



Eastern Area Planning Committee

Date: Wednesday, 29 May 2019

Time: 2.00 pm

Venue: Council Chamber, Westport House, Worgret Road, Wareham, BH20 4PP

Membership: (Quorum 6)

T Coombs (Chairman), S Bartlett (Vice-Chairman), A Brenton, C Brooks, R Cook, M Dyer, B Ezzard, Barry Goringe, D Morgan, D Tooke, B Trite and J Worth

Chief Executive: Matt Prosser, South Walks House, South Walks Road, Dorchester, Dorset DT1 1UZ (Sat Nav DT1 1EE)

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A G E N D A

Page No.

1 APOLOGIES

To receive any apologies for absence

2 DECLARATIONS OF INTEREST

To receive any declarations of interest

3 PUBLIC PARTICIPATION

Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the [Guide to Public Speaking at Planning Committee](#).

4 PLANNING APPLICATIONS

To consider the applications listed below for planning permission

- a **3/18/0996/OUT - Land to the north of Pardy's Hill, West of Sleight Lane, Corfe Mullen, BH21 3HW** 5 - 34

Development of 9 affordable dwellings and associated access onto Pardys Hill. Outline application with all matters reserved. As amended by plans received 7/11/2018

- b **3/19/0667/FUL - Barrington Centre, Penny's Walk, Ferndown, Dorset, BH22 9TH** 35 - 42

External works to the community centre:

A. Sails

B. Accessible slope & steps to restaurant

C. Pavement modification at restaurant extension

(All related to Application No. 3/18/3538)

5 APPEAL DECISIONS

43 - 48

To inform Members of notified appeals and appeal decisions and to

take them into account as a material consideration in the Planning Committee's future decisions.

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REPORT SUMMARY

REFERENCE NO.	3/18/0996/OUT
APPLICATION PROPOSAL	Development of 9 affordable dwellings and associated access onto Pardys Hill. Outline application with all matters reserved. As amended by plans received 7/11/2018
ADDRESS	Land to the north of Pardy's Hill, West of Slight Lane Corfe Mullen BH21 3HW
RECOMMENDATION - Grant, subject to conditions: (see Section 11 of the report for the full recommendation)	
REASON FOR REFERRAL TO COMMITTEE The application has been called to Committee at the request of the Development Management Manager in accordance with the provision of the Constitution.	
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • Proposal would comply with Core Strategy affordable housing exceptions site Policy LN4 providing 9 new affordable dwellings • Proposed dwellings would not be at risk from surface water flooding • d there would be no worsening of surface water flooding at the site or downstream with an acceptable surface water drainage scheme in place • The traffic movements generated by the development can be accommodated without detriment to highway safety or the character of the area and adequate parking provision can be secured • The Proposal would not adversely impact upon protected trees, appropriate biodiversity mitigation and enhancement can be secured to ensure no harm to European protected heathlands • There is not considered to be any significant harm to neighbouring residential amenity from loss of privacy, overshadowing or dominance. 	
INFORMATION ABOUT FINANCIAL BENEFITS OF THE PROPOSAL <u>The following are considered to be material to the application:</u> Contributions to be secured through Section 106 legal agreement: £2367 for Heathland Strategic Access Management and Monitoring (SAMM) Contributions to be secured through CIL: Unknown at this stage <u>The following are not considered to be material to the application:</u> Estimated annual council tax benefit for District: £207.32 per property. Total: £1865.88 Estimated annual council tax benefit total: £1933.95 per property. Total: £17,405.55 Estimated annual new homes bonus per residential unit, per year (for first 4 years): £1,200 approx. (NB. based on current payment scheme, the assumption that the 0.4% housing growth baseline is exceeded and assuming this baseline is reached through the delivery of other new homes)	

APPLICANT	Mr Kevin Hodder	AGENT	Henshaw Planning Services Ltd	
WARD	Corfe Mullen	PARISH/ TOWN COUNCIL	Corfe Mullen	
PUBLICITY EXPIRY DATE	13 March 2019	OFFICER SITE VISIT DATE	21/05/2018	
DECISION DUE DATE	2 August 2018	EXT. OF TIME	15 August 2018	
RELEVANT PLANNING HISTORY				
App No	Proposal	Decision	Date	
3/16/0614/OUT	12 affordable dwellings with associated access	Refused. Appeal dismissed 18/10/17.	14/2/17	
Reasons for refusal:				
<ul style="list-style-type: none"> insufficient justification for an affordable housing exception site, not small scale no mechanism to secure affordable housing in perpetuity therefore development fails to accord with Local Plan Policy LN4) and represents inappropriate development within the Green Belt. fails to demonstrate that flood risk would not increase as a result of the development proposed, or that post-development surface water runoff would not exceed pre-development levels (Local Plan policy ME6) fails to demonstrate that the proposed quantum of development can be achieved on the site without harm to the landscape character by reason of its likely impact on protected trees, visual amenity and tranquillity contrary to policies HE2 and HE3 of the Local Plan 				
Appeal decision (18/10/17)				
Appeal Dismissed:				
<ul style="list-style-type: none"> The Inspector considered that it was shown that the proposed development would meet demonstrated local affordable housing need and in this respect would be in compliance with Core Strategy Policy LN4. Lack of a suitable S106 legal agreement meant that there was no certainty that the dwellings would be affordable and Policy LN4 was not complied with. the proposal did not comply with CS Policy LN4, it was therefore inappropriate development in the Green Belt, as the proposal failed to represent one of the exceptions set out in the NPPF i.e. 'limited affordable housing for local community needs under policies set out in the local plan'. 				

- As the proposal involved built-form, it would have a harmful effect on Green Belt openness.
- The information submitted to address surface water floods risk was inadequate to allow a view as to whether the proposal would satisfactorily manage likely received surface water flows from the development in addition to newly produced flows.
- No harm to the character of the area was likely to arise in respect of tree loss, the proposal would have some impact on views into the site, however the harm would not be at such a level to dismiss the appeal when balanced against the pressing need for affordable housing.
- The Inspector did not consider the proposed 12 dwellings would significantly compromise tranquillity of the area.
- The proposal would fulfil a housing need as it would comply with CS Policy LN4. However, failure to provide a legal agreement to ensure that the dwellings would be affordable negates that compliance and therefore conflict with Policy LN4 exists. Due to this conflict the proposed development would be inappropriate development in the Green Belt. The proposal would also harm the openness of the Green Belt and there was conflict with Policy ME6 in respect of flooding.
- Very special circumstances did not exist.

1.0 DESCRIPTION OF SITE AND SURROUNDINGS

- 1.1 The application site is pasture land bordered on the east by Sleight Lane and to the southeast by Pardys Hill. The area of the application site is 0.33 hectares. Adjacent land within the same ownership is shown in blue on the site plan.
- 1.2 The site comprises part of a 1ha field which slopes gently from the northeast to the lowest point at the southwest with a 4m differential. Pardys Copse lies to the north west of the field.
- 1.3 To the south west lies a Wessex Water's Sewage pumping station and a dwelling, 'Brookside'. A public foul sewer and main cross the site. The land further west (30m from the application site) is designated as an Area of Great Landscape Value (AGLV).
- 1.4 The site has a 3% gradient (approximately) north east to south west.
- 1.5 The site lies approximately 125m south of the Brog Street/Sleight Lane Conservation Area which is on higher land.
- 1.6 Mature trees on the site border with Sleight Lane and Pardys Hill are the subject of Tree Preservation Order (CM/155). There is a ditch running along the east and southern boundaries.

- 1.7 Ribbon residential development along the southern side of Pardys Hill, opposite the application site, lies within the urban area of Corfe Mullen. The predominant form is two storey semi-detached dwelling houses. The application site forms part of the hillside north of Pardys Hill which has a rural character, and is outside the urban area.

