

Planning Committee

23/07/2020

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| Application Address | 40A Portfield Close, Christchurch, Dorset, BH23 2DQ |
| Proposal | Erect dwelling with associated access and parking |
| Application Number | 8/20/0166/FUL |
| Applicant | Mrs M White |
| Agent | Mr John Hammond |
| Date Application Valid | 19 February 2020 |
| Decision Due Date | 15 April 2020 |
| Extension of Time date (if applicable) | |
| Ward | Christchurch Town |
| Recommendation | Delegate to the Head of Planning to secure a s106 agreement and then GRANT permission with the conditions in the recommendation, which are subject to alteration/addition by the Head of Planning & Regulation provided any alteration/addition does not go to the core of the decision. |
| Reason for Referral to Planning Committee | This application is brought to the Planning Committee at request of Cllr Cox on the grounds of; Significant overlooking of neighbours property Reduction in parking provision in Portfield Close |

1 **Description of Development**

- 2 Planning consent is sought for the erection of 1 x 2 bedroom dwelling, with associated access and parking in Portfield Close.
- 3 The applicant has provided the following information.

| | Proposed dwelling |
|------------------------------|-------------------|
| Site Area: (ha) | 0.0164 ha |
| Use | Residential |
| Approximate ridge Height (m) | 7.5 |
| Approximate Depth (m) | 9.1 |
| Approximate Width (m) | 5.0 |

| | |
|-----------------------------|--------------------------------|
| Distance from site boundary | 0.3 (NE side) 0.9 (SW side) |
| No. of Storeys | 2 |
| Parking Spaces | 1 |
| No. of Residential Units | 1 |

4 The main considerations involved with this application are:

- The principle of the development
- Impact on character and surrounding area
- Impact on residential amenity
- Parking provision
- Landscaping & amenity space
- Heathlands mitigation
- Other Issues

5 These points will be discussed as well as other material considerations at para 30 to 48 below.

6 **Planning Policies**

Development Plan:

Christchurch and East Dorset Local Plan Core Strategy (2014)

- KS1: Presumption in favour of sustainable development
 KS12: Parking Provision
 HE2: Design of New Development
 H12: Residential Infill
 ENV21: Landscape Quality
 LN1: The Size and Type of New Dwellings
 ME2: Protection of the Dorset Heathlands

Supplementary Planning Documents:

- Dorset Heathlands Planning Framework SPD 2020 - 2025
 Borough Wide Character Assessment 2003

The National Planning Policy Framework (2019)

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 sections include:

- Section 5 Delivering a sufficient supply of homes

Para.59;

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

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.70;

“Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.”

- Section 11 Making effective use of land

Para. 123

“Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:

c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).”

- Section 12 Achieving well-designed places

The requirement for good design set out in section 12; paragraph 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).

7 **Relevant Planning Applications:**

8 20 Grove Road East

8/18/3551: Sever land and erect 1 no. 2 bedroom dwelling to the rear of the garden with associated access and parking – Refused 18/6/2019, Dismissed at Appeal (3/12/2019).

- 9 16 Grove Road East
8/14/0064: Severance of Land and creation of 1 x 1 bed dwelling with associated access from Portfield Close and parking provisions – Granted 26/11/2014.

Planning Appeal Summary:

Planning Application 8/18/3551 was refused at committee against officer advice that the application be approved. The committee refused the application for three reasons namely;

1. A detrimental impact on neighbours living conditions,
2. The impact on the character of the area
3. Lack of parking and impact of loss of parking for 20 Grove Road Rd

The Planning Inspector later dismissed the Appeal application (APP/V1260/W/19/3236211) on 3/12/2019), solely because the Inspector considered that an Undertaking from the applicant to provide mitigation for the impact of the scheme on protected heathlands was inadequate.

