

Application Number:	P/FUL/2025/03608
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Store Adjacent Glenthorne Bristol Road Sherborne
Proposal:	Convert building into 1 No. dwelling (Remove roof, increase height of walls, erect new roof)
Applicant name:	David and Keith Chiplen
Case Officer:	Cass Worman
Ward Member(s):	Cllr Andrews

1. Reason application is going to committee: :

Following Scheme of Delegation referral (Officer recommendation differs from the Town Council objection) Chair and Vice Chair of the Northern Area Planning Committee called the application in for Committee consideration.

2. Summary of recommendation:

GRANT planning and subject to the conditions set out below

3. Key planning issues

Issue	Conclusion
Principle of development	The site is within the defined settlement boundary of Sherborne, within walking distance of the town's facilities and services. The principle of an infill dwelling within the settlement boundary is acceptable in principle
Scale, design, impact on character and appearance	The design resembles a modest town outbuilding conversion, suitable for this edge of town location. The proposal is lower in height and narrower than the adjacent row of vernacular houses of higher status than the application building which ensures its subservience in the street scene

Issue	Conclusion
Impact on the living conditions of the occupants and neighbouring properties	A small courtyard would be provided for occupants, and the layout provides adequate circulation space and all habitable rooms have access to natural light. The conversion does not extend to two storeys over the 'garage' leaving the element adjacent to Glenthorne's patio garden single storey. There are no windows proposed in the northern gable
Economic benefits	Provision of one market home
Highway impacts, safety, access and parking	Acceptable
Biodiversity	BNG credits would be required as insufficient room for on-site net gain Bat/Bird boxes would be secured via condition
Nutrients – Phosphates Somerset Levels	The applicant has secured the required credits to ensure nutrient neutrality

4. Description of site

The building is a single storey brick structure with timber doors and blocked up windows facing the road. The building sits flush to the pavement.

The site is outside the Conservation Area, and the proposal would result in no harm to the setting of the designated asset. The building sits alongside Glenthorne House, a formal red brick building, probably dating to late C19th. Glenthorne House forms one of a row of buildings to the north of the site, dating to around this time which sit flush to Bristol Road and form an interesting historical group.

Modern interventions have eroded the vernacular quality of the setting, and the application building is surrounded in front (opposite) and behind by modern housing development.

5. Description of development

To add a storey above, with pitched roof, to form rooms in the roof resulting in a 1 ½ storey dwelling. One dormer window is proposed to the front, along with three rooflights.

The extension does not extend over the 'garage' element which would remain as single storey.

A walled courtyard would be formed to the south of the building.

6. Background and relevant planning history

The application follows refusal of the same scheme due to lack of nutrient mitigation, which was subsequently dismissed at appeal on the sole grounds of impacts on the Somerset Levels and Moors Special Protection Area (SPA) and Ramsar Site

The site is within the hydrological catchment of the Somerset Levels and Moors Special Protection Area (SPA) and Ramsar Site. The interest features of the Ramsar Site, including many of the ditches and channels, are considered unfavourable, or at risk, from the effects of eutrophication caused by excessive phosphates. Natural England advise that additional residential units within the catchment are likely add phosphate to the designated site via the wastewater treatment effluent. The Phosphorous budget calculation clearly demonstrates that additional Phosphorous will be generated, for which no mitigation is proposed. Given that Natural England's view is that development proposals which add phosphates into the catchment are likely to have a significant effect on the Somerset Levels and Moors Ramsar Site, evidence of a positive Phosphorous budget is sufficient to conclude that the proposal will have a significant effect. Insufficient evidence has been provided to allow the Council to rule out that there would not be an effect on the integrity of the Protected Sites. The proposal therefore fails to accord with the provisions of the Habitats Regulations 2017 and paragraph 180 of the National Planning Policy Framework and is therefore refused.

P/FUL/2021/01081 - Decision: REFUSED - Decision Date: 31/01/2022
Convert building into 1 No. dwelling (Remove roof, increase height of walls, erect new roof)

P/FUL/2021/01081 PINS Ref: APP/D1265/W/22/3298789 - APPEAL DISMISSED
13/01/2023
Convert building into 1 No. dwelling (Remove roof, increase height of walls, erect new roof)

7. List of constraints

LP - SUS2; Defined Development Boundary; Sherborne - Distance: 0
EA - Groundwater Source Protection Zone - Distance: 0

8. Consultations

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

Consultees

Sherborne Town Council *"Sherborne Town Council objects to this application due to all the issues listed previously"*

Town Council Comments from P/FUL/2021/01081 can be summarised as:

- Plans are unclear
- Adverse impact on neighbouring amenity
- Lack of outdoor space, site is bounded on three sides by adopted public highway
- Lack of parking – impact highways safety

Natural England – No objection, the scheme relies on the purchase of phosphorus credits (which have been reserved) from an approved phosphorus mitigation scheme.

