

Eastern Area Planning Committee

6 November 2024

<b>Application Number:</b>	P/VOC/2024/04064		
<b>Webpage:</b>	<a href="https://dorsetforyou.com">Planning application: P/VOC/2024/04064 - dorsetforyou.com</a>		
<b>Site address:</b>	89 Woolsbridge Road Ashley Heath BH24 2LY		
<b>Proposal:</b>	<p>Demolish the existing dwelling and erect two detached properties in its place, with a new pair of semi detached properties to the rear of the site (description amended by P/NMA/2024/03533), with a Variation of Condition of condition 2 (Plans) of original permission (P/FUL/2022/03392). The changes are as follows:</p> <p>Changes to windows, doors and internal layout at Plots 1 and 2.</p> <p>Changes and enlargement of roof to accommodate first floor habitable accommodation (a bedroom &amp; bathroom for each unit), and also changes to windows, doors and internal layout at Plots 3 and 4.</p>		
<b>Applicant name:</b>	Sterling Developments (Dorset) Ltd		
<b>Case Officer:</b>	Ellie Lee		
<b>Ward Members:</b>	Cllr Bryan and Cllr Goringe		
<b>Publicity expiry date:</b>	23 August 2024	<b>Officer site visit date:</b>	Photos provided
<b>Decision due date:</b>	7 November 2024	<b>Ext(s) of time:</b>	7 November 2024
<b>No of Site Notices:</b>	2 Site Notices		
<b>SN displayed reasoning:</b>	Site Notices displayed in Woolsbridge Road and also The Glade		

**1.0** This application has been referred to committee by the Chair of the Eastern Area Planning Committee.

**2.0 Summary of recommendation:**

GRANT subject to conditions set out in section 17.

**3.0 Reason for the recommendation:** as set out in paragraphs 16 and 17 at the end of this report.

- 3.1 Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 Paragraph 11 of the National Planning Policy Framework (NPPF) 2023 sets out that permission should be granted for proposed development that accords with an up –to date development plan without delay.
- 3.3 The location is considered to be sustainable, and the proposal is acceptable in its design and general visual impact. As such, it would accord with local policy KS2.
- 3.4 Subject to conditions, the proposal’s scale, design, visual impact, impact on character and appearance would be acceptable and the application would therefore accord with local policy HE2 and section 12 of the National Planning Policy Framework.
- 3.5 The proposal would not result in significant harm to neighbouring amenity and would accord with local policy HE2 and section 12 of the National Planning Policy Framework, subject to conditions.
- 3.5 The proposal would not result in significant harm in terms of highways and parking impacts and would accord with local policies KS11 and KS12, subject to conditions.
- 3.6 The proposal is not anticipated to result in harm to biodiversity, so accords with local policy ME1 and the Dorset Biodiversity Appraisal Protocol.
- 3.7 Subject to appropriate mitigation, the proposal would avoid harm arising on the Dorset Heaths international designations. A Community Infrastructure (CIL) Informative note has been added.
- 3.8 The proposed development is in accordance with local policy ME6.
- 3.8 There are no material considerations which would warrant refusal of this application.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of Development	Acceptable- The application accords with local planning policy KS2.
Design, Character and Impact upon Neighbouring Amenity	Acceptable- The application accords with local planning policy HE2, and accords with policies within section 12 of the NPPF.

Highway impacts, safety, access and parking	Acceptable- Subject to conditions, the proposal accords with local policies KS11 and KS12.
Effect upon Nationally and Internationally Protected Sites	Acceptable- Subject to appropriate mitigation, the proposal would avoid harm arising on the Dorset Heaths international designations.
Biodiversity	Acceptable- There is no anticipated harm to biodiversity from the proposal, so the application accords with policy ME1 and with the Dorset Biodiversity Appraisal Protocol.
Flood risk	Acceptable- The proposed development accords with policy ME6.

## 5.0 Description of Site

- 5.1 The application site is located at 89 Woolsbridge Road within an existing residential area, with access to the site from Woolsbridge Road. The rear site boundary backs onto residential properties in The Glade.
- 5.2 The existing dwelling on the site is a detached dwelling in a large plot within Woolsbridge Road. The front of the site has an existing brick wall, gates, hedges and planting, with some trellis fencing, and existing on-plot parking.
- 5.3 The existing residential development within Woolsbridge Road comprises of a mix of bungalows, chalet bungalows and some two storey properties.

