

Planning Committee



Application Address	25 Kilmington Way Christchurch BH23 5BL
Proposal	New Dwelling
Application Number	8/22/0826/FUL
Applicant	Mr and Mrs James and Vanessa Watson
Agent	Mrs Hannah Finch
Ward and Ward Member(s)	Highcliffe & Walkford
Report status	Public
Meeting date	16 February 2023
Summary of Recommendation	Approve subject to conditions/S106 Agreement and subject to the Head of Planning (or any other officer exercising management responsibilities within the Planning Unit) in their opinion being satisfied that such arrangements are in place as are necessary to appropriately address any adverse affect on the integrity of any relevant protected European sites associated with the recent identified concerns relating to phosphates together with delegated power to agree those arrangements
Reason for Referral to Planning Committee	Received 28 objections to the scheme, contrary to the Officer's recommendation.
Case Officer	Charlotte Haines

Description of Proposal

1. Full planning permission is sought for the erection of a new three-bedroom dwelling with parking. The property would include an open plan kitchen/living room and a w/c at ground floor and two double bedrooms, one single bedroom and a bathroom at first floor.
2. The proposed three-bedroom house would be attached to the existing end of terrace dwelling at 25 Kilmington Way. The proposed dwelling seeks to replicate the neo-classical design with parapet flat roof of the existing houses within the terrace and would be of the same height although would be of a slightly greater width.

3. The plot would be severed to form a new residential curtilage for the proposed house. It is proposed to demolish the existing masonry boundary wall and rebuild a boundary wall to extend from the proposed dwelling and enclose its rear garden.
4. The proposed dwelling would be served by 2 parking spaces which would be accessed off Norleywood. The parking spaces would be situated behind the rear garden and immediately to the south of the garage block and parking for nos. 25 and 27.

Description of Site and Surroundings

5. The application site is situated on the southern fringes of an established residential housing estate within the urban area of Highcliffe.
6. The properties that characterise the estate are 2-storey dwellings of uniform, neo-classical design, and similar scale arranged in small terraced blocks. The houses generally face inwards away from the road, onto communal green areas with footpaths running through the estate allowing for access to the front doors. There are separate parking bays and garages in blocks.
7. The application site is occupied by an end dwelling of a block of 4 properties. The additional dwelling would create a terrace of 5 dwellings. The adjoining terraces to the west (No's 33 – 41), north (4 – 8 Norleywood) and east (9 – 14 Norleywood) are all in blocks of 5. The rear boundaries of these properties are characterised by high-level masonry walls and are staggered in layout with open-plan areas and landscaping between the rear boundaries and the footpath on Kilminster Way.
8. The application site forms a corner plot situated adjacent to the junction of Kilminster Way with the small cul de sac known as Norleywood. The rear garden of the existing dwelling is enclosed by a high-level masonry wall which adjoins a garage block. An area of open amenity land is situated between the side elevation and masonry wall and the pavement of Kilminster Way.
9. To the south of the side elevation of the dwelling and the masonry wall is an area of land which is within the ownership of no. 25 but is laid to grass and is currently viewed as part of the street rather than private curtilage.

Relevant Planning History

10. No relevant planning applications

Constraints

- Tree Preservation Order – 1991 No.10 T11 Cedar

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.
14. 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

Natural England

15. None received

Wessex Water received on 01/11/2022

16. No objections to the application providing the applicant accurately locate and mark the public sewer on site, our mapping records are given for guidance only and then discuss the feasibility of building over the public sewer with our Buildover Team.

Wessex Water received on 04/01/2023 following submission of a plan showing two options to either diver the public sewer or move the manhole.

17. *"We are satisfied the applicant has discussed options with our Sewer Buildover Team and both appear feasible. Public sewer diversions and buildover agreements are subject to approval upon receipt of application."*

BCP Trees & Landscaping

18. No objection subject to condition requiring submission of details of landscape works to the southern boundary of the site.