DC - Environmental Assessment - Have reviewed the calculator submitted with the application and agree with the calculations therein. The application has reserved the required number of phosphorous credits through the WCI Phosphorus Credits Scheme using credits generated within the Somerset area of the Parrett catchment.

DC - Natural Environment Team – requested an updated bat and bird survey which was subsequently provided, no objection subject to informatives and condition securing provision of bat and bird box.

DC - Highways No unacceptable impact on highway safety was identified – no objection.

DC - Dorset Waste Team – no concerns.

DC - Building Control

- Windows to habitable rooms to first floor should comply with B1 (Means of Escape).
- The external approaches and internal circulation spaces should comply with the requirements of M4(1) as a minimum standard.
- Windows and doors should comply with Part Q: Security
- Provision for an electric car charging point under S1 will apply.

Wessex Water – no response received

Representations received

Total - objections	Total - No objections	Total - comments
10	0	10

Summary of comments of objections:

Overlooking
Overbearing
Loss of light
Loss of outlook and loss of views
Lack of parking – garage is too small for modern standards
Electric car charging cannot be provided
Impact on highways safety if garage used for vehicles - access is dangerous and endanger pedestrians
Potential for parking associated with dwelling blocking the pavement and blocking road
Rebuilding of rear wall would block pedestrian access behind site
The design is out of keeping with character of the area

Scale of the building is too tall
Ecological impacts, loss of biodiversity
Plans are unclear and incorrect
The proposed building cannot comply with building regulations
Lack of structural survey and method statement
Site boundary includes council land
Asbestos roof not mentioned and potential for contaminated land not considered
Potential for impact on shared services (drains and gas supplies) not considered
Surface water drainage not considered
Impacts a bat box on adjacent fence
Disturbance and traffic obstruction resulting from construction activities
Construction activities would block and damage public paths
Disputes claims in supporting documents that the building was once a two storey building
Proposed dwelling is too small
Dwelling is too close to the road

Summary of comments of support:

N/A

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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

10. Relevant policies

Development plan

In this case the development plan comprises:

Local Plan Adopted West Dorset and Weymouth and Portland Local Plan:

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

- INT1: Presumption in favour of sustainable development
- ENV1: Landscape, seascape and sites of other geological interest
- ENV2: Wildlife and habitats
- ENV4: Heritage assets
- ENV9: Pollution and contaminated land
- ENV10: The landscape and townscape setting
- ENV12: The design and positioning of buildings
- ENV13: Achieving High Levels of Environmental Performance
- ENV15: Efficient and Appropriate Use of Land
- ENV16: Amenity

SUS2: Distribution of development

COM7: Creating a safe and efficient transport network

COM9: Parking provision

COM10: The provision of utilities service infrastructure

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, with further consultation between 18 Aug – 31 October 2025. 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

None

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 6 'Building a strong, competitive economy', paragraphs 88 and 89 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- 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.
- Section 16 'Conserving and Enhancing the Historic Environment'- Paragraph 212 says that when considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 216).

Other material considerations

Dismissed appeal APP/D1265/W/22/3298789 on grounds of lack of nutrient mitigation only

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.

Local Nature Reserve Strategy (LNRS) [Dorset's local nature recovery strategy - Dorset Council](#)

Housing land supply

Dorset Council is unable to demonstrate a 5-year housing supply as required by National Policy. The current deliverable housing supply is currently only 2.53 years.

In addition, the strategies for meeting housing needs in the adopted local plans are not designed to deliver the housing need under the Government's standard method and therefore, in accordance with NPPF footnote 8, the housing policies within the adopted Development Plan(s) are out of date and the presumption in favour of sustainable development applies. The emerging Dorset Local Plan is not sufficiently progressed and can be afforded very limited weight in decision making.

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.

Officers are unaware of any relevant PSED issues relating to this scheme for one dwelling.

