

<b>Application Number:</b>	6/2021/0249		
<b>Webpage:</b>	<a href="http://dorsetcouncil.gov.uk">Planning application: 6/2021/0249 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>		
<b>Site address:</b>	Tower House Tower Hill Bere Regis Dorset BH20 7JA		
<b>Proposal:</b>	Demolish existing property and erect 5 detached properties with associated parking, access and landscaping.		
<b>Applicant name:</b>	Purbeck and Dorset Homes Ltd		
<b>Case Officer:</b>	Peter Walters		
<b>Ward Member(s):</b>	Cllr Miller and Cllr Wharf		
<b>Publicity expiry date:</b>	12 September 2021	<b>Officer site visit date:</b>	13 October 2021
<b>Decision due date:</b>	31 August 2021	<b>Ext(s) of time:</b>	None agreed

1.0 The application has been referred to committee by the nominated officer having gone through the Council's Scheme of Delegation Process

**2.0 Summary of recommendation:**

REFUSE for the following reasons:

- The proposed development, by virtue of the infilling of the site, is considered to cause less than substantial harm to the Bere Regis Conservation Area.
- The public benefits offered are not considered to outweigh the less than substantial harm caused.

**3.0 Reason for the recommendation:** as set out in paras 16.1 at end

3.1 The proposal will cause less than substantial harm to the Bere Regis Conservation Area. The public benefits proposed are not considered to outweigh the harm that would be caused.

**4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	Acceptable
Scale, design, impact on the Bere Regis Conservation Area	Harmful impact. Public benefits not considered to outweigh the harm caused
Impact on adjacent listed building	Acceptable
Impact on amenity	Acceptable
Access and Parking	Acceptable

Drainage	No known issues
Biodiversity	Acceptable

## 5.0 Description of Site

- 5.1 The site is situated to the north of Tower Hill and the east of Butt Lane, forming a long plot approximately 93m in length and 29m in width. It is currently occupied by Tower House, a detached two storey residential dwelling set back from the highway, and amenity area associated with the property.
- 5.2 The site is on the hillside; the majority of the land is relatively level, but it is at an elevated height compared to the dwellings east of Butt Lane and there is a steep bank along the southern edge down to Tower Hill, a rural lane. The site is bounded by established hedgerow. There are no significant trees within the site, although there are established trees beyond the boundary.
- 5.3 The area forms a transition from the built up village to the countryside. Butt Lane to the west and north and Tower Hill to the south are both residential in nature, however there is no development to the east. The land to the east is identified in the Bere Regis Neighbourhood Plan as land that will be designated as local green space, although the southern portion of the neighbouring site adjoining the highway is allocated in the neighbourhood plan for 3 dwellings.
- 5.4 Development in the area is largely based around historic roads and tracks that have been formalised and are largely linear in nature. Properties within the historic core are built at a higher density with a smaller amount of amenity space. Older properties are generally built closer to the edge of the road, with modern properties often being set back from the road. A notable exception to this is The Poppies, on Tower Hill, which is opposite the application site and fronts onto the highway.
- 5.5 Properties in the neighbourhood are predominantly two storey. On Butt Lane north of the junction with Tower Hill there is a run of cottages hard against eastern side of the lane but more modern terraced and detached dwelling on the western side of the highway, further away from the historic core, are set back behind private amenity space. Dwellings on Tower Hill mostly face the highway and are separated from one another by parking spaces and garages; dwellings have gable forms. Properties are finished in render and/or brick and most have tile roofs although 67 Butt Lane is thatched. The narrow road width and vegetated bank contributes to the edge of settlement character. The road itself constitutes a very rare example of medieval back lanes. The majority of the site is identified in the Bere Regis Townscape Appraisal as being a “critical townscape”. These are defined as areas where:

*“Those elements of the urban environment which are irreplaceable but vulnerable to damage or loss – they should remain unchanged or virtually unchanged. (Typically those elements which hold historic significance and vernacular distinctiveness, which play an essential role in terms of local identity).”*

## 6.0 Description of Development

- 6.1 The application is for the erection of five detached, two storey dwellings on the site, comprising two three-bedroom properties and three four-bedroom properties. The proposal utilises the existing access from Tower Hill and includes the formation of an access road running along the eastern edge of the site.