## 6.0 Description of Development

- 6.1 This application is a Variation of Conditions Application of allowed Appeal ref: APP/D1265/W/22/3312160 which was granted permission by the Planning Inspectorate on 25/08/2023 (following the Council's refusal of application ref: P/FUL/2022/03392). Within the Appeal Decision, the inspector imposed 9 conditions, including restrictions to permitted development rights.
- 6.2 Changes to the floor plans of the four new dwellings (Plots 1, 2, 3 and 4) are proposed within this application, including adjustments to the ground floor windows.
- 6.3 The changes to Plots 3 and 4 (to the rear of the site) comprise of and amendment to the roofs of the dwellings, to add a first floor bedroom and bathroom within the roof space.

**7.0 Relevant Planning History**

<b>Application No.</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
P/NMA/2024/03533	Non material amendment to allowed Appeal (LPA ref: P/FUL/2022/03392) ref: APP/D1265/W/22/3312160 (Demolish the existing dwelling and erect two detached properties in its place, with a new pair of semi detached bungalows to the rear of the site), to change the description of works to: Demolish the existing dwelling and erect two detached properties in its place, with a new pair of semi detached properties to the rear of the site.	Granted	12/07/2024
P/VOC/2024/01100	Demolish the existing dwelling and erect two detached properties in its place, with a new pair of semi detached bungalows to the rear of the site (with variation to condition 2 of planning permission P/FUL/2022/03392 (appeal APP/D1265/W/22/3312160)): revision to the design, including minor amendments to the floor plans of each unit, including ground floor window adjustments, and an amendment to the roofs of plots 3 & 4 to enable the inclusion of a first floor bedroom and bathroom.	Withdrawn	20/06/2024
P/FUL/2022/03392 APP/D1265/W/22/ 3312160	Demolish the existing dwelling and erect two detached properties in its place, with a new pair of semi detached bungalows to the rear of the site	Refused Appeal Allowed	17/10/2022 25/08/2023
P/FUL/2021/05009	Remodel existing dwelling and erect a new pair of semi detached bungalows on land rear of 89 Woolsbridge Road	Granted	04/03/2022
3/20/2301/FUL	Sever plot and erect 1no dwelling and remodel existing dwelling.	Granted	20/09/2021
3/20/0391/PAM	Proposed dwellings on land rear of 89 Woolsbridge Road	Advice given	18/03/2020
03/88/1476/REM	Bungalow & Garage	Granted	03/02/1989
03/83/1825/HST	Outline - dwelling	Refused	15/11/1983

## 8.0 List of Constraints

- Within 5km of Dorset Heathlands
- Natural England Designation-RAMSAR: Avon Valley (UK11005) - Distance: 2673.63m
- Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); - Distance: 4253.88m
- Environment Agency - Risk of Surface Water Flooding in a 1 in 1000 year event
- Environment Agency - Groundwater – Susceptibility to 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 comments received

No comments received in relation to the current application.

However, Natural England previously advised the following (within a consultation response for previous application:

*'Natural England concur with the Councils AA dated 18/04/2024 in respect of Planning Application: P/VOC/2024/01100. 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.*

*Suitable legally binding agreements may be required which will need to take into account mitigation which must be in place prior to commencement/occupation or where ongoing impacts are long term in perpetuity.*

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

*Natural England note that the original planning application includes a signed certificate from DC NET and the approved ecology information and its implementation in full should be secured by way of a planning condition or other legally binding mechanism.'*

#### 2. Dorset Council Highways – No objection, subject to conditions (22/08/2024):

As the layout is the same as the approved application, P/FUL/2022/03392, the Highway Authority has NO OBJECTION to the proposed variation of Condition 2.

#### 3. Dorset Council Building Control – Comments (22/08/2024):

Consideration must be given to Access for the fire Authority refer to Approved Document B Vol1 B5

**4. St Leonards & St Ives Parish Council – Objection (14/08/2024):**

Parish Council (PC) initially objected to original application P/FUL/2022/03392 which was refused but granted at Appeal.

Members consider that the changes are considerably major amendments and should be refused.