2.0 PROPOSAL

- 2.1 The application, submitted in outline with all matters reserved is for 9 affordable dwellings, as an Affordable Housing Exception Site to accord with the provisions of the Christchurch and East Dorset Core Strategy Policy LN4

Amended Plans

- 2.2 The proposal has been amended from that submitted to reduce the application site area from 0.54 hectares to 0.33 hectares and a reduction in the number of dwellings proposed from 12 to 9. This has been done to remove the housing and parking from the surface water flooding risk area on the adjoining land.
- 2.3 Illustrative plans have been submitted to demonstrate that the site can accommodate 9 dwellings. These propose a linear layout of two storey terraced houses set well back from the adjacent roads, served by 22 on-site parking spaces, of which 19 are at the rear of the dwellings. Three visitor spaces are shown inside the access adjacent to the south west boundary.
- 2.4 A vehicular access to the site is proposed onto Pardys Hill opposite 20 Pardys Hill, and to the north west of the junction between Pardys Hill and Haywards Lane. The opportunity for additional tree planting on the north, west and south west boundaries of the application site is identified on the illustrative layout.
- 2.5 The following housing mix is proposed;

Dwelling size	Number of dwellings	%
1 bed	0	0
2 bed	3	33%
3 bed	6	67%
4+ bed	0	0

- 2.6 The proposed 9 affordable dwellings will be a mixture of 4 x social rented homes (NPPF definition: Affordable housing for rent) and 5 x low-cost market value homes for sale (NPPF definition: Discounted market sales housing).

- 2.7 The social rented properties will be let at 60% of the market rent. The government's 'affordable rent' is set at 80% of local market rent.
- 2.8 The low market value homes will be sold at 75% of market value. Again the normal national standard is 80% of local market value. The 25% discount will be preserved through covenant for future sales, to ensure the subsidy is retained in perpetuity and is secured in the S106 legal agreement.
- 2.9 Occupation of the homes will be restricted firstly to those in need within the Parish of Corfe Mullen. If there are no suitable candidates at the time of advertisement when the properties become available, they will be offered to those in the neighbouring parishes of Sturminster Marshall and Pamphill. If there are still no appropriate candidates, the homes will be made available to those within the old East Dorset administrative boundary, and subsequently Dorset Council
- 2.10 A draft S106 legal agreement has been submitted to ensure that the provision of the homes is affordable and in accordance with policy, and the mechanism for their occupation is secured in perpetuity. Subject to receipt of a suitably completed S106 Legal agreement the application will be compliant with policy LN4.

3.0 SUMMARY OF INFORMATION

	Existing	Proposed	Appeal scheme
Site Area (ha)	Field is approx. 1ha	0.33ha	0.54 ha
Use	Pasture	Residential	Residential
Number of residential units	None	9	12
Number of parking spaces	None	22 illustrative	31 illustrative
Number of discounted market value affordable units	None	5	Not detailed
Number of social rented affordable units	None	4	Not detailed

4.0 RELEVANT PLANNING CONSTRAINTS

Agricultural Land Classification
SSSI Impact Risk Zone
Wildlife
Groundwater Protection Zone
Highways Inspected Network
EDDC Historic Contaminated Land
Green Belt
Heathland 5km Consultation Area
Source Protection Zone
Tree Preservation Order
Surface water flooding on part of site

5.0 POLICY AND OTHER CONSIDERATIONS

Development Plan:

Christchurch and East Dorset Local Plan: Part 1 Core Strategy 2014 (Local Plan)

- KS1 Presumption in favour of sustainable development
- KS2 Settlement Hierarchy
- KS3 Green Belt
- KS11 Transport and Development
- KS12 Parking Provision
- LN1 The Size and Type of New Dwellings
- LN2 Design, Layout and Density of New Housing Development
- LN4 Affordable Housing Exception Site
- ME1 Safeguarding Biodiversity and Geodiversity
- ME2 Protection of the Dorset Heathlands
- ME3 Sustainable Development Standards for New Development
- ME6 Flood Management, Mitigation and Defence
- HE2 Design of New Development
- HE3 Landscape Quality

National Guidance

The National Planning Policy Framework (NPPF February 2019)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents:

- Housing and Affordable Housing Supplementary Planning Document (SPD)
- Dorset Heathlands Planning Framework 2015-2020 (DHPF)

6.0 LOCAL REPRESENTATIONS

6.1 In addition to letters to neighbouring properties, a site notice was posted outside the site on 22 May 2018 with an expiry date for consultation of 14 June 2018. A press advert was also published on the 18/5/18 with an expiry date for comments to be received of the 8/6/18.

6.2 To publicise the amended plans, letters were sent to neighbouring properties on the 12/11/18 with an expiry date for consultation of the 26/11/18.

6.3 123 representations of objection have been received in respect of the application. A summary of issues raised is as follows;

- Not demonstrated that exception site required and future sites should not be developer-led
- Flawed site-selection process
- Site unsupported by community
- Site is remote and unsustainable
- Proposal would bring traffic problems with additional traffic flow, parking on Pardys Hill (narrowing road) and conflict with horse riders and cyclists
- Other sites more suitable in Corfe Mullen
- No consideration for the demands on services and schools
- Harmful impact on green belt openness
- Surface water drainage issue – localised flooding experienced on Pardys Hill
- Core Strategy valid until 2028 – proposal is premature as affordable housing could be delivered in this time scale
- Affordable housing sites should be chosen by a public consultation exercise with all landowners involved
- High levels of housing demand/targets do not by themselves represent special circumstances to allow development in the green belt
- Land sale is not philanthropic
- Proposal fails to comply with exception site affordable housing policy
- Steep hill to post office/shop at top of Pardys Hill – would dissuade walking
- Application fails to address concerns of previous proposal
- Dangerous access from Pardys Hill onto Blandford Rd and Pardys Hill onto Sleight Lane
- Local schools oversubscribed
- Noise and disturbance to adjacent properties
- Overcrowded housing layout proposed
- No disabled access provision in proposal
- Loss of wildlife habitat
- Loss of privacy for adjacent dwellings
- Loss of sun light from proposal
- Future inhabitants of the dwellings may trespass into adjacent Pardys Copse and impact on the flora there
- Adverse impact on the landscape
- Proposal contrary to Core Strategy Policy KS3 and National Planning Policy Framework green belt policy

- Approval of proposal would set undesirable precedent
- Dwellings would not be affordable for lower-income families
- Has land sale price been agreed?

7.0 CONSULTATIONS

1. County Highways (to amended plans and rec'd 20/11/18)

NO OBJECTION, subject to conditions 9 & 10 and informatives 1 & 2

2. Corfe Mullen Parish Council (to amended plans and rec'd 28/11/18)

OBJECT for the following reasons;

- 50% less affordable housing than originally planned for in the Core Strategy is to come forward in the plan period, which indicates that there is now a case for consideration of an exception site under Policy LN4. However, this policy lays down in para 5.5 a specific process for the identification of a preferred exception site to include an evidenced scoping exercise and sequential test of potential sites with evidence of site investigations. As this process has not been undertaken to date the proposal must be viewed as premature and is considered to be contrary to Policy LN4. The Parish Council hopes to embark on this process in early 2019, hopefully with the assistance of the planning authority.
- On a previous application 45 respondents to the Parish Council's housing survey showed the Pardys Hill area as a preferred site for housing, however the question was designed only to give an initial indicator before a scoping exercise is undertaken and the low overall survey response and number of respondents indicating this preference is in stark contrast to the number of objections to this proposal which at the time of writing stands at 147.
- Concerns that the proposal may pose a flood risk, in particular from surface water run off in a location which is already prone to flooding.

3. CED Trees and Landscape (rec'd 13/11/18)
No objection subject to conditions 12 & 14

The applicant has moved the footpath from inside the root protection area (as shown) and also moved the dwellings further away from the trees. A condition is advised to require that any structures, drainage/soakaways (except fencing) are outside the root protection areas

The amended scheme would have no greater or lesser impact on the trees than the originally submitted scheme. Landscaping will be important at the reserved matters stage.

