



## Eastern Area Planning Committee

**Date:** Wednesday, 8 January 2020

**Time:** 10.00 am

**Venue:** Quarterjack Room - The Allendale Centre, Wimborne

**Membership: (Quorum 6)**

Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Alex Brenton, Cherry Brooks, Robin Cook, Mike Dyer, Beryl Ezzard, Barry Goringe, David Morgan, David Tooke, Bill Trite and John Worth

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**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

### **1 DECLARATIONS OF INTEREST**

To receive any declarations of interest

### **1 MINUTES**

5 - 20

To confirm the minutes of the meeting held on 4 December 2019.

### **1 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](#).

### **TRAFFIC MATTER**

### **1 WAITING RESTRICTIONS - VARIOUS ROADS, WEST MOORS**

21 - 30

To consider a report by the Executive Director of Place.

### **PLANNING APPLICATIONS**

### **1 6/2019/0126 - ERECTION OF 2 NEW DWELLINGS AND ASSOCIATED INFRASTRUCTURE AND TO MODIFY EXISTING ACCESS AT THE PADDOCK, BARROW HILL, BERE REGIS.**

31 - 54

To consider a report by the Head of Planning.

### **1 6/2019/0337 - ERECTION OF A SINGLE STOREY, REAR EXTENSION AT MISTY COTTAGE, WORTH MATRAVERS.**

55 - 72

To consider a report by the Head of Planning.

### **1 6/2019/0590 - VARIATION OF CONDITION OF PLANNING**

73 - 82

**PERMISSION 6/2019/0224 AT 8 WESTMINSTER ROAD,  
WAREHAM, BH20 4SW**

To consider a report by the Head of Planning.

**1 URGENT ITEMS**

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972

The reason for the urgency shall be recorded in the minutes.

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## **DORSET COUNCIL - EASTERN AREA PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON WEDNESDAY 4 DECEMBER 2019**

**Present:** Cllrs Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Alex Brenton, Cherry Brooks, Robin Cook, Mike Dyer, Beryl Ezzard, Barry Goringe, David Morgan and David Tooke

**Apologies:** Cllrs Bill Trite and John Worth

**Also present:** Councillor Laura Miller – for minutes 47 and 51.

#### Public Speakers

Councillor Sarah Jackson, West Lulworth Parish Council – minute 47.

Adam Bennett – agent, for applicant – minute 47.

David Wallis, local resident – minute 49.

David Hiljemark, applicant – minute 49.

Councillor June Richards, – Mayor of Lytchett Minster and Upton Town Council – minute 50.

#### **43. Apologies**

Apologies for absence were received from Councillors Michael Dyer, William Trite and John Worth.

#### **44. Declarations of Interest**

No declarations of disclosable pecuniary interests were made at the meeting.

#### **45. Minutes**

##### Resolved

The minutes of the meeting held on 30 October 2019 were confirmed and signed.

#### **46. Public Participation**

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

#### **47. 6/2019/0553 - Removal of condition to allow unrestricted occupation of the dwellings at former West Lulworth Primary School, School Lane, West Lulworth**

The Committee considered planning application 6/2019/0553, for the removal of a condition to allow unrestricted occupation of the dwellings at former West Lulworth Primary School, School Lane, West Lulworth. Planning permission had been granted for the erection of six two storey dwellinghouses, and the conversion of the existing school buildings into another three dwellinghouses by the Eastern Planning Committee of Dorset Council in July 2019. Moreover, following officer's recommendation, a condition requiring the homes to be occupied as a principal residence were included: condition 13 of planning permission 6/2018/0653.

With the aid of a visual presentation, and having regard to the provisions of the Update Sheet, officers explained what the reasoning for the recommendation was, what the planning issues of the development were; how these were to be progressed; and what the provisions of the development entailed. Plans and photographs provided an illustration of the location, dimensions and design of the development and how the housing would look, purely to provide for some context in member's understanding and so they had some incisive perspective of what this entailed. The basis of the recommendation was not for the Committee to consider the merits of the development, nor for this to have any bearing on their deliberations, but solely to decide whether Condition 13 should be maintained or not in this particular circumstance.

The application sought to remove Condition 13 of planning permission 6/2018/0653, which would then allow the properties to be occupied either as a principal residence or a second home. That condition stated that the properties should only be occupied by a person as their principal home. This was designed to ensure that the socio-economic viability of the village could be maintained, which might otherwise prove to be more challenging. Officers explained that under delegated authority, the principle of that condition had been applied, by way of condition, to similar development throughout the Purbeck part of the Dorset AONB as contained within, and derived from, Policy H14 of the emerging Purbeck Local Plan. This stated that "proposals for all new housing in the Dorset AONB would only be supported where there was a restriction in perpetuity to ensure that such homes were occupied only as a principal residence....." with that restriction being imposed through a planning condition attached to the planning permission or by a planning obligation. This policy had been agreed by the former Purbeck District Council in light of evidence showing that there was a significant number of unoccupied homes in the Plan area.

What the Plan was designed to achieve; how this would be done; and the reasoning for this was all explained in detail by officers so that members had a clear understanding of how it applied to this application and why the officer's recommendation was being made as it was.

The decision taken by the former Purbeck District Council's Planning Committee to pursue the imposition of this condition was taken in light of legal advice that the emerging Local Plan was at an advanced stage of preparation - currently awaiting the outcome of the public examination - and what weight could be given to this in determining further applications. In particular, a

number of responses received to the consultation had objected on the basis that the policy did not embrace Purbeck as a whole and was only being restricted to its Dorset Area of Outstanding Natural Beauty (AONB)

On the basis of advice that weight could be applied to the emerging Plan policy and its provisions, this had been duly enacted and, subsequently, extended to delegated planning applications. A consequence of this was that this development in West Lulworth was conditional upon Condition 13 - based on Policy H14 - being applied. Moreover, this condition was being applied on the same grounds to other delegated decisions affecting development in the Dorset AONB.

Subsequently however, the imposition of this condition on permissions for three separate, individual properties in Swanage, had all given rise to challenges, by appeal. Whilst the Planning Authority had submitted documentary evidence to support their stance, and although the Planning Inspector acknowledged what weight could be given to relevant policies in the emerging Plan, given there remained a number of unresolved objections, the weight that could be applied to Policy H14 in determining planning applications was compromised significantly and therefore could not be given significant weight. This resulted in the three appeals being allowed. As there had been no material change in circumstances in respect of pending decisions on applications across the Dorset AONB since those recent rulings, that condition had been subsequently removed in all cases.

Therefore, given that there was no material difference between this application and the appeal decisions, there could be no justification for maintaining Condition 13 in this case.

What weight should be given to the provisions of the Plan was explained by officers. Whilst it was at an advanced stage – in currently still being assessed and examined by the Planning Inspectorate – the decisions made by the Planning Inspectors on the imposition of this particular provision still remained valid and should be applied.

Officer's justification for their recommendation was that given the successful appeals contrary to the Council's policy, a precedent had been set, so any further limitation could well result in similar successful appeals. As a result of the series of appeal decisions made by the Planning Inspectorate against the condition to prevent second homes, officers were now recommending that Condition 13 be lifted to relax that particular prescription.

