

## PLANNING COMMITTEE



Application Address	17 Mudeford, Christchurch, Dorset, BH23 3NQ
Proposal	<p>Erect 1 no. 2-storey dwelling with a basement and 1 no. 2-storey dwelling with associated detached garages (Demolish existing buildings) Amended plans include design changes and siting of house 2 and both dwellings to have partial basement and the proposal includes repairs to/reinstatement of the Admiralty Wall on the western boundary.</p> <p>Amended Plans received 07/02/19, 15/05/19 &amp; 03/06/19</p>
Application Number	8/18/2653/FUL
Applicant	Mrs Joan James
Agent	Baca Architects
Date Application Valid	25 September 2018
Decision Due Date	20 November 2018
Extension of Time Date (if applicable)	18 February 2019
Ward	Mudeford, Stanpit & West Highcliffe Ward
Report status	Public
Meeting Date	05/09/2019
Recommendation	<b>Grant, subject to conditions in accordance with the details within the report.</b>
Reason for Referral to Planning Committee	<p>This application is brought to the Planning Committee at request of (former CBC) Councillor Claire Bath on the following grounds</p> <p>HE12 &amp; HE2 impact on the amenities of neighbouring properties</p> <p>HE1 - Valuing and the adjoining Conservation area and environment of the setting of the Conservation area.</p> <p>BE5 - The setting of the adjoining conservation area.</p>

Case Officer	Kevin Chilvers
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## Description of Development

- 1 Planning consent is sought for the replacement of two existing bungalows associated outbuildings and a garage with two no. 2-storey dwellings with associated access and garages.
- 2 Amended plans during the consideration of the application have included design changes and siting of house 2, both dwellings to have partial basement, and alterations to access configuration to address tree concerns.  
The proposal also includes a commitment to repair the Admiralty wall on the western boundary.
- 3 The applicant has provided the following information.
  - Ecological Appraisal including phase 2 Badger, Bat and Reptile surveys
  - Design and Access Statement
  - Flood Risk Assessment
  - Tree Survey and Arboricultural Impact Assessment
  - Means of access
  - Materials
  - Landscaping

	Existing	Proposed	Difference
Site Area (ha)	0.57	0.57	NA
Use	Residential 2 bungalows	Residential 2 detached dwellings	
Footprint (m2)	"Waterside" Bungalow inc. pool and single garage 400m2  "Inland" Bungalow 66.5m2  Outbuildings inc. double garage, greenhouses and sheds 133m2	House Type 1 155m2 Garage 33m2  House Type 2 176m2 Garage 57m2	
Gross footprint of building (m2)	600.2m2	Footprint of houses including above ground basement	-106m2

		terraces approx. 204m <sup>2</sup> x 2 = 404m <sup>2</sup> Garages x 2 = 90m <sup>2</sup> 494m <sup>2</sup>	
Approximate Ridge Height (m)	“Waterside” Bungalow (inc.swimming pool) 5.2-6.2m “Inland” Bungalow 5.2m	House 1 7.2-8m House 2 7.2-8m	+1.8-2.7m
Approximate Eaves Height (m)	“Waterside” Bungalow 2.6-3m “Inland” Bungalow 2.5m	House 1 5.2m House 2 5.2m	+2.2-2.7m
Distance from Site Boundary	“Waterside” Bungalow Front 2-11m East 19m West 7-25m “Inland” Bungalow Front 49m East 38m West 1.5m	House 1 Front 21-23m West 6.5-8m  House 2 Front 16-28m East 7-15m	Approx 10m further back from sea wall
No. of Storeys	1	2	+1
Parking Spaces	4 (driveway spaces and double garage)	4 (2 x double garages) plus opportunity to park on driveways	
No. of Residential Units	2	2	
No. of Affordable Housing Units	N/A	N/A	
Materials	Brick with render	Up to 3.6m AOD: Waterproof concrete, masonry, glazed ceramic cladding.  Above 3.6m AOD: Horizontal painted shiplap boarding.	

