

Planning Committee



Application Address	9 Avon Run Road Christchurch BH23 4DU
Proposal	Demolish existing dwelling and erect two no. detached houses with integral garages and parking.
Application Number	8/22/0401/OUT
Applicant	Mr & Mrs D & J Culpan
Agent	Mr Chris Shipperley
Ward and Ward Member(s)	Mudford, Stanpit & West Highcliffe
Report status	Public
Meeting date	22 nd September 2022
Summary of Recommendation	Approve subject to conditions and completion of s106
Reason for Referral to Planning Committee	Number of objections to proposal exceeds 20, contrary to Officer recommendation.
Case Officer	Sophie Mawdsley

Executive Summary

1. This is an outline application with permission sought for access and layout at this stage and Scale, Appearance and Landscaping as reserved matters. The site lies within an established residential locality in a coastal setting and abuts the Mudford Quay Conservation Area.
2. This site falls within the urban area of Christchurch, identified as a main settlement in Policy KS2 of the Local Plan, being a sustainable location where development is supported. The Council does not have a 5 year housing land supply as it currently stands at 2.7 years (2022). 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 1 additional unit towards the supply of housing but also lies within 5 km of a European Habitat site.

3. The resulting plots whilst relatively narrow are not considered to be out of keeping with the established settlement pattern in the immediate vicinity. The properties respect the prevalent frontage positions of surrounding properties and there is adequate space at the front of the site for parking and some soft landscaping. The development would be read as part of the existing street scene and is not considered to have an adverse impact on the character and appearance of the setting of the adjoining Conservation Area.
4. The proximity to the boundaries of neighbouring properties and the potential increased scale and height of the two properties did raise some concerns about the impact on the living conditions of the adjacent occupiers in terms of loss of light, loss of privacy and overshadowing. Further consideration will be given at reserved matters stage on the exact height and positioning of windows and the relationship with the adjacent properties; however, it is considered that 2 x 2 storey properties could be accommodated on the site without having an adverse impact on the residential amenities of neighbouring occupiers.
5. There is sufficient parking on site to serve the two properties and meet the requirements of the BCP Parking Standards SPD and the additional vehicle movements associated with the net increase of 1 property is not considered to have a detrimental impact on the local highway network.
6. A draft unilateral undertaking has been submitted to secure the contribution in line with the Dorset Heathlands Framework 2020-2025. This is being verified by the Council's Legal department but once finalised will ensure the proposal does not have an adverse impact on the integrity of the European habitat. The National Planning Framework does not therefore provide a reason for refusal in this regard. Biodiversity net gains can be secured by condition.
7. It is considered that on balance, the principle of the development with the access and layout is considered to be acceptable. The scheme is considered to be in compliance with the Development Plan as a whole and the NPPF. There will be some economic and social benefits of the scheme from employment during the construction phase and the addition of a new dwelling. The impact on residential amenity has been carefully assessed but on balance is considered to be acceptable and as such the balance is weighed in favour of approving the application.

Description of Proposal

8. This is an outline application which seeks permission to demolish the existing dwelling and erect two no. detached houses with integral garages and parking. The only matters to be considered at this outline stage are access and layout. Scale, appearance and landscaping are all reserved matters.

Description of Site and Surroundings

9. The application site is occupied by a detached chalet bungalow. Avon Run Road is characterised by residential properties on the northern side. The south side lies within the Mudeford Quay Conservation Area and forms the verge and belt of trees on the coastal slope adjacent to Avon beach. Directly opposite the application site, is the sunken public car park.
10. The eastern end of Avon Run Road is characterised by larger individual properties, many of which have been extended and modernised. The western end, in which the application site is located is still predominantly characterised by bungalows and chalet bungalows in more modest plots.

