

<b>Application Number:</b>	P/FUL/2024/00495		
<b>Webpage:</b>	<a href="https://www.dorsetcouncil.gov.uk/planning-application/P/FUL/2024/00495">Planning application: P/FUL/2024/00495 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>		
<b>Site address:</b>	1 Cherry Tree Close St Leonards and St Ives BH24 2QN		
<b>Proposal:</b>	Alterations to existing dwelling, including removal of swimming pool & demolition of garage. Erection of 1 no. new dwelling.		
<b>Applicant name:</b>	S Ascough		
<b>Case Officer:</b>	Ellie Lee		
<b>Ward Member(s):</b>	Cllr Bryan & Cllr Goringe (Post election: Cllr Bryan & Cllr Goringe)		
<b>Publicity expiry date:</b>	24 April 2024	<b>Officer site visit date:</b>	Photographs provided
<b>Decision due date:</b>	1 August 2024	<b>Ext(s) of time:</b>	1 August 2024
<b>No of Site Notices:</b>	3 Site Notices		
<b>SN displayed reasoning:</b>	1 Site Notice displayed in Cherry Tree Close at front of the site. 2 Site Notices displayed in Oaks Drive.		

- 1.0 The application has been referred to committee for consideration by the nominated officer in accordance with the Council's Scheme of Delegation.
- 2.0 **Summary of recommendation:**  
GRANT subject to conditions.
- 3.0 **Reason for the recommendation:**
  - 3.2 The proposed development for one new dwelling is acceptable in principle in this sustainable location.
  - 3.3 The proposal is in keeping with the character of the area, offers acceptable levels of amenity for future occupiers and will not result in any harm to significant trees or any significant harm to neighbouring residential amenity.
  - 3.7 The proposal does not present a material harm to the transport network or to highway safety, and sufficient vehicle parking space has been provided.

- 3.8 The submitted conceptual Surface Water Scheme demonstrates that the development can be progressed without increased flood risk, subject to further details required by condition.
- 3.9 The proposed scheme would make a modest positive contribution to the Dorset Council 5-year housing land supply, which is currently less than 5 years for the Eastern Area. There are no material considerations that would significantly and demonstrably outweigh the benefits.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of Development	Acceptable – The site is within the urban area. The proposal accords with local policy KS2 of the Christchurch and East Dorset Local Plan, Part 1 – Core Strategy.
Design and Character	Acceptable in terms of local policy HE2 (in relation to design and character), and the policies within NPPF section 12, for the reasons set out below.
Impact upon Neighbouring Amenity	Acceptable in terms of local policy HE2 (in relation to neighbouring amenity) and policies within NPPF section 12, for the reasons set out below.
Amenity of Future Occupiers	Acceptable in terms of local policy HE2 (in relation to amenity of future occupiers) and policies within NPPF section 12, for the reasons set out below.
Impact upon Trees and Landscape	Acceptable in terms of local policy HE3, and the policies within NPPF section 12, for the reasons set out below.
Highways and Parking	Acceptable in terms of local policies KS11 & KS12, and the policies within NPPF section 9, for the reasons set out below.
Flooding Risk and Drainage	Acceptable in terms of local policy ME6 and NPPF section 14, for the reasons set out below.
Impact upon Biodiversity	Accords with the Dorset Biodiversity Appraisal Protocol and local policy ME1, subject to a biodiversity enhancement condition.
Dorset Heathlands	A Habitats Regulations appropriate assessment has concluded that there will not be any adverse effect on the integrity of designated sites can be effectively mitigated.

## 5.0 Description of Site

- 5.1 The application site lies within the main urban area of St Leonards & St Ives in a predominantly residential area.
- 5.2 The application site is a long plot which includes an existing dwelling with an attached swimming pool to its rear. The rear garden has an abundance of hedging and vegetation to its boundaries, and there are two outbuildings (shed and summerhouse). The front of the property (between the existing dwelling and street) is mostly hard surfaced.
- 5.3 Between the existing vehicular and pedestrian access to the property, there are hedges along the front boundary to Cherry Tree Close. Land slopes down slightly to the north so that the finished floor level of no. 2 Cherry Tree Close is approx.0.5m lower than no. 1.
- 5.4 The pattern of development and spacing is varied in the area, with residential properties mostly comprising of detached bungalows and some detached chalet bungalows.
- 5.5 Similar backland bungalow developments in the area have previously been approved and developed, including at 10 Cherry Tree Close to the northeast, behind 10 & 12, 14 & 16 and 18 Oaks Drive to the south and west of the site and elsewhere on Oaks Drive and Cedar Avenue.