	Roof: Mixture of clay, concrete and slate tiling  Windows and doors: Mixture of timber and UPVC	Roof: Standing seam zinc cladding or slates  Windows and doors: Dark grey aluminium Timber doors with glazed elements. Bi-folding aluminium framed doors	
Boundary treatment	Mixture of hedging, fences and sea wall to south boundary	Retain sea wall and hedged boundaries. Fences and hedges	
Access	Single tarmacadam track	Track retained. New hard standings constructed of permeable surfaces.	Tarmacadam reduced by up to 590m <sup>2</sup>
Foul sewage	2 septic tanks	2 new septic tanks in new locations	

## Key Issues

- 4 The main considerations involved with this application are:
- the principle of the development
  - flood risk
  - design, form, scale and layout
  - impact on character of area including heritage assets
  - impact on residential amenities
  - impact on trees and biodiversity
  - access and highway arrangements
- 5 These points will be discussed as well as other material considerations in the Planning Assessment below.

## Planning Policies

- 6 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise.
- 7 Development Plan:
- The development plan in this case comprises the Christchurch and East Dorset Local Plan 2014 and saved policies of the Christchurch Local Plan 2001.
- 8 Christchurch and East Dorset Local Plan Core Strategy (2014)
- BE 16 Views and Vistas

- BE 5 Setting of Conservation Areas
- ENV 1 Waste Facilities in New Development
- ENV 21 Landscaping in New Development
- ENV 4 Protection of Water Supply and Quality
- ENV 5 Drainage and New Development
- ENV 6 Connection of Development to Mains System
- ENV 9 Development in the Coastal Zone
- H12 Residential Infill
- HE1 Valuing and Conserving our Historic Environment
- HE2 Design of new development
- HE3 Landscape Quality
- HE4 Open Space Provision
- KS1 Presumption in favour of sustainable development
- KS12 Parking Provision
- KS2 Settlement Hierarchy
- KS4 Housing Provision in Christchurch and East Dorset
- L13 Fisherman's Bank Policy
- L17 Protection of Undeveloped Riversides and Harbour Banks
- LN1 The Size and Type of New Dwellings
- LN2 Design, Layout and Density of New Housing Development
- ME1 Safeguarding biodiversity and geodiversity
- ME2 Protection of the Dorset Heathlands
- ME3 Sustainable development standards for new development
- ME6 Flood Management, Mitigation and Defence
- T16 Access for those with impaired mobility

- 9 Supplementary Planning Documents:  
Dorset Heathlands Planning Framework SPD 2015-2020  
Stanpit and Fishermans Bank Conservation Area (SFBCA)  
Christchurch Borough Council - Borough Wide Character Assessment 2003  
The site is within area 3b Stanpit

## 10 The National Planning Policy Framework (2019)

The guidance contained in the National Planning Policy Framework (NPPF) is a material consideration.

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan 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 any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF extracts include:

Paras 54 and 55 advise that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions and that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects

Para 68;

*'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:*

*c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes;*

Para 118 requires decisions to promote and support the development of under-utilised land and buildings.

Para 122 requires decisions to take into account the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and the importance of securing well-designed, attractive and healthy places.

When considering applications for housing Para 123 refers to scenarios where there is an existing or anticipated shortage of land for meeting identified housing needs. This para advises local planning authorities to make optimal use of the potential of each site and they should refuse applications which they consider fail to make efficient use of land.

Para 127 requires that development should add to the overall quality of the area. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions (para 130).

Para 131 states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability,

or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Section 14 deals with the challenge of climate change, flooding and coastal change - Para 158 sets out the aim of the Sequential Test

Para 163 requires authorities determining planning applications to ensure that flood risk is not increased elsewhere and where appropriate applications should be accompanied by a site-specific flood risk assessment.

Para 164 States that some applications should not be subject to the Sequential or Exception tests

Para 170 advises that decisions should contribute to and enhance the natural and local environment

Section 16 deals with Conserving and enhancing the historic environment

Para 192 states that when determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Para 196 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.

### **Relevant Planning Applications and Appeals**

- 11 Pre-application advice sought in 2018 in respect of 4 alternative proposals for a single large dwelling, multiple dwellings, a hotel, or 3 seafront dwellings. Officers advised of the need to ensure development complied with Strategic Flood Risk Assessment, and scale and design of built form should look to address site specific and locational characteristics of the site.

