innovative design of the proposal and the public benefit of providing an additional dwelling to meet the local housing need.
- 16.17 The details of site landscaping are integral to the scheme and to ensure that the existing character of the site is retained above ground level. A condition will be applied to the decision requiring full details of both hard and soft landscaping to be submitted to the Council for approval (Condition 6). In addition, a condition removing permitted development for further development within the site is considered appropriate to ensure that there are no subsequent impacts on the character and appearance of area and the setting of the Conservation Area (Condition 8). The proposal is found to accord with Policy D and LHH of PLP1.

Impact on the living conditions of the occupants of neighbouring properties

- 16.18 In terms of above ground level impacts, the current proposal will retain a building of very similar height, size and scale to the existing workshop on the plot. As with the existing workshop, the proposed building will be located directly on the boundary with land owned by 74 West Street (parking area) and adjacent to that, Meadow View Barn. The case officer has visited Meadow View Barn as part of the previous application assessment and notes that all ground floor habitable rooms of the property face west onto the application site. The ground floor layout of Meadow View Barn includes an open plan lounge, dining and kitchen area, with all rooms served by west facing patio doors and a smaller west facing window. The rooms are not served by any other sources of light. The current proposal, which proposes a replacement single storey structure of very similar height, size and scale to the existing outbuilding, is not considered to result in a significant adverse impact on the level of daylight and sunlight that would be received by the ground floor habitable rooms of Meadow View Barn. It is also

considered that the direct outlook from the west facing habitable rooms of Meadow View barn would remain minimally altered, retaining the current outlook onto the existing boundary wall, replacement single store structure and the open and distant views to neighbouring rooftops, the skyline and distant hills. The size, height and mass of the replacement structure is not considered to result in any additional demonstrable harm to the occupiers of Meadow View Barn in terms of overbearing development or overshadowing of the side facing habitable ground floor windows. In terms of the below ground level elements of the scheme, this would not result in any additional impacts on Meadow View Barn, and the proposal is therefore considered to be acceptable in terms of impact on this property.