The Parish Council included comments from within the objection to the original application P/FUL/2022/03392. The summary below is from the Officer Report:

*Blatant example of ‘planning creep’ – initially one, then two and now four.*

*Proposal has inaccessible parking, too narrow and then pinch point, not possible to open a car door unless alongside parking area. No visitor parking.*

*Utility door for plot 2 opens straight onto driveway and windows close to boundary hedge.*

*Poor quality design and overdevelopment contrary to Policy including HE2 and NPPF. Introducing urban intrusion into low density housing will adversely impact on character.*

Further comments received from Parish Council by email:

I have been asked by Cllrs to contact the planning dept and raise serious concerns about surface water flooding in the area of The Glade and Woolsbridge Road near to this property.

Local residents reporting that they are experiencing much more surface water flooding since additional properties have been built in gardens in this area.

Mitigation measures so far are not effective; Simple soakaways are not sufficient to manage the volume of additional surface water.

Request for conditions for necessary flood water infrastructure to manage additional run off water.

**5. Ward Councillors - St Leonards and St Ives – Cllr Bryan and Cllr Goringe**

*No comments received*

**Representations received**

Total - Objections	Total - No Objections	Total - Comments
3 objections	0	0

**Summary of comments of objections:**

- Represents overdevelopment.

- The proposed amendment to the roofs of plots 3 & 4 goes directly against the Appeal Decision. (para 8). At Appeal the units were considered as semi-detached 'bungalows.'
- Proposed development for two storey houses would not be a minor amendment. The two storey houses would be of a substantial size with 4 bedrooms (para 23 of Appeal Decision).
- Out of character & would alter character of the area including adjacent neighbouring properties. Surrounding development is single storey.
- Similar development built in the same road.
- Increases density.
- Increases to traffic density on Woodbridge Rd.
- Vehicle access and egress will quadruple.
- As junction is opposite, the development would create serious safety issues.
- Visitors will need to park on the road which would obstruct the cycle lane.
- Development would increase flood risk due to proposed hard landscaping on site.
- The application is about the 4th of 5th proposal on the site by the same applicant and/or developer who do not live in the area.

## 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.

S73 of the Town and Country Planning Act 1990 provides that only the question of conditions can be considered for this application. If the application is granted, a new planning permission will be issued. Whether not this application is approved, the original permission remains unaffected.

## 11.0 Relevant Policies

### Development Plan

#### **Adopted Christchurch and East Dorset Local Plan:**

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

KS1 - Presumption in favour of sustainable development

KS2 - Settlement hierarchy

KS3 - Green Belt

KS11 - Transport and Development

KS12 - Parking Provision

Eastern Area Planning Committee

6 November 2024

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

### Material Considerations

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

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

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

The 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.

#### **The draft Dorset Council Local Plan**

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**



None

### **National Planning Policy Framework (NPPF)**

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)**

### Other material considerations

#### **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 of 3 dwellings being provided, 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 would have very similar implications to the extant planning consent in terms of emissions and materials during construction and subsequent occupation.

## 15.0 Planning Assessment

### Background:

- 15.1 The Variation of Conditions Application seeks permission for amendments to the original planning permission granted at appeal.
- 15.2 Appeal ref: APP/D1265/W/22/3312160 was granted permission by the Planning Inspectorate on 25/08/2023 (following Dorset Council's refusal of application ref: P/FUL/2022/03392). Within the Appeal Decision, the Inspector imposed 9 conditions, including restrictions to permitted development rights.
- 15.3 Subsequent to the grant of the original planning application at appeal, a Non Material Amendment P/NMA/2024/03533 was granted which amended the description of the development to replaced the reference to 'bungalows' with 'properties'.
- 15.4 It is now proposed to vary the scheme approved at appeal to change the design of units 3 and 4. The footprints of the new dwellings are unchanged from those allowed at appeal.
- 15.5 The differences between the proposal granted at Appeal and the Variation of Conditions Application proposal under consideration are:

#### ***Plot 1***

- Internal layout re-arranged.
- Ground floor window repositioned, and 1 additional window added to serve bathroom (north elevation).

#### ***Plot 2***

- Internal layout re-arranged.
- Ground floor window repositioned, and 1 additional window added to serve bathroom (north elevation).

