

Application Number:	P/FUL/2024/04204
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Highlands Greenway Lyme Regis DT7 3EY
Proposal:	Erect new dwelling with car port on garden west of Highlands
Applicant name:	Mr and Ms Ron and Gaby Fletcher
Case Officer:	Thomas Whild
Ward Member(s):	Cllr Bawden

1.0 Reason for Referral

In accordance with the Constitution, following consultation, the Chair of the Committee has decided that the application is to be determined by Committee.

2.0 Summary of recommendation: Grant subject to conditions set out in section 18 of this report.

3.0 Reason for the recommendation:

- The site is within the defined development boundary where new residential development is acceptable in principle and where outline planning permission exists for a new dwelling.
- The design of the proposal would be contextually appropriate.
- The proposal would avoid harmful impacts upon the amenity of neighbours.

The development would otherwise accord with planning policies and there are no material reasons to refuse planning permission.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The site is located in the urban area where new residential development is acceptable in principle.
Scale, design, impact on character and appearance and the landscape	The plot created would reflect local urban grain and the design of the development would be acceptable taking into consideration the variety of building forms locally.
Impact on the living conditions of the occupants and neighbouring properties	The proposal would not lead to an unacceptable impact upon the amenity of neighbours.

Flood risk and drainage	The site is not within an area of flood risk and includes appropriate measures for the management of surface water.
Highway impacts, safety, access and parking	The proposal would not result in an unacceptable impact on highway safety.
Impact on trees	Subject to conditions, trees on the site would be adequately protected.
Biodiversity	Biodiversity mitigation and enhancement measures are to be secured through an agreed biodiversity plan.

5.0 Description of Site

- 5.1 The application site comprises garden land immediately west to the property 'Highlands' located at the western end of the southern side of Greenway, a cul-de-sac within the defined development boundary of Lyme Regis. The site was originally part of the garden to 'Highlands' but has been severed from that property through the erection of a fence which bisects the original plot.
- 5.2 Along Greenway there are various large, detached houses in a variety of styles, positioned to take in the sea and coast views provided by the sloping landscape. The Highlands house (built around 1930s) sits towards the eastern side of the original plot. The pattern of development in the vicinity of the site and on Greenway in particular is of a degree of sub-division having taken place historically, although resulting in regular, but generous plots. In this context the original plot of Highlands, was roughly twice the size of other plots on Greenway.
- 5.3 The application site slopes from north west to south east with a drop of 5.7m from the north western corner to the south eastern. Highlands to the east is situated on the higher land at the northern edge of the site. Immediately to the south the land levels continue to fall. The immediate neighbour to the south, The Red House, is a Chalet Bungalow which is set towards the back of its plot on the highest ground. It has a dormer window facing towards the site.
- 5.4 Neighbouring the site to the west, properties on Blue Waters Drive comprise mid to late 20th century bungalows with shallow pitched roofs and which sit slightly below the level of the road, but above the level of the application site, reflecting the falling levels from west to east and north to south.
- 5.5 The site's boundaries are defined by timber fencing to all sides with some mature trees on the northern and southern boundaries. The majority of the site is however largely cleared with some building debris and garden waste present.

6.0 Description of Development

- 6.1 The proposal comprises the construction of a new detached dwelling which will be part single and part 2 storey. The two storey element will be largely central within the plot, with the main elevation oriented towards the south east. Single storey wings extend either side of the central two storey element. These comprise a master bedroom in the southern part of the site, which is connected to the two storey element by a snug/reading room. To the north eastern side a single storey wing provides a study, shower, cloakroom and utility room linked by the entrance hall.

- 6.2 The two storey element of the building comprises an open plan sitting and dining room, with two double bedrooms and a bathroom at first floor level. A family sitting room with a vaulted ceiling is provide at ground floor level. To the north western side of the building the proposals include a single storey car port with workshop and plant room.
- 6.3 Access to the site will be via an existing established access at the head of the cul-de-sac into the north eastern corner of the site, where there will be a parking and turning area at the northern edge of the site.
- 6.4 The building adopts a contemporary design approach with large window openings. Materials comprise stone to the ground floor elements with timber above. The pitched roof to the two storey element and northern wing are to be finished in a seamed metal roofing. The southern wing has a flat roof which will be a green sedum roof.

