

Application Number:	P/RES/2024/01209		
Webpage:	Planning application: P/RES/2024/01209 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	97 and 99 High Street, Sturminster Marshall, BH21 4AT		
Proposal:	Reserved matters application seeking consent for Appearance, Scale and Landscaping in respect to approved outline application P/OUT/2021/04873 (Access and Layout to demolish a pair of semi-detached bungalows and replace with 5 x 3 bedroom dwellinghouses)		
Applicant name:	Lonnen Road Ltd		
Case Officer:	James Brightman		
Ward Member(s):	Cllr Cook (at time of consultation). Currently Cllr Chakawhata		
Publicity expiry date:	10 May 2024	Officer site visit date:	14/5/2024
Decision due date:	1 August 2024	Ext(s) of time:	1 August 2024
No of Site Notices:	4 notices. 1 outside the application site; 1 outside 10 & 11 Churchill Close at the rear; 1 on High Street to the south of the site and 1 on High Street to the north of the site		
SN displayed reasoning:	To maximise awareness for the occupants of adjacent dwellings.		

1.0 Reason for committee consideration

At the request of the Nominated Officer.

2.0 Summary of recommendation:

GRANT subject to conditions

3.0 Reason for the recommendation: as set out in Section 16

- The proposal is acceptable in its design and general visual impact on the character and appearance of the immediate area.
- There is not considered to be any significant harm to neighbouring residential amenity.
- The proposals are not considered to result in harm to the heritage assets Holly Cottage (grade II listed) and 105 High Street (grade II listed), which lie in close proximity.

- There are no material considerations which would warrant refusal of this application and the proposal has overcome the adverse impacts identified for the refused reserved matters application preceding the current application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development has been established under the related outline permission and the proposal is compliant with Core Strategy Policy KS2: Settlement Hierarchy.
Scale, design, impact on character and appearance	Acceptable - The proposal is considered to be of appropriate scale, design and layout and would have an acceptable impact on the character of the immediate area in accordance with Core Strategy Policies HE2 and HE3.
Impact on the living conditions of the occupants of the proposed dwellings and those of the neighbouring properties	Acceptable – no harmful overlooking or overshadowing would result from the proposed dwellings and the proposed dwellings would offer a good standard of amenity
Impact on heritage assets	Acceptable – no harm to the special character and setting of the adjacent Grade II listed Holly Cottage, 101 High Street
Flood risk and drainage	These were considered under the outline approval
Highway impacts, safety, access and parking	These were considered under the outline approval
Biodiversity	This was considered under the outline approval

5.0 Description of Site & its surroundings

- 5.1 The application site is on the west side of the High Street in Sturminster Marshall. It currently hosts of a pair of 1950s semi-detached bungalows occupying a long, relatively flat plot, approx. 75 metres deep. The existing dwellings are set back from the street by approximately 15m and span the majority of the width of the plot. These dwellings have dark red brick walls and brown concrete tiled roofs with gabled roofs projecting towards the road. The front boundary of the site is enclosed by a low brick wall with some bushes behind and there is a tall hedge running along the north site boundary with 101 High Street.
- 5.2 The surrounding locale is predominantly residential in nature. The site is flanked by neighbouring dwellings; Holly Cottage lies to the north and 95 High Street, a chalet style property to the south. To the rear the site backs onto the gardens of 10 and 11 Churchill Close which are two storey dwellings.

- 5.3 Directly to the north of the site are two Grade II Listed thatched cottages- Holly Cottage, also known as 101 High Street (adjacent to the site) and further north 105 High Street (formerly known as 15 High Street).
- 5.4 The existing High Street has retained an overall character and appearance of ad hoc development where buildings have developed on a largely individual basis, creating a mixture of styles and forms, broadly reflective of the time in which they were built.
- 5.6 There is a significant amount of development behind the main street frontage including some estate style development with formal access/road systems.

6.0 Description of Development

- 6.1 The application is for the consideration of appearance, scale and landscaping in conjunction with the outline planning permission P/OUT/2021/04873 (which approved access and layout).
- 6.2 The demolition of the existing pair of semi-detached bungalows and their replacement with 5 x 3 bedroomed houses benefits from outline permission. The proposal is for a pair of semi-detached houses fronting the High Street with a terrace of three houses on land at the rear served by a new access running along the site's northern boundary with 101 High Street.
- 6.3 Parking and turning would be provided at the front of the dwellings and all dwellings would be 3 bedrooms.
- 6.4 A landscaping plan shows new hedges on the front boundary of the dwellings fronting the High Street, a native hedge along the north boundary with Holly Cottage, two new trees on the rear site boundary and two new trees in front of the dwellings that would face High Street. The agent has confirmed that the existing hedge and vegetation on the south boundary of Holly Cottage would be retained.