4. CED Environmental Health (rec'd 20/11/18)

No objection subject to condition 7

5. Dorset Minerals and Waste

No response received

6. CED Planning Policy (rec'd 1/8/18).

No further comments to amended plans to reduce number of dwellings.

NO OBJECTIONS to the proposal on the grounds of need for affordable housing given the arguments for need were considered in detail at the previous appeal for affordable housing at the site.

7. Wessex Water (rec'd 25/07/18 and 29/11/18 to amended plans)

NO OBJECTIONS. Informative 4 relates.

8. Dorset County Council Lead Flood Authority (DCC LFA)

Comments rec'd 20/2/19 (re: Amended plans to reduce no. of dwellings to 9)

Conditions 4, 5 and 6 are appropriate for the subsequent consideration of surface water management.

9. Council's Engineer (rec'd 13/3/19). To amended plans

No objection subject to conditions 4, 5 & 6

10. Natural England (rec'd 27/2/19)

NO OBJECTION, subject to condition 13.

Dorset Heaths

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

Natural England's advice to the authority is that the proposal will have a Likely Significant Effect on the European and International wildlife sites arising from the increase residential units and hence increase in urban related pressures such as recreational access.

Natural England advises your authority to seek legal opinion of the requirement to undertake an Appropriate Assessment of the application under Reg 63.

Where your authority concludes no Appropriate Assessment of the application is required, Natural England has no objection to the proposal on the condition that your authority secures the appropriate level of heathland mitigation contributions, as set out in the Dorset Heathlands Planning Framework SPD 2015-2020.

Biodiversity Mitigation and Enhancement

Natural England welcome the submission of a Biodiversity Mitigation and Enhancement Plan (BMEP), however this has not been updated to reflect the revised plans for the site, we also note the BMEP is based on survey data which is near the end of its validity period. In this case, we recommend permission is not granted until the BMEP has been updated and approved by DCC NET

8.0 APPRAISAL

8.1 The main considerations involved with this application are:

- The principle of the development as an Affordable Housing Exception Site
- The impact on the Green Belt
- The impact on the landscape and trees
- The impact on surface water drainage
- The impact on adjacent properties,
- The impact on road safety
- The impact on biodiversity including Dorset Heathland,
- CIL implications

These points were discussed in the recent appeal decision, and will be discussed in this appraisal, in addition to other material considerations.

Principle of Development

8.2 The application site lies within the SE Dorset Green Belt, where there is a presumption against inappropriate development. The NPPF (para 145) identifies the types of development that are appropriate in the Green Belt and 'limited affordable housing for local community needs under policies in the development plan (including policies for rural exception sites)' is one of these. Local Plan Policy LN4 'Affordable housing exception sites' is the relevant policy against which to assess the principle of the development, in this Green Belt location together with Chapter 5 of the Christchurch and East Dorset Council's Housing and Affordable Housing SPD. The previous Appeal Decision dated 18/10/17 relating to application at this site (3/16/0614/OUT) for

a greater number but similar mix of houses is an important material consideration that should be given substantial weight.

8.3 Affordable Housing Exception Sites are permitted in locations close to defined settlements which would otherwise be unacceptable for market housing, and where planning permission will only be granted if the development specifically enables the meeting of locally identified affordable housing need in perpetuity. This requires that the type and tenure of affordable housing to be provided on such sites must address need identified through an up to date parish needs survey.

8.4 The development has been compared to the requirements of Policy LN4 in the table below:

Policy LN4 requirements	Development Proposal Compliance	Explanatory Notes
Be located on land adjoining or very close to the defined rural and urban settlements	Compliant	The site is opposite linear urban development on Pardys Hill/Broadmoor Road
Secure arrangements to ensure affordable housing will be enjoyed by successive as well as initial occupiers (in perpetuity-SPD paras. 5.4 5.7)	Compliant	Compliance will be achieved via a S106 legal agreement
Provide a mix of affordable housing size and type which meets demonstrated local housing needs (SPD para 5.8)	Compliant	Planning Inspector for the earlier appeal (3/16/0614/OUT) considered there was a local need for affordable housing in the area. Housing provided is of a size which fits well with local need. As the proposed tenure includes some social rented housing the Council would not require full compliance with SHMA
Be small-scale and reflect the setting, form and character of the settlement and surrounding landscape (SPD para 5.11)	Compliant	The proposed scheme for 9 dwellings is small scale, given that 'small scale' usually means a scheme of no more than 10 dwellings as

		<p>set out in the Housing and Affordable Housing Supplementary Planning Document para 5.11.</p> <p>the Planning Inspector (3/16/0614/OUT) advised that given the identified need, the quantum of twelve dwellings was not so far removed from ten as to mean that the appeal should be dismissed on that basis.</p>
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- 8.5 The SPD states (para 5.7) that sites must be appropriate and selected as the preferred and deliverable option following an evidenced scoping exercise and sequential test of potential sites capable of meeting the locally identified need. Evidence of site investigations will form an expected part of the Planning justification process, usually carried out in partnership with parish councils, community bodies and local landowners
- 8.6 The Council's Planning Policy Manager has no objections to the proposal on the grounds of need for affordable housing given the arguments for need were considered in detail at the previous appeal for affordable housing at the site, and the Planning Inspector accepted there was a need, which would justify the site as a rural housing exception site. No alternative sites have been proposed through studies to be carried out by the Parish Council and this application needs to be considered on its merits in light of prevailing local and national planning policy.
- 8.7 The consideration that the site can be considered as an Exceptions Site is given weight due to the confirmation through the Local Plan Review work that the Lockyer's School element of the existing Corfe Mullen New Neighbourhood (Policy CM1 of the Christchurch and East Dorset Local Plan 2014) will not come forward for residential development, which will significantly reduce the potential amount of affordable housing to be provided in the existing urban area of the village. It is also accepted that the housing delivery through the new allocations in the Core Strategy is not coming forward as soon as expected, which further delays the provision of affordable housing.

- 8.8 The Policy Manager considers that the affordable housing to be provided is of a size which fits well with local need.
- 8.9 To conclude on the principle of the development, the proposal is accepted as a rural housing exception site in accordance with Policy LN4 of the Core Strategy, provided a completed legal agreement is submitted to guarantee the delivery of the affordable housing in perpetuity. With such a legal agreement in place, Reason for Refusal 1 of the previous decision would be overcome as well as the concerns of the Planning Inspector into the subsequent appeal against the refusal of planning permission for 12 dwellings on the site.

Impact on the Green Belt

- 8.10 The site is in wholly within the Green Belt (GB) outside the urban area of Corfe Mullen which lies to the east of Pardys Hill.
- 8.11 Local Plan Policy KS3 'Green Belt' aims to maintain an area of open land around the conurbation, and protect the separate physical identity of individual settlements by maintaining wedges and corridors of open land between them. The proposal would be in conflict with part of this policy as it would reduce an area of open land, and some weight should be afforded to this conflict.
- 8.12 The Core Strategy has no other policies relating to Green Belt and therefore Green Belt Policy set out in the NPPF (section 13 – protecting green belt land) is relevant as a material consideration.

Whether the proposal is 'appropriate development' in the Green Belt

- 8.13 The NPPF (para 145) identifies the types of development that are appropriate in the Green Belt and '*limited affordable housing for local community needs under policies in the development plan (including policies for rural exception sites)*' is one of these.

Policy LN4 of the Core Strategy is the development plan's rural exception site housing policy and the proposal is compliant with this. The proposal represents limited affordable housing for local community needs in terms of paragraph 145 (f) in the NPPF, and it is therefore appropriate development in the Green Belt.

