

Application Number:	P/FUL/2024/05592
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Farnham House, Flat 9 Stile Lane Lyme Regis DT7 3JD
Proposal:	Erect replacement dwelling
Applicant name:	Denise Russell
Case Officer:	Emma Thornett
Ward Member(s):	Cllr Bawden

1. Reason application is going to committee: The officer recommendation is contrary to the objection and representations made by Lyme Regis Town 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	The principle of a replacement dwelling is considered acceptable in this location.
Design & the Dorset National Landscape	The amendments made since the refused application on the site are considered to result in a proposed development that would integrate into the site and its surroundings. The proposal would not result in an adverse impact on the Dorset National Landscape.
Conservation and Heritage	The proposal would result in less than substantial harm to the heritage assets, the harm would sit at the lower end of less than substantial harm (due to the changes made to the scheme from the previous refusal on the site) the public benefits arising from this proposal would outweigh the identified harm to the Conservation Area.
Impact on Amenity	The proposal would not result in unacceptable impacts on amenity by way of overlooking, overbearing or other noise and disturbance.
Highway Safety	The proposals would not result in an increase in dwellings, and it is not considered that the development would result in harm that would justify the refusal of planning permission.
Ground Stability	Acceptable subject to conditions.
Impact on Trees	Acceptable subject to conditions.

Issue	Conclusion
Flood Risk & Drainage	Acceptable.
Ecology and Biodiversity	Acceptable subject to conditions.

4. Description of site

4.1 The application site comprises an area within the grounds of Farnham House, off of Stile Lane, Lyme Regis. The site is currently occupied by a modest single storey dwelling which is of no particular architectural merit, and which sits within the landscaped grounds of Farnham House, a non-designated heritage asset within the Lyme Regis Conservation Area. There are a number of listed buildings in the vicinity, including Stile House and its walls and properties to the north on Pound Street.

4.2 Farnham house sits in relatively level grounds, with properties to the north and west being on higher ground and land levels falling away steeply to the south and east. Stile Lane itself sits some way below the level of the site, resulting in the site being relatively prominent in the locality.

4.3 There are a number of trees in the vicinity including a protected yew tree to the south west of the existing building.

5. Description of development

5.1 The proposal comprises the demolition of the existing dwelling and the construction of a new two storey dwelling in its place. The proposal is for an 'upside down' house which places the primary living space on the upper floor with bedrooms at the ground floor level, in order to make the most of available views from the site.

5.2 The dwelling would have three double bedrooms all with en-suites. There would be an open plan kitchen, living and dining space with a balcony. The proposed dwelling would be a modern, two storey dwelling, with a flat-roofed design although made to look like a pitched roof when viewing the front elevation (north). The proposed dwelling would be constructed of natural stone, with natural slate roof tiles, with a sedum covered flat roof.

6. Background and relevant planning history

Application Site:

1/W/88/000295 - Decision: GRA - Decision Date: 13/06/1988 - Erect sunhouse and conservatory.

1/D/11/000736 - Decision: GRA - Decision Date: 02/08/2011 - Conservatory, porch & cladding.

P/PAP/2022/00383 - Decision: Response Given - Decision Date: 24/06/2022 - Replacement dwelling.

P/FUL/2022/06377 - Decision: REF - Decision Date: 13/02/2023 - Replacement dwelling – Appeal Dismissed.

P/PAP/2024/00094 - Decision: Response Given - Decision Date: 06/06/2024 - Replacement dwelling.

Neighbouring Properties:

WD/D/16/001862 – Decision: GRA – Decision Date: 21/11/2016 – Demolish existing dwelling & erect replacement dwelling.

P/VOC/2023/06648 – Decision: GRA – Decision Date: 05/01/2024 – Demolition of existing chalet and erection of dwelling – with variation of condition 2 of planning permission WD/D/20/002930 – to amend plans.

7. List of constraints

SUS 2; Land Outside DDBs;

SUS2; Defined Development Boundary; Lyme Regis

ENV 1; Area of Outstanding Natural Beauty (AONB): Dorset;

ENV 4; Conservation Area; LYME REGIS CONSERVATION AREA (revised 01/12/2004)

Grade: II Listed Building: WALL TO STILE HOUSE HOTEL List Entry: 1230567.0; - Distance: 0

Grade: II Listed Building: STILE HOUSE HOTEL List Entry: 1230566.0; - Distance: 9.82

Grade: II Listed Building: SHAMIEN HOTEL List Entry: 1230060.0; - Distance: 11.29

TPO (WDDC/955)

ENV 7; Lyme Regis and Charmouth Slope Instability Zones; Zone 3

ENV 7; Lyme Regis and Charmouth Slope Instability Zones; Zone 2

Right of Way: Footpath W2/12;

South West Water Foul Sewage

Higher Potential ecological network

Site of Special Scientific Interest (SSSI) impact risk zone;

Scheduled Monument: Remains of bridge in cellar of No 2 Bridge Street (List Entry: 1002390.0); - Distance: 364.01

Radon: Class: Class 1: Less than 1%

8. Consultations

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

Consultees

- Lyme Regis Town Council** - *The town council recommends refusal of this application because its general design, scale, bulk and massing, including the height of its roofline, are considered out of keeping with and unsympathetic to its general location and nearby dwellings. The application also fails to address the reasons given for the refusal of a previous application (P/FUL/2022/06377), including on appeal. It is noted that the amount of glazing and balustrading on the seaward elevation may adversely impact on the important views inland from the Cobb. It is further noted that the geotechnical and arboricultural reports submitted with this application appear not to have been updated since the last, refused, application.*
- Dorset Council – Rights of Way** – *I have no objection to the proposed development, as shown in the plans accompanying the application. However, throughout the duration of the development the full width of the public footpath must remain open and available to the public, with no materials or vehicles stored on the route.*