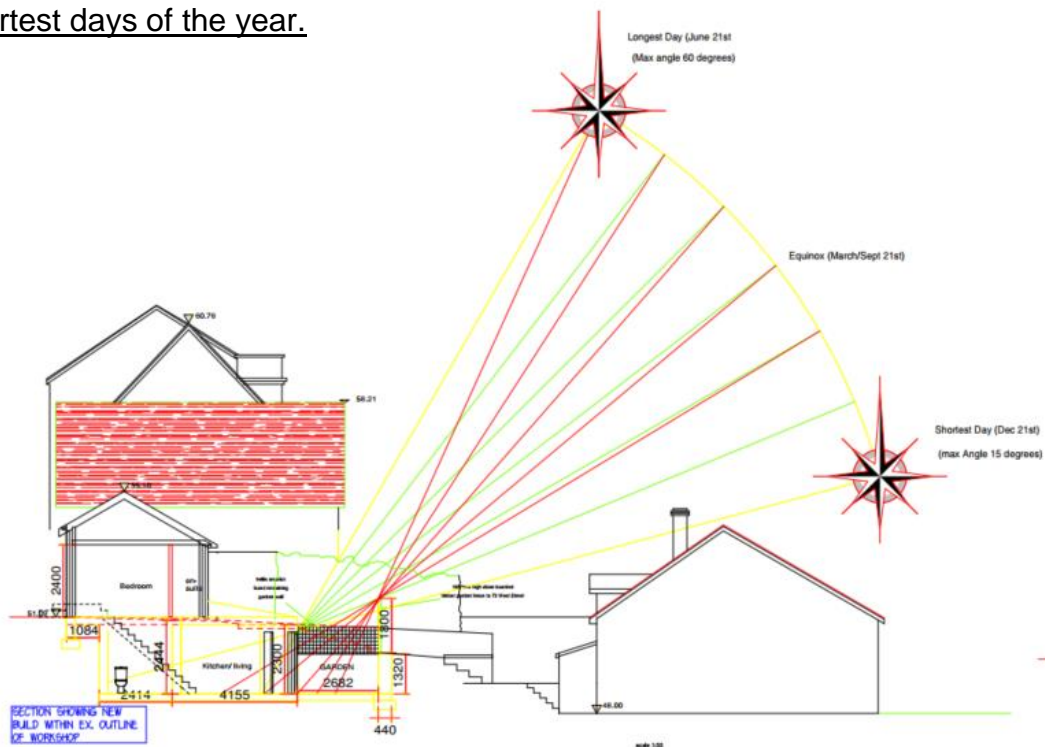
- 16.19 In terms of impacts on other neighbouring properties and the parent property (73 West Street), the outlook and views of properties on West Street would also remain very similar to existing, with only the replacement outbuilding structure being visible above ground level. No windows are proposed at first floor level in the rear elevation or rear roof slope of the new building, and a condition (Condition 8) can be included on the decision to prevent any future insertion of such windows without the prior consent of the Council. Whilst large patio doors and windows are proposed at the lower ground floor level, these will be restricted in outlook onto the sunken garden, its retaining walls and boundary fencing above. The rear facing first floor bedroom window of no. 73 has direct views into its garden particularly of the higher levels and the existing outbuilding. A cross section plan has been provided as part of the application and this illustrates the level of outlook from the first floor bedroom window towards the application site. The outlook would remain very similar to existing due to the majority of the new dwelling being located below ground level. A new garden boundary fence is proposed to sever the plot, and this would be visible in front of the new building but would not result in any harmful impacts. Subdivision of the existing plot would result in the occupiers of no. 73 having a smaller garden, as will the occupiers of the new property. However, the level of provision is very similar to that of neighbouring plots to the east (Meadow View Barn/74 West Street and The Poppies / 75 West Street) which have already been subdivided. Given the rural location and easy access to public rights of way and open countryside, the restricted private amenity space is not considered to form a significant enough reason to refuse the proposal. Neighbouring properties to the north and west are considered to be sufficiently distanced from the proposed dwelling for impacts to be acceptable on neighbouring amenity.
- 16.20 Neighbours and the Parish Council are concerned about issues relating to their amenity during the construction of the dwelling including accessibility for both residents and site related workers, noise, dust and impacts on ground stability. A

condition can be added to the decision requiring the approval of a Construction Environment Management Plan to mitigate any potential adverse effect on neighbours (condition 4). Ground stability is addressed in more detail below. A neighbour objection also raises concern in terms of noise to the parent property of no. 73. However, given that the proposed use is residential and within a residential area, impacts in terms of domestic noise and disturbance from the additional dwelling are not considered to be sufficiently harmful to form a reasonable reason for refusal of the proposal.