7.0 Relevant Planning History

1/W/85/000784 - Decision: GRA - Decision Date: 19/12/1985

Develop land by the erection of a dwelling

WD/D/20/001279 - Decision: GRA - Decision Date: 29/09/2020

Demolition of single storey extension and balcony; construction of first floor extension over garage with sun deck above, second gable to east elevation and new balcony; installation of new windows, timber cladding to first floor and render to ground floor

P/OUT/2021/01264 - Decision: GRA - Decision Date: 22/04/2022

Construction of a single dwelling house. Outline application with all matters reserved.

8.0 List of Constraints

- Dorset National Landscape (AONB)
- Defined Development Boundary; Lyme Regis
- Lyme Regis and Charmouth Slope Instability Zones; Zone 1
- South West Water Foul Sewage
- Higher Potential ecological network
- Site of Special Scientific Interest (SSSI) impact risk zone
- Radon: Class 4: 5 - 10% - Distance: 0

9.0 Consultations

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

Consultees

1. **Highways** – no objection subject to conditions in respect of provision of turning and parking areas; and car port construction and availability.
2. **Dorset Waste Team** – No comments received
3. **Tree officer** – initial discussion confirmed that development was acceptable, however comments received requesting updated arboricultural information.
4. **Lyme and Charmouth Ward Councillor** – Concerns raised in respect of the following:
 - The dwelling occupies half of area of the plot, not one third as agreed at outline planning permission.
 - Proximity to the site boundary and resulting overbearing impact and loss of light to occupiers at The Red House, 1, 2 and 3 Blue Waters Drive.
 - Surface water flood risk from increased impermeable area.
 - Reflective glare from extensive use of metallic materials and potential impact on road users.
5. **Building Control West Team** – no comments
6. **Lyme Regis Town Council** – Object – The town council recommends refusal of the application because the overbearing nature and scale of the proposed design is not in keeping with the character or scale of existing neighbouring properties. The proximity to the neighbouring properties and the overbearing nature of the proposed development would result in a loss of residential amenity and unacceptably adverse impact on the privacy of the neighbouring property.
7. **Dorset Wildlife Trust** – No comments received
8. **Dorset Fire & Rescue Service** – No comments received
9. **Coastal risk management** – No objection. The application is located within Zone 1 of the Slope Instability Guidance Map for Lyme Regis. As such, it is unlikely that problems will arise from slope instability.

Representations received

Total - Objections	Total - No Objections	Total - Comments
8	2	0

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

Summary of comments of objections:

- The proposal would result in a loss of privacy and daylight to The Red House – request that the building is set back from the boundary.
- Concern that the proposal will result in increased risk of flooding due to the increase in impermeable area on the site, and that proposed drainage solution would not be effective.
- There is a watercourse which drains the land and defines the boundary to the site, placing riparian obligations on the owners.
- The design is out of scale and character with properties immediately adjacent in Blue Waters Drive and would be overbearing and intrusive.
- Loss of privacy for properties in Blue Waters Drive.
- Overly modern design and materials.
- Use of metallic materials would add glare and contribute to the intrusive appearance.
- The proposal now covers half of the site whereas the outline planning permission was for a third.
- The building is oversized.
- The design to maximise views will have the opposite effect for neighbours.
- The design would be incongruous and has little relationship to Greenway but would to Blue Waters Drive.
- The size of the dwelling is out of scale to neighbours on Blue Waters Drive.

Summary of comments of support:

- Design is well thought out and incorporates local materials and will work in harmony with other properties in Greenway.
- Appreciation that the majority of the building is single storey as opposed to a two storey building with a smaller footprint.

10.0 Duties

- 10.1 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.
- 10.2 Clause 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB)

11.0 Relevant Policies

Development Plan Policies

Adopted West Dorset and Weymouth & Portland Local Plan:

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

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV2 - Wildlife and habitats
- ENV5 – Flood risk
- ENV7 - Coastal erosion & land instability
- ENV10 - The landscape and townscape setting
- ENV11 - The pattern of streets and spaces
- ENV 12 - The design and positioning of buildings
- ENV 13 - Achieving High Levels of Environmental Performance
- ENV15 - Efficient and Appropriate Use of Land
- ENV 16 - Amenity
- SUS2 - Distribution of development
- COM7 - Creating a safe & efficient transport network
- COM9 - Parking provision
- COM10 - The Provision of Utilities Services Infrastructure

Other Material Considerations

Emerging Dorset Council Local Plan:

11.2 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).