3. **Dorset Council – Highways** – *The access is a private drive not maintained at highway expense. No unacceptable impact on highway safety was identified. Hence, the Highway Authority has no objection to the proposal.*
4. **Dorset Council – Building Control** – *No comments.*
5. **Dorset Council – Coastal Risk Management** – *The applicant has submitted a Geotechnical Appraisal and Ground Stability Assessment Report in support of their application. In principle, I do not disagree with the findings of the report submitted. I understand that the recommendations provided are reasonable and a good way to mitigate any land instability issues. Piled foundations have been recommended and its design should be informed by a site investigation. The report suggests the use of steel-cased bottom-driven piles. I must note that this technique is of percussive nature. Although it may not be as intrusive as other percussive techniques due to its comparable lower energy, the report does not address this aspect. I am unsure whether this technique is suitable for a development located in Zone 3. Building Control would have to be satisfied with the foundation arrangements if/when an application was made for Building Regs approval.*

I must also note that the report was written in 2022. Since then, the periods of heavy rain have caused significant land instability problems all across the Dorset coast. It may be adequate that the engineer is consulted again and confirm that his findings still stand. As assessment of the suitability of the proposed piling technique in Zone 3 may also be requested. In addition, I would recommend that surface water is disposed to a piped system and not to a soakaway.
6. **Dorset Council – Conservation Officer** – *The revised scheme does not address the fundamental concerns expressed by the Local Planning Authority in the refusal of the previous application or those referred to by the Inspector in the subsequent dismissed appeal decision.*

The current proposed dwelling, by virtue of its height, massing and design, would cause harm to the character and appearance of the Lyme Regis Conservation Area and the significance of the non-designated heritage asset (NDHA) and its setting. As such the application is contrary to the requirements of the 1990 Act and the NPPF.

In order to move forward the applicant should return to first principles and pursue a far more modest, recessive and subservient scheme.
7. **Dorset Council – Tree Officer** – *Please can you request that the agent supply an amended Arboricultural Impact Assessment and Tree Protection Plan.*

As an additional precaution a Tree Preservation Order will be served to ensure that all trees worthy of retention are protected.
8. **South West Water** – *The applicant should demonstrate to your LPA that prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable.*

Having reviewed the applicant's current information as to proposed surface water disposal for its development (domestic roof and driveway run off only). Please note that discharging to the public combined sewerage network is not an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the run-off destination hierarchy have been discounted by the applicant.

In response to the comments received from both consultees and third parties amended plans were submitted with amendments which included the reduction in length of the building by 30cm, further information on materials and the following elevational changes:

North Elevation:

- Removal of a dormer window

South Elevation:

- Removal of external staircase
- Reduction in glazing at first floor level
- Glazed doors changed to windows at ground floor level
- Addition of a single door

East Elevation:

- Glazing significantly reduced at first floor level
- Three panel (glazed door) reduced to two at ground floor level

West Elevation:

- Additional (single) door added.

An updated Geotechnical Appraisal and Ground Stability Assessment Report and Tree Survey & Arboricultural Impact Assessment were also submitted. The application was then re-consulted on and a further five objections were received for the reasons summarised below:

- 9. Lyme Regis Town Council** – *The town council's comments remain the same as before, i.e. The town council recommends refusal of this application because its general design, scale, bulk and massing, including the height of its roofline, are considered out of keeping with and unsympathetic to its general location and nearby dwellings. The application also fails to address the reasons given for the refusal of a previous application (P/FUL/2022/06377), including on appeal. It is noted that the amount of glazing and balustrading on the seaward elevation may adversely impact on the important views inland from the Cobb. It is further noted that the geotechnical and arboricultural reports submitted with this application appear not to have been updated since the last, refused, application' with the added note that the new survey by Mr Chapman has done nothing to allay our concerns about land stability.*
- 10. Dorset Council – Building Control** – *Agree with Coastal Risk Management consultation reply that Geotechnical report findings are confirmed as still being relevant. Compliance with Building Regulation B5 in respect of Fire Service operational access and turning should be clearly demonstrated for the Building Regulations submission.*
- 11. Dorset Council – Coastal Risk Management** – *Based on the ground stability report, the following should be taken into account: No dig area on the western area of the site due to the yew tree should be noted, and the foundation design on this advice. Borehole data to be provided to show that the actual geology is as described in the ground stability report. Surface water is to be discharged into the local sewer, and no soakaways are to be installed on the site.*
- 12. Dorset Council – Highways** – *The Highway Authority has nothing further to add to its previous observation dated 18 November 2024.*

13. Dorset Council – Conservation Officer – *Since the previous response, amendments have been received, which have reduced the scale of the proposed glazing to the south, sea-facing elevation somewhat. However, the scale, massing and form of the proposed building remains largely unaltered and the amendments do not address the fundamental concerns which were outlined in our earlier response. We therefore maintain our previous position that this design would cause harm to the character and appearance of the Lyme Regis Conservation Area and to the significance of Farnham House, a non-designated heritage asset, and its setting.*

We are therefore unable to support this application on heritage grounds.

14. Dorset Council – Tree Officer – *The constraints to this development relate directly to the yew T1, this is a prominent tree within the grounds of the property and considered important for the amenity of the site and the local area.*

The existing dwelling is currently within the RPA of this tree but there are no specific details relating to its construction particularly those relating to construction of the existing base floor. Having assessed the tree, it is accepted that the existing property is not causing harm to the tree.