Speakers then had the opportunity to address the Committee. Members first heard from Adam Bennett, the applicant's agent, who considered that given those recent successful appeals, there was no justification for this limitation to still be imposed on this application. There was no material difference between them. He considered the condition to be unreasonable and inappropriate given that there were still unresolved objections which significantly compromised the weight which could be given to the provisions of the Plan. To impose such a condition, six tests would need wholly to be met, and he

considered that it would fail one of those tests: in being reasonable or necessary. For that reason, he asked that the recommendation be supported.

Parish Councillor Sarah Jackson was of the view that the condition should be retained so as to provide for a sustainable means of development in maintaining the village's viability. There was a critical need to address the issue of second homes, which already was a challenging proposition for the village. If this restriction was lifted, the ability for housing to be delivered to ensure local need was met would be severely compromised. She raised the issue of whether council tax was levied on holiday lets, as she believed this to not be case. Officers confirmed that whilst council tax relief was available on holiday lets as a business, council tax was levied in full on second homes, where this applied. She considered that Dorset Council had a moral duty to provide sufficient homes for local need where practical and to uphold the principles of the Plan and therefore considered that the recommendation should not be supported.

One of the local ward members, Councillor Laura Miller -speaking in her own right and on behalf of the other Ward member, Councillor Peter Wharf - supported what the Parish Council had to say, in that there was good reason that the Local Plan addressed the issue of the prevalence of second homes and that these should be regulated. The opportunity to develop land in West Lulworth was at a premium and if this condition was to be relaxed, there would be fewer opportunities to be able to deliver affordable homes to meet local need. She understood what risks there may be with any challenge to this, but considered that the Planning Authority had a duty to maintain the viability of villages such as West Lulworth as best they could and maintaining this condition would go some considerable way to doing that. She therefore asked the Committee to refuse the application.

As part of the debate, the Committee were then provided with the opportunity to ask questions of the officer's presentation and what they had heard from invited speakers, with officer's providing clarification in respect of the points raised. In response to one member's question, officer's confirmed that the Plan's progress in the adoption process was as advanced as it could be at this stage. The Planning Inspectorate would make its decision on it early in 2020, but when exactly this would be could not be determined with any certainty. Accordingly, there was no opportunity, as suggested by one member, for the application to be withdrawn and submitted again, once this decision was known, as a case could be made for non determination. There was a need to address the application as it stood, as the Authority had an obligation to determine applications as soon as practicable.

Whilst members understood the reasoning for the officer's recommendation and what they considered to be the justification for this, the policies within the local Plan now being examined had been made with all good intent by elected members and, as such, still held true. The majority of members felt that Dorset Council had a duty to ensure villages such as West Lulworth maintained their viability and there was now an opportunity to act progressively to uphold the principles for which it stood, particularly as the Parish Council - acting on behalf of its community - were of that opinion too.



Moreover, members were mindful that, of the unresolved objections made to the Plan, none were against the policy in its own right; rather that it was not as inclusive as they would like.

However other members, whilst understanding the noble reasoning being made, felt they should support the officer's recommendation on the basis of the outcomes of the successful appeals and the consequence of this.

Notwithstanding the assessment made by officer's in coming to their recommendation, nor the implications for not according with that view or that taken by other members, the majority of members were of the view that the principle behind Condition 13, what it stood for and what it was designed to achieve, still remained valid, relevant and applicable and so they considered there was a need for this to be maintained, in protecting the interests of local communities and the viability and vitality of this small, rural village. The examples which were cited by officers where this could more readily be seen to not apply or have the same impact, related only to individual properties in a much larger town. Given this, there was seen to be greater scope for the implications of this to be more readily absorbed by that community, whereas such an infliction in West Lulworth would be considerably detrimental and have a fundamental impact and adverse effect on the community and in its ability to gain access to the housing market. The Committee considered that this upheld the principles of the Plan and could be seen to be justified.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report, what they had heard at the meeting from the case officer, legal advisor and those invited speakers - particularly the views of the Parish Council and local ward Member - the Committee were satisfied in their understanding of what all of this entailed. On being put to the vote the Committee considered that, notwithstanding the assessments made by officers or the risks associated with any successful appeal, they could not agree to what was being recommended on the basis that the adverse impact this would have on West Lulworth would be considerable; that the principles of the Plan – which had been made, democratically with all good intentions - should be upheld and that as the Plan was at such an advanced stage in its progression, there still was weight that could be given to this provision, albeit not necessarily significant weight. Accordingly, it was agreed

### **Resolved**

That planning application 6/2019/0553 be refused.

### **Reason for Decision**

The proposal, by means of the potential for vacant properties would result in harm to the character and vitality of West Lulworth, contrary to Policy H14 of the emerging Purbeck Local Plan. The Council considered that as the Plan was at an advanced stage of preparation, that this Policy could be given weight, in accordance with Paragraph 48 of the NPPF, and that the condition was reasonable and necessary in order to maintain the character and vitality of West Lulworth, in accordance with Paragraph 55 of the NPPF. The

proposal was therefore contrary to Policy H14 of the emerging Local Plan, and paragraphs 48 and 55 of the NPPF.

**48. 6/2019/0337 - Erection of a single storey rear extension at Misty Cottage, Worth Matravers**

Members were asked to consider application 6/2019/0337 for the erection of a single storey rear extension at Misty Cottage, Worth Matravers.

Prior to such consideration, the Chairman explained that a request had been received from the local Ward Member, Councillor Cherry Brooks, for a site visit to be made so that members might see at first hand the issues being raised and have a better understanding of what this entailed, so as to be able to come to a meaningful decision on this.

On that basis, the opportunity was given for the officer to make their presentation and then for a vote to be taken on whether a site visit should be held. If that was the case, then a decision on the matter would be deferred pending the site visit and then to reconvene at the next meeting to determine the application. It was confirmed that those who has requested to address the Committee would be able to have their opportunity to do so at that time.

Members received the officer's visual presentation, taking into account the provisions of the Update Sheet, after which the local Ward Member proposed a site visit be held on the basis she considered that this application did not enhance the Conservation Area and was not in keeping with the characteristics of that part of the village. Seeing the site at first hand would provide members with that clear perspective before they were asked to make their decision. A site visit was also considered to be beneficial by Worth Matravers Parish Council who had objected to the application, so that members could gain some context of what all this entailed. The proposal was seconded by Councillor Alex Brenton and, on being put to the vote, it was agreed to defer further consideration of the application pending a site visit being held on Monday 6 January 2020.

**Resolved**

That further consideration of application 6/2019/0337 be deferred pending a site visit being held on Monday 6 January 2020 so that members could see at first hand what the implications of the proposal entailed; what impact there would be and would have a more meaningful understanding of what they were being asked to determine.

**Reason for Decision**

To complement the decision making process in having every opportunity to base any decision on their better understanding of the full facts.

49. **6/2019/0458 - Erection of a single storey extension and enlargement of the window on the first floor south east elevation at 5 Brushwood Drive, Upton**

Consideration was given by members to application 6/2019/0458 which sought planning permission for the erection of a single storey extension at 5 Brushwood Drive, Upton to project off the south east elevation of the dwelling. This extension would feature a pitched roof with a high level window on the south east facing gable end, together with two Velux windows on the north east facing roof slope. A small part of the proposed extension would feature a flat roof. As part of the submission, the applicants also proposed to enlarge the existing window on the first floor south east elevation of the host dwelling.