11.3 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.

Emerging Neighbourhood Plans

National Planning Policy Framework:

11.4 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.

11.5 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

Supplementary Planning Document/Guidance

All of Dorset:

- Dorset AONB Landscape Character Assessment
- Dorset AONB Management Plan 2019-2024
- 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.

Supplementary Planning Documents/Guidance For West Dorset Area:

- WDDC Design & Sustainable Development Planning Guidelines (2009)
- Landscape Character Assessment February 2009 (West Dorset)

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.

12.1 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

13.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- 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.

13.2 Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. In this case, although it is not considered that the proposal would specifically impact upon persons with protected characteristics, the design of the new dwelling is such that it would be readily accessible and adaptable for those with mobility issues. The proposal includes a level access with all facilities available on a single level without steps.

14.0 Financial benefits

What	Amount / value
Material Considerations	
Job creation during construction	Not known
Non Material Considerations	
CIL Contributions	Not known
New homes bonus	Not known

15.0 Environmental Implications

15.1 The proposal would result in an additional dwelling which would result in additional CO₂ emissions through both the construction and occupation of the building. The building would however be constructed to modern building standards which require a high level of thermal efficiency to be achieved through the building’s fabric. The building incorporates solar PV panels and would incorporate areas of green roof.

16.0 Planning Assessment

Principle of development

16.1 The site is located within the defined development boundary of Lyme Regis. It is therefore sustainably located within an area where new housing development is supported in principle, subject to compliance with other relevant development plan policies. The site also benefits from outline planning consent, granted in April 2022, for the construction of a single dwellinghouse on the site. Although the red line boundary for that consent is slightly smaller than the current proposal it does establish the principle of housing development on this site.

Scale, design, impact on character and appearance and the landscape

- 16.2 The proposal results in the severance of the application site from 'Highlands' located to the east, the plot being effectively bisected. Although the new plot is half the size of the original plot of Highlands, the size of the plot to be created, and the plot within which Highlands would continue to sit, would be reflective of the urban grain in the immediate locality, which is comprised of detached dwellings in generously sized plots of similar proportion to the application site.
- 16.3 Several third party comments and comments from the Ward Councillor have raised concern that the proposal now covers half of the site whereas the outline consent only covered one third. The outline planning application included only limited information and did not provide any details of the proposed layout siting or size of the eventual building. On this basis, these comments can only be interpreted as relating to the size of the plot created, when compared to the outline planning consent. In this context the characterisation of the outline consent only covering a third of the site (i.e. The original plot occupied by Highlands) are correct. It is true that the current application site is larger than the application site defined for the outline planning consent. However, this in itself does not have any implication for the acceptability of the proposals. As noted above, the plot sizes that would result from the proposals are characteristic of the area and would not result in an unacceptable form of development. By contrast the plot size created by the outline consent is smaller than the prevailing plots on Greenway and is therefore less characteristic of the area.
- 16.4 The proposed detached form of the house would reflect the surrounding area, and common with several other properties in the area would have an orientation to face south eastwards, aiming to maximise seaward views. The layout would ensure that the main bulk of the building and in particular the two storey element is centrally located. The design of the scheme does result in single storey elements extending towards the north and south. However, these would be subservient elements which would not be prominent elements in the street scene or wider views.
- 16.5 The modern design approach is considered to be acceptable and appropriate. There is a considerable amount of variety in building forms in the vicinity of the site, reflecting a pattern of incremental development, infilling and remodelling of housing. The immediate neighbours of the site include late 20th Century bungalows on Blue Waters Drive, a large 1930s detached house (Highlands), more modest 20th century detached housing (The Red House) and remodelled/modernised detached houses (Greenway House and Cobblers, to the north of the site). Planning consent has also recently been granted for a contemporary 2 storey dwelling with flat roof on land to the north, and there are numerous examples of contemporary dwellings either as new build or remodelling or extension of existing buildings in the vicinity.
- 16.6 The proposal incorporates the use of natural and local materials to the elevations which is considered to be appropriate. Standing seam metal roofing is a less common feature in the locality. However, images supplied by the applicant indicate the use of a brown coloured roofing which would be recessive in appearance. Precise details of materials can be secured by condition to ensure that overly reflective materials or inappropriate colours are avoided. If natural materials are to be used these would generally weather over time. Therefore, even though some

metal roofing can be reflective when first installed it will generally weather down to a more muted tone. It is therefore considered that the use of standing seam metal roofing would be appropriate to the character of the individual building that is to be created in this instance given that the site is not located in a conservation area.

