

Application Number:	P/FUL/2025/00387
Webpage:	Planning application: P/FUL/2025/00387 - dorsetforyou.com
Site address:	47 Brook Lane Corfe Mullen BH21 3RD
Proposal:	Erect a replacement dwelling with detached garage and detached cycle store. Form new access. Demolish remaining existing.
Applicant name:	Mr N Briant
Case Officer:	James Brightman
Ward Member(s):	Cllr Florek and Cllr Sowry-House

1. Reason application is going to committee:

At the request of both the Chair & Vice-Chair of the Eastern Area Planning Committee

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	Site in urban area – compliant with Core Strategy Policy KS2
Impact on the character and appearance of the area	Extant permission for a detached two-storey house on the application site. The proposed scale, design and external materials are considered acceptable and Core Strategy Policy HE2 is complied with as the proposal would be compatible with its surroundings
Impact on the amenity of the occupants of neighbouring properties	Proposal has been designed not to have a harmful impact on the amenity of the occupants of neighbouring properties
Living conditions of occupants of the proposed dwelling	The proposed dwelling would offer an acceptable living environment for its occupants
Impact on road safety	No road safety concerns & acceptable on-site parking provision would be provided
Impact on Biodiversity	Condition 8 requires details of biodiversity enhancement measures to be submitted and

Issue	Conclusion
	agreed and this would provide the appropriate biodiversity mitigation

4. Description of site

- 4.1 The application site subdivides the plot at 47 Brook Lane (also known as Smugglers Hyde), occupies most of the south part and is referred to as 'Plot A'. The northern part of the site, also in the applicant's control is 'Plot B' but this is not part of the current application. The dashed outline of a building footprint on Plot B is shown indicatively on the proposed block plan and appears to be that of the two-storey house approved under application P/FUL/2023/01483 or the bungalow approved under application P/FUL/2023/04037. Both these permissions remain extant.
- 4.2 The southern boundary of the application site is with the adjacent detached house at Kestor; the eastern (rear) is with Plot B and close to the rear boundary of the house at 155 Hillside Rd and the northern boundary is with Plot B.
- 4.3 There are two existing accesses serving Smugglers Hyde, located close to the northern and southern site boundaries. Ground levels fall away across the site from north to south and rise from west to east.
- 4.4 The site lies within the urban area of Corfe Mullen and close to the western edge of the settlement. Land to the west of the application site is agricultural and lies within the South East Dorset Green Belt and within an Area of Great Landscape Value.
- 4.5 Brook Lane is a Bridleway. The unmade section of Brook Lane in the vicinity of the site is characterised by detached dwellings, relatively well spaced apart, in a mixture of architectural styles.
- 4.6 Across the lane and opposite the western boundary of the site is a line of Oak trees covered by a Tree Preservation Order (TPO).

5. Description of development

- 5.1 It is proposed to sever the plot and construct a detached 2 bedroom, two storey dwelling facing Brook Lane with parking and a detached double garage and detached cycle store at the front.
- 5.2 The proposal will necessitate the complete demolition of the remaining dilapidated Smugglers Hyde dwelling (the central part of that dwelling has already been almost completely demolished).
- 5.3 The proposed dwelling would be an alternative to the extant planning permission for a much larger replacement property across the whole of the applicant's land and an alternative to other extant permissions for a replacement dwelling on the subdivided application site.

- 5.4 The dwelling would have red brick walls, slate effect roof tiles and UPVC and timber windows. It would be sited further from Brook Lane than the adjacent house at Kestor to the southwest and a similar distance from the lane than the remainder of the existing Smugglers Hyde dwelling.
- 5.5 The design is for a two-storey building with a shallow pitched and hipped gable roof. It will provide 129q metres of gross internal floor space. Unlike application P/FUL/2024/07588 which is also under consideration, only two floors of accommodation are proposed; there is no lower ground floor (underground).
- 5.6 The proposed ridge level would be 100mm higher than the ridge of Kestor and 600mm lower than the highest ridge of the former dwelling on the site and this relationship is shown in the submitted street scene (Drawing P599 SS.02).
- 5.7 The main outlook from the new dwelling would be onto Brook Lane and to the rear towards Hillside Rd. The south (side) elevation facing Kestor includes one ground floor and one first floor window which are shown to be obscure glazed as they serve as secondary windows. A single ground floor secondary window is to face Plot B in the north (side) elevation.