**7.0 Relevant Planning History**

<b>Application reference</b>	<b>Description</b>	<b>Decision</b>	<b>Comment</b>
6/2018/0217	Erect two dwellings to the east of Butt Lane, improve existing point of access and track off Barrow Hill	<b>Refused</b> (Committee resolution 28.08.2018) Decision notice issued 30.08.2018	<b>Reason for refusal</b> 1.The proposed access track fails to maintain the character and appearance of the Conservation Area, contrary to National Planning Policy Framework (July 2018) paragraph 196, as whilst less than substantial harm is caused by the proposed track, there are no public benefits arising from the proposals that would outweigh this harm. The proposals are also contrary to Policy D: (Design) bullet point one, in that they do not positively integrate with their surroundings, and contrary to Policy LHH: Landscape Historic Environment and Heritage of the Purbeck Local Plan Part 1 as the proposals do not conserve the appearance, setting or character of the Conservation Area. The proposals are not in accord with the emerging Bere Regis Neighbourhood Plan Policy BR10 (Local Green Spaces) in that they could prevent the full use of the land as a Local Green Space.
6/1977/0293	Change of use of one room to repair shop (renewal Tower House Bere Regis	<b>Granted</b>	
6/1974/0094	Change of use of one room to workshop	<b>Granted</b>	

	Tower House Bere Regis		
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## 8.0 List of Constraints

- Adjacent Grade: II Listed Building: 67, BUTT LANE List Entry: 1119888.0 / close proximity to Grade II Listed Building OLD SCHOOL HOUSE List Entry 1119886; (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- Bere Regis Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- Within the Poole Harbour Nutrient Catchment Area
- within the Bere Regis settlement boundary
- Within 5km of protected heathland

## 9.0 Consultations

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

### Consultees

1. **Bere Regis Parish Council** (received 17 December 2021)
  - Support proposal on basis of widening of road
  - However, concerns regarding overlooking of neighbouring property “The Poppies”
2. **West Purbeck Ward members**
  - No comments received
3. **Dorset Council - Highways** (received 22 November 2021)
  - No objections
  - Widening of the road would provide a betterment, but the proposal without widening the highway would not justify a recommendation to refuse.
4. **Dorset Council - Conservation Officers** (received 4 January 2021)
  - Less than substantial harm to the Bere Regis Conservation Area
  - No public benefits that outweigh the harm to the Conservation Area
  - No harm to setting of the listed building

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**5. DC - Trees** (received 27 January 2021)

- No objection
- Conditions required

**6. Natural England - Somerset and Dorset Team** (received 20 August 2021)

- No objection subject to Appropriate Assessment and mitigation delivered through CIL

**Representations received**

The application was advertised by means of a site notice on the 9/08/2021 with an expiry date of 2/09/2021 and a press advert (Bournemouth Echo) with an expiry date of 12/09/2021

Total - Objections	Total - No Objections	Total - Comments
18	4	0

**Summary of comments for:**

- Provision of additional homes in the village
- Small size of the development will not harm highway safety
- Good size gardens

**Summary of comments against:**

- Loss of wildlife on the road verge
- Impact on the character of the area
- Increased traffic generation and impact on highway safety
- Impact on privacy of neighbouring properties
- Impact on quiet enjoyment of neighbouring property
- Impact on value of the property
- Site is not within the Bere Regis Neighbourhood Plan
- Insufficient parking
- Concerns regarding parking for vehicles during the construction process
- Insufficient amenities in the village to cope with the demand for speculative housing development outside of the neighbourhood plan
- Impact on wildlife within the site.

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- Overbearing on neighbouring properties
- Concerns that surface water run off will impact neighbouring properties
- Not considered to be high quality design
- Harmful to the character of the back lanes that characterise Bere Regis
- Proposed road widening would not be sufficient to overcome current highway safety issues.