#### ***Plots 3 & 4***

- Internal layout re-arranged.
- 5 no. side ground floor windows (in north elevation) replaced with 1 no. window.
- 5 no. side ground floor windows (in south elevation) replaced with 1 no. window.
- Staircases added to facilitate first floor access.
- 1 no. bedroom & 1 no. shower room added to each dwelling at first floor level.
- Front dormer windows added to serve bedrooms.
- Rear roof lights added to serve shower rooms.
- Roof profile altered (as shown with dotted line on elevations).

- 15.6 Within Appeal Decision APP/D1265/W/22/3312160, the Inspector found that the main issues for the appeal were the effect of the proposal on the character and appearance of the area, and on nationally and internationally protected sites.
- 15.7 As the application under consideration introduces first floor accommodation to the properties at Plots 3 and 4, the impact upon neighbouring amenity has also been assessed by officers within this report.

Principle of Development:

- 15.8 Third party objections received consider that the proposed development would not be a minor amendment. The Parish Council accepts that the original planning permission was granted at appeal, but has concerns that the proposal is an example of 'planning creep' and that it is an example of a developer pushing the planning system to the edge. The Parish Council also consider that some of their objections to the original planning application remain pertinent.
- 15.9 Caselaw has confirmed that proposals do not have to be minor to be considered under a s73 variation of condition application.
- 15.10 Officers note that the previous appeal decision has confirmed that the principle of 4 dwellings on this site is acceptable in accordance with local policy KS2.

Design, Character and Impact upon Neighbouring Amenity

- 15.11 The Parish Council considers that the scheme would result in overdevelopment (in particular the increase to the roofs of plots 3 & 4) that would have a negative impact upon the character of the area contrary to local policy HE2 & NPPF policies.
- 15.11 Third party objections (3 no.) have also been received for the application, raising concerns that the proposed amendments represent overdevelopment, out of character with the single storey development in the area. Concerns have also been raised over the increase in density, that Plots 3 & 4 would result in overlooking & privacy harm to the occupants of nearby properties.
- 15.12 Within allowed appeal APP/D1265/W/22/3312160 (LPA ref: P/FUL/2022/03392), the Planning Inspector concluded that the proposed development of 2 detached dwellings (Plots 1 & 2) and 2 semi-detached bungalows (Plots 3 & 4) would not harm the character and appearance of the area, and that the scheme accords with local policies LN2, HE2 and also paragraph 130 of the NPPF.
- 15.13 The proposal under consideration would not increase density of development but does introduce habitable first floor accommodation to the semi-detached dwellinghouses at Plots 3 & 4. The first floor is achieved by the addition of modest dormer windows to the front elevations, and rear first floor roof lights at a high level. The changes to the roof form of the semi-detached properties at Plots 3 & 4 are modest; the roof pitch would increase from 30 to approx. 40 degrees but the existing ridge height would be retained by incorporating a flat roof element. The two properties would continue to have the appearance of single storey dwellings, albeit with accommodation in the roof. The proposal will not alter separation distances with neighbouring dwellings and the modest visual impact of the roof volume would

not harm the character of the area and would have a limited additional impact upon the street scene from that of the allowed appeal.

- 15.14 To ensure that any harm to neighbouring amenity to the occupants of adjacent properties (to the rear of the Plots 3 and 4) is appropriately mitigated, it is necessary and reasonable to impose an additional condition to ensure that the rear roof light windows are high level, with any opening parts at a minimum sill level of 1.7m above the finished floor level of the room served.
- 15.15 The external changes to the detached dwellinghouses at Plots 1 and 2 are modest and would have a de minimis impact upon the character of the area, given that the changes are minor alterations to windows in the side elevations at ground floor level.
- 15.16 Overall, the proposed scheme is considered to be acceptable. It accords with local policy HE2 and accords with national planning policies within section 12 of the NPPF, subject to conditions including plans, landscaping, hard surfacing access (from highway), window restrictions and permitted development rights restrictions.