13. Public Benefits

The proposals would provide a number of financial and non-financial benefits, including public benefits. These can be summarised as:

- One new market dwelling in affordable location
- Financial contribution from occupants and support to local facilities, services etc
- Council Tax
- Support of local tradespeople

14. Planning Assessment

14.1 Principle of development

The proposal is to extend/reuse the building by adding a pitched roof, to form rooms in the roof resulting in a 1 ½ storey dwelling.

Notwithstanding the age/provenance of the application building, the site is within the defined settlement boundary of Sherborne, within walking distance of the town’s facilities and services. The principle of an infill dwelling within the settlement boundary is acceptable in principle, in accordance with Policy SUS.2, subject to the below considerations:

14.2 Design and impact on local character

The design would reflect the surrounding vernacular, resembling a modest town outbuilding acceptable for this edge of town location. The dwelling would be lower in height and narrower than the adjacent row of vernacular houses of higher status than the modest application building, ensuring its subservience in the street scene. The design is considered to respect the setting of the vernacular buildings to the north and would not overly dominate the character and appearance of the area.

The proposed conversion scheme would bring back into use an underused building which in its present state does not contribute positively to the character and appearance of the area.

Conditions would be sought to ensure the retention and reuse of existing materials, the use of suitable materials for repairs/replacement, and sample materials for new walling and roofing materials, as well as fenestration details, to ensure a high quality build is achieved. It is considered reasonable and necessary to restrict permitted development rights to ensure the simple quality of the design is maintained.

The site is outside the Conservation Area, and the proposed scheme would not harm the character and appearance or setting of the Conservation Area.

The proposal would comply with Policy ENV10: The landscape and townscape setting and ENV12: The design and positioning of buildings

14.3 Amenity of resultant occupants of dwelling

Concerns have been raised that the outdoor space provided for the three bedroomed dwelling is too small, and the conversion proposed would result in a cramped and constrained form of development for resultant occupants of the dwelling.

The courtyard would be approximately 2.3m by 4.1m, and bounded on all sides by a 2.2m wall. This courtyard space although small does provide some outdoor sitting out space, which would provide space for clothes drying and cycle parking. This outdoor space is also commensurate with that provided to Glenthorne House, which similarly has only has a patio area to the southwest for outside amenity space. In this instance, the outside space although admittedly constrained, is provided in a private, southwest facing courtyard, and is therefore not considered to be to be such a great detriment to occupants' amenity so as to warrant refusal of the application.

The bedrooms would be housed within the roof, and outlook would be via rooflights only, but they would be at 1.5m and therefore would provide some decent daylight and a restricted outlook for occupants of the dwelling. The bedrooms are of a suitable width and floorspace but the restricted head height means that their functional size is reduced.

The dwelling would not meet the requirements outlined in the nationally described space standards as detailed in the technical guidance for a three bedroomed, two storey dwelling. However, as a part conversion scheme, and as they do not form adopted policy, the space standards cannot be insisted upon and two of the bedrooms do provide adequate floorspace to provide a double room, and are of a suitable width. The downstairs living accommodation provides a good standard of open plan living area which could accommodate a small family. Windows to the rear would be obscure glazed, so that in-looking from the elevated footway to the rear would not be to the detriment of occupants of the dwelling.

Therefore, in this instance, whilst the space constraints are acknowledged, as is the proximity to the pavement, these circumstances are not considered to be overly constrained to be to be such a great detriment to occupants' amenity so as to warrant refusal of the application. The proposal would comply with Policy ENV16: Amenity.

14.4 Impacts on Neighbouring Amenity

There is no window proposed in the first floor northern gable elevation and therefore no overlooking would result to occupants of the neighbouring dwelling Glenthorne House to the north.

The increased height of the application building would result in some additional overshadowing to Glenthorne House's patio garden area and their northern gable windows where present (and planned), especially during the winter months. It should be noted that the design is such that the conversion would not extend to two stories over the full width of the building, but would be single storey over the garage, therefore providing a good space buffer' between the new northern gable of the application building, and Glenthorne House – therefore this separation lessens the degree of overshadowing which would occur, and in this instance is considered to be acceptable.

No openings are proposed in the north elevation and therefore the flat roof above the 'garage' could not be used as a balcony. Any openings in upper side elevations of dwellings would require separate require planning permission, and in this instance any application is unlikely to be approved due to resultant unacceptable overlooking to neighbouring properties.