## 6.0 Description of Development

- 6.1 The proposal seeks to sever the garden at 1 Cherry Tree Close and erect a new detached 3 bedroom bungalow at the rear of the site with a detached garage. Partial removal of an existing attached garage will facilitate a driveway from the existing access to serve the new dwelling.

### Proposed Site Plan



## 7.0 Relevant Planning History

Planning history for the application site is provided in the table below:

<b>Application No.</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
3/05/1633/FUL (1 Cherry Tree Close)	Extensions at ground and first floor level including increase in ridge height to include dormers and roof lights.	Granted	15/02/2006
3/05/0638/FUL (1 Cherry Tree Close)	Rear extension, raise roof to form additional accommodation in roof space, to include dormer and rooflights, front extension to form double garage	Refused	17/06/2005
03/02/0556/FUL (1 Cherry Tree Close)	Swimming pool enclosure	Granted	18/07/2002
03/99/0716/FUL (1 Cherry Tree Close)	Partly demolish single garage & extend to form new double garage.	Granted	04/10/1999
03/91/1014/FUL (1 Cherry Tree Close)	Rear extension	Granted	06/12/1991

Relevant planning history for neighbouring properties:

<b>Application No.</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
3/21/1770/FUL (11 Cherry Tree Close- northeast of site)	Sever land and erect new single storey dwelling with garage. (Amended description)	Granted	23/01/2023
3/19/2495/FUL (Land to rear of 14 & 16 Oaks Drive- southwest of site)	Sever land and erect 2 no 3 bedroom bungalows with detached double garages and parking.	Refused but Appeal Allowed	25/02/2021
3/19/0611/FUL (Land to rear of 10 & 12 Oaks Drive- south of site)	Sever land and erect 2 x 3 bed bungalows and formation of access. (Re-submission after refusal of application 3/18/2963/FUL)	Granted	10/06/2019
3/15/0157/FUL (Land to rear of 9 Cherry Tree Close- north east of site)	Sever plot and construct a detached bungalow with garage, parking and replacement garage	Refused, appeal dismissed	28/01/2016
3/13/0670/FUL (land to rear of 18 Oaks Drive- west of site)	Sever land and erect 1 No 4 bedroom bungalow and garage	Granted	12/11/2013

3/12/0936/FUL (land to the east of 10 Cherry Tree Close)	Sever land and erect 1No. 3 bed bungalow and garage	Granted	05/02/2013
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## 8.0 List of Constraints

- St Leonards & St Ives - Main Urban Area
- Within 5km of Dorset Heathlands
- Susceptible to ground water emergence flooding
- Radon: Class 1: Less than 1%

## 9.0 Consultations

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

### Consultees

1. **Natural England-** No objection, subject to mitigation (25/04/2024)

Thank you for consulting Natural England on the (draft) Appropriate Assessment (AA) for the application detailed above.

Natural England concur with the Councils AA dated 29/04/2024 in respect of Planning Application: P/FUL/2024/00495. The authority should be mindful of the need to secure any mitigation/avoidance measures which have been identified as being required to avoid harm to the habitat's sites.

In respect of the matters considered in the AA, Natural England has no objection to the authority granting the permission.

Natural England note the submission of a Certificate of Approval dated 22/01/2024 from the DC NET. In this case, providing the NET approved ecology information, and its implementation in full, is secured through a condition as part of the grant of planning permission, Natural England agree with the opinion of the Natural Environment Team of Dorset Council that the planning authority will have met their duties under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and Regulation 9(3) of The Conservation of Habitats & Species Regulations 2017.

2. **Dorset Fire & Rescue Service-** No comments received
3. **Dorset Council – Highways-** No objection, subject to condition (27/03/2024)

The Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has NO OBJECTION, subject to the following condition(s):

-Turning/manoeuvring and parking construction

4. **Dorset Council - Trees (East & Purbeck)-** Comments (11/04/2024)

No significant trees affected by proposed.