### **Representations**

- 12 In addition to letters to neighbouring properties site notices were posted outside the site on 02 November 2018 with an expiry date for consultation of 25 November 2018. Following receipt of amended plans/additional information, further letters to neighbours and new site notices were posted on 14 February 2019 with an expiry date for consultation of 28 February 2019.
- 13 25 representations have been received from 14 properties. Seven of the representations raise concern with regard to the current condition of the 1860 Admiralty wall running along the western boundary of the site, and request that the application ensure that this be re-instated as part of the application.
- 14 One representation expresses support for the proposal provided that:
- Other boundaries are protected and boundary hedging is retained
  - the stipulated dimensions are not exceeded,

- construction methods and times are agreed,
- the extent of glazing is controlled, and
- Tree T4 is retained

15 17 representations raise objection and the following issues are raised:-

- Impact on adjacent Conservation Area and character of area
- Impact on spacious nature of site
- Inappropriate design and dominance of built form
- Precedent for development of the orchard
- Proximity to and impact on amenities of occupiers of Nos.19 & 21/23
- Loss of view/impact on outlook from nos. 19 & 21/23
- Development of site at risk of flooding
- Change from tandem to side by side alignment dominates waterfront and increases detrimental impact on shoreline
- Errors in supporting documents and plans do not accurately reflect adjacent properties
- Overbearing impact to adjacent properties
- Loss of privacy to and outlook from adjacent properties
- Noise impact
- Extent of glazing
- Ownership of and Damage to boundary wall
- Impact on trees
- Position of passing place on long vehicular access
- Inadequate consultation on preapp
- Loss of sunlight to no.21/23
- Additional prominence of built form from public footpath
- Amended plans fail to address all concerns raised with regard to impact on 19 & 21/23 and Mutual privacy concerns exacerbated by changes to internal layout of Unit 2

## Consultations

16 County Rights Of Way Officer  
No reply

17 Natural England  
Received 12/11/2018  
No objection, subject to conditions to secure Biodiversity Mitigation and Enhancement Plan (BMEP) & Construction Environmental Management Plan (CEMP) (See Conditions 5 & 8)

Christchurch Harbour

The application site is adjacent to Christchurch Harbour SSSI and the construction phase has the potential to negatively affect the SSSI.

**R**ecommend that a condition is secured by any permission to produce and implement a Construction Environmental Management Plan (CEMP) (see condition 8)



Further comments received 21/02/2019

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Provided the full implementation of the approved BMP is made a planning condition (see condition 5) then Natural England has no further comment on this aspect of the application.

18 County Highways

Received 13/11/2018

The County Highway Authority has NO OBJECTION, subject to a condition to secure Turning and parking construction prior to occupation of development. (See Condition 3)

19 Environment Agency

Received 07/03/19

Further to receipt of amended plans and Flood Risk Assessment (Rev. 2, dated 5 February 2019) we **remove our objection** to the proposed development, however wish to make the following comments with regard to Flood Risk.

The amended proposed site plan (Drawing No. 249-200-100, Rev B, dated 31/01/2019) shows ground floor levels for both proposed dwellings set no lower than 3.6 metres AOD. Other amended floor and cross-section drawings show the proposed [non habitable] basement areas set below this minimum, however these areas, where a swimming pool and associated development is proposed, will only be accessible from the internal higher (3.6 metres AOD) ground floor level.

Recommend a condition to ensure that development is carried out in accordance with HR Wallingford Flood Risk Assessment (See Condition 4), and informatives advising the applicant about Flood resilient construction practices and Flood Warning and evacuation plan (See Informatives 1 & 2)

### Constraints

- Flood Risk Assessment FZ2/3;
- Heathland 5km Consultation Area;
- the Coastal Area;
- SSSI Impact Risk Zone.

Adjacent to:

- Stanpit and Fishermans Bank Conservation Area;
- a public Right of Way and an area of coastal open space;

20. There are two significant trees on the proposed development site, a Horse Chestnut (T4) and a Monterey Pine (T5). These trees are covered by TPO's, T4 by TPO Ref: 1992 No.8 and T5 by TPO Ref: 2018 No. 9

## **Planning Assessment**

### **Site and Surroundings**

- 21 The site is located in Mudeford an established residential area to the south of Christchurch. The area has developed in a piecemeal way with a variety of property types, sizes and orientations. Vehicular access from the highway is provided via a long single lane track which runs parallel to a hedgerow running along the common boundary with a separate vehicular access serving detached two-storey dwellings to the east (nos. 19 & 21/23). The applicant owns land to the north but outside of the application site and parts of the foreshore to the south of the site.
- 22 The site is bordered on the west by a wall and hedgerow, on the north by an orchard, and on the south by the coastal path and Christchurch Harbour SSSI. On the other side of the boundary wall to the west Coastguards Way provides access to the Watch House and the adjacent residential development comprises a mixture of dwellings which vary in their style and age
- 23 The predominant dwelling on the site is a large residential bungalow located close to the site boundary with the water's edge. This boundary is marked by a low level private flood defence wall. The site also contains an additional bungalow set "inland" behind the larger bungalow, and associated outbuildings and a garage. The buildings are surrounded by trees, grassland and ornamental planting.