Highcliffe & Walkford Parish Council

19. *"Object for the following reasons: -*
 - The houses construction is not in line with the other houses.*
 - The design is not in keeping or character with the other houses and would destroy the ambience of the development.*
 - The major problem in allowing this house to be built is it will cause a major line of sight issue on this road. The road is a busy road particularly for School traffic and this would add to the danger.*
 - The proposed parking bays are ill advised due their location."*

BCP Highways received on 11/01/2023 following submission of amended plans in response to earlier objection

20. No objection subject to conditions requiring provision and maintenance thereafter of cycle parking, electric vehicle charge points and pedestrian intervisibility splays.

BCP Waste and Recycling

21. None received

Representations

22. 28 objections received in which the following summarised concerns were raised:-

Highway Safety

- Proposal would restrict visibility for vehicles exiting Norleywood onto Kilmington Way;
- Parking problems in surrounding area as garages serving this 1970s housing estate are too small for modern cars resulting in on street parking;
- Proposed parking bays will reduce on-street parking for residents and visitors;
- Footprint of proposed dwelling looks bigger than existing property;
- Kilmington Way is heavily trafficked with vehicles going at high speeds especially at commuter and school drop off/pick up times;
- Proposed dwelling would cause a dangerous blind corner to motorists leaving Norleywood;
- Proposed dwelling would increase vehicular movements/traffic in the area.

Design and Character

- Proposed house is out of character with the location;
- Front door and proposed internal layout are opposite to all the other properties in the terrace;
- Proposed dwelling would be squashed into unsuitable plot;
- Proposed dwelling is not in keeping with other properties in terrace;
- Proposed dwelling would look awkward and out of place even with matching brickwork;
- If brickwork are not matching, proposed dwelling will look appalling and would bring down tone of surrounding properties;
- Proposed dwelling would be larger than the existing dwelling it would attach to;
- Rear Elevation shows ground floor windows/bi-folds which would be out of keeping with the windows of houses in the area;
- Position of front doors differs from the front doors of the other houses in the terrace.

Flood Risk

- Proposed development is within 20 metres of a stream.

Other

- No site notice displayed at site;
- Only one neighbour notified by letter.

Case officer comment: Two site notices were posted on lampposts – 1) On a lamppost in Kilmington Way immediately to the east of the site and 2) On a lamppost to the rear of the site in Norleywood. Neighbours who adjoin the application site boundary were also notified by letter.

This is in accordance with the Council's adopted Statement of Community Involvement.

Non-planning matters

23. The following concerns were also raised however these are not material planning considerations.
- Running of business from existing house at site with associated parking of trade vans.

Key Issues

24. The key issues involved with this proposal are:
- Principle of development
 - Type and size of housing
 - Design, form, scale and layout
 - Impact on residential amenities
 - Access and parking arrangements
 - Trees and Landscaping
 - Ecology and Biodiversity
 - Surface water drainage
25. These issues will be considered along with other matters relevant to this proposal below.

Policy Context

26. Local documents:

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 2001 – 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

Highcliffe and Walkford Neighbourhood Plan Made 10 January 2023

Policy HWNP5. Green Corridors

Policy HWNP7. Walking and cycle routes

Policy HWNP8. Parking Standards

Policy HWNP10. Housing design for practical living

Policy HWNP11. Retaining and Reinforcing Local Character

27. National Planning Policy Framework (“NPPF”/”Framework”)

Including in particular the following:

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 5 Delivering a sufficient supply of homes

Section 9 Promoting sustainable transport

Section 12 Achieving well-designed places

Section 15 Conserving and enhancing the natural environment

Planning Assessment

Principle of development

28. 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.
29. The site lies within the urban area of Highcliffe 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 would therefore comply with Policy KS2. Furthermore, Christchurch does not have a five-year housing land supply. It currently stands at 2.7 years.

30. 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' as 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. However, this site lies in an area where the cumulative effects of residential development has the potential to adversely affect habitats sites/SSSIs. Therefore, as per footnote 7 of the NPPF, the tilted balance may not be engaged unless adequate mitigation can be secured. This is explored below. If the tilted balance is ultimately engaged, 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.
31. 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. The principle of the development is acceptable and is supported by KS2 and the Highcliffe and Walkford Neighbourhood Plan (2023).

