

PLANNING COMMITTEE



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| Application Address | Land R/O 91 The Grove Christchurch BH23 2EZ |
| Proposal | Proposed 2 bedroom bungalow to the rear of existing property, with private garden, parking, turning and associated garage. |
| Application Number | 8/20/1167/FUL |
| Applicant | H B Holdings Ltd |
| Agent | Mr Matt Stevens |
| Date Application Valid | 7 January 2021 |
| Decision Due Date | 4 March 2021 |
| Extension of Time Date (if applicable) | 26 April 2021 |
| Ward | Commons |
| Report status | Public |
| Meeting date | 18 November 2021 |
| Recommendation | Grant, subject to conditions |
| Reason for Referral to Planning Committee | <p>This application has been referred to the Planning Committee by Cllr Margaret Phipps for the following reasons;</p> <p>Contrary to Core Strategy Policies HE2 Landscaping and HE3 Landscape Character. The development will put pressure on and could endanger in the long term TPO trees in the near vicinity.</p> <p>The proposal fails to comply with Policy HE2 of the Core Strategy. The development is not compatible with, or improves its surroundings because of its scale, bulk and height.</p> <p>The application is contrary to saved policy H12 of the Christchurch Local Plan being inappropriate in character and scale to the immediate locality. Overdevelopment of</p> |

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| | the site. |
| Case Officer | Emma Wachiuri |

Description of Site and Surroundings

1. The application site comprises the rear garden of no.91 The Grove and is located within an area which is primarily residential in use, wherein the age, scale and design of properties varies. There is a mix of two-storey, chalet bungalow and bungalow dwellings in the area. There is also variety in the plot sizes.
2. The application site is enclosed by established dwellings and their amenity spaces. Development was originally laid out fronting The Grove, however there are numerous examples of later 'backland' development in the surrounding area. The backland development at The Glade directly adjoins to the north. The area has an established suburban character.
3. 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.
4. Trees within the rear garden are protected by a group tree preservation order (TPO) ref:1988 No.13.

Proposal

5. Proposed 2-bedroom bungalow to the rear of existing property, with private garden, parking, turning and associated garage.
6. This involves the subdivision of the existing back garden of no. 91 The Grove. The detached rear garage and other outbuildings would be demolished. The proposed dwelling would be accessed via the existing vehicle access and driveway of No.91.
7. A total of 2 parking spaces are proposed for the new dwelling and 2+ spaces for the donor property would be retained on the existing front driveway. Cycle storage would be within the garage.
8. The proposed external materials are render for the walls and grey roof tiles.

9. Relevant Planning History:

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| 8/20/0631/FUL | Land R/O 91 The Grove | Erection of new dwelling to the rear of existing property, with garden, parking, turning and | Withdrawn | 10/12/20 |
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| | Christchurch BH23 2EZ | associated garage. | | |
| 8/02/0749 | Land at the rear of 93-97 The Grove | Erection of two detached chalet bungalows with access from The Grove and associated car parking (demolition of existing workshop) (Amended Plans) | Granted | 01/05/03 |
| 8/02/0595 | Land at the rear of 93-97 The Grove | Erection of 2 detached chalet bungalows with access from The Grove & associated car parking (demolition of existing workshop) | Withdrawn | 27/11/02 |
| 8/01/0594 | Land r/o 93-97 The Grove | Erection of two detached chalet bungalows with access from The Grove and associated parking. (Demolition of existing workshop) | Refused | 22/01/02 |
| 8/00/0447 (appeal) | Land at the rear of 93/97 The Grove | Erection of 6 chalet bungalows together with access and parking provisions | Dismissed | 14/06/01 |
| 8/01/0025 (appeal) | Land rear of 93-97 The Grove | Erection of 3 chalet bungalows & 1 bungalow together with access & parking provisions | Dismissed | 14/06/01 |
| 8/01/0025 | Land rear of 93-97 The Grove | Erection of 3 chalet bungalows & 1 bungalow together with access & parking provisions | Refused | 01/03/01 |

10. Constraints:

The constraints affecting the proposal are:

SSSI Impact Risk Zone - 0.00m

Highways Inspected Network - 8.15m

Heathland 5km Consultation Area - 0.00m
Airport Safeguarding - 0.00m
Wessex Water Sewer Flooding - 0.00m
Tree Preservation Order - 0.00m

Public Sector Equalities Duty:

11. In accordance with section 149 Equality Act 2010, in considering this proposal due regard has been had to the need to —
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Other relevant duties:

12. In accordance with section 40 Natural Environment and Rural Communities Act 2006, in considering this application, regard has been had, so far as is consistent with the proper exercise of this function, to the purpose of conserving biodiversity.
13. For the purposes of this application, in accordance with section 2 Self-build and Custom Housebuilding Act 2015, regard has been had to the register that the Council maintains of individuals and associations of individuals who are seeking to acquire serviced plots in the Council's area for their own self-build and custom housebuilding.

Statutory Consultee Comments:

Natural England

14. No objection subject to mitigation being secured and also made the following comments:

“Dorset Heaths

The application site is within the vicinity (within 5 km and beyond 400m) of Town Common SSSI which is notified as a Site of Special Scientific Interest (SSSIs) for the special interest of its heathland habitats and associated plant and animal species. Town Common SSSI is also part of the Dorset Heathlands Special Protection Area (SPA) and Dorset Heaths Special Area of Conservation (SAC) and Ramsar

If your authority is unable to secure mitigation measures please re-consult Natural England as our advice is likely to be amended to an Objection.

Matters Regarding the Habitat Regulations

In the light of the recent ECJ ruling (People Over Wind & Sweetman v Coillte Teoranta (Case C-323/17)) which concluded that the avoidance/mitigation,

e.g. as set out in the Dorset Heathlands Planning Framework (2020– 2025) SPD, cannot be taken into consideration when considering the Likely Significant Effects of proposals on European wildlife sites (and Ramsar sites as a matter of Government policy). Natural England advise your authority to undertake an Appropriate Assessment of the application under Reg 63.

Natural England has no objection to the proposal on the condition that your authority secure the appropriate level of mitigation contributions, as set out in the above SPD, to ensure that the identified adverse effects on the protected sites are mitigated according to the measures agreed with Natural England in the documents.

Biodiversity Enhancement

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes and implementing hedgehog friendly boundary treatments. Securing the implementation of such biodiversity enhancement measures would be in line with National Planning Policy Framework (NPPF 2019), paragraphs 8, 170 and 175.”

Christchurch Town Council

15. None received

BCP Highways - Minor Dev

17. No objection – “From the information provided it would appear that the existing donor dwelling front forecourt arrangement would be able accommodate the required parking for the donor property in accordance with policy KS12.”
18. “The applicant has shown the new dwelling, located at the rear of the donor sites garden, with 2 on-site car parking spaces (includes single large garage/cycle store) accessed via the existing vehicle access and driveway of the donor property, the parking provision and layout so vehicles can enter and leave in forward gear is in accordance with Policy KS12.”
19. “Emergency vehicles should be able get within 45m of the dwellings, and access road width should be in accordance with the requirements.”
20. “For Emergency access to reach a fire, the access route width could be reduced to 2.75 m over short distances, provided the pump appliance can get to within 45m of dwelling entrances (Manual for Streets Guidance); the width of the access road measured from the submitted plan reads to be approximately 3.1m at its narrowest (jacuzzi hut as indicated on the submitted plan). As stated above emergency vehicles must be able to get within 45m of the dwelling, whilst the width of the access road/driveway meets the guidance, nevertheless The Glade road is nearby from which the emergency vehicles would be able to get to approx 20m from the dwelling.”

BCP Trees & Landscaping

Comments dated 25/05/21

21. The Tree and Landscape Officer has seen the submitted Tree Report ref: JH/AIA/20/039/Rev4, dated 19/05/21 and Tree Protection Plans ref: JH-TTP-29-7-20.1 Rev5, dated May 2021. The Officer has also seen the Construction Method Statement, dated 18/05/21. No objections raised subject to conditions.

BCP Waste and Recycling

22. "No objection subject to amended plans showing a bin presentation point. The presentation point should be at the kerbside of the property where it meets the footpath to The Grove, this area only to be used on collection the bins being returned to the property after collection."