6. Background and relevant planning history

- 6.1 There is a section of two-storey building currently on the application site and this is all that remains of the original 'Smuggler's Hyde' that burnt down around 2005. The remaining footprint of 'Smugglers Hyde' extends into Plot B (immediately to the north of the current application site).
- 6.2 47 Brook Lane (comprising Plots A & B) has an extensive planning history with 16 planning applications approved for new dwellings since 2005 (37 applications have been made for the site since 2005). The planning history identifies that there is a restrictive covenant on the land that prevents additional dwellings from being built, but this covenant is a private matter and not one that may be considered under the planning system.
- 6.3 Planning Permission 3/15/1189/FUL for a single dwelling remains extant and capable of implementation so has established the principle of a replacement dwelling on the site. Two similar applications to the current application which relate to part of the site were approved at the Eastern Area Planning Committee on the 10 January 2024 and at the same meeting an application for a detached dwelling on Plot B (northern plot) was also granted consent. These three applications (set out below) remain extant and capable of being built out. They therefore represent material considerations in the current planning assessment.

P/FUL/2023/04037 - Decision: GRA - Decision Date: 10/01/2024: Erect a new dwelling on the northern side of the land (Plot B)

P/FUL/2023/04067 - Decision: GRA - Decision Date: 10/01/2024: Sever the plot and erect a replacement dwelling to southern side of land (Plot A). As amended by plans rec'd 29/11/23 to omit personnel door on S elevation.

P/FUL/2023/04227 - Decision: GRA - Decision Date: 10/01/2024
Demolish the remaining section of the existing dwelling. Erection of replacement dwelling, double garage and cycle store (Plot A on south part of land). As amended by plans rec'd 29/11/23 to omit personnel door on southern elevation.

- 6.4 There is another application for consideration at this committee on the same site under reference P/FUL/2024/07588 for the same dwelling with a basement.

7. List of constraints

Within Corfe Mullen Settlement Boundary

Tree Preservation Order - TPO (EDDC/CM/104) - trees opposite the site along Brook Lane
Dorset Heathlands - 5km Heathland Buffer

Neighbourhood Area; Name: Corfe Mullen; Status Designated 03/03/2021

Public Rights of Way: Footpath E37/19; - Distance: 46.34; Bridleway E37/18; - Distance: 1.81 & Bridleway E37/17; - Distance: 30.78

Risk of Surface Water Flooding Extent 1 in 1000 – in Brook Lane and over small area of south boundary of site

Natural England Designation - RAMSAR: Poole Harbour (UK11054); - Distance: 4189.48 & RAMSAR: Dorset Heathlands (UK11021); - Distance: 1521.39

Wildlife Present: bat; - Distance: 1.26m

Site of Special Scientific Interest (SSSI) impact risk zone

Groundwater Source Protection Zone

Radon: Class: Less than 1%

8. Consultations

Consultees

1. Dorset Council - Natural Environment Team - comments

Condition advised for enhancement of site for bats or birds

2. Dorset Council - Building Control East Team - comments

It appears that the proposal does not satisfy the requirements of Building Regulations 2010 Approved Document B Volume 1 B5 Access & Facilities for the Fire Service.

Officer comment: There are extant permissions for a replacement dwelling on the site. Works to the private highway to implement any planning permission on this site may be required in order to comply with Building Regulations; this is a separate matter.