## **10.0 Relevant Policies**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise.

### Purbeck Local Plan Part 1

Policy SD: Presumption in favour of sustainable development

Policy LD: General Location of Development

Policy HS: Housing Supply

Policy BIO: Biodiversity and Geodiversity

Policy DH: Dorset Heaths International Designations

Policy FR: Flood Risk

Policy D: Design

Policy LHH: Landscape, Historic Environment and Heritage

Policy IAT: Improving Accessibility and Transport

### Bere Regis Neighbourhood Plan

Policy BR4: Bere Regis Groundwater

## **Other material considerations**

### Emerging Purbeck Local Plan:

Officers have considered the emerging Purbeck Local Plan when assessing this planning application. The plan was submitted for examination in January 2019. At the point of assessing this planning application the examination is ongoing following hearing sessions and consultation on proposed Main Modifications (carried out between November 2020 and January 2021). The council's website provides the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, council, and other interested parties). Taking account of Paragraph 48 of the National Planning Policy Framework, the

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plans progress through the examination and the councils position following consultation on proposed Main Modifications, at this stage only very limited weight can be given to this emerging plan.

The following policies of the emerging Local Plan are considered relevant to the application but cannot be given any significant weight in the decision-making process:

Policy E1: Landscape

Policy E4: Assessing flood risk

Policy E5: Sustainable drainage systems (SuDs)

Policy E7: Conservation of protected sites

Policy E8: Dorset Heathlands Policy

E10: Biodiversity and geodiversity

Policy E12: Design

Policy I2: Improving accessibility and transport; and,

Policy I3: Green infrastructure, trees, and hedgerows

#### Supplementary Planning Documents/Guidance:

- Purbeck District Design Guide Supplementary Planning Document adopted January 2014.
- Bere Regis Conservation Area Appraisal.
- The Dorset Heathlands Planning Framework 2020-2025 adopted March 2020
- National Planning Policy Framework revised July 2021
- National Planning Practice Guidance
- The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
- Affordable housing supplementary planning document 2012-2027 adopted April 2013.
- Purbeck Strategic Flood Risk Assessment 2018
- Bournemouth, Poole, and Dorset residential car parking study May 2011 – guidance
- Dorset Biodiversity Appraisal and Mitigation Plan.

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

##### In particular

Section 2: Achieving sustainable development:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be

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

#### Section 4: Decision-taking:

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...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.

#### Section 5: Delivering a sufficient supply of homes

Outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.

#### Section 9: Promoting sustainable transport

Requires potential impacts of development on transport networks to be addressed and opportunities for sustainable travel to be identified.

#### Section 12: Achieving well-designed places

Indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

- The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces, and wider area development schemes.
- Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

#### Section 14: Meeting climate change, flooding, and coastal change

Requires development to avoid areas of highest flood risk and be made safe for its lifetime without increasing flood risk elsewhere.

#### Section 16 'Conserving and Enhancing the Historic Environment'

When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).



The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

## 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.

The proposal is not judged to result in disadvantage to persons with protected characteristics. A pavement will provide pedestrian access to the site

## 13.0 Financial benefits

What	Amount / value
Material Considerations	
None	N/A
Non Material Considerations	
Community Infrastructure Levy (CIL)	£21,773.08
Biodiversity Mitigation compensation (alongside on site mitigation)	£1,410.95

## 14.0 Climate Implications

The proposal provides housing within a key service village (as defined in the Purbeck Local Plan Part 1) with access to local amenities and public transport links to larger settlements. The housing will be built to current Building Control standards.

## 15.0 Planning Assessment

The main considerations involved with this application are:

- Principle of development
- Scale, design and impact on the character of the area and on the Bere Regis Conservation Area
- Impact on adjacent listed buildings
- Impact on amenity
- Access and parking
- Drainage
- Biodiversity

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

### Principle of development

- 15.1 The site is situated within the settlement boundary of Bere Regis. Policy LD of the Purbeck Local Plan Part 1 states that development should be focussed within settlement boundaries. Bere Regis is identified by the plan as a Key Service Village, which is considered to be one of the most suitable locations for development. Therefore, the principle of developing the site is considered to be acceptable.