Representation:

23. 15 objections received in which the following summarised concerns were raised:
- Garden grabbing
 - Loss trees and wildlife habitat
 - Presence of newts and other reptiles
 - Overdevelopment of the site
 - Increased housing density
 - Size of plots and property is out of keeping with the character of the area
 - Increase in traffic/congestion
 - Access road is too narrow with limited sightlines
 - Danger to pedestrians at access point
 - Inadequate parking putting pressure on street parking in the area
 - Pollution
 - Emergency vehicles can't get there easily
 - Set a precedent
 - TPO trees in neighbouring gardens - future pressure will be put on them to be felled and/or severely pruned, pre and post development
 - Overbearing on no.93
 - Noise and disturbance on adjoining property from the access road

- Noise from gravel access road
- Loss of outlook
- Resultant properties would have inadequate outdoor garden space
- Proposed garden would be overshadowed and over shade from the adjacent trees
- Loss of family dwellings in the area
- Bin collection and return to property on time will be an issue

Non-planning matters

- Value and saleability of adjoining properties
- Structural damage to neighbouring properties during the build
- Removal of neighbours wall and it's reinstatement

Planning Policy:

24. 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. The development plan in this case comprises the Christchurch and East Dorset Local Plan and saved policies of the Christchurch Local Plan 2001.

25. The following policies are of particular relevance in this case:

Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2014

KS1: Presumption in favour of sustainable development
 KS2: Settlement Hierarchy
 KS4: Housing Provision in Christchurch and East Dorset
 KS11: Transport and Development
 KS12: Parking Provision
 HE2: Design of new development
 HE3: Landscape Quality
 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

Christchurch Local Plan – Saved policies

H12: Residential Infill
 H16: Crime Prevention and Design
 ENV 1: Waste Facilities in New Development
 ENV 5: Drainage and New Development

ENV 6: Connection of Development to Mains System
ENV 21: Landscaping in New Development
T16: Access for those with impaired mobility

26. Supplementary Planning Documents:

- Dorset Heathlands Planning Framework 2020-2025
- BCP Council Parking Standards Supplementary Planning Document (January 2021)

27. Supplementary Planning Guidance:

- The Christchurch Borough-wide Character Assessment (2003)

National Planning Policy Framework (2021)

28. 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.

29. The relevant NPPF sections include:

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places

30. Section 2 - Achieving sustainable development

Paragraph 11 sets out the presumption in favour of sustainable development. 'For **decision-taking** this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

Footnote 8 - This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of

housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted.

31. Section 4 - Decision-making

Para 47 states that Planning Law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

32. Section 5 Delivering a sufficient supply of homes

Para.60 "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 69

"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;

33. Section 11 seeks to ensure that effective use is made of land

Para 119 seeks to ensure that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Para 120 requires decisions:

- to give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and
- to promote and support the development of under-utilised land and buildings,

Para 124 requires decisions to take into account the identified need for different

types of housing and other forms of development, and the availability of land suitable for accommodating it, 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 125 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.

34. Section 12 seeks to achieve well-designed places

Para 130 requires that developments:

- will function well, and add to the overall quality of the area.
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- are sympathetic to local character and history
- establish or maintain a strong sense of place
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development
- create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users

Para 134 states that 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 174 advises that decisions should contribute to and enhance the natural and local environment.

ASSESSMENT

35. The key main issues for considerations are:

- Principle of development
- Type of housing and size
- Internal Space standards and occupier amenity
- Impact on design and character of the streetscene
- Impact on residential amenities
- Highways, Parking and Servicing
- Impact on trees and landscaping
- Biodiversity and Heathland Mitigation

