

<b>Application Number:</b>	P/FUL/2022/01241		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	A Hammond & Son Ltd Penny Street Sturminster Newton DT10 1DE		
<b>Proposal:</b>	Demolish workshop building and erect 6no. dwellings with associated parking		
<b>Applicant name:</b>	Mr Philip Hammond		
<b>Case Officer:</b>	Simon Sharp		
<b>Ward Member(s):</b>	Cllr Carole Jones		
<b>Publicity expiry date:</b>	1 April 2022	<b>Officer site visit date:</b>	11 <sup>th</sup> March 2022
<b>Decision due date:</b>	10 June 2022	<b>Ext(s) of time:</b>	

## 1.0 Reason application is being referred to members

- 1.1 Correspondence has been received within 21 days of the application being publicised from Cllr Carole Jones requesting that the application be considered by the Committee. Cllr Jones states "It's gone through the Town Council last week but at that time the applicant had not displayed the planning notice and no residents were aware of the application. Now that they are – I have a few residents that are unhappy they were not able to express their concerns to the Town and I think we need to ensure their voices are heard at the main committee."

## 2.0 Summary of recommendation

- 2.1 Grant planning permission subject to conditions.

## 3.0 Reason for the recommendation

- 3.1 This is a development plan accordant proposal for an allocated site within the town's defined settlement limits in the made Neighbourhood Plan. The location is very sustainable and there are no demonstrable or significant adverse impacts that outweigh the benefits derived from bringing this allocated site forward towards delivery.

## 4.0 Key planning issues

Issue	Conclusion
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Principle of development	This is an allocated site within the Neighbourhood Plan for “about 5 dwellings”. The 6 dwellings proposed is considered to accord with this parameter. The site is in a very sustainable locations and the scheme redevelops a brownfield site. The existing employment use is being relocated within the locality.
Heritage, design, character and appearance.	The site is located close to the heart of the town within its designated conservation area and close to a number of listed buildings. The current use and buildings detract from the qualities of the area and contribute nothing to its significance. The redevelopment of the site with dwellings that carefully reference traditional forms and detailing prevalent in the area means that the character and appearance of the conservation area will be enhanced (no harm to its significance) and the setting of the listed buildings preserved.
Archaeology	Intrusive investigations in accordance with a written scheme approved by the Council’s archaeologist have revealed no archaeology of any significance within the site.
Highway safety and access	There are no highways safety issues arising from the development. The parking provision is considered acceptable in this sustainable location subject to the provision of cycle parking.
Economic benefits	There are benefits derived from the supply of 6 dwellings.

## 5.0 Description of Site

- 5.1 The site extends to approximately 0.13 ha. It is currently used as a builders’ yard. There is one workshop/storage building within the site dating from the 1960s. The remaining site area is used for open storage of plant and machinery and building materials, parking and for manoeuvring of vehicles.
- 5.2 The current vehicular and pedestrian access to the site is from Lane Fox Terrace. The land to the north slopes down to Penny Street. Penny Street is lined with traditional buildings, nearly all of which are in residential use. Whilst Lane Fox Terrace benefits from segregated footways (pavements), Penny Street does not.
- 5.3 The surrounding uses are predominantly residential. The dwellings to the north are two storey houses with gabled roofs and walls faced in stone, brick and render. These dwellings, on Lane Fox Terrace, date from the late C20th. To the west are older buildings, mainly in residential use, that front onto Church Street. Some of

these are listed. One is currently used as the applicant's offices but has recently gained permission for a change of use to residential. This site shares its vehicular access with the builders' yard. To the south is a residential care home, Nazareth Lodge. To the east is the care home's access, beyond which is a public right of way.

- 5.4 There are no trees within the site but many lie adjacent to its boundaries and overhang onto the land.

## **6.0 Description of Development**

- 6.1 This is a full application for 6 dwellings, all for the open market (no affordable units as defined by the National Planning Policy Framework).

- 6.2 The mix of dwellings proposed is

- a) 1 No. 4-bed detached, 2-storey house.
- b) 2 No. 3-bed semi-detached 2.5 storey houses.
- c) 3 No. 2-bed terraced 2 storey houses.

- 6.3 Vehicular and pedestrian access is proposed from Lane Fox Terrace (and in turn from Penny Street). The parking provision proposed is as follows: -

- a) 2 spaces for the 4-bed detached house.
- b) 2 spaces each for the 3-bed semi-detached houses.
- c) 2 spaces for 2 of the terraced houses.
- d) 1 space for 1 of the terraced houses.
- e) Secure cycle parking in sheds for all dwellings.