5. **Dorset Council - Building Control East Team-** Comments (12/03/2024)

The access for the fire brigade does not comply with approved document B1 section B5 access for the fire brigade.

6. **Dorset Council - Dorset Waste Team-** No comments received

7. **St Leonards & St Ives Parish Council-** Objection (09/04/2024)

- Objects in the strongest terms
- Contrived plot resulting in a vast overdevelopment of such a small area of land.
- Application does not preserve the character of the area; it is fundamentally ruining it by increasing the density of housing to an unacceptable level contrary to Christchurch and East Dorset Core Strategy (CED) 2014
- Breach of NPPF and HE2 and HE3 re bulk, scale and mass of the proposed property.
- Garden for the property appears too small and does not provide sufficient amenity space for a proposed dwelling of this size.
- Parking inadequate for the property; no space for visitor parking, will result in visitor vehicles parking on the road, which is extremely narrow. access far too narrow and presents a risk to emergency vehicles should they need access.
- Serious risk of ground water and surface water flooding in this area. Flooding is already being experienced in several areas locally which may be attributable to the constant garden infill housing being permitted.
- The cumulative effect of additional building in gardens is very concerning.
- Urges the planning department to stop permitting this type of development until further data on flooding and its causes is produced and is fully understood.

8. **Ward Member St Leonards and St Ives - Cllr Bryan-** No comments received

9. **Ward Member St Leonards and St Ives - Cllr Goringe-** No comments received

**Representations received**

Total - Objections	Total - No Objections	Total - Comments
8 Objections	-	1 Support

**Summary of representations objecting/raising concerns:**

<u>Summary of Objections received (8)</u>	
Principle of Development	<ul style="list-style-type: none"> <li>• Similar proposals have been granted permission in last 4 years, including in Cherry Tree Close, Oaks Drive and Cedar Avenue.</li> <li>• Previous proposals at neighbouring 9 Cherry Tree Close in 2016 were dismissed at appeal.</li> </ul>
Design and Character	<ul style="list-style-type: none"> <li>• Properties in this area are characterised by sizeable gardens with large trees. Cherry Tree Close is a cul-de-sac.</li> <li>• Proposed development is out of character with the area.</li> <li>• Overdevelopment.</li> <li>• Not all infill developments are appropriate.</li> <li>• The proposed bungalow, drive and garage take up a significant amount of space within the garden of the existing property.</li> <li>• The new dwelling is too large for the size of the plot.</li> </ul>
Impact upon Neighbouring Amenity	<ul style="list-style-type: none"> <li>• Directly impacts upon views from neighbouring properties.</li> <li>• Hedge removal would result in overlooking &amp; privacy impacts.</li> <li>• Proposed dwelling is on higher land than 2 Cherry Tree Close, resulting in privacy and overlooking.</li> <li>• Access road is too close to neighbouring boundaries, in particular 1A Cherry Tree Close, resulting in noise disturbance.</li> <li>• Impacts upon neighbouring amenity from construction works.</li> <li>• Impact upon amenity of future occupiers of existing dwelling and of proposed dwelling.</li> </ul>
Impact upon Future Occupiers	<ul style="list-style-type: none"> <li>• Inadequate external amenity space for occupants of new, and existing dwelling.</li> </ul>
Impact upon Trees and Landscape	<ul style="list-style-type: none"> <li>• Concern that the intention is to remove the boundary hedge/vegetation and replace with a new 1.8m high fence.</li> <li>• Boundary hedge should not be removed or reduced in height.</li> </ul>