7.0 Relevant Planning History

Application no.	Proposal	Decision	Appeal
3/20/1100/OUT	Demolish a pair of semi-detached bungalows and replace with 5 x 3 bedroom dwellinghouses	Refused 17/12/2020	Dismissed 26/05/2021
P/OUT/2021/04873	Outline application for Access and Layout to demolish a pair of semi-detached bungalows and replace with 5 x 3 bedroom dwellinghouses. Note: This is the application that the current reserved matters relates to.	Granted 02/03/2023	None
P/RES/2023/06294	Reserved matters seeking consent for Appearance, Scale	Refused 11/01/2024	None

	<p>and Landscaping in respect to approved outline application P/OUT/2021/04873 (Access and Layout to demolish a pair of semi-detached bungalows and replace with 5 x 3 bedroom dwellinghouses)</p>		
<p>Reasons for refusal:</p> <ol style="list-style-type: none"> 1. <i>The proposed development would, by reason of its scale, detract from and harm the character and appearance of the adjacent non-designated Heritage Asset - Holly Cottage and its wider setting contrary to NPPF 2023 paragraph 11 D and paragraph 135 C and Core Strategy policy HE1; and has an adverse and harmful effect on the character and appearance of the wider area contrary to NPPF paragraph 135 A, B and C.</i> 2. <i>The proposal will result in demonstrable harm from overlooking of private rear amenity space at 95 High Street that could be prevented by reducing scale of dwellings. Therefore, the development is contrary to policy HE2 of core strategy and NPPF paragraph 135.</i> 			

8.0 List of Constraints

Grade II Listed Building: HOLLY COTTAGE, 101 High Street - Distance: 11.88m

Within Settlement Boundary - Sturminster Marshall

Within Dorset Heathlands – 400m-5km heathland Buffer

Neighbourhood Plan – Emerging – limited weight

Legal Agreements S106 – Biodiversity mitigation secured

Wessex Water Risk of foul sewer inundation 2023- Medium Risk of Foul Sewer Inundation

Risk of Surface Water Flooding Extent 1 in 100 and 1 in 1000

Groundwater – Susceptibility to flooding - Source Protection Zone

Higher Potential ecological network

Scheduled Monument: A shrunken medieval village and earlier prehistoric settlement remains at Walnut Tree Field (List Entry: 1008750.0); - Distance: 392.18m

Radon: Class: Class 1: Less than 1%

9.0 Consultations

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

Consultees

1. Conservation Officer – No Objection

- Changes have been made to the front boundary and house 1 as suggested. Rooflights rather than large dormers reveal more of the roof form and materials and would achieve a more modest residential design at the front of the plot.
- The new brick boundary wall is consistent with the existing boundary treatment and is coherent with the pallet of materials elsewhere on site.
- Materials have been previously approved, and condition is needed to agree a sample on site.
- Due consideration and regard has been given to statutory and local and national policy considerations and on balance the current revised scheme will not harm the special character and setting of the Listed Building by virtue of design and scale and materials, subject to conditions.

2. Sturminster Marshall Parish Council - Object

- Design and materials not reflective of the character. Bungalows would be more in keeping.
- The scale of the proposed properties would dominate the existing neighbouring properties and cause overlooking and loss of light.
- Unacceptable harm to the setting of a neighbouring Listed Building due to the design of the properties not being sympathetic to this setting.
- Planning Appeal Inspector's comments for APP/D1265/W/21/3268146 apply for the design of the proposed houses and application does not accord with Policies HE1 and HE2 of the Core Strategy and the Submission Draft Sturminster Marshall Neighbourhood Plan Policy SMNP11 and SMNP13.
- Overlooking from the proposal needs to be addressed

3. Stour and Allen Vale Ward Member (Cllr Cook at time of consultation)

No comments received

Total - Objections	Total - Support
5	4

Summary of comments of objections:

- Loss of privacy/light at 95 High Street and for residents of proposed rear terrace
- Impact on living conditions of Holly Cottage- long, high northern flank walls facing Holly Cottage would be intrusive and oppressive
- Increased density of development will cause sewage/drainage problems
- Increase in traffic on High Street
- Demand for on-street parking
- The proposed increase in density of newer houses in the older part of the village will affect the balance of the type of housing in this area, especially being proposed beside a listed building.
- The houses and parking are crammed into a small space replacing trees and greenery with concrete and cars
- Materials of proposed houses do not resemble any of the properties close by and are too dark.
- The layout and density of the development has a detrimental effect on the surrounding area.
- Approval of reserved matters for elevations and materials should be the subject of prior report from the Conservation Officer.
- Application should be heard at planning committee for determination and not decided by officers under delegated powers.

Summary of comments of support:

- Need for more homes - sensible to use large garden plots.
- Red brick appropriate for area.
- Sufficient parking included in scheme.

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.

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 requires that in considering whether to grant planning permission, special regard is to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

11.0 Relevant Policies

Development Plan

Adopted Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2014 (CED) and saved policies from the **East Dorset Local Plan 2002: (EDLP)**

The following policies are considered relevant to this proposal:

KS1 - Presumption in favour of sustainable development

KS2- Settlement hierarchy

KS11 – Transport & Development

KS12- Parking Provision

LN1- Size and Types of New Dwellings

LN2- Design, Layout and Density of New Housing Development

HE1- Valuing and Conserving our Historic Environment

HE2 - Design of new development

ME1- Safeguarding biodiversity and geodiversity

ME6- Flood Management, Mitigation and Defence

Material Considerations

Emerging Dorset Council Local Plan:

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 relevant policies in the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

The revised NPPF 2023 introduced a reduced housing land supply requirement for local planning authorities that have met certain criteria as set out in paragraph 266 of the NPPF. This relaxes the requirement to demonstrate 5 years' worth of deliverable housing sites for Local Planning authorities that meet certain requirements. Dorset Council does not currently benefit from the provisions of paragraph 226 and therefore must demonstrate a five year supply. In the East Dorset area the published supply position of 3.9 years means the tilted balance in paragraph 11 of the NPPF is engaged for every application. The delivery of additional housing to meet the shortfall in supply should therefore be given significant weight in planning decisions.

Emerging Neighbourhood Plans

Sturminster Marshall Neighbourhood Plan (NP) - No weight to be afforded to this as the NP has not been through examination.

National Planning Policy Framework

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 making': 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 82-84 reflecting the requirement for development in rural areas.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed and beautiful 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 131 – 141 advise that:
The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. 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 & enhancing the natural environment' - Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 209).

National Planning Practice Guidance

Including 'Historic Environment' and 'Use of Planning Conditions'

Other material considerations

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

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 will replace single storey dwellings with two storey which may be less suitable for those with mobility issues but overall, it is considered that the proposed residential development will have a neutral impact on those with protected characteristics.

During the proposed construction works, those who are less mobile may be more impacted by the associated noise and disturbance from the development, but this would be for a limited time.

14.0 Financial benefits

Benefit	Amount / value
Material Considerations	
None	
Non-Material Considerations	
Council Tax net increase from the 3 additional dwellings	3 additional houses would be 3 x £2454.01 (Band D) = £7362.03
Community Infrastructure Levy (CIL)	3 x 90 sqm = 270 sqm for the terraced houses 2 x 116 sqm = 232 sqm for the semi-detached houses Existing semi-detached bungalows 2 x 63 sqm = 126 sqm Net increase of 376 sqm = 376 x £150/sqm = £56,400 in CIL increase

15.0 Environmental Implications

15.1 The proposal would result in the demolition of the two existing dwellings and general site clearance which would have an impact on the environment through loss of vegetation and habitat and use of fossil fuels to power machinery. Visiting trades persons would generate carbon emissions from their vehicles and the materials used in the construction would have an environmental impact in terms of their production and distribution. However, these impacts are necessary to develop the site and cannot be reasonably avoided.

16.0 Planning Assessment

16.1 The principle of development has been established by the outline planning permission. The current application is made within the 3 year time period stipulated by the outline permission (i.e. before 2/3/2026) so the main considerations for this reserved matters application are:

- Scale, design and impact on the character and appearance of the area
- Impact on heritage assets
- Impact on the living conditions

These and other material considerations are assessed below.