Relevant Planning History

11. 8/15/0219 – Alteration to front elevation to add first floor dormer. Increase size of rooflight to rear elevation. Alterations to side elevation fenestration. Add lantern to flat roof rear elevation. Form porch canopy. Granted 12/06/2015.
12. 8/08/0520 – Erection of single storey side extension to dwelling and rear extension to detached garage. Granted 29/10/2008
13. 8/08/0270 – Raise ridge and form cropped gable over existing dwelling. Extend pitched roof to rear and form first floor balcony to front elevation. Granted 24/07/2008
14. 8/07/0806 – Raise ridge height and form enlarged gable to front and extension over existing garage to provide accommodation in roofspace. Insert dormer window to side (NE) and cropped gable to south west elevation and create balcony to front elevation. Refused 06/03/2008

Constraints

15. 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 – section 72 - Planning (Listed Buildings and Conservation Areas) Act 1990.

- Conservation Area
- Agricultural Land Classification
- SSSI Impact Risk Zone
- Contaminated Land
- Highways Inspected Network
- Heathland 5km Consultation Area
- Airport Safeguarding
- Coastal Area (Policy)
- Wessex Water Sewer Flooding
- Coastal Area (Open Spaces)

- Contaminated Land - Refuse Disposal

Public Sector Equalities Duty

16. 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

17. 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.
18. 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.
19. For the purposes of this application, in accordance with section 17 Crime and Disorder Act 1998, due regard has been had to, including the need to do all that can reasonably be done to prevent, (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); (b) the misuse of drugs, alcohol and other substances in its area; and (c) re-offending in its area.

Consultations

20. Christchurch Town Council

RESOLVED that objection be raised due to:

- 1) The scale, bulk, height and massing of the proposed development would have an adverse impact on the character and visual amenities of the street scene contrary to Policy HE2 of the Christchurch and East Dorset Core Strategy 2014 and saved policy H12(1) of the Christchurch Local Plan 2001;
- 2) The proposed design of the development will be detrimental to the amenity of neighbours contrary to Policy HE2 of the Christchurch and East Dorset Core Strategy and saved policy H12(2) of the Christchurch Local Plan 2001; and
- 3) The proposed design of the development is out of character with the wider street scene which leads to an impact on the nearby conservation area causing less than significant harm. The net gain of 1 additional residential dwelling shall not outweigh

the harm caused contrary to BE5 of the Christchurch Local Plan 2001 and paragraph 202 of the National Planning Policy Framework.

21. **Natural England** - None received.

22. **BCP Environmental Health** – *“The above development site is adjacent in the vicinity of an area where our records indicate that there is a small area of potential made ground present.*

Environmental Health does not hold any current records in relation to previous contaminative uses of the above development site itself, therefore a standard contaminated land condition is not necessary. However, we would recommend that a watching brief be attached to any permission granted.

I have no objection to the application, however, to protect the future users of the above development site from any unexpected contamination I would request that the following condition be attached to any permission that is granted:

Planning Condition: Reporting of Unexpected Contamination”

23. **BCP Highways** *“The existing vehicle accesses will be used, with one access for each dwelling and will result in vehicles reversing onto or off the highway. However, given that Avon Run Road is not a classified road, is not on a bus route and is a cul-de-sac with a relatively small number of dwellings, this would not be objected to.*

The site is near to the beach and pedestrian movements across the front of the site will likely be higher than compared to other areas. Therefore, we would recommend that the first 2m into the site across the frontage, measured from the back edge of the footway, was covered by a visibility splay, with no features over 0.6m being permitted, to ensure visibility is maintained. This could be secured through a condition.

A garage is proposed for each dwelling and the driveway provides additional parking for two vehicles. Therefore, parking provision accords with the relevant Parking Standards.

The BCP Parking Standards states that secure and covered cycle parking should form part of all developments. Given the proposed garages are in addition to the available surface parking spaces, these would be considered as acceptable in providing the required cycle parking provision, without impacting on the relevant standards for car parking.

The Parking Standards SPD (adopted 5th January 2021) outlines requirements for Electric Vehicle Charging in new development. Under the Parking Standards SPD, at least one “active” EV charging point would be required for each dwelling. Active and passive are defined within the Parking Standards SPD (page 23). These matters could be dealt with by way of planning condition

Therefore, Transport Policy supports the proposal, subject to the following conditions.