Highways and Parking	<ul style="list-style-type: none"> <li>• Driveway should be of a hard surface to limit noise, and not stone, gravel or similar materials.</li> <li>• Driveway access is too narrow and too close to the boundary of 1A Cherry Tree Close.</li> <li>• Turning space inadequate</li> <li>• Highway safety concerns, will increase traffic and on-road parking in Cherry Tree Close.</li> <li>• Cherry Tree Close is too narrow, and tight for vehicles to pass.</li> <li>• The front of the property is already block paved car parking.</li> <li>• Concerns over existing on street parking.</li> </ul>
Flooding Risk	<ul style="list-style-type: none"> <li>• Concern of flooding to neighbouring properties from the development and the increase in hard surfacing on site.</li> </ul>
Biodiversity	<ul style="list-style-type: none"> <li>• Impact upon biodiversity, including slow worms, sand lizards and adders.</li> <li>• Development would result in a harmful impact to nearby SSSI.</li> </ul>
Dorset Heathlands	<ul style="list-style-type: none"> <li>• Cherry Tree Close borders an SSSI.</li> </ul>
Housing Supply	<ul style="list-style-type: none"> <li>• The proposed development would not contribute to affordable housing in the area.</li> </ul>
Other Matters	<ul style="list-style-type: none"> <li>• Emergency vehicles would not be able to gain access to the proposed new houses via the proposed access.</li> <li>• Motivation of developers.</li> <li>• Questions need- many houses already on the market within the Parish.</li> <li>• Lawfulness of a static caravan on the site questioned.</li> </ul>

**Summary of representations received in support of the application:**

<u>Summary of Comment of Support (1):</u>	
Principle of Development	<ul style="list-style-type: none"> <li>• Similar properties built in nearby rear gardens (Oaks Drive).</li> <li>• A substantially larger new dwelling was granted across the road at 11 Cherry Tree Close.</li> </ul>
Design and Character	<ul style="list-style-type: none"> <li>• Proposal results in a reduction to the overall built footprint on the site.</li> <li>• The proposed bungalow would be smaller than other new build bungalows in the area.</li> </ul>



Neighbouring Amenity & Parking	<ul style="list-style-type: none"><li>• There is an existing 3 metre wide gap between the garage and the boundary to 1A Cherry Tree Close.</li></ul>
Housing Supply	<ul style="list-style-type: none"><li>• The proposed development will contribute to the housing supply.</li></ul>

## 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

#### **Christchurch and East Dorset Local Plan Part 1, Core Strategy 2014 (CED) and saved policies in the East Dorset Local Plan 2002 (EDLP):**

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

- KS1 - Presumption in favour of sustainable development
- KS2 - Settlement hierarchy
- KS11 - Transport and Development
- KS12 - Parking Provision
- LN1 - Size and Types of New Dwellings
- LN2 - Design, Layout and Density of New Housing Development
- HE2 - Design of new development
- HE3 - Landscape Quality
- ME1 - Safeguarding biodiversity and geodiversity
- ME2 - Dorset Heathlands
- ME6 - Flood Management, Mitigation and Defence

### **Made Neighbourhood Plans**

None

### Material Considerations

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

Paragraph 48 of the National Planning Policy Framework (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 (DCLP)**

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.

### **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 and Enhancing the Natural Environment' - In Areas of Outstanding Natural Beauty (National Landscapes) great weight should be given to conserving and enhancing the landscape and scenic beauty (para 182). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 184). Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

### **National Planning Practice Guidance (NPPG)**

Including 'Use of Planning Conditions'

### **Supplementary Planning Document (SPD) / Guidance (SPG):**

- Dorset Heathlands Planning Framework 2020-2025 SPD
- 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 would result in a net increase of 1 dwelling which will be required to meet building regulations. There may be some limited impact on persons with protected characteristics living in the locality during the construction period.

#### **14.0 Environmental Implications**

The proposal will add an additional dwelling within the rear garden space of an existing property; no significant implications have been identified.

The application will be required to meet the Building Regulations

#### **15.0 Planning Assessment**

##### Principle of Development

- 15.1 The Parish Council objects to the application which it considers inappropriate within this area and contrary to planning policies.
- 15.2 The application lies within the main urban area of St Leonards & St Ives. Settlement Policy KS2 of the Local Plan identifies St Leonards and St Ives as a ‘suburban centre’ that will provide for some residential development so in principle the proposed dwelling is acceptable.