Scale, design and impact on character and appearance of the area

- 16.2 The previous reserved matters application, P/RES/2023/06294 was refused because the scale was judged to harm the character and appearance of the area. The applicant has responded by reducing the heights of the proposed dwellings.
- 16.3 Analysis of the street scape indicates that Holly Cottage at 101 High Street has a maximum ridge height of 6.6m. To the south, No.95 is a chalet bungalow with a maximum ridge height of 6.3m. The previous application for reserved matters showed a proposed ridge height of the dwellings as 8.8m which was considered to be incongruous, being more than 2m higher than the adjacent property at 95 High Street.
- 16.4 The massing of the proposed dwellings has been reduced, with ridge heights of the front dwellings reduced to 6.4m so that they are proportionate with the existing scale of development and the ridges of the rear terraced dwellings reduced to 7m in height. Roofs sloping away from the site's north and south boundaries will assist in maintaining space between the development and adjacent dwellings and allow the new buildings to sit comfortably in their context with no harm to the street scene, character of the immediate area or setting of the listed Holly Cottage. The appropriateness of the contribution to the streetscene will be further assisted by the retention of the vegetation on the north boundary with Holly Cottage and the low brick front boundary wall with hedging which is in keeping with the townscape setting.
- 16.5 The parish council has referred to comments made by the Planning Inspector when considering the appeal against refusal of outline permission on the site. The Inspector identified that the High Street had '*retained an overall character and appearance of ad hoc development where buildings have developed on a largely individual basis, creating a rich tapestry of styles and forms, broadly reflective of the time in which they were built*'. He noted some parts of matching buildings which were usually semi-detached and noted an informality and individuality in the architecture facing the High Street. In this context he did not support the proposed formal, symmetrical layout which had two detached front dwellings with a central driveway. The current proposal is very different to that which was refused and would positively contribute to the streetscene.
- 16.6 The proposal is considered to be of appropriate appearance and scale, with acceptable landscaping provision and would have an acceptable impact on the character of the immediate area in accordance with Core Strategy Policy HE2 as it would be compatible with its surroundings. The proposal also complies with the policy set out in Section 12: Achieving well-designed and beautiful places of the National Planning Policy Framework as it is sympathetic to local character whilst optimising the potential of the site to accommodate an appropriate amount of development.

Impact on heritage assets

- 16.7 In assessing the proposal in respect of its impact on heritage assets, there is a statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990. Planning permission for the previous reserved matters application was refused because the scale of the buildings was judged to detract from and result in substantial harm to the setting of Holly Cottage, a Grade II listed building. Sturminster Marshall Parish Council are concerned that this reason for refusal has not been overcome.
- 16.8 The application site is part of the setting of Holly Cottage and, to a lesser degree, No. 105. As identified by the Planning Inspector at the appeal against refusal of outline permission, the setting of the buildings is derived from the position of the cottages in the varied townscape which has developed over their lifetime and the verdant setting provided by vegetation in their gardens. The siting of the proposed dwellings was approved at outline stage as being appropriately set back from the highway so that they would not vie for attention with the prominent side elevation of Holly Cottage.
- 16.9 The scale of the proposed dwellings, materially reduced from the previous refused application, will ensure that they sit comfortably adjacent to Holly Cottage. During the course of the application dormers have been removed from the front elevation, replaced with rooflights to simplify the design of the semi-detached pair so that they avoid harm to the setting of the listed cottages.
- 16.10 It is proposed to construct the dwellings in red stock brick with stone sills and window heads, window and door frames in grey and grey slate roof tiles.
- 16.11 Listed cottages in the High Street are rendered white as are several more modern dwellings in the vicinity. The context for the proposed development is the immediate surrounding area where the predominant construction material is red brick with tiled roof, with the exception of listed Holly Cottage. The Council's conservation officer is content with the proposed red brickwork, subject to a condition that samples be approved. Red brick is commonly used locally and it will allow the listed buildings to stand apart from the newer townscape; it is considered that rendering the units would be inappropriate.
- 16.12 The appearance, scale and landscaping proposed would allow the development to sit comfortably in the context of Holly Cottage and no adverse impact on its setting or special character of the heritage assets would result. The proposal accords with Policy HE1 of the Core Strategy and the policy set out in Section 16: Conserving & enhancing the historic environment of the NPPF.