### **Key Issues**

#### **Principle of Development**

- 24 Both paragraph 14 of the NPPF, and KS1 of the Local Plan place a presumption in favour of sustainable development. This site falls within the urban area of Mudeford, being a sustainable location where development is supported. The Council has accepted that there are lawfully two dwellings within the application site. The proposals therefore result in a one-for-one replacement of two existing dwellings.
- 25 The removal of the existing low lying dwellings will create a large plot that is capable of accepting two new properties with ample space for an appropriate building/plot relationship. Provided that the design quality and the positioning of the new dwellings is sympathetic to the character of the coastal setting, adjacent neighbours and preserve the setting of the adjacent conservation area it is the officer view that there would be no objection in principle to this proposed development.

## Flood risk

- 26 There is no policy objection to this proposal on flood risk grounds and the Sequential Test does not need to be applied to the proposal for replacement dwellings. Officers have concluded that the proposed development would be safe and not lead to increased flood risk elsewhere.
- 27 The Council's Flooding and Coastal Erosion Risk Management Team has advised that Sustainable Drainage Systems (SuDs) should be included in all new developments. Normally very minor SuDs like a soakaway serving a single property would be dealt with by Building Regs unless the planning authority thinks there isn't room or the ground is unlikely to be suitable. The following advice has been provided:
- post-development surface water run-off should not exceed pre-development levels,
  - options should be considered to reduce levels of run-off overall primarily through the use of Sustainable Drainage Systems (SUDS) and a range of flood resistance and resilience measures.
  - The design, construction, operation and maintenance of SUDS must meet national standards.
  - Further advice needs to be sought on septic tanks because of the proximity of SSSI.
  - The existing Fishermans Bank Wall is not on the Council's record of EA assets.
- (Condition 7 seeks to secure appropriate details of SUDS drainage and Septic tanks).

## Design, form, scale and layout

- 28 There is no prevailing pattern of development in the surrounding area and the proposed siting of the two dwellings reflects the ad-hoc siting of the adjoining properties. Their positions are staggered next to each other and the garage for House 2 utilises the footprint of the existing garage. The plot sizes are considered to be acceptable for this area, still resulting in good sized gardens and maintaining the spacious character of this part of the locality.
- 29 The House on plot 1 is built on the existing ground floor level of 2.9mAOD. The house is composed of two linear gabled forms and a split level arrangement with a two storey element on the west side with a raised ground floor and bedrooms above. A half basement sits below accommodating a pool with ancillary facilities. Both this and the lower floor of the two storey gable are flood resilient construction and not containing habitable spaces. This house has an open deck in front of the living room.
- 30 The House on plot 2 is raised except for the pool bay and ancillary areas which sit on the existing floor level of the bungalow. The house is composed of 3 linear gabled bays of varying width and staggered alignment. The

habitable living spaces are raised above ground level as recommended by the Environment Agency. A pool is at a lower level in the eastern bay (at the existing floor level of the existing bungalow). This house has projecting balconies with a similar screening to the deck on House type 1.

- 31 The scheme seeks to follow principles of low energy design, making use of good solar orientation, cross ventilation to allow passive-cooling and solar shading to limit summertime overheating. All rooms benefit from natural ventilation and daylight and the houses offer improved thermal performance and air tightness. The glazing in the rear elevations is inset from the building elevations to provide shading from summertime overheating. The flanking elevations have few openings. On House Type 2 the building is raised on piles to allow the flood storage volume under the dwellings to be maintained for the life span of the development.
- 32 Drainage is currently serviced by two on-site septic tanks. However, because of their locations it is anticipated that both of the current septic tanks will need to be removed and replaced by new ones. The applicant accepts that the specifics of these will be subject to a planning condition (see condition 7).