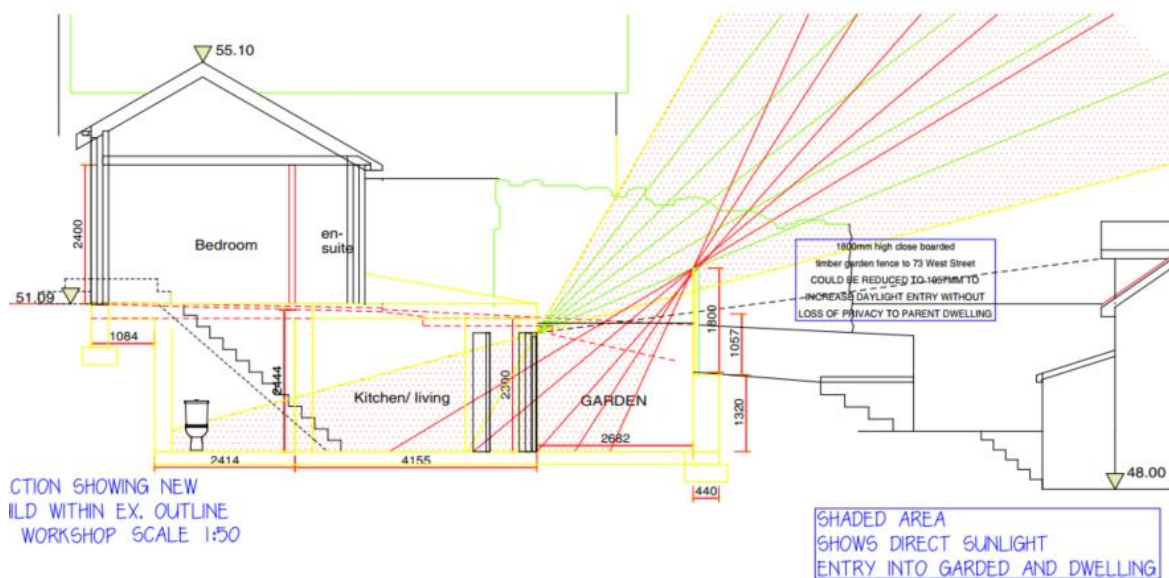
16.21 Finally, Officers have considered impacts on the amenity of future occupiers of the proposed dwelling. The dwelling is small in size, and officers have considered the proposed internal floor area provision against national standards set out in DCLG guidance 'Technical housing standards – nationally described space standard' 2015. The proposed dwelling will have a total internal floor space of approx. 66sqm which is above the 58sqm floor area requirement set out in Table 1 of the DCLG guidance for a property of this type and size. The proposed dwelling also provides built storage space in accordance with the guidance. On the basis that the Council currently has no adopted policy to require minimum floor area provision beyond that set out in national guidance the proposal is acceptable.

16.22 Officers have also considered the levels of daylight that will be available to serve the 'subterranean' element of the property and its courtyard. To inform this assessment, the agent has supplied a Daylight Report and a Solar Path Detail plan. Key parts of the plan are included below for additional information.

Cross Section of Site (North to South) showing angle of sun between longest and shortest days of the year.



Cross Section of Site (North to South) with shaded area showing direct sunlight into garden and dwelling according to angle of sun between longest and shortest days of the year.



16.23 'The drawing [above] shows the declination of the sun at various times of the year with the sun at its lowest angle to the horizon at winter solstice. For a period of approximately 6-8 weeks the drawing shows that direct sunlight into the windows of the ground floor areas will not occur. That is not to say however, that daylight will not enter, as even without direct solar path, the luminosity resultant from the unobstructed aspect facing south will be significant. If this were not significant, all windows facing North would be of no benefit'.

Paragraph 4.13 compares this situation with the parent property on West Street as follows:

16.24 '...the parent property sited on west Street has the road width of just over 11m. The declination of the sun at 15 degrees is consistent to the ground floor windows facing West Street. During the months of December and January the sun does not directly enter these windows, but adequate daylight is afforded to the site for habitable purposes'.

- 16.25 The report also considers the impact of the 1.8m fence (increased in height from 1m at the request of Officers to ensure safety along all boundaries) proposed along the plot subdivision boundary and notes:

'...fence height reduction is not necessary to create acceptable daylight entry into the site'.

- 16.26 On the basis of the submitted detail, Officers consider that the level of daylight that would be provided to future occupiers of the dwelling, even on the shortest day of the year and a period of 6 – 8 weeks around this, would be sufficient for habitable purposes.
- 16.27 In summary, the living space is considered of sufficient size and will provide appropriate amenity for future occupiers in accordance with policy D: Design of the PLP1.