### Scale, design and impact on the Bere Regis Conservation Area

- 15.2 The site is situated within the Bere Regis Conservation Area. 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. As identified above, the site marks a transitional point between higher density, built form which forms part of the core of the village to the rural landscape. The proposed development would erode the existing transitional character by introducing a higher density built form to the site which will be highly visible in the Tower Hill streetscene as it introduces two dwellings to the front of the plot.
- 15.3 The proposal would cause less than substantial harm to the character of the Bere Regis Conservation Area. This is due to the intensification of development on the application site which will result in detrimental impacts on the characteristics of the Conservation Area.

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The following extracts from the Conservation Area Appraisal (CAA) and the Bere Regis Townscape Character Appraisal (TCA) are considered to be of relevance when assessing the application:

- *“ its topography on a south-facing slope between Barrow Hill and the downs beyond and the Bere stream, resulting in relatively low-lying settlement;*
- *‘the continued survival of a complete a very rare example of medieval back lanes...[which] retain a rural character, principally derived from the banks, hedges and soft landscaping and their relationship with the open countryside surrounding the village’ [p. 15];*
- *‘the sense of the village edge merging into a rural space’ at Tower Hill (p. 16);*
- *the variety of traditional building forms, details and materials, but with a ‘characteristic plainness’ (pp. 17-18);*
- *‘[the] presence of many vistas or view points out of the Conservation Area [including] Barrow Hill and Tower Hill’ (p. 19), but also the view S along Butt Lane(p. 16);*
- *the ‘critical townscape’ quality of the application site and surrounding area identified in the TCA (p. 28)”*

15.4 The CAA makes clear the importance of the village edge and transitional qualities of the various back lanes which form a legible boundary along the north side of the village core. This importance has been emphasised by various modern developments which have previously occurred at the rear of West Street (which front onto Tower Hill).

15.5 The main contribution of the site to the Conservation Area at present is the steep incline of the vegetated bank and hedging immediately adjacent to Tower Hill highway and the sense of spaciousness as the existing property on the site is significantly set back, contributing to the transition from closely knit village to spacious countryside. It is noted that the part of the Conservation Area to the north of Tower Hill and to the east of Butt Lane is more loosely developed, forming a less dense concentration of mostly modern development. The lower density hillside development emphasises the low lying position of the main village core in the wider landscape, by avoiding creep up Barrow Hill.

15.6 The design of the houses is considered to be acceptable, however, the intensification of development which proposes to introduce 2 detached two storey properties in an elevated position immediately adjacent to and facing Tower Hill, with two further two storey dwellinghouses in a regimented row to the rear near to where the existing property stands, and a fifth property set back behind those, will result in detrimental impacts on the Bere Regis Conservation Area. The proposed carriageway widening would further alter the character of this established ‘back lane’ which is a characteristic of the Bere Regis Conservation Area which is considered to be significant to the character of the Conservation Area.

15.7 Paragraph 199 of the National Planning Policy Framework (NPPF) states that:

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**199.** When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 15.8 The harm to the significance of the Conservation Area is considered to be 'less than substantial'. Paragraph 202 of the NPPF states that where a proposal is considered to cause less than substantial harm to a designated heritage asset (in this instance the Bere Regis Conservation Area) this harm should be weighed against the public benefits of the proposal.

*Widening of the road*

- 15.9 The applicant has stated that the widening of the road at the access point and along the front of the site provides a significant public benefit. They propose widening the road from 3.3m to approximately 4.8m. The Parish Council support these works.
- 15.10 The Council's Highways Team accept that the widening of the road from single carriageway to two way for the width of the application site, would provide a marginally improved passing opportunity, but these works are not necessary to improve public safety. The acceptability of the scheme from a highway safety perspective doesn't rely on this change.
- 15.11 Widening the highway as suggested will alter the character of this established "back lane" which forms part of the distinctive character of the Conservation Area. Paragraph 199 of the NPPF requires the Council to give "great weight" to the conservation of the Bere Regis Conservation Area. It is considered that any public benefit arising from the proposed road widening is not sufficient to overcome the less than substantial harm to the Conservation area which would arise from altered character of the road and the visual impact of the development.