- 8.14 A draft legal agreement that sets out the type of affordable dwellings to be provided and their tenure arrangements in perpetuity in accordance with local and national policy has been submitted for consideration and it is anticipated that this agreement will be nearing completion prior to the Committee meeting.

Green Belt openness

- 8.15 As the proposal is appropriate development in the Green Belt by definition under paragraph 145 (f) and by definition not harmful to the Green Belt, there is no need to consider openness. As appropriate development in the Green Belt, the proposal overcomes Reason for Refusal No.2 for the previous application, and also the concerns of the appeal Planning Inspector in this regard.

Impact on the landscape and trees

- 8.16 Policy HE2 of the Christchurch and East Dorset Local Plan requires that development should be compatible with or improve its surroundings with reference to 11 criteria including relationship with mature trees. Policy HE3 of the Local Plan requires development to protect and seek to enhance the landscape character of the area.
- 8.17 The site is on a field adjacent to a built up area of Corfe Mullen and has no landscape designation. The Corfe Mullen Area of Great Landscape Value (AGLV) lies 30m to the west of the site but is separated from it by Pardys Copse and the Wessex Water Pumping Station. The development would bring urban built form closer to the AGLV but it would be viewed in the context of the existing urban development south of Pardys Hill highway and could be accommodated without harm to the AGLV.
- 8.18 This is a green field site bordered by fields to the north, west and south. The introduction of residential development will result in the loss of part of the current rural landscape character to the north west of Pardys Hill. The introduction of noise and motion from the use of the site for residential purposes and associated light pollution would result in some loss of tranquillity, conflicting with Policy HE3. This conflict is afforded some weight in the planning assessment.
- 8.19 The illustrative two storey linear layout suggests that the development could reflect the two storey development south of the Pardys Hill highway which forms the urban context. The houses at Plots 5 – 9 are illustratively shown to stand higher than those to the south due to falling ground levels. It is proposed that the application site's western boundary (onto the field in the same ownership) and southern boundary would have tree planting that would soften the visual impact from the northwest and south, and that the trees along the highways be retained to maintain existing enclosure and limit the visual impact of the proposed two storey development.
- 8.20 The proposal has been amended since the refused application for 12 dwellings, which was subsequently considered at appeal, to locate the development outside the root protection areas of the protected trees at the site. The updated Tree Protection Plan (TPP) is acceptable and shows that the development may be carried out without harm to trees.

- 8.21 It is considered the development could be accommodated on the site in accordance with Policy HE2, as the indicative layout has considered the constraints imposed by protected trees.
- 8.22 Condition 13 is necessary to require no structures (except fencing) or storage/alteration of ground levels to be carried out in the tree protection areas shown on the amended TPP. With this condition and Condition 14 (details of on-site services and soakaways to be submitted and agreed) in place, it is considered that the proposal would accord with Core Strategy Policy HE2.

Impact on surface water drainage

- 8.23 Policy ME6 of the Core Strategy requires the proposal to 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.
- 8.24 Although the site is in Flood Zone 1 (low risk of fluvial flooding), it is in an area that is reported to suffer from surface water flooding, and Dorset County Council Flood Risk Management (DCC FRM as was when this application was first submitted) advise that the lower (southern) portion of the original application site is shown to be at significant risk of surface water flooding from received flows. This situation was recognised by the Planning Inspector who deemed that further information was required to demonstrate that it would be possible to satisfactorily manage the likely received and newly produced surface water flows at the site. The application has therefore been amended to remove this area of land from the application site.
- 8.25 A Flood Risk Assessment (FRA) has been submitted which advises that because of difficulties in respect of water flowing into the adjacent watercourses and soakaway viability doubts, the surface water strategy will need to be centred upon a Sustainable Drainage Scheme (SuDS). The SuDS will rely upon the collection and attenuation of total and peak flows into the existing sewerage system.
- 8.26 The submitted Outline Drainage Strategy contains a proposed design for the surface water drainage system, a description of the attenuation process, together with appropriate calculations for attenuation tank simulation. The document also includes comments on operational and maintenance requirements and pollution control. However, this report contains an outline strategy only, which can only be finalised when design details of the dwellings, i.e. floor levels etc. are known.
- 8.27 The site is close to an ordinary watercourse which follows the eastern boundary next to Pardys Hill, and this appears to receive flows from elevated land to the north and north east.

- 8.28 Section 14 of the NPPF requires Local Planning Authorities to ensure that development does not increase flood risk, and where there are risks of flooding National Planning Policy Guidance (NPPG) requires the submission of a viable and deliverable scheme of surface water management.
- 8.29 It is accepted that it would be unreasonable to require a detailed surface water drainage design in support of an Outline application. However, a conceptual drainage strategy based upon sufficient site investigation is necessary, and this approach was supported by the Planning Inspector in his decision on the previous appeal on the site.
- 8.30 The proximity of the site to an Ordinary watercourse may generate a degree of flood risk, pending further investigation.
- 8.31 In accordance with the requirements of the NPPF (Revised February 2019), it is a requirement that all development proposals consider flood risk from all sources, and are supported by an appropriate strategy of surface water management that both protects the site / development and prevents off-site worsening of flood-risk.
- 8.32 DC Flood Risk Management have advised that prevailing ground conditions on the site (clay) and site topography, are unlikely to make the use of infiltration drainage methods appropriate for the management of surface water runoff generated by the proposed development. However, they accept the principle of the development, subject to details of a detailed surface water drainage scheme and its maintenance being submitted to and approved by the Local Planning Authority. This position is also supported by the Council's Drainage Engineer and Conditions 5 & 6 would address this.

Sequential Test

- 8.33 In addressing the surface water flooding issue at the site, the Sequential Test (ST) for flooding has been applied by officers in accordance with the Government's Flood Risk & Coastal Change – Planning Practice Guidance document, and as highlighted within the recently revised NPPF.
- 8.34 The application of the ST has resulted in the application site being reduced in area and predominately located outside the areas of surface water flood risk, with no dwellings or service roads within the flood risk areas. Only a very small part of the south western site boundary is encroached by the flood risk area and this is shown indicatively to be landscaped. Condition 3 would require all the dwellings and their curtilages; internal access roads; access onto Pardys Hill and parking and turning areas to be located outside of the surface water flood risk areas as denoted on the GOV.UK website.
- 8.35 It is considered the proposal would comply with Policy ME6 of the Core Strategy, subject to compliance with the suggested conditions (5 & 6) to

require a detailed surface water management scheme and scheme for its maintenance, as this would ensure flood risk would not increase as a result of the development proposed.

- 8.36 The proposal would also adhere to the policy set out in NPPF paragraphs 157, 158 & 163 and NPPG paras 012, 028-030, 051, 079, 080, as following satisfaction of conditions 5 & 6, it would be demonstrated that flood risk would not increase as a result of the development proposed, or that post - development surface water runoff would not exceed pre-development levels.

Impact on adjacent properties

- 8.37 The nearest property to the site is Brookside Cottage on Broadmoor Road, and the nearest part of its curtilage lies approx. 55m from the shared southern border on lower land. The dwelling at Little Acorns in Sleight Lane lies approx. 35m to the north and there are dwellings opposite the site in Pardys Hill, approx. 36m to the southeast (at the nearest point).
- 8.38 The illustrative plans attempt to demonstrate that properties could be sited so as to avoid adverse impacts on the amenity of adjoining dwellings.
- 8.39 The properties on Pardys Hill and Sleight Lane are sufficiently distant from the site that no harm to amenity is anticipated from their physical presence. The illustrative plans demonstrate that a vehicle access could be achieved opposite 20 Pardys Hill, and disturbance to the amenity of the occupants of this property and those adjacent caused by headlamps of vehicles emerging from the site would not be significant, given the access mouth is not directly opposite the house at No.20, and this is angled away from the proposed access. No significant impact from disturbance from increased trip rates is anticipated.
- 8.40 The northern boundary of Brookside Cottage with its rear conservatory is currently visually open to the site so there is the potential for harm to the amenity of this dwelling in relation to outlook and overlooking. However the boundary of this property lies some 55m from the nearest dwelling, and the side elevation of the nearest house would face toward Brookside Cottage, which is sufficient to prevent harmful overlooking and additionally.
- 8.41 Overall, although the proposal is in outline form, it is judged that it could be accommodated on site without harm to neighbouring amenity. The proposal therefore accords with Local Plan policy HE2 in so far as it is compatible with nearby properties.