In their conclusion, the Inspector determined that the development would be acceptable with regard to the character and appearance of the area, and the living conditions of both future occupants of the development, and other occupants of dwellings in Portfield Close and Grove Road East (para. 34). In addition, they did not find harm with regards to the proposed parking provision or the impact on parking within Grove Road East, thereby dismissing all of the reasons for refusal advanced by the planning committee.

The current application is identical to the previous scheme with the exception of the omission of a rear bedroom window.

10 **Representations**

- 11 In addition to letters to neighbouring properties, Site Notices were posted on 22nd May 2020, one on a lamp column outside the site and one on telegraph pole outside No. 28 Grove Road East, with an expiry date for consultation of 13th June 2020.

- 12 13 representations have been received raising objection; The issues raised comprise the following:-

- Out of character with the surrounding area
- Loss of privacy at neighbouring properties due to additional overlooking
- Loss of parking at 20 Grove Rd East and additional congestion of the area through on street parking
- Loss of parking in Portfield Close for existing residents
- Will harm highway safety & pedestrian safety
- Cramped form of development
- Close to side boundaries
- Will diminish the sense of openness at the head of Portfield Close.
- Potential impact on bats seen in the area
- No drains in roadway so will have to cross third party land

13 **Consultations**

14 Dorset Highways Authority
No objection (received 14/04/2020) – subject to condition regarding turning & parking

15 Natural England
No objection (received 06/04/2020) – subject to adequate Heathlands Mitigation

16 Christchurch Town Council – no response received

17 **Constraints**

18 Heathlands 5km Consultation Zone

19 **Planning assessment**

20 **Site and Surroundings**

21 Level site at the head of a cul-de-sac, formerly the bottom section of the rear garden of No. 20 Grove Road East (now separated by fencing) with existing vehicular access from Portfield Close to a single detached garage. The site was described as being within 20 Grove Road East on the previous application.

The site is located within an established residential area characterised by terraced, two-storey houses in Portfield Close, creating a relatively dense enclosed frontage along its eastern and western sides but with its northern end open with a variety of outbuildings, boundary treatments and parking areas apparent. The dwellings are regular in form and appearance, with render and plain clay tiles, with the frontages largely given over to hard-standing for off road parking.

22 **Key issues**

Principle of Development

23 Paragraph 11 of the NPPF and Policy KS1 of the Local Plan place a presumption in favour of sustainable development. Policy KS2 - Settlement Hierarchy of the Local Plan states that the location, scale and distribution of development should conform with the settlement hierarchy. The site lies within the urban area of Christchurch which is identified as a 'Main Settlement' in the settlement hierarchy in Policy KS2 and this will provide the major focus for community, cultural, leisure, retail, utility, employment and residential development. This will include infill development as well as options for some greenfield development. The proposals would provide additional residential accommodation within a sustainable location and comply with Policy KS2.

24 The site involves development of an existing residential garden. The NPPF confirms that residential gardens do not fall within the definition of previously developed land contained in Appendix 2 of the Framework. Nonetheless, the Core Strategy policies do not include a policy to resist inappropriate development of residential gardens. Therefore, the proposal needs to be considered against the adopted policies listed in 8. above.

25 Furthermore, Christchurch, following the publication of its most recent housing land supply (HLS) in May 2020 does not have a five year housing land supply. It currently stands at 3.98 years (with a 20% buffer due to the significant under delivery of housing over the previous

three years), a substantial deterioration from the previous year's assessment of 4.77 years. Part of the deterioration of the figure is due to the HLS now being calculated on delivery in the former Christchurch Borough Council area of the Local Plan, rather than over the whole plan area. It would appear that the comparatively better figure of the 19/20 assessment was due in part to the extent of development within the former East Dorset area not making apparent the scale of under delivery within Christchurch.