- 16.7 The design of the building is considered appropriate and that the proposal complies with policies ENV10, ENV11 and ENV12 of the local plan.
- 16.8 The site is located within the Dorset National Landscape, which washes over the whole of Lyme Regis. As set out above there is therefore a statutory duty for the council to seek to further the purposes of conserving and enhancing the natural beauty of the area. The proposal constitutes a form of urban infilling within the well established urban envelope of Lyme Regis. The dwelling would be seen and experienced in the context of the other surrounding suburban development which is of a similar scale. It is not therefore considered that the development would result in a harmful impact upon the area's landscape, the character of which would be maintained. The proposals are therefore considered to comply with policy ENV1 of the Local Plan in this regard.

Impact on the living conditions of the occupants and neighbouring properties

- 16.9 For the future occupants, the dwelling would provide a very good standard of amenity. The design incorporates generously sized rooms with large window openings and extensive storage and utility spaces. The relatively shallow plan form which is used for most parts of the building would ensure good natural light penetration into the building.
- 16.10 In response to the concerns raised by several neighbours in respect of the potential for the house to give rise to harmful overlooking and overbearing, the applicant has provided additional drawings with sections through the site which show the relationship with the nearest neighbouring properties, 1 Blue Waters Drive to the west and The Red House to the south.
- 16.11 Considering the relationship to 1 Blue Waters Drive, the nearest part of the proposed house to that property would be the single storey southern wing, which incorporates the master bedroom. This is at a separation of 15.9m from the rear elevation of 1 Blue Waters Drive, with the distance of that wing to the boundary being 4.11m. Although relatively close to this property the submitted section drawings show that the proposed house is on lower ground than 1 Blue Waters Drive, which has been confirmed on site. Taking into account this difference in levels, the single storey and flat roofed design of the dwelling and the boundary fencing which would provide an effective visual barrier between the buildings, it is not considered that the proposal would result in an unacceptable impact upon 1 Blue Waters Drive.
- 16.12 Due to the orientation of Blue waters drive, other properties further to the north are located further from the site boundary and upon higher ground. Although the scale of the proposed dwelling increases to two storeys further north in the site, the layout is such that the two storey elements of the site are much further from the site boundary and neighbouring dwellings and oriented to direct any views towards the north west and south east, giving very limited opportunities for overlooking.

Towards the northern end of the site the further separation from the boundary and continued land level differences are such that there would not be a harmful impact on the amenity of dwellings to the north west.

- 16.13 To the south the proposed dwelling would come into relatively close proximity to The Red House, immediately to the south of the site, due in part to the latter being set back a long way into its plot, close to the rear boundary. The Red House also has a first floor dormer window which looks towards the site. The section drawing confirms that the proposed house is on higher ground than The Red House, with the eaves of the Red House being approximately 1.1m lower than the top of the single storey southern wing. The dormer window, being within the roof slope would be above the level of that flat roof and it is not therefore considered that the proposal would result in harmful overlooking to that window. Other windows to the Red House are located in the ground floor and, despite the change in levels the boundary fencing would provide an effective visual screen. Therefore, notwithstanding the proximity of this element of the building to The Red House, it is not considered that the proposal would result in an unacceptable impact on residential amenity for this building.
- 16.14 Comments received from The Red House have also raised concerns that the proposal would result in a loss of daylight to that property. Given that The Red House is located to the south of the application site, the path of the sun through the sky – rising in the east, through the south and setting in the west – means that there would not be any direct loss of sunlight or daylight as a result of the development.
- 16.15 Given the proximity of the southern wing to the neighbouring properties, there would be potential for harmful impacts if development were at a higher level, including use of the flat roof as a terrace. Therefore it is considered to be appropriate to impose a condition to prevent the use of that area as a terrace to ensure that the amenity of neighbours is protected.
- 16.16 To the north the neighbouring properties are on significantly higher ground than the application site, with a separation distance in excess of 30m. The closest property, immediately to the north is also orientated to present its principal elevation to the east, meaning that it presents a side elevation to the proposed dwelling. To the east, Highlands is orientated such that the side elevation faces onto the site, with a separation distance of 17m to the two storey element of the proposed dwelling, whose orientation means that direct views towards the dwelling would not be available.
- 16.17 Therefore notwithstanding the concerns raised by neighbours it is not considered that the proposal would have an unacceptable impact upon the amenity of neighbours and would therefore comply with policy ENV16 of the Local Plan.