Principle of development

36. Paragraph 11 of the National Planning Policy Framework sets out the presumption in favour of sustainable development.
37. The site lies within the urban area of Christchurch which is the major focus for development in the spatial strategy set out in Policy KS2 in order to promote a sustainable pattern of development. A number of infill units have been constructed in sites along The Grove, for example the backland development along The Glade located to the north of the site.
38. The NPPF at para. 71 advises that Local 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. However, the preceding Christchurch Borough Council through the Core Strategy process concluded that no such policy was necessary and indeed the Council would not be able to meet the housing target within the Local Plan without infill development within the urban area.
39. There are therefore no policies to prevent “garden grabbing” in the Local Plan as evidenced by the number of existing backland developments in the area. Therefore the residential redevelopment of the site is considered acceptable in principle.
40. The Council does not have a 5 year housing land supply as it currently stands at 3.98 years (April 2019). Having regard to Paragraph 11 of the NPPF and given the above, the tilted balance is potentially engaged (Para 11 d). The site will provide one additional unit towards the supply of housing but also lies within 5 km of a European Habitat site. The sections below will assess the proposal including in the context of footnote 7 of the Framework and impacts on relevant habitats sites.

Type of housing and size

42. Policy LN1 refers to the Strategic Housing Market Assessment (2015) and the Housing Quality Indicators and in particular the size of proposed housing. The SHMA identifies that 2- and 3-bedroom properties are what is mostly required in the Christchurch area. The proposal is for a 2-bedroom house which would meet this area of greatest need identified in the SHMA and thus complies with this aspect of Policy LN1.

Internal Space standards and future occupier amenity

43. Policy LN1 states that all new housing should be built to meet minimum living space standards for both internal and external areas. The policy also refers to the Housing Quality Indicators and requires new housing to be built to minimum living standards and to the Homes and Communities Agency Housing Quality Indicators in relation to private open space, unit sizes, unit layout and accessibility within the unit. Whilst these have been overtaken by the Nationally Described Space Standards, they are still referred to in the adopted Local Plan and therefore are a material consideration.
44. The Nationally Described Space Standards (NDSS) set out that 70sqm is the

minimum for a 2-bedroom (4-persons) single storey property. The HQI for unit size suggests that for a 4-bedspace internal floor area of 67 to 75 m² is required. The proposed would have approx. 85m² internal floor space. The proposal would thus comply with Policy LN1 and NDSS.

45. The internal arrangement and layout of the residential unit proposed would not raise concerns in terms of floorspace and layout, as they are of adequate size.
46. In terms of outlook, all habitable rooms would have adequate outlook and receive sufficient natural daylight to the property. Although bedroom 2's window would only be approx. 1.5m distant from the side boundary fence, given the size of the window and the fact that the space beyond has open-views the outlook and natural daylight into this room is considered acceptable. This proposal would thus comply with para.130 of the NPPF and Local Plan policy HE2 and saved policy H12.
47. The guidance in the National Design Code advises that good quality housing creates a pleasant indoor environment with adequate levels of natural lighting, and sunlight, without problems of overheating, good quality ventilation and privacy from overlooking. Internal layouts should maximise access to natural daylight and provide appropriate levels of glazing to ensure adequate internal lighting without problems of overheating. The scheme is considered to meet these aims.
48. The house would be provided with a private amenity space approx. 145sqm. The Homes and Communities Agency Housing Quality Indicators (HQI) looks at the provision of private open space. According to the national advice provided in the publication 'Building for Life 12', this document promotes ensuring that rear gardens are at least equal to the footprint of the dwelling. The submitted plans indicate that private rear garden would meet these standard and thus considered to accord with Policy LN1 in this aspect
49. In addition, the design of external spaces (such as parking areas and gardens) would facilitate the safe use of these areas by future residents.
50. As discussed above, the proposed development would have acceptable living conditions for future occupiers and is thus considered to accord with Local Plan Policy LN1, HE2 & H12 and the NPPF.

Impact on character and visual amenities

51. The application site comprises the amenity space of no.91 The Grove and is located within an area which is primarily residential in use, wherein the age, scale and design of properties varies.
52. The application site is enclosed by established dwellings and their amenity spaces. The development in The Glade is the most recent 'backland' construction in the immediate area and adjoins the site. Thus the proposed development is not out of character in the area. The proposal would not be readily visible from The Grove and thus it is not considered harmful to the visual amenities of the streetscene.