- 26 Where an authority cannot demonstrate an adequate housing land supply within the Local Plan area, the NPPF advises in paragraph 11 that the policies which are most important for determining the application are therefore out-of-date. This means that the "tilted balance" described in para. 11 of the NPPF has to be applied to the proposals and the weight attached to the adopted policies listed at 8. above is affected as a result. This site does not involve policies in the Framework that protect areas or assets of particular importance which are listed in Footnote 7 on page 6 of the NPPF and includes for example habitats sites/SSSIs, green belt, heritage assets and areas at risk of flooding. Therefore, the application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 27 The proposed development would make a modest but nonetheless valuable contribution to addressing this significant current lack of housing supply and weight is attached to this in the Planning Balance exercise below. It is also worth noting that the previous Inspector considered the appeal in light of the comparatively healthy 18/19 HLS assessment of 4.77 years' supply and lesser weight would be attached to Local Plan policies in light of the worsening supply.
- 28 The Strategic Housing Market Assessment (SHMA) identifies that Christchurch has a higher percentage of demand for 2 and 3 bedroom properties and an 80% requirement for houses and 35% detached and 25% semi-detached and 20% terraced dwellings. This scheme provides for a single 2 bedroom dwelling and it is considered to meet the needs as identified in the SHMA.

Impact on character and appearance of surrounding area

- 29 The new dwelling is sited at the head of the cul-de-sac at the north west end of Portfield Close, and will be visible along the length of this road, along with the existing dwelling at No.41 and the rear elevations of the houses in Grove Road East. In design, scale and form the dwelling is modest, and as such the building is not incongruous in this locale. The Inspector concluded that;

"Considered in the above context, the development would provide a point of visual termination, helping to draw both sides of Portfield Close together within the view. Though openness would be reduced, the visual benefits would outweigh any harm, and space would otherwise continue to exist either side of the dwelling.

As such the dwelling would not be perceived as representing 'over development'."

- 30 The proposed materials of white render and fibre cement slate tiles are considered suitable in a residential context bearing in mind the dwelling's visibility within Portfield Close. The current scheme is essentially the same as the previous proposal, ref; 8/18/3551/FUL, the exception being that the number of first floor windows in the rear elevation have been reduced in number from 2 to 1.
- 31 Due to the length of the plot, the proposed dwelling can be accommodated without appearing

cramped, or the site overdeveloped, a conclusion shared by the Inspector. An acceptable sized rear garden has been provided for the new dwelling (10m), and a similar depth retained by No.20 Grove Road E. There is adequate pedestrian access to the rear garden adjacent to the SW side boundary (approx.0.9m). Whilst the gap between the NE side wall of the house and the site boundary is minimal (approx.0.3m), it is adequate to allow for construction of foundations and eaves overhang without impinging on the neighbouring property at no.18 Grove Road E.

- 32 It is noted that consent was granted for a plot severance and formation of a detached dwelling in what was originally an existing garden building at the rear of the site at no.16 Grove Road E. (App. No. 8/14/0064 in 9 above). This dwelling is a two-storey, 1 bedroom house, accessed from the head of the cul-de-sac in Portfield Close, and having associated off-road parking space at the front/side of the site adjacent to the proposed new dwelling. There is, therefore, evidence of infill development in the vicinity and further capacity to accommodate further development subject to the application of Local Plan policies. This would add further to the visual benefit noted by the Inspector.

Impact on residential amenity

- 33 With respect to potential overlooking, the side window at first floor level in the NE side elevation which serves a bathroom can be controlled by condition with obscure glazing (Condition 4). The proposal will not therefore result in direct overlooking of the neighbouring property to either side of the site. The opening up of further windows under householders permitted development rights can also be restricted by planning condition (Condition 6), so that future privacy is protected.
- 34 To the front of the new dwelling the windows will offer views down the length of the Portfield Close, and across the frontages of neighbouring properties. These areas being already open to public view, it is considered that this relationship is a common one and acceptable in an urban location.
- 35 The rear-facing window at first floor level serves a bedroom and will have views over the rear garden at the property, and oblique views towards the neighbouring gardens at no.18 & 22 Grove Road East to either side. The neighbouring property at no.18 has a conservatory attached to the rear elevation. This addition is separated by approx. 16 meters from the rear wall of the new dwelling and is therefore considered to be adequately distanced for back-to-back development in an urban context, and will not suffer a materially harmful loss of privacy.
- 36 With regards to the single rear facing bedroom, the Inspector previously concluded that;

“Given the height and reasonably close spacing of dwellings along Grove Road East, extensive mutual overlooking of adjoining garden spaces currently occurs. In this regard, the garden of the proposed dwelling would be no more overlooked than the same space would be if it continued as part of the garden of No 20.”

