

Application Number:	P/FUL/2024/01770
Webpage:	Planning application: P/FUL/2024/01770 - dorsetforyou.com
Site address:	15 Churchill Close Sturminster Marshall BH21 4BQ
Proposal:	Demolish the garage, sever land and erect a 2 bedroom bungalow with shared vehicular access and parking
Applicant name:	Mr R & Mrs H Ferrett
Case Officer:	Claire Hicks
Ward Member(s):	Cllr Chakawhata

1. Reason application is going to committee:

At the request of the Committee Chair in the light of objections from the parish council.

2. Summary of recommendation:

GRANT subject to conditions as set out at the end of this report.

3. Key planning issues

Issue	Conclusion
Principle of development	Acceptable: Within settlement
Scale, design, impact on character and appearance	Acceptable: no harm to characteristic terrace layout
Impact on the living conditions of the occupants and neighbouring properties	Acceptable: no significant harm to neighbouring amenity and appropriate amenity secured for future occupants.
Impact on trees	Acceptable: sufficient distance from neighbouring trees
Impact on highway safety	Acceptable subject to conditions
Flood risk and drainage	Acceptable subject to conditions
Environmental Implications	Acceptable

4. Description of site

The site comprises 0.05ha of level land east of the highway which is currently in residential use. No. 15 Churchill Close forms part of a terrace of two storey dwellings dating from the 1950s that runs along the eastern side of the Churchill Close playing fields in Sturminster Marshall. No. 15 is linked to no. 14 to the north by a single storey side element which may originally have been a garage but now reads as part of the dwellinghouse.

Off-street parking is provided on hardsurfacing in front of the dwelling.

To the rear the garden is predominantly grassed and there is an outbuilding. Hedging and fencing provides boundary demarcation. There are some trees in the garden of no. 16 to the south.

The rear boundary of the site is shared with 89 High Street, a two storey property, and 91a High Street, a bungalow.

5. Description of development

It is proposed to demolish the single storey northern element of no. 15 to form a new vehicular entrance to serve a new single storey dwelling with a fully hipped roof. An outbuilding in the rear garden will also be demolished.

The proposed bungalow will be served by two parking spaces and provides onsite turning. It will face south and provides a private garden to the south and east.

The existing dwelling will retain its off-street parking in front of the dwelling and a modest rear garden.

6. Background and relevant planning history

P/FUL/2023/06212 - 15 Churchill Close, Sturminster Marshall, BH21 4BQ - Demolish existing garage, sever land and erect a detached dwelling with shared vehicular access and on site car parking – Refused on 06/03/2024. The refusal reasons (summarised):

1. *Overlooking of the rear garden of numbers 15 and 16 Churchill Close resulting in harm to amenity contrary to policy HE2.*
2. *Insufficient information submitted regarding the impacts on trees from the proposed development. Potential to harm a mature cypress which contributes to local amenity and is subject to a provisional tree preservation order contrary to policies HE2 and NPPF section 12.*
3. *Insufficient information has been provided to demonstrate that the site is not at risk from flooding and that the proposal can be accommodated without increasing flood risk, contrary to policy ME6 and paragraphs 165, 168 and 173 of the National Planning Policy Framework 2023.*

7. List of constraints

Within Sturminster Marshall Settlement Boundary

Within Neighbourhood Area; Name: Sturminster Marshall;

Sturminster Marshall Conservation Area - Distance: 96.47

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

Groundwater – Susceptibility to flooding;

Groundwater Source Protection Zone

Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); - Distance: 4405.09

Wildlife Present: S41 - insect - butterfly ; - Distance: 8.13

Within Dorset Heathlands - 5km Heathland Buffer;

Scheduled Monument: A shrunken medieval village and earlier prehistoric settlement remains at Walnut Tree Field (List Entry: 1008750.0); - Distance: 451.28

Historic Landfill Site: Bailey Gate Industrial Estate - Distance: 234.44

EDDC Contaminated Licence Number: , Site Description: CHURCHILL CLOSE, Sturminster Marshall, BH21 4BH- Distance: 98.23

Radon: Class: Class 1: Less than 1% - Distance: 0

8. Consultations

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

Consultees

1. Natural England (04/09/2024) no objection subject to securing mitigation

Concurs with the Council's appropriate assessment.