#### Impact on character of area including heritage assets

- 33 The application site borders the Stanpit and Fisherman's Bank conservation area at three sides. The site, at one point did sit within the conservation area of Stanpit and Fisherman's bank but has been removed after an appraisal of this site following the removal of the dwelling called Seacal. There is an historic brick wall property (known as the Admiralty wall) at the western boundary. The adjacent Watch House is a locally listed building.
- 34 The wall appears to fall under the responsibility of the owner of the application site and is currently in a state requiring extensive repair. The amended application includes proposals to repair the wall and this can be secured by condition (no.9).
- 35 There is a dense line of tall trees and vegetation that obscures any view of the proposed development from the Watch House. The southern boundary of the site sits against the coastal strip of the conservation area with a clear view across the bay to Hengistbury Head. The northern boundary of/access to the site is overlooked by the recreation ground. The returning view south from this public space and Pauntley Road commands a long vista to the sea in the line of the access road to the proposed development and neighbouring properties.
- 36 The current proposals have been arrived at following pre-application advice and discussions with the Council's Conservation Officer during consideration of the application. Amendments were made to address concerns raised by officers. The alterations or adjustments requested by the Conservation officer have been applied to the siting of dwelling 2, ensuring that the new dwelling does not compromise the long view from the access road to the sea. The Conservation officer advises that *"The reduced glass wall is a much better*

*handling of the sea facing elevations. The pair of dwellings as proposed has an essence of symmetry which is quite pleasing, as is the amount of space that both properties will be awarded. This amended scheme is a well-designed and a considerate approach to this sensitive area of Christchurch”.*

- 37 The removal of the smaller ancillary buildings that are of minor historic interest is an essential element of this scheme to create space around the two primary dwelling structures. The amended scheme includes the careful handling of the historic wall that forms a boundary with the conservation area. The components have been stored and will be reused; there is a temporary fence in place to maintain a secure boundary. The Council’s Conservation officer therefore offers support for the Application subject to condition 6 to secure appropriate detailing.
- 38 The two dwellings are sited an adequate distance from the locally listed building so they are not considered to appear dominant or intrusive in relation to this historic building. As outlined above, the layout and design form of the development is considered to be acceptable and does not harm the special qualities of the Conservation Area. It is not considered the proposal would harm the setting of the Conservation Area. Overall the scheme is considered to result in less than substantial harm to the heritage assets of the Conservation Area. The NPPF advises 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 including, where appropriate, securing its optimum viable use. This will be addressed in the planning balance section below.

#### Residential Amenities

- 39 The proposal results in changed bulk and scale of built form visible from the adjacent dwellings. The applicant has sought to retain the significant trees and landscape features on site including the boundary treatment referred to in the representations received. To the east of the application site the dwellings (nos.19 – 21/23) are jointly served by the shared access road that runs parallel to the access to the application site. The proposed access arrangements for two replacement dwellings are unlikely to result in any significant additional disturbance from vehicular movements.
- 40 The adjacent property to the south east (no.19) sits forward of 21/23 and sits at an angle to the application site. This two storey dwelling has a large window at first floor level in the gabled elevation facing the application site and a terraced balcony on the rear elevation facing the estuary. The extended garage at No.19 provides some mitigation to the overlooking of that property from no. 21/23. The principal amenity, privacy and outlook for no.19 is to the south towards the water. It is considered that the dwelling on plot 1 would not have any significant detrimental impact on the living conditions of these neighbours.

- 41 It is acknowledged that the new dwellings would impact on the outlook from nos.19 & 21/23, however, the dwelling on plot 2 would be in excess of 12m away from the dwellings to the east and the details of this new dwelling have been amended during the processing of the application. It is considered that due to its design, siting, orientation and distance from 19 and 21/23 house 2 would have an appropriate physical relationship to nos.19 & 21/23.
- 42 Although nos.19 and 21/23 have first floor windows, and in the case of no.19 a balcony, that could result in mutual overlooking to/from plot 2 the extent to which this would result in any significant loss of privacy to any of the properties is limited by the position of existing and proposed windows. Similarly the proposed external spiral staircase at the rear of plot 2 would be approx.19m from first floor windows in 19 & at least 25m from 21/23 and at these distances the Council would not have grounds to argue a loss of privacy.
- 43 Whilst the presence of the new dwellings would be visible from the rear of the dwellings in Coastguard Way, given the separation distance between the nearest dwelling (no.16) and House 1 would be more than 20 metres, there would be no grounds to argue a loss of outlook or privacy or an overbearing relationship between the proposed dwellings and the Coastguard Way properties.
- 44 The properties would be visible from the Watch House (approx.11m away but view limited by existing vegetation). However, this relationship is considered to be acceptable given the orientation and alignment of the properties. Subject to a condition to secure a 1.8m high obscured screen to the west side of the first floor rear balcony of house 1, the development is not considered to give rise to harmful levels of mutual overlooking or significant loss of privacy between these dwellings.
- 45 The detached garages and the new dwellings are likely to be apparent from neighbouring gardens, however, their modest scale would not cause significant harm to living conditions of the existing dwellings. The wall and planting along the western boundary provides screening between the sites and landscaping and repairs to the Admiralty wall are conditioned (nos. 9 & 11).