With the aid of a visual presentation officers explained what the main proposals and planning issues of the development were; how these were to be achieved; what the reasoning for the extension was to the applicant and how this would be to their benefit. Plans and photographs provided an illustration of the location, dimensions and design of the extension, including how the windows would be accommodated and what ventilation they would provide; how it would look and its setting; showed the development's relationship with the characteristics of neighbouring residential properties and the surrounding town development and landscape.

In making their assessment and appraisal of the application, officers had concluded that:-

- the principle of development was acceptable within the defined settlement boundary.
- the proposals were acceptable in terms of design and scale and impact on the amenity of the area.
- there was not considered to be any significant harm to neighbouring residential amenity or privacy.
- there were no material considerations which would warrant refusal.

Formal consultation had generated a number of objections from neighbouring residents and, in light of these, the Lytchett Minster and Upton Town Council was now supporting those views, where it previously had no objection to make. Objections made were on the grounds of the seemingly close proximity of the extension to a neighbouring dwelling; how access to the window might well compromise privacy; how the excavation of the extension might affect the condition of the protected Silver Birch tree species in the neighbouring garden; and what precedent such an approval might set.

David Wallis considered that, whilst he was not opposing the principle of the extension, the proposed close proximity to his property was of considerable concern and would adversely affect his family's access to natural light by the extension's overbearing presence. He was of the view that existing planning conditions did not provide for such an extension as was now being proposed and asked the Committee to refuse it.

David Hiljemark considered that the officer's recommendation should be endorsed by the Committee as it complied with all that was required in planning terms and on the basis of what the officer's assessment and appraisal of the application was. He confirmed that the window's glazing would be opaque and, given its restricted opening, there could be no opportunity for his neighbour's property to be overlooked. On that basis he asked for the application to be approved.

As part of the debate, the Committee were then provided with the opportunity to ask questions of officer's presentation and what weight could be given to the concerns raised by those objecting, with officer's providing clarification in respect of the points raised, particularly in respect of the proposed proximity and the conditions governing the window's installation. Officers were confident that they were largely able to dispel these concerns in that conditions complementing any grant of permission would mitigate for this. However, suggestions by members that there be consideration given to ensure the prevention of any further construction of an internal mezzanine level and that the windows be opaque, could be accommodated and were seen to be both reasonable and acceptable conditions.

One of the local Ward Members, Councillor Alex Brenton, was of the view that the close proximity and overbearing presence of the extension was a concern and was not in keeping with any other development in the vicinity. She also had concern that despite assurance the workings on the foundations would disturb the root system of the silver birch and, for both those reasons, felt she could not support this application.

Whilst some members were in agreement their view being that the application should be rejected owing to the close proximity to the neighbouring property and that the windows could compromise privacy, having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and what they had heard at the meeting, the Committee were satisfied in their understanding of what the proposal was designed to address and, on that basis – and on being put to the vote – the Committee considered that the application should be approved, subject to the conditions set out in the officer's report.

### **Resolved**

That planning permission be granted for application 6/2019/0458, subject to the conditions set out in paragraph 17 to the officer's report and to the inclusion of conditions governing the prevention of any future internal mezzanine construction and the installation of opaque windows.

### **Reason for Decision**

The proposed development was not considered to have a detrimental impact on the character and appearance of the area, protected trees, or the amenity of the neighbouring residents. Therefore the proposal was considered to be acceptable.

## **50. Proposed Zebra Crossing - Dorchester Road, Upton**

The Committee considered a report on the advertisement of a proposal for the implementation of a zebra pedestrian crossing on Dorchester Road, Upton on road safety grounds, in facilitating the crossing of the road by a readily accessible means that would otherwise not be the case. The main B3067, Dorchester Road, divided Upton and it had been considered that this community severance needed to be addressed satisfactorily.

As background, officers explained that the crossing scheme had been originally requested by Upton and Lytchett Minster Town Council to improve safety and accessibility going to the Infant and Junior Schools, and to encourage more walking to these, as well as providing a benefit for the wider community. The proposal had been considered by the County Council's Regulatory Committee at their meeting on 12 July 2018. Whilst acknowledging the benefits of the crossing, a decision on whether the proposal should be implemented was deferred by them pending officers considering further the parking situation with regard to the use of zig zag lines adjacent to Upton Methodist Church, which housed a pre-school and nursery facility; car parking provision for any hearse using the church; amelioration measures for light pollution and; whether there should be either a pelican or zebra crossing - all issues which had been raised in representations received. The proposal had been supported by the then local County Councillor, with this support still being maintained now by the three Dorset Councillors for Lytchett and Upton.

Assessments made of pedestrian accessibility need had clearly demonstrated that the criteria for a zebra crossing had been met and its installation justified, with this being supported by all primary consultees. In line with the Regulatory Committee's decision, another assessment and appraisal of the practicalities of what crossing was necessary and how this should be done had been made. In doing so, it had been determined that the original principles still held true, albeit with some minor modifications being seen to be necessary to accommodate and address, where practicable, some of those issues raised, without compromising the integrity of the scheme. On that basis, and having met with some of those involved on site, the proposal was now seen to be more acceptable whilst still being able to serve the purpose for which it was designed. However, as a consequence of the objections received to the advertised order, the Committee was now being asked to consider whether the proposals should be recommended to Cabinet for implementation.

With the aid of a visual presentation, officers showed where the crossing was advertised to be sited, the characteristics and configuration of Dorchester Road; how the crossing would benefit access to local schools and amenities; its relationship with other roads in the surrounding road network; what parking arrangements there were; the setting of the crossing within the townscape and what amenities and facilities would be served by the crossing.

Members acknowledged that the design had been modified to take account of issues raised previously, including the installation of cowled hoods on the Belisha beacons to reduce light pollution to adjacent properties, and a

reduction in the length of the zig zag markings on the church side to allow any hearses to park safely.

The Committee heard from June Richards, Mayor of Upton and Lytchett Minster Town Council who was wholly supportive of the crossing and the benefits it would bring on road safety grounds and encouraging safer routes to schools for children walking or cycling. Two of the three local Ward members, Councillors Alex Brenton and Bill Pipe, also indicted their support for what was being proposed.

During consideration of the application, the Committee had the opportunity to ask questions of the officer's presentation, with clarification being provided in respect of the points raised. The Committee asked that consideration be given to the provision of a barrier - immediately to the west of the crossing, at the point at which the southern end of the footpath met Dorchester Road – so as to dissuade pedestrians from crossing straight across the road and in encouraging them to use the adjacent crossing. Officers were of an initial view that such a measure could be successfully accommodated. Members were pleased with how the concerns originally expressed had been successfully addressed by officers.

Having had the opportunity to discuss the merits of the proposal, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and what they had heard at the meeting, the Committee were satisfied in their understanding of what the proposal was designed to address and, on that basis – and on being put to the vote – the Committee considered that cabinet be asked to approve their recommendation for implementation of the crossing.