Impact on road safety

- 8.42 Policy KS11 requires that 'development should be in accessible locations that are well linked to existing communities by walking, cycling and public transport

routes'. The site lies in a valley and there is a steep slope up Pardys Hill to access community facilities and public transport. The topography is not ideal for pedestrian access to nearby facilities, especially in winter conditions, but this is not so restrictive as to render the site inaccessible.

- 8.43 All matters are reserved but the illustrative plans propose a new vehicular access onto Pardys Hill opposite 20 Pardys Hill, and your Highways Engineers are satisfied that a safe means of access could be provided onto the existing transport network subject to conditions.
- 8.44 Policy KS12 requires that adequate parking and cycle parking facilities be provided. The illustrative layout proposes 2 allocated spaces per dwelling and 4 visitor spaces which is compliant with the parking standards set out in the Dorset County Council Parking Study which links to the Local Transport Plan 3, and the proposal accords with policy KS12.
- 8.45 Overall it is evident that the site could be developed in compliance with Local Plan policy KS11 and a condition could secure parking in accordance with policy KS12.

Impact on Biodiversity and Dorset Heathland

- 8.46 In order to protect biodiversity Local Plan Policy ME1 requires that proposals demonstrate that they will not result in adverse impacts on biodiversity.
- 8.47 The originally submitted application was accompanied by an ecological survey in accordance with the Dorset Biodiversity Protocol, and the then Dorset County Council's Natural Environment Team (DCC NET) endorsed the Biodiversity Mitigation Plan (BMP to include enhancements) which it informed. This includes mitigation in the form of bat, bird and hedgehog boxes and a new pond with amphibian exclusion fencing, amphibian hibernacula creation and habitat enhancement for newts.
- 8.48 Natural England considers the BMEP to be near the end of its validity period and has advised that an updated BMEP is submitted to reflect the amended scheme for 9 dwellings. Officers consider that the proposal would be acceptable in respect of its impact on biodiversity once an amended BMEP is received to reflect the revised development layout, with the BMEP agreed by Natural England. Officers consider this could be reasonably achieved by a 'Grampian' type condition (Condition 3) requiring that no development of the site takes place before a BMEP for the site is agreed by Natural England.
- 8.49 Local Plan Policy ME2 aims to protect Dorset Heathlands. The site lies within 5km from several Sites of Special Scientific Interest (SSSIs) which benefit from international designation as Dorset Heathland Special Protection Area (SPA), Dorset Heaths Special Area of Conservation (SAC) and RAMSAR. Under the Conservation of Habitats and Species Regulations 2010 an

appropriate assessment is required to be undertaken by the Council as 'Competent Authority' to determine whether the proposal, in combination with other plans and projects, will have an adverse impact on the integrity of the internationally designated sites.

- 8.50 NPPF paragraphs 170 and 175 sets out principles for Local Planning Authorities to follow with the aim of conserving and enhancing biodiversity. These include minimising impacts on and providing net gains for biodiversity.
- 8.51 The proposal for a net increase of 9 residential units, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on internationally designated sites. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected sites, in view of their conservation objectives.
- 8.52 The appropriate assessment that officers have carried out has concluded that 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). Monies are being secured via the East Dorset Community Infrastructure Levy (CIL) towards infrastructure projects such as Suitable Alternative Natural Greenspace which can attract new (and existing) residents away from visiting heathland. In relation to this development the Council will fund HIP provision via the general Community Infrastructure Levy as no CIL contribution can be collected from affordable housing schemes, but SAMM, which forms the second strand of the strategy, requires that contributions be secured via legal agreement 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.
- 8.53 The current application is accompanied by draft Section 106 Legal Agreement which when completed 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 so it is not subject to pooling restrictions, is reasonable and necessary; the contribution complies with Regulations 122 and 123(3) of the Community Infrastructure Levy Regulations 2010 (as amended). With the mitigation secured the development will not result in an adverse effect on the integrity of the designated site so in accordance with regulation 70 of the Habitats Regulations 2017 planning permission can be granted; the application accords with policy ME2.

- 8.54 With an updated BMEP, the proposal would accord with the Dorset Biodiversity Protocol, and would comply with the Dorset Heathlands Planning Framework once the draft S106 legal agreement is completed. Upon receipt of a satisfactory updated BMEP and S106 legal agreement, the proposal would accord with Local Plan Policies ME1 and ME2 and NPPF paragraphs 170 and 175. It is considered Condition 3 is necessary to require the development to be undertaken in accordance with the updated BMEP.

CIL Implications

- 8.55 As the proposal is for affordable housing it is exempt from the CIL requirements.

Sustainability of the Location

Nearest facility	Distance- approximate walking route	Comment
First School	1.2km	Henbury View First School. Accessed via Haywards Lane. Lit but rural so lack of natural surveillance
Middle School	420m	Lockyer's Middle School- intention to re-site further north under Local Plan policy CM1 and replace with a local centre. However this unlikely to happen now the school has become an Academy. The most direct route is steep, up Pardy's Hill.
Secondary School	1.8km	Corfe Hills School
Bus Stop	900m	Outside the Co-op on Towers Way
Post Office	360m	Badbury View Road- up Pardy's Hill
Convenience store	900m	The Co-op Food on Towers Way
GP	2km	The Hadleigh Practice, Broadstone

- 8.56 The site is located on the edge of the urban area 900m from the nearest convenience shops and bus stop, and is therefore a sub-optimal location for any future occupants of socially rented housing.

8.57 The proposed affordable housing would be located opposite former Council housing which is part of the Corfe Mullen urban area, and is not considered to be isolated in respect of paragraph 79 of the NPPF. The Inspector, in considering the previous appeal on this site for the same form of development, made no adverse comments about the suitability of the location for an affordable housing scheme.

Conclusion

8.58 The proposal offers the opportunity to secure 9 affordable units of social housing in perpetuity in Corfe Mullen operated by a local Registered Provider. It is accepted that there is a need for affordable housing in Corfe Mullen, and that there is an under-delivery of housing in the local area due to developments identified within the Core Strategy not now delivering the quantum of affordable housing initially envisaged. The previous Appeal Inspector concluded that it was unlikely that sufficient affordable housing to meet local needs could be delivered within the existing urban area of the village,

8.59 The proposal represents appropriate development in the Green Belt and accords with Core Strategy affordable housing exceptions site Policy LN4. Its benefits outweigh the cumulative weight of the proposal's impact on the landscape. Your Officers' recommendation is therefore a) that the application should be approved subject to receipt of a signed Section 106 Legal agreement, or b) refused should a signed Legal agreement not be secured.

9.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

9.1 This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

10.0 Public Sector Equalities Duty

10.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people

- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

10.2 Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

11.0 RECOMMENDATION –

11.1 Delegate to Development Management Manager to either:

A) Grant, subject to the conditions set out below and the successful completion of a S106 Legal Agreement to secure;

- 1) All the dwellings to be affordable in perpetuity and to meet the NPPF’s definitions of social-rented and low-cost housing
- 2) Strategic Access Management and Monitoring contribution in relation to mitigation for the proposal’s impact on Heathland Sites of Special Scientific Interest

And the following conditions: (the Pre-commencement conditions have been previously agreed with the applicant, as required)

Conditions:

1. (a) Before any development is commenced details of all 'Reserved Matters', that is the following matters in respect of which details have not been given in the application and which relate to Layout, Scale, Appearance, Landscaping and Means of access shall be submitted to and approved in writing by the Local Planning Authority.

