

Application Number:	P/FUL/2024/07190
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	10 Manor Road Dorchester DT1 2AU
Proposal:	Erect bungalow with associated access and parking.
Applicant name:	Mr and Mrs Beavis
Case Officer:	Steven Banks
Ward Member(s):	Cllr Jones and Cllr Major

1. Reason Application Reported to Committee:

During the scheme of delegation, which was triggered by Dorchester Town Council submitting a representation that was contrary to the recommendation of officers, the Chair of the Northern Area Planning Committee expressed that they would like the application be considered by a Committee.

2. Summary of recommendation:

GRANT subject to a Section 106 legal agreement restricting the dwelling to self build and the conditions as set out at the end of this report.

3. Key planning issues

Issue	Conclusion
Principle of development	The application site falls within the Defined Development Boundary of Dorchester. The principle of development, by reason of the nature of the proposal and the location of the proposal, is accepted.
Character and appearance	The proposed dwelling, by reason of its design and positioning, would not harm the character of the area.
Living conditions	<p>The use of the proposed access, by vehicles that would be associated with the proposed dwelling, would not harm the residential amenity of the occupiers of existing dwellings, through a harmful increase in light or a harmful increase in noise.</p> <p>There would not be an overshadowing or overbearing effect, from the proposed and existing structures which would harm the amenity of the occupiers of the proposed and existing dwellings, due to the size, mass and positioning of the buildings.</p> <p>Occupiers of the proposed and existing properties would not be subject to an overlooking effect, which would harm their residential amenity, due to the views that would be possible from openings and vantage points.</p>

Issue	Conclusion
Nutrient Neutrality	The purchasing of sufficient nitrogen credits would mitigate the effect that the nitrogen, of the proposed development, would have on the Poole Harbour SPA and Ramsar.
Ecology	Subject to the adherence to the Preliminary Ecological Appraisal the proposal would not harm wildlife.
Biodiversity Net Gain(BNG)	It is submitted in the application form that BNG does not apply to the development because it is a self build development. The agent has confirmed that the applicant is happy to enter into a legal agreement in order to ensure that a self build development would take place.
Trees	The imposition of a landscaping condition, on any permission, would ensure that the character of the area would not be harmed.
Highways	The proposal would not have a severe detrimental effect on road safety and would be served by a sufficient level of parking.

4. Description of site

The application site comprises of land to the front, side and rear of the dwelling, 10 Manor Road in Dorchester. The site, which slopes gently from northwest down to southeast, can be found to the southeast of Manor Road.

5. Description of development

The development, which is the subject of P/FUL/2024/07190 (this application), includes the construction of a dwelling to the rear of 10 Manor Road. The proposal includes a driveway which would enable the dwelling to be accessed from Manor Road. The driveway falls between 10 Manor Road and 12 Manor Road.

6. Background and relevant planning history

On 05/01/2024, the Council refused planning application P/FUL/2023/04329, for the construction of a bungalow to the rear of number 10 Manor Road. An appeal against the decision was dismissed on 28/06/2024. The application was refused for four reasons that are set out below. The Inspector, in dismissing the appeal, considered that, “the proposed development would not provide acceptable living conditions for future occupants with particular reference to outdoor amenity space.” This was the only reason that was upheld. The Inspector did not agree with the other reasons for refusal. The inspector did not agree that the development would lead to overdevelopment of the site. Nor that the dwelling would be incompatible with the character or the area. This is an important material consideration

The Council refused the previous planning application for the following four reasons:

1. The proposed dwelling, by reason of its location, to the rear of a dwelling on Manor Road, and the way that it would be accessed, from Manor Road, would introduce a type of back land development which would be at odds with and cause severe harm to the character of the area. The proposed development would not meet the requirements of policy ENV10 and policy ENV12 of the West Dorset, Weymouth & Portland Local Plan 2015 and part 12 of the National Planning Policy Framework 2023.

2. The proposed usable outdoor amenity space is not of a sufficient size to serve the proposed dwelling. This would harm the residential amenity of any occupants of the proposed dwelling. The proposed development would not meet the requirements of policy ENV16 of the West Dorset, Weymouth & Portland Local Plan 2015 and part 12 of the National Planning Policy Framework 2023.