Highway safety and car parking

- 16.28 There is an existing vehicular access to the application site and an area of hardstanding that provides off road parking for one vehicle. This currently serves 73 West Street. The proposed application continues to provide access to an area of parking, although the location of the access and gates is moved further to the west to allow for the new dwelling. Due to the proposed severance of the garden, the car parking space would also serve the new dwelling as opposed to the parent property. No additional off-street car parking provision has been provided for the parent property, although this does front onto West Street where there is unrestricted on-street parking provision.
- 16.29 The Council's Highway Engineer has been consulted on the proposal and has raised no objection. The engineer notes that the proposal utilises an existing access, and whilst the application states it is not going to be altered, it has been assumed that it will need to be. Nevertheless, alteration of the access shouldn't present a problem provided a Section 184 licence is obtained. Visibility is considered acceptable as the access is set back from the edge of the carriageway. There have been no recorded injury collisions for a least 5 years in the vicinity.
- 16.30 The proposed parking takes away the provision for the existing property. Whilst it is noted that an additional space for the parent property would be beneficial, this cannot be insisted on as Dorset Council's parking standards are guidance only. The Highway Engineer also notes the unallocated on-street parking on West Street upon which existing property has a frontage. The site is located in a Key

Service Village which has a range of local facilities and services including shops, public houses, a post office, library, primary school and doctor's surgery. There are also bus services to neighbouring towns including Dorchester, Blandford and Poole.

- 16.31 The Highway Authority therefore considers that the proposals do not present a material harm to the transport network or to highway safety, and consequently there is no objection to the proposal on highway grounds. The proposal accords with policy IAT of the PLP1 subject to a condition to secure parking (conditions 11).

Flood risk and drainage

- 16.32 The application site is not located within an area of identified fluvial or surface water flood risk. However, the proposed dwelling is likely to alter the natural rate of surface water run-off on the site and the Council's Drainage Engineer has been consulted on the proposal in accordance with Policy FR: Flood Risk of PLP1.
- 16.33 The Drainage Engineer notes that the proposal to sever the existing plot may have implications for the surface water drainage of the existing building. Any surface water drainage scheme should therefore be designed to cater for both the new and existing development, unless it can be shown that the drainage to the existing building is adequate and has not been affected by the development proposals.
- 16.34 The application form indicates that surface water will be dealt with using a Sustainable Drainage System (SuDS) or soakaway. The engineer considers that this is a satisfactory way of dealing with the drainage but no further details are provided in the application about the design standard, location or maintenance and management of the drainage system. Such details can however be dealt with by way of a condition on the decision notice, and the engineer therefore raises no objection the proposal subject to a standard drainage condition (Condition 5).

Biodiversity Impacts

- 16.35 The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site. The site also falls within the Poole harbour Nitrate SPD Catchment Area. The proposal for a net increase in residential units, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the sites. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate

assessment of the implications for the protected sites, in view of the site's conservation objectives.

- 16.36 The appropriate assessment (separate document to this report) has concluded that the likely significant effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the supporting policy documents, and that the proposal is wholly compliant with the necessary measures to prevent adverse effects on site integrity detailed within the Dorset Heathlands Planning Framework SPD and the Poole Harbour Nitrogen Reduction SPD April 2017.
- 16.37 The mitigation measures set out in the Dorset Heathlands 2020-2025 SPD and Poole Harbour Nitrogen reduction SPD 2017 can prevent adverse impacts on the integrity of the site. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development the Council will fund the HIP and SAMM provision via the Community Infrastructure Levy. The strategic approach to access management is necessary to ensure that displacement does not occur across boundaries.
- 16.38 With the mitigation secured the development will not result in an adverse effect on the integrity of the designated sites so in accordance with regulation 70 of the Habitats Regulations 2017 planning permission can be granted; the application accords with policies BIO, DH and PH of PLP1.