The proposed development, whilst on plan is utilising a similar footprint to the existing dwelling it is significantly larger in scale, there is no information provided to indicate how the development is to be constructed within the RPA of T1. Is the existing base to be retained? What foundations are to be used? How is the new base to be constructed? There are concerns that the tree canopy may actually be close to or overhanging the new roof line, unfortunately the tree canopy plotted is not as specified in BS:5837, using points compass points NSEW, instead opting for an overall spread that is considered to be less accurate.

The arboricultural information is therefore not considered suitable to support this application, the AIA is not site specific and generic in its content. The lack of appropriate information relating to the overall construction of the dwelling within the trees RPA, with no arboricultural method statement and the lack of a useable tree protection plan makes it not possible to allow the development to proceed within such close proximity to T1.

In response to the Tree Officer's comments an amended Tree Survey & Arboricultural Impact Assessment and Tree Constraints Plan were submitted. The Tree Officer was reconsulted on this further information.

15. Dorset Council – Tree Officer – *The arboricultural information is not considered suitable to support this application, the AIA is not site specific and generic in its content. The lack of appropriate information relating to the overall construction of the dwelling within the trees RPA, with no arboricultural method statement and the lack of a useable tree protection plan makes it not possible to allow the development to proceed within such close proximity to T1.*

Representations received

Six objections were received in response to the proposed development, objecting for the following reasons summarised below:

Design & Heritage

- This new proposal has maintained the same height and ground floor footprint but with a larger upper floor, the mass has actually increased by 30 cubic metres, so the reasons of height and mass still apply but now even more so.

- The overall envelope has a mass of 458m³ compared to the previous 438m³ with the existing building being 248m³.
- Extensive balcony running along the rear elevation which increases the mass further.
- The scale and bulk would relate poorly (due to the increased mass) to the surrounding area leading to the building being an overly dominant feature from Stile Lane, within the Conservation Area and within the open setting of a non-designated heritage asset (NDHA).
- It would not have a subservient or modest visual relationship within the grounds of a non designated heritage asset.
- Farnham House is a non-designated heritage asset, and the harm caused by the previous application was not outweighed by public benefits. This current application has a mass that is greater than the previously rejected plans, the roof height is the same, the design is still incompatible with the area, especially when viewed from the gardens and historic Cobb area.
- The proposed building will be clearly visible from the footpath, public gardens and historic Cobb area.
- A large new glass balcony area has increased visibility and light pollution to historic areas as well as the foot path.
- The proposed height and massing, lead to an overdevelopment of the site, unacceptable damage to a conservation area and NDHA, ground stability concerns and potential damage to the protected tree.
- The proposal extends into the restricted site by almost 4m beyond the existing bungalow.
- Standing at 5.6m the current application is 1.5m higher than the existing bungalow ridge height.
- The proposal would increase the prominence of built form and visible influence within the locality.
- The elevation facing Farnham House and its gardens now has a steep mansard roof, this does little to offset the overshadowing effect created by the much increased mass.
- Overdevelopment of an extremely challenging site of limited size with restricted access.
- Proposal would not sit well in the middle of the Conservation Area, listed villas and the closest NDHA.
- Disruption and harm to the local environment.
- The large increase in glazing and the new large glazed and lit balcony will increase light pollution and will be highly visible from the historic gardens and Cobb in addition to the immediate footpath below and surrounding buildings.
- The current design is even less subtle and unassuming than those submitted previously on the site.
- Even more of a dominant feature from Stile Lane and lower ground to the South and East of the site.
- It is not a sympathetic build consistent with local environmental and topographical landscape in which it will sit.

- A like for like replacement in terms of bulk, scale and mass would likely be much more acceptable but this proposal is far beyond what anyone could consider a reasonable replacement.

Trees

- The application includes the same Tree Survey & Arboriculture Impact Assessment from 2022 with no revisions, clarifications or mitigations.
- The ground works, piling and ground beam at the north end will all be through the root network of a particularly impressive Yew tree which is subject of a TPO.
- The mass of the proposed dwelling would be overbearing on the tree and would interfere with future branch growth as we deprive parts of the tree from enjoying its current level of light and water.
- The sustainability statement also states that a rainwater harvesting tank is to be installed for irrigation purposes, this tank would either be installed in the root zone or adjacent to the already cracked retaining wall.

Ground Stability

- Concerns around the issue of ground stability again the application includes old non revised geo technical reports. No exploration has been done on the actual site.
- The ground in this area is known to be unstable. Stile Lane footpath has moved considerably over the years and is cracked and slipping in places.
- The proposed increased loads on the ground, along with percussive piling, rainwater harvesting tanks and stormwater attenuation/soakaway construction give rise to very grave concerns regarding ground stability and survival of the retaining wall onto the footpath below.

Neighbouring Amenity

- The gardens of Farnham House are relatively private, but the windows on the north side would look directly onto them.
- View to the sea and coastline beyond would be substantially altered by the proposed rebuild.
- Strongly object to the inclusion of an air source heat pump based on the noise pollution it would generate for all the residents in the vicinity.
- Existing residents of Farnham House will have their views of the coastline restricted by the increased size of the proposed dwelling.
- Large plant and machinery operating in an area in close proximity to Farnham House could easily cause issues with the Farnham House building.
- The proposal would negatively affect the enjoyment of the gardens that can be used by residents of other flats as well as the privacy enjoyed at present.
- The sustainability statement includes the provision of solar panels on the roof and these are not detailed on the plans of the proposed building.