3. It is proposed that vehicles would access the proposed dwelling via an access which passes in front of and in close proximity to 10 Manor Road. The noise and movement associated with the use of this access would harm the amenity of any occupants of number 10 Manor Road. The proposed development would not meet the requirements of policy ENV16 of the West Dorset, Weymouth & Portland Local Plan 2015 and part 12 of the National Planning Policy Framework 2023.

4. The application site falls within the hydrological catchment area of Poole Harbour, a habitat site which is designated as: A Site of Special Scientific Interest; a Special Protection Area and a Ramsar site. Human sewage which is discharged into Poole Harbour results in nutrient enrichment in Poole Harbour. This contributes to Poole Harbour being in an unfavourable condition. The proposal would result in an increase in residents, within the catchment area. Material confirming that the development, by reason of the increase in residents, and the associated increase in sewage, within the hydrological catchment area of Poole Harbour, would have a neutral effect on the phosphorus levels of the habitat site has not been submitted as part of the application. The proposal, by reason of its nature, would harm the habitat site. The proposed development is not supported by policy ENV2 of the West Dorset, Weymouth & Portland Local Plan 2015 and would not meet the requirement of part 15 of the National Planning Policy Framework 2023.

The Inspector, in their Appeal Decision, considered that, “the proposed development would not provide acceptable living conditions for future occupants with particular reference to outdoor amenity space.” The appeal was dismissed solely due to the harm that the lack of proposed outdoor amenity space would cause to the amenity of future occupants.

7. List of constraints

Dorchester Conservation Area - Distance: 78.1

Poole Harbour Nutrient Catchment Area - Distance: 0

Within the Defined Development Boundary of Dorchester - Distance: 0

Public Right of Way - Footpath S2/44 - Distance: 4.17

Medium pressure gas pipeline - 12.5m or less from Medium Pressure Pipelines (75mbar - 2 bar)
Distance: 1.29

Groundwater – Susceptibility to flooding - Distance: 0

Higher Potential ecological network - Distance: 0

Site of Special Scientific Interest (SSSI) impact risk zone - Distance: 0

8. Consultations

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

Consultees

1. DC - Rights of Way Officer

No comments received.

2. DC - Highways

No objection subject to the imposition of conditions on any permission.

3. DC - Dorset Waste Team

No comments received.

4. DC - Trees (North West Weymouth)

“I have carried out a site visit and have some concerns regarding this development and impact on trees and therefore raise an objection.

1. The access into the property looks like it requires widening to accommodate the new driveway, it is not clear if this requires changes to the drop kerb from the highway verge. There are mature highway-maintained trees that would be affected by access changes. These need to be clearly defined and detailed within the AMS.

2. The main concern relates to the avenue of protected mature beech along Knapwater Walk, these are offsite trees that potentially pose constraints to the development but these trees are not shown within the arboricultural information. These trees potentially have constraints through rooting area, canopy overhang and shading of new dwelling, also these trees will have seasonal impacts on the site through leaf/seed fall and concerns over trees

during high winds that should also be considered. Given the proximity of these trees to the proposed dwelling these issues may be a constant source of contact with the tree owner to undertake works that until now have not been an issue.

If the application is to move forward the position of the dwelling needs to be considered and all trees that have an influence on the site detailed within all

arboricultural information.”

5. Dorchester Town Council

Objection.

“The Committee determined that the proposed creation of an access drive along the boundary of the property would likely result in undue nuisance to adjacent neighbours. Furthermore, the construction of a bungalow within the back garden was deemed to constitute over-development, contrary to the established character of the neighbourhood, contravening ENV12 of the adopted

local plan. The Committee also expressed concerns regarding the shared use of a single driveway and access point onto Manor Road by the two properties. Overall, the Committee concluded that the proposal represents an over development inconsistent with the character of the residential area.”

6. DC - Building Control North Team

No comments received.

7. Dorset Wildlife Trust

No comments received.

8. Ramblers Association

No comments received.

9. Wessex Water

No comments received.

10. SGN (Southern Gas Networks)

No comments received.

11. Natural England

The application intends to mitigate for the additional nitrogen load generated by the proposal by the purchase of credits from the approved scheme at Lyscombe Farm. We note that it is the intention of your Authority to use a Grampian styled planning condition to ensure sufficient credits are secured prior to commencement. I can confirm, provided your Authority is satisfied that sufficient credits are available then, Natural England has no objection to this approach.