#### Access and highway arrangements

- 46 The proposed access is a narrow drive for 120 metres, nonetheless it is wide enough to accommodate a vehicle at 2.5 metres. The proposal includes a passing area adjacent to the orchard. Vehicles and pedestrians would be visible at the top and bottom of the driveway. Furthermore, the scheme does not result in an increase in the number of dwellings served by the access.
- 47 There is an opportunity to provide bin storage in a proposed passing place. Such bin stores would be well screened from Mudeford Road, being tucked in behind existing mature vegetation and it is not considered that this provision

will negatively affect the character of the Conservation Area. A condition is proposed to ensure the appearance of the proposed bin stores is satisfactory. (Condition 14).

- 48 Vehicles would need to use the shared private access area to exit onto Mudeford. However, it is considered that the existing access onto the public highway would not result in any significant increase in traffic movements. The parking provision and manoeuvring area is considered to be acceptable for the proposed properties. There is adequate space to the front of the dwellings for vehicles to manoeuvre so they could leave the site in a forward gear. The Highway Authority has raised no objection to the proposal and although they would not have jurisdiction over the private access area they have considered the proposal and consider it to be acceptable in highway safety terms.

#### The impact on the trees/hedges and biodiversity

- 49 Located within and adjacent to the application site is a Horse Chestnut (T4), and a Monterey Pine (T5), both protected by a Tree Preservation Order. The Monterey is a significant landscape tree and along with the Horse Chestnut, makes a positive contribution to the area's verdant character. An Arboricultural Impact Assessment and Method Statement has been submitted as part of the application.
- 50 The proposal includes installing a new driveway for plots 1 and 2 and rebuilding the existing garage for Plot 2. Both these activities will occur within the rooting protection area (RPA) of trees that are subject of preservation orders. Also, the dwelling for Plot 2 will be erected close to T5. The Council's Arboricultural officer raised concerns with regard to the tree information submitted with the planning application as "*it did not demonstrate how the Root Protection Areas of these trees will be safeguarded*" and "*the proposed driveway for plot 1 is positioned too close to T4 and should be moved back from T4*". The Arboricultural officer was also concerned that "*the dwelling on plot 2 is positioned too close to T5 and will not create a harmonious relationship between tree and dwelling and proposed works to the trees would have a negative impact on their shapes and visual amenity*".
- 51 Further advice was received following receipt of amended plans and an arboricultural method statement. No works are now proposed for T4 and T5. The only tree work is to fell G6, which the Council does not object to. The amended Tree Protection Plan shows the use of the existing hard surfacing for the new driveway and clarifies the positioning of the permeable drive. The arboricultural officer's concerns in respect of these matters have now been addressed.
- 52 However, the Arboricultural officer remains concerned about encroachment into the root protection area (RPA) of T5 by any working area required to build House 2, and also considers that a harmonious relation will not be created between the dwelling on Plot 2 and T5. The Arboricultural officer therefore

concludes that there could be future pressure to either severely prune or fell T5, due to tree debris fear of storms and/or future growth, and insufficient consideration has been given to the constraints placed on this site by T5.

- 53 It is considered that the canopy height and spacing between the new dwellings would enable continued appreciation of the contribution that the trees make towards visual amenity and the verdant character of the area. It is considered that the concerns relating to constructional matters and encroachment into the RPA could be subject of control by condition (no.12). Having regard to the design emphasis of House 2 being focused on the southern elevation, it is considered there would be grounds to resist future applications to prune or fell. On balance and subject to the stipulated conditions the tree/building relationship is considered acceptable.
- 54 A soft and hard landscaping scheme can also be secured by condition (no.11) to ensure new tree planting within the site and appropriate hard surfacing materials.
- 55 A Biodiversity survey has been undertaken on the site and this has informed the Biodiversity Mitigation and Enhancement Plan which has been approved by the Natural Environment Team at Dorset Councils (former Dorset County Council) and is recommended to be conditioned (no.5) to any planning permission.
- 56 The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site. The proposal does not provide for a net increase in residential units and would not therefore be likely to have a significant effect on the European wildlife site.