3. Dorset Council - Highways – No objection

- Parking is sufficient for the proposed dwelling
- Sufficient space for vehicles to manoeuvre within the site to be able to leave in a forward gear
- Although the part of Brook Lane that the application site is located on is narrow and unmade, only a limited number of vehicles would be using it, speeds would be low due to the nature of the road. It should be noted that it is not adopted highway maintainable at the public's expense.
- The traffic impact of one, two bed 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 115 and 116 - December 2024.
- 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.
- Proposal does not present a material harm to the transport network or to highway safety. Conditions advised to secure parking & turning and cycle parking with an informative relating to electric vehicle charging points:

4. Dorset Council - Trees (East & Purbeck) - comments

- A group Tree Preservation Order covers the trees situated to the north of the site on the other side of Brook Lane. It is important these trees are duly considered when large vehicles are accessing the site to ensure damage to the lower canopies is limited.
- There are no significant trees on site and a laurel hedge denotes part of the site boundary. The retention of a green frontage is desirable and would maintain the semi-rural character of this part of Brook Lane.
- The site is large enough to accommodate a robust planting scheme to incorporate new trees and hedging which will provide mitigation for the loss of removed vegetation.
- Conditions advised to require details of any access facilitation pruning works and a construction traffic management plan showing the vehicular routes and access points for high sided vehicles& to require details of soft landscaping and planting.

5. Corfe Mullen Town Council – Objection

- Access to site is dangerous as Brook Lane is a single track, un-adopted gravel lane which would not cope with additional traffic.
- Street scene misrepresentative, particularly in relation to the size of existing adjacent dwellings.

- Contrary to the following policies within the Christchurch and East Dorset Local Plan Part 1, Core Strategy (2014):
 - LN2 – Design, Layout and Density of New Housing Development: Severing of plot would conflict with the local character and distinctiveness of the area.
 - HE2 – Design of New Development: The size of the proposed dwelling is overlarge for the severed plot and is unsympathetic to the more spacious character and appearance of existing development in the unmade part of Brook Lane. This will result in a cramped development which is out of character with the immediate area.
 - HE3 – Landscape Quality: The proposed development does not protect and seek to enhance the landscape character of the area and could potentially have a harmful effect on tranquillity and not protect against intrusion from light pollution, noise and motion. The proposed development does not protect the natural elements such as trees, hedgerows, and wildlife corridors.
 - ME1 – Safeguarding Biodiversity and Geodiversity: The proposed development could potentially have a harmful effect on internationally designated sites, sites of special scientific interest, the Dorset landscape character area and regionally important geological and geomorphological sites. The application does not demonstrate mitigation measures necessary to avoid harm to protected species identified on the site.
 - KS9 - Transport Strategy and Prime Transport Corridors: The proposed development does not align with the Local Transport Plan (LTP3) requirements, which emphasise sustainable development in accessible locations along Prime Transport Corridors.
 - KS12 – Parking Provision: The proposed development does not provide adequate vehicle parking to meet the needs of the proposed dwelling.

Representations received

Total - objections	Total - No objections	Total - comments
1	0	0

Summary of comments of objections:

- Restrictive Covenant: The land is subject to a legally binding restrictive covenant that prohibits any further building except for an extension to the existing garage. Previous attempts to modify this covenant were refused by the Upper Tribunal (Lands Chamber) in 2020 and 2024.

- **Repeated Applications:** Since 2009, there have been 34 planning applications, which are seen as an attempt to wear down opposition. The current application is similar to previously rejected plans.
- **Inappropriate Proposals:** The new application is a reworked version of earlier proposals to split the plot and build two houses, which are considered inappropriate.
- **Safety and Practicality:** Concerns about safety, including inadequate fire service access, poor road safety, and inadequate parking provision. The removal of the basement in the latest application suggests previous plans were impractical.
- **Impact on Local Environment:** The proposed development would negatively impact the character and appearance of the area, cause loss of privacy, increase visual bulk, and contribute to light pollution.
- **Overdevelopment:** The proposal represents overdevelopment and does not consider the impact of future plans for the total plot.
- **Environmental Concerns:** The application incorrectly addresses biodiversity, ignoring the presence of a pond and protected species like bats in the area.
- **Misrepresentation:** The street scene drawing is unrealistic and misrepresents the impact on the Brook Lane street view.

