

Application Number:	P/VOC/2022/05646		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Frogmore Lane Sixpenny Handley Dorset SP5 5NY		
Proposal:	Residential development comprising 7 new dwellings with ancillary car parking. (As amended 25/02/21 by Flood Risk Assessment and Surface Water Strategy and revisions to Plot 1). (Variation of Condition Nos. 2 and 10 of Planning Permission No. P/VOC/2022/02389 to substitute approved plans for a revised layout, and revised house and garage types and designs).		
Applicant name:	Nord Homes		
Case Officer:	Emily Elgie		
Ward Member(s):	Cllr Brown		
Publicity expiry date:	21 October 2022	Officer site visit date:	
Decision due date:	8 November 2022	Ext(s) of time:	17 March 2023

1.0 Committee referral as the officer recommendation is contrary to the Parish Council's comments.

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 is considered to be sustainable and the proposal is acceptable in its design and general visual impact and there would not be any significant harm to the landscape character of the AONB or on neighbouring residential amenity. The development can manage its own water run-off and would not increase the risk of flooding elsewhere. The development proposals accord with the development plan

and there are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle was established under the previous planning applications, namely 3/20/1328/FUL.
Flooding	The development can attenuate its own floodwater and not exceed pre-development levels. There would be no increase in the risk of flooding elsewhere.
Access and parking	Parking provision meets the standards and the access onto Red Lane is considered safe.
Impact on landscape and design	The design of the dwellings and proposed materials are appropriate for the area. Where visible, it would be seen against the adjacent existing development and would not harm the character of the Area of Outstanding Natural Beauty.
Impact on neighbour amenity	The layout is considered to be acceptable and not be overbearing or overshadowing on adjacent dwellings. The bungalows would not give rise to undue overlooking.
Biodiversity	A biodiversity mitigation plan has been agreed by the natural environment team.

5.0 Description of Site

The application site is located to the south of the village of Sixpenny Handley and comprises a paddock of land on the edge of the village. The site is within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB) and is located at a lower level to the rest of the village.

6.0 Description of Development

The application proposes the erection of seven bungalows in a cul-de-sac formation off a new access to be formed on Red Lane. This S.73 application seeks to vary the original grant of consent with a revised layout and revised house and garage designs. The original scheme granted two storey dwellings and a different layout to this current proposal.

7.0 Relevant Planning History

Application Ref.	Description	Decision	Decision Date

P/NMA/2022/93774	Non material amendment against planning application P/VOC/2022/02389 to allow Condition No. 2 drawing numbers to be corrected.	Granted	22/06/2022
P/VOC/2022/02389	Residential development comprising 7 new dwellings with ancillary car parking. (As amended 25/02/21 by Flood Risk Assessment and Surface Water Strategy and revisions to Plot 1). (Variation of Condition No. 2 against planning permission 3/20/1328/FUL to allow substitution of plans to include an office over garage to houses 1, 4 and 7).	Granted	17/06/2022
3/20/1328/FUL	Residential development comprising 7 new dwellings with ancillary car parking. (As amended 25/02/21 by Flood Risk Assessment and Surface Water Strategy and revisions to Plot 1).	Granted	11/02/2022
3/19/2047/FUL	Residential development comprising 9 new dwellings with ancillary car parking and drainage improvement works.	Withdrawn	06/08/2020

8.0 List of Constraints

Cranborne Chase & West Wiltshire Downs Area of Outstanding Natural Beauty : (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)

Type: Grade 3

Location: Sixpenny Handley, Policy: CHASE8(SP), LN2

Risk: High Risk of Foul Sewer Inundation

Groundwater Source Protection Zones

9.0 Consultations

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

Consultees

1. DC - Highways

No objection

2. DC - Dorset Waste Team

No comments received

3. W - Cranborne Chase Ward

No comments received

4. P - Sixpenny Handley & Pentridge Parish Council

Objection:

- Significant variation to original plans in layout and property type
- Change to bungalows – increase in impermeable surfaces
- Reduces sight lines for two houses in Paddock Close
- Frogmore Lane predisposed to flooding – previous development avoided flood lines

5. DC - Building Control North Team

No comments received

Representations received

Total - Objections	Total - No Objections	Total - Comments
7	0	0

- Substantial departure from original plans in proposing bungalows
- Flooding and drainage
- Garage now close to culvert
- Changes to layout

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

Christchurch and East Dorset Part 1 Core Strategy (2014)

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

- Policy KS1 – Presumption in favour of sustainable development
- Policy KS2 – Settlement hierarchy
- Policy KS12 – Parking provision
- Policy ME1 – Safeguarding biodiversity and geodiversity
- Policy ME3 – Sustainable development standards for new development
- Policy ME6 – Flood management, mitigation, and defence
- Policy HE2 – Design of new development
- Policy HE3 – Landscape quality
- Policy LN1 – The site and type of new dwellings
- Policy LN2 – Design, layout and density of new housing development

Material Considerations

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 as a whole or specific policies in the NPPF indicate development should be refused.