Objections have been received from nearby occupants concerned about overlooking, loss of privacy, overbearing and overshadowing. Section drawings have been provided to demonstrate the relationship between the proposed dwelling and the existing neighbouring houses, which demonstrate that the new dwelling would be lower in height to all surrounding dwellings.

As discussed above, the northern elevation would be single storey over the garage, and therefore there is no anticipated adverse impact on the occupants of 7 Quarr Drive due to the distances and separations between this dwelling which is separated from the application building by their rear garden. Similarly, the application site sits 'gable end' on to 9 Quarr Drive, there being just one high level secondary (or bathroom) window in the gable of this dwelling and separated by the side garden and established boundary vegetation. To the southwest, Number 10 Quarr Drive sits obliquely to the application site and is also separated from the application site by their side and rear gardens.

Due to the separation from the neighbouring dwellings, and the modest height of the proposed conversion, it is considered that there would be no undue overlooking and no significant adverse impacts from overbearing or overshadowing as a result of the proposed conversion.

Local Plan Policy ENV16 confirms that development will only be permitted where it does not have a significant adverse effect on the living conditions of occupiers of residential properties through loss of privacy or through inadequate daylight or excessive overshadowing or overbearing impact. As discussed above, due to the 'breathing space' provided by the single storey garage element adjacent to Glenthorne's amenity space, it is considered that any loss of light would not result in a significant adverse impact from overshadowing or overbearing so as to warrant refusal of the application.

It is considered reasonable and necessary to restrict permitted development rights to ensure that any proposed alterations would not be to the detriment of neighbouring amenity.

The proposal would comply with Policy ENV16: Amenity.

14.5 Highways

The existing garage space in the north of the application building is allocated for parking. At approximately 2.3m wide this space is not the standard width of 3m required for a single garage, and the constraints of this parking provision are acknowledged.

However the site is within the defined development boundary for Sherborne, and the conversion scheme is not 'required' to provide allocated off road parking. In considering the sustainable location of the dwelling within walking distance of the towns' facilities and services and the availability of on road parking on the opposite side of Bristol Road this is acceptable.

The Council's Highways Engineer has assessed the proposals and identified no adverse impacts on highways safety and has no objection to the proposals.

14.6 Protected Species

The application is supported by an updated Bat and Bird Survey, which found no evidence of occupation of the structure by nesting birds, and negligible potential for roosting bats. Although not formally indicated on the plans, nor within the Ecology report, the application states that a swift box and bat box would be fitted to provide biodiversity enhancements and this could be secured by condition.

14.7 Biodiversity Net Gain (BNG)

A BNG report has confirmed that the site is just above the threshold, and a BNG statement has been submitted in support of the scheme. Off-site BNG credits would need to be secured as there is insufficient space to provide 10% net gain on site. This is acknowledged as being the only way to provide the required BNG in this small and constrained site.

14.8 Local Nature Recovery Strategy (LNRS) – as above, the site is small and constrained, with a local level impact on biodiversity via the removal of the scrub to the rear of the building. The site is within an existing mown verge, where land management proposals are to enhance the grassland by switching to a cut and collect verge management – the proposals would not prevent the management of the verge in this way. The small courtyard and verge is not within a mapped 'High Opportunity' nature area on the LNRS. As such, the proposals are considered to accord with the visions of the LNRS.

14.9 Protected Sites – Nutrient Neutrality

The site is within the hydrological catchment of the Somerset Levels and Moors Special Protection Area (SPA) and Ramsar Site.

The interest features of the Somerset Levels and Moors Ramsar Site, including many of the ditches and channels, are considered unfavourable, or at risk, from the effects of eutrophication caused by excessive phosphates. These are largely derived from a combination of point and diffuse pollution sources, which result in algal blooms.

Natural England's advice is that additional residential units within the catchment are likely to add phosphate to the designated site via the wastewater treatment effluent, thus contributing to the existing unfavourable condition and further preventing the site in achieving its conservation objectives.

The applicant has provided a Phosphorous Budget Calculator, and has secured the required credits. The Council's Environmental Assessment Officer has reviewed the calculator submitted with the application and agree with the calculations number of phosphorous credits through the WCI Phosphorus Credits Scheme using credits generated within the Somerset area of the Parrett catchment which would mitigate the proposed development. Natural England have no objection to the scheme.