Impact on the living conditions

Living conditions of the occupants of adjacent dwellings

- 16.13 Concerns have been raised by objectors about the impact on neighbouring amenity.

- 16.14 The amendments to the scale and design of the proposed dwellings have addressed the adverse impacts of the refused reserved matters application in respect of overlooking; the single, first floor, front bedroom window in each terraced house at the rear of the site would not introduce demonstrably harmful overlooking of the dwellings and their rear gardens at Holly Cottage and 95 High Street.
- 16.15 The rear of no. 95 to the south, lies approx. 20m from the front bedroom window of the southernmost unit which is an acceptable distance in this urban area. Whilst there would be some oblique overlooking of the private amenity space of No. 95 from the first-floor windows in the front elevation of the terraced houses, the existing mature hedge along the boundary with No. 95 and the inclusion of 2 new trees on the south boundary on the proposed Landscaping Plan would assist in reducing the opportunities for and perception of overlooking to an acceptable level.
- 16.16 The 2 proposed dwellings at the front of the site would also not result in any harmful overlooking of these adjacent dwellings. Roof lights shown on the side elevations of the dwellings are high level and are to serve bathrooms and this would prevent harmful overlooking of the adjacent properties. The retention of the vegetation on the boundary of Holly Cottage would also assist in mitigating overlooking.
- 16.17 The proposed terraced properties will be sited approximately 8.5m-12.5m from the western boundary with the gardens of 10 and 11 Churchill Close. Separation distances of over 25m will avoid harmful inter-looking between the dwellings. There is potential for overlooking of the rear gardens of 10-12 Churchill Close from the proposed rear first floor bedroom windows which fencing cannot mitigate but this harm is given modest weight in the planning balance because the gardens are already subject to some oblique overlooking from two storey properties on Churchill Close.
- 16.18 The northern flank wall of the semi-detached pair which is approximately 4m high to the eaves is to be positioned approximately 6m from the northern site boundary with Holly Cottage, separated from the garden of that property by boundary vegetation that will soften the visual impact for the occupants. The roof of the properties will hip away from the boundary reducing the visual impact of their bulk. The flank wall of the terrace is located approximately 1m from the boundary, but this is at the end of the long rear garden where any harm from overbearing or overshadowing impact can be given less weight.

Living conditions of the occupants of the proposed dwellings

- 16.19 The siting of the proposed dwellings remains as approved by the outline permission. Internal building to building separation distances of approximately 24m and approx. 15m between the terrace front windows and the boundary of the rear gardens of the semi-detached pair is appropriate to avoid harmful overlooking.
- 16.20 The semi-detached dwellings have an internal floor area of approximately 120sqm and the terrace properties offer 90sqm floor area which will offer appropriate amenity for future occupiers. Gardens to the terraced properties are modest but will provide acceptable opportunities for amenity.

- 16.21 It is proposed that the dwellings will be fitted with an Air Source Heat Pump. As these have the potential to be noisy, it is considered necessary and reasonable to impose a condition (no. 8) to secure a noise assessment if the pump(s) do not comply with permitted development criteria (which include a requirement to accord with a noise limit of 42dB L) in the interests of neighbouring amenities.
- 16.22 On the above basis, the proposal would comply with Policy HE2 of the Core Strategy as it would be compatible with its surroundings in respect of neighbouring dwellings.

Other Issues

- 16.23 The site lies within 5km of designated Dorset Heathland Habitat Sites. The Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) 2020-2025 identifies that a net increase in dwellings in this area is associated with additional recreational disturbance that, without mitigation, is likely to result in significant harm to the conservation objectives of Habitats Sites. It has therefore been necessary to undertake a Habitats Regulations appropriate assessment. This has concluded that the impact of the development can be effectively mitigated via a financial contribution secured from the Community Infrastructure Levy towards mitigation identified by the SPD.
- 16.24 Condition 6 of the approved outline permission requires a detailed surface water drainage scheme for surface water drainage to be submitted to and approved by the Council and thereafter maintained in accordance with an agreed management plan. This would address the flood risk and drainage issues from the development which are not matters for consideration under the current application.
- 16.25 Conditions attached to the outline permission also secure vehicular access (no. 7) and parking provision (no. 8). The impact on Highway safety is not a material consideration for the current application which is concerned only with scale, appearance and landscaping.
- 16.26 The approved outline application also considered the impact of the development on biodiversity and has a condition (no. 5) and legal agreement to require biodiversity mitigation, enhancement and a compensation payment in respect of the loss of grassland at the site.