## **Summary**

- 57 In summary;
- The proposal seeks development in a sustainable location within the urban area.
  - The development is not considered to significantly impact on the character and setting of the Conservation Area
  - No significant harm occurs to the living conditions of neighbouring properties or the occupiers of the proposed dwellings.
  - The access and parking arrangements are considered to be acceptable.
  - The proposal would not result in the loss of any significant trees but could lead to a long-term pressure to carry out works to a protected tree, on balance bearing in mind the accommodation layout it is considered that this concern can be adequately mitigated by conditions.
  - The biodiversity of the site will be protected and enhanced through the proposal
  - The density proposed reflects the surrounding character.
  - The provision of 2 flood resilient properties represents betterment in flood risk terms over the existing dwellings



## Planning Balance

- 58 The council encourages sustainable development. This seeks to strike a balance between the economic benefit of the development, the environmental harm that results from the impacts to trees, and the benefits derived by the betterment in terms of flood resilient replacement dwellings.
- 59 The proposed layout and design of the scheme would result in less than substantial harm to the character and appearance of the Conservation Area or the setting of nearby locally listed buildings. The public benefits of providing replacement flood resilient housing in a sustainable location which improves the stock of housing within the Council's area, is given weight as well as the desirability of new development making a positive contribution to local character and distinctiveness. In this case the limited change to the environment can be controlled by appropriate conditions and is not so significant to outweigh the other benefits listed above.
- 60 In addition, as all other matters are considered to be acceptable, it is considered the proposal for two replacement flood resilient homes makes optimal use of the potential of this site and it is considered this proposal makes efficient use of land.
- 61 In reaching this decision the Council has had due regard to the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that "*with respect to any buildings or other land in a conservation area, ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*" The proposal would result in less than substantial harm to Heritage assets.

## RECOMMENDATION

- 62 Grant permission with the following conditions, which are subject to change by the Director of Growth and Infrastructure provided any alteration/addition does not go to the core of the decision:

### 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.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
249-200-001 Rev A Existing Location Plan & Site Plan  
249-200-100 Rev D Proposed Site Plan  
249-200-101 Rev B Proposed Footprint Plan  
249-200-102 Rev B Proposed Riverfront Elevation

249-200-200 Rev B	Proposed H1 Basement
249-200-201 Rev B	Proposed H1 GF
249-200-202 Rev B	Proposed H1 FF
249-200-203 Rev B	Proposed H1 RF
249-200-204 Rev B	Proposed H1 Garage
249-200-210 Rev B	Proposed H1 North Elevation
249-200-211 Rev B	Proposed H1 East Elevation
249-200-212 Rev B	Proposed H1 South Elevation
249-200-213 Rev B	Proposed H1 West Elevation
249-200-214 Rev B	Proposed H1 Section AA
249-200-215 Rev B	Proposed H1 Section BB
249-200-216 Rev B	Proposed H1 Site Section AA
249-200-300 Rev B	Proposed H2 Basement
249-200-301 Rev B	Proposed H2 GF
249-200-302 Rev B	Proposed H2 FF
249-200-303 Rev B	Proposed H2 RF
249-200-304 Rev B	Proposed H2 Garage
249-200-310 Rev B	Proposed H2 North Elevation
249-200-311 Rev B	Proposed H2 East Elevation
249-200-312 Rev B	Proposed H2 South Elevation
249-200-313 Rev B	Proposed H2 West Elevation
249-200-314 Rev B	Proposed H2 Section AA
249-200-315 Rev B	Proposed H2 Section BB
249-200-316 Rev B	Proposed H2 Site Section BB

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

3. Before the development hereby approved is occupied or utilised the turning and parking shown on Drawing Number 249-200-100Rev D must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

4. The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (HR Wallingford, R02-00, dated 5 February 2019) and the following mitigation measures detailed therein:
  - Flood resistance and resilience measures incorporated into the design at ground floor and basement levels;
  - Finished floor levels are set no lower than 3.6 metres above Ordnance Datum (AOD).

Reason: To reduce the risk and impact of flooding on the proposed development and future occupants.