## **7.0 Relevant Planning History**

- 7.1 Planning permission was granted on 19<sup>th</sup> April for the change of use of the adjoining offices at Worton House on Church Street to residential use (Council reference FUL/2022/01147). This permission includes use of an access strip across the site to Lane Fox Terrace. This access is capable of being implemented irrespective of whether the site stays as a builders' yard or this permission is granted and implemented.

## **8.0 List of Constraints**

- 8.1 The site is within a designated Conservation Area.
- 8.2 There are no listed buildings within the site, but the following are within close proximity:-
- a) 23, 24, 25, 26 and 27, Church Street (Grade II).
  - b) Gates and gate piers to The Old School (Grade II).List Entry: 1304296.0

## **9.0 Consultations**

- 9.1 Sturminster Newton Town Council

“No Objections - the application is not in breach of any material planning considerations and is compliant with Policy 35 in Sturminster Newton Neighbourhood Plan.”

9.2 DC Highways

No objection subject to conditions.

9.3 DC Trees and Landscaping

- a) The proposal is supported by arboricultural documentation and, subject to the adherence to this report, the trees on neighbouring land should be adequately protected.
- b) Ground protection is adequate in this case as the trees which are off-site are already protected by boundary walls.
- c) Content with the Arboriculturist Report following the revision to paragraph 11.2 to exclude the word “key” from the sentence “Advising the local planning authority tree team of any key issues that arise that could cause serious permanent damage to high quality tree.”
- d) Concern expressed at original site plan that proposed two new trees which had little to no chance of survival due to being surrounded by hard landscaping. The revised plans propose shrubs in their place and one tree in plot 1’s rear garden. This is acceptable although there is disappointment in the lack of new trees in contrast to the degree of hard landscaping.

9.4 DC Building Control

“No comments at this time.”

9.5 Historic England

“Not offering advice.”

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

**10.0 Other representations received**

Total - Objections	Total - No Objections	Total - Comments
20 addresses	0	0

10.1 Objections were received on the following grounds: -

Quantum and type of development

- a) The Town Council state that this development accords with the Neighbourhood Plan, but it doesn't.
- b) The Neighbourhood Plan allocation is for "about 5". It should be a maximum of 5, not 6. The proposal equates to a density of 60 dwellings to the hectare.
- c) The site would perhaps be large enough for 6, 2 bed houses as they have a smaller footprint. However, it is not large enough to accommodate the 6 houses as proposed.
- d) 5 dwellings would also provide the ability to plan a more acceptable parking provision and distance to neighbouring dwellings.
- e) The Neighbourhood Plan states that the proximity of the site to the centre of town makes it ideally suited for older persons' accommodation. Three-storey town houses and a large detached house are not 'ideally suited' for older people.

#### Highways and parking

- f) The number and type of houses proposed will increase the traffic considerably onto Fox Lane Terrace and thence Penny Street.
- g) There is already a very awkward convergence of Fox Lane Street, Penny Street and the entrance to Nazareth Lodge (residential care home that adjoins the site). The ability of large vehicles to manoeuvre here is already compromised e.g. refuse trucks, ambulances, delivery lorries etc.
- h) To only provide such a low number of parking places is quite out of order. It is a fact of rural living that most households have more than one vehicle. A plot has only been allocated 1 parking space. It is inevitable that properties will need more parking (advise 12-15 spaces).
- i) Residents already find themselves unable to park due to the volume of workers and multiple vehicles using Penny Street.
- j) There are no pavements. There is a significant highway safety concern which will only be exacerbated by this proposed development.
- k) Planning and Highway could consider double yellow lines on pinch points to facilitate the increasing traffic.

#### Layout and residential amenity

- l) The new buildings are very close to the boundary of the site, this will give the illusion of space from the front of the properties but, in doing so, plots are extremely close to the gardens of all the existing properties. This will reduce considerably the morning light onto these properties and make their gardens much less private.

- m) Existing homes adjoining the site are close to existing homes opposite them. With plots 4, 5 and 6 proposed so close to their other boundary, they will feel very boxed in.
- n) The proposed buildings are closer and higher than the existing workshop.
- o) There will be a significant reduction in sunlight to existing dwellings, particularly in the mornings.
- p) There will be a significant increase in overlooking due to the proximity of proposed first floor windows to existing gardens and the rear facing rooms of adjoining, existing homes.

#### Conservation area

- q) This development should be in keeping with a conservation area not in conflict with it. There is an opportunity to create a sympathetic development which would enhance the status and prestige of a conservation area rather than diminish it.