Flood risk and drainage

- 16.18 The site is located within flood zone 1 (low risk) and is not identified as being at risk of flooding from surface water or ground water. The low level of identified flood risk and the scale of the proposals and application site mean that neither a flood risk assessment nor drainage strategy is required in this instance. Nonetheless, the

applicant has provided details of proposed surface water drainage, which is proposed to be managed through a rainwater harvesting tank beneath the driveway and a soakaway in the rear garden.

- 16.19 Although several comments have raised concern at the potential for the development of the site to result in flood risk, given the low level of flood risk that has been identified it is considered that the details provided by the applicant are appropriate in this instance. The proposals for soakaway drainage with measures to retain surface water on site through both the green roof element and rainwater harvesting follow the overarching principles for sustainable drainage and would contribute to slowing the flow of water and holding it back on the site so far as possible.
- 16.20 Comments have also been received from a neighbour referring to a watercourse on the boundary of the site. Based upon the address of the neighbour raising the concern this would appear to relate to the southern boundary of the site, although it should be noted that the application site does not actually share a boundary with the property that raised this concern. Despite the comments, there are no recorded watercourses in the vicinity of the site either on ordnance survey mapping or on Environment Agency Data.
- 16.21 It is therefore considered that the proposal would comply with the requirements of policy ENV5 of the local plan.

Highway impacts, safety, access and parking

- 16.22 The proposal includes access from the north eastern corner of the site, from an existing turning head. The principle of this access has previously been agreed at the outline application stage and the Highways Authority has confirmed that it does not have any objection to the proposals subject to conditions requiring the provision of the parking and turning areas shown on the plans, and to ensure that the proposed car port remains available for the purposes of parking cars. The proposal is therefore considered to comply with policies COM7 and COM9 of the Local Plan.

Impact on trees

- 16.23 The applicant has sought to rely on arboricultural information which was accepted through the submission of the original outline planning application. Although the tree officer has requested an updated assessment, it has been separately confirmed on site that the additional area of land which is now included within the application site does not include trees which would represent a constraint on the development and there are no protected trees on the site or its boundaries. Subject to an appropriately worded condition to require the submission of full tree protection details prior to the commencement of development it is therefore considered that the existing trees would be appropriately protected.

Biodiversity

- 16.24 A Biodiversity plan has been agreed with the council's Natural Environment Team which ensures that biodiversity interests on the site will be protected and enhanced. Subject to a condition requiring compliance with the agreed biodiversity plan, the proposal is considered to comply with policy ENV2 of the local plan.

16.25 In respect of Biodiversity Net Gain the development has been submitted on the basis that it would constitute a self build development. It would therefore benefit from an exemption for the need to provide Biodiversity Net Gain, but a necessary and appropriate condition will be applied regarding this matter.

17.0 Conclusion

17.1 The site is located within the defined development boundary of Lyme Regis and is therefore in a sustainable location where new housing is supported. The site also benefits from outline planning consent, meaning that the principle of development is both acceptable and established.

17.2 The proposals are considered to be acceptable in their design and character, taking into consideration the variety of building types and the overarching character of the areas. Notwithstanding the concerns that have been raised by third parties, the ward councillor and town council in respect of the impact on neighbour's amenity it is not considered that the relationship of the building to neighbours would result in material harm to justify the refusal of planning permission.