53. The proposed external materials are render for the walls, grey roof tiles. The materials used on the surrounding properties include render, red brick, timber cladding and thus are varied. The proposed unit reflect the design characteristics of the established development in the wider area with its simple hipped roof single storey design and its footprint is of comparable dimension to a number of the surrounding properties. The proposed curtilage and plot size is also comparable to the infill development in the wider area and thus evidently not out of keeping with the character of the locality. The scheme does not have any detrimental impacts on the character and visual amenities of the area.
54. The scheme is considered to comply with the test in Policy HE2 to be compatible with or improve its surroundings in its layout; site coverage; architectural style; scale; bulk; height; materials and visual impact.

Impact on Neighbour amenity

55. Policy HE2 'Design of New Development states; *'Development will be permitted if it is compatible with or improves its surroundings in: relationship to nearby properties including minimising general disturbance to amenity'*.
56. Saved policy H12 seeks to permit residential development provided that among other things *'the residential amenities of existing and future occupiers of dwellings are not adversely affected by noise or disturbance or by the loss of light or privacy'*.
57. Given the location, siting and the relationship with the surrounding properties, no.91 The Grove and no.2 The Glade are the most likely to be affected and/or affect the proposal.
58. The proposal relates to a bungalow and thus would not be resulting in overlooking or loss of privacy on adjoining properties as boundary treatments would screen any views from ground floor level.
59. With regards to overlooking from adjacent properties, the retained garden for the donor property no.91 would measure approx. 15m long. This property has rear-facing 1st floor windows facing down the garden. There would be approximately 22m from the rear of No.91 to a bedroom window in the front elevation of the proposed dwelling. The nearest part of the proposed dwelling to No.91 would be an integral garage. Thus the scheme is not considered to result in an unacceptable loss of privacy or overlooking nor dominance or overbearing effects on No.91 or the future occupiers of the proposed dwelling unit.
60. No.2 The Glade is a chalet bungalow. This property has a roof light in the facing side elevation which would be facing the front garden/privacy and the kitchen window but only at oblique angle. The proposed dwelling is set slightly further to the south-west than this neighbour. However, due to its low height and scale, it is not considered to impact on the outlook from the rear of 2 The Glade, nor result in an overbearing impact. The proposal would not result in detrimental effects on the amenities of adjoining occupiers nor of neighbouring occupiers

and thus complies with policy HE2 of the Core Strategy 2014 and saved policy H12 of the Local Plan 2001.

Highways, Parking and Servicing

61. Under the Parking Standards SPD, the site is within Zone D and therefore one car parking space provision is required for the proposed development. In addition, a single cycle parking/storage space is also required.
62. The BCP Highways Authority was consulted, and they have raised no objection and are satisfied with the parking provision for both the proposed development and the donor property.
63. With regards to emergency access, they have concluded that whilst the width of the access road/driveway meets the guidance, The Glade road is nearby from which the emergency vehicles would be able to get to approx 20m from the dwelling and thus the Highways Officer considers that emergency vehicles should be able get within 45m of the dwellings in accordance with the requirements within the Manual for Streets Guidance.
64. A total of 2 on-site parking spaces (within the garage and front driveway) are proposed for the new dwelling. The existing donor dwelling front forecourt arrangement would be able accommodate the required parking for the donor property. The garage would also provide cycle storage area. The proposed spaces including the garage, accord with the dimensions of the LPA's SPD. The additional traffic movements from a single dwellinghouse are nominal and would be compatible with capacity on the surrounding highway network. The proposal therefore complies with Policies KS11 & KS12 of the Core Strategy 2014 and the BCP Parking Standards SPD.
65. The Waste and Recycling Officer considered the proposed development and advised that they have no objection subject to submission of amended plans showing a bin presentation point. These details can be acquired via a planning condition.

Impact on trees and landscaping

66. The Council tree officer was consulted on the proposal and following a number of amendments and based on the Tree Report ref: JH/AIA/20/039/Rev4, dated 19/05/21, Tree Protection Plans ref: JH-TPP-29-7-20.1 Rev5, dated May 2021 and the Construction Method Statement, dated 18/05/21, they have recommended tree protection conditions were the proposal to be approved.
67. Therefore, subject to the safeguards and mitigation in the proposed conditions, the proposal would comply with policies HE2 and HE3 of the Core Strategy 2014 and saved policies H12 and ENV21 of Christchurch Borough Council Local Plan (2001).