In response to the comments received from both consultees and third parties amended plans were submitted with amendments which included the reduction in length of the building by 30cm, further information on materials and the following elevational changes:

North Elevation:

- Removal of a dormer window

South Elevation:

- Removal of external staircase
- Reduction in glazing at first floor level
- Glazed doors changed to windows at ground floor level
- Addition of a single door

East Elevation:

- Glazing significantly reduced at first floor level
- Three panel (glazed door) reduced to two at ground floor level

West Elevation:

- Additional (single) door added.

An updated Geotechnical Appraisal and Ground Stability Assessment Report and Tree Survey & Arboricultural Impact Assessment were also submitted. The application was then re-consulted on and a further five objections were received for the reasons summarised below:

Design and Heritage

- Height and depth of the building remain the same and a mere 30cm has been shaved off the overall length. This cannot be constructed as a more modest, recessive or subservient scheme.
- Amendments do not come close to satisfying the conservation officer's advice relating to the requirement for the proposed dwelling to be of a more modest nature in keeping with its surroundings and setting.
- Replacement with a large 2 storey flat topped box of greater mass with a further balcony projection to the south elevation, will not sit well in the middle of a Conservation Area, listed villas and the closest NDHA and represents an attempt to completely overdevelop an extremely challenging site of limited size and access.
- Proposed structure is way too large for the small site, which has limited access and significant land erosion issues.
- Piling and ground beams will further increase the height of the proposed dwelling, therefore further exacerbating the concerns regarding the imposing mass of the proposed dwelling.
- All concerns regarding massing and overbearing nature of the development have not been addressed and remain.

Trees

- Deep piling under the tree canopy – no consideration to arboricultural report. Clearly not a co-ordinated approach, putting the Yew tree at serious risk.

- The new tree report fails to take into account or mention protection of the sweet chestnut as detailed in the response from the tree officer.
- Arboricultural report makes no reference to the small tree currently growing within the footprint of the proposed dwelling.
- Arboricultural report details a construction area, how are these going to be used and protected to prevent soil compaction.

Ground Stability

- Is there a surface water connection available or is this just going to add additional load to the combined drainage.

Other Matters

- No dimensions given for the height of the proposed dwelling. This is undoubtedly deliberate as the revised foundation of pile and ground beam will raise it further.
- The site plan is not a true reflection of the site constraints, close to impossible task of accessing the site for construction.
- No assessment of whether emergency vehicles can access the site either during or post construction.

A further Tree Survey and Arboricultural Impact Assessment was submitted and in response to that document one further third-party response objecting to the application was received for the following reasons summarised below:

- No new information has been provided, in fact there is less information than the previous version V3.
- The method of construction raises a further issue in that the height of the final building will be significantly higher than plans suggest as this method raises the base of the building above ground level and therefore further into the tree canopy.
- The photograph on the report is from 2022, we would question why such an old photograph of the tree has been used.

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 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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.

Section 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (formerly known as Areas of Outstanding Natural Beauty) when making any decision which affects such land.

10. Relevant policies

Development plan

In this case the development plan comprises:

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

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

- INT1: Presumption in favour of sustainable development
- ENV1: Landscape, seascape & sites of other geological interest
- ENV2: Wildlife and habitats
- ENV4: Heritage assets
- ENV7: Coastal erosion & land instability
- ENV10: The landscape and townscape setting
- ENV12: The design and positioning of buildings
- ENV16: Amenity
- SUS2: Distribution of development
- SUS3: Adaptation and re-use of buildings outside defined development boundaries
- COM7: Creating a safe & efficient transport network
- COM9: Parking provision
- COM10: The Provision of utilities services infrastructure

Bournemouth, Dorset & Poole Waste Plan 2019

- Policy 22 - Waste from new developments

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.

Local Nature Recovery Strategy

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.
- 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

National Planning Practice Guidance

All of Dorset:

Dorset AONB Landscape Character Assessment

The Dorset National Landscape Management Plan 2026-31

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.

Supplementary Planning Documents/Guidance For West Dorset area:

WDDC Design & Sustainable Development Planning Guidelines (2009)

Landscape Character Assessment February 2009 (West Dorset)

Conservation Area Appraisals:

Lyme Regis adopted October 2010

Housing land supply

Dorset Council is unable to demonstrate a 5-year housing supply as required by National Policy. 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.

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. In this case it is not considered that the proposals would prejudice persons with protected characteristics.

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	
Contribution towards local economy during construction	Not quantified
Non material considerations	
CIL	

14. Planning Assessment

Planning History

14.1 Planning permission (P/FUL/2022/06377) was refused on the site, the proposed development was for the demolition of the existing dwelling and the construction of a new two storey dwelling in its place. The design of the building would be such that the upper floor would over sail the ground floor on the northern side. It adopted a contemporary design approach with a flat roof and use of full height glazing to the southern and eastern elevations. It comprised a mix of render and natural stone on the ground floor with cladding to the upper floor and sedum roof. The application was refused for the following three reasons:

- 1. The proposal, by way of its inappropriate bulk, scale and mass, together with lack of landscaping to integrate it into the site would fail to maintain or enhance local distinctiveness or be informed by the character of the site and surroundings. The building's scale and bulk would relate poorly to the surrounding area leading to the building being experienced as an overly dominant feature from Stile Lane and lower ground to the south and east of the site. The proposal would therefore be contrary to policies ENV10 and ENV12 of the West Dorset, Weymouth and Portland Local Plan 2015 and paragraph 130 of the National Planning Policy Framework (2021).*
- 2. The scale, design, form and massing of the proposal fails to reflect the sensitivities and constraints of the location and would result in less than substantial harm to the Lyme Regis Conservation Area and the setting of neighbouring listed buildings and non-designated heritage assets. This harm is not outweighed by any public benefits and therefore the proposal is contrary to policy ENV4 of the West Dorset Weymouth and Portland Local Plan 2015 and paragraphs 202 and 203 of the National Planning Policy Framework (2021).*
- 3. The application has not been supported by a sufficient level of information to demonstrate that the development could be carried out without causing harm to neighbouring protected trees, including from the construction of the building itself and from related activities. It is also considered that, owing to the size of the building and its proximity to the protected tree, that the development is likely to give rise to future pressure to prune or remove the protected Yew (T3) in a way which would otherwise be unacceptable. The proposal is*

therefore contrary to policy ENV10 of the West Dorset Weymouth and Portland Local Plan 2015 and paragraph 131 of the National Planning Policy Framework (2021).