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

None

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.

Emerging neighbourhood plans

Corfe Mullen Neighbourhood Plan- In preparation – limited weight applied to 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'- In National Landscapes (formerly known as Areas of Outstanding Natural Beauty), paragraph 189 requires great weight to be given to conserving and enhancing the landscape and scenic beauty. Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 191). Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Other material considerations

National Planning Practice 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 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.

The parking and turning areas are relatively level so that people with disabilities or mobility impairments or pushing buggies have been accommodated when entering and leaving the site by car. No disadvantages to persons with protected characteristics have been identified

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 contribution – £19,350	
Council Tax- £2652.95 (Band D)	

14. Planning Assessment

Current planning situation on the site

- 14.1 Planning permission for a detached two storey house on the application site was granted in 2023 at committee under application P/FUL/2023/04227. Permission was also granted for an alternative design of two storey house on this plot under application P/FUL/2023/04067. These permissions are extant and have established the principle of a two-storey house on the application site.
- 14.2 Permission has been granted for two alternative designs of additional dwelling at Plot B (northern part of the plot): a detached two storey house and a detached bungalow under applications P/FUL/2023/01483 & 04037 and these are extant.

Principle of development

- 14.3 The site lies within the urban area where the principle of additional development is acceptable under Core Strategy policy KS2. The proposal would replace a dwelling that has been partially demolished so would make a modest contribution to housing provision sought by policy KS4

Impact on the character and appearance of the area

- 14.4 The original dwelling at the site has been extensively damaged by fire and has been mostly demolished and sits behind the hedge on the boundary with Brook Lane.
- 14.5 Brook Lane is an un-made road that is also a bridleway and is a narrow lane lined with mature trees and hedges and characterised by detached dwellings of various designs which are irregularly spaced. Dwellings in surrounding roads are visible from Brook Lane and the range of different orientations is clear. Dwellings along these roads have an apparently tighter urban grain with smaller plot sizes.
- 14.6 The proposed dwelling would be set back from Brook Lane with a parking area at the front served by a vehicular access onto Brook Lane. A double car port with flat roof is to be sited adjacent to the site boundary with Kestor at the front of the site with flat roofed cycle store to the south of it. The existing vehicular access is to be closed off in front of the garage and a new hedge planted here with a new vehicular access on the front boundary.
- 14.7 The proposed dwelling would be set a similar distance from the lane than the part demolished former dwelling at the site and further forward than the extant two storey house & bungalow approved on Plot B.
- 14.8 The land on the application site is lower than the land immediately to the north on Plot B and the south boundary (with Kestor) of the proposed curtilage for the dwelling would be formed by the existing boundary fence. The site's north boundary with Plot B would be formed by 1.8m fencing between the highway and the rear of the dwelling, beyond which a section of 2m high fencing above a 0.8m high retaining wall is proposed, as approved by the extant permissions on this plot. The proposed boundary treatment is required by condition on the 2 extant permissions at plot B.
- 14.9 The proposed street scene shows an acceptable separation distance with Kestor (approx. 13m between two-storey sections). The proposed traditional design and materials of red brick walls, slate effect roof tiles and UPVC & timber window frames would be appropriate here and sit comfortably with the two-storey dwelling at Kestor. No adverse impact on the character of the area would result and the proposal complies with Core Strategy Policy HE2.
- 14.10 The relationship between the proposed dwelling and the extant dwellings is considered acceptable within the streetscene. A separation distance of approximately 2m would be

maintained between the dwellings and the dwelling on plot B is set approximately 6m further into the plot on the approved plans with a stepped frontage mitigating the visual impact of the cumulative bulk.