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

National Planning Practice Guidance

The Bournemouth, Poole and Dorset Residential Car Parking Study Residential Car Parking Provision, Local Guidance for Dorset (May 2011)

Cranborne Chase and West Wiltshire Downs AONB Management Plan 2019-2024

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.

No specific impacts have been identified in this case, the properties would have level access and the single storey nature of the dwellings would provide for accessible ground floor living. This is an improvement over the originally granted consent which comprised of two storey dwellings.

14.0 Planning Assessment

Principle of development

The principle of development was established under the original planning application, 3/20/1328/FUL. Recent case law (*Armstrong v Secretary of State for Levelling Up, Housing and Communities and Cornwall Council*) has detailed that significant changes can be made in a Section 73 application providing that the description of development remains the same. This applies here. As the principle of developing the site for residential purposes has been established, the main considerations in this case relate to the revised layout, scale, and the appearance of the proposed dwellings.

Flooding

A winterbourne stream runs southwards through the site with natural attenuation ponds, a larger pond is found on the opposite side of Back Lane. The area suffers from surface water flooding leading to regular flooding of Back Lane to a height of about 600mm above the road. The land rises to the north-east and as such there is a higher plateau of land within the site set above the area that floods.

Paragraph 167 of the NPPF requires local planning authorities to ensure that flood risk is not increased elsewhere. Policy ME6 of the Local Plan requires post-development surface water run-off must not exceed pre-development levels. The application is accompanied by a site-specific flood risk assessment and drainage strategy.

A detailed flood risk assessment (FRA) and detailed drainage strategy has been submitted to accompany the application.

The proposed houses re sited in the northern part of the field and are therefore situated within floodzone 1. The access for the development is also to the north-east of the site onto Red Lane, providing a safe egress for future residents if the surrounding land to the west and south flooded.

The FRA recognises that the western part of the site is shown to be at risk of surface water flooding from the ditch/ordinary watercourse which flows along the west of the site down to the south. To mitigate this, it is proposed to re-align the ditch so it flows along the western boundary before sweeping to the south and tying back into the existing ditch to the south-west. A watercourse would also be created along the northern and part of the north-eastern boundary, along the back of plots 4 and 6, to tie to the realigned watercourse and provide flood defence for the affected plots. The watercourses will not reduce the current capacity post development and an appropriate culvert is shown where the pedestrian access onto Frogmore Lane is.

The drainage strategy demonstrates that the proposed development would attenuate any floodwater within the site using sustainable drainage systems and would release it at a rate lower than the current field does (5l/s across the site), thereby not exceeding pre-development levels. As such, it is not considered the proposal would result in an increase in the risk of flooding elsewhere.

The development is shown to be appropriately flood resilient and residual risk is safely managed. It thereby accords with the relevant policies.

Impact on highways

As already mentioned, vehicular access would be on to Red Lane and the boundary here would be altered to provide suitable visibility splays. A pedestrian access would be provided onto Frogmore Lane providing a linkage towards the village. There is sufficient off-road parking for each dwelling that meets the residential parking standards. The highways officer has considered the proposal and raises no objection to the scheme on highway safety grounds. Conditions from the original application would be reimposed.

Impact on visual amenity and AONB landscape

Section 15 of the NPPF requires that planning decisions should contribute to and enhance the local environment by protecting valued landscapes. Great weight

should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty. The scale and extent of development within the AONB should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The proposed dwellings are hipped-roof bungalows. The materials vary across the dwellings but are from a mix of brick, brick and flint, and clay tiles for the roofs. These materials provide interest and appeal and are appropriate for the character of the area and the wider AONB landscape. Whilst bungalows are not a feature nearby to the site, with surrounding properties a mix of 1¾ and 2 storeys, they would not appear out of character nor unduly overbearing or bulky.

When viewed from the south/south-east, there would be a line of mature trees within the site that would obscure some of the development. The site is also bounded by a mature hedge that is shown to be reinforced by the vehicular entrance to the site. Nevertheless, where visible, and particularly during the winter months when the leaves have dropped, the proposal would be seen against the backdrop of the existing built development of Sixpenny Handley and would not appear as an incongruous feature.