14.2 The refusal was subsequently appealed (Appeal Ref: APP/D1265/W/23/3319201). The appeal was dismissed. The key findings of the Inspector are summarised below:

- The appeal site is visible from the listed buildings, particularly Stile House. However, there would be a sufficient degree of visual separation due to both distance and intervening built form from the appeal site to not be read in conjunction with their historic open settings, thereby resulting in the proposal having a neutral impact on the significance of the listed buildings.*
- Whilst it has been put to me that the proposal would result in a modest increase in height of 1.44m, the two-storey flat roof design would have greater massing than the existing dwelling and increase the prominence of built form and visible influence within the locality. I accept that from longer distance views from the south, the proposal would be seen in glimpse views as a continuation of built form along the ridge line, with the contemporary appearance blending comfortably with the adjacent recent development.*
- However, in combination with the proximity to Stile Lane, the contemporary architecture and massing, the proposal would draw the eye from nearby views, visually detracting from and diminishing the spacious setting of the NDHA. It would also therefore fail to maintain or enhance the distinctive characteristics and appearance of the area, in so doing adversely harming rather than positively contributing to the character and appearance of the CA.*
- While there is a lack of detailed foundation design, given the conclusions of the AIA and AMS, I see no reason why, subject to the imposition of an appropriate planning condition, the proposal could not be constructed in a manner that would protect the Yew tree, or indeed other nearby trees. Furthermore, while I note the additional height of the proposal, the roof design is such that there would be no direct conflict. Given the existing overhanging relationship of the canopy and existing building, I see no reason why there would be additional pressure from future occupiers for pruning, over and above that of the occupiers of the existing building.*
- As the significance of the CA is linked to its character and appearance, for the reasons previously given, there would be harm to the significance of the CA, the degree of which I find to be less than substantial. Furthermore, taking into account the effect of the proposal on the setting of the NDHA, the proposal would also result in modest harm to the significance of the NDHA.*
- Accordingly, I find that there are insufficient public benefits arising from this proposal to outweigh the identified harm to the CA.*
- Consequently, while I find the proposal would have a neutral effect on the listed buildings, the proposal would have a harmful effect on the character and appearance of the area, including the CA and the setting of the NDHA.*

Principle of Development

14.3 The site is located within the defined development boundary (DDB) of Lyme Regis and therefore the principle of the development, which comprises the replacement of an existing dwellinghouse is considered to be acceptable in accordance with the provisions of policy SUS2 of the local plan, subject to compliance with other relevant policies.

Design

14.4 The existing dwelling is a modest single storey dwelling which is of no particular architectural merit. The proposed dwelling would be a modern, two storey dwelling with a flat-roofed design although made to look like a pitched roof when viewing the front elevation (north). The proposed dwelling would be constructed of natural stone, with natural slate roof tiles, with a sedum covered flat roof. Amendments were made during the course of the application which included the reduction in the length of the proposed dwelling by 30cm, the removal of a dormer window, the removal of the external staircase, glazed doors changed to window at ground floor level on the south elevation and overall a vast reduction in the amount of glazing included in the scheme.

14.5 The amendments to the scheme since the previous refusal and as part of the current application mean that the front elevation which would be the prominent elevation from Stile Lane would appear as a one and a half storey dwelling with two dormer windows. Previously it was considered that the scheme by way of its inappropriate bulk, scale and mass, together with lack of landscaping to integrate into the site would fail to maintain or enhance local distinctives or be informed by the character of the site and its surroundings. It was also considered that the proposed dwelling would be experienced as an overly dominant feature from Stile Lane. The use of dormer windows, natural stone and slate on this front elevation is considered to tie into the features on Farnham House. The change in the roof design from the previously refused top heavy, bulky flat roof to a pitched roof at the front is considered to result in the proposed dwelling not being overly dominate or imposing in the street scene thus resulting in a scheme that would with appropriate landscaping, which would be secured by condition, would integrate into the site and its surroundings. The dwelling is however considered to be at the maximum size the site could accommodate and therefore a condition would be placed on any approval granted to prevent any further enlargements under permitted development rights. As such the proposal is considered to comply with policies ENV10 and ENV12 of the West Dorset, Weymouth & Portland Local Plan.

14.6 The application site is located within the Dorset National Landscape (formerly known as the area of outstanding natural beauty). The proposed development involves the erection of a replacement dwelling, the proposed dwelling would be larger in height than the existing however it would be viewed in the context of the existing built development of the surrounding properties and the built development of Lyme Regis and as such is not considered to result in harm to the Dorset National Landscape and would comply with policy ENV 1 of the West Dorset, Weymouth & Portland Local Plan.