2. Dorset Council Highways – (04/06/2024) no objection subject to conditions and informatives.

The proposal does not present a material harm to the transport network or to highway safety: 2 parking spaces for the new dwelling is in line with Dorset Council's parking standards guidelines.

23 July 2025

The parking area has sufficient space for the vehicles to be able to turn on-site and exit in a forward gear.

The traffic impact associated with one new dwelling would be minimal, especially in the AM and PM peaks, and is not thought to be severe in terms of the National Planning Policy Framework (NPPF), paragraphs 114 and 115 – December 2023.

It is reasonable to expect that all drivers would drive with due care and attention to the conditions that surround them, taking into consideration the most vulnerable road users.

3. Dorset Council Flood Risk Management (01/04/2025) no objection

The surface water drainage strategy is acceptable.

4. Dorset Council Conservation Officers- (17/05/2024) no objection

No heritage assets are affected by this proposal

5. Dorset Council Natural Environment Team- no objection subject to conditions

6. Dorset Council Environmental Protection- (31/07/2024) no objection subject to conditions

The proposed residential development lies within 250m of areas with historic potentially contaminative land use so there is the potential for unexpected contamination.

The applicant should be made aware of recent guidance about air source heat pump noise and vibration.

7. Dorset Council Trees (East & Purbeck)- (19/06/2024) no objection

Whilst the tree has not been plotted, it is evident the reduction in units and reconfiguration of the layout (when comparing it against the previous submission P/FUL/2023/06212) has pulled the dwelling and parking bays away from the southern boundary and neighbouring tree (approx. distance between southern elevation and tree 14m). No arboricultural detail is necessary in this instance.

8. Sturminster Marshall Parish Council- (7/06/2024) objection

The previous reasons for refusal still apply; impact on the TPO tree and insufficient evidence of flood impact.

Overdevelopment of the lot would compromise the character of this part of the village.

Inadequate access with no provision for turning; highway safety concerns due to car parking adjacent to the access and potential for cars to exit in reverse

5 new houses in Churchill Close are still on the market

9. Stour And Allen Vale Ward Member – no comments received

Representations received

Total - objections	Total - No objections	Total - comments
3	0	0

Summary of comments of objections:

Harmful to the character of the area- incongruous, cramped and congested form of development, will upset the pattern of existing gardens, fencing not aesthetically pleasing, only change from the refusal is building height, would set a precedent.

Impact on trees- insufficient information

Impact on neighbouring amenity- loss of natural light/overshadowing for 91A and 91B High Street and their gardens, increased noise and disturbance from additional residents and air source heat pump, potential smell/nuisance from bins, overlooking and loss of privacy.

Impact on highway safety- harm to pedestrians, increased traffic movements

Impact on flood risk- lack of proposals, run-off currently onto neighbouring gardens, concern soakaway could not be accommodated on limited plot size

Impact on biodiversity- blackbird nesting

Other issues- current building to be demolished is habitable, not a garage. Lack of desirability evidenced by similar backland builds understood to still be for sale. Reduced property values.

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

In this case the development plan comprises:

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
- KS11: Transport and development
- KS12: Parking provision
- LN1: Size and types of new dwellings

- LN2: Design, layout and density of new housing development
- HE2: Design of new development
- HE3: Landscape quality
- ME1: Safeguarding biodiversity and geodiversity
- ME2: Dorset heathlands
- ME6: Flood management, mitigation and defence

Made Neighbourhood Plans

Sturminster Marshall Neighbourhood Plan - (made October 2024):

- Policy SMNP1: Sustainable Development Standards
- Policy SMNP2: Control of Flooding
- Policy SMNP10: Design Principles - Layout
- Policy SMNP11: Design Principles: Building Form and Scale
- Policy SMNP12: Design Principles: Boundary Treatment and Public Realm
- Policy SMNP13: Design Principles: Materials and Architectural Design
- Policy SMNP22: Parking Standards

Material considerations

Emerging local plans:

Paragraph 49 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)

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

National Planning Practice Guidance

Including 'Determining a planning application' and 'Flood risk and coastal change'

Supplementary Planning Documents/Guidance

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

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 26 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.

No harm to persons with protected characteristics has been identified beyond the construction phase during which those who are housebound would be more impacted by disturbance. The property is single storey so is anticipated to be accessible, although no other particular accessibility arrangements are identified in the application.