##### Design and Character

- 15.3 The site is located in an area with a relatively low density townscape, characterised by bungalows and chalet dwellings set back from the highway behind front gardens incorporating parking areas. In the original estate layout, dwellings all faced onto the highway, but this has evolved over time with the introduction of backland plots although such development is usually of single storey form and only glimpsed within the street scene. Hedges remain the predominant boundary demarcation which softens the built form.
- 15.4 Policy LN2 ‘Design, Layout and Density of New Housing Development’ requires that density of development should be maximised to a level which is acceptable for the locality. This accords with NPPF chapter 11 ‘Making effective use of land’.
- 15.5 Objections have been raised by the Parish Council and third parties that the density and scale of the proposed development would cause harm to the character of the area. Reference has been made to the appeal decision relating to a proposed backland plot at 9 Cherry Tree Close. In 2016 the Inspector dismissed the appeal against refusal of planning permission on the grounds that it would harm the spacious character of the area and fail to maintain appropriate living conditions for

the parent property. Officers note that since that decision, applications have been approved and an appeal allowed for backland development on land to the south and west of the application site, and in the surrounding roads (Cedar Avenue and Fir Tree Close), so that the character of the area within which the proposal is to be considered has evolved.

- 15.6 The proposed new dwellinghouse is a detached, 3 bedroom, L-shaped bungalow with a hipped roof to be sited to the rear of 1 Cherry Tree Close. A detached single garage building is also proposed. The new plot would be larger than others immediately to its south. Together with the existing property the proposed density of development would be 15dph, which is half the minimum density of 30dph sought by policy LN2. In the context of the very low density (approx. 6.5dph) of existing development in Cherry Tree Close, this would appear uncharacteristic, but it is reflective of the density of development immediately to the south where backland properties have been achieved with limited impacts on residential character.
- 15.7 The existing dwelling at 1 Cherry Tree Close includes first floor accommodation within the roof space served by rooflights, white rendered external walls and a tiled roof. An existing swimming pool enclosure is attached to the rear of the dwelling which is to be demolished. The proposal would use the existing access to 1 Cherry Tree Close and would extend the driveway down past the side of the house following the removal of one of the two integral garages. This would increase hard surfacing on the site, but the parent property and boundary treatment would assist in screening the parking and turning areas from public view.
- 15.8 The proposed dwelling would have a lower form than the parent property with a hipped roof and maximum ridge height of 5.8m. The roof of the dwelling and its garage would be evident from neighbouring properties above the boundary hedging, but tucked away behind the larger parent dwelling and screened by hedging, so the proposal would have no greater impact than other neighbouring developments.
- 15.9 Subject to a condition to prevent extensions above ground floor level, which is necessary and appropriate in the interests of the character of the area, the size of the plot and the appearance of the dwelling will not result in harm to the character of the area. As such, the proposal would comply with local policies HE2 and LN2 of the Christchurch and East Dorset Local Plan, Part 1 – Core Strategy and also policies within section 12 of the National Planning Policy Framework.

#### Impact upon Amenity

##### *The Amenity of Future Occupiers of the site*

- 15.10 Local Plan policy LN1 requires that new housing should be built to meet minimum living standards for internal and external areas, but no bespoke standards have

been identified. The proposed three bedroom dwelling has an internal area of approx. 82m<sup>2</sup> which is above the minimum national space standards for a 4 person dwelling (74m<sup>2</sup>).

- 15.11 The Parish Council has suggested that the proposed garden appears too small to provide sufficient amenity space. It is proposed to retain an existing summerhouse on the rear boundary and boundary hedging which encroaches into the amenity space, but a useable lawned area of approximately 30m<sup>2</sup> would be provided for the new dwelling, while the parent property will retain approximately 36m<sup>2</sup> garden.
- 15.12 The proposed boundary fence and new garage positioned approx. 5.5m from the rear elevation of the parent property, 1 Cherry Tree Close, would restrict outlook from the ground floor bedroom for future occupiers and there could be some shading in the evenings, but the main living space to the rear would not be negatively affected.