Parking construction as submitted

Electric Vehicle Charging Points

Visibility splays

BCP Waste and Recycling - None received

Representations

24. We have 21 representations to the scheme **objecting** to the proposals on the following grounds;

- Dwellings out of character
- Development pattern of one single property per plot
- Overdevelopment and cramped
- Plot too small and narrow for 2 houses
- Excessive scale – 3 storeys too much
- Does not preserve character and appearance of Conservation Area
- Unacceptable blot on landscape
- Tiny gardens
- Overlooking
- Loss of privacy
- Loss of light
- Overshadowing
- Detrimental enjoyment of adjacent garden area
- Overpower adjacent properties and gardens
- Parking will be tight
- Increased traffic
- Restrictive covenant
- Climate change - Demolishing one house and replacing it never going to be carbon neutral
- Plans and indicative sketch misleading
- Set a precedent

Key Issues

25. The key issues involved with this proposal are:

- Principle of development
- Type and size of housing
- Layout and Scale including heritage
- Residential amenity
- Access and parking
- Ecology and Biodiversity
- Surface water drainage

26. These issues will be considered along with other matters relevant to this proposal below.

Policy Context

27. **Christchurch and East Dorset Core Strategy 2014**

KS1: Presumption in favour of sustainable development
KS2: Settlement Hierarchy
KS4: Housing Provision
KS11: Transport and Development
KS12: Parking Provision
HE1: Historic environment
HE2: Design of New Development
LN1: Size and type of new dwellings
LN2: Design, Layout and Density of New Housing Development
ME1: Safeguarding Biodiversity and Geodiversity
ME2: Protection of Dorset Heathlands
ME3: Sustainable Development Standards for New Development

Saved policies from Christchurch Local Plan (2001)

H12: Infill development
BE5: Setting of Conservation Areas

28. **Supplementary Planning Documents:**

BCP Parking Standards SPD 2021
Dorset Heathlands Planning Framework SPD 2020
Mudford Quay Conservation Area Appraisal (2008)
Christchurch Borough-wide Character Assessment (2003)

29. **National Planning Policy Framework (“NPPF”/”Framework”)**

Section 2 – Achieving Sustainable Development

Paragraph 11 –

“Plans and decisions should apply a 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 of this Framework taken as a whole.”

Section 2 Achieving sustainable development

Section 5 Delivering a sufficient supply of homes

Section 12 Achieving well-designed places

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

Planning Assessment

Principle of development

- 30. This site falls within the urban area of Christchurch, identified as a main settlement in Policy KS2 of the Local Plan, being a sustainable location where development is supported.
- 31. The NPPF sets out a presumption in favour of sustainable development and Para 68 states;

‘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: 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’;

- 32. The Council does not have a 5 year housing land supply as it currently stands at 2.7 years (2022). 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 1 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.

Housing type and size

- 33. Policy LN1 refers to the type and size of units. The Strategic Housing Assessment (SHMA 2015) states that 2 and 3 bedroom houses are what is mostly required in the Christchurch area. Therefore, this proposal with the provision of 2 possible 4-bedroom properties is not technically in line with the SHMA; however, the type and size of dwellings is appropriate for this locality and would provide an additional dwelling in the urban area and is therefore considered to be acceptable.
- 34. The policy also refers to the Housing Quality Indicators. Whilst these have been overtaken by the National Space Standards, they are still referred to in the adopted

Local Plan and therefore are a material consideration. The HQI for Unit Size suggests that for a four double bedroom (8 bedspace) dwelling, the internal area should be 118sqm to 125 sqm. Whilst indicative, the floor plans show that the floor space far exceeds this threshold at 275sqm, providing spacious properties. The scheme would therefore comply with Policy LN1 on the basis of the indicative information submitted with this application.