Ground stability

- 16.39 Neighbours have raised concerns in relation to ground stability, drainage and potential subsidence related to the development of the site and the cutting into the existing ground levels. The Council's Engineer has been consulted on the proposal and has confirmed that he is not aware of any general ground stability issues in the area. In terms of the works, the development will be facilitated by the construction of a retaining wall within the site boundary consisting of contiguous piling. This wall will be screened internally with fencing treatments. In response to comments from the Council's Engineer, the agent has confirmed agreement to a pre-commencement condition on the decision requiring full details of ground conditions, any likely instability and the method of piling to be used to be agreed by the Council before any works start on-site. The condition will also request full drainage details, details of all foundations, and a site excavation plan detailing monitoring procedures throughout the build (condition 3). The Building Control officer for the development will also have to be satisfied with the retaining wall and foundation arrangements when an application is made for Building Regulation approval. Initial informal consideration by the Council's

Building Control team suggests that the proposal is capable of meeting Building Control requirements.

- 16.40 As the development would involve a significant amount of excavation and slope unloading in fairly close proximity to neighbouring properties, the works are likely to come under the provisions of The Party Wall Act and, if this is the case, the procedures in relation to this Act should also be followed. Building Control will also have to be satisfied with the retaining wall and foundation arrangements if/when an application is made for Building Regulations approval. An informative note can be included on the decision notice in relation to Building Regulations approval and the Party Wall Act (Informative notes 2 & 4). On this basis, and subject to a condition to cover all of the above requirements (condition 3), the proposal is considered to accord with NPPF paragraph 170 in relation to ground stability issues.

17.0 Conclusion

The proposed development accords with local and national planning policy. It is considered to be acceptable in principle, of an appropriate scale, size and design and also acceptable in terms of impacts on the Bere Regis Conservation Area. The impact on neighbouring amenity, highway safety and drainage area also considered to be acceptable. Ground stability has been considered and an appropriate pre-commencement condition recommended. The proposed dwelling will make a positive contribution to the local housing supply.

Approval is recommended subject to the conditions as set out below. The agreement of the applicant has been obtained in relation to pre-commencement conditions.

18.0 Recommendation

To grant planning permission subject to the following conditions:

1. The development must start within three years of the date of this permission.
Reason: This is a mandatory condition imposed by Section 91 of the Town and Country Planning Act 1990 to encourage development to take place at an early stage.
2. The development permitted must be carried out in accordance with the following approved plans: BG19/003/A, BG19/005, BG19/305/A, BG19/205/C, BG19/206, BG19/207 & BG19/208/B.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Prior to the commencement of any ground works on the site, the following reports must be submitted to the Council and formally approved in writing.
A Site Investigation Report including:
 - (a) Full details of ground conditions across the site;

- (b) Identification of any likely ground instability;
- (c) Detailed design of all retaining walls;
- (d) Detailed design of all foundations;
- (e) Full drainage plans.

A Site Excavation Plan including details of:

- (a) all temporary excavation supports;
 - (b) ongoing monitoring of the site to identify any localised ground movement or ground water seepage;
 - (c) measures to immediately deal with any identified localised ground movement or ground water seepage;
 - (d) design details / plans / drawings that identify the impact of slope unloading as a result of the excavation works and future building loadings;
- All geotechnical aspects of the above reports must be designed by a geotechnical engineer or equivalent competent person. Following written approval, the implementation of all works must be carried out as specified and under the supervision of a Geotechnical Engineer or equivalent competent person.

Reason: In the interest of protecting the site from issues relating to land instability.

4. Before any ground works commence on the site, a Construction Management Plan (CMP) must be submitted to and approved in writing by the Council. The CMP must include:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- dust, noise and vibration suppression
- site safety and security
- delivery, demolition, construction and working hours.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of the proposed development on the amenity of neighbouring properties.