*Impact on neighbouring amenity*

- 15.13 Policy HE2 requires that the development should be compatible with neighbouring amenity.
- 15.14 Third party objections raise concerns over the impacts upon views from neighbouring properties and potential overlooking as land levels are higher on the site than at 2 Cherry Tree Close to the north. The plans show a difference in floor level of approximately 0.5m between the two existing dwellings. The proposed dwelling would be at a similar height to 1 Cherry Tree Close. Given the varying land levels a condition is required to secure finished floor levels in the interests of neighbouring amenity and the character of the area (no. 3).
- 15.15 The submitted drawings show that the existing hedges within the rear garden of the existing site are to be retained, and that an existing tree is to be removed. To the south side of the new dwelling, no windows are proposed. To the north side of the new dwelling (facing the garden of 2 Cherry Tree Close) two ground floor windows are to serve a bedroom and an ensuite. Should the boundary hedging be damaged during construction then there would be the possibility of overlooking, but as this would be at ground floor level and to the rear of the neighbouring garden it is unlikely that overlooking would be harmful.
- 15.16 Concerns have been raised that the access road is too close to the neighbouring boundary to 1A Cherry Tree Close which could result in noise disturbance. There is a pre-existing access to serve the garages which will be extended westwards. A condition requiring details of the hard surfacing to be used (no. 10). There are no windows in the northern elevation of no. 1A and due to the limited trip rates associated with one additional dwelling neighbours would not be likely to suffer undue noise and disturbance, as a result of vehicle movements.

<b>Distances from proposed dwelling to neighbouring buildings</b>	
<i>(All measures are approximate)</i>	
Existing dwelling at 1 Cherry Tree Close (existing dwelling on the site)	<b>11.4m</b> (to rear elevation of house at 1 Cherry Tree Drive)
Existing dwelling at 1A Cherry Tree Close (to south side of red line boundary)	<b>21.8m</b> (to side house elevation of 1A Cherry Tree Drive)
Existing dwelling at 2 Cherry Tree Close (to north side of red line boundary)	<b>8.3m</b> (to side & rear (corner) elevations of house of 2 Cherry Tree Drive)
Existing dwelling at 10A Oaks Drive (to the south of the red line boundary)	<b>12.7m</b> (to rear elevation of house 10A Oaks Drive)
Existing dwelling at 10B Oaks Drive (to the south of the red line boundary)	<b>14.4m</b> (to rear elevation of house at 10B Oaks Drive)
Existing dwelling at 14A Oaks Drive (to south-west of rear red line boundary)	<b>26.3m</b> (to rear elevation of house at 14A Oaks Drive)
Existing dwelling at 16A Oaks Drive (to south-west of rear red line boundary)	<b>32.2m</b> (to rear elevation of house at 16A Oaks Drive)

15.17 The separation distances between the proposed bungalow and the existing neighbouring buildings are similar to the distances of previously approved backland residential development in the area and surrounding area. Furthermore, there would be no direct views of neighbouring rear windows, as the proposed dwelling is single storey.

15.18 With regards to construction works during development, a condition has been added to limit the hours of construction (no. 6), to mitigate impacts upon neighbouring amenity.

15.19 Therefore, subject to conditions, the proposal is considered to accord with local planning policies LN1 and HE2 of the Christchurch and East Dorset Local Plan, Part 1 – Core Strategy and also policies within section 12 of the National Planning Policy Framework in respect of impact on amenity.

#### Impact upon Trees and Landscape

15.20 There are no protected trees within the application site or on the site boundaries and the Council's Tree Officer is satisfied that no significant trees would be affected by the proposal.

- 15.21 The third party objections received have raised concerns that there will be a loss of vegetation on the site. The ornamental hedges are shown to be retained on the submitted plans and will contribute to the attractive setting of the new dwelling as well as providing nesting opportunities for birds. Due to the potential for damage to the hedging during construction a condition has been imposed to require replacement hedging if necessary (no. 9).
- 15.22 The proposal is considered to accord with local planning policy HE3 of the Christchurch and East Dorset Local Plan, Part 1 – Core Strategy.

