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<b>Application Number:</b>	P/FUL/2022/06807		
<b>Webpage:</b>	<a href="http://dorsetcouncil.gov.uk">Planning application: P/FUL/2022/06807 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>		
<b>Site address:</b>	April Cottage South Instow Harmans Cross Swanage BH19 3DS		
<b>Proposal:</b>	Sever plot and erect a 4no bedroom detached house		
<b>Applicant name:</b>	Mr and Mrs Burri		
<b>Case Officer:</b>	Emily Elgie		
<b>Ward Member(s):</b>	Cllr Brooks		
<b>Publicity expiry date:</b>	9 December 2022	<b>Officer site visit date:</b>	24 March 2023
<b>Decision due date:</b>	28 December 2022	<b>Ext(s) of time:</b>	18 April 2023

**1.0** The application comes to committee at the request of the Nominated Officer.

**2.0 Summary of recommendation:**

Grant, subject to conditions

**3.0 Reason for the recommendation:**

Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.

The location of the site within a settlement boundary is sustainable and the proposal is acceptable in its design and general visual impact and there would be no material impact to the Dorset AONB, or demonstrable harm to neighbouring residential amenity. The scheme is compatible with the retention of protected trees, the proposed development is safe in highway terms, and the impact on designated sites will be appropriately mitigated.

The application complies with the relevant national and local policies and there are no material considerations which would warrant refusal of this application.

**4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	The site is within the settlement boundary of Harmans Cross
Impact on landscape character and setting of AONB	The scale, character and enclosed nature of the site would not have a material impact on landscape character or the AONB

Impact on character and layout of locality	The siting and design of the proposal is acceptable and would not have an adverse impact on the character of the area.
Impact on protected trees	Loss of two trees is acceptable and the relationship with the protected Pinetree is unlikely to cause undue pressures for its removal.
Impact on amenity	The layout and design is considered to be acceptable and not be overbearing or overshadowing on adjacent dwellings nor give rise to undue overlooking.
Access and Parking	The access is considered to be acceptable in terms of highway safety and the parking provision is acceptable.
Wildlife	There would be no harm to protected species and the impact on designated sites would be mitigated against.

## 5.0 Description of Site

The application site forms part of the garden area of April Cottage, a detached chalet bungalow located on the corner of Valley Road and St Instow. On the Valley Road frontage there is a belt of trees and the land to the south slopes down so April Cottage sits below the highway level, with properties to the south stepping down the hillside. The site also slopes west to east so Fairfields, a chalet property to the east, is lower than April Cottage. Boundary enclosure is predominantly provided by vegetation and trees contribute to the character of the area.

The application site falls within the settlement boundary of Harmans Cross which lies within the Dorset Area of Outstanding Natural Beauty (AONB). The site lies within 5km of protected Dorset Heathland and within the Poole Harbour Recreation zone.

## 6.0 Description of Development

The application proposes the erection of a 4 bedroom, two storey dwelling with attached double garage to the east of April Cottage.

The new dwelling will have a gross internal floorspace, (including garage) of approximately 304m<sup>2</sup>. The dwelling is two storey, with a half hip pitched roof. Natural lighting on the north facing elevation is provided by small gable ended dormers partly 'breaking through' the eaves line. Principal light and outlook will be on the south facing elevation with full height patio doors shown at both ground and first floor levels, the latter with Juliet balconies.

The attached double garage is set at right angles to the main dwelling and includes a home office within the roof space.

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Parking and a turning area are proposed to the front of the new dwelling, with the site access being connected to the existing driveway serving April Cottage with access onto South Instow.

External walls are to be clad in Purbeck Stone with a clay tiles for roofing

The application is accompanied by arboricultural and wildlife appraisals.