Any permission should also ensure the house meets the 110 l per person water use requirement which is set out in the nutrient calculator for Poole Harbour.

Natural England advises that, on the basis that mitigation measures required for other adverse effects on habitats/international sites are secured prior to the commencement of the development, the authority can conclude that Natural England has no further concerns about the conclusion reached in this Appropriate Assessment.

12. Dorset Fire & Rescue Service

No comments received.

13. Dorchester East Ward Members

No comments received.

15. DC - Natural Environment Team

“The application is within the scope of the Dorset Biodiversity Appraisal Protocol (DBAP) criteria which includes proposals which will have an impact on an area greater than 0.1ha, development on sites where there are known protected species or important habitats/habitat features and development which is likely to have an impact on biodiversity. The Natural Environment Team (NET) notes the submission of an EclA in support of the application, however this has not been submitted to NET for review under the DBAP and as such has not yet been approved. We recommend that this information is submitted to NET directly for review, with the appropriate

fee, to ensure compliance with wildlife legislation, NPPF (2023) and that biodiversity mitigation and enhancements are secured.

However in this instance NET are reviewing the ecological information outside of the DBAP process.

In principle NET have no objection to this application however we expect to see data searches from Dorset Environmental Records Centre within the reports.

We also expect to see confirmation of how much of each habitat (garden / grassland and hedgerow) will be removed as well as confirmation how the loss of these habitats and the two trees, will be compensated within the ecological report.

As suitable nesting bird habitat has been identified in trees and hedges we expect to see during and post construction mitigation / protection measures in an updated report.

We will look at an updated report.”

Since the submission of the above comments, a document, certifying that a Preliminary Ecological Appraisal submitted by the applicant has been approved by the Dorset Natural Environment Team, has been received.

16. DC - Env. Services – Protection

“No comments with respect to this application.”

Representations received **Dorchester Civic Society**

The proposal would harm the street scene and there is no commitment to install solar panels or a heat pump.

Total - objections	Total - No objections	Total - comments
11		

Summary of comments of objections:

The authors of the statements of objection, to the proposed development, expressed concerns that the proposed development would:

Harm the residential amenity of any occupants of the proposed dwelling due to a lack of amenity space.

Harm the amenity of any occupants of the proposed dwelling due to a lack of light which would result in an oppressive effect.

Reduce the amount of light reaching the vegetable beds of number 8 Manor Road.

Result in the overdevelopment of the site.

By reason of its positioning, massing, design, and footprint, harm the character of the area.

By reason of the positioning of the proposed access, harm the character of the area.

Not provide storage space for garden equipment or bicycles.

Result in traffic movements which would result in pollution, light and noise that would harm the amenity of the occupiers of nearby properties.

Result in increased parking on Manor Road.

Prevent the development of a road along the route of the footpath which can be found to the rear of the application site.

Set a harmful precedent.

Harm trees.

Harm biodiversity.

Reference was also made to:

A legal covenant which limits development on the land concerned.

The possibility that emergency vehicles might not be able to access the proposed dwelling.

A failure to accurately complete the biodiversity checklist.

No evidence of Biodiversity Net Gain.

A lack of evidence concerning the management of services.

A lack space for the parking of two cars associated with number 10.

The proposed access presenting a risk to those existing number 10.

9. 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.

10. Relevant policies

Development plan

Adopted West Dorset, Weymouth & Portland Local Plan (Local Plan):

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

- INT1 - Presumption in favour of Sustainable Development
- ENV2 - Wildlife and habitats
- ENV5 - Flood risk
- ENV10 - The landscape and townscape setting
- ENV 12 - The design and positioning of buildings
- ENV13 - 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 Service Infrastructure

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 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 plan should be accorded very limited weight in decision making.

National Planning Policy Framework 2024 (as amended 2025) (NPPF)

Paragraph 11 sets out the presumption in favour of sustainable development. 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 specific NPPF policies protecting areas or assets provide a strong reason for refusal and/or any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, with particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes.