17.3 Although concerns have been raised in respect of drainage, the application site is not in an area identified as being at risk of flooding and the proposals incorporate appropriate SUDS measures to slow the flow of water and minimise the impacts of the development. It is considered that the proposal complies with relevant development plan policies in this regard and there is not sufficient evidence to justify refusal of planning permission on this basis.

17.4 The proposal would provide appropriate and safe access and parking for vehicles and pedestrians, would ensure the protection of onsite trees and would protect biodiversity interests, through the implementation of an agreed biodiversity plan.

17.5 Therefore notwithstanding the concerns which have been raised the proposal has been assessed as complying with relevant policies of the West Dorset Weymouth and Portland Local Plan 2015 and accordingly it is recommended that planning permission is granted.

18.0 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:

- 01 Location Plan
- 03 Proposed Site Plan
- 04 Proposed Ground Floor Plan
- 05 Proposed First Floor Plan
- 06 Proposed Elevations
- 07 Proposed Elevations 1
- 08 Sections

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

3. The dwelling hereby permitted shall be constructed only as a self-build house within the meaning of Section 1 (A1) of the Self-build and Custom Housebuilding Act 2015. No development shall commence until the name(s) of the individual(s) by whom house(s) is/are to be occupied as their principal residence has/have been provided in writing to the Council. Within 14 days of first entering into occupation of the dwelling, the first occupier shall notify the Local Planning Authority in writing of the date when they entered into occupation. For a period of three years starting on the date when the dwelling is first occupied it shall not be occupied except by the individual(s) so notified to the Council and their dependants and cohabitants except with the express written consent of the Council.

Reason: Exemption from biodiversity net gain has been obtained because the dwelling is a self-build/custom build property.

4. Notwithstanding the details submitted, an up-to-date arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development. All works shall subsequently be carried out in strict accordance with the approved details. The method statement must provide the following:
 - a specification and plan showing the extent and positioning of protective measures including ground protection and fencing to trees during demolition and construction which complies with BS5837:2012;
 - a specification for any works associated with the development in the tree protection zones;
 - the locations suitable for storage of materials, site hut/office, concrete mixing, use of fires and service runs;
 - cross sections including existing and proposed levels detailing any changes in levels within tree protection zones on/adjacent to the site;

Reason: This information is required prior to commencement of development in the interests of tree protection

5. 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.

6. The detailed biodiversity mitigation, compensation and enhancement strategy set out within the approved Biodiversity Plan, certified by the Dorset Council Natural Environment Team on 08 February 2022, must be strictly adhered to during the carrying out of the development. The development hereby approved must not be first brought into use unless and until:
 - i) the mitigation, compensation and enhancement measures detailed in the approved Biodiversity Plan have been completed in full, in accordance with any specified timetable.

ii) evidence of compliance, including photographic evidence, in accordance with section J of the approved Biodiversity Plan has been supplied to the Local Planning Authority 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 Biodiversity Plan and thereafter the approved mitigation, compensation and enhancement measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate and compensate for impacts on ecological receptors, and to provide biodiversity gains.

7. The flat roof area of the southern wing of the building hereby approved shall not be used as a balcony, roof terrace/garden or amenity area.

Reason: To protect amenity and privacy.

8. Before the development hereby approved is first occupied or utilised the turning and parking shall be constructed in accordance with the approved plans. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

9. The proposed car port shown on the submitted plans hereby approved once constructed shall be maintained and available for the purpose of parking a motor vehicle. It shall not be converted to a use other than for the purpose of parking a motor vehicle by the provision of doors and/or walled enclosure.

Reason: To ensure that satisfactory on-site parking is provided in a form that allows a vehicle to freely turn within the site curtilage.

Informative Notes:

1. 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.

2. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and

- as appropriate updating 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.
- The applicant was provided with pre-application advice.
- The application was acceptable as submitted and no further assistance was required.

3. Street Naming and Numbering

The Council is responsible for street naming and numbering within our area. This helps to effectively locate property to deliver post and for access by emergency services. New or changed addresses must be registered with the Council. This link has more information.

<https://www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering/street-naming-and-numbering>

4. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.

- Self and Custom Build Development, meaning development which:
 - i) consists of no more than 9 dwellings;
 - ii) is carried out on a site which has an area no larger than 0.5 hectares; and
 - iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Read more about Biodiversity Net Gain at

<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>