13. Public 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	
None	
Non material considerations	
CIL	£7,587.59 (subject to receipt of evidence of existing floor space)
Council tax	£2577.49 (band D)

14. Planning Assessment

14.1 The main considerations for this application are:

- Principle of development
- Impact on the character of the area
- Impact on neighbouring amenity
- Impact on highway safety

These and other issues are assessed below.

Principle of development

14.2 The application site is situated in the urban area where the principle of development is considered acceptable, subject to all material planning considerations.

The impact on the character of the area

14.3 The Parish Council and neighbours are concerned that the proposed development would be overdevelopment, which would negatively impact on the character of the area.

14.4 Policy LN2 of the Local Plan requires that the design and layout of new housing development should maximise the density of development to a level which is acceptable for the locality. The Policy states *“a minimum density of net 30 dwellings per hectare (dph) will be encouraged, unless this would conflict with the local character and distinctiveness*

of an area where a lower density is more appropriate". The increased density arising from the dwelling will be evident to those resident in the immediate vicinity and will be glimpsed from the highway but officers consider that the proposal can be accommodated without harm to the character and distinctiveness of the area.

- 14.5 Policy SMNP9 of the adopted Neighbourhood Plan requires that development should follow the key design principles of the character area in which it is based as well as general design principles. The following design principles for development in Churchill Close are provided by the Neighbourhood Plan:
'This area has a very distinct character linked to the immediate post-war period that is considered to be unique to the village. Further built development or replacement dwellings within this area is not encouraged, as it is likely to compromise the unique, planned character of this estate. The following key principles should be used as a guide: • Any development should respect the unique character of the planned 1950s estate, including the characteristic building line, height, rhythm and materials, and the use of communal green spaces'."
- 14.6 The streetscene is characterised by predominantly terraced and semi-detached houses in red brick with some render which are arranged to frame the open space. Properties are mainly two storey in height and the use of standard housing types has created a broadly continuous roofline although there are some bungalows in an annexe off the main close to the north.
- 14.7 The proposed backland development would be positioned behind the existing dwelling, number 15 Churchill Close, which is part of the terrace of properties facing onto the public open space. The increased density will impact on spaciousness, but the site is considered large enough to accommodate the bungalow and associated amenity space without resulting in overdevelopment.
- 14.8 Backland development has already been constructed on plots to the rear of 21 & 22 Churchill Close (planning reference 3/20/0478/FUL) approximately 50m to the south of the site. In granting planning permission at appeal, the Inspector determined that the development could be accommodated without harm to the character of the area. This decision was prior to the adoption of the Neighbourhood Plan, but it is judged that the modest proposal could similarly be accommodated without harm; the proposed dwelling would not be readily seen in the street scene which would continue to be dominated by the characteristic terraced properties. In views from the High Street the dwelling would also have little visual impact due to its single storey form and siting behind existing dwellings.
- 14.9 The proposal for single storey, backland development departs from the characteristic layout and form of houses surrounding the open space on the Churchill Close estate, but the position of the site will screen the single storey development in most views, enabling more efficient use of land without compromising the unique, planned character of the

estate. For this reason, it is considered that the proposal does respect the character of the estate as required by policy SMNP9. The single storey form does not conflict with policy SMNP11, which requires that building heights should be equivalent to those found in the area; bungalows form part of the existing character area and on this backland site the proposed single storey form and siting allows the special character of the estate to be retained.

- 14.10 Neighbourhood Plan policy SMNP12 encourages the use of road frontage boundary treatment to reinforce the linear form and rural character of the street layout. The application site has already had its front boundary wall removed and to achieve off road parking and the proposal will retain the existing arrangement.
- 14.11 Policy SMNP13 requires that architectural design should include features that add interest. Neighbours have objected to the design of the proposed dwellinghouse, which they consider to be unattractive. The design is simple, with a fully hipped roof and symmetry of window arrangements on the principal elevation facing south. The west elevation facing the highway incorporates a window which provides interest and given the recessed position which limits the contribution that the development will make to the streetscene, the critical contributor to acceptability will be the materials which are yet to be identified but can be secured by condition.
- 14.12 The scale and design of the proposed development is considered to be appropriate for the context of the site and would not adversely affect the street scene and character of the area. The proposed development would comply with principles set out in the policies of the Neighbourhood Plan, and Policy HE2 (Design of New Development) of the Local Plan, and NPPF (2024) Section 12 (Achieving Well Designed Places).