#### Trees

- r) Proposes the removal of trees and hedges on private land, with no accompanying mitigation plan for their retention.
- s) The “Arboricultural Report” recommends the felling of a Leyland Cypress tree (T7) on the southern boundary if the tree is on the site – it is not on site, but in an adjoining property. It would seem wiser to move the proposed dwellings further away from the southern boundary wall so that future residents would not be affected by the tree.
- t) The “Heritage, design, access and planning statement” in the application recommends the removal and replacement of a conifer hedge on the southern boundary (Section 12.1, p.10). This also is not on site but in an adjoining property. The recommendation shows no awareness that the hedge is not on site. Such carelessness, inaccuracies, misunderstandings and/or disregard for neighbouring properties are of concern.
- u) The Deodar Cedar (T10) is incorrectly sited on the tree protection plan and is closer to the boundary.

#### Light pollution

- v) There are no details of any street lighting provision within the development. Sturminster town suffers from a high degree of unnecessary light pollution. It is hoped that any street lighting provided as part of this development will avoid contributing further to the unacceptable level of light pollution already suffered

#### Other

- w) Are there any asbestos concerns in relation to the existing building?
- x) Material impact on the Nazereth Lodge Care Home business as they may not be able to sell the rooms closer to the site due to noise and construction, so it is important to know what is the duration of the project and when it is supposed to finish if it goes ahead.
- y) Extremely concerned about this development affecting my holiday cottage's appeal in what I describe to guests as a quiet Dorset getaway.

## **11.0 Heritage duties**

- 11.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, amongst other things, that special regard be had to preserving the setting of listed buildings.
- 11.2 Section 72 of the same Act requires that special regard be had to either preserving or enhancing the character and appearance of a designated Conservation Area.

## **12.0 Development plan policies**

### Adopted North Dorset Local Plan Part 1 (2016)

- 12.1 The site is within the saved settlement boundaries and is within a designated Conservation Area. The following policies are considered to be relevant to this proposal:
  - Policy 1 - Presumption in Favour of Sustainable Development
  - Policy 2 - Core Spatial Strategy
  - Policy 4 - The Natural Environment
  - Policy 5 - The Historic Environment
  - Policy 6 - Housing Distribution
  - Policy 23 – Parking
  - Policy 24 – Design
  - Policy 25 – Amenity

### Made Sturminster Newton Neighbourhood Plan (2019)

- 12.2 The site is within the settlement limits and is one of the Plan's housing allocations. It is also within a designated Conservation Area. The following policies are considered relevant: -
  - Policy 1. Design and character of buildings and their setting
  - Policy 2. Important views and landscape sensitivity
  - Policy 7. Housing numbers and locations
  - Policy 8. Settlement boundary revision.
  - Policy 35. Hammond's Yard site.

- 12.3 The allocation (policy 7) is for "about 5" dwellings (Neighbourhood Plan paragraph 9.4.9). The criteria against which proposals should be assessed are detailed in policy 35 as follows: -

- a) It is for housing or other uses that are compatible with a quiet, largely residential area. Housing more suitable to older people would be appropriate in this location.
- b) The frontage onto Penny Street is designed to be discrete and to avoid an unsightly gap in the sequence of views along this lane.
- c) The privacy of neighbouring properties is considered in the siting and design of the dwellings within the site.
- d) Measures required as part of an approved biodiversity mitigation plan are secured.

### **13.0 Other material considerations**

#### National Planning Policy Framework (2021)

##### 13.1 Noting the following sections:-

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

#### Housing Delivery Test

13.2 The latest Housing Delivery Test (HDT) for North Dorset, published January 2022, is 69%. The NPPF states that the titled balance applies if the HDT is less than 75%.

### **14.0 Human rights**

14.1 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.

### **15.0 Public Sector Equalities Duty**

15.1 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:-

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

15.2 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.

15.3 The Department for Transport’s publication, Inclusive Mobility – A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure was published in 2021 (released in January 2022) and provides specifications which should ideally be realised within a layout.

15.4 Of note for this application is that there is a fall in the land from west to east and also towards the northeast corner. The application is supported by proposed sections which demonstrate that the maximum gradients within the site will be 1 in 15 with intermediate level platforms and sections of a shallower gradient. This is considered acceptable in providing equal opportunities for all in terms of access.

15.5 Beyond the site, it is noted that access to the town centre would be via Penny Street which is devoid of segregated footways. This is not uncommon in the historic core of Sturminster Newton and the insertion of a footway would not be practicable or desirable in this designated conservation area, the significance of which is partly derived from its lane character.