#### Highways and Parking

- 15.23 The Parish Council and objectors have raised concerns that inadequate parking is identified, in particular that there is no visitor parking space on the plot, resulting in on road parking. They also have concerns that the access is too narrow and presents a risk to emergency vehicles should they need access into the site.
- 15.24 The Council's Building Control Officer has confirmed that the proposed access for the fire brigade does not comply with approved document B1 section B5 access for the fire brigade but there are alternative means of complying with these Building Regulations which are a matter for the developer.
- 15.25 The proposal would provide 2 parking spaces and a third space in the garage for both dwellings. The Dorset Residential Car Parking Guidance sets out that each property requires a minimum of 2 parking spaces, and a further 1 visitor parking space which is achieved by the scheme.
- 15.26 The Council's Highways Officer was consulted on the application and has concluded that the proposed development does not present a material harm to the transport network or to highway safety. The development is acceptable in highway terms subject to the imposition of a turning/manoeuvring and parking construction condition (no. 7).
- 15.27 The proposal is considered to accord with local planning policies KS11 and KS12 of the Christchurch and East Dorset Local Plan, Part 1 – Core Strategy.

#### Flooding Risk and Drainage

- 15.28 The Dorset Council Level 1 Strategic Flood Risk Assessment (SFRA) has identified that the whole application site is likely to have high groundwater levels, meaning that the site is at risk from groundwater emergence flooding. However, it is noted that there is no known surface water risk to the site and no known ponding or pooling that has occurred; the Council's Flood Risk Management Team do not consider that there is a medium/high risk of flooding that would trigger the sequential test.



- 15.29 The Parish Council and objectors have raised concerns about the potential exacerbation of groundwater and surface water flood risk.
- 15.30 During the course of the application, a Conceptual Surface Water Drainage Scheme was submitted. The applicant's surface water consultant has confirmed that ground water levels are too high to facilitate infiltration and gravity would not facilitate attenuation, so it is proposed to pipe surface water to the Wessex Water Surface Water Sewer with the aid of a pumping system due to the land levels falling to the rear of the site.
- 15.31 Wessex Water have also confirmed by email that they would accept an attenuated surface water discharge rate of 2l/s, which will be a combination of 1 l/s allowance for the new dwelling and 1l/s for the existing property (as maximum discharge rates). In addition, Wessex Water have confirmed that the cover level is to be 21.030 and the invert level is to be 19.8.
- 15.32 Whilst a pumping system is not the method preferred by the Council to take water away from the site into the surface water sewer, it is acknowledged that the land levels across the site do not naturally fall towards the street of Cherry Tree Close to the front of the site.
- 15.33 In order to ensure the Conceptual Surface Water Scheme is acceptable long term, it is reasonable and necessary in this case to impose a condition requiring further details of the pumping system and further details of the proposed maintenance of the pump, prior to the installation of the proposed surface water scheme.
- 15.34 Therefore, subject to condition, the proposed development is considered to accord with local policy ME6 of the Christchurch and East Dorset Local Plan, Part 1 – Core Strategy.

#### Impact upon Biodiversity

- 15.35 Third party objections received have raised concerns that the proposal would impact upon biodiversity, including slow worms, sand lizards and adders.
- 15.36 The planning application is supported by a Biodiversity Plan (BP) which has been certified by the Council's Natural Environment Team, accompanied by a BP Certificate of Approval.
- 15.37 The approved BP includes biodiversity mitigation and enhancement that is appropriate to be conditioned for the proposed development to secure compliance with local policy ME1 of the Christchurch and East Dorset Local Plan, Part 1 – Core Strategy.

#### Dorset Heathlands

- 15.38 Third party objections received have raised concerns that the development would result in a harmful impact to the nearby Sites of Special Scientific Interest (SSSI). In addition, one third party representation of objection is of the view that Cherry Tree Close borders a SSSI.
- 15.39 Lions Hill SSSI is located approximately 427m from the rear site boundary and 617m from the Moors River System SSSI, both of which are a distance that is greater than 400m.
- 15.40 Due to the potential for a net increase in residential dwellings to result in significant harm to the conservation objectives of the Dorset Heathlands Habitats Site an Appropriate Assessment (AA) has been carried out by the Local Authority. This concludes that the proposal can rely upon the mitigation measures to prevent adverse effects on site integrity detailed within the Dorset Heathlands Planning Framework SPD. The AA concludes that there will be no adverse effect on the integrity of the designated sites identified above as mitigation contributions will be secured via the Community Infrastructure Levy. Natural England have raised no objection to the conclusions of the Appropriate Assessment.
- 15.41 The proposal is in accordance with local policy ME2 of the Christchurch and East Dorset Local Plan, Part 1 – Core Strategy.