Conservation and Heritage

14.7 The application site is situated on the west side of Stile Lane. The site lies within the Lyme Regis Conservation Area and abuts Lyme Regis's historic pleasure gardens, Langmoor Gardens. The application site is approximately 17m east of Farnham House – an impressive stone building considered to be a non-designated heritage asset (NDHA). It sits to the southern edge of the unenclosed area east of the house, which originally formed part of the garden of Farnham House. The NDHA forms a grouping of properties which contain a number of designated heritage assets including the Grade II listed Stile House (and associated wall), the Lawn and Buena Vista (the listed buildings) to the north of the site.

14.8 The Senior Conservation & Design Officer was consulted as part of this application. The Conservation Officer concluded that the revised scheme as submitted as part of this application and subsequently amended as part of this application, did *not address the fundamental concerns and we therefore maintain our previous position that this design would cause harm to the character and appearance of the Lyme Regis Conservation Area and to the significance of*

Farnham House, a non-designated heritage assets, and its setting. The Senior Conservation & Design Officer had previously categorised the level of harm as less than substantial.

14.9 As part of the previous appeal decision on the site (Appeal Ref: APP/D1265/W/23/3319201) the Inspector considered that the site is visible from the listed buildings, particularly Stile House. However, there would be *a sufficient degree of visual separation due to both distance and intervening built form from the site to not be read in conjunction with their historic open settings, thereby resulting in the proposal having a neutral impact on the significance of the listed buildings.* This relationship would not be altered as part of this current application and therefore the current scheme is still considered to result in no harm to the significance of the listed buildings.

14.10 Third party concerns have been raised as part of this application regarding concerns about views of the proposed development from longer distance views from the Cobb (located to the south). The Inspector as part of the previous appeal accepted that *from longer distance views from the south, the proposal would be seen in glimpsed views as a continuation of built form along the ridge line, with the contemporary appearance blending comfortably with the adjacent recent development.* This is still considered to be the case with the current scheme.

14.11 The Inspector when considering the existing dwelling set out that due to the *modest scale, low height and unimposing appearance of the existing dwelling, combined with being within the historic boundary wall, the existing building maintains a subservient visual relationship as a modest building within the spacious grounds of the NDHA.* However, the proposed replacement dwelling with a two-storey flat roof design would have *greater massing than the existing dwelling and increase the prominence of built form and visible influence within the locality. In combination with the proximity to Stile Lane, the contemporary architecture and massing, the proposal would draw the eye from nearby views, visually distracting from and diminishing the spacious setting of the NDHA. It would also therefore fail to maintain or enhance the distinctive characteristics and appearance of the area, in so doing adversely harming rather than positively contributing to the character and appearance of the CA.*

14.12 The current scheme with the use of natural stone and slate, the introduction of two small dormer windows and the appearance of a pitched roof from the front elevation results in a scheme that looks to reflect the architecture of Farnham House. It is considered that the changes to the scheme (from the previously refused application) especially those to the front elevation mean that the current proposal would to a limited extent diminish the setting of the NDHA and the CA through the change to that setting (the erection of the replacement dwelling) resulting in less than substantial harm to the heritage assets. The proposal would be viewed alongside the mixed characters of what has already been approved adjacent to the site and the NDHA. Planning permission was granted under WD/D/16/001862 at Flat 8, Farnham House to demolish existing dwelling & erect replacement dwelling. The approved dwelling is of a contemporary approach with a rendered finish to the ground floor with timber boarding above with an external first floor balcony and spiral staircase to reach the mainly walled rooftop terrace. As part of that application, it was considered that whilst the design is clearly quite different to the imposing traditional Victorian House, it is nevertheless considered an interesting and creative design on this elevated position. Planning permission was granted under P/VOC/2023/06648 at St Gildas Lodge for the demolition of existing chalet and erection of dwelling – with variation of condition 2 of planning permission WD/D/20/002930 – to amend plans. The approved dwelling again of contemporary design, is two storey which is partially subterranean with a flat roof and the use of cladding and flint stonework.

14.13 Given the above the proposal is considered to result in less than substantial harm to the Lyme Regis Conservation Area and given the existing mixed characters in the very local vicinity

this is considered to be at the lower end of less than substantial. Para 215 of the NPPF states that *where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal*. The proposed development is for a replacement dwelling on the site, the supporting text to the application sets out that the existing building has reached the end of its useful life, showing signs of damp and structural cracking. Its replacement with the proposed scheme would result in a dwelling with modern efficiencies that would comply with current building regulations including energy efficiency rates. Therefore, in this case as the harm would sit at the lower end of less than substantial harm (due to the changes made to the scheme from the previous refusal on the site) the public benefits arising from this proposal would outweigh the identified harm to the Conservation Area.

14.14 In relation to the NDHA, para 216 of the NPPF states that *in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*. Given all of the above the proposed development is also considered to result in less than substantial harm to the NDHA at the lower end. The public benefits that are considered to outweigh that harm are as set out in para 14.13.

14.15 Given all of the above, the proposed development is considered to be acceptable in relation to the impact on designed and non-designated heritage assets and is considered to comply with policy ENV 4 of the West Dorset, Weymouth & Portland Local Plan and Section 16 of the NPPF.

Impact on Amenity

14.16 The building has been designed to direct its principal outlook towards the south and east meaning that there would not be significant opportunities for harmful overlooking given the lack of development to the south and east of the site. While there would be some views towards the gardens of Farnham House, these gardens are generally open with visibility from Stile Lane so there would be a limited impact on privacy as a result. Two small roof lights are proposed for the west elevations, views would be obtainable from the balcony but this is set back from the end (west) elevation with views directed towards the coast. A condition would be placed on any approval granted to prevent the creation of new openings in the west elevation under permitted development. It is not considered that the scale of the proposal would give rise to an overbearing impact upon neighbours. It is therefore concluded that the proposal would not harm the amenity of neighbours and would accord with policy ENV 16 of the West Dorset, Weymouth & Portland Local Plan.