## 16.0 Financial benefits

What	Amount / value
Material Considerations	
Homes	Delivery of 6 homes
Employment during construction	Support construction sector
Spend in the local economy	Residents of dwellings would support economic growth
Non Material Considerations	
Contributions to Council Tax	As per appropriate charging bands

## 17.0 Climate Implications

17.1 The layout demonstrates the ability for all dwellings to maximise solar gain (heat) and solar to electricity energy conversion (via photo-voltaic cells). Indeed, the proposed elevations show PV panels in place for all the homes. There is also clear potential for

electric car charging points to be installed, albeit some of the power to the home, from the national grid may be produced from the burning of fossil fuels (this is when PV panels are unable to respond to the demand or are not installed).

- 17.2 The buildings would need to comply with Building Regulations, specifically Part L.
- 17.3 It is acknowledged that, despite the highly sustainable location, there is a certainty that there will be some residual trips by cars and delivery vehicles resulting from the development and these will burn fossil fuels. It is also noted that some home owners may choose to provide heating from the burning of fossil fuels.

## **18.0 Planning Assessment**

### Principle

- 18.1 This is an allocated site within the made Neighbourhood Plan.
- 18.2 The National Planning Policy Framework and the North Dorset Housing Delivery Test position are material considerations. They result in the “tilted balance” being engaged if there are no “footnote” reasons for refusal (e.g. harm to the significance of heritage assets not outweighed by public benefits) but, in this instance, this is not a determinative consideration given the acceptability of the site due to its allocation in the made neighbourhood plan.
- 18.3 A number of representations have been received questioning the quantum of development proposed. Neither policies 7 nor 35 specify a number of dwellings that would be acceptable. However, paragraph 9.4.9 of the Plan, in support of policy 35, notes that the site is just over 0.1 ha in area and “about 5” dwellings would be appropriate. Of note here is that neither the policy, nor its supporting text, prescribe a maximum number of dwellings and it can be reasonably concluded that 6 dwellings falls within the definition of “about 5”. It is noted that the Town Council considers 6 dwellings does accord with the Neighbourhood Plan policy.
- 18.4 The site has been measured as being 0.13ha in area which provides for a density of 46 dwellings per hectare (dph). The density of development on Lane Fox Terrace is approximately 47 dph. It can therefore be concluded that the density is reflective of that prevailing for the adjoining, existing residential development.
- 18.5 Representations have also been received citing policy 35 of the Neighbourhood Plan’s reference to the site being appropriate for homes for older persons. The inference is that, given the lack of any bungalows proposed (or at least dwellings with larger ground floor internal areas), the proposal conflicts with this policy.
- 18.6 There are two relevant points here. Firstly the inclusion of the sentence that accommodation for older people would be appropriate does not exclude development not designed for such a sector of the community coming forward, especially as there is need for homes for all age-groups across the North Dorset plan area.

- 18.7 The second point is that the designs of these dwellings do not preclude them being appropriate for older people. Older people are likely, on average, to be less ambulant than other age groups. However, upon inspection of the proposed floor plans, the point can be reasonably made that four of the six dwellings are appropriate for older people. The three terraced homes are relatively small, permitting the common downsizing of accommodation undertaken by many older people (for a variety of reasons). They all include ground floor living space and toilet facilities (features sometimes missing with town houses with garages on the ground floor). The detached 4-bed dwelling at first sight appears to be aimed at a family (parents/guardians and children). However, the room layout also provides for the ability to have a downstairs bedroom for an older person and also a live-in carer if desired/required.
- 18.8 The mix of dwelling types responds to many different requirements across the community and fosters a diverse and mixed community within the same development. The number of dwellings proposed is below that for which a percentage of affordable homes are required.
- 18.9 The existing employment use is being relocated locally. The site, as identified in the Neighbourhood Plan, is not ideally suited to being a builders' yard in the C21st given the juxtaposition with residential areas.
- 18.10 In summary, the principle of the development is considered acceptable in this location for this quantum and type of homes.