It is therefore considered that the proposal does would not result in harm to the character of the area or to the AONB landscape, complying with the relevant policies in the Local Plan and AONB management plan.

Impact on neighbour amenity

Much of the development is sited away from neighbouring properties however plots 4 and 6 abut the boundaries of 14, 25, and 27 Paddock Close. The dwelling for plot 4 would be sited a minimum of 7.8m from the boundary and given that a bungalow is being proposed, this is considered to be a satisfactory distance so as not to be overbearing on or overshadowing of the properties to the north. As such there would not be a detrimental impact on neighbour amenity.

In terms of overlooking, it is not considered that the scheme would give rise to any loss of privacy given the single storey nature of the development. It is not considered that there would be additional noise or disturbance to the neighbouring properties above typical levels for a residential area and therefore no concerns are raised on this ground.

Biodiversity

A biodiversity mitigation plan has been submitted and agreed by the Natural Environment Team. The biodiversity mitigation and enhancements shall be secured via the reimposition of the condition on the original application.

15.0 Conclusion

The location is considered to be sustainable and the proposal is acceptable in its design, layout and general visual impact and there would not be any significant harm to neighbouring residential amenity. The development can manage its own water run-off and would not increase the risk of flooding elsewhere. The application complies with the relevant national and local policies and there are no material considerations which would warrant refusal of this application.

16.0 Recommendation Grant, subject to the following conditions:

1. The development to which this permission relates must be begun not later than the 11 February 2025.

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:

9627/110 A Proposed Garages
9627/109 A Indicative Site Scene
9627/100 A Site, Block & Location Plan
9627/104 B Unit 3 Proposed Floor Plans & Elevations
9627/105 B Unit 4 Proposed Floor Plans & Elevations
9627/106 B Unit 5 Proposed Floor Plans & Elevations
9627/107 B Unit 6 Proposed Floor Plans & Elevations
9627/108 B Unit 7 Proposed Floor Plans & Elevations
9627/102 B Unit 1 Proposed Floor Plans & Elevations
9627/103 B Unit 2 Proposed Floor Plans & Elevations
C2391_P2_100 P2 Proposed Drainage Strategy
C2391_P2_200 P2 Proposed Contributing Area
C2391_P2_300 P2 Exceedance Flow Routes

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

3. There shall be no surface water connections into the foul sewer network.

Reason: To prevent the increase of the risk of sewer flooding and pollution.

4. The surface water management scheme shall be implemented in accordance with the details contained within section 5 of the Storm and Foul Water Drainage Report Technical Note prepared by Cgs Civils dated 03.01.2023.

Reason: To prevent the increased risk of flooding and to protect water quality.

5. The surface water sustainable drainage scheme shall be implemented in accordance with the Storm and Foul Water Drainage Report Technical Note prepared by cgs civils dated 03.01.2023, the Surface Water Attenuation 5.0l_s (2.5l/s each) dated 20.02.2023, and approved drawings C2391_P2_100, C2391_P2_200, and C2391_P2_300.

Reason: To prevent the increased risk of flooding and ensure the long term maintenance and retention of the drainage system.

6. Before the development is occupied or utilised the first 10.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), 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.

7. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 17199.36 must be constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site.

8. Before the development is occupied or utilised the cycle parking facilities shown on Drawing Number 17199.36 must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

9. 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.

10. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number 17199.36 must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

11. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 5 November 2021 must be implemented in accordance with any specified timetable and completed in full 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. Thereafter, unless otherwise agreed in writing by the local planning authority, 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.

12. Prior to development above damp proof course level, details and samples of all external facing materials for the wall(s) and roof(s) (including a sample panel of the flint) shall be 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.

13. 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 alteration(s) of the dwellinghouse hereby approved, permitted by Class C of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect amenity and the character, including the dark skies, of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

Informative Notes:

1. 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:

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

2. An ordinary watercourse crosses your site. If you intend to obstruct the flow in the watercourse (permanently or temporarily and including culverting) you will require prior Land Drainage Consent from Dorset Council as the Lead Local

Flood Authority. You are advised to contact the Flood Risk Management team by email at: floodriskmanagement@dorsetcc.gov.uk to discuss requirements.

3. The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.
4. As the new road layout does not meet with the Highway Authority's road adoption standards or is not offered for public adoption under Section 38 of the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.
5. The applicant is reminded of their responsibility to submit evidence of compliance with the Biodiversity Plan to Dorset Natural Environment Team in order to comply fully with requirements of condition 11.
6. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.