## **7.0 Relevant Planning History**

P/PAP/2022/00396: Pre application advice given on this proposal the key conclusions of which are set out below:

- No objection in principle while the proposal also appears acceptable in its impact on the layout and character of the locality.
- In design and siting terms appears capable of addressing the opportunities and constraints of developing this site.
- No material impact identified on the outlook and amenity of adjoining householders.
- Appears acceptable in its highway impacts.
- Proposal appears capable of addressing wildlife concerns though the impact on the protected tree needs to be given specific consideration

The design of the proposed dwelling and its attached garage has been amended following pre-application advice to a follow more traditional design, incorporating stone cladding to the facades under a clay tiled roof.

## **8.0 List of Constraints**

Tree Preservation Order reference: PDC/TPO 179

Within Harmans Cross settlement boundary

Poole Harbour Recreation Zone

Areas Susceptible to Groundwater Flooding; Superficial Deposits Flooding; < 25%

Dorset Area of Outstanding Natural Beauty (AONB) - Statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

Within 5km of RAMSAR: Dorset Heathlands (UK11021);

Within 5km of RAMSAR: Poole Harbour (UK11054);

## **9.0 Consultations**

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

## **Consultees**

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**Natural England** (received 29 November 2023)

No objection, subject to securing appropriate mitigation for recreational pressure impacts on habitat sites

**Dorset AONB Team** (received 23 November 2023)

The AONB Team do not wish to comment on this occasion, due to the scale of the application.

**Dorset Council - Highways** (received 5 December 2022)

No objection, subject to condition to secure parking and turning area (Condition 7)

**Dorset Council - Building Control Purbeck Team** (received 11 November 2022)

Clay soil and trees so foundations may need to be designed, new parts F, L, O and S are now in force for the new Building Regulations. Check Radon protection if required.

*[Officer note: a radon barrier may be required under Building Regulations - a Radon Gas Membrane protects homes by preventing harmful gases from seeping into properties.]*

**Dorset Council - Trees** (received 20 December 2022)

On balance, no objection.

No objection to tree removal in respect of T4 (Cherry) and T5 (Birch). There is the potential for perception of dominance from the protected Pine tree. On balance, given the Pine tree's age and condition a tree based refusal could not be sustained. Acceptable subject to tree protection condition and detailed landscaping scheme (Conditions 4 & 6)

**Worth Matravers Parish Council** (received 7 December 2022)

Object:

Concerned about effect on the immediate surrounding area especially on the on a large protected tree.

Unacceptable light impact from the size and scale of the rear facades.

Large areas of unscreened glass and balcony areas will have a substantial effect on light pollution on the immediate locality and in the wider area.

**South East Purbeck Ward Member- Cllr Brooks**

Object:

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The design is too close to the tree

Although there will be no direct light impact on nearby dwellings as it overlooks gardens, it is high and is likely to be very prominent when lit.

### **Representations received**

The application was advertised by means of a site notice. Representations received from third parties are summarised below.

<b>Total - Objections</b>	<b>Total - No Objections</b>	<b>Total - Comments</b>
7 from 4 properties	0	4

- Principle of development- additional dwelling in small village will harm rural area
- Design- will appear dominating, dormer on south elevation out of keeping with low houses, mainly chalet bungalow development
- Impact on amenity- overbearing with loss of privacy, unacceptable loss of privacy to 'Woodstock' to the south, light impact
- Impact on trees- Concerned that a protected tree in the rear garden will be lost
- Impact on biodiversity- extensive area of brightly lit glazing will harm and disorientate wildlife at night; owls in the area.
- Highway safety-increased traffic movement at what is already a dangerous turn-off.
- Request for close board fence along the southern boundary, reduced window sizes and Juliet balconies.

## **10.0 Duties**

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

## **11.0 Relevant Policies**

### **Development Plan**

#### **Adopted Purbeck Local Plan Part 1:**

The following policies are considered to be relevant to this proposal:

- Policy SD – Presumption in favour of sustainable development
- Policy LD – General location of development
- Policy D – Design

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Policy LHH – Landscape, Historic Environment and Heritage

Policy CO – Countryside

Policy BIO: Biodiversity & Geodiversity

### **Material Considerations**

#### **Emerging Local Plans:**

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

**The Purbeck Local Plan (2018-2034) Submission January 2019** ('the Submitted Draft Purbeck Local Plan') was submitted for examination in January 2019. At the point of assessing this application, examination of the Submitted Draft Purbeck Local Plan is ongoing, hearing sessions and consultation on Proposed Main Modifications and additional consultation on Further Proposed Main Modifications having been undertaken and a further public hearing session held on 19 July 2022. Updates on the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, Dorset Council and other interested parties) are published on Dorset Council website ([www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news](http://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news)).