Layout and scale

35. Policy HE2 states development must be of a high quality, reflecting and enhancing areas of recognised local distinctiveness. Saved Policy H12 states that residential development must be appropriate in character, scale, design and materials to the locality.
36. The layout of the scheme can be considered at this stage, but scale and appearance are reserved matters. It needs to be determined that 2 properties could be accommodated on this plot without appearing cramped or intrusive within the street scene. It is recognised that the two resultant plots will be relatively modest; however, at this end of Avon Run Road, plots sizes are generally smaller. During the determination of the application, the depth of the 2 dwellings has been reduced so they are now similar to the existing chalet bungalow that occupies the site. At the front of the site, the new properties will respect the established building line, actually being set back slightly from the existing property and allowing sufficient space for parking and some soft landscaping.
37. The original plans showed an indicative 3-storey property on the western side of the plot and a 2-storey dwelling on the eastern side. Given the scale of properties in the immediate vicinity, the proximity to boundaries and the indicative contemporary design of the dwellings, it is considered that both properties should be limited to 2 storeys in height. This can be secured by condition.
38. The boundary of the Mudeford Quay Conservation Area abuts the front boundary of the site and as such the proposal does not affect the Conservation Area itself but may impact on its setting. The character of the adjacent part of the Conservation Area is of an open car park. A Conservation Area Appraisal (CAA) was adopted by the preceding Christchurch Borough Council in 2008. The Townscape Appraisal accompanying the CAA identifies the mature trees along Avon Run Road above the promenade as Important Trees. No important buildings, landmarks, views or spaces are identified in the CAA in the vicinity of the site.
39. In the conclusion section of the CAA it is recommended that this area be omitted from the Conservation Area in order to reflect recent development and in recognition of where the local authority's resources should be focused. The document concludes that the area has no historic buildings and very little evidence of historic development that relates directly to Mudeford or Mudeford Quay (p.40). It can therefore be concluded that the adjacent part of the Conservation Area is less sensitive to changes in its setting.
40. The adopted CAA recommends that the trees along Avon Run Road be protected via a Tree Preservation Order (TPO) as a better form of protection and concludes "This

would then permit the removal of Avon Run Road and the promenade from the conservation area, the current purpose of which seems only to protect these trees.” (p.45).

41. Notwithstanding this, the adjacent car park remains within the conservation area. There is not considered to have been any material changes in the contribution of the adjacent land to the Conservation Area since the adoption of the CAA. The site remains a large open car park which does not contribute to the historic character of the CA.
42. The addition of two contemporary replacement properties abounding the Conservation Area is not considered to have an adverse impact on its and does not harm the protected trees or coastal environment. The development would be read as part of the existing built form along the established street.
43. Therefore, the scheme is compatible with Local Plan Policy HE1 which ensures that the significance of all heritage assets and their settings will be protected and enhanced. Saved Policy BE5 refers to proposals outside but close to Conservation Areas and it is considered that as this scheme preserved the character and appearance of the Conservation Area, the development complies with this saved Policy and also thereby complies with the statutory test to preserve or enhance the Conservation Area.

Residential Amenity

44. Policy HE2 states that development must be compatible with or improve its surroundings in its relationship to nearby properties including minimising general disturbance to amenity. Policy H12 refers to development not adversely affecting residential amenities of existing and future occupiers by noise or disturbance or by loss of light or privacy.
45. The application site lies between two bungalows. No 14 Avon Run Road lies to the east on the corner between Avon Run Road and Island View Avenue. This bungalow has accommodation within the roof served by rooflights and gable windows on the side elevations. It is positioned within a very shallow plot so has a modest rear/side garden and there is a glazed extension on the western side. The existing roof of No 9 slopes away from the boundary with No 14 and there are no to the side and is positioned 1.3m away from the boundary at the front corner. The existing dwelling also has a relatively low eaves height. The proposed plans show that the property on plot 2 would be sited 0.4m at its closest point to the boundary, increasing to 1.4m at the rear. In addition, the indicative sketch views show that these would be contemporary flat roofed dwellings with no eaves or sloping roofs. Therefore, there is likely to be a greater impact from the scale and bulk of the side wall of the property on plot 2 on the adjacent property and its garden area than the existing property.
46. This side wall would be sited to the west of No 14 and as such there is potentially a reduction in evening sun reaching the garden area and openings on the western side of the dwelling. On balance, whilst acknowledging the impacts of the proposed change, it is considered that the living conditions of the occupiers of No 14 would not be unacceptably harmed by the proposals and further consideration will be given at

reserved matters stage to scale and appearance of the proposal and ensuring no loss of privacy to this neighbour.