- 37 Taking into account the level of mutual overlooking that already exists in the area across rear gardens, the single upper floor window in the rear elevation will not result in substantial additional overlooking of neighbouring properties, or impinge on the privacy and amenity therein. The Inspector confirmed;

“A reasonable separation distance would otherwise exist between the rear elevations of the proposed dwelling and No 20, whose length would be similar to back-back distances

seen elsewhere within the immediate locality. For these reasons, there would not be an unacceptable loss of privacy for occupants of No 20, or an unacceptable lack of privacy for future occupants of the proposed development. The same would be similarly true with regard to mutual overlooking between the proposed dwelling and other dwellings in Grove Road East.”

38 Due to the hipped-roof configuration which leans the bulk of the roof in-away from the boundaries, and the stepped ridge-line which reduces the massing at the front of the property, the proposal is not overly visually dominant or oppressive on the side boundaries.

39 The NE side wall of the new dwelling is approx. 6.65 m from the front wall of the neighbouring dwelling at no 42A, which is set at a right-angle to the site. There are however, no windows in the front of no.42A which has only a front door in this elevation. The main outlook from No.42A is orientated towards the rear garden (towards the north west) and the windows in this elevation will not be significantly affected by either overshadowing or curtailment of outlook. The Inspector’s conclusion on this aspect was;

“For these reasons, and also taking into account the relatively large size of the garden attached to No 41, and the absence of windows within the elevation of No 41 facing the appeal site, the outlook of occupants at No 41 would not be adversely affected by the development.”

40 With regards to other surrounding properties, the Inspector determined;

“The decision notice refers to an adverse effect on ‘visual amenity’ to 18 and 22 Grove Road East. The specific meaning of this is unclear, as too is the reason why Nos 18 and 22 are singled out. In view of my findings above, including my consideration of character and appearance, the development would not have an unacceptable visual effect when viewed from Nos 18 and 22.”

41 Given the orientation of the proposed dwelling, and its position relative to the surrounding properties, the development proposes no significant issues of massing, loss of light or amenity to the neighbouring properties in either Grove Rd E, or Portfield Close. The scheme is considered to comply with the test in Policy HE2 to be compatible in its relationship to nearby properties including minimising general disturbance to amenity.

42 The property is modest, the plans confirm its size at 73m². Policy LN1 of the Local Plan states that all new housing will be required to be built to meet minimum living space standards and makes specific reference to the use of former Homes and Communities Agency Housing Quality Indicators (HQI). The HQIs state the standard for a 4 bedspace (i.e. a two double bedroom) property is between 67 – 75 m². The scheme complies with this standard and thereby Policy LN1.

Parking Provision

43 As noted above, there are material differences in character between the front of the site in Grove Road East and rear of the site in Portfield Close. Grove Road East’s older properties generally have only on-street parking, although the newer properties in the area also have off-road driveway parking and garages. This creates some pressure for parking. No. 20 having vehicular access from the rear to off-road parking is therefore unusual against its immediate neighbours.