Having regard to the plan's progress through the examination and Dorset Council's position following consultation on the Proposed Main Modifications and the Further Proposed Main Modifications, at this stage only limited weight should be given to the Emerging Draft Purbeck Local Plan.

In the preparation of this report, account has been taken of the following draft policies of the Emerging Draft Purbeck Local Plan, but for the reasons set out above these policies should be accorded little weight in the determination of the application:

E1: Landscape

E2: Historic Environment

E12: Design

E10: Biodiversity and geodiversity

**National Planning Policy Framework (NPPF) (2021):**

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

Other relevant NPPF sections include:

- 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 11 'Making effective use of land'
- 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 the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

**Other material considerations**

**Supplementary Planning Document/Guidance**

- Dorset AONB Landscape Character Assessment
- Dorset AONB Management Plan 2019-2024
- Nitrogen Reduction in Poole Harbour SPD Adopted
- Consultation Report - Nitrogen Reduction in Poole Harbour SPD
- Consultation Statement - Nitrogen Reduction in Poole Harbour SPD
- Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document
- Managing and using traditional building details in Purbeck
- Poole Harbour Recreation 2019-2024 SPD

**12.0 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.

**13.0 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 would need to comply with current Building regulations and increases the level of accommodation provided within the settlement. It is not considered that the proposal to erect a new dwelling on this site would result in any disadvantage to persons with protected characteristics once the construction phase has been completed. During construction some people may be more affected by noise and disturbance.



## 14.0 Environmental Implications

- 14.1 The proposed new dwelling will result in environmental enhancement by way of improved building standards. There will be some carbon emissions associated with its construction, but the proposal will result in no significant additional environmental implications.

## 15.0 Planning Assessment

### Principle

- 15.1 The site falls within the settlement boundary of Harmans Cross which lies within the Dorset AONB.
- 15.2 Policy LD of the local plan states amongst other things, that development will be directed towards the most sustainable locations. Policy LD then goes on to set out a hierarchy of settlements where development will be directed which includes villages with a settlement boundary. Harmans Cross falls into this category so the proposal is acceptable in principle.
- 15.3 Notwithstanding compliance with policy LD, the Council's housing policies are currently judged to be out of date due to the limited housing land supply (equivalent to 1.23 years) in the Purbeck Local Plan Area. The tilted balance set out in the NPPF at para 11 is therefore engaged and permission for this additional house should be granted unless
- i. The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

### Impact on the landscape character and setting of the Dorset Area of Outstanding Natural Beauty (AONB)

- 15.4 Section 15 of the NPPF states, amongst other things, that great weight should be given to conserving and enhancing the landscape and scenic beauty with the AONB.
- 15.5 Policy LHH of the local plan sets out that development will be expected to conserve the appearance, setting, character, interest, integrity, health and vitality of the landscape and where appropriate be expected to deliver enhancement and improved conservation of the landscape assets.
- 15.6 Harmans Cross falls within the Clay Valley character area of the Dorset AONB, though being a developed location its contribution to the natural character of the AONB is less than if this were not the case.

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- 15.7 The Parish Council and third-party representations have raised concern regarding the visual impact from the size and scale of the rear facades which include large areas of unscreened glass. It is contended that these will have a substantial light pollution impact on the immediate locality and wider area. The application explains that the key purpose of the large glazed areas is to maximise light and passive solar gain derived from a south facing aspect and to offset the overshadowing impact of the large tree trees on southern boundary.
- 15.8 The glazed areas are part of an integrated design approach which it is considered fits in well with the scale and character of the proposed dwelling. Notwithstanding the hillside location of the proposed property, the windows will not direct light upwards so are unlikely to contribute to 'skyglow'. Any light spill will be seen in the context of existing properties, as the site is embedded within the settlement of Harmans Cross and will benefit from some tree screening, no material impact on the landscape character or setting of the AONB has been identified.
- 15.9 The AONB Team have elected not to comment on the application due to its limited scale.