5. Before any ground works start, a viable and deliverable scheme based on site investigation test results and the current greenfield run-off rate for the site should be submitted for the discharge of surface water drainage from the proposed development, the scheme must consider the surface water drainage implications of existing buildings on the site and should be approved in writing by the Council. This must include details of the ongoing management and maintenance of the scheme. The appropriate design standard for the drainage system must be the 1 in 100 year event plus a 40% allowance for the predicted increase in rainfall due to climate change for the lifetime of the development. Prior to the submission of

those details, an assessment must be carried out into the potential for disposing of surface water by means of a sustainable drainage system (SuDs). The results of the assessment must be provided to the Council. The approved drainage scheme must be implemented before the first occupation of the building/any of the buildings. It must be maintained and managed in accordance with the agreed details.

Reason: These details are required to be agreed before ground works start in order to ensure that consideration is given to installing a viable and deliverable drainage scheme to reduce the risk of flooding to this site and elsewhere.

6. Prior to occupation of the dwelling, a hard and soft landscaping scheme must be submitted to and approved in writing by the Council. This needs to include:

- i. A landscape proposals plan showing details of hard landscape (any cables, pipes and ducts above ground, all surfacing/paving, walls, fences and other structures, lighting, CCTV etc.) and soft landscape (trees, shrubs, herbaceous plants and grassed areas);

- ii. Planting plans which must show the species of trees, shrubs and herbaceous plants to be planted and where they will be planted, the size that the trees/shrubs/plants will be on planting, and the number that will be planted;

Reason: These details are required to be agreed in order to ensure the satisfactory landscaping of the site, and to enhance the biodiversity, visual amenity and character of the area.

7. Before first occupation of the dwelling, the boundary treatments detailed on the approved plans must be fully installed on site. Thereafter, the boundary treatments must be retained and retained in accordance with the approved plans unless further written approval is obtained from the Council.

Reason: In the interest of neighbouring amenity and safety.

8. Despite the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 1 and Schedule 2, Part 2, Class A (or any order revoking and re-enacting that Order with or without modification), no further development, including the carrying out of building, engineering or other operations will be undertaken within the application site without first obtaining planning permission from the Council.

Reason: In the interest of preserving character and appearance of the Conservation Area and in the interest of neighbouring amenity.

9. The manufacturers name, product name and colour of all external facing and roofing materials must be submitted to and approved in writing by the Council before they are used on the proposal. The development must then be implemented using the approved materials.
Reason: To ensure satisfactory appearance of the development.
10. All new windows and doors must be made of wood. Precise details of their design and finish e.g. painted or stained must be agreed in writing before they are installed. The development must be completed in accordance with those details.
Reason: To protect the character of the Conservation Area.
11. Before the development is occupied or utilised the 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.

Informative Notes:

1. Informative Note - Natural England. Attention is drawn to the special protection given in law (for example, under the Wildlife and Countryside Act 1981 (as amended), the Habitat Regulations and the Protection of Badgers Act 1992) to particular plants and animals that may be present within the application site. The grant of this planning permission does not override any relevant statutory species protection provision contained within such legislation.
2. Informative Note - The Council notes that the proposals involve significant excavation and alteration of land levels. It is the applicant / developer's responsibility to ensure that any excavations and subsequent retaining walls are structurally satisfactory to perform the desired function and the works do not affect the stability of the site itself or surrounding land.
3. 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 County Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at Dorset Direct (01305 221000), by email at dorsetdirect@dorsetcc.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.

4. The proposed works will involve significant excavation in close proximity to neighbouring properties and the works are likely to fall under the provisions of the Party Wall Act. If this is the case, procedures in relation to the Act must be followed. Further information can be found via the following links: <https://www.gov.uk/party-walls-building-works> and <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>
5. Informative Note - Community Infrastructure Levy. This permission is subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice has been issued with this planning permission that requires a financial payment. Full details are explained in the notice.
6. Informative Note - Matching Plans. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.
7. Statement of positive and proactive working: In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and creative approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

For this application: pre-application advice was provided; the opportunity to submit amendments to the scheme/address issues was given which were found to be acceptable; the application was approved without delay.

Background Documents:

Case Officer: Cari Wooldridge

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

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