### **Recommended**

That having considered the community support, objections received and officer's scheme appraisal following the Dorset County Council Regulatory Committee's recommendation, Cabinet be asked to approve the provision of a Zebra crossing on Dorchester Road, Upton, as shown in the scheme plan at Appendix 4 of the officer's report.

### **Reasons for Recommendation**

- 1)The proposals would allow for the provision of a Zebra crossing facility on Dorchester Road, Upton to provide a safe crossing point for local school pupils, parents and the wider community across a busy 'B' class road.
- 2)The proposed zebra crossing would not adversely affect the amenity of adjacent properties or the church.

**51. 6/2019/0564 - Construction of single storey lean to extension to provide an outdoor classroom at Winfrith Newburgh C of E Primary School, School Lane, Winfrith Newburgh**

Consideration was given to planning application 6/2019/0564 for the construction of single storey, lean to extension to provide an outdoor classroom at Winfrith Newburgh C of E Primary School, School Lane, Winfrith

Newburgh. The Committee were informed of the need for the facility - so that pupils could benefit from a space for flexible and adaptable working - and were being asked to approve this in accordance with the officer's recommendation and on the grounds that, as it was a Council application, a Committee decision was required for openness and transparency purposes.

With the aid of a visual presentation, officers explained what the main proposals and planning issues of the development entailed; how these were to be achieved; and particularly, the reasoning for the new facility, which was being proposed as a means of benefitting what the school had to offer.

Plans and photographs provided an illustration of the location, dimensions design and appearance of the classroom; the materials to be used; how the enhancements would look and their setting; showed the development's relationship with the characteristics of the other school buildings; and where the school was situated within the town and its setting in the Dorset AONB.

The Committee were informed of what consultation had taken place and what responses had been received. No formal objections had been received to this with, in particular, neither Winfrith Newburgh Parish Council or the two local Ward members, raising any objections to the proposal.

Given this it was officer's view that the planning permission should be granted as:

- the proposal was acceptable in its design and general visual impact.
- there was not considered to be any significant harm to neighbouring residential amenity, and
- there were no material considerations which would warrant refusal.

Whilst situated within the Dorset AONB, given the very modest scale of the proposal and the materials to be used, the structure was not considered to be visually dominant in wider views of the area.

During consideration of the application, the Committee had the opportunity to ask questions of the officer's presentation, with clarification being provided in respect of the points raised. It was confirmed that the roofing of the extension would be slightly pitched.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and what they had heard at the meeting, the Committee were satisfied in their understanding of what the proposal was designed to achieve, considering it to be an asset for the school and, on that basis – and on being put to the vote – the Committee considered that the application should be approved, subject to the conditions set out in the officer's report

### **Resolved**

That planning permission for application 6/2019/0564 for an outdoor classroom at Winfrith Newburgh C of E Primary School, School Lane, Winfrith

Newburgh be granted, subject to the conditions set out in paragraph 12 of the officer's report.

Reasons for decision

- 1) The proposal was acceptable in its design and general visual impact.
- 2) There was not considered to be any significant harm to neighbouring residential amenity.
- 3) There were no material considerations which would warrant refusal of this Application.

**52. 3/19/0985/FUL - Proposed single storey extension to Unit 3 to form bedroom and en-suite at Misty Meadow, 147 Ringwood Road, Longham, Ferndown**

Application 3/19/0985/FUL, for a proposed single storey extension to Unit 3, to form a bedroom and en-suite at Misty Meadow, 147 Ringwood Road, Longham, Ferndown, was considered by members.

A visual presentation showed what the main proposals and planning issues of the development were; how these were to be progressed; and what the benefits for the applicant of the development would be. Plans and photographs provided an illustration of the location, dimensions and design of the extension; how it would look and its setting; showed the development's relationship with the characteristics of the other development on site and in that part of Longham in particular.

Officers made particular reference to what impact the proposal would have on the character of the area and on amenity. As it was considered to be only a modest side extension to Unit 3 - of the same height and form as the existing dwelling and was set back and well screened - there would be minimal impact on the character of the area, with amenity being unaffected by the proposed improvement of creating a three bedroomed property.

Ferndown Town Council had objected to the proposal on the grounds that the development would harm the openness of the Green Belt. However, officers explained that saved policy GB7 stated that infill development would be allowed in this area provided that it was contained wholly within the Village Infill Envelope and should be of a scale and character that respected the existing village form. This application fulfilled that requirement

The planning history of the site was explained, along with what relevant appeal decisions had been made. Significantly, the previously taken decision - for removal of the planning condition limiting permitted development rights for extensions - had since been reinstated, meaning that such a side extension could now be achieved without the need for express planning permission. The consequence of this and taking that into account that:-

- the application complied with Policy HE2;
- there was no harm to character of area or neighbouring amenity;
- given that permitted development rights had been reinstated; and
- an extension which was 0.1m narrower would be more beneficial,



officers found the application to accord with the Development Plan, National Planning Policy and guidance. There were not considered to be any matters which could warrant refusal of planning permission in this case and the application was therefore being recommended for approval.

Throughout consideration of the item, the opportunity was given for members to ask questions of the officer's presentation or what they had heard from others, with officer's providing clarification in respect of points raised, as necessary.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and what they had heard at the meeting, the Committee were satisfied in their understanding of what the proposal was designed to address and, on that basis – and on being put to the vote – the Committee considered that the application should be approved, subject to the conditions set out in the officer's report

### **Resolved**

That application 3/19/0985/FUL be granted permission, subject to the conditions set out in Section 9 of the officer's report.

### **Reasons for Decision**

1)The proposed extension would not harm the character of the area so was acceptable within the Village Infill Area.

2)There was not considered to be any significant harm to neighbouring residential amenity.

## **53. Planning Appeal Decisions**

Members considered a written report setting out details of planning appeal decisions made and the reasoning for this and took the opportunity to ask what questions they had.

## **54. Urgent items**

There were no urgent items for consideration.

## **55. Update Sheet**

### **Eastern Area Planning Committee 4 December 2019 – Update Sheet**

#### **Planning Applications**

<b>Application Ref.</b>	<b>Address</b>	<b>Agenda ref.</b>	<b>Page no.</b>
6/2019/0553	West Lulworth Primary School	Item 5	13
Update(s): comments received from West Lulworth Parish Council;			

West Lulworth Parish Council objects to the planning application 6/2019/0553 (proposal to remove condition 13 of planning permission 6/2018/0653) to allow unrestricted occupation of the dwellings.

The emerging Purbeck Local Plan (PLP) Policy H14 was welcomed as it aims to address the high provision of holiday homes within Purbeck. West Lulworth is one of the parishes greatly affected by second homes which have a negative impact on the area with a reduction in community engagement.

Comments were made in the PLP consultation that Policy H14 did not go far enough as it did not include holiday lets and it is lamentable that the inspector considered these comments to indicate that the Policy should not be enforced at all. The applicant, along with other developers, was an objector to the Policy being included in the PLP and it is disappointing to see that persons with a financial interest in removing the Policy have been heard whereas the communities that are affected by the large number of second homes and holiday lets have been disregarded.

Dorset Council has a financial interest in the land and should be leading the way in ensuring provision of housing suitable for local need is provided than yet another profit-making scheme for a developer who has no attachment to the parish. Dorset Council could restrict the sale of the land until the developer agrees to provide homes that are suitable for local need, profits would still be garnered and the parish would be benefitted.