Biodiversity and Heathland Mitigation

68. 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.
69. As the proposal would result in a net increase in one new dwelling, such a proposal would be subject to a requirement to mitigate its impact on the Dorset Heathlands in accordance with the Dorset Heathlands Planning Framework 2020-2025. The mitigation measures set out in the Dorset Heathlands 2015-2020 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.
70. The current application is accompanied by a unilateral undertaking which would secure the necessary contribution towards Strategic Access Management and Monitoring in accordance with the Dorset Heathlands SPD. It is considered this contribution complies with regulation 122 of Community Infrastructure Regulations 2010 (as amended).
71. Without this contribution towards avoidance measures the Council cannot be certain that the development will not result in harm to European sites contrary to policy ME2, NPPF paragraph 182 and the Habitats Regulations.

Biodiversity Enhancement

72. This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest box, bat ridge tile and implementing hedgehog friendly boundary treatments. Securing the implementation of such biodiversity enhancement measures would be in line with National Planning Policy Framework (NPPF 2021), paragraphs 8, 174 and 180. These can be requested via a planning condition.

CONCLUSION AND RECOMMENDATION

73. **Tilted Balance** – There is a presumption in favour of development as set out in paragraph 11 of the NPPF. Para 11(d) is relevant given the lack of a five year housing land supply. This confirms that permission should be granted unless applying the guidance in the Framework provides a clear reason for refusing the development proposed. In this regard, there are no clear reasons for refusal in relation to areas specified in Footnote 7 (Paragraph 11(d)(i)) as the application secures adequate mitigation for its impacts on protected heathlands.

Therefore, the tilted balance is considered to be engaged and in consideration of NPPF Paragraph 11(d) ii), planning permission should be granted unless any adverse effects of granting permission 'significantly and demonstrably' outweigh the benefits. The scheme delivers new housing in a sustainable location and will contribute towards maintaining a 5-year supply of housing land complying with Policy KS4. The proposed development would make a modest contribution of 1 dwelling, which would have benefits in terms of boosting the supply of housing, contributing to a choice of homes, making use of a sustainable urban site in a location that has good access to a range of services and facilities.

74. There would be minor economic benefits associated with the construction phase and with regard to the future occupation of the properties. There would be social benefits from the increased choice of homes and population within the urban area.
75. Therefore, having considered the appropriate development plan policy and other material considerations, including the NPPF, it is considered that subject to compliance with the conditions attached to this permission, the development would be in accordance with the Development Plan, would not materially harm the character or appearance of the area or the amenities of neighbouring and proposed occupiers and would be acceptable in terms of traffic safety and convenience. The impact on the protected heathland habitats is also mitigated through the S106 contribution. No environmental harm has been identified in the assessment of the planning merits above. The Development Plan Policies considered in reaching this decision are set out above.
76. Therefore, it is considered that this proposal provides for a sustainable form of development and an efficient use of land and complies with the development plan as a whole and therefore can be recommended for approval subject to conditions.

Recommendation:

77. Grant, subject to the following conditions:

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:

ASP.20.033.001- Block & Location Plan

ASP.20.033.002 - Proposed Site Plan

ASP.20.033.100 - Proposed Plans

ASP.20.033.200 - Proposed elevations

Documents:

- Tree Report ref: JH/AIA/20/039/Rev4, dated 19/05/21
- Tree Protection Plans ref: JH-TPP-29-7-20.1 Rev5, dated May 2021

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. Other than for the erection of tree protection, before any equipment, materials or machinery are brought onto the site, a pre-commencement site meeting between the Tree and Landscape Case Officer and Site Manager shall take place to confirm the methods of protecting trees on and adjacent to the site during development in accordance with the Tree Report ref: JH/AIA/20/039/Rev4, dated 19/05/21 and Tree Protection Plans ref: JH-TPP-29-7-20.1 Rev5, dated May 2021, demolition before any equipment, materials or machinery are brought onto the site for the purposes of the development. The Tree Protection Plan shall be retained until the development is completed and nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made without the written consent of the Local Planning Authority.

Reason: This meeting is required prior to commencement of development in the interests of tree protection and to accord with Policies HE2 and HE3 of the Core Strategy.