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 39 - 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' This 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 places' This 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'- Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Other material considerations

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

Housing land supply

On the 26th September 2024, The Planning Inspectorate issued the Inspector's report confirming the Council's Annual Position Statement (APS). The APS confirms that the whole of the Dorset Council area can demonstrate a 5-year supply of housing of 5.02 years, and that this figure is fixed until 31 October 2025 in accordance with paragraph 233 of the NPPF. An updated APS that reflects the Inspector's findings is available on the Council's website.

Housing Delivery Test (HDT)

The latest HDT results (2023 measurement) show that enough homes have been delivered within the local plan area to demonstrate 106% of the target.

11. 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.

12. 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.

Given the type of application and the nature of the proposal it is considered that the proposal would not have implications for those with a protected characteristic.

13. Planning Assessment

Principle of development

Policy SUS2 of the local plan sets out the spatial strategy for the location of new development for the period to 2031. Based on sustainable development principles, it seeks to direct development towards the most sustainable locations.

It is identified, in policy SUS2, amongst other things, that: the main towns of Dorchester and Weymouth will be the highest priority location for new development; elsewhere in the plan area, the market towns of Beaminster, Bridport, Lyme Regis, Portland, Sherborne and Crossways will be a focus for future development; development in rural areas will be directed to the settlements with defined development boundaries, and will take place at an appropriate scale to the size of the settlement; and that settlements with no defined development boundary may also have some growth to meet their local needs.

The application site falls within the Defined Development Boundary of Dorchester. The principle of development, by reason of the nature of the proposal and the location of the proposal, is accepted. The proposal complies with policy SUS2 of the Local Plan.

Character and appearance

Refusal reason one of P/FUL/2023/04329 (the previous decision) reads as follows: The proposed dwelling, by reason of its location, to the rear of a dwelling on Manor Road, and the way that it would be accessed, from Manor Road, would introduce a type of back land development which would be at odds with and cause severe harm to the character of the area. The proposed development would not meet the requirements of policy ENV10 and policy ENV12 of the West Dorset, Weymouth & Portland Local Plan 2015 and part 12 of the National Planning Policy Framework 2023.

The Inspector, in the appeal decision, under the heading of Character and appearance, expressed that: "...there are examples of infill and back land development within the locality including some properties in Barnes Way and Herringston Road."; "The proposed dwelling would be largely screened by existing buildings when viewed from the Manor Road street scene with occasional glimpses between the buildings."; and "the proposed development responds to the sense of place and character of Barnes Way."

The inspector, in the appeal decision concluded that, "the proposed development would preserve the prevailing pattern of development along the frontage of Manor Road and Barnes Way, relating positively to adjoining buildings. The appeal scheme would therefore have an acceptable effect on the character and appearance of the area..."

It is proposed under P/FUL/2024/07190 (this application) to construct a single storey dwelling which is of a contemporary design and behind number 10. The inspector, in the appeal decision, expressed that, "The proposed single storey dwelling would have a generous footprint, be of contemporary design and sited behind No 10. While this would be a departure from the prevailing character of this part of Manor Road, well designed places do not necessarily need to copy their surroundings. The proposed dwelling would be largely screened by existing buildings when viewed from the Manor Road street scene with occasional glimpses between the buildings." The design and positioning of the dwelling that is proposed under this application is similar to the design and positioning of the dwelling of the previous proposal. Both dwellings are of a contemporary design, positioned to the rear of the site, single storey, include standing seam mono pitched roofs, have three bedrooms, include brick and clad walls and incorporate fenestration which is irregular in positioning and shape. One part of the dwelling of the previous application was stepped back from the southeast boundary. Two parts of the dwelling of this application are stepped back from the southeast boundary. The dwelling of the previous application included a garage and a link, which included a WC, to the garage. The current

application does not include a garage and an associated link. It does include two external parking spaces. The previous proposal also included two external parking spaces. The footprint of the previous proposal measured approximately 221 square metres. The footprint of the current proposal measures approximately 184 square metres. In light of the similarities and the decision of the Inspector, it is accepted the proposal would not harm the character of the area.

The application site is of size which can, comfortably, accommodate the proposed dwelling.

The proposal would comply with policies ENV10 and ENV12 of the Local Plan and Part 12 of the NPPF which seek, among other things, a good quality of design which respects the local context.