- 44 The additional vehicular movements created in both Grove Road E and Portfield Close would be at a minor level and would not materially impact highway safety. The Highways Authority have raised no objection to the proposed development in terms of road safety, subject to a condition on the consent regarding completion and maintenance of the parking area at the new dwelling (Condition 5).
- 45 The additional pressure on existing on-street parking in Portfield Close and Grove Road East, has been raised in a number of objections received from local residents. On this issue the Inspector concluded;
- “in the absence of any evidence to the contrary, it is also not possible for me to conclude that if the occupants of No 20 were to park solely within Grove Road East, this would cause any demonstrable change, or indeed harm to the living conditions of other occupants of Grove Road East as a result of increased competition for space.”
- 46 In respect of the impacts on parking in Portfield Close, the Inspector established that;
- “As No 20 would not be directly accessible from Portfield Close, it is highly unlikely that the occupants of No 20 would compete with residents of the street to park there. Again therefore, no harm would be caused.”
- 47 The proposed dwelling has provision for one off-road parking space, which is considered to be sufficient for a dwelling of this size in this location and is accepted by the Highways Authority. This issue of potential impact on residents existing parking has been considered in the previous appeal and found to be acceptable.
- 48 The site is located within a sustainable urban area and is within walking distance of public transport and Christchurch town centre. The provision of off-road parking for one vehicle at the proposed dwelling, and subsequent loss of parking at the parent property, is considered to be acceptable due to the sustainable location, and as such conforms to Local Plan Policy KS12.

Landscaping & amenity space

- 49 The proposed dwelling is a two bedroom property and has been provided with an acceptable amount of external amenity space at the rear (approx. 63 m²). The proposed garden measures approximately 10 meters in depth and a similar amount of garden space has been maintained at no.20 Grove Road E. Therefore, the amenity space at both the original and proposed dwelling is considered to be acceptable.
- 50 The development will not result in the loss or damage to any significant tree or other landscape feature.

Heathlands Mitigation

- 51 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 for net increase in residential units is, in combination with other plans and projects and in the absence of avoidance and mitigation measures, likely to have a significant effect on the site. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.

52 The appropriate assessment (separate document to this report) has concluded that the likely significant effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the supporting policy documents, and that the proposal is wholly compliant with the necessary measures to prevent adverse effects on site integrity detailed within the documents.

Dorset Heathlands Planning Framework SPD

53 The mitigation measures set out in the Dorset Heathlands 2020-2025 SPD can prevent adverse impacts on the integrity of the site. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development the Council will fund HIP provision via the Community Infrastructure Levy but SAMM, which forms the second strand of the strategy, requires that contributions be secured via s106 from all development where there is a net increase in dwellings. The strategic approach to access management is necessary to ensure that displacement does not occur across boundaries.

54 Officers requested the applicants to complete a unilateral undertaking which secures the necessary contribution towards Strategic Access Management and Monitoring in accordance with the Dorset Heathlands SPD. This contribution does not relate to the provision of infrastructure, is reasonable and necessary; the contribution complies with Regulations 122 and 123(3) of the Community Infrastructure Levy Regulations 2010 (as amended). With the mitigation secured the development will not result in an adverse effect on the integrity of the designated site and is therefore in accordance with policy ME2.

55 The unilateral undertaking has since been submitted and is currently with the council's legal department for final checks prior to signing by the applicant.

56 The failure to complete a satisfactory unilateral undertaking to secure heathland mitigation was the sole reason for the dismissal of the appeal. Subject to the completion of a satisfactory s106 agreement, the application is acceptable.

Other Issues

57 Community Infrastructure Levy (CIL) – as the proposal is for one additional dwelling a contribution toward CIL is required.

58 Summary

- The impact of the development on the character and appearance of the area, the living conditions of neighbours and parking provision has been found to be acceptable by an Inspector.
- The previous appeal was only dismissed because of the lack of a satisfactory s106 agreement to provide heathland mitigation.
- The appeal decision is a major material consideration in the determination of this application.
- The proposal seeks development in a sustainable location in an urban area which is acceptable in principle.

- The density proposed reflects the surrounding character.
- The scheme has an acceptable impact on neighbouring properties.
- Parking provision is considered adequate and the additional traffic created by a single dwelling would not give grounds for refusal on highway safety.
- Adequate outside amenity space has been provided for both the original and proposed dwelling.
- A Unilateral undertaking has been submitted subject to final checks by the council's legal department and applicant's signature.