47. No 29 Island View Avenue is adjacent to No 14 and positioned to the north east of the application site. It is a chalet bungalow with dormers to the front. The potential main impact on this property is from rear facing glazing and windows. However, at this point we do not have elevations of the properties and are not determining scale or appearance. However, given the indicative floor plans, there is very likely to be glazing on the rear elevations to serve first-floor bedrooms. Views towards the rear garden of No 29 would be at an angle but it is recognised that the occupiers of No 29 would be more aware of the new dwellings compared to the existing hipped roof property. On the basis of the proposed layout, there would be approximately 5m from the rear of the proposed dwellings to the boundary of No.29. The existing property has rear-facing bedroom windows currently served by rooflights so such a relationship already exists but the scheme has the potential to result in increased overlooking to the rear garden of No.29 and the adjoining properties.
48. To the south east of the application site, No 8 is a modest gable fronted single storey bungalow. Built form will get closer to the boundary with this property from the side of the new dwelling on plot 1. Currently, the existing bungalow steps in on the rear elevation with the single storey rear extension. The proposal will likely bring built form at a two storey height beyond the existing rear of this neighbour. At the closest point at the front of the properties, there would be a 5.4m separation distance reducing to 3.8m between the side extension on No 8 and the side of plot 1. Given the application site is to the north east of No 8, the rear garden is likely to suffer from a degree of sunlight loss in the mornings, but it is considered not sufficient to cause overriding harm to the living conditions of the occupiers of No 8.
49. To the rear of the application site, No 7 Avon Run Road is located which is a detached bungalow set within a good sized plot and one which is larger than most of the surrounding plots. The rear boundary is at an angle so the distance between No. 7 and the two new dwellings does vary; however, at the closest point there would be approximately 20 metres. This separation distance is considered to be acceptable within an urban environment and depending on the glazing configuration on the rear elevations which would be determined at reserved matters stage, it is considered that a scheme can be designed which does not result in harmful levels of overlooking.
50. The final design of the properties and location of windows will be determined at reserved matters stage, and it will be ensured that any glazing on the side elevations does not cause harmful overlooking into the adjacent sites. Consideration must be given to the amount of glazing on the rear elevations given the relatively modest depth of rear gardens and the dwellings at No 29 Island View Avenue and No 7 Avon Run Close.
51. The layout and plot sizes are considered sufficient to be able to provide adequate living conditions for the proposed occupiers.
52. The impact on the residential amenities of the surrounding properties has been carefully considered and the representations referring to these issues area

recognised and acknowledged. However, on balance it is considered that the scheme is acceptable and compliant with policies HE2 and H12 of the Local Plan.

Parking and Access

53. The site is located within Parking Zone D as set out in the Parking Standards SPD. This equates to two parking spaces for 3 and 4 bed properties along with cycle parking provision. The proposal provides for two spaces for each dwelling. The indicative floor plans show integral garages along with driveway space for up to 2 cars. Therefore, this provision is considered to be acceptable and meets the SPD.
54. BCP Highways have raised no objections to the scheme. It is recognised that vehicles will have to reverse onto the highway to exit the site; however, as this is not a classified road or a through route, this is considered to be acceptable. Cycle parking provision could be accommodated within the integral garages. The net increase of 1 dwelling and the associated vehicle movements are considered compatible with safety and capacity on the local highway network. It is considered the scheme complies with Local Plan policies KS11 and KS12 and the Parking SPD.