If Dorset Council are inclined to approve the application due to the Planning Inspector decision on the appeal at Swanage then I would ask that consideration is given to Part 107 of the PLP Pre-Submission Draft which states that “the PLP sets out policy to deliver sufficient homes across the District that will meet the needs of local people. New development will help deliver the Plan’s objectives to:

Support sustainable community growth to provide for the needs of local residents.

Dorset Council is currently consulting on a Strategic Plan and one of the five priorities is to “Develop appropriate, affordable and sustainable housing, maximising the use of council-owned assets”. This is a rare opportunity to utilise the council-owned land to provide appropriate housing for the local community and I urge you to consider refusal of the planning application.

<b>Application Ref.</b>	<b>Address</b>	<b>Agenda ref.</b>	<b>Page no.</b>
6/2019/0337	Misty Cottage Worth Matravers	Item 6	29

Additional Statement of Worth Matravers Parish Council

This site is within the Worth Matravers Conservation Area.

The Parish Council, now the third tier of elected government in England, raises the following additional issues. Its concerns remain that the Officers report and

the incorporated views of the new DC planning consultant do not reflect the accepted statutory requirement to improve and enhance the existing Conservation areas of Worth Matravers village.

It has never been acceptable in professional planning circles to state that a new, additional rather than replacement, proposal can be approved if it does not create any more harm than the existing extension. Two wrongs never make a right. Despite the accepted extensive and longer distance views of the rear gardens of this group of properties the proposed rear extension is now closer to the boundary of the next door property. It includes an additional blank flank wall 13 foot high on ground significantly higher than the ground level of the adjacent listed building. It must have a substantial and adverse impact on the listed building and an adverse visual impact as seen from the historic village green in the centre of the conservation area. It would be the first flat roof proposal for the centre of this historic conservation area currently comprised totally of cascading different height ridge roof features.

Members of the Planning Committee should be aware that its new consultant is from North Norfolk. His advice however is totally contrary to the current North Norfolk District Council Design Guide and Supplementary Planning Guidance which states.

What matters most when considering the scale of new development is not so much the absolute size of buildings, but their size relative to their surroundings. Particularly with infill sites in sensitive areas, extreme care needs to be taken to ensure that ridge heights and overall proportions are compatible with adjoining buildings.

3.6.1 Extensions should be sited and designed to avoid any loss of light or privacy to adjoining properties. They should also not result in any overshadowing, tunneling or overbearing effects.

3.6.2 Flat roof forms are not normally acceptable.

The Parish Council does not accept your officers report .This proposed rear extension is of poor design and has a substantial impact on the adjacent listed building. As for the meaningless statement that the extension uses a sensitive use of the palette of materials to achieve a sympathetic blend this is just the sort of meaningless gobbledygook padding officers should have been instructed to avoid in their 'professional' reports to elected members.

The Officers inappropriate additional statement that indeed contrasting modern design is often the preferred choice for heritage locations is very worrying and must in principle be quickly rejected by the new Dorset Council. The committee should be mindful that this approach, the impact of which can occasionally and regrettably be seen elsewhere in England, would totally desecrate many of the established village settings so much a part of the Dorset village streetscenes and the AONB countryside generally.

Finally the extensive proposed roof lighting system makes mockery of the Dorset Council first recommendation to declare a Climate Emergency. This proposal will have significant adverse climate and environmental impact as Worth village is a

dark nighttime zone with no unnatural light sources. Those who know the village well will be aware that torches are a requirement to safely walk the streets of the centre after dark.

The Parish Council requests this application is refused and the applicant encouraged to submit a more sympathetic and acceptable proposal.

**Duration of meeting:** 10.00 am - 12.40 pm

**Chairman**

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## Eastern Area Planning Committee 8 January 2020 Proposed Traffic Regulation Order – Various Roads, West Moors

### For Decision

**Portfolio Holder:** Cllr R Bryan, Highways, Travel and Environment

**Local Councillor(s):** Cllr Dyer and Cllr Shortell

**Executive Director:** John Sellgren, Executive Director of Place

Report Author: Jessica Cutler  
Title: Senior Technical Officer  
Tel: 01305 225719  
Email: [Jessica.Cutler@dorsetcouncil.gov.uk](mailto:Jessica.Cutler@dorsetcouncil.gov.uk)

**Report Status:** Public

**Recommendation:** That having considered the objections received, committee be recommended to approve the proposed waiting restrictions on Denewood Road, Highfield Road and The Avenue as originally advertised and recommend this approval for executive decision.

**Reason for Recommendation:** The proposed restrictions at Denewood Road, Highfield Road and The Avenue are mainly to cover junctions which will help facilitate larger vehicles and service buses and enforce the highway code.

#### 1. Executive Summary

Following the advertising of proposed changes to parking restrictions in Denewood Road, Highfield Road and The Avenue, six objections and two comments have been received to the proposals. This report considers the objections and whether the proposals in West Moors should be implemented as advertised.

#### 2. Financial Implications

The cost of making the Order is estimated at £1500 inclusive of advertising charges.

**3. Climate implications**

N/A

**4. Other Implications**

N/A

**5. Risk Assessment**

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: LOW

Residual Risk: LOW

**6. Equalities Impact Assessment**

The proposed waiting restrictions will have the usual exemption for disabled badge holders where appropriate and in accordance with the Highway Code.

**7. Appendices**

Appendix 1 – Drawing No. 2237/1/20

Appendix 2 – Location of TRO proposals and Planning proposal

**8. Background Papers**

Responses from the Parish Council, Dorset Police and the local County Councillors are held on file in the Environment Infrastructure and Economy Directorate

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**Footnote:**

Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

## **1. Background**

- 1.1 Proposals were advertised for public consultation on 17 October 2019 for a variety of new waiting restrictions in West Moors. Six objections were received for the proposals and two letters with comments. This report considers the objections and comments raised.
- 1.2 Denewood Road, Highfield Road and The Avenue are located to the north of West Moors. There are currently restrictions at the junction of Station Road/The Avenue, West Moors.
- 1.3 The request was received from West Moors Parish council in 2014, after the local bus company stopped running through this area due to parked vehicles at junctions along the route.
- 1.4 This area of West Moors is close to St Marys Church, St Marys First School and Nursery and Five Gables Care Home.
- 1.5 There is no record of any collisions in the area in the last five years (yearend 30<sup>th</sup> April 2019).

## **2. Information**

- 2.1 Council officers proposed that no waiting at any time would be appropriate restrictions at Denewood Road, Highfield Road and The Avenue as shown in Appendix 1. The restrictions would discourage parking at these junctions and help to reinforce the highway code.
- 2.2 The proposed restrictions would improve access at junctions for large vehicles including buses, refuse vehicles, delivery vehicles and emergency service vehicles.
- 2.3 Denewood Road, Highfield Road and The Avenue are located close to a proposed planning application at Blackfield Lane, West Moors (appendix 2.) application for new build industrial unit which has received a large number of objections. At the time of the TRO proposal it was unknown to officers of the current planning proposal.
- 2.4 This No Waiting at Any Time proposal is not linked to the proposed /planned developments.