Impact on the character and layout of the locality

- 15.10 Policy D of the local plan requires that development should positively integrate with its surrounding and reflect diverse but localised traditions of building material usage found across the District.
- 15.11 The site is located in a part of Harmans Cross characterised by chalet and single storey dwellings which are glimpsed from the main road amongst tree and vegetation screening. The proposed dwelling will infill an area of garden to the east of April Cottage but will sit comfortably alongside that dwelling, facing towards Valley Road. The proposed dwelling will retain a separation distance in excess of 12 metres with April Cottage and approx. 9.5m with Fairfields, a chalet dwelling is on lower ground to the east. These distances are comparable with existing building separation distances in the locality. Furthermore, the size and shape of the private amenity area remaining with April Cottage and that serving the proposed dwelling is considered sufficient to maintain separation and vegetation that contributes to the area's character.
- 15.12 Development in the immediate locality is characterised by stone clad detached chalet style dwellings with traditional pitched roofs incorporating gables and dormers. The proposed dwelling continues this approach, with a traditional hipped gable end and first floor windows framed by pitched roofs. Although the eaves will be higher than those on adjoining properties, it is

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judged that this departure can be accommodated as there is already a variety of house designs in the locality which respond to the varying topography. The rear, south facing elevation has significant glazed areas with patio windows/doors at ground and first floor level but the principle, front, elevation which will contribute to the streetscene is more traditional with smaller two pane windows and a canopy porch. The incorporation of stone cladding and plain clay rooftiles will reflect materials used within the settlement.

- 15.13 A cross section (plan no: 018) submitted as part of the application has been provided to assist understanding of the impacts on views from Valley Road abutting the site to the north. This shows the roof profiles of both April Cottage and the proposed dwelling and indicates that the proposed eaves and ridge height will be approx. 1.2m higher than those of April Cottage.
- 15.14 The proposed dwelling will have a greater bulk and mass than its immediate neighbours at first floor level but this will element will extend no closer to Valley Road than April Cottage, with both dwellings set back approximately 15m from the road. This set back of the dwelling is comparable to existing development to the east and west of the site. The main roof of the dwelling will also slope away from the road, reducing the impression of bulk. Although the garage, with its gable end, extends to approx. 7m from the highway, the tree screening on the frontage and drop in ground level enables the site to accommodate the proposed development without harm to the streetscene.
- 15.15 With regard to the impact from South Instow, the highway to the west, the proposed house being set behind April Cottage (and therefore partly screened from view by its bulk) and over 25 metres back from South Instow ensures that the impact on the South Instow street scene will be minimal.
- 15.16 For these reasons the proposal integrates with adjacent development and accords with a principal aim of policy D of the local plan.

Impact on amenity

- 15.17 Policy D of the local plan states, amongst other things, that new development will avoid and mitigate the effects of overshadowing, overlooking and other adverse impacts.
- 15.18 The proposed dwelling has a blank east elevation facing April Cottage and will maintain a 12m separation gap. The relationship with April Cottage is acceptable allowing both existing and proposed dwellings to operate in separate and self-contained manners without materially affecting the amenity of one another.