Biodiversity

55. The thresholds and guidance as set out and referred to within the Council's Validation Checklist with reference to bat, badger and barn owl surveys have been considered. It is not considered that this application requires a prior bat survey as the existing roof space for the dwelling has already been converted and extended, there are no existing positive bat records in the vicinity and the site is not immediately adjacent to areas of green infrastructure referenced in the checklist. The closest Dorset Environmental Record Centre (DERC) records are for the Coleoptera beetle just over 100 metres away. Notwithstanding the above, there is a need to ensure biodiversity net gain in line with the NPPF and Policy ME1. Features such as bird and bat boxes, hedgehog friendly fencing and native planting can be secured by condition.
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 for a 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.
57. The appropriate assessment 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. When there is a completed legal agreement the proposal will be wholly compliant with the necessary measures to prevent adverse effects on site integrity detailed within the documents: Dorset Heathlands Planning Framework SPD.
58. The appropriate assessment has concluded that 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.

59. The current application is accompanied by a revised draft unilateral undertaking which secures the necessary contribution towards Strategic Access Management and Monitoring in accordance with the Dorset Heathlands SPD. This is currently being verified by BCP Legal Department. 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 this 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.

Surface water drainage

60. The site is not identified as being at risk from surface water flooding and is not within a flood zone. It is recognised that the scheme will introduce an increased level of hard surfacing across the site. The application form states that soakaways will be used for surface water drainage which could be acceptable; however, there is minimal information on this aspect. Therefore, to ensure there is adequate surface water drainage infrastructure on the site it is considered reasonable to condition further details to be submitted. This will ensure the scheme is compliant with policy ME6 of the Local Plan which seeks to ensure post-development surface water run-off does not exceed pre-development levels.

Planning Balance/Conclusion

61. The Council encourages sustainable development. This seeks to strike a balance between the economic benefit of the development, the environmental impacts and the social benefits derived by the creation of much needed housing. The proposal would provide for 2 dwellings, a net increase of 1 home within a sustainable area. It is considered that the principle of two properties on this plot is acceptable and the layout and access arrangements are compliant with Local Plan policies. The potential impacts on the living conditions of neighbouring residents have been carefully considered but it is considered that the site could accommodate 2 properties in the layout as set out without compromising their amenities in terms of light, privacy and a dominant built form.
62. Having regard to paragraph 11 of the NPPF, it is acknowledged that the Council does not have a five year housing land supply and as such the most relevant Local Plan policies on housing provision are technically out of date. However, once the Unilateral Undertaking is secured and the mitigation to protect the Dorset Heathland is in place, the NPPF does not provide a clear reason for refusal.

63. It is considered the proposal would make a small contribution to the housing supply in the area. There would be positive economic and social benefits from the provision of additional housing in the area and whilst there may be a degree of impact on neighbouring properties, it is concluded that balance is weighed in favour of approving the scheme which is considered to accord with the Development Plan as a whole and the NPPF.
64. 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.*"

Recommendation

53. GRANT permission subject to:

(a) The following conditions; together with

(b) a deed pursuant to section 106 Town and Country Planning Act 1990 (as amended) securing the following terms with power delegated to the Head of Planning (or any other officer nominated by them for such a purpose) to agree specific wording provided such wording in the opinion of the Head of Planning (or other relevant nominated officer) does not result in a reduction in the terms identified as required:

· Strategic Access Management and Monitoring (SAMM)

1. (a) Approval of the details of the Scale, Appearance and Landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

(b) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

(c) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: (a) This condition is required to be imposed by the provisions of Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015: (1) of the (b) and (c) These conditions are required to be imposed by Section 92 of the Town and Country Planning Act 1990.

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

FB7805 / 101B Location, Block and Site Plan

3. As part of the Reserved Matters for Appearance and Scale to be submitted under condition 1 above, the approved dwellings shall be of no more than 2-storey construction with no accommodation within the roof space.

Reason: To protect the residential amenities of neighbouring properties and to protect the visual amenities of the locality.

4. As part of the Reserved Matters for Appearance and Scale to be submitted under condition 1 above, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved Plan and implemented prior to first occupation of the dwellings hereby approved.