#### Highway safety and parking

- 18.11 A number of representations have been received in relation to the number of parking spaces proposed and the vehicular access arrangements.
- 18.12 The representations perceive that there is an insufficient number of spaces proposed, highlighting that one dwelling has only one space allocated to it and there is no visitor parking. The Dorset Residential Parking Study standard is for 11 spaces for this type of development, including 2 visitor spaces. However, the requirement can be less in sustainable locations close to services and facilities. The site is within one of these very sustainable locations (in relative North Dorset terms). The proposed provision equates to 1.5 cars per household which is considered reasonable. The implementation and retention of the secure cycle parking proposed in garden sheds can be secured by condition.
- 18.13 The representations highlight two areas of particular concern with regards to the vehicular access; the confluence of Lane Fox Terrace, Penny Street and the access to Nazareth Lodge, and the narrow width and lack of footway on Penny Street. Such junctions, road widths and lack of footways are a typical characteristic of the older parts of small Dorset towns. These characteristics contribute to the significance of the Conservation Area but can provide challenges in terms of larger vehicles accessing sites served by them in terms of widths and visibility at junctions and corners. They also require pedestrians to share the same area of highway as vehicles. Parked cars on parts of Penny Street also mean that the pedestrians are sometimes walking in the middle of the road, rather than on its edge.

18.14 The case officer has visited the site's environs on more than one occasion and including during the peak afternoon period. It was observed that there are double yellow line parking restrictions opposite the entrance into Lane Fox Terrace from Penny Street. This provides unobstructed paths for larger vehicles; the case officer noted that a fixed axle small HGV was able to negotiate this junction in one sweep without any need for reversing. They also were able to negotiate the parked cars further northwest along Penny Street. Pedestrians safely waited behind the parked cars whilst the HGV traversed this section of road.

18.15 It is also noted that the Highways Officer raises no objection.

18.16 In summary, it is considered that the parking and access arrangements are acceptable.

#### Heritage, design, character and appearance

18.17 The Dorset Historic Towns Study for Sturminster Newton identifies the site as falling within the Town Centre character area and in a zone of "modern infill". The Study notes that the following characteristics and appearance of this area

"(it is) one of high density housing fronting on to the Market Place and the streets radiating from it. The tightly packed buildings are generally set directly on the street frontage, with a few exceptions, particularly along Bridge Street. The streets are narrow and slightly curving, generally rising towards the north. There is very little contribution from trees and green spaces in this character area, which has a very hard character, with a great sense of enclosure."

18.18 Hammond's Yard is rather at odds with this prevailing character as recognised by the Neighbourhood Plan in the supporting text to policy 35. There is clearly scope for redevelopment to introduce forms and a layout that respond positively to the character. In this regard, it is considered that there is little scope for a scheme and architecture that introduces contrast and a design statement deliberately at odds with the prevailing character. The spaces and grain of the area are too intimate and nuanced for that.

18.19 The proposed development is considered and sensitive to this context. Buildings are closely positioned to the highway providing that intimate sense of space. There are also gaps affording views through to areas beyond, as there is on Penny Street. The dwelling for plot 1 and the highway entrance are discrete as an ensemble seen from the Penny Street, as advised by one of the criteria of policy 35 of the Neighbourhood Plan. The architecture for the dwelling is restrained but not without interest, an unsightly gap is avoided and, as a whole, this is the right balance for this frontage and to accord with the criterion in the Neighbourhood Plan.

18.20 Representations received raise concerns about the two-and-a-half storey scale of the proposed pair of semi-detached homes. It is acknowledged that most existing dwellings are two storeys in height but there are examples of two-and-a-half storey homes; it is not without precedent in the town centre character area. Indeed, there is a traditional dwelling with second floor dormer windows further east along Penny

Street, on its north side. This building's dormers are clearly visible within the streetscene and from the site.

- 18.21 Turning to the setting of the listed buildings on Church Street, it is clear from old maps that the site and the land to the north and south remained undeveloped until the latter half of the C20th (a 1947 map shows the land undeveloped). This was the historical setting of Church Street, undeveloped countryside extending to the rear boundaries of these properties. This setting has changed substantially since the 1960s especially with the rather insensitive development of the application site as a builders' yard during that decade. The proposed development's introduction is considered not only to preserve but enhance the setting of these listed buildings.
- 18.22 With regards to the detailing proposed, the amended plans showing a pleasing inclusion of chimneys atop the gabled roofs. Such chimneys pepper pot the roofscapes of the centre of the town and positively contribute much to the area's character and appearance, the gradients along streets and open spaces affording views of this roofscape. The cill and lintels details proposed also heavily reference prevailing designs. The dwellings' designs carefully respond to context.
- 18.23 In summary, the current use and buildings detract from the qualities of the area and contribute nothing to its significance. The redevelopment of the site with dwellings that carefully reference traditional forms and detailing prevalent in the area means that the character and appearance of the conservation area will be enhanced (no harm to its significance) and the setting of the listed buildings preserved (no harm). It is considered that conditions are necessary to restrict permitted development rights for extensions and alterations as such development could materially affect the appearance of the dwelling and result in the conservation area's character and appearance not being preserved.