Impact on the amenity of the occupants of neighbouring properties

Kestor

- 14.11 The proposed dwelling would be set back from the rear of the dwelling at Kestor and given the orientation of its windows in the front and rear elevations, there would be no harmful overlooking from these windows of the dwelling and garden at Kestor.
- 14.12 The side elevation of the proposed dwelling would face the southern boundary with Kestor and has first floor and ground floor windows. These are both shown to be obscure glazed (and would serve as secondary windows). A condition will secure the obscure glazing (no.6) and no overlooking would result of Kestor.
- 14.13 The height and massing of the south elevation facing Kestor would not result in an adverse impact on the amenity of the occupants of Kestor. Kestor is to the south of the application site and there would be some loss of sunlight for this dwelling in the morning, but this would not be significantly greater than that from the former two storey dwelling and would not be harmful.
- 14.14 The flat roofed garage and cycle store at the front of the site would be modest in height (2.3m high approx.) and have no adverse impact on the occupants of Kestor given their siting.

153 Hillside Road

- 14.15 At approx. 39m, the separation distance between the first-floor rear facing windows in the proposed dwelling and the house at 153 Hillside Rd is sufficient to prevent any harmful overlooking of No.153. This distance would also prevent any adverse impact from the scale and massing of the proposed dwelling.

Extant dwelling at Plot B (2023/01483 – two storey house)

- 14.16 The approved plans for this scheme show a tall fence on the boundary between the application site and the site for the extant dwelling (Plot B). This would prevent the ground floor living room window in the extant dwelling overlooking the rear garden of the application site. The extant permission has a condition to require this fencing to be erected.

- 14.17 The proposed dwelling would be to the south of the extant dwelling on Plot B and there would be an impact on the extant dwelling from loss of sunlight from mid-morning onwards because of the proposal.
- 14.18 The outlook from the living room window in the south elevation of the extant dwelling is into the boundary fence and having the single storey rear projection of the proposed dwelling above this would lessen this outlook. However, as the single-storey projection has a modest depth and height with fully hipped roof, it is considered that as this living room also has French doors at the rear, the limited outlook from the south-facing window is not harmful enough to the living conditions of the occupants of the extant dwelling to warrant refusing the application on this basis. There are no first-floor windows in the south elevation of the extant dwelling.

Proposed single storey dwelling at Plot B (2023/04037)

- 14.19 The proposed single storey dwelling at Plot B has 2 ground floor windows serving a kitchen/dining room that would face the boundary fence and gable of the proposed dwelling. This room also has French doors in the rear elevation and as for the extant house on Plot B, on balance it is considered that as this kitchen/dining room has French doors at the rear, the limited outlook from the south-facing windows is not harmful enough to the living conditions of the occupants of the extant dwelling to warrant refusing the application on this basis.
- 14.20 For the above reasons, the proposal is not found to result in significant harm to neighbouring amenity and is compatible with neighbouring properties in terms of impact on amenity, as required by Core Strategy Policy HE2.

Living conditions of occupants of the proposed dwelling

- 14.21 The outlook from principal rooms would receive adequate levels of natural light.
- 14.22 The amount of outdoor amenity space provided is adequate and on this basis the proposal would allow acceptable living conditions for the occupants of the proposed dwelling.

Impact on road safety

- 14.23 The vehicle access would be away from the boundary with Kestor and this is considered acceptable and would not result in an adverse impact on highway safety. The site would provide off-street parking for 4 vehicles (to include garaging) and is in accordance with the guidance set out in the Council's document *Residential Car Parking Provision Local Guidance for Dorset*.
- 14.24 The Council's Highways Officer has no objection subject to a condition regarding provision of parking/turning & cycle parking to accord with the proposed site plan and this will be imposed.

- 14.25 It is noted that the Town Council has objected on highway safety grounds due to additional traffic generated by the proposal. However, the proposal is for a replacement dwelling (with no net increase in the number of dwellings) and also it is considered that a refusal of the application on the grounds of harmful impacts to the highway could not be substantiated with no objection from the Highways team and because the traffic generated by the proposed dwelling would not be substantial.