14.17 Policy ENV 12 of the Local Plan states that 'New housing should meet and where possible exceed appropriate minimum space standards'. The proposed dwelling would exceed the national space standards for a 3-bed dwelling. The proposal is also considered to be acceptable in relation to the amenity of future occupiers.

14.18 Third party concerns were also raised regarding the impact of the proposed development on views of the sea and coastline from the neighbouring residents of Farnham House however this is not considered to be a material planning consideration. The Sustainability Statement submitted as part of the application including the inclusion of an air source heat pump and solar panels. Third party concerns were raised regarding possible noise pollution for residents in the vicinity. Neither of these elements were detailed on the plans for the scheme. Clarification was sought from the planning agent whether these elements were to be included as part of this application, and they are not and therefore will not be considered. These elements may be revisited in the future if permission is granted for the dwelling under permitted development.

14.19 Third party concerns were also raised regarding the height of the building and the impact of foundation design on the height of the proposed building. The height of the proposed dwelling can be concluded from the submitted plans including the difference between the existing and proposed. However, for the avoidance of doubt a condition would be placed on any approval granted for the finished floor levels to be submitted to and agreed in writing by the Local Planning Authority.

Highway Safety

14.20 The replacement dwelling would be accessed via the existing access off Stile Lane. Stile Lane is narrow, but it is established as an existing access for this site and other dwellings. There would not be an increase in the number of dwellings. Highways raised no objection to the proposal and set out that the access is a private drive not maintained at highway expense. Given all of the above it is not therefore considered that the proposal would result in a net harm to highway safety and would comply with policy COM 7 of the West Dorset, Weymouth & Portland Local Plan.

Ground Stability

14.21 The application site is located within the Lyme Regis and Charmouth Slope Instability Zone 3. A Geotechnical Appraisal and Ground Stability Assessment Report was submitted as part of the application. The Coastal Risk Management team were consulted on the application who noted that the report was written in 2022 and since then periods of heavy rain have caused significant land instability problems across the Dorset Coast. It was considered that the appointed engineer (by the applicant) be consulted again to see if the findings still stand given the time that had passed. In response to the comments received a Geotechnical Appraisal and Ground Stability Assessment Report dated March 2025 was submitted. The additional report concluded that *the proposed development is unlikely to affect the stability of the site or surrounding area, either in the short-term during construction, or in the long-term once completed*. However, it did state that *boreholes will be required to confirm the nature and depth of the materials at the site location in order that a piled foundation can be designed*. The Coastal Risk Management team were re-consulted and considered that borehole data should be provided to show that the actual geology is as described in the ground stability report and that surface water is to be discharged into a piped system and not to a soakaway. Given the above, a pre-commencement condition would be placed on any approval granted for the provision of borehole data and an updated Geotechnical Appraisal and Ground Stability Assessment Report based on that data including the proposed foundation design to be submitted to and agreed by the Local Planning Authority. Accordingly, the proposal complies with policy ENV 7 of the West Dorset, Weymouth & Portland Local Plan.

Impact on Trees

14.22 The site is located in close proximity to a number of protected trees, both within and without the site. The closest tree is a protected Yew, within whose crown spread the existing building sits. Third party concerns have also been raised regarding the potential impact on the Yew tree by the development. While the application has been supported by an Arboricultural impact appraisal, this has been reviewed by the Tree officer who has advised that it does not contain sufficient detail to give confidence that the tree would be adequately protected both during construction and into the future. As part of the previously refused application P/FUL/2022/06377 concerns were also detailed about long term pressures for future removal of the tree or pruning which might not otherwise be supported. The tree sits to the southwest of the building and, being a Yew, has dense, evergreen foliage which would have potential to block afternoon and evening light to the building, particularly in winter months.

14.23 As part of the previously refused application P/FUL/2022/06377, one of the reasons for refusal read as follows:

The application has not been supported by a sufficient level of information to demonstrate that the development could be carried out without causing harm to neighbouring protected trees, including from the construction of the building itself and from related activities. It is also considered that, owing to the size of the building and its proximity to the protected tree, that the development is likely to give rise to future pressure to prune or remove the protected Yew (T3) in a way which would otherwise be unacceptable. The proposal is therefore contrary to policy ENV10 of the West Dorset Weymouth and Portland Local Plan 2015 and paragraph 131 of the National Planning Policy Framework (2021).

As part of the subsequent appeal (Appeal Ref: APP/D1265/W/23/3319201) the impact on the yew tree was considered. The Inspector considered at para 16 that *while there is a lack of detailed foundation design, given the conclusions of the AIA and AMS, I see no reason why, subject to the imposition of an appropriate planning condition, the proposal could not be constructed in a manner that would protect the Yew tree, or indeed other nearby trees. Furthermore, while I note the additional height of the proposal, the roof design is such that there would be no direct conflict. Given the existing overhand relationship of the canopy and existing building, I see no reason why there would be additional pressure from future occupiers for pruning, over and above that of the occupiers of the existing building.*

14.24 The scheme has been amended since the previous application and appeal were considered. However, the Inspector's conclusions are considered to still apply to the current scheme, and the protection of the Yew tree and other nearby trees could be ensured through the imposition of a condition. As detailed in para 13.21 of this report a pre-commencement condition is also required for borehole data and an updated Geotechnical Appraisal and Ground Stability Assessment Report based on that date including the proposed foundation design to be submitted. Any foundation design/construction method used for this site would need to be suitable in relation to tree protection and land stability. Confirmation was requested from the planning agent and applicant that they consider a construction method for the scheme was possible that would be acceptable to both tree protection and land stability to which they agreed. Therefore, on any approval granted, a condition would be imposed to combine the relevant information for the two issues to ensure any construction method is suitable for both.