5. The development hereby approved must be carried out in accordance with the approved Biodiversity Mitigation Plan dated 28/11/2018 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure protected species are not harmed during construction and their habitats are protected during and post the construction phase.

6. Prior to commencement of development above Damp Proof Course (DPC), details and samples of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Prior to their utilisation on site the following details shall be submitted to and agreed in writing by the Local Planning Authority:
- i) The glazing section
  - ii) External steps/staircases –colour and materials
  - iii) Chimney and walling bricks/mortar-colour, dimensions and texture
  - iv) Rainwater system - appearance and materials

All works shall be undertaken strictly in accordance with the details as approved.

Reason: To ensure satisfactory visual relationship of the new development to the adjacent buildings.

7. No construction shall take place until details of the septic tanks and implementation, maintenance, and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: This information is required prior to the commencement of development in order that the Council may be satisfied with the details of the proposal and to avoid surface water flooding and to accord with Policy ENV5 of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

8. Prior to commencement of development (including demolition of existing dwellings) a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP should include measures to ensure that:
- No disposal of materials, waste or debris is permitted within the SSSI.
  - The use of drip trays on any machinery to prevent petrochemicals entering the SSSI.
  - Refuelling and cement mixing on site to be done within a designated, pre-prepared, bunded area which is lined with thick plastic sheeting to catch spills. No run-off is permitted beyond the bunded area.
  - Workers are made aware of the SSSI and risks to the site and a copy of the CEMP is available onsite.

- Any temporary or permanent lighting immediately adjacent to the designated sites should be of a standard compatible with the new Institution of Lighting Professionals (ILP) Guidance Note 8, Bats and Artificial Lighting.

Reason:

This is required to ensure no disturbance to the sensitive habitat and species associated with the SSSI/SAC/SPA and protected under UK and EU legislation known to be active in the Harbour.

This will ensure the risk to the SSSI posed by the proposal is adequately mitigated.

9. The 1860 Admiralty wall running along the western boundary of the site shall be re-instated in suitable brick and prior to the first occupation of the dwellings

Reason: In the interests of the character and appearance of the area.

10. Prior to commencement of development above Damp Proof Course (DPC), full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include boundary treatments, hard surfacing materials and planting specifications (species, position and numbers/densities).

Reason: In the interests of the character and appearance of the area.

11. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development and the planting carried out in the first planting season following completion of the development or its first occupation, whichever is the sooner. Any planting found damaged, dead or dying in the first five years following their planting are to be duly replaced with appropriate species.

Reason: In the interests of the character and appearance of the area.

12. Development shall be carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan dated March 2019.

Reason: In order to protect the trees and hedges during the construction phase of the development.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, no outbuilding or other works permitted by Class E shall be constructed or erected without express planning permission having first being obtained.

Reason: In the interests of the visual amenity of the area and protecting the trees around the site.

14. Details of the arrangements for refuse collection shall be submitted to and agreed in writing by the Local Planning Authority. The collection point shall be

completed in accordance with the approved details prior to occupation of the dwellings hereby approved.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

15. Details of plant provision and air conditioning to be submitted to and approved in writing by the LPA prior to the installation of such units

Reason: In order to ensure that the units do not impact on the setting of the conservation area or the amenities of adjacent properties.

16. 1.8m high obscured screens to the west side of the first floor rear balcony/terrace of house 1, and 1.8m high obscured screens to the east side of the first floor rear balcony/terrace of house 2 shall be erected prior to occupation of the dwellings hereby approved and shall subsequently be retained thereafter.

Reason: In order to protect the privacy of adjacent properties

**Informatives:**

1. In view of the potential flood risks in this locality, the Environment Agency would advise that any developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation. Guidance is available within the Department for Communities and Local Government publication 'Improving the Flood Performance of New Buildings – Flood Resilient Construction, May 2007' available at:- <https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings>
2. The Environment Agency (EA) confirm that the site does lie within a Flood Warning area and the EA recommend that the applicant prepares a Flood Warning and Evacuation Plan for future occupants. The Environment Agency's involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users.
3. 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 the Conservation of Natural Habitats and Species Regulations 2017 and they are also protected by European and International Law. 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 National Bat Helpline (tel: 0345 1300 228). website <https://www.bats.org.uk/our-work/national-bat-helpline>

## **Background Papers**

Case File - 8/18/2653/FUL

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Case officer: Kevin Chilvers