14.10 Other Matters

Objectors to the scheme criticize the application for lack of clarity and lack of supporting documentation which supports the retention and extension of the existing building. No structural survey has been submitted to accompany the application, and it is therefore unclear as to whether the existing structure can withstand the additional loads of a second floor and roof, and to what extent further structural works/rebuilding might be required to facilitate the proposed conversion.

However, as an 'infill' site within a defined settlement boundary, the need for the building to meet 'requirements for conversion' such as those which apply to existing buildings in the countryside do not apply, and a new-build dwelling 'could' be considered acceptable in this location if the constraints discussed above were still met.

The proposed conversion scheme is considered to represent an enhancement of the site when compared to the current situation – the current building is underused and does not make a positive contribution to the character and appearance of the area. The benefit of the provision of one number dwelling in the current housing shortfall although small, is a benefit of the scheme which weighs in the application's favour. There are no adverse impacts that would significantly and demonstrably outweigh the benefits of a new dwelling in a sustainable location, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, and securing well-designed places.

A method statement secured by condition, requiring details of the proposed scheme, including new, replacement and reused materials, in addition to details of proposed windows and roof materials would secure a good quality development.

It is also unclear from the proposed plans how exactly the bund to the rear of the building, which supports the pavement leading to Quarr Drive, would be impacted by the proposed development – the survey drawings do not clearly indicate the actual level changes on the ground; however it is perceivable how the scheme could be implemented whilst maintaining this access and is not considered to be an unsurmountable constraint to the proposals. A Construction Management Plan detailing the working methodology of the construction, including details of materials storage and vehicle access and parking would be secured by condition to ensure that neighbouring properties can continue to access the path(s) during the construction phases. Similarly, issues of obstruction of highways during construction, and creation of any retaining walls would be at the agreement with the Highways Authority, as outlined in the informative below.

An unexpected contaminated land condition seems prudent taking into account the possible previous use(s) of the building. The applicant is reminded of the requirements for safe asbestos removal and the requirements of the Control of Asbestos Regulations 2012.

The verge to the south is to be retained as is, and the bench would not be impacted by the proposed development.

With regards to impacts on shared services, no constraints have been shown on the Council's mapping, and Wessex Water have not provided any comments. Therefore, the applicant and their contractor(s) would be responsible for ensuring any services are not impacted by the development and/or securing the required permits for diversions/alterations etc.

As discussed above, the proposals are considered to represent an acceptable layout for a small residential dwelling. Building Control Officers have had the opportunity to comment on the proposals, they do not highlight any matters of immediate concern which appear insurmountable and highlight design details which must be demonstrated at Building Regulations stage.

As a new dwelling, the scheme would be CIL liable and contributions calculated according to the Council's current charging schedule.

15. Summary of issues and the planning balance

Given that the Council currently has a 2.53yr supply of housing the tilted balance is engaged as per 11d of the NPPF and the presumption in favour of sustainable development applies. That means that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

As discussed above, the design of the proposal is considered to be acceptable and would represent an enhancement on the current situation which is an underused building which does not presently contribute positively to the character and appearance of the area.

Also discussed above is the assessment of impact on neighbouring amenities, which are not considered to result in significant adverse impacts so as to warrant refusal of the application. Also considered is the size and arrangement of the scheme, which is considered to represent an acceptable layout and location for a small residential dwelling within the defined settlement boundary.

Matters of phosphate mitigation are secured via the provision of third party credits, similarly off-site credits would be secured to provide the required biodiversity net gain.

The proposal is judged to comply with Development Plan as a whole and no material planning considerations indicate otherwise that the application should be refused, and therefore the application is recommended for approval.

16 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:
 - 1 A Location Plan
 - 2 A Block Plan
 - 6 Existing elevations and floor plan
 - 4A B Proposed elevations
 - 5B Proposed Floor Plans

3A A Proposed Front and Rear Elevations
7A Proposed elevations SECTION street scene
5A Proposed planting

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

3. The development hereby permitted shall not be commenced until an Allocation Certificate has been submitted to and approved in writing by the Local Planning Authority which addresses the additional nutrient input arising from the development within the fluvial catchment area upstream of the Somerset Levels and Moors Ramsar site and on the same hydrological pathway. The Allocation Certificate shall be a written certificate issued by the phosphate credit provider confirming the allocation of the full phosphate credit requirement generated by the development, thereby mitigating the additional nutrient load imposed on the Somerset Levels and Moors Ramsar site by the development when fully occupied enabling the local planning authority to conclude on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected site, having regard to the conservation objectives for the site.