Impact on trees

- 14.13 There are no trees on site but to the south a Cypress tree has recently been the subject of a Tree Preservation Order. The previous application for a dwelling on the site (ref: P/FUL/2023/06212) was refused due to a lack of information to demonstrate compatibility with neighbouring trees. Concerns have been raised by the Parish Council and neighbours that this issue remains pertinent to the current application
- 14.14 Dorset Council's Trees Officer has considered the proposal and has raised no objection, noting that the dwelling and associated parking bays have been pulled away from the southern boundary and the neighbouring trees compared to the refused scheme. Given the distance between the southern elevation and the neighbouring tree there has been no request for arboricultural details as it is considered that the proposal is compatible with the trees.

Impact on Neighbouring Amenity

- 14.15 Neighbours objected to anticipated overlooking, loss of natural light, overshadowing and loss of privacy.

Loss of Natural Light / Overshadowing

- 14.16 Neighbours are concerned that the design of the proposed development will cause overshadowing resulting in harm to the amenities of the occupants of 91A and 91B High Street and neighbouring properties.
- 14.17 The proposed development is a single storey bungalow with a fully hipped roof. The maximum ridge line for the proposed bungalow is approximately 4.6m. The proposed dwelling would be sited to the west of 91A and south-west to 91B High Street. Some loss of light in the evenings to the rear elevation and rear garden of 91A and 91B High Street would be anticipated, as the sun sets in the west. However, the overshadowing would only affect part of the gardens and would not be to a degree that would represent demonstrable harm justifying refusal.

Increase in Noise and Disturbance

- 14.18 Neighbours were concerned that the bins and bike storage would be to the rear of the proposed development, resulting in smells and nuisances, which would affect the enjoyment of those living in 91A High Street.
- 14.19 The noise impact from one additional property is unlikely to be significantly greater than the noise which is produced from the existing current use (residential dwelling). The site is in a residential area, therefore, bin storage is expected on properties and for ease of access it is anticipated that these would be kept to the front or side of the property where it is unlikely that any nuisance would arise.

- 14.20 No details of an air source heat pump have been provided. An informative note will draw the applicant's attention to the need to comply with permitted development rights or seek express permission.

Overlooking and Privacy

- 14.21 Neighbours objected due to concerns that the proposed development would overlook and cause loss of privacy to 91A and 91B High Street and other neighbouring properties, including patios and gardens. A neighbour pointed out that a window will overlook 91A High Street, and that it appears there are no windows which will be obscure glazed.
- 14.22 The proposed bungalow would be on flat relief so boundary treatment would be anticipated to provide mitigation from overlooking. The distance from the rear elevation to the rear boundary is approximately 5.0m, and from the rear elevation to 91A High Street is approximately 14.5m. These separation distances are considered acceptable, as the proposed development is a bungalow. A condition will be necessary to remove permitted development rights for extensions, roof alterations and windows above ground floor level

in the interests of neighbouring amenity, and to ensure that the future relationship and impacts of any future development proposals on the adjoining dwellings are fully considered given the proximity of neighbours. Details of soft and hard landscaping can also reasonably be secured by condition in the interests of neighbouring amenity.

- 14.23 A condition will also be added to ensure the solar panels have an anti-reflective coating to reduce glare in order to safeguard the amenities of the occupants of neighbouring properties by reducing potential for glare.

Amenity for occupants of the new dwelling

- 14.24 Local Plan Policy LN1 'The Size and Type of Dwellings' and the Housing and Affordable Housing SPD advise that the minimum space requirements for a single storey 2 bed, with 4-bed spaces, dwelling is 70m². The proposed dwelling has a floor area of approximately 70m², which is in accordance with this guidance and the national minimum space standards.
- 14.25 No. 89 High Street has a single first floor window facing the application site. This is 12m from the shared boundary and there is an intervening outbuilding which will provide some screening for the proposed garden area of the dwelling. The proposed glazing in the east elevation will be positioned approximately 20m away from the rear elevation of no. 89 so any oblique overlooking would be limited. No. 91a is a bungalow with rooflights facing the site and positioned over 10m from the shared boundary. No. 15 and its neighbours also have first floor windows which will be positioned approximately 16m or more from the garden area and proposed west window where overlooking will be oblique. Whilst it is recognised that the proposed bungalow its garden will experience overlooking from neighbouring bedroom windows, this is not judged to be at a level that is unusual within a settlement so as to justify refusal.