Living conditions

Refusal reason two of the previous decision reads as follows: The proposed usable outdoor amenity space is not of a sufficient size to serve the proposed dwelling. This would harm the residential amenity of any occupants of the proposed dwelling. The proposed development would not meet the requirements of policy ENV16 of the West Dorset, Weymouth & Portland Local Plan 2015 and part 12 of the National Planning Policy Framework 2023.

The inspector identified four zones of outdoor amenity space of the previous scheme. The inspector concluded that, "... these zones would not be coherently linked to each other and would in practice serve as individually discrete spaces limiting their collective use. Each zone would also be constrained by either being narrow in width or limited in size. This layout would unacceptably constrain space to enjoy important outdoor activities such as children's play, private entertaining or sitting out. The limited nature of these proposed private spaces would therefore not meet the reasonable needs of future occupiers.

As a result, the proposed development would not provide acceptable living conditions for future occupants with particular reference to outdoor amenity space."

The footprint of the dwelling of this application is different to the footprint of the dwelling of the previous application. The footprint of the previous application included a protrusion which comprised of a garage and a link to the garage. This element of the previous scheme has been omitted from the current proposal. The current proposal includes two main areas of outdoor amenity space, one to the northwest of the dwelling and one to the southwest of the dwelling. The area to the northwest of the dwelling, inclusive of landscaping, measures approximately 141 square metres and the area to the southwest of the dwelling, inclusive of landscaping, measures approximately 89 square metres. It should be noted that a small area of outdoor space which measures approximately 35 square metres, inclusive of landscaping, can be found to the northwest of the dwelling. It should be further noted that an area of outdoor space, inclusive of landscaping, which measures approximately 13 square metres, can be found to the northeast of the dwelling. It should be, furthermore, noted that an area of outdoor space which, inclusive of landscaping, measures approximately 40 square metres, can be found to the southeast of the proposed dwelling. The revised footprint, of the current proposal, allows for two main areas of outdoor amenity space which are of a size that would allow future occupiers to enjoy important outdoor activities

Officers consider that the proposed layout has overcome the Inspector's sole reason for dismissing the appeal.

Refusal reason three of the previous decision reads as follows: It is proposed that vehicles would access the proposed dwelling via an access which passes in front of and in close proximity to 10 Manor Road. The noise and movement associated with the use of this access would harm the amenity of any occupants of number 10 Manor Road. The proposed development would not meet the requirements of policy ENV16 of the West Dorset, Weymouth & Portland Local Plan 2015 and part 12 of the National Planning Policy Framework 2023.

The inspector, in the appeal decision, expressed that, "There is no documented reason before me to suggest proposed vehicle movements to and from the appeal site would not be commensurate with the normal occupation of a 3-bedroom dwelling. While there would be some noticeable light and sound from vehicles passing Nos 10 and 12, given the limited likely frequency of these movements, it has not been robustly shown that unacceptable harm to the living conditions of the existing occupiers of these dwellings would occur.

The Inspector also expressed that, "Third parties have raised concern about air quality, however, it has not been clearly demonstrated how the proposed development would adversely impact upon air quality. The Council did not object on these grounds and there is no substantive evidence before me to disagree with the Council's findings in this respect."

The access of the current proposal follows a similar route to the access of the previous proposal and would have the same impact in terms of the normal occupation of a 3 bedroom dwelling. There is no new evidence to suggest that the impact would be unacceptable and in light of the comments of the Inspector, it is accepted that the use of the proposed access, by vehicles that would be associated with the proposed dwelling, would not harm the residential amenity of the occupiers of existing dwellings, through a harmful increase in light or a harmful increase in noise.

There would not be an overshadowing or overbearing effect, from the proposed and existing structures which would harm the amenity of the occupiers of the proposed and existing dwellings, due to the size, mass and positioning of the buildings. It is further considered that there would not be an overshadowing or overbearing effect, from existing trees, which would harm the amenity of the occupiers of the proposed dwelling, due to their size and positioning.

Occupiers of the proposed and existing properties would not be subject to an overlooking effect, which would harm their residential amenity, due to the views that would be possible from openings and vantage points.

The proposed development would meet the requirements of policy ENV16 of the Local Plan and part 12 of the National Planning Policy Framework 2023 which, amongst other things, seek to ensure that acceptable living conditions would be experienced by both existing and future residents.

It is however necessary to remove permitted development rights for outbuildings and extensions to ensure that sufficient amenity space is available for the proposed occupier of the dwelling.