Reason: To ensure that the proposed development is phosphate neutral in perpetuity.

4. Prior to commencement of development hereby approved a Construction Management Plan, Method Statement and programme of works shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include a method statement for rebuilding the rear wall (including arrangements to retain access to rear), construction vehicle parking details, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage). The development shall thereafter be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of amenity and highways safety.

5. Prior to rebuilding existing walls, and prior to installation of new walls and roof(s), a method statement detailing retention and re-use of existing materials, and details and samples of new wall and roof materials, shall be submitted to and approved by the Local Planning Authority. Thereafter the scheme shall proceed in accordance with the details as approved

Reason: To ensure suitable visual appearance of the development

6. Prior to the installation of any new or replacement windows or external doors, a schedule and detailed drawings demonstrating proposed materials and design shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such details as have been agreed.

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

7. 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 to the satisfaction of the Local Planning Authority thereafter.

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

8. Prior to first use or occupation of the dwelling hereby permitted, details of a minimum of 1 No. bird box and 1 No. bat box/tube/tile to be installed on the dwelling shall be submitted to and approved in writing by the Local Planning Authority, and thereafter erected and maintained in perpetuity prior to first use of the dwelling.

Reason: To provide biodiversity gains

9. 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. The approved remediation shall be carried out in accordance with the approved details and 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.

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 including its roof or new openings, other than those hereby approved, shall be erected or constructed.

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

Informative Notes:

1. If development is commenced without supplying the Local Planning Authority with an Allocation Certificate in respect of P-credits, then the implementation of your planning permission may be rendered unlawful. This requirement is considered to go to the heart of the permission and therefore you must obtain formal discharge of the condition prior to commencing any works on site.
2. The applicant is reminded that any openings in first floor side elevations would require planning permission, and that the flat roof area of the dwelling hereby approved would not suitable be used as a balcony, roof terrace/garden or amenity area to protect amenity and privacy.
3. Informative: The applicant is advised that licences from the Local Highway Authority must be obtained for the erection of any columns on highway land and for any structure overhanging the public footway. They should be consulted to agree on the detailed specification. They can be contacted by telephone at 01305 221000, by email at

customerservices@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ.

4. Informative: Any retaining wall(s) will require the approval of the Local Highway Authority in accordance with Section 167 of the Highways Act 1980 and the applicant/developer is required to submit plans, sections and specifications of any proposed retaining wall(s) for approval, prior to construction works commencing to the Local Highway Authority.
5. 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.
6. The applicant is advised that bats are protected in the UK by Schedule 5 of the Wildlife and Countryside Act 1981 and Part 3 of Conservation of Habitats and Species Regulations 2017 (as amended). Work should proceed with caution and if any bats are found, all work should cease, the area in which the bats have been found should be made secure and advice sought from Natural England (tel: 0300 060 3900), website www.naturalengland.org.uk before proceeding.

Further information about the law and bats may be found on the following website <https://www.gov.uk/guidance/bats-protection-surveys-and-licences>

7. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

The Natural Environment Team, Dorset Council recommends that vegetation, hedge, shrubs and tree removal; translocation or cutting back avoids the bird nesting season which runs from mid-February to 31st August. This is in order to avoid impacts to nesting birds and infringement of the legislation.

Vegetation or site clearance as a result of this development should be undertaken outside of the nesting season specified above. In some seasons the nesting period may start before or extend beyond these dates, so the applicant should be aware that the dates are a guide only.

If clearance work has to be undertaken during the nesting season, a breeding bird survey needs to be carried out by a suitably qualified person no more than 48 hours before clearance /cutting works commence. Any active nests identified should be protected by a 5m exclusion zone until the young have left the nest.

As a general rule, it should be assumed that birds will be nesting in trees, scrub, reeds or substantial ditch side vegetation during the core breeding period, unless a survey had shown this not to be the case. In addition, some species are ground nesting, such as the skylark and lapwing, both of which can occur on grassland areas and cleared sites where there is a time lapse between demolition and development.

8. Biodiversity Net Gain – Biodiversity Gain Plan Required

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>

9. Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

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

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

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

10. 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.
- The applicant was provided with pre-application advice.
- The application was acceptable as submitted and no further assistance was required.