#### Trees and landscaping

- 18.24 The representations received include objections relating to perceived inaccuracies in the submitted Arboriculturist's Report and the impact on trees adjoining the site.
- 18.25 There are no trees within the site, although several directly adjoin it. The crown spreads of 9 trees overhang the site. All of these trees are protected by virtue of being within the designated Conservation Area.
- 18.26 The Council's Trees and Landscaping Officer is content that the submitted Report provides, following amendment, appropriate protection measures in place for the construction phase of the development. The implementation of these will need to be secured by a condition. Works to the trees post occupation will require notification to the Council which has the ability to deny them taking place by making a relevant Tree Preservation Order. It is also considered unlikely, given the distances of the proposed dwellings from the trees, taking into account the trees' heights, densities of branches and crown spreads, that there will be proposals by future occupants to undertake life and amenity value threatening works to the trees to reduce their impacts.

18.27 In terms of new soft landscaping, it is accepted that the proposals are rather light on new planting and there is an emphasis on hard landscaping and buildings. In this regard the proposal rather relies on the amenity value provided by trees adjoining the site. Nevertheless, the amended plans do show, on balance, an acceptable level of new planting, the exact details and implementation of which (and retention and management of which) can be secured by condition.

#### Residential amenity

18.28 Concerns have been raised in the representations received about the proximity of the new dwellings to existing houses and their gardens, these concerns being that there will be significant overshadowing and overlooking.

18.29 The new dwellings will be closer to existing dwellings on Lane Fox Terrace and Church Street than the existing building.

18.30 Looking at the impacts individually, the terrace proposed towards the western end of the site will, at its closest point, be 6.5m from the boundary with the Church Street properties to the west. These dwellings proposed have first floor windows serving bedrooms facing directly towards Church Street. These windows will afford a view into the rear, private gardens of the Church Street dwellings, albeit this view is obscured to a degree by a birch tree in one of the gardens (the birch being of an even crown spread of approximately 4m in all directions). It is also noted that the gardens are approximately 20m in length giving an overall separation distance between the proposed and existing houses of over 26m. This length of these gardens and the soft landscaping within them will provide opportunities for occupiers to secure some distance from the boundary and privacy.

18.31 The height of the proposed terrace is 4.7m from ground level to the roof's eaves and 8m to the ridge. At these relatively modest heights and with the aforementioned separation distances, it is considered there will be no significant overshadowing to the gardens as a whole or the dwellings on Church Street to the west arising from the proposed development. It is also noted that the proposed terrace will be to the east of these dwellings so will not obstruct the sunlight for the majority of the day.

18.32 With regards to noise and disturbance, it is suggested there will not be an adverse impact resulting from the change of use of the land adjacent to the Church Street properties' boundaries from a builders' yard to private gardens serving dwellings.

18.33 It is noted that the gardens of Nos. 22, 24 and 25 Church Street extend to the south of the application site. There will be some overlooking of these rear gardens but not directly and a proportion of these long gardens are not overlooked. The proposed buildings are also to the northeast of these gardens (and the dwelling at No. 22, Church Street) thereby minimising the impact in terms of overshadowing.

18.34 Turning to the impact on the Lane Fox Terrace homes, it is noted that the nearest new dwelling is the northernmost of the terrace of houses. This building is 5m from the nearest point along the boundary with these existing homes' gardens. It is also to the southwest of them. This distance and orientation will mean that, for much of the year there will be overshadowing of these gardens for a period of time after noon as

a result of this element of the proposal. The same can be said for the rear ground floor rooms of these Lane Fox Terrace dwellings which are 11m from the proposed terrace. This is an adverse impact of which there is no doubt.