Housing Type and Size

32. 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 1x3 bedroom house would meet this need.
33. Para. 7.7 of the Neighbourhood Plan notes data from the 2021 BCP and Dorset Local Housing Needs Assessment for the area shows "that the greatest need was for.... 2 and 3 bedroom homes on the open market". Furthermore, the NP states;

"two and three bedroom terraced, semi-detached and detached homes potentially provide greater flexibility for achieving a more balanced community."
34. The proposed 3-bed terraced house meets the need identified in the Neighbourhood Plan.

Design and Impact on Character

35. 25 Kilminster Way is an end of terrace dwelling situated on a corner plot adjacent to the junction between Kilminster Way and Norleywood, a small cul-de-sac within the housing estate. The property is consistent with the pattern of development of short 2-storey terraces but has a larger plot than the adjacent row of terraced properties.
36. The properties that characterise the estate are 2-storey dwellings of uniform, neo-classical design, and similar scale arranged in small blocks. The houses generally face inwards away from the road, onto communal green areas with footpaths running through the estate allowing for access to the front doors. There are separate parking bays and garages in blocks. The rear boundaries of these properties are marked by high-level masonry walls and are staggered in layout with open-plan areas and landscaping between the rear boundaries and the footpath on Kilminster Way.
37. The row of terraced dwellings are situated on plots that are approximately 23m in length and 5m in width. The proposal would create a plot of approximately 8 metres in width (rear garden measured between the boundary walls) and approximately 22 metres in length (from mid-point of plot). The resultant plot size would therefore be

commensurate with other plots that can be found in the surrounding area and follows the pattern of development in the area.

38. With regard to design and character, the size of the proposed dwelling though slightly wider is comparable to the rest of this terrace. The proposed dwelling would otherwise follow the rest of the existing terrace in terms of height, siting, scale, and design, materials and fenestration. The proposed scale and appearance of the property is therefore commensurate with the existing dwellings along the terrace.
39. The proposed house would effectively be a continuation of the row of houses and would replicate these dwellings. The proposed dwelling would have a matching neo classical design, brickwork and fenestration. The front of the site would remain open with a footpath leading to the front door which is a feature of the character within this small development. The proposed dwelling would therefore reflect the characteristic style and materials used in that group of houses. It is considered that the proposed dwelling would fit comfortably in the street scene and not be an intrusive addition.
40. The front elevation and door to the proposed dwelling would face east with an open plan front garden and pedestrian path. Conversely, the rear elevation and patio doors leading to the rear garden would be situated to the west. This arrangement reflects that of the existing orientation and layout of the dwellings in the terrace. The position of the front door differs from the position of the front doors in the row of houses. However, the front door and windows would mirror the arrangement of the front doors and ground floor windows of the other houses in the row. Therefore, this variation in the position of the front door would not adversely affect the visual appearance of the development as a whole.
41. In objecting to the application, residents have stated that the proposed patio/bi fold doors at ground on the rear (west) elevation would be out of keeping with the windows of houses in the area. However, it was observed that the rear elevation of the existing row of houses comprises a mix of fenestration at ground floor with patio doors present at no.25 and lean to conservatory on no.27. Therefore, there is already a mix of fenestration/elevation treatments at ground floor within the row of houses. In any event, this part of the rear elevation is not overly discernible within the street scene due to the high brick wall enclosing the rear gardens. The main feature visible in the streetscene from the west would be the first floor windows which the proposed dwelling would seek to replicate in size and design and the boundary wall which will replicate the existing.
42. The proposed dwelling would have ground and first floor windows on the south end of the dwelling. This will offer natural surveillance of Kilmington Way and provides visual interest when viewed from this part of the road. It will be an improvement and safety benefit over the existing design.
43. It is noted that concerns have been raised by objectors over whether the brickwork the proposed dwelling would match the brickwork of the existing terrace. It is considered that a brickwork that either matches or very close resembles this brickwork would be sourced. In any case, a condition is recommended which requires a sample of the brick to be submitted to ensure this matches or assimilates well with the existing terrace.
44. The proposed dwelling would be located on an open corner plot to the side of no.25. However, the proposed dwelling and rear boundary wall are set back from the edge of the pavement by approximately 4 metres. The side elevation of No.33 opposite is under 5m from the adjoining pavement. The dwelling would not be uncharacteristically close to the highway and reflects the pattern of development. This gap is proposed to comprise of an open grassed area and a low shrub planting.