The application is therefore recommended for refusal on that basis.

*Provision of housing*

- 15.12 The proposal will provide four additional market dwellings within the settlement boundary. Within the Purbeck Local Plan area, there is currently a deliverable supply equivalent to 5.15 years of supply taking into account delivery against the housing target and the application of a 20% buffer as required under the Housing Delivery Test.
- 15.13 On 14 January 2022 the Housing Delivery Test: 2021 measurement results were published. The Purbeck Local Plan area was found to have delivered 76% of the total number of homes required and therefore there remains the need for a 20%

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buffer to be added to the five-year housing supply requirement in the Purbeck area, for an action plan to be published however the presumption in favour of sustainable development does not apply.

15.14 The Bere Regis Neighbourhood Plan includes sites allocated for development to provide for the anticipated housing in the village over the Neighbourhood Plan period. As such, it is not considered that the benefits associated with the provision of housing combined with the benefits associated with the proposed highway improvements would constitute a public benefit that outweighs the less than substantial harm caused.

15.15 Taking into account the above, the public benefits of the scheme (the widening of the road and the provision of housing) are not considered to be sufficient to outweigh the less than substantial harm to the Bere Regis Conservation Area.

#### Impact on adjacent listed buildings

15.16 The site is situated in close proximity to two Grade II listed buildings 67 Butt Lane and the Old School House. The Council's Design and Conservation Officer has advised in relation to 67 Butt Lane that the development on the application site would not affect the spatial relationship between the property and Butt Lane. With regards to the visibility of the site, there is currently co-visibility with the view looking at Butt Lane from West Street. The proposed plot 4 would be approximately situated where the existing house is situated. The new plots would be sufficiently screened by the combination of topography and the existing tree cover with the exception of a glimpsed view from Back Lane. This relationship is not considered to have a harmful impact on the setting of the listed building.

15.17 Old School House is situated further to the east from the application site, on Barrow Hill. Its setting is characterised by its elevated position long distance visibility. The application site will be visible approximately 60m from the Grade II listed building over undeveloped land. However, this is presently the case with Tower House on the site. Officers consider that this will not materially detract from the contributory aspects of its significance.

15.18 Taking into account the above, the proposal is not considered to have a harmful impact on the setting of the two Grade II listed buildings in proximity to the site.

#### Impact on amenity

15.19 The application site is situated adjacent to residential properties to the north and west, and across Tower Hill from residential properties to the south. The properties to the west are approximately 5m lower than the application site. Unit 4 is situated on approximately the same footprint as Tower House (approx. 3.5m further north) and has a lower roof ridge height compared to the existing property (7.9m as opposed to 8.4m). No first floor windows are proposed in the side elevations of Unit

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4 and therefore this relationship with the neighbouring properties is considered to have no greater impact than the existing building.

15.20 Although unit 1 is situated in close proximity to the south western corner of the site (approximately 1m from the boundary) there are no residential properties immediately to the west of the site. The land is occupied by the garden and garages serving 67 Butt Lane. It is noted that at present there is significant vegetation screening between the sites, although it is anticipated that this would be lost as a result of the development. There are no first floor windows in the west elevation of unit 1 that would allow for harmful overlooking of the garden and therefore the relationship is not considered to be unduly harmful.

15.21 Plot 5 is approximately 3.5m from the western boundary of the site. The properties on Butt Lane to the west are approximately 15.9m from the boundary of the application site. No windows are proposed on the nearer of the two western elevation elements that comprise plot 5. A first floor window is proposed on the further western elevation however this is approximately 8.5m away from the site boundary, therefore the window to window distance between plot 5 and the neighbouring residential property, 63 Butt Lane is approximately 24.5m, which is above the recommended threshold for window to window overlooking set out in the Purbeck Design Guide SPG. Given the distances involved, officers are satisfied that there will not be harmful overlooking. The height to the roof ridge of plot 5 is approximately 7.8m. Given that the house is not against the site boundary, and the distance from the site boundary to the nearest neighbouring residential property, it is considered that the proposed development will not result in an overbearing impact, despite the change in ground levels between the site and the neighbouring property.