Nutrient Neutrality

Refusal reason four of the previous decision reads as follows: The application site falls within the hydrological catchment area of Poole Harbour, a habitat site which is designated as: A Site of Special Scientific Interest; a Special Protection Area and a Ramsar site. Human sewage which is discharged into Poole Harbour results in nutrient enrichment in Poole Harbour. This contributes to Poole Harbour being in an unfavourable condition. The proposal would result in an increase in residents, within the catchment area. Material confirming that the development,

by reason of the increase in residents, and the associated increase in sewage, within the hydrological catchment area of Poole Harbour, would have a neutral effect on the phosphorus levels of the habitat site has not been submitted as part of the application. The proposal, by reason of its nature, would harm the habitat site. The proposed development is not supported by policy ENV2 of the West Dorset, Weymouth & Portland Local Plan 2015 and would not meet the requirement of part 15 of the National Planning Policy Framework 2023.

The inspector, in the appeal decision expressed that, "The evidence submitted suggests that a suitable mitigation strategy may come forward in the future..."

A Nutrient Neutrality Statement has been submitted as part of this application. In this statement, it is proposed that nitrogen credits would be purchased, in order to mitigate the impact that the development would have on the Poole Harbour habitat site. It was concluded in the Appropriate Assessment, of the Council, that, the proposed development would contribute to additional nitrogen entering Poole Harbour and would cause a likely significant effect on the Poole Harbour SPA and Ramsar. It was further submitted that the purchasing of sufficient credits would mitigate the effect that the nitrogen would have on the Poole Harbour SPA and Ramsar. In order to ensure that the mitigation takes place and is successful, conditions relating to credits and water usage should be imposed on any permission.

Natural England confirmed that, subject to the imposition of conditions, relating to credits and water usage, on any permission, the authority can conclude that Natural England has no further concerns about the conclusion of the Appropriate Assessment.

It is therefore concluded that the proposal, subject to the imposition of the recommended conditions, would not harm the integrity of the Poole Harbour habitat site. The proposal complies with policy ENV2 and part 15 of the NPPF which aim to protect habitat sites.

Ecology

A document, certifying that a Preliminary Ecological Appraisal submitted by the applicant has been approved by the Dorset Natural Environment Team, has been received. It is therefore concluded, subject to the adherence to the Preliminary Ecological Appraisal, which should be ensured through the imposition of a relevant condition on any planning permission, the proposal would accord with policy ENV2 which seeks, among other things, to ensure that biodiversity is conserved or enhanced.

Biodiversity Net Gain(BNG)

Biodiversity Net Gain is an approach to development that makes sure that habitats for wildlife are left in a measurably better state than they were before development. BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers, unless the development is exempt, must deliver a BNG of 10%.

It is submitted in the application form that BNG does not apply to the development because it is a self build development.

The agent has confirmed that the applicant is happy to enter into a legal agreement in order to ensure that a self build development would take place.

Trees

In the officer's report that concerned the previous application, the officer submitted that, "the application site does not fall within a conservation area and does not include trees which are subject to a tree preservation order. Material which satisfactorily addresses the treatment of trees has been submitted as part of this application. The trees of which it is proposed to remove are of a low quality. Their removal would, therefore, not cause material harm to the character of the area."

The Inspector, in the appeal decision, stated that, "There is mature vegetation and trees present within and around the site and these contribute to the verdant character and appearance of the area. The proposed drawings show the retention of most trees with only lower quality trees removed. If this appeal was acceptable in all other regards, a landscaping condition could be imposed to further soften any effects of the proposed dwelling."

In light of the comments of the Inspector and the comments of the officer it is considered that the imposition of a landscaping condition, on any permission, would ensure that the character of the area would not be harmed. The proposal would comply with policy ENV10 which requires development to provide for the future retention and protection of trees that contribute to an area's distinctive character.

Highways

It is identified in part (iv) of Policy COM7 that, development will not be permitted unless it can be demonstrated that it would not have a severe detrimental effect on road safety, or measures can be introduced to reasonably mitigate potentially dangerous conditions. Policy COM9, among other things, requires there to be a sufficient level of parking to serve developments.