Impact on Biodiversity

- 14.26 Condition 7 requires biodiversity enhancement to be installed, details of which shall first be submitted to and agreed in writing by the Council as the local planning authority. A similar condition was imposed on the recent permissions on the site.
- 14.27 It is anticipated that to meet the requirements of the statutory condition, Biodiversity Net Gain (BNG) credits will be secured as there is no scope to provide 10% BNG on the site.

Environmental implications

- 14.28 The proposal is for one new dwelling which will be constructed to current building regulation requirements and which will be serviced by suitable drainage to prevent any additional impact on terms of flood risk that may be exacerbated by future climate change.

Planning Balance & Conclusion

- 14.29 The site is in a sustainable location and a replacement dwelling of similar scale and siting has previously been approved by the Eastern Area Planning Committee in January 2024.
- 14.30 The application will secure a replacement dwelling which is judged to accord with the Development Plan as a whole. There are no material considerations which would warrant refusal of permission.

15 Recommendation

Grant, subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

SS.02 R4 Proposed street scene
SS.01 R3 Section - Proposed
PBP.02 R4 Proposed site block plan
SMH/LC/9/7/23 Location plan
GAR.01.pe R1 Proposed garage - GF and roof plan with elevations
PH.02.p R4 Proposed floor plans
PH.02.e R4 Proposed elevations

CS.02.pe R1 Proposed cycle store - GF and roof plan with elevations
PH.02.s R4 Proposed sections

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

3. Before using any external facing and roofing materials in the construction of the development, details of their manufacturer, colour and type shall have been submitted to and approved in writing by the Local Planning Authority (LPA). All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure the development uses external materials appropriate for its context.

4. The dwelling hereby permitted must not be occupied unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works have been carried out as approved. Thereafter, the soft landscaping shall and any plants that are lost, die or become diseased within 5 years of being planted shall be replaced in accordance with a scheme to be agreed in writing by the Local Planning Authority and then planted in accordance with the approved details within 1 month of the agreement.

Reason: In the interests of visual amenity and to ensure the approved landscaping scheme is implemented correctly.

5. The ridge level for the dwelling hereby approved shall accord with submitted drawing SS.02 R4 - Street Scene 2

Reason: In the interests of maintaining an acceptable relationship with the adjacent buildings and the amenity of the occupants of the adjacent dwelling to the south at Kestor.

6. Both in the first instance and upon all subsequent occasions, the first and ground floor windows in the side (south) elevation shall be glazed with obscure glass to the maximum level of obscurity. These windows shall either be fixed closed or have a top opening fanlight with the sill of the opening part at least 1700mm above the floor level of the room they serve and the lower section fixed shut.

Reason: To preserve the amenity and privacy of the occupants of the adjoining property at Kestor.

7. Prior to occupation of the dwelling hereby approved, biodiversity enhancement measures shall be installed at the site, details of which shall first be submitted to and approved by the Local Planning Authority. Such enhancement measures could include bee bricks, bat tiles,

bat boxes, bird boxes and new planting. The approved measures shall be retained for the lifetime of the development.

Reason: To enhance biodiversity at the site.

8. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number PBP.02 R4 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.

9. Before the development is occupied or utilised the cycle parking facilities shown on Drawing Number PBP.02 R4 must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

10. 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 nor additional windows in the south elevation, permitted by Class A and Class B of Schedule 2 Part 1 of the 2015 Order, shall be erected, constructed or installed

Reason: To protect the amenity of the occupants of the adjacent dwellings.

Informative Notes:

1. 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>

2. 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.

3. 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.

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

4. 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.

5. The proposed works are in the vicinity of the public right of way; bridleway E37/18, as recorded on the County Definitive Map and Statement of rights of way.

Throughout the duration of the development the full width of the bridleway must remain open and available to the public, with no materials or vehicles stored on the route.

Any damage to the surface of the path attributable to the development must be repaired to Dorset Council's specification, in accordance with Section 59 of the Highways Act 1980.

The free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on the bridleway then a Temporary Path Closure Order must be obtained. This can be applied for through this office, but the application must be completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application.

6. 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.

Eastern Area Planning Committee
23 July 2025