15.22 To the north of Plot 5 is Hillbutts which is approximately 9m from the site boundary. Plot 5 itself is approximately 11.5m from the site boundary. There are no south facing windows on the elevation of Hillbutts, therefore there is no direct window to window overlooking. The site level is similar to Plot 5 and taking this into account, alongside the distance between the properties it is considered that there is no overbearing relationship between the properties.

15.23 Bere Regis Parish Council have raised concerns regarding the relationship with plots 1 and 2 and the neighbouring property to the south of Tower Hill (The Poppies). The Poppies is situated adjacent to the road and therefore there is the opportunity for a degree of overlooking between plots 1 and 2 and the neighbouring properties. It is accepted that this would be the case, however, it is noted that the properties are separated by Tower Hill which is a public highway and allows overlooking of the property. It is also noted that similar relationships exist elsewhere in the village, for example on North Street, where properties front onto the road facing each other. As part of the proposed development, the road would be widened to 4.8m, and although plots 1 and 2 will be on higher ground than Poppies, they are to be set back approx. 4m from the road. It is considered that while there would be a degree of overlooking, this is not considered to be unduly harmful.

### Access and Parking

- 15.24 The proposed development would utilise the existing sloping access onto the site. The Council's Highways Team have been consulted on the proposal. They note that the proposed development would represent a modest increase in traffic along Tower Hill. Although the road is a narrow single carriageway, there is sufficient width at the junction with Butt Lane to allow two vehicles to pass. Butt Lane itself is also considered to have sufficient capacity to allow two vehicles to pass.
- 15.25 The Highways Team advise that as Tower Hill is a single carriageway it experiences relatively low vehicle speeds. Therefore, the increased usage of the existing access is considered to be acceptable. It is noted that there is no pavement along Tower Hill and only a small amount of pavement along Butt Lane, at the junction with West Street. The Highways Team advise that this is acceptable given the low speeds of vehicles on the road. It is also commonplace on the back lanes that form Bere Regis. The Highways Team have suggested a number of minor alterations to the internal layout of the site to improve vehicle movements within the site but did not recommend refusal if these alterations were not provided. These include increasing the width of the access road to 5m (reducing the footpath to two metres) and providing 6m clearance for the 3 car parking spaces to the rear of plot 2. The applicant has increased the road width to 4.85m and provided the 6m clearance in response. The proposal offers 11 parking spaces, equivalent to two per dwelling and 1 visitor space. This is in accordance with the Dorset Council residential parking guidance.
- 15.26 As previously mentioned, the applicant has proposed to widen Tower Hill to the south of the development as a public benefit to the proposal. The Highways Team are supportive of this proposal however they do not consider that it is required to prevent a severe highways impact that would lead them to recommend refusal of the application. The proposed development is considered to be acceptable from a highway safety perspective.

### Drainage

- 15.27 The site is situated within Flood Risk Zone 1 and therefore is not at risk from either fluvial or coastal flooding. There are known to be issues with surface water flooding elsewhere in the catchment area. The Council's Drainage Engineer has been consulted on the proposals and advised that there was not likely to be the prospect of surface water being discharged into the existing drainage system. Therefore, details of an infiltration test were required to establish that surface water drainage could be discharged by means of a soakaway.
- 15.28 The applicant has completed an infiltration test as requested and this has established that the ground conditions are suitable for the installation of a soakaway. Therefore, there are no objections to the proposal on the grounds of surface water drainage. If the application were to be supported it would be

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appropriate to add a planning condition requiring the details of the soakaway to be provided.

### Biodiversity

15.29 The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site. The proposal, 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 site. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.

15:30 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.

15.31 The mitigation measures set out in the Dorset Heathlands 2020-2025 SPD 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.

With the mitigation secured the development will not result in an adverse effect on the integrity of the designated site so in accordance with regulation 70 of the Habitats Regulations 2017 planning permission can be granted; the application accords with policy DH and the SPD.