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- 15.19 To the east, the detached chalet style dwelling of 'Fairfield' is set over 7 metres away from the application site boundary and further south away from the highway. That property has a first floor window facing the site but at an oblique angle so that harmful overlooking of the new property is not anticipated. The proposed dwelling has a single first floor window serving a bathroom in the eastern elevation facing Fairfield which can be conditioned to be obscure glazed to avoid overlooking (condition 11).
- 15.20 To the south of the application site is 'Woodstock' a detached house fronting South Instow. Set into the hillside, this dwelling which appears as a bungalow but has two storeys at the rear, is on land at a lower level than the application site and its rear garden slopes down further to the east. This level difference amplifies the perceived impact of the proposed two storey development on higher land to the northeast.
- 15.21 Woodstock is sited obliquely to the application site and is positioned approximately 30 metres to the southwest of the proposed dwelling with 18m separation between the proposed rear elevation and shared garden boundary. The orientation of the two properties ensures there will be no direct overlooking between principal windows. The separation distance and opportunities for boundary screening would further reduce the impact which will primarily affect the eastern end of the garden.
- 15.22 Concerns have been raised by objectors about the extent of the glazing- four full height two pane windows- and a balcony which was originally proposed across the rear elevation, but during the course of the application the balcony has been replaced with Juliet style balconies which reduces the potential for overlooking of Woodstock. A condition can also be imposed to remove permitted development rights for changes to the roof or the insertion of a mezzanine/second floor in the future which could result in harm to neighbouring amenity (condition 9).
- 15.23 Whilst it is appreciated that the bulk of the dwelling will alter the open aspect currently enjoyed by the occupiers of Woodstock and a perception of overlooking of the eastern part of their garden may arise, it is considered that the impact of the new dwelling on the outlook and amenity of Woodstock is acceptable in amenity terms and would not warrant refusal.
- 15.24 The application is considered to accords with policy D of the local plan.

#### Trees

- 15.25 The application is accompanied by an arboricultural impact assessment (AIA). This states the proposed development requires removal of a birch tree and a

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cherry tree. The Council's arboricultural officer has no objection to the removal of these trees as they make a limited contribution to amenity.

- 15.26 To the south of the proposed dwelling is a protected Monterey Pine which contributes to the amenity of the area. The AIA notes that this is an aging specimen approximately 170 years old not having capacity for significant future growth. The tree protection proposed is judged sufficient to ensure that the tree is not harmed during construction.
- 15.27 The Council's arboricultural officer has carefully considered the relationship of the proposed dwelling with the tree and the potential for future pressures for its reduction/removal. Taking account of the tree's age and condition it is anticipated that tree's crown is likely to reduce in size and become more sparse allowing more light into the site. The arboricultural officer has concluded that, on balance the relationship is acceptable and the relationship would not result in harm that would justify refusal. Provision of significant glazing should mitigate any overshadowing impact on future occupiers whilst the tree also provides shading benefits in summer months with the attendant attenuation of solar gain.
- 15.28 A couple of other trees within the site are also referred to as possibly being affected by service works but it is not anticipated that this will affect their longevity. Overall, the impact of the proposal on existing tree cover appears minimal without resulting in future pressure to fell/lop trees to address overshadowing issues.
- 15.29 As such, it is considered an acceptable balance is struck between developing the site and tree retention. Appropriate conditions will be imposed to ensure the protection of the trees during development (Condition 6).

#### Wildlife

- 15.30 The application is accompanied by a Biodiversity Plan setting out wildlife mitigation and enhancement measures which have been approved by the Dorset Council Natural Environment Team thereby dealing with the 'local' wildlife impacts of the proposed development. Its adherence will be the subject of condition 8 to ensure the mitigation measures are implemented.
- 15.31 The site's location within 5 km of the Dorset Heath and Poole Harbour RAMSAR and Special Protection Areas has necessitated a Habitats Regulations Appropriate Assessment. Mitigation for the development on these protected habitats will be secured by Community Infrastructure Levy (CIL) contributions.