## **3. Law**

- 3.1 Sections 1 and 2 of the Road Traffic Regulation Act 1984 allow the Council to make an Order prohibiting or restricting the waiting of vehicles or the unloading of vehicles. The circumstances where an Order may be made include:
  - For avoiding danger to persons or other traffic using the road;
  - For facilitating the passage on the road of any class of traffic;

#### 4. Consultation

- 4.1 Under Dorset Council's procedure, primary consultation was carried out on the proposed scheme and is supported by the Local Members, West Moors Parish Council, and the Police.
- 4.2 There have been eight responses to the public consultation process for this Order. There are six objections to the proposal from residents and two sets of comments, these have all been summarised below with officer's comments following: -

Name and Address	Summary of Response – Opposing the proposal
Resident Pine Walk, Ferndown	<p>We used to have buses down Denewood and Highfield turning into the Avenue which was a nightmare for pedestrians and other road users.</p> <p>The buses stopped running due to the roads being very narrow. Making these proposed amendments seem to be in line with the old bus route.</p> <p>This will reinstate the danger that was there previously. Larger vehicles are the only vehicles which will require these proposed restrictions and therefore encouraging the use of large vehicles in such a residential area as this should not be allowed.</p>
Resident Blackfield Lane, Ferndown	<p>The Highway Code states that you should have 10m from a junction without parking. Therefore, I'm unclear why 40m is required in the avenue and 27m is required in Highfield Road.</p> <p>I completely understand needing safety around junctions, but this seems to be excessive in limiting vital parking space, especially with St Mary's school on the Avenue.</p>
Resident Blackfield Lane, Ferndown	<p>I object to the no waiting at any time, except for, West Moors, The Avenue, on the south side from its junction with Ashurst Road in a south-westerly direction for a distance of 40 metres.</p> <p>All the other areas around the junctions can already be enforced under existing legislation, not least of which, is a duty not to cause an obstruction to other road users. The issue is a lack of enforcement.</p> <p>Additionally, adding these restrictions could be seen as a pre-emptive action to assist and facilitate the applicant in application 3/19/1512/OUT</p>



<p>Resident The Avenue, West Moors</p>	<p>I wish to register an objection to the proposed amendment to the traffic order to install double yellow lines along sections of Denewood Road, Highfield Lane &amp; The Avenue. Summary of concerns:</p> <p>The proposal is unnecessary (&amp; a waste of the Council's time/money). The lines will be detrimental to visual amenity</p> <p>The timing of the Order appears to imply a pre-determination of planning application no. 3/19/1512/OUT</p> <p>It is understood that the Parish Council put the proposed traffic order forward to seek to encourage Yellow Buses to restore the bus route. I commend the Parish Council for seeking to get a bus route.</p> <p>I have been in communication directly with Yellow Buses. I have been told by Yellow Buses that they are interested in restoring a route to West Moors, the route would travel through West Moors along Station Road and would not be turning around along Denewood Road, Highfield Road &amp; The Avenue.</p> <p>Having discussed the matter with Yellow Buses, I understand that they are currently waiting for Dorset Council to respond on some funding to get the service up and running.</p> <p>Yellow lines would be out of keeping in this suburban/semi-rural setting.</p> <p>It is understood the Parish Council requested the order over 2 years ago. Dorset Council only actioning the request now whilst there is a current planning application for a major development on Blackfield Lane, it has the appearance the Council is seeking to facilitate the development.</p>
<p>Resident Sarum Avenue, Ferndown</p>	<p>I would like to object to the proposal, as provided by West Moors Parish Council 3 years ago. The purpose of the proposal was to allow free movement of the bus.</p> <p>The bus service has been cancelled for two years due to the cost of the service and delays caused by a blockage. The bus route was amended to avoid this blockage; the route was then cancelled altogether, for reasons I can only assume link to cost.</p> <p>The Parish Council have intimated that they would like to have a service re-instated to West Moors, for which they should be commended.</p>

	<p>When Yellow Buses were asked about this service, they confirmed that any new route they are looking at will only travel through West Moors (along Station Road to Three-legged Cross and on to Verwood).</p> <p>This proposal should have been rescinded when the bus route was amended and if not then, certainly once it was cancelled.</p>
<p>Resident</p> <p>The Avenue, West Moors</p>	<p>I would like to register my objection to the proposed TRO West Moors (The Avenue, Highfield Road etc).</p> <p>The proposal to put down yellow lines and permanently deny parking access for myself outside my house will cause considerable inconvenience to myself, family and visitors. I have lived on the Avenue for 26 years and am aware that buses have found, on very rare occasions, difficulty turning onto The Avenue from Highfield Road.</p> <p>The few times I have seen this happen is when there has been activities associated with St Mary's First School during term time for approximately 20 mins when parents drop off or collect children.</p> <p>Enforcing Rule 243 of the Highway Code (Do not stop or park opposite or within 10 metres of a junction) would be sufficient and a cheaper option for the Council. Your proposed yellow lines go much further than this outside my house.</p>
<b>Name and Address</b>	<b>Summary of Response – Other comments</b>
<p>Resident</p> <p>Denewood Road, Ferndown</p>	<p>The parking problem and danger area is at the junction of Denewood Road and Station Road.</p> <p>Visitors to the Five Gables Rest Home park immediately opposite the Home right on the corner of the junction of the two road.</p>
<p>Resident</p> <p>Sarum Avenue, Ferndown</p>	<p>I support the plan to restrict parking in the Avenue Highfield Rd and Denewood Rd my only concern is the timing of this order. As you must be aware a developer has put in plans to develop a site access serviced by the Avenue.</p> <p>I have lived in the village for 12years every year of which nothing was done, we saw the buses stopped because they could not get up the road one of the main objections to the development was the use of the Avenue.</p>

	Now if the plans for the development have been accepted this order could to facilitate the developers.
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- 4.3 The proposed double yellow lines cover the junctions of The Avenue and Highfield Road and Denewood Road and Highfield Road after a request was raised and supported by West Moors Parish Council.
- 4.4 The proposed double yellow lines will help enforce no parking around junctions or opposite junctions. The extended double yellows on the southern side of the Avenue is to help alleviate any visibility issue from a narrow private road.
- 4.5 The location of Denewood Road, Highfield Road and The Avenue is north of West Moors high street and is located close to St Marys Church, St Marys First School and Nursery and Five Gables Care Home. Which does generate a demand for on street parking in this area.
- 4.6 This proposal was made to our community highways team in 2014 and due to the number of Traffic Regulation Order requests we receive and that are outstanding this proposal could not be considered until now. West Moors Parish Council were asked if it still wished to pursue the proposal. The Parish Council responded positively and supports the proposal.
- 4.7 Members are asked to note that highways officers were unaware of the proposed planning application at Blackfield Lane when consulting on the proposed Traffic Regulation Order.
- 4.8 The TRO proposal and Planning proposal are not linked, please see appendix 2 for locations of all proposals.
- 4.9 It is against the highway code to park opposite or near a junction, the Highway Code Rule 243 states 'Do not stop or park opposite or within 10 metres (32 feet) of a junction, except in an authorised parking space. Rule 243 could be an offence if it's also causing an obstruction. Dorset Council Civil Enforcement Officers however can enforce No Waiting at Any Time restrictions (double yellow lines).
- 4.10 The Highways Traffic Regulation Order team have contacted Yellow Buses directly for comments on a proposed new bus route or a returning bus route. Yellow Buses responded that they have submitted a plan to Dorset Council for a route to serve West Moors and would require funding from Dorset Council. Yellow Buses confirmed the proposed route would include The Avenue and Denewood Avenue in West Moors.
- 4.11 The Dorset Travel Team have received a timetable suggested by Yellow Buses, but they have not registered a new service. Although the company is seeking financial support from Dorset Council there is no funding available.