Subject to the imposition of conditions, relating to: visibility splays; and the construction of the access, manoeuvring areas and parking areas, on any permission, the Highway Authority did not object to the proposal on the grounds that it would have a severe detrimental effect on road safety.

It should be noted that the visibility splay which is shown on drawing ITB19370-GA-001 includes two trees. It should also be noted that the visibility splay which is shown on drawing PL-1616-200 E includes one of the two trees which fall within the visibility splay of drawing ITB19370-GA-001. It is not proposed to remove these trees. Street trees are a notable characteristic feature of the area. The two trees make a significant contribution to the character of the area. In the interest of highways safety, as recommended by the Highways Engineer, a condition, relating to the provision of a visibility splay, should be imposed on any permission.

The proposal includes two parking spaces. The Highway Authority did not object to the application on the grounds that there would be an insufficient level of parking serving the development.

In the interest of highway safety, it is recommended that the conditions, which have been recommended by the Highways Engineer, should be imposed on any permission.

It is therefore concluded that the proposal: subject to the imposition of the recommended conditions, would not have a severe detrimental effect on road safety and therefore complies with Policy COM7; would accord with policy COM9 which requires there to be a sufficient level of parking to serve developments; and that the development should not be prevented on highways grounds.

Other Matters Raised by Third Parties

In the comments of third parties reference was made to a legal covenant which limits development on the land concerned. This is a civil matter which falls outside of the remit of planning legislation.

A concern was also expressed that the proposal would prevent the development of a road along the route of the footpath which can be found to the rear of the application site. A policy which aims to prevent development, in the proposed location, in order to allow for the construction of a road, does not form part of the local plan.

Reference was made to a lack of evidence concerning the management of services. Compliance with building regulations and the involvement of any service provider would ensure that the development meets required standards.

Reference was also made to a lack of storage space for garden equipment and bicycles. There is sufficient space within the application site for the siting of a storage structure.

Benefits

The proposals would provide a number of financial and non-financial benefits, including public benefits. These are summarised in the table below:

What	Amount / value
Material Considerations	
Employment created during the phases of the development.	The proposal would require a modest amount of labour from the construction industry during the phases of development. Wages would be paid to those employed. The spending of wages, earned during the phases of development, by those employed, would benefit the economy.
The purchasing of materials and products for the development	The purchasing of materials and products, for the development, would benefit the economy.
Expenditure by residents of the proposed dwelling	The proposed dwelling would house a small number of people who would, in turn, make a small contribution, through expenditure, to the viability of local retailers and service providers.
Residents might join the local labour force	The dwellings might house a small number of workers who might join the local labour force and make a slight contribution to the economic competitiveness of the area.
Non Material Considerations	
CIL Contributions	As per the required payment.
Council Tax payments	As per the required payment.

Environmental implications

The construction of the dwellings would have a carbon footprint. The production of materials and the transportation of materials would contribute to this footprint.

The occupation of the dwellings would create a carbon footprint. Energy from non-renewable sources would be consumed. It is inevitable that journeys to and from the site would be made by vehicles. Vehicles which use internal combustion engines and battery electric vehicles have carbon footprints.

Sustainability measures could be incorporated into the development.

There would be a requirement for the buildings to meet the requirements of building regulations, which among other things, require energy efficiency standards to be met.

14. Summary of issues and the planning balance

The Inspector, in the previous Appeal Decision considered that, “the proposed development would not provide acceptable living conditions for future occupants with particular reference to outdoor amenity space.” The appeal was dismissed due to the harm that the proposed outdoor amenity space would cause to the amenity of future occupants. The revised footprint, of the current proposal, allows for an area of outdoor amenity space which is of a size that would allow future occupiers to enjoy important outdoor activities. Subject to the removal of permitted development rights for outbuildings and extensions, the concern has been overcome.

In light of the content of the Appeal Decision, it is accepted that: the proposed dwelling, by reason of its design and positioning, would not harm the character of the area; the use of the proposed access, by vehicles that would be associated with the proposed dwelling, would not harm the residential amenity of the occupiers of existing dwellings, through a harmful increase in light or a harmful increase in noise; there would not be an overshadowing or overbearing effect, from the proposed and existing structures which would harm the amenity of the occupiers of the proposed and existing dwellings, due to the size, mass and positioning of the buildings; occupiers of the proposed and existing properties would not be subject to an overlooking effect, which would harm their residential amenity, due to the views that would be possible from openings and vantage points.