Further details would be required for the soft and hard landscaping proposals to be secured by condition. This landscaped area to the side of the proposed dwelling and rear garden is similar in size to that of other open landscaped areas within the housing estate.

45. It is therefore considered that sufficient space at the side of the site to preserve the spacious character of the street scene. It is also noted that this space has been widened due to the need to set back the rear garden boundary wall in order to achieve sufficient visibility splays. Having regard to this and the need to retain the spacious character of the street scene, it is considered that a condition removing permitted development right for extensions and outbuildings to the proposed dwelling is necessary. It is also considered necessary to remove permitted development rights for the erection of any hard boundary treatment such as a wall or fence to retain the open and undeveloped nature of this space.
46. The parking provision at the rear reflects the existing layout of this open plan housing estate where garages/parking courts are sited at the rear. The proposed layout therefore reflects the pattern of development within the housing estate.
47. The scheme is considered to comply with the test in Local Policy HE2 to be compatible with or improve its surroundings in its layout; site coverage; architectural style; scale; bulk; height; materials and visual impact. The scheme would also comply with the requirements of Neighbourhood Plan Policy HWNP11 which seeks to retain and re-inforce local character and distinctiveness.

Internal Space standards and occupier amenity

48. 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. 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.
49. Neighbourhood Plan Policy HWNP10 states that the design of housing should attain the national space standards and include sufficient doors, windows to allow the main habitable rooms to be adequately sized with plenty of light and ventilation.
50. The proposed dwelling would have an internal area of approx. 93sqm. The HQI for unit size suggests that for a 4-bedspace 3-bedroom house, the internal space should be between 67 to 75qm. Therefore, this proposal would significantly exceed the HQI for unit size and complies with this aspect of policy LN1.
51. The Nationally Described Space Standards set out that 93sqm is the minimum for a 3-bedroom (4-persons) property which the internal floor space for the proposed dwelling would meet and therefore the proposal also complies with the NDSS and Neighbourhood Plan Policy HWNP10.
52. Neighbourhood Plan Policy HWNP10 states that the design of housing should include private outdoor amenity areas that receive daylight for a reasonable period of the day and can be used for sitting and relaxation as well as providing for biodiversity and practical arrangements such as clothes drying.
53. The proposed garden at 78m² approx. will be larger than the gardens in the rest of the terrace. There will be a retained garden for No. 25 of 42 m². The retained garden at No.25 would be the same size as the adjoining terraced house at no. 27. The size of the private amenity space to serve the proposed dwelling is considered to be of a sufficient size to meet the recreational and domestic needs of future

occupiers and for continued occupiers of No.25. Therefore, it is considered that the proposed development would retain and provide sufficiently sized private outdoor amenity spaces for the existing and proposed dwellings and would thus comply with Neighbourhood Plan Policy HWNP10.