#### Housing Supply

- 15.42 The proposal is for a market dwelling. The Eastern Area of Dorset is not currently able to demonstrate a 5 year housing land supply, so the tilted balance in paragraph 11 of the National Planning Policy Framework is engaged.
- 15.43 No adverse impacts have been identified that would that significantly and demonstrably outweigh the benefit, albeit modest, of the scheme to housing supply.

#### Other Matters

Further concerns have been raised which are considered below:

*Abundance of houses for sale in the area and developer motivation:*

- 15.44 The sale of properties and the motivation of the developer are not material planning considerations.

*Lawfulness of static caravan on site:*

- 15.45 Caravans, when used for purposes ancillary to the dwelling, do not represent a breach of planning control. The static caravan on the site is not included within the planning application and therefore is not under consideration.

## **16.0 Conclusion**

For the above reasons the application is judged to accord with the development plan as a whole.

It is judged that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the contribution that the scheme affords to local housing supply.

## 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.

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:

SBA.3817-1-2 A Site Location and Block Plan (Proposed)

SBA.3817-7-1 B Proposed - Alterations to the Existing Dwelling

SBA.3817-7-2 A Proposed - New Dwelling Plans and Elevations

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

3. Prior to commencement of the groundworks for the new dwelling and garage details of the finished floor level(s) of those buildings shall have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual and neighbouring amenity.

4. 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.

5. Prior to commencement of development of the hereby approved dwelling, details of the proposed Pumping System (as set out on drawing 003 revision P2, dated 23/05/2024 'Proposed Drainage Strategy' included in the appendices of the submitted Drainage Strategy document produced by Urban Water) and a Maintenance Statement shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the agreed Pumping System for the surface water drainage system and the Maintenance Statement shall be installed and adhered to in perpetuity.

Reason: To ensure that there is no worsening of flooding from groundwater emergence.

6. During the construction of the hereby approved development (which includes demolition) until completion of works, the hours and days of construction shall be limited to:

Monday - Friday 07:00 to 19:00.

Saturday 08:00 to 16:00.

The hours of construction shall be adhered to throughout construction, and no construction works are to be carried out on Sundays or Bank Holidays.

Reason: To protect the amenity of nearby residents.

7. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number SBA.3817-7-2 A must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent reenactment thereof, the garages shown on the approved plans shall not be incorporated into the living space of the dwellings.

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 (BP) certified by the Dorset Council Natural Environment Team on 22/01/2024 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), 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. Prior to the first occupation of the dwelling any boundary hedging that has been damaged or is dead or dying shall be replaced with native hedge plants. Within the first five years following occupation any boundary hedging that is damaged, dead or dying shall also be replaced with native species.

Reason: In the interests of biodiversity and the character of the area.

10. Prior to the first occupation of the dwelling, details of hard landscaping, including hard surfacing, shall be submitted to and agreed by the Local Planning Authority. Thereafter, the approved hard landscaping shall be retained.

Reason: In the interests of neighbouring amenity and the character of the area.

11. 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 of the dwellinghouse hereby approved shall be constructed and no first floor windows or rooflights shall be installed, under Classes A, AA, B & C of Schedule 2 Part 1 of the 2015 Order.

Reason: In the interests of the character of the area and to protect the amenity and privacy of the occupiers of adjacent dwellings.

### **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 applicants/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. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.
3. Please check that any plans approved under the Building Regulations match the plans approved in this planning permission. 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.
4. The Dorset and Wiltshire Fire and Rescue Service would recommend that you look to provide at least a 32mm minimum diameter water main which would enable the installation of sprinkler systems within the approved dwelling(s).

The Council considers this to be a key element in reducing the impact of fires. The Council believes there is compelling evidence that sprinklers systems are a cost effective way of not only reducing the number of fire deaths and injuries, but also reducing the economic, social and environmental impact of fires.

5. 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.
  
6. In respect of the Surface Water Drainage Strategy condition, any details provided will need to include a discharge rate as agreed by Wessex Water in writing. Furthermore, and Maintenance Statement will need to be detailed and it is advised that the pumping station is a dual pumping system as a minimum.