Flood Risk & Drainage

14.25 The application site is located within flood zone one and is not considered to be at risk from surface water or groundwater flooding. The proposed development is for the erection of a replacement dwelling. South West Water were consulted on the application and set out that the applicant should demonstrate that surface water run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable. However, in this case the application site is located within the Lyme Regis and Charmouth Slope Instability Zone 3 and the Coastal Risk Management advise that given this surface water is to be discharged into the local sewer, and no soakaways are to be installed on the site.

Ecology and Biodiversity

14.26 The proposal would involve the demolition of the existing dwelling on the site. A Preliminary Roost Assessment (PRA) was submitted as part of the application. The report concluded that the building to be demolished has no negligible value for roosting bats. The report includes recommendations and proposed enhancements including the provision of a bat box and a general-purpose nest box for birds and therefore a condition would be placed on any approval granted for

the development to be carried out in accordance with the recommendation and enhancements detailed in the PRA.

14.27 The proposal is for a replacement dwelling on a similar footprint of the existing dwelling. The proposed development is considered to fall below the threshold for Biodiversity Net Gain as the development would not impact a priority habitat and would impact less than 25 square metres of on-site habitat. Given the above the proposal accords with policy ENV 2 of the West Dorset, Weymouth & Portland Local Plan.

Other Matters

14.28 Third party concerns were raised regarding whether emergency vehicles can access the site either during or post construction. Building Control were consulted on the application and commented that compliance with Building Regulation B5 in respect of Fire Service operational access and turning should be clearly demonstrated for the Building Regulations submission. The proposal is for the erection of a replacement dwelling, with no alterations to the access arrangements to the property therefore there is no worsening of the current situation. As part of the construction of the new dwelling internal improvements could be made in relation to fire safety as part of buildings regulations.

15. Environmental implications

14.1 There would be additional CO2 emissions as a result of the construction of the proposed dwelling and through embodied energy within building materials. The building would however be constructed to current building regulations and associated energy efficiency requirements.

16. Conclusion

15.1 The application site is located within the Lyme Regis DDB and is for the replacement of an existing dwelling and is therefore considered acceptable in principle.

15.2 Whilst there is an objection from the Conservation Officer, the amendments to the proposed development since the previously refused application P/FUL/2022/06377 and during the course of this application are considered to result in development that would sit at the lower end of less than substantial harm to the Lyme Regis CA and the NDHA where the public benefit of a new dwelling built to current building regulations are considered to outweigh the harm caused.

15.3 Matters of amenity, trees, ground stability, flood risk & drainage and ecology & biodiversity would be appropriately controlled via planning condition.

15.4 It is considered that the proposed development accords with the policies of the development plan as a whole and there are no material considerations indicating that permission should be refused.

17. Recommendation

Grant, subject to the following conditions (and their reasons):

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

Proposed Site and Location Plans – drawing number A04 P3

Proposed Plans and Elevations – drawing number A02 P4

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

2. 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).

3. 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.

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

Reason: To prevent unacceptable impacts upon the amenity of neighbouring residents.

5. Prior to commencement of the development approved details of the finished floor level(s) of all the building hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

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

Reason: In the interest of visual amenity.

7. 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 of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

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

8. Prior to commencement of development an updated Geotechnical Appraisal and Ground Stability Assessment shall be submitted and agreed in writing by the Local Planning Authority, the

report shall include borehole data from the site showing the geology. The borehole data collected and the requirement to protect the Yew tree shall inform the chosen construction method and foundation design of the development hereby approved which shall be set out in the report. Thereafter, the development shall be carried out in accordance with the agreed construction method for the site.

Reason: In the interests of ground stability and the protection of the Yew Tree.

9. All surface water from the development hereby approved shall be discharged to a piped drainage system and not to a soakaway.

Reason: In the interests of ground stability.

10. Prior to the commencement of any development hereby approved an updated Arboricultural Method Statement and Tree Protection Plans shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details of how the existing trees are to be protected and managed before, during and after development and shall include information on traffic flows, phased works and construction practices near trees. The development shall thereafter accord with the approved Statement.

Reason: To ensure thorough consideration of the impacts of development on the existing trees.

11. Prior to the commencement of development (including ground clearance, tree works, demolition or construction) a pre-commencement site meeting shall be held on site and attended by the Local Planning Authority (LPA) Tree Officer, the developers appointed Arboricultural Consultant and Site Manager/Foreman to discuss details of working procedures and agree either the precise position of the approved tree protection measures to be installed or that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the Local Planning Authority.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the protected Yew Tree to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details.

12. The development shall be carried out in accordance with the recommendations of the Preliminary Roost Assessment, produced by Arbtech (survey date: 14/10/2024), the enhancements as detailed in the report shall be carried out within 6 months of the date of this permission or in accordance with a timetable to be first agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity.

Informatives:

1. Informative: National Planning Policy Framework

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.

2. Informative: Community Infrastructure Levy

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: Land Instability

This site lies within an area where there is evidence of unstable land. The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner.

4. Informative: Rights of Way

The safe 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 a right of way, then a Temporary Path Closure Order must be obtained. This can be applied for through Rights of Way at Dorset Council see <https://www.dorsetcouncil.gov.uk/w/changing-the-definitive-map>, 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. This application and legal order must be confirmed before any works obstructing the path are commenced.

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

5. Informative: Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in full in a subsequent informative below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply.

- 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).

Read more about Biodiversity Net Gain at <https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

6. Informative: 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.