Highway impacts, safety, access and parking

- 15.17 The Parish Council has objected to the application raising concerns that the scheme has inaccessible parking, is too narrow with no space to open a car door (unless alongside the parking area), and that there is no visitor parking provided.
- 15.18 Third party objections have raised concerns that the proposed new dwellings would result in an increase to traffic on the road, that vehicle use of the access will quadruple, that visitors would need to park on the road which would block the cycle lane, and that as there is a junction opposite the proposed development so the development would create safety issues.
- 15.19 However, the Council's Highways Officer was consulted on the application and provided the following consultation response:
- 'As the layout is the same as the approved application, P/FUL/2022/03392, the Highway Authority has NO OBJECTION to the proposed variation of Condition 2.'*
- 15.20 Within the appeal decision, the Inspector found that the car parking provision on site was suitable for the proposed development, finding that the appeal proposal was acceptable subject to conditions.
- 15.21 The proposed parking arrangement and access is unchanged from the approved appeal scheme. The proposal will result in two 4 bedroom dwellings at plots 3 and 4 rather than the previously approved 3 bedroom properties, but the Dorset Residential Parking Standards recommend that such developments should each have 2 no. parking spaces (which includes 1 no. visitor parking space), so it would not be reasonable to refuse permission on the grounds of parking.
- 15.22 Therefore, subject to the imposition of conditions including a condition for turning and parking space, the proposed development under consideration accords with local policies KS11 and KS12 and is acceptable.

Effect upon Nationally and Internationally Protected Sites

15.23 The application site falls within 5km of Dorset Heathlands. Within the appeal decision at paragraph 17, the Planning Inspector concluded the following:

*'In conclusion, I am satisfied that with the proposed avoidance and mitigation measures in place, secured through the CIL receipts, the development would not have an adverse effect on nationally and internationally protected sites. The development would therefore comply with the Conservation of Habitats and Species Regulations 2017. It would also accord with LP Policy ME2 and the SPD which, amongst other things, seek to ensure that development between 400m and 5km of protected European and internationally protected heathlands provide mitigation and avoid harm arising on the Dorset Heaths international designations.'*

15.24 An Appropriate Assessment has been carried out by the Local Planning Authority for the application under consideration, which has been reviewed by Natural England.

15.25 Whilst Natural England did not respond to the Variations of Conditions Application under consideration, previously Natural England has raised no objection to the proposal subject to mitigation being secured.

15.26 Therefore, subject to mitigation, the proposed changes to the scheme (within the application under consideration) are considered to be modest and result in an overall conclusion that matches the conclusion of the Inspector, with regards to mitigation.

15.27 A Community Infrastructure Levy (CIL) informative note has been added.

Biodiversity

15.28 It is considered necessary and reasonable for a condition to be imposed that secures biodiversity mitigation.

15.29 Subject to a biodiversity condition, there is no anticipated harm to biodiversity from the proposal, so the application accords with local policy ME1 and with the Dorset Biodiversity Appraisal Protocol.

Flood Risk

15.30 The Parish Council has objected to the application, raising concerns over risks of surface water flooding within The Glade and Woolsbridge Road near to the application site (with reference to other nearby developments in the area). The Parish Council is of the view that soakaways are not sufficient to manage the volume of additional surface water. The Parish Council has requested that conditions are imposed that ensure that the developer takes surface water flooding more seriously, and that the necessary flood water infrastructure is constructed, to manage any additional surface water run-off.

15.31 No concerns were raised by the Planning Inspector during Appeal Decision ref: APP/D1265/W/22/3312160 in relation to flood risk. Within paragraph 18 of the Appeal Decision, the Inspector stated that the following:

*“18. I have had regard to the comments from the Parish Council and third party. However, I have found above that the proposal would not harm the character and appearance of the area, and I have limited technical evidence of inadequate access for emergency vehicles or risk of flooding to substantiate these concerns. There would be no detrimental harm to the living conditions for future occupiers given the distances between dwellings and suitable levels of car parking provision are proposed on site. It is noteworthy that the Council has raised no concerns with regard to car parking, flood risk or living conditions including access for emergency vehicles.”*

15.32 Since the original application P/FUL/2022/03392 was granted at appeal, the Council has published its Strategic Flood Risk Assessment which is now a material planning consideration. This identifies that the site lies in an area which is likely to be susceptible to ground water flooding and there is a risk of surface water flooding in a 1 in 1000 year event identified for the dwelling (at 20 The Glade) to the rear of the site.