(b) An application for approval of any 'Reserved Matters' must be made not later than the expiration of three years beginning with 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:

Ellis Belk Drawing 14121-02 E: 3D View and Street scene

Ellis Belk Drawing 14121-03 B: Site & Location Plans

Ellis Belk Drawing 14121-01 G: Proposed Site Plan

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

3. No development of the site or clearance of the site shall take place unless and until an updated Biodiversity Mitigation & Enhancement Plan (BMEP) has been submitted to and approved by the Local Planning Authority (LPA) in conjunction with Natural England (NE). Thereafter, the development shall be undertaken in accordance with the approved BMEP, unless otherwise agreed in writing by the LPA in conjunction with NE.

Reason: To ensure the effective protection and enhancement of the site's biodiversity during and after the development.

4. The dwellings and their curtilages; internal access roads; access onto Pardys Hill and parking and turning areas shall be located outside of the surface water flood risk areas as denoted on the GOV.UK website:- <https://flood-warning-information.service.gov.uk/long-term-flood-risk/map>

Reason: To safeguard the development against surface water flooding.

5. No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.

Detailed proposals and further supporting calculations are required, and any detailed designs supplied must demonstrate that the recommendations of the National Planning Policy Framework and best practice are fully complied with, and that no off site worsening in surface water runoff will result.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity.

6. No development shall take place until details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

7. The development shall not be commenced until a foul water drainage strategy is submitted and approved in writing by the local Planning Authority in consultation with Wessex Water acting as the sewerage undertaker. This shall include appropriate arrangements for the agreed points of connection and the capacity improvements required to serve the proposed development phasing, and the foul water drainage strategy shall be completed in accordance with the approved details and to a timetable agreed with the local planning authority.

Reason: To ensure that proper provision is made for sewerage of the site and that the development does not increase the risk of sewer flooding to downstream property

8. Before planning permission is implemented, other than in respect of demolition works, a scheme shall be submitted to the Local Planning Authority to deal with potential contamination of the site. Such scheme shall include the following actions and reports, which must be carried out by appropriately qualified consultant(s):

(a) A Site History Report, which shall, by reference to site layout drawings of an appropriate scale, include a history of the site, past land uses, current and historical maps, site plans, locations of any known spillages or pollution incidents and the location and condition of old tanks, pits, fuel or chemical storage areas. (Please note it is the responsibility of the landowner, developer or consultant to provide and disclose all relevant information).

(b) Before any works commence on site, should (in the opinion of the Local Planning Authority) remedial works be required, consultants appointed to carry out intrusive site investigation work must submit their sampling strategy to the Local Planning Authority for approval.

(c) A Site Investigation Report (based on the information contained in the site history report), will be required where the appointed consultant and/or the Local Planning Authority anticipate that contamination may be present in, on or near the proposed development area. The site investigation report must characterise and identify the extent of contamination, identify hazard sources, pathways and receptors and develop a conceptual model of the site for purposes of risk assessment.

(d) Where contamination is found which (in the opinion of the Local Planning Authority) requires remediation, a detailed Remediation Statement, including effective measures to avoid risk to future and neighbouring occupiers, the water environment and any other sensitive receptors when the site is developed, shall be submitted to the Local Planning Authority. Any remediation scheme(s) or part(s) thereof recommended in the remediation

statement, shall require approval to be obtained in writing from the Local Planning Authority.

(e) Development shall only take place in accordance with the approved Remediation Statement.

(f) If, during works on site, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority. Any such scheme shall require approval to be obtained in writing from the Local Planning Authority.

(g) On completion of all the works detailed in the agreed Remediation Statement, a Remediation Completion Report must then be completed by the environmental consultant(s) who carried out the remediation work confirming that they have supervised all the agreed remediation actions. This report is to be submitted to the planning authority confirming that all works as specified and agreed have been carried out to the point of completion. Until the Planning Authority is in receipt of said Remediation Completion Report and is satisfied with the contents of the statement and the standard of work completed, it will be viewed that the remediation of the site is incomplete.

Reason: To ensure that any contamination of the site is properly dealt with during development.

9. No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The approved CMP shall be adhered to throughout the construction period. The CMP shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: This information is required prior to commencement to safeguard the amenity of the locality and in the interests of road safety.

10. Before the development is occupied or utilised the first 15.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing – see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

11. No development must commence until details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the proper and appropriate development of the site

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, no extensions, fences/walls/means of enclosure exceeding 1 metre in height, dormer windows, or outbuildings (excluding glasshouses/greenhouses) shall be constructed without express planning permission first being obtained.

Reason: To control the visual impact of the development on the Green Belt and countryside.

13. The installation of protection measures for trees to be retained shall be undertaken in accordance with the approved plan 3670 TPP Rev A dated 04/03/19 and arboricultural method statement reference KB/SleightLaneCorfeMullen/Impact-Rev-A/3670dated 4th March 2019 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason: In order to prevent damage during construction to trees that are shown to be retained on the site

14. Notwithstanding details already submitted within the Arboricultural Impact Appraisal and Method Statement, full plans and particulars showing the final siting of the services and soakaways shall be submitted to the Local Planning Authority for written approval prior to commencement of works on site. These shall show no drainage, soakaways or other structures (except a fence) in the root protection areas as shown on the approved Tree Protection plan KB/SleightLaneCorfeMullen/Impact-Rev-A/3670dated 4th March 2019.

Reason: To demonstrate that the proposed development can be implemented without detriment to the existing trees that are to be retained on the site.

15. Plans and particulars showing the finished floor levels, related to ordnance datum or fixed point within the site, of the ground floor of the proposed building(s), (and as appropriate the closest adjacent building beyond the site) shall be submitted to, and approved in writing by the Local Planning Authority and development shall not be commenced until these details have been approved, unless otherwise agreed in writing. All works shall be undertaken strictly in accordance with the details as approved.

Reason: This information is required prior to occupation of the development hereby approved in order that the Council may be satisfied with the details of the proposal having regard to the existing site levels and those adjacent hereto.

Informatives:

1. The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 of the Highways Act 1980, the applicant should contact Dorset County Council's Development team. They can be reached by telephone at 01305 225401, by email at dli@dorsetcc.gov.uk, or in writing at Development team, Dorset Highways, Environment and the Economy, Dorset County Council, County Hall, Dorchester, DT1 1XJ
2. The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the County Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at Dorset Direct (01305 221000), by email at dorsetdirect@dorsetcc.gov.uk, or in writing at Dorset Highways, Dorset County Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.
3. This grant of permission is to be read in conjunction with the S106 Legal Agreement dated INSERT REQUIRED entered into between East Dorset District Council and INSERT REQUIRED to provide affordable housing and pay the appropriate contribution in relation to Heathland mitigation as required by the Dorset Heathlands Planning Framework 2015-2020 - Supplementary Planning Document (SPD)
4. Wessex Water advise the developer that;

Wessex Water will need to agree new connections to the public foul sewer and public water mains.

Wessex Water will not permit the build over of public shared sewers by new properties

A private survey of the site is required to determine the precise location of the existing rising main sewer which crosses the site. Easements are usually 6 metres either side of public sewer.

One of Wessex Water's main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution. Wessex Water advise that a further detailed plan is submitted to the planning authority to show the surface water strategy for the proposed site following the SuDS hierarchy, which is subject to building regulations.

There is a surface water sewer connection from site to the existing surface water sewer in Broadmoor Lane. There must be no land drainage connections from site to the surface water network. Points of connection and attenuation rates for surface water connections to be agreed with Wessex Water.