- 4.12 This proposal was initially requested to encourage a bus to return. Notwithstanding it is important that access for emergency vehicles is improved so that emergency vehicles can always easily access residential areas.
- 4.13 Having considered all the responses received, it is considered that the current proposals should be progressed rather than leave the situation as existing.





Proposed Traffic Regulation Order locations

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Proposed site entrance

**1.0 Application Number:** 6/2019/0126

**Webpage:** <https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2019/0126>

**Site address:** Erect 2 new dwellings & associated infrastructure. Modify existing access.

**Proposal:** The Paddock, Barrow Hill, Bere Regis

**Applicant name:** Mrs Diana Rosemary Smith

**Case Officer:** Andrew Collins

**Ward Member(s):** Councillor Laura Miller & Councillor Peter Wharf

This application is being considered at the Area East Planning Committee as there is a conflict between the adopted Bere Regis Neighbourhood Plan and the proposals and officers are recommending approval of the scheme.

**2.0 Summary of recommendation:**

GRANT subject to conditions.

**3.0 Reason for the recommendation:** as set out in paras 16.0 at end

- Retain 5 year land supply
- S38(6) of the Planning and Compulsory Purchase Act 2004 Act provides that where regard is to be had to the development plan in the determination of the application, “the determination must be made in accordance with the plan unless material considerations indicate otherwise.” In this case there is a conflict with the statement in the Neighbourhood Plan that access should be provided via Tower Hill. However, officers consider that the proposal is in accordance with the development plan as a whole as the proposal meets the overall aims of the Bere Regis Neighbourhood Plan.
- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The proposal for the dwellings in this location and with access from Barrow Hill would preserve the character and appearance of the Conservation Area.
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

## Key planning issues

Issue	Conclusion
Principle of development	Acceptable. Site is allocated in the Bere Regis Neighbourhood Plan.
Scale, design, impact on character and appearance of the area and the Bere Regis Conservation Area	Acceptable. The proposed development would preserve the character of the 'back lanes'. Access to the development from Tower Hill would have an unacceptable impact upon the Conservation Area.
Impact upon the adopted Neighbourhood Plan and proposed Local Green Space Policies BR1: Settlement Boundaries, BR7: Residential Development, BR10: Local Green Space	Acceptable. The aims of the Neighbourhood Plan have been fully assessed. The proposal would not cause any adverse impact upon the proposed Local Green Space or the overall aims of developing this site when the Development Plan is read as a whole.
Impact on the living conditions of the occupants of neighbouring properties	Acceptable. No harmful impact.
The impact of the proposals on the significance of the heritage asset, its features of special architectural or historical interest, and its preservation	Acceptable. The reduction from 3 dwellings to 2 dwellings removes the archaeologist's objection subject to a monitoring condition.
Flooding and Drainage	Acceptable - subject to conditions.
Biodiversity	Acceptable - subject to a condition.
Highway safety and access	Acceptable - subject to conditions.

## 5.0

### Description of Site

The proposed site occupies the southern part of an open paddock immediately north of Tower Hill in Bere Regis. The paddock is open in character but adjoined by existing residential development to the west, east and south. To the north, the paddock is contiguous with a larger parcel of land linking through to open countryside.

Tower Hill is a 'back lane', elevated above the main street and cut into the scarp slope presenting a character of a single sided lane formed by a denser pattern of development on its south side and a looser pattern of detached properties to the



north. The site itself is elevated above Tower Hill (by as much as 4m in the extreme) and therefore presents a planted bank to the street.

The site generally slopes from the north to the south and has been historically used by pasture/grazing. Historic (non-designated) earthworks have been identified on the northern and western parts of the site. There are no trees within the site but it is wrapped by hedgerows on three sides (east, west and south).

The site is within the Bere Regis Conservation Area but outside the defined settlement boundary in the Purbeck Local Plan Part 1. However, the southern part (and majority) of the site is defined in the adopted Bere Regis Neighbourhood Plan as being within the settlement boundary.

## **6.0 Description of Development**

Full planning permission is sought to erect 2 detached dwellings. It was initially proposed to erect 3 dwellings, but 1 was omitted due to an objection from the Council's Archaeologist on the potential impacts upon non designated historic assets.

Access to the site would be from Barrow Hill across to the west to the site of the houses. There is an existing field gate to the site accessed from Barrow Hill. This is proposed to be blocked up and a new hedge planted. A new access is to be formed 4m to the south of the existing access. The existing hedge to the south of the new access is to be removed and a new hedge set back 3m would be planted. This new access would allow for greater visibility splays to the north in Barrow Hill and the junction at Tower Hill.

The dwellings would be located in linear form fronting Tower Hill but with their principle elevation facing towards the north. They have been designed as a chalet bungalow form of development akin to agricultural buildings in the vicinity. Save for rooflights serving stairwells, all first floor windows will be dormer windows facing the north.

The application is accompanied with an ecological assessment, an archaeological assessment, design and access statement and planning statement.

## **7.0 Relevant Planning History**

Under application 6/1986/0084 outline permission was granted for a bungalow with a garage below on land to the north of Tower Hill. A full application for a dwelling was withdrawn under application 6/1995/0393. An outline application (6/1992/0393) was refused for land north of Tower Hill due to landscape impact, suburban design and archaeology. This application was dismissed at appeal due to impact upon the conservation area and no investigation on archaeology. Under application 6/1995/0394 a full planning permission was sought to erect a detached 2 storey house on the land adjacent Tower Hill. This application was refused due to the adverse effect the house would have upon the conservation

area and the rural character of the area. In addition the proposal would have an adverse impact upon archaeology. An appeal against refusal was dismissed at appeal.

There is also planning history on the field the access would cross. A planning application (6/2018/0217) was submitted for the erection of 2 dwellings to the east of Butt Lane. The proposed access to the site was via Barrow Hill in the same arrangement as is now proposed under this application. This application was considered by the then, Purbeck District Council Planning Committee and Members resolved to refuse the application contrary to officer recommendation. The reason for refusal was;

“The proposed access track fails to maintain the character and appearance of the Conservation Area, contrary to National Planning Policy Framework (July 2018) paragraph 196, as whilst less than substantial harm is caused by the proposed track, there are no public benefits arising from the proposals that would outweigh this harm. The proposals are also contrary to Policy D: (Design) bullet point one, in that they do not positively integrate with their surroundings, and contrary to Policy LHH: Landscape Historic Environment and Heritage of the Purbeck Local Plan Part 1 as the proposals do not conserve the appearance, setting or character of the Conservation Area. The proposals are not in accord with the emerging Bere Regis Neighbourhood Plan Policy BR10 (Local Green Spaces) in that they could prevent the full use of the land as a Local Green Space.”