Impact on Residential Amenity

54. The application site comprises an end of terrace plot which flanks Kilmington Way. Due to its corner position within the street, the proposed dwelling would not have an adverse impact on the amenities of the surrounding residential occupiers in terms of privacy or outlook. Nor would the proposal represent a dominant or overbearing addition to the amenities of the surrounding occupiers as it projects away from neighbouring properties.
55. The proposed dwelling would be sufficiently separated from neighbouring properties, principally no.33 Kilmington Way on the opposite side of Norleywood (at 37m distant) and no.24 Kilmington Way to the Southeast (at approximately 28m). The physical impact of the building on these neighbours is considered acceptable and will not result in an overbearing impact or an unacceptable loss of outlook due to the substantial distances involved. Furthermore, given its position and distance from these neighbouring dwellings, the proposed dwelling would not give rise to any harmful overlooking of these neighbours. There are no immediate neighbouring properties on the southern side of Kilmington Way which is bordered by a wooded area that separates the housing estate from a row of properties on the northern side of Hinton Wood Avenue.
56. The proposed dwelling would not have an overbearing impact on the occupiers of the host dwelling at no.25 due to its scale and position. Nor would the proposal have an adverse impact on the amenities of the occupiers at no.25 in terms of privacy or outlook. The oblique views gained from the first floor windows would replicate those already present between the houses in the terrace that is typical of this type of development.
57. The proposal would therefore 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.

Trees and Landscaping

58. A Cedar Tree which was covered by a Tree Preservation Order is recorded at the site. However, it was apparent from the site visit that no such tree is in situ.
59. The Council tree officer was consulted on the proposal who advised that whilst there are no significant trees near to the proposed new dwelling, they also noted evidence of vegetation having recently been removed from the southern side of the existing dwelling. A landscaping plan has been submitted with the application which makes provision for low, native shrub planting. The tree officer has advised that they would welcome the planting of a tree (final overall height <10m) on the southern side to help soften the increase in built form and replenish the vegetation removed and so help enhance the local environment. They therefore recommend a condition requiring precise details of the soft landscape works to include planting of a tree on the southern boundary.
60. During the course of the application, an amended landscape plan was submitted omitting a proposed ornamental tree on this southern part of the site. It is noted that the changes made were to address concerns relating to visibility from the junction with Norleywood in respect of views of Kilmington Way to the east. Whilst planting

needs to be low level to ensure the visibility splay is kept clear, it is considered a tree with a higher canopy could be planted in this location which would ensure visibility. The mix of low shrub planting with a tree in this location would soften the impact of the proposed dwelling and would also retain a similar landscaped area to that found within this planned housing estate. Therefore, notwithstanding the details shown on the submitted landscape plan, a condition is recommended which requires the submission of precise details of the soft landscape works for the southern boundary of the site to detail the tree and shrub planting. It is considered that this replanting should also include tree planting in the interests of retaining the amenity value offered to this part of the housing estate.

61. It is noted that the site lies on the opposite side of Kilmington Way to a wooded area that is also covered by a TPO and is also identified as a Green Corridor in the Highcliffe and Walkford Neighbourhood Plan. Neighbourhood Plan Policy HWNP5 advises that "development proposals adjacent to or including a part of a green corridor will be expected to respect its function and integrity." In this case, the proposed development would be separated by Kilmington Way and as such would not affect the corridor.
62. Subject to this condition, 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).

Access and Parking

63. 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. In addition, cycle parking of 3 spaces for the proposed dwelling (1 per bedroom) and provision for one electric vehicle charge point needs to be provided.
64. The proposed parking layout has been amended during the application process to take account of the Highways consultation response. The original site plan submitted with the application indicated 3 parking spaces would serve the proposed dwelling. The parking spaces were shown to extend up to the boundary wall and the southern elevation of the existing garage block resulting in no pedestrian visibility splays from the parking spaces. In addition, no details of cycle storage were shown on the original plans submitted with the application.
65. The amended proposal now includes two parking spaces with pedestrian visibility splays in relation to these spaces which is considered to be sufficient for this three-bed property. The amended proposal also includes details of a cycle store to be sited in the rear garden which would provide for 3 cycle spaces. An electric vehicle charge point adjacent to the parking spaces is also now shown to be provided. Therefore, the proposal would now accord with the LPA's Parking Standards SPD.
66. A number of objectors have raised concerns over the impact the proposed dwelling would have on the visibility from the junction of Norleywood onto Kilmington Way due to its corner position adjacent to this junction. In this respect, a highways plan has been submitted which shows that the proposal would ensure 43m visibility splays (sight lines) from the driver position for vehicles exiting the junction of Norleywood with Kilmington Way. It is noted that the site layout plan has been amended to set back the boundary wall enclosing the private rear garden further within the site and away from the edge of the road. This area is proposed to be grassed and kept clear of any obstructions that would exceed 0.6m in order to ensure visibility from this junction is ensured. A condition can be attached to ensure this.