Amenity impacts summary

- 14.26 With the above conditions added, the proposed development would minimise general disturbance to amenity so complies with Policy HE2 (design of new development) of the Local Plan, and NPPF (2024) Section 12 (achieving well designed places).

Impact on Highway Safety

- 14.27 The Parish Council objected due to highway safety concerns, particularly at *"the entrance to the proposed development as there will be cars parked either side of the junction making visibility difficult. A safety risk is posed by vehicles having to exit the property by reversing. The Parish Council feels that the access is inadequate as there is no provision for turning."* Neighbours have also objected due to concern of more traffic, and associated highway safety.
- 14.28 Dorset Council Highways have confirmed that they have no objection to the scheme. The parking provision for the existing and proposed dwelling is in line with Dorset Council's

parking standards guidelines and there is sufficient space for the vehicles to be able to turn on-site and exit in a forward gear. The existing dwelling will retain sufficient space for two vehicles at the front of their property, and the new dwelling would have two car parking spaces. The additional trip rates would be minimal, and it is reasonable to expect that all drivers would drive with due care and attention to the conditions that surround them, taking into consideration the most vulnerable road users.

- 14.29 Subject to conditions to secure the parking and turning area and to control gates, no material harm to the transport network or to highway safety has been identified so the proposed development would comply with Policies KS11 (Transport and Development), and KS12 (Parking Provision) of the Local Plan.

Impact on Flood Risk

- 14.30 The site is within an area identified by the Council's Strategic Flood Risk Assessment as being susceptible to high groundwater levels and therefore there is the potential for flooding. Objections have been raised that the proposal would increase flood risk.
- 14.31 The application is supported by a site-specific Flood Risk Assessment and Surface Water Drainage Strategy (AEG3799_BH21_SturminsterMarshall_01_v4, received on 31/03/2025). This demonstrates that the ground water levels are sufficiently low that the site is unlikely to flood. The Surface Water Drainage Strategy shows that the site will have a soakaway and permeable paving to manage the surface water runoff. The Council's Flood Risk Management Engineer is satisfied by the information supplied.
- 14.32 A condition will be added to ensure the Flood Risk Assessment and Surface Water Drainage Strategy is complied with so that the development complies with Policy ME6 (Flood Management, Mitigation, and Defence) of the Local Plan, and NPPF (2024) Section 14 (Meeting the challenge of climate change, flooding and coastal change).

Impact on Protected Heathland

- 14.33 The site lies between 400m and 5km from several Sites of Special Scientific Interest of international importance that are designated as Dorset Heathlands Habitat Sites. Since an increase in residential units is proposed which is likely to have a significant impact on protected sites, an appropriate assessment under The Conservation of Habitats and Species Regulations 2017 was required to be undertaken by the Council as 'Competent Authority'.
- 14.34 An appropriate assessment has concluded that there would not be an adverse cumulative impact on the integrity of the Habitats Sites. This is on the basis of the mitigation available through the adopted Dorset Heathlands Planning Framework 2020-2025 which identifies opportunities to mitigate against the impacts of new dwellings on the heathland. The

necessary contribution towards heathland mitigation will be secured via the Community Infrastructure Levy (CIL) so the proposal accords with Local Plan policy ME2.

Impact on Biodiversity

- 14.35 Neighbours have mentioned that there are blackbird nests in the hedge along the eastern boundary, and that the biodiversity reports shows there is a risk of disturbance by the development.
- 14.36 The application is supported by an ecological impact assessment that has been certified by the Dorset Natural Environment Team. A condition will be added for the applicant to implement the identified biodiversity mitigation.
- 14.37 The agent provided an amended Biodiversity Net Gain (BNG) Statement, and the Small Site Metric to the Council on 23/05/2025. The statutory condition will secure 10% BNG.
- 14.38 Subject to the above condition being added, the proposed development complies with Policy ME1 (Safeguarding biodiversity and geodiversity) of the Local Plan.

Other Issues

- 14.39 Neighbours are concerned that the public services (including foul drainage) will not be able to cope with the additional dwelling. The proposal is to connect to the mains sewer and the developers will need to comply with Building Control requirements.