5. Given the proximity of the site to an Ordinary Watercourse, any works, whether temporary or permanent, offering an obstruction to flow within this channel i.e. diversion, realignment, culverting or connection, will require prior Land Drainage Consent from DCC's FRM function, in accordance with s23 of the Land Drainage Act 1991.

Or

If a Section 106 Legal agreement and other information set out below are not secured by 30th July 2019:

B) Refuse planning as the proposal would :

- Fail to secure the appropriate affordable housing provision in accordance with Core Strategy affordable housing exceptions site Policy LN4
- Fail to provide avoidance measures identified as necessary to mitigate the impact of the development, in combination with other plans and projects, on the integrity of the designated site as set out in the Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) 2015-2020.
- Fail to provide an agreed Biodiversity Mitigation & Enhancement Plan agreed by Natural England , and therefore the proposal is contrary to the Dorset Biodiversity Protocol and Policy ME1 of the Core Strategy

Background Documents:

Case Officer: James Brightman

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

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

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REPORT SUMMARY

REFERENCE NO.	3/19/0667/FUL		
APPLICATION PROPOSAL	External works to the community centre: A. Sails B. Accessible slope & steps to restaurant C. Pavement modification at restaurant extension (All related to Application No. 3/18/3538)		
ADDRESS	Barrington Centre, Penny's Walk, Ferndown, Dorset, BH22 9TH		
RECOMMENDATION	- Grant, subject to conditions: (see Section 11 of the report for the full recommendation)		
REASON FOR REFERRAL TO COMMITTEE	This application has been called to the Planning Committee in line with the Council's Constitution as it is an application submitted on behalf of the Council.		
SUMMARY OF REASONS FOR RECOMMENDATION	<ul style="list-style-type: none"> • The design of the development would respect the context of the site and enhance the visual amenities of the locality. • There are no material considerations which warrant refusal of this application. 		
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL	Not Applicable		
APPLICANT	East Dorset District Council	AGENT	RLM Architects
WARD	Ferndown Central	PARISH/TOWN COUNCIL	Ferndown Town
PUBLICITY EXPIRY DATE	5 May 2019	OFFICER SITE VISIT DATE	11 April 2019
DECISION DUE DATE	24 May 2019	EXT. OF TIME	29 May 2019
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
3/18/3538/FUL	Extension to South/Front. North/rear extension to replace existing public toilets. Demolition of the existing public toilets to form a landscaped area.	Approve	13/03/19

MAIN REPORT

1.0 DESCRIPTION OF SITE AND SURROUNDINGS

- 1.1 The Barrington Centre site is a level site on which the single story community centre building sits. This community centre includes the Barrington Theatre, Penny's Family Restaurant, various community activities and room hire. This site also includes a small section of the car park to the north of the Centre, in which is currently located a recently planted, immature tree.
- 1.2 The Barrington Centre's main frontage is to the south, onto the pedestrianised Penny's Walk. Opposite is Tesco's supermarket. To the east of the Barrington Centre is Library Road, the part of which immediately adjacent to the centre is pedestrianised, and further to the east is a Day Centre for the elderly. To the west is Ferndown Health Centre. To the north of the Barrington Centre is Penny's Lodge car park, which is in the ownership of the applicant. There is no boundary around the Community Centre site to the south, east or north. A hedge separates the Community Centre from the Health Centre to the west.
- 1.3 The site is within Ferndown Town Centre, on the primary shopping frontage, where existing uses are established as a mix of retail and community uses. The built form of the town centre is quite modern has a spacious character with low level 1-2 story buildings, many detached and with relatively generous gaps between plots.
- 1.3 Planning permission was granted in March 2019 (Planning reference 3/18/3538) to extend the Barrington Centre building to provide a new frontage and entrance for the community centre, carry out internal refurbishment works, provide new public toilets both inside the Barrington Centre and attached to the north of the Barrington Centre but externally accessible. The proposed sails and pavement modifications were originally included as part of the earlier application, but due to technical reasons it was necessary to consider these elements as part of a separate application.

2.0 PROPOSAL

- 2.1 This proposal includes the following elements:
- Sails to be provided adjacent to the entrance and restaurant, to be made from a light permeable sail cloth and fixed using both the existing building and posts. It is understood the intention is that external seating for the restaurant will be provided under the sails adjacent to the restaurant.
 - An accessible slope and steps for access to the restaurant door.
 - Modifications to the pavement to the east of the Barrington Centre to wrap this around the permitted restaurant extension.

3.0 SUMMARY OF INFORMATION

	Proposed	Change/ net gain: From existing
Width of proposed sails to south	4.3m	n/a
Width of proposed sails to east	4.3m	n/a
Minimum height of sails	2.5m	n/a
Maximum height of sails	3.9m	n/a

4.0 RELEVANT PLANNING CONSTRAINTS

Main Urban Area (Ferndown)
Ferndown Town Centre
Ferndown Primary Shopping Area

5.0 POLICY AND OTHER CONSIDERATIONS

Christchurch and East Dorset Local Plan: Part 1, Core Strategy (2014)

FWP1 Ferndown Town Centre Vision
HE2 Design of new development

National Planning Policy

The National Planning Policy Framework (NPPF) 2019
Planning Practice Guidance (PPG)

Other Documents

Ferndown Town Centre Strategy

6.0 LOCAL REPRESENTATIONS

- 6.1 In addition to letters to neighbouring properties, a site notice was posted on 11 April 2019 with an expiry date for consultation of 5 May 2019.
- 6.2 No representations have been received from neighbours or members of the public.

7.0 CONSULTATIONS

1. Ferndown Town Council – no comments received.

8.0 APPRAISAL

- 8.1 The main considerations involved with this application are:
- The design of the proposed sails

- The impact of the proposed modifications on the use of pedestrianised streets Penny's Walk and Library Road
- The accessibility of the proposal

The Design of the Proposed Sails

- 8.2 The sails are designed to complement the previously consented extension by providing an inviting 'soft edge' which provides a transition between the inside and outside. They will create an external space for activity in the public realm in line with the Ferndown Town Centre Strategy. They will bring character and a sense of fun to this community building. The proposed sails can be supported, subject to a condition requiring details of materials and colour scheme to be used (condition 3).

The impact of the proposed modifications on the use of pedestrianised streets Penny's Walk and Library Road

- 8.3 The proposed sails will extend over land which is currently paved and open for public access, although not forming part of a designated highway. The height of the sails will not impede pedestrian access underneath. Pedestrians will have to walk around the posts forming fixing points for the sails and it may be necessary for pedestrians with disabilities or pushchairs to avoid walking underneath the sails, however, given the proposed pavement modifications alternative access routes will be available, which is considered acceptable.
- 8.4 Due to the town centre location of this proposal and the limited space available for storage of construction materials and machinery on the site, careful management of the construction process will be required, and a condition requiring submission of a Construction Method Statement is proposed (condition 4).

The accessibility of the proposal

- 8.5 The proposal sees the submission of improvements to accessibility of the restaurant extension previously consented. There will now be disabled access to both the main entrance of the Barrington Centre (as exists presently) and the restaurant. This is an improvement on the accessibility of the existing situation as is considered a benefit of this proposal.

Conclusion

- 8.6 The proposal conforms to the requirements of the general policies of the Christchurch and East Dorset Local Plan Part 1 and the Ferndown Town Centre Strategy, taking into account material considerations.

9.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

9.1 This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

10.0 Public Sector Equalities Duty

10.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

10.2 Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

- The development allows for improved access to the property for the disabled

11.0 RECOMMENDATION - Grant, subject to the following:

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:

2116.1-04A
2116.1-05A
2116.01A

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

3. Samples and/or a colour schedule of all materials and finishes to be employed in the provision of the sails and external landscaping, hereby permitted, shall be submitted to and approved by the Local Planning Authority before any on-site work is commenced. All works shall be undertaken strictly in accordance with the details as approved.