67. Concerns were also raised regarding the highway safety implications of the proposal having regard to the habits of other road users. In this regard, Objectors have pointed out that Kilmington Way is used by commuters and for school pick-ups and drop offs. The nearest school would appear to be St Marks Primary School which is 800m (0.5 mile) distant along convoluted routes and cul de sacs within the housing estate and does not offer a direct route to the school in comparison to numerous other roads in the surrounding area closer to the school. It is unclear which local employer would be drawing commuter traffic to this residential cul-de-sac.
68. The road has a 30mph limit for this built-up residential area and has a number of bends along it which inadvertently would act as a traffic calming measure. The traffic generated by a single dwelling will have a nominal impact on traffic levels and capacity on the highway network. The scheme is entirely compatible with safety on the wider highway network
69. Objectors also raise concerns over the loss of on street parking that will result from the creation of 2 parking bays at the rear of the site. However, this is not considered detrimental as there is still sufficient parking provision on the street as well as provision made for off road parking. It is noted that the Highcliffe and Walkford Neighbourhood Plan identify on-street parking “problem areas” and Kilmington Way is not one of these areas.
70. On the basis of the above, BCP Highways raise no objections subject to the imposition of conditions requiring the provision and maintenance thereafter of cycle parking, electric vehicle charge points and pedestrian intervisibility splays.
71. It is considered that the scheme is acceptable in terms of parking and access and complies with Local Plan Policy KS12, Neighbourhood Plan Policy HWNP8 and the Parking Standards SPD 2021.
72. There is space within the rear garden for the storage of refuse and recycling bins and space for them to be left adjacent to the kerb side on collection days.

Biodiversity and Heathland Mitigation

73. 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.
74. 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.
75. Without a mechanism to secure the mitigation the proposal would not be compliant with the necessary measures to prevent adverse effects on site integrity detailed within the documents: Dorset Heathlands Planning Framework SPD. 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.

76. 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. 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).
77. The site, by reason of its location, will result in waste water generated by the new residential development creating an additional phosphate load in the River Avon, which could harm the water quality of the River Avon SAC, a European Designated Site. There would be a Likely Significant Effect from the proposed development in the absence of mitigation, and in such circumstances it would not be possible to conclude that there would not be an adverse effect on the integrity of the River Avon SAC. The proposal is likely, alone or in combination with other projects, to have an adverse effect on the ecological integrity of the River Avon SAC without mitigation which would be contrary to Policy ME1 of Local Plan. The Council is currently investigating a potential mitigation solution which will allow residential development to continue within the affected area and it is recommended that the application be delegated to the Head of Service to approve with any agreed mitigation measures incorporated either via condition, CIL or a s106 agreement.
78. With the mitigation secured the development will not result in an adverse effect on the integrity of the designated site and therefore is in accordance with policy ME2.

Biodiversity Enhancement

79. The application site lies opposite a wooded area which has been identified as a potential ecological network. The submitted site plan has incorporated features into the design of the new dwelling which are beneficial to wildlife. The submitted plans show a bird box is to be mounted on end elevation, Hedgehog passing places in the fence and a bee nest box to be mounted on the fence.
80. The installation of bird and bee nest boxes and implementing hedgehog friendly boundary treatments are welcomed. Securing the implementation of such biodiversity enhancement measures would be in line with National Planning Policy Framework (NPPF 2021), paragraphs 8, 174 and 180 Policy ME1 of the Local Plan.