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Highways

- 15.32 Given the relatively remote location of Harmans Cross, which has little in the way of services and is poorly served by public transport, there is an expectation that cars will be the main transport mode. As such parking provision needs to be at least 3 spaces which is secured by a proposed double garage with a parking and turning area in front. The shared use of the driveway will limit opportunities for parking for the occupants of April Cottage but a site visit has confirmed that the driveway is wide enough that cars can park in front of that property without blocking the access to the new dwelling.
- 15.33 In connection with highway safety and impact on the free flow of traffic, the proposal involves use of an existing access onto South Instow which is a cul-de-sac with two spurs serving approximately 25 dwellings. This access has good sight lines onto South Instow so, taking into account the modest additional traffic that will be generated by the proposed dwelling and likely very low traffic speeds within the cul-de-sac, highway safety and the free flow of traffic in the locality will not be materially affected by the proposed development.
- 15.34 The proposal is considered to be acceptable in its highways and parking impacts.

## **16.0 Conclusion**

As the Council is currently unable to demonstrate a 5 year housing land supply for the Purbeck Area, the tilted balance in paragraph 11 of the NPPF is engaged. In these circumstances planning permission should be granted unless policies within the Framework protecting areas or assets of particular importance provide a clear reason for refusal or adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

The village location is considered to be appropriate for a new dwelling and the proposal is acceptable in its design and general visual impact. There would be no significant harm to the AONB or neighbouring residential amenity. The proposal is considered to be safe in highway terms and the impact on designated sites would be appropriately mitigated. The relationship of the proposal with the protected Monterey Pine is not judged likely to result in significant demonstrable harm. The application complies with the relevant national and local policies and there are no material considerations which would warrant refusal of this application.

## **17.0 Recommendation**

### **Grant, 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.

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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:
  - 011 Proposed Location & Block Plans
  - 012 B Proposed Block Plan
  - 013 B Proposed Ground Floor Plan
  - 014 B Proposed First Floor Plan
  - 015 B Proposed Rear & Side Elevations
  - 016 A Proposed Front & Side Elevations
  - 017 A Proposed Sections
  - 018 Proposed North Street Scene
  - 019 A Proposed West Street Scene
  - 020 A Proposed Section AA
  - 021 A Proposed Section BB
  - 022 A Proposed Section CC
  - 023 A Proposed Section DD

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

3. Prior to development above damp-proof course level, details (including colour photographs) of all external facing materials for the wall(s) and roof(s) shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

4. Prior to development above damp course level, a soft landscaping and planting scheme including species, sizes and densities shall be submitted to, and approved in writing, by the Local Planning Authority. The scheme shall include replacement trees. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. Any plants found damaged, dead or dying in the first five years shall be replaced.

Reason: In the interest of visual and neighbouring amenity.

5. Prior to development above damp course level, details of all proposed means of enclosure of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The development must be implemented in

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accordance with the approved details prior to first occupation and shall be thereafter retained.

Reason: In the interests of the amenities of the area

6. The development hereby approved shall proceed only in accordance with the details set out in the Arboricultural Method Statement dated 03 January 2023 by Treecall Consulting Ltd and on Tree Protection Plan TC1 dated 03 January 2023 setting out how the existing trees 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.

7. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number 012 must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified; the garaging hereby approved shall not be used as living accommodation.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

8. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan or Landscape Ecological Management Plan (LEMP) certified by the Dorset Council Natural Environment Team on 29 September 2022 must be implemented in accordance with any specified timetable and completed in full (including photographic evidence of compliance being submitted to the Local Planning Authority in accordance with section J of the Biodiversity Plan/ the LEMP) prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

9. 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 or B of Schedule



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2 Part 1 of the 2015 Order, shall be erected or constructed and no mezzanine or other second floor accommodation shall be created.

Reason: To protect amenity, the character of the area, and trees.

10. 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: To protect amenity, character of the area, and trees.

11. The first floor window in the east elevation shall be obscure glazed and any opening part shall be at least 1.7m above the finished floor level of the room it serves prior to first occupation and for the lifetime of the development.

Reason: In protect the amenity of the occupiers of Fairfields.

**Informative notes:**

1. The applicant is reminded that the site lies within Dorset AONB. Use of curtains/blinds is encouraged to reduce light spill in the interests of the character of the area.

2. Informative: National Planning Policy Framework Statement

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:

- Pre-application advice was sought
- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.