- 18.35 The impact is tempered by the relatively short period of the day that it will occur as the sun tracks behind the proposed terrace and that it will not be year round (the sun predicted to be higher in the sky than the terrace during the summer months).
- 18.36 It is also tempered by the fact that the building to the south and southeast of Lane Fox Terrace is being demolished and replaced by the pair of semi-detached dwellings, the length of which is substantially less than that of the existing building (12m proposed compared with 20m for the main part of the existing building and 24m for its total length).
- 18.37 There isn't considered to be any significant loss of amenity as result of overlooking of Lane Fox Terrace from the proposed terrace given the acute angle at which the front elevation is orientated relative to the existing dwellings. The same conclusions can be reached relative to the relationship between the proposed semi-detached houses and Lane Fox Terrace.
- 18.38 Specific concerns have been received on behalf of Nazareth Lodge care home. They relate to the ability of the home to attract new residents with the new development adjacent to it, the relationship of buildings and use of the application site being very different if the proposal is granted and implemented. This later point cannot be denied. Residents of the care home will notice change. There is also a justification for the control of hours of construction of the development.
- 18.39 The impact of the development during its operational phase on residents of Nazareth Lodge, i.e. when the dwellings are built and occupied, is not considered to be significant. The main part of the existing building is 10m from the boundary with Nazareth Lodge and 8m high to its ridge. The new dwellings will be the same distance from the boundary and higher (9.3m to the ridge) but noticeably significantly less deep from front to back (14m existing to 9m proposed). The massing of the building will be significantly less as a result. This new pair of semi-detached houses will also be to the northwest of Nazareth Lodge, therefore limiting the amount of time they will be obstructing sunlight.
- 18.40 There will be some overlooking from the two first floor bedrooms windows (one for each of the semi-detached houses proposed) but this will be at very acute angle and not considered to be direct overlooking.
- 18.41 Overall, there will be adverse residential amenity impacts arising from the proposal. However, on balance, cumulatively (as well as individually) they are not to the extent that justifies the withholding of planning permission. However, given that the fine balancing of this matter and the significant potential that extensions and alterations to the approved dwellings could materially increase the degree of adverse impact, it is both necessary and reasonable to secure conditions restricting permitted development rights. It is also necessary to control external lighting to prevent significant light pollution into adjoining homes and gardens.

### Archaeology

18.42 This is part of the heritage considerations. Given the location within the medieval core of the town there was a high possibility of archaeology being present within the site. Trial trenches and a report was submitted in accordance with a scheme of investigation approved by the Council's archaeologist. These revealed nothing of significance and no further investigations are required.

### Biodiversity

18.43 A biodiversity plan accompanies the suite of application documents. This has been approved by the Council's Natural Environment Team (NET). It includes for the provision of, for example, bat boxes, nesting boxes and hedgehog access holes in fences. Its implementation can be secured by condition.

18.44 The biodiversity plan also details the need for a sensitive external lighting scheme, specifically to respond to the presence of bats. This can be secured by condition.

### Flood risk and drainage

18.44 The site is flood zone 1, land at the least probability of fluvial flooding as defined by the Environment Agency. This is the preferred location for development. The site is also in a low risk area in terms of surface water flooding. The sequential test is therefore passed.

18.45 The application form states that surface water will be drained via a sustainable drainage system, but no further detail is provided. This is acceptable in principle, such systems can be designed for use in confined spaces and infiltration is not practicable at this site. The matter can be satisfactorily dealt with by condition.

### Light pollution

18.46 There is no external lighting strategy submitted with the application. It is reasonable to secure this by condition.

### Other matters

18.46 The existence or otherwise of asbestos within the existing building is not a material consideration relevant to this planning process.

## **19.0 Conclusion**

19.1 This is a development plan accordant proposal for an allocated site within the town's defined settlement limits in the made Neighbourhood Plan. The location is very sustainable (in relative North Dorset terms) and there are no demonstrable or significant adverse impacts that outweigh the benefits derived from bringing this allocated site forward towards delivery.

## **20.0 Recommendation**

20.1 Grant permission subject to the following conditions: -

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

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

- Location Plan S101C
- Existing elevations S02C
- Existing floor plans S03
- Proposed Site Plan P01 Rev B
- Proposed floor plans and elevations P06 Rev B
- Proposed Site Sections P10 Rev A
- Perspective views and window details P11 Rev B
- Shed Plans and Elevations P12

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

3. No development shall commence until Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out, as a minimum, site specific measures to control and monitor impact arising in relation to construction traffic, noise and vibration, dust and air pollutants during both the demolition and construction phases of the development hereby approved. The CEMP shall include construction vehicle details (number, size, type and frequency of movement), vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities) as well as the hours and days when the demolition and construction processes will take place. The development shall thereafter be carried out strictly in accordance with the approved CEMP..

Reason: In the interests of the residential amenity of occupier of homes on Lane Fox Terrace, Church Street, Penny Street and residents of Nazareth Lodge care home.

4. Prior to commencement of the development (other than the approved demolition), details of the surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority including a timetable for their implementation. The approved drainage scheme shall be completed in accordance with the approved timetable and thereafter retained for the lifetime of the development.

Reason: Details were not submitted with the application and to avoid drainage problems as a result of the development with consequent pollution or flood risk.  
Reason: To avoid drainage problems as a result of the development with consequent pollution or flood risk.