Reason: This information is required prior to commencement of development to ensure that the Council is satisfied about the details of the external appearance of the building

4. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: This information is required prior to commencement to safeguard the amenity of the locality.

Informatives: N/A

Background Documents: N/A

Case Officer: Elizabeth Fay

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

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

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PLANNING COMMITTEE

20 March 2019

Appeal Decisions

1. PURPOSE AND RECOMMENDATIONS

Purpose of Report: To inform Members of notified appeals and appeal decisions and to take them into account as a material consideration in the Planning Committee's future decisions.

Recommendations: It is **RECOMMENDED** that:
(This report is for Information)

Wards: Eastern

1.0 Appeal Reference: APP/U1240/W/18/3215572

Planning Reference: 3/18/1544/FUL

Proposal: Demolish existing dwelling and erect four detached dwellings with car parking and garaging (as amended by plans rec'd 5/7/18)

Address: 44 Lake Road, Verwood, Dorset, BH31 6BX

Appeal dismissed

The application was refused under delegated powers.

The spacious appeal site lies within an established residential area, and the existing building is a detached two storey dwelling, with small ancillary outbuildings.

The Inspector considered the main issues to be the effect of the proposal on the character and appearance of the area, trees, and the living conditions of the neighbouring occupants of 46 Lake Road.

The appeal proposal which would substantially intensify development of the site by sub dividing into 4 plots, was considered to cause significant harm to the character and appearance of the area and conflict with Policies HE2 and LN2 of the Christchurch and East Dorset Core Strategy (2014).

With regards to trees, the Inspector was unable to conclude that the proposal could be accommodated without causing harm to mature trees, and therefore stated that it does not comply with Policies HE2 and HE3 of the Christchurch and East Dorset Core Strategy (2014).

The Inspector stated that the proposal would affect the outlook from within the garden at no. 46 due to its proximity, overall height & width of the rear elevation, and the pitched roof, and therefore adversely affect the enjoyment of private amenity space, combined with the ground level of Unit 2 of the

proposal being above that of no. 46. As such the Inspector concluded that the appeal scheme would have a harmful impact on the living conditions of the neighbouring occupants at no.46 and therefore does not accord with Policy HE2 of the Christchurch and East Dorset Core Strategy (2014).

For the reasons above, the Inspector concluded that the appeal should be dismissed.

2.0 Appeal Reference: APP/U1240/D/19/322770

Planning Reference: 3/18/2992/HOU

Proposal: Removal of existing Juliet style balcony from 1st floor kitchen patio doors and replace with safety spiral staircase and platform

Address: 37 Kiln Way, Verwood, Dorset BH31 6GE

Appeal allowed by decision letter dated 05 April 2019

The proposal is for *'Removal of existing Juliet style balcony from 1st floor kitchen patio doors and replace with safety spiral staircase and platform.'* Planning application 3/18/2992/HOU was refused on 12/11/2018 under delegated powers for the following reason:

'1. The elevated nature and siting and of the proposed platform and external staircase are considered to result in loss of privacy and overlooking, particularly to No's 30 & 32 Liederbach Drive and adjoining 35 Kiln Way contrary to Policy HE2 of the Core Strategy which required development to be compatible with its surroundings in terms of the relationship with nearby properties. For these reasons, the proposal is also contrary to the NPPF 2018, para 130 which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

The Inspector noted that the appeal dwelling is a three storey end of terrace house in a modern residential estate and a balcony feature as per the proposal is a common feature within the locality, with some associated overlooking issues. The Inspector also considered that the platform leading to the proposed spiral staircase would be modest in dimensions (as a replacement to the Juliet balcony railings), and whilst there would be some degree of overlooking to the adjoining properties, these opportunities would be infrequent. The scale of the staircase was considered to be relatively modest and not overbearing to neighbouring occupants. As a result of the above, and further to site visits to the 3 neighbouring dwellings, the chance of loss of privacy to neighbouring occupants was considered to be very slight.

The Inspector concluded that the proposal would not give rise to a material level of overlooking or loss of privacy to the occupants of neighbouring dwellings, and therefore complied with Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy (2014).

The appeal was allowed subject to the following 3 conditions, with the standard time limit condition amended by the Inspector to ensure that the

platform and spiral staircase match the existing Juliet balconies, in terms of finish and character of the surrounding area.

3.0 Appeal Reference: APP/U1240/W/18/3210122

Planning Reference: 3/13/0513/FUL

Appeal Dismissed

Proposal: Construction of 3 No. chalet bungalows and access road as amended by plans and additional information received 5th August 2013 and 25th November 2013.

Address: Land adjacent to Oak Tree Cottage, Howe Lane, Verwood, Dorset, BH31 6JF

The appeal application sought planning permission for 3 no. chalet bungalows and access road without complying with a condition attached to planning permission 3/12/0513/FUL dated 5 June 2013.

The inspector noted that the condition regarding access had not been discharged by the Council as information was missing that prevented the Council from agreeing the construction method statement and specification for the proposed driveway. The appellant's position was that the majority of the information that was required to allow the development to commence on site has been provided and that outstanding information was minor and could be submitted without delaying commencement on site.

The Inspector considered that the main issue in this case was whether the condition was reasonable and necessary in the interest of protecting mature trees on the site.

There was no dispute over the value of the trees in question as highlighted by two previous appeals. The inspector concurred with the findings of both inspectors, given the significant amenity value of the TPO trees. The inspector agreed with the Council that all the information required for condition was required, including outstanding information; and that submitted plans are contradictory and would benefit in producing a concise detailed plan bringing all element of the proposed together.

To conclude, the inspector noted the first part of condition 9 cannot be discharged and that the disputed condition is reasonable and necessary.

4.0 Appeal Reference: APP/U1240/W/18/3217298

Planning Reference: 3/18/2339/FUL

Appeal Dismissed

Proposal: Erection of six cabins with associated open enclosures each to be occupied by a private collection of primates kept incidental to the enjoyment of the dwelling house as such

Address: Slough House, Slough Lane, Horton, BH21 7JL

The application was refused under delegated powers on the grounds that the proposed development would harm the openness of the Green Belt.

The appeal Inspector agreed with the Council that the proposed cabins and enclosures proposed to be constructed in front of the dwellinghouse would constitute inappropriate development and, notwithstanding the screening offered by the hedge, would result in moderate loss of openness.

The Inspector considered the fall back position that the structures in a different location might benefit from permitted development, but judged that there was insufficient information to conclude that they would be deemed incidental to the enjoyment of the dwellinghouse and only theoretical possibility that the fall back would be implemented. He dismissed the suggestion that a condition removing Class E permitted development rights for outbuildings could be imposed to avoid further harm, stating that this would only come into force once development had commenced and that the condition would not pass the test of necessity. The Inspector noted that the appellant had to find alternative living accommodation as a result of development of the M4 motorway but was not persuaded that re-location to this Green Belt location was necessary. He concluded that there were no very special circumstances to outweigh the harm to the Green Belt and dismissed the appeal.

5.0 Appeal Reference: APP/U1240/W/18/3212131

Planning Reference: 3/18/1420/FUL

Appeal Dismissed

Proposal: Erect a detached dwelling to be used as a holiday let, with associated vehicular access and parking

Address: Land adjacent to Heatherbank, Rushall Lane, Lytchett Matravers, BH16 6AJ

Permission was refused under delegated powers because it was judged to be inappropriate development in the Green Belt and failed to provide mitigation to avoid harm to Dorset Heathland.

Although the appeal site lies between two other properties the Inspector agreed with the Council that the site lay within the Green Belt where the proposed dwelling would be inappropriate and would result in harm to openness and represent encroachment into the countryside.

The Inspector recognised that the proposal would generate some benefits in terms of employment opportunities but he gave the social and economic benefits only limited weight. In dismissing the appeal he noted that there were no very special circumstances to outweigh the harm to the Green Belt and the application failed to accord with the Habitats Regulations.

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