17.0 Conclusion

- 17.1 The proposal is acceptable in its appearance, scale and landscaping and would not have an adverse visual impact on the character and appearance of the immediate area.
- 17.2 The proposal would not result in harm to the heritage assets Holly Cottage (grade II listed) and 105 High Street (grade II listed) as it would preserve their townscape setting.
- 17.3 The proposal does not result in significant harm to the amenity of the occupants of adjacent properties from overbearing or overshadowing impacts or from overlooking. The harm arising from overlooking of neighbouring gardens is limited and would not

represent demonstrable harm that would justify refusal of planning permission which will secure a net increase of three dwellings in this sustainable location.

- 17.4 The proposal has overcome the adverse impacts identified for the refused reserved matters application that preceded the current application.

18.0 Recommendation

Grant, subject to the following conditions:

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

tbd-127 OU-02 Location Plan
DD01 Existing Site
DD03B Proposed Site Plan
DD04B Proposed Floor and Roof Plans houses 1 & 2
DD05E Proposed Elevations houses 1 & 2
DD07B Proposed elevations – rear terrace
DD08B revised street scene
10778A Landscape Plan

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

2. Prior to development above damp-proof course level, details of all external facing materials for the walls and roofs shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include samples of the brick and roof slate which shall be made available for inspection on the application site by prior arrangement. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

3. In the first planting season following the substantial external completion of the development, the soft landscaping of the site shall be completed in accordance with the details on the approved landscaping plan by Land Products (Wessex) Ltd Drawing No. 10778a and measures put in place to protect damage to the vegetation within the ownership of the adjacent property at Holly Cottage, 101 High Street. Any new plants found to be damaged, dead or dying in the first five years following completion shall be replaced.

Reason: In the interests of the character of the area and amenity of the occupants of Holly Cottage, 101 High Street.

4. Prior to the first occupation of the dwellings hereby approved the bin stores, cycle parking, hard surfacing and 1.8m high boundary fencing shall be erected in accordance with the proposed site plan DD03B.

Reason: In the interests of the amenity of future occupiers

5. Prior to first occupation of units 1 and 2 and the southern-most terraced property, the rooflights shown to be serving bathrooms in those properties shall be obscure glazed to level 3 industry standard and these shall be fixed shut unless the cill height is at least 1.7m above the finished floor level of the room they serve. The rooflights shall thereafter be maintained as such.

Reason: In the interests of neighbouring amenity.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent reenactment thereof, there shall be no roof extensions to the semi-detached properties under Schedule 2, Part 1 hereby approved.

Reason: In the interests of the setting of the listed building, Holly Cottage.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent reenactment thereof, there shall be no additional windows installed in the rear elevation of the terraced properties hereby approved above ground floor level (such expression to include the roof).

Reason: To prevent additional overlooking of the gardens of 10 and 11 Churchill Close in the interests of neighbouring amenity.

8. No air source heat pump shall be installed on the dwellings unless one of the following applies:
 - i) details of the air source heat pump to demonstrate that it complies with the requirements of Schedule 2, Part 14, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent reenactment thereof, have been submitted to and agreed in writing by the Local Planning Authority, or
 - ii) details and a noise assessment of the air source heat pump have been submitted to, and approved in writing by, the Local Planning Authority. The noise assessment must be undertaken by a Suitably Qualified Acoustician and consider the local circumstances, the nature of the installation and the five factors (Tonality, Intermittency of operation, Sound levels in reverse cycle, Low background sound levels, Structure borne sound and vibration transmission). The Institute of Acoustics, and Chartered Institute of Environmental Health guidance should be taken into consideration.

Thereafter, the development shall proceed in accordance with approved details including any mitigation measures and shall be maintained and operated in accordance with those details and any noise assessment details that have been agreed.

Reason: To safeguard the amenity of the occupiers of adjoining residential properties.

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. Informative: This permission is subject to a legal agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated 27th February 2023 relating to contributions towards biodiversity enhancement and gains.

3. Informative: This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development, and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties, it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.