Planning balance

- 59 The proposal is identical to the dismissed scheme with the omission of a single rear-facing bedroom window on the current proposal. As such its merits are indistinguishable from the previous scheme. The Inspector's decision is therefore a substantial material consideration in the determination of this appeal.
- 60 The significance of an Inspector's appeal decision to subsequent proposals is also set out in Central Government's National Planning Practice Guidance. In the section on the award of costs in appeals, it states;

What type of behaviour may give rise to a substantive award against a local planning authority?

Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:

- persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable

- 61 The Council has previously run arguments in respect of the impact of the scheme on the character of the area, its impact to neighbour's living conditions and parking. These were not upheld. To run these arguments again would be a clear-cut example of the unreasonable behaviour identified above.
- 62 The scheme provides residential development in a sustainable location. The Local Plan area for Christchurch currently has an under-supply of housing. Options to meet that under supply outside of the current urban area is limited by the green belt, areas at risk of flooding and potential impacts on protected heathlands. There will continue to be an ongoing need to look for infill sites in the urban area such as this in order to meet housing demand. Significant weight is therefore attached to this aspect. The weight attached to this aspect has increased since the dismissal of the appeal due to the worsening housing land supply.
- 63 The parking provision in the scheme is acceptable and the impact on highway safety and parking impacts elsewhere is also acceptable.
- 64 Subject to securing suitable mitigation for the impact of the development on protected heathlands, the proposal is acceptable.

Recommendation

65 **Delegate to the Head of Planning to secure a s106 agreement for heathland mitigation and then GRANT** permission with the following conditions, which are subject to alteration/addition by the Head of Planning & Regulation 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 no. XC-20-006 - 001, 002, 005, 100, 200

Received on 19th February 2020

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

3. The materials to be used in the external surfaces of the proposed development shall be as specified in the approved application unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of design and amenity.

4. The bathroom window in the north east (side) elevation shall be obscurely glazed with glass which conforms to or exceeds Pilkington Texture Glass Privacy Level 3 and fixed shut, or otherwise hung with an opening top-light only, in such a way so that the effect of the obscure glazing is not negated.

Reason: To protect the privacy of neighbouring premises.

5. Before the development hereby approved is occupied or utilised the turning and parking shown on Drawing Number XC.20.006.002 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.

6. No further windows/dormer windows other than those expressly authorised by this permission shall be constructed in the extension hereby permitted unless otherwise approved by planning permission by the Local Planning Authority.

Reason: To protect the privacy of neighbouring premises.

7. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. To ensure that the Public Right

of Way adjacent to the application site is not impeded during construction the approved statement shall include details of:

- i. The storage of plant and materials
- ii. The erection of any scaffolding along the southern boundary of the site
- iii. The erection of security fencing along the southern boundary during construction.

The Construction Method Statement shall be implemented as approved

Reason: To ensure a satisfactory form of development in relation to the Public Right of Way adjacent to the site.

Informative Note

1. This planning consent does not convey the right to enter land or to carry out works affecting or crossing the boundary with land which is not within your control without the landowners consent. This is, however, a civil matter and this planning consent is granted without prejudice to this.

This permission is granted under Town and Country Planning Legislation and does not alter or impinge upon the rights of adjoining landowners under common law or under the Party Wall Act 1996. If any part of the development is physically attached to, or relies for support on, the neighbouring property the consent of the relevant landowners/occupiers will need to be obtained under the provisions of the Party Wall Act 1996.

2. This consent is subject to completion of a signed Unilateral Undertaking to mitigate the impacts of the development on Dorset Heathlands in accordance with Policy ME2 and The Dorset Heathland Planning Framework 2020 - 2025.
3. The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to this development. The Council will shortly be issuing a CIL Liability Notice following the grant of this permission which will provide information on the applicant's obligations.

Background Documents:

Case File – 8/20/0166

Appeal decision - APP/V1260/W/19/3236211

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: Alison Underwood