Surface Water flooding and Drainage

81. Wessex Water has advised that the proposal is located in an area prone to sewer flooding caused by high levels of groundwater during prolonged periods of wet weather. Therefore, separate systems of drainage on site must be completely watertight to prevent restricted toilet use during these prevailing conditions.
82. The applicant has confirmed that foul sewage would be connected to main sewer.
83. In addition to the above, Wessex Water advised that the site is crossed by an existing 150mm public foul sewer. They therefore advised that the applicant accurately locate and mark the public sewer on site and discuss the feasibility of building over the public sewer with their Buildover Team. Consequently, the applicant provided a couple of suggested scenarios in relation to the sewer on the site to either divert the vertical sewer line in front of the terrace into the manhole within the road or moving the manhole to outside the garden boundary on the existing sewer run which they had discussed with the build over team. Wessex Water confirmed that both

options appear feasible. Either option will need to be pursued through a separation application to Wessex Water.

84. Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The current planning submission indicates that rainwater (also referred to as “surface water”) will be disposed of via sustainable drainage systems.
85. Residents have pointed out that the application does not consider the flood risk as the application site is within 20 metres of a water course, in this case, a stream.
86. The land is within Flood Zone 1 (FZ1). In the Council’s Strategic Flood Risk Assessment (SFRA), the wooded area on the opposite side of the road where a small stream runs through is within Flood Zones 2 and 3 but the application site remains in FZ1. Therefore, a Flood Risk Assessment is not required to be submitted with this application, nor does the Sequential Test apply.
87. There is an identified area of low risk for surface water flooding within Kilmington Way however this is outside the application site itself. The application itself provides no further detail on the drainage details beyond that stated on the application form.
88. Policy ME6 requires that development demonstrate that flood risk does not increase as a result of the development proposed, and that options have been taken to reduce overall flood risk. There is an identified risk close to the site, however the scheme will only need to demonstrate that it will not exacerbate any flood risk elsewhere. Therefore a pre-commencement condition is recommended that requires the submission of precise details of the sustainable drainage system for approval.
89. With these safeguards the scheme is considered to comply with Policy ME6.

Planning Balance/Conclusion

90. 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.
91. The proposal is considered to be a sustainable form of development in that it would make a modest contribution to the housing supply and provide a three-bedroom dwelling house in a sustainable location, consistent with size and type of housing sought by the Neighbourhood Plan.
92. The scheme complies with Policy HE2 in being compatible with or improving its surrounding in relation to nearby properties including minimising general disturbance to amenity and in its impacts on the character of the area. The scheme provides parking in accordance with the adopted BCP Parking Standards (2021) and has not generated objections from the Highways Authority in respect of highway safety or the capacity of the network.
93. 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. A Unilateral Undertaking is secured and the mitigation to protect the Dorset Heathland is in place and therefore, the NPPF does not provide a clear reason for refusal.
94. There is therefore no harm which significantly & demonstrably outweighs the economic and social benefits of providing housing in a sustainable location and the scheme is recommended for approval.

95. 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, 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.

Recommendation

Approve subject to conditions/S106 Agreement and subject to the subject to Head of Planning (or any other officer exercising management responsibilities within the Planning Unit) in their opinion being satisfied that such arrangements are in place as are necessary to appropriately address any adverse affect on the integrity of any relevant protected European sites associated with the recent identified concerns relating to phosphates together with delegated power to agree those arrangements

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:

Location Plan – Drawing Number LP.01 Rev D received on 30/11/2022
Landscape Plan – Drawing Number L.01 Rev C received on 30/11/2022
Highways Layout – Drawing Number H.01 Rev B received on 30/11/2022
Proposed Plans – Drawing Number PP.01 received on 28/09/2022
Proposed Elevations – Drawing Number PE.01 received on 28/09/2022
Cycle Store – Drawing Number CS.01 Rev A received on 30/11/2022

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

3. No development above DPC (damp proof course) shall take place until details and samples of all external facing materials have been provided on site, and approved in writing by the Local Planning Authority (LPA). All works shall be undertaken strictly in accordance with the details as approved, unless otherwise agreed in writing with the LPA.

Reason: This information is required prior to above ground work commencing to ensure satisfactory visual relationship of the new development to the existing.