5. The erection the tree protective fencing, the removal of the garage foundations and installation of services/drainage/soakaway hereby approved shall be carried out in accordance with the submitted Tree Report ref: JH/AIA/20/039/Rev4, dated 19/05/21 and Tree Protection Plans ref: JH-TPP-29-7-20.1 Rev5, dated May 2021 and the Construction Method Statement, dated 18/05/21, unless otherwise agreed in writing with the Local Planning Authority. This condition shall not be discharged until an arboricultural supervision statement, the contents of which are to be confirmed at a pre-commencement meeting, is submitted to and approved in writing by the Local Planning Authority on completion of development.

Reason: To ensure the protected trees on site are given adequate protection before and during the works on site in accordance with Policies HE2 and HE3 of the Local Plan.

6. No development above DCP (damp proof course) shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include hard surfacing materials; means of enclosure; details of boundary planting, schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate).

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 and thereafter retained.

Reason: This information is required prior to above ground work commencing as the long term establishment, maintenance and landscaping of the site is necessary to preserve the amenity of the locality. This decision has also had regard to Policies HE2 and HE3 of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

7. Prior to the commencement of any above ground development, a plan indicating the positions of swift boxes shall be submitted to and approved in writing by the Local Planning Authority. No less than one Swift nesting box shall be provided and the details shall include the exact location, specification and design of the habitats. The boxes shall be installed with the development prior to the first occupation of the buildings to which they form part or the first use of the space in which they are contained. The nesting boxes/bricks shall be installed strictly in accordance with the details so approved and shall be retained as such thereafter.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity to deliver biodiversity gain and to satisfy policy ME1 of Christchurch and East Dorset Local Plan Part 1-Core Strategy 2014 and the NPPF.

8. Notwithstanding details shown on the submitted plans, no development above DCP (damp proof course) shall take place until details of the provision of Electric Vehicle Charging Points and associated infrastructure have been submitted to the Local Planning Authority for approval in writing. Those details shall be in accordance with the BCP Council Parking SPD (adopted 6th January 2021). The approved details shall be implemented and brought into operation prior to the occupation of any residential unit hereby approved or any use hereby approved commencing. Thereafter the Electric Vehicle Charging Points shall be permanently retained available for use at all times.

Reasons: In the interests of promoting sustainable development including sustainable forms of transport.

9. No development above DCP (damp proof course) shall take place until a plan showing the refuse and recycling bin presentation point shall be submitted to, and approved in writing by, the Local Planning Authority. Such provision as is agreed shall be implemented prior to occupation of the dwelling and thereafter retained.

Reason: To ensure there is adequate provision for waste management facilities on the site.

10. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been

submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the agreed details and these shall be implemented in full prior to the first occupation of the approved dwelling and thereafter retained.

Reason: This information is required prior to occupation of the development hereby approved in order that the Council may be satisfied with the details of the proposal and to avoid surface water flooding to accord with Policies ME3 and ME6, of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

12. The car parking facilities shown on the approved plan drawing no. ASP.20.033.002 - Proposed Site Plan shall be laid out and provided prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose.

Reason: This information is required prior to occupation of the development hereby approved, in order ensure adequate provision is made for off street parking and to accord with Policy KS12 of the Local Plan and Government Guidance contained in the National Planning Policy Framework

Informatives:

1. The applicant/s has/have provided a unilateral undertaking dated 25 May 2021 to pay the appropriate contribution in relation to Heathland mitigation as required by the Dorset Heathlands Planning Framework 2020-2025 - Supplementary Planning Document (SPD)

This grant of permission is to be read in conjunction with the Unilateral Undertaking dated 25 May 2021.

2. The applicant is advised that to avoid contravention of highways legislation, provision shall be made in the design of the access/drive to ensure that no

surface water or loose material drains/spills directly from the site onto the highway.

Background papers

Documents uploaded to that part of the Council's website that is publicly accessible and specifically relates to the application the subject of this report including all related consultation responses, representations and documents submitted by the applicant in respect of the application.

Notes:

This excludes all documents which are considered to contain exempt information for the purposes of Schedule 12A Local Government Act 1972.

Reference to published works is not included.