Environmental implications

- 14.40 The proposed dwelling will be constructed to meet ultra-low energy demand by design. It is anticipated that it will be heated by Air Source Heat Pump although details have not been provided at this stage. Solar panels which are part of the design will provide energy. Waste will be minimised by reusing the demolished structure as hard core. Water use will be restricted in line with Building Control Requirements and surface water will be managed to conserve water via the installation of water butts. With these measures in place the environmental implications of the new dwelling will be minimised.

15. Summary of issues and the planning balance

The proposal will secure an additional dwelling in a sustainable location in accordance with policy KS2. No conflict with the neighbourhood plan or Local Plan policies nor other material consideration has been identified that would justify refusal.

Recommendation: Approve subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan
01 A Proposed Floor Plans & Elevations
AMENDED - Block Plan Showing Parking

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

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. No bonfires
 - ii. Protection of nearby receptors from dust arising from construction and vehicle movements and storage of waste materials prior to removal from site
 - iii. Operating times of construction
 - iv. Other mitigation measures to reduce noise during the build.

Reason: In the interest of residential amenity and to manage any possible adverse effects associated with the development.

4. The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements in the ecology report titled Ecological Mitigation, Enhancement and Management Plan, v2, by Arbtech and dated 29/04/2025, and certified by the Dorset Council Natural Environment Team on 22/05/2025.
The development hereby approved must not be first brought into use unless and until:
- i) the compensation, mitigation and enhancement measures detailed in the approved ecology report have been completed in full, in accordance with any specified timetable, unless otherwise agreed in writing with the Local Planning Authority, and
 - ii) evidence of compliance has been supplied to the Local Planning Authority prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved ecology report and thereafter the approved compensation, mitigation and enhancement measures must be permanently maintained and retained in accordance with the approved details.

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

5. Prior to development above damp proof course level, details (including colour photographs) of all external facing materials for the wall(s) and roof(s) shall have been

submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

6. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to the Local Planning Authority. Any such scheme requires approval to be obtained in writing from the Local Planning Authority. The approved scheme must be constructed before the development is occupied and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

7. Prior to the development above damp course level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. If within a period of 5 years from the date of the planting of any tree/plant, that tree/plant or any tree/plant planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) another tree/plant of the same species and size as that originally planted shall be replanted in the first available planting season unless the Local Planning Authority agrees in writing to any variation.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality.

8. Prior to occupation the development shall be completed in accordance with the proposed works detailed in the Flood Risk Assessment and Surface Water Drainage Strategy - AEG3799_BH21_SturminsterMarshall_01_v4 (Received on 31/03/2025), and shall be maintained as such thereafter.

Reason: In order to safeguard the accommodation from unnecessary flood risk.

9. Before the development is occupied or utilised the first 5.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing – see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

10. Before the development is occupied or utilised the turning/manoeuvring and parking shown on the submitted plans 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 and to ensure that highway safety is not adversely impacted upon.

11. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. On completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

12. The photovoltaic panels hereby approved shall have an anti-reflective coating to reduce glare unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the amenities of the occupants of neighbouring properties by reducing glare.

13. There must be no gates hung so as to form obstruction to the vehicular access serving the site.

Reason: To ensure the free and easy movement of vehicles through the access and to prevent any likely interruption to the free flow of traffic on the adjacent public highway.

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 enlargement(s) of the dwellinghouse hereby approved, permitted by Class A and Class B nor windows above ground floor level permitted by Class C of Schedule 2 Part 1 of the 2015 Order, shall be erected, constructed or installed.

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

Informative Notes:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 39 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.

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In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

2. The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.
3. The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.
4. The applicant is advised that the site lies within an area of ground water protection. Care should be taken during the construction to avoid any contaminants entering the ground water.
5. Street Naming and Numbering
The Council is responsible for street naming and numbering within our area. This helps to effectively locate property to deliver post and for access by emergency services. New or changed addresses must be registered with the Council. This link has more information. <https://www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering/street-naming-and-numbering>
6. 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.
7. 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.
8. 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 or listed building consent.

9. 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 the development of land in England is deemed to have been granted subject to the condition "(the 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 require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Read more about Biodiversity Net Gain and Biodiversity Gain Plans at
<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain> and
<https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

10. This application is subject to Biodiversity Net Gain. A Section 106 Agreement is likely to be required to secure the maintenance and monitoring of any Biodiversity Gain Plan or Habitat Management and Monitoring Plan (HMMP) approved by the Council.

11. This permission does not include an air source heat pump so any air source heat pump installation must comply with permitted development criteria.