15.32 A biodiversity mitigation plan has been submitted with the application. Proposed mitigation includes requirement to ensure that there are no active nests at the time of demolition of the building or the removal of any shrubs or scrub habitat that could provide a suitable habitat for nesting birds. Due to the loss of breed bird habitat each building shall have a brick bird nest box built into the external wall of each of the new buildings.

15.33 In addition to this, compensation for the loss of 0.09 hectares of grassland plus 10% net gain is to be provided. This equates to compensation totalling £1,410.95. The Natural Environment Team have approved the proposed mitigation. This mitigation would need to be secured either through a Section 106 legal agreement or a Unilateral Undertaking by the applicant. These have not been provided as the proposal is not supported by officers on other grounds. For this reason, the lack of



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the provision of compensation forms grounds for refusal of the application, although it is acknowledged that this matter could be overcome.

## **16.0 Conclusion**

16.1 Taking into account the above assessment, officers consider that the less than substantial harm caused to Bere Regis Conservation Area, which is a designated heritage asset is not outweighed by the public benefits of the widening of Tower Hill and additional market housing. In this instance, for the reasons set out above the proposed development is considered to cause less than substantial harm to the significance of the Bere Regis Conservation Area. This provides a clear reason for the refusal of this application. Therefore, in accordance with the National Planning Policy Framework, the application is not supported.

## **17.0 Recommendation**

**REFUSE** for the following reasons:

- The proposed development, by virtue of the infilling of the site, is considered to cause less than substantial harm to the Bere Regis Conservation Area.
- The public benefits offered are not considered to outweigh the less than substantial harm caused.

### **Refusal Reasons and Informatives:**

#### **Reasons for Refusal:**

1. The proposals, by virtue of the intensification of the built form on this edge of village site eroding the rural character of the lane and spaciousness which aids the transition between settlement and countryside, will result in less than substantial harm to the character and appearance of Bere Regis Conservation Area, which is not clearly and convincingly justified through overriding public benefits. For these reasons, the requirements of NPPF para. 202 and Policy LHH of the adopted Purbeck District Council Local Plan are not met.

2. The application site is over 0.1ha in area and situated within open countryside; the site has the potential to be an important habitat. Under the Dorset Biodiversity Appraisal Protocol such sites require a Biodiversity Appraisal and a Biodiversity Mitigation Plan to be agreed by Dorset Council's Natural Environment Team (DC-NET) through the issuing of a 'Certificate of Approval'. The Biodiversity Appraisal Protocol in Dorset is designed to meet the requirements of the Natural England Protected Species Standing Advice.

A Biodiversity Survey has been undertaken and a Biodiversity Plan (BP) supplied. Dorset Council's Natural Environment Team (DC-NET) have assessed and have issued a Certificate of Approval dated 30 June 2021. The removal of shrubs, trees and grassland has been accepted by the NET subject to securing compensation

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payment to mitigate the loss of this vegetation as an important habitat for protected and other species.

The applicant has failed to secure compensation payment via Unilateral Undertaking as per requirements within approved BMEP dated 03 June 2021. In the absence of this legal agreement the precautionary principle must prevail in favour of nature conservation. The proposal fails Policy BIO of the Purbeck Local Plan Part 1 and guidance contained within paragraph 180 of the National Planning Policy Framework (NPPF).

### **Informative Notes:**

1. The development hereby refused is shown on the plans listed below: 20217.01, 20217.03D, 20217.05A 20217.06A, 20217.11, 20217.12, 20217.13, 20217.14, 20217.15, 20217.16, 20217.17, 20217.18, 20217.19 and 20217.20

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

2. If planning permission is subsequently granted for this development at appeal, it will be subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice will then be issued by the Council that requires a financial payment, full details of which will be explained in the notice.

3. The second reason for refusal can be overcome by virtue of the applicant entering into a Unilateral Undertaking to provide the agreed compensation toward the loss of grassland.

### **4. National Planning Policy Framework**

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and –
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/ agent did not take the opportunity to enter into pre-application discussions.
- The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.

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-The applicant and council have worked together to minimise the reasons for refusal.

**Background Documents:**

Case Officer: Peter Walters

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