The purchasing of sufficient nitrogen credits would mitigate the effect that the nitrogen, of the proposed development, would have on the Poole Harbour SPA and Ramsar.

The proposal would not have a severe detrimental effect on road safety and would be served by a sufficient level of parking.

The proposal would comply with the development plan taken as a whole and there are no material planning considerations which suggest that planning permission should not be granted. In the absence of any material consideration which weighs against the proposal, it is recommended that planning permission should be granted.

15. Recommendation

GRANT subject to a S106, restricting the dwelling to self build, and 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:

S-1616-01 B – Received 06/12/2024

PL-1616-200 E – Received 06/12/2024

PL-1616-201 F – Received 06/12/2024

PL-1616-202 C – Received 06/12/2024

PL-1616-203 B – Received 06/12/2024

PL-1616-205 A – Received 06/12/2024

ITB19370-GA-002 – Received 17/12/2024

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

3.The detailed biodiversity measures set out within the approved Preliminary Ecological Appraisal, certified by the Dorset Council Natural Environment Team on 13/02/2025, 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 biodiversity measures detailed in the approved Preliminary Ecological Appraisal have been completed in full, in accordance with any specified timetable.

ii) evidence of compliance has been supplied to the Local Planning Authority.

The development shall subsequently be implemented entirely in accordance with the approved Preliminary Ecological Appraisal and thereafter the approved 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.

4.Before the development hereby approved is first occupied the first 5.00 metres of the vehicular access, measured from the nearside edge of the carriageway, including the visibility splays, shall have been laid out, constructed, and surfaced, to a specification which shall have been submitted to, and agreed in writing by, the Local Planning Authority.

Reason: In the interest of highway safety.

5.Prior to the commencement of any development, hereby approved, precise details of the visibility splay shall have been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the development all land within the area of the visibility splays, apart from the two trees identified on drawing ITB19370-GA- to be retained, must have been cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. Thereafter, the visibility splay area must be maintained and kept free from obstruction in perpetuity.

Reason: In the interest of highway safety.

6.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.

7. Prior to the commencement of any development hereby approved, above damp course level, details of all proposed means of enclosure, boundary walls and fences to the site, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be implemented in full accordance with the approved details.

Reason: In the interests of the amenities of the area

8. Prior to development above damp proof course level, details and samples of all external facing materials for the walls and roofs shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

9. Prior to the commencement of any development hereby approved, above damp course level, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

Reason: In the interest of visual amenity.

10. No development shall commence until the necessary nutrient mitigation credits to mitigate the impacts of the development on the Poole Harbour Special Protection Area (SPA) and Ramsar have been secured from an accredited nutrient provider and a copy of the Nutrient Credit Certificate demonstrating that purchase, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that sufficient mitigation is provided against any impact which may arise from the development on the Poole Harbour SPA and Ramsar.

11. Details of measures to limit the potential consumption of wholesome water use by persons occupying the new dwelling to 110 litres per person per day as measured in accordance with regulation 36 of the Approved Document for Part G2 of the Building Regulations 2010 (or any equivalent regulation revoking and/or re-enacting that Statutory Instrument) shall be submitted to and approved by the Local Planning Authority before the dwelling is occupied. The submitted details shall include a water consumption calculation for the dwelling in accordance with the Approved Documents referred to above. The approved measures shall be implemented and maintained in accordance with the approved details thereafter.

Reason: To secure nutrient neutrality through effective mitigation in the interests of protected Habitat Sites

12. Plans and particulars showing the finished floor levels, related to ordnance datum or fixed point within the site, of the ground floor of the proposed building, (and as appropriate the closest adjacent building beyond the site) shall be submitted to, and approved in writing by

the Local Planning Authority and development shall not be commenced until these details have been approved, unless otherwise agreed in writing. All works shall be undertaken strictly in accordance with the details as approved.

Reason: In the interest of the character of the area.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargements of the dwellinghouse hereby approved, permitted by Class A of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: In the interest of residential amenity.

14. 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 garages, sheds or other outbuildings permitted by Class E of Schedule 2 Part 1 of the 2015 Order shall be erected or constructed.

Reason: In the interest of residential amenity.