4. No part of the development hereby permitted shall be constructed above damp proof course level unless details of both hard and soft landscaping works have first been submitted to and approved in writing by the local planning authority. The details of the landscaping works shall include:
- (a) surfacing materials;
 - (b) means of enclosure including boundary treatments and any other landscape associated structures and features;
 - (c) planting plans including the provision of at least one tree;
 - (d) written specifications (including cultivation and other operations) associated with plant and grass establishment;
 - (e) schedules of plants noting species, plant sizes and proposed numbers/densities, including tree planting to frontage area;

- (f) a programme of implementation incorporating a timetable for planting; and
- (g) a maintenance plan for a minimum period of 5 years from the date of planting, including details securing the replacement of any planting which dies, is removed, uprooted, destroyed or becomes seriously damaged or defective during the plan period.

The development and landscaping shall thereafter be carried out, retained and maintained in accordance with the Approved Landscaping Details.

Reason: This information is required prior to above groundwork 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.

5. No part of the development hereby permitted shall be occupied unless the bicycle parking facilities shown on approved drawing 'Highways Layout' - Drawing Number HL.01 Rev B have first been fully constructed and laid out in accordance with the approved cycle store details on drawing number CS.01 Rev A. Thereafter, the bicycle parking facilities shall at all times be retained, kept available for use as bicycle parking and maintained in a manner such that the facilities remain so available.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

6. No part of the development hereby permitted shall be occupied unless the Electric Vehicle Charging Point and associated infrastructure shown drawing 'Highways Layout' - Drawing Number HL.01 Rev B have first been implemented and brought into operation. Thereafter the Electric Vehicle Charging Point shall be retained, kept available for use at all times and maintained in a manner such that the facilities remain so available.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

7. No part of the development hereby permitted shall be occupied unless the visibility splay areas as shown on approved drawing 'Highways Layout' - HL.01 Rev B have first been cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent highway. The visibility splay areas shall at all times thereafter be retained at the level, kept free from all obstructions and maintained in a way that ensures that they provide clear visibility to and from the highway and any access associated with the visibility splay.

Reason: To ensure that a vehicle can see or be seen when exiting the access from the site and to ensure that a vehicle can see or be seen when exiting the junction of Norleywood onto Kilmington Way.

8. No part of the development hereby permitted shall be commenced unless a drainage scheme that includes the disposal of surface water by way of a sustainable drainage system has first been submitted to and approved in writing by the local planning authority; the scheme shall in particular include:
- (a) proposed arrangements for the disposal of both surface and foul water;
 - (b) in relation to the surface water, information about the design storm period and intensity, the methods to be employed to delay and control the surface water discharged from the application site and the measures to be taken to prevent pollution of the receiving groundwater and/or surface waters;

(c) a management and maintenance plan for the lifetime of the development that secures the operation of the approved [surface water] drainage scheme throughout this time; and

(d) a timetable for delivery.

The development shall only be carried out in accordance with the approved drainage scheme and the methods, measures and arrangements in the approved scheme shall at all times be retained and managed and maintained in accordance with it.

Reason: This information is required prior to the commencement of development in order that the Council may be satisfied with the details of the proposal and to ensure the development does not increase the risk of surface water flooding on site or outside the site and to accord with Policies ME3 and ME6 of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof no extension to the dwelling, outbuilding, or other works permitted by Part 1 Classes A and E and Part 2 Class A shall be constructed or erected without express planning permission first being obtained.

Reason: To ensure the adequate provision of external amenity space in order to protect both the character and appearance of the area.

Informatives

1. The applicants have provided a unilateral undertaking dated 6th January 2023 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 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.
3. NOTE: There are public sewer implications for the site. The applicant is advised that public sewer diversions and buildover agreements are subject to approval upon receipt of application. Details can be found on the following webpage
<https://www.wessexwater.co.uk/services/building-and-developing/building-near-or-over-a-minor-public-sewer>

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 formal consultation response and representations 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.

Case Officer Report Completed

Officer: Charlotte Haines

Date 26/01/2023