5. Prior to development above damp proof course level, details including colour finishes of all external facing materials for the walls (including bricks and mortar), roofs, external doors and window frames shall be submitted to, and approved in writing by, the Local Planning Authority. Within the same timescales i.e. prior to development commencing, details shall be submitted of the locations, colour and finish of all external rainwater goods, soil vent pipes and meter boxes. Thereafter, the development shall be completed as per the approved details.

Reason: To ensure a satisfactory visual appearance of the development given the sensitivity of the site's location within a designated conservation area and in close proximity to listed buildings.

6. With the exception of the demolition hereby approved, prior to the commencement of any development above damp course level, full details of both hard and soft landscape works, as annotated on the proposed site plan Proposed Site Plan P01 Rev B, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include.

(i) hard surfacing materials;

(ii) Specification for all new planting for the soft landscaping.

The hard surfacing shall be completed prior to the first occupation of the last of the dwellings to be occupied and thereafter retained for the lifetime of the development.

The soft landscaping planting shall be completed within 6 months of the first of the dwellings hereby approved being occupied. If within a period of 15 years from the date of the planting of any tree/plant, that tree/plant or any tree/plant planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) another tree/plant of the same species and size as that originally planted shall be replanted in the first available planting season.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality and for its biodiversity value.

7. The development hereby approved shall proceed only in accordance with the details set out in the Arboricultural Method Statement dated February 2022 and amended and received on the 19<sup>th</sup> May 2022 setting out how the existing trees adjoining the site are to be protected and managed before, during and after development.

Reason: To ensure thorough consideration of the impacts of development on the existing trees in the interests of their protection and amenity value.

8. None of the dwellings hereby approved shall be first occupied until, with the exception of the planting of the 2 new trees, the biodiversity net gain measures detailed in section H of the approved Biodiversity Plan (approved 14<sup>th</sup> December 2021) have been completed and a report or photographs providing evidence of their implementation submitted to and approved in writing by the Local Planning Authority. The said measures shall thereafter be retained for the lifetime of the development.

Reason: To secure net gain for impacts on biodiversity.

9. Before any of the dwellings hereby approved are first occupied the turning and parking area serving that dwelling shall have been laid out in accordance with the approved site plan P01 Rev B. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified for the lifetime of the development.

Reason: To ensure the proper and appropriate development of the site in the interest of highway safety.

10. Before any of the dwellings hereby approved are first occupied the cycle parking facilities for that dwelling shown on Drawing Number P01 Rev B (within the approved garden sheds) must have been completed. The said cycle parking shall thereafter be retained for the lifetime of the dwelling it serves.

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

11. Before any of the dwellings hereby approved are first occupied, details shall be submitted of a scheme for the storage of domestic recycling and refuse for those dwellings. The storage facilities shall be completed prior to the first occupation of the dwelling they serve and retained for its lifetime.

Reason: To reduce the probability of unsightly storage of domestic recycling and refuse to ensure a satisfactory visual appearance of the development given the sensitivity of the site's location within a designated conservation area and in close proximity to listed buildings.

12. Before any of the dwellings hereby approved are first occupied the first 10.00 metres of the vehicle access, measured from the rear edge of the highway, must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

13. Before any of the dwellings hereby approved are first occupied, external lighting shall have been provided in accordance with details previously submitted to and approved by the local planning authority. The approved lighting shall thereafter be retained for the lifetime of the development and during that period external lighting shall be limited to that approved.

Reason: In the interests of biodiversity and the residential amenity of occupiers of Lane Fox Terrace, Church Street (where those properties adjoin the application site) and residents of Nazareth Lodge care home.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargement(s) of the dwellinghouse hereby approved, permitted by Classes, A, AA and B of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: In the interests of the residential amenity of occupiers of Lane Fox Terrace, Church Street (where those properties adjoin the application site) and residents of Nazareth Lodge care home, and to preserve the character and appearance of the conservation area.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no garages, sheds or other outbuildings permitted by Class E of Schedule 2 Part 1 of the 2015 Order shall be erected or constructed.

Reason: In the interests of the residential amenity of occupiers of Lane Fox Terrace, Church Street (where those properties adjoin the application site) and residents of Nazareth Lodge care home, and to preserve the character and appearance of the conservation area.

16. There must be no gates hung so as to form obstruction to the vehicular access serving the site.

Reason: To ensure the free and easy movement of vehicles through the access and to prevent any likely interruption to the free flow of traffic on the adjacent public highway.