15.33 Notwithstanding the fall-back position available to the applicants provided by the extant approval, it is judged necessary and reasonable to impose a condition to secure details of surface water drainage management (to be submitted for consideration prior to works above damp proof course level), to ensure that any run-off can be appropriately dealt with to avoid increasing flood risk in the locality in accordance with local policy ME6.

### Other Matters

#### *Application site history:*

15.34 A third party representation of objection has raised concerns that the application is the latest in series of applications to develop the site and is by the same applicant and/or developer who does not live in the area.

15.35 The application under consideration has been assessed on its own merits; the applicant's relationship with the area is not a planning consideration.

#### *Building Regulations:*

15.36 The Council's Building Control team have provided the following comments:

*‘Consideration must be given to Access for the fire Authority refer to Approved Document B Vol1 B5.’*

15.37 However, such matters would be secured via the Building Regulations, and would be dealt with separately to the planning application process. At appeal the Inspector was satisfied that the arrangement was in accordance with the Development Plan.

## 16.0 Conclusion

The principle of the development of the site with four dwellings has already been established. The proposed amended scheme is judged, given the modest changes to the volume of the dwellings and the acceptable separation distances to neighbouring properties, to accord with the Development Plan as a whole and also with national planning policies. In addition to a revised plans condition, it is considered necessary to impose the other conditions imposed by the Inspector within the appeal decision, along with additional conditions relating to the first floor rear roof light windows at Plots 3 and 4 and to secure surface water management details.

## 17.0 Recommendation

### **Grant, subject to the following conditions:**

1. The development hereby permitted shall be begun before the 25 August 2026.

Reason: This condition is required by Section 73 of the Town and Country Planning Act 1990 because the time limit for implementation cannot be changed.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: PA03 01 Location/Block/Site Plan; PA03 03 revision A Plans and Elevations Plot 1; PA03 04 revision A Plans and Elevations Plot 2; and PA03 05 revision A Plans and Elevations Plots 3 and 4.

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

3. Prior to development above damp-proof course level, a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, together with a timetable for implementation of the scheme and details of future surface water management shall be submitted to and approved in writing by the Local Planning Authority. The surface water scheme shall be implemented and managed in accordance with the approved details including the timetable for implementation for the lifetime of the development.

Reason: To prevent the increased risk of flooding.

4. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 14 July 2022 must be implemented in accordance with any specified timetable and completed in full prior to the first occupation of any dwelling. The bat boxes/bricks, swift boxes, hedgehog gaps, and bee bricks shall be retained thereafter.



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

5. No development above damp-proof course shall take place until full details of both hard and soft landscape works (including details of native hedgerow and trees) have been submitted to and approved in writing by the local planning authority. These details shall include hard surfacing materials; means of enclosure; details of boundary planting, and schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate). All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any dwelling. Any planting found damaged, dead or dying in the first five years following their planting are to be duly replaced in the next planting season (November - March).

Reason: To ensure satisfactory landscaping of the site and to enhance the visual amenity and character of the area.

6. Prior to development above damp-proof course, details (including colour photographs) of all external facing materials for the walls and roofs 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.

7. Before the development is occupied or utilised the first 5 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

8. Before the development hereby approved is first occupied the turning and parking shown on Drawing number PA03 01 (Location/Block/Site Plan) must have been constructed. 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. 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 roof enlargements permitted by Class B of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no additional window(s) or other opening(s) permitted by Class A of Schedule 2 Part 1 of the 2015 Order shall be constructed in the west (rear) elevation of the building(s) at plots 3 and 4 hereby approved.

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

11. Prior to first occupation of the approved dwellings at Plots 3 and 4, the roof light windows within the rear west elevations serving the first floor shower rooms shall be obscure glazed to a minimum industry standard privacy level 5 or equivalent and fixed closed up to a height of 1.7 metres above the floor level of the rooms served with any opening parts more than 1.7 metres above the floor of the room in which the windows are installed; and these windows shall be retained as such thereafter.

Reason: To safeguard the amenity and privacy 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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

-The application was acceptable as submitted and no further assistance was required.

2. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission.

6 November 2024

3. 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.
4. 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.
5. 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.

- The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates\* was granted before 12 February 2024;

\* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Read more about Biodiversity Net Gain at

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