Reason: To ensure biodiversity net gain is achieved on site.

5. Before the development hereby approved is occupied the parking areas and driveways shown on the submitted plans 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 development above DPC (damp proof course) shall take place until details of the provision of Electric Vehicle Charging Points and associated infrastructure shall be submitted to the Local Planning Authority for approval in writing. The approved details shall be implemented and brought into operation prior to the occupation of any residential unit hereby approved. Once provided, the Electric Vehicle Charging Points shall at all times thereafter be retained and available for use (for occupants and visitors) and maintained in full working order.

Reason: In the interests of promoting sustainable development including sustainable forms of transport

7. Prior to first occupation of the dwellings hereby approved and notwithstanding the approved plans, the first 2m of the site measured from the back edge of the Avon Run Road footway line, shall be cleared of all obstructions over 0.6 metres above the level of the adjoining highway, and nothing over that height shall be permitted to remain, be placed, built, planted or grown on the land so designated at any time.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

8. (a) In the event that any contamination is found during the implementation of the development hereby permitted this shall be immediately reported to the local planning authority and development on the site affected shall be suspended and shall not recommence save for the purposes of compliance with this condition until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority; and either

(i) the local planning authority has confirmed in writing that work can recommence without any further action; or

(ii) remediation scheme(s) in relating to that identified contamination that accords with the requirements of paragraph (b)(i) have been submitted to and approved in writing by the local planning authority and implemented in accordance with the approved scheme(s); and

a verification report submitted to and approved in writing by the local planning authority which confirms that the objectives and remediation criteria of the relevant approved remediation scheme have been met.

(b) In the event that the Approved Risk Assessment identifies land affected by contamination which poses risks identified as unacceptable in the Approved Risk Assessment, then no development shall take place on site other than for the purposes of meeting the requirements of this condition unless:

(i) a detailed remediation scheme has been submitted to and approved in writing by the local planning authority ("the Approved Remediation Scheme") that includes:

- (A) an appraisal of remediation options;
- (B) identification of the preferred option(s);
- (C) the proposed remediation objectives and remediation criteria;
- (D) a description and programme of the works to be undertaken; and
- (E) a verification plan which sets out the measures that will be undertaken to confirm that the Approved Remediation Scheme has achieved its objectives ("the Verification Plan").

The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use; and

(ii) the Approved Remediation Scheme has been carried out; and

(iii) upon completion of the Approved Remediation Scheme a verification report has been submitted to and approved in writing by the local planning authority which identifies the results of the Verification Plan and confirms whether all the contamination objectives and remediation criteria set out in the Approved Remediation Scheme have been met ("the Approved Verification Report").

(c) In the event that the Approved Verification Report identifies that any of the objectives or remediation criteria of the Approved Remediation Scheme have not been met then:

(i) further detailed remediation scheme(s) which accord with the requirements of paragraph (b) (i) above and seek to resolve any of the objectives or remediation criteria that have not been met shall be submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved scheme(s) ("Supplemental Remediation Scheme(s)");

(ii) further verification report(s) in respect of the Supplemental Remediation Scheme(s) shall be submitted to and approved in writing by the Local Planning Authority, and

(iii) no part of the development hereby permitted shall be commenced other than that required for the purposes of this condition until there has been submitted to and approved in writing by the local planning authority a verification report which confirms that all the objectives and remediation criteria of the Supplemental Remediation Scheme(s) to which it relates have been met.

(d) The assessments, schemes, plans and reports required for the purposes of this condition shall only be undertaken by a person whose qualifications and experience have been previously submitted to and approved in writing by the local planning authority provided that the local planning authority will not withhold consent of any person unless it is considered that person is not suitably qualified or experienced for the carrying out of such activities having regard to the site concerned.

Informatives

1. The applicant has provided a unilateral undertaking dated (to be completed) to pay the appropriate contribution in relation to Heathland mitigation as required by the Dorset Heathlands Planning Framework 2020-2025 - Supplementary Planning Document (SPD).
2. 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>.
3. The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted.

Background Documents: 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.