## **8.0 List of Constraints**

- Within settlement boundary as allocated in the Neighbourhood Plan
- Within the Bere Regis Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- Within 5km of a SSSI heathland
- Within 2km of a SAC
- Within the Nitrate SPD Catchment Area
- Within a water source protection area
- In a River Catchment – Bere

## **9.0 Consultations**

All consultee responses can be viewed in full on the website.

### **Consultees**

**Wessex Water**

No objection. The proposal is located in an area prone to sewer flooding caused by high levels of groundwater during prolonged periods of wet weather. Conditions are recommended in this respect.

### **Natural England**

No objection subject to the Biodiversity Mitigation Plan being agreed with the Natural Environment Team. (This has now been agreed and a certificate issued).

### **Drainage Engineer**

No objection subject to conditions regarding surface water drainage, in the forms of SuDs and a condition in relation to foul water drainage.

### **Design and Conservation Officer**

The submission is in line with a pre-submission from last year which was generally supported. There is no reason to change this opinion.

### **Archaeologist**

The Council's archaeologist has no objection to the proposals on the historic features on the site.

### **Highways**

No objection subject to the imposition of conditions relating to parking and turning, visibility splays and surface water drainage.

### **Bere Regis Parish Council**

Strongly oppose as the proposal is contrary to the Bere Regis Neighbourhood Plan. Development of the site should be kept lower than the historic features on the wider site to maintain the setting of the historic features. It is important to maintain a physical barrier between new development and the remainder of the field. Any development of the site should be kept at low level to avoid views from Woodbury Hill and Black Hill. Do not consider that the perching of the development at the top of the earth bank would be appropriate and replicates poorer quality development in the 1970's.

### **Representations received**

The Council received 12 comments from neighbours and residents about this planning application. All are objections.

- Extra traffic on narrow rural lanes
- Could allow future development in the future
- Overlooking of neighbouring property at 1 Tower Hill and Tower House
- Impact upon boundary hedge along western boundary
- Concerns over surface and foul water

- Increase in traffic in Barrow Hill would cause a hazard
- The site is larger and the opposite way round from those envisaged in the neighbourhood plan.
- The development will be prominent from the North.
- Concerns over design of dwellings within the Conservation Area.

## 10.0 **Relevant Policies**

### Purbeck Local Plan Part 1:

Policy LD: General Location of Development

Policy NW: North West Purbeck

Policy SD: Presumption in Favour of Sustainable Development

Policy HS: Housing Supply

Policy CO: Countryside

Policy LHH: Landscape, Historic Environment and Heritage

Policy D: Design

Policy IAT: Improving Infrastructure and Transport

Policy BIO: Biodiversity and Geodiversity

Policy FR: Flood Risk

### Emerging Purbeck Local Plan

Regard has been had to the policies of the emerging Local Plan but none are considered to be material to the determination of this application.

### Bere Regis Neighbourhood Plan

Policy BR1: Settlement Boundaries

Policy BR4: Bere Regis Groundwater

Policy BR7: Residential Development

Policy BR10: Local Green Space

### NPPE

*Chapter 2: Achieving sustainable development*

*Chapter 4: Decision-making*

- Paragraphs 47 & 48 – Determining applications
- Paragraphs 54 & 55 – Planning conditions and obligations

*Chapter 9: Promoting sustainable transport*

- Paragraphs 108, 109 & 110 – Considering development proposals

*Chapter 12: Achieving well-designed places*

- Paragraphs 124, 127 & 130 - Achieving well-designed places

*Chapter 14: Meeting the challenge of climate change, flooding and coastal change*

- Paragraphs 155 & 163 – Planning and Flood Risk

*Chapter 15: Conserving and enhancing the natural environment*

- Paragraphs 170, 172 & 173 - Conserving and enhancing the natural environment

Paragraph 175 – Habitats and biodiversity

**Other material considerations**

Purbeck District design guide supplementary planning document adopted January 2014.

Bere Regis Conservation area appraisal adopted July 2002.

Purbeck townscape character appraisal supplementary planning document adopted September 2012.

Landscape Character Assessment (Non AONB).

Bournemouth, Poole and Dorset residential car parking study May 2011.

Dorset biodiversity appraisal and mitigation plan.

Strategic Flood Risk Assessment 2018.

British Standard 5837:2012 Trees in relation to design, demolition and construction – recommendations.

**11.0 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.

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.

**12.0 Public Sector Equalities Duty**

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.

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 Public Sector Equalities Duty.

- Access; arrangements made to ensure people with disabilities or mobility impairments or pushing buggies have been accommodated with the off road footpath links and widening of road junction at junction of Tower Hill with Barrow Hill.

### 13.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
CIL Contributions	£8,838.85
Extra Council Tax (Band D)	£4048.68
New Homes Bonus	£3340

### 14.0 Climate Implications

The site is located within the settlement boundary as defined by the Bere Regis Neighbourhood Plan. As such this is a sustainable location with easy access to facilities and services including primary school, church, dentist, doctors, shops and pubs resulting in less need to travel. The new dwellings will be built in accordance with the relevant Building Regulations. For these reasons the proposal is not considered to have a significant impact on climate change.

### 15.0 Planning Assessment

#### Principle of development

In the opinion of the Council the former Purbeck area of Dorset Council has an in excess of a 5 year supply of housing land. The principle in developing this site for housing is established through the recently adopted Bere Regis Neighbourhood Plan.

The site is allocated in the Bere Regis Neighbourhood Plan as shown on Map 3 and is detailed in the text to Policy BR7 Residential Development as “New residential development will be allowed on the five allocated sites shown on Map 3, comprising: Tower Hill – Land extending to about 0.1 Ha (0.25 acres) to deliver 3 homes”. The accompanying text in the policy makes clear that “Development on these sites must be in accordance with the relevant adopted district plan policies” as well as various identified policies of the Neighbourhood Plan itself. Consideration of relevant policies of the development plan and their implications on this policy are considered further below.

“The Tower Hill site is sensitive both due to the close proximity of residential properties and the ecological/historical significance of land to the north of the area designated for development. Any planning application for this site must include proposals for the provision of appropriate protection for the undeveloped area. The land to the north of the development area will be designated as Local Green Space or used for the Common Land swap (see further detail in the section on the Community Hall).”

Under the Community Hall section of the Neighbourhood Plan. It is stated that; “Use of this site will require de-registration of part of Souls Moor as common land by way of a land swap. The referred area for such a land swap lies to the north of the Tower Hill development site.”

Map 5 of the neighbourhood plan does not show this area as local green space but the land to the north of the application site could be utilised to access the proposed SANG to the north or common land as detailed in the Neighbourhood Plan.

The allocation in the neighbourhood plan identifies the site being suitable for 3 dwellings. However as quoted above the neighbourhood plan is aware of constraints on the site and this is based on developing at 30 dwellings per hectare. The constraints involving the non-designated heritage assets has resulted in the removal of a single dwelling. Therefore only 2 dwellings are now proposed on the site. Also in order to meet highway requirements for adequate turning on the site, the proposed site extends further to the north to allow for the turning area. Whilst this area is located outside of the settlement boundary, as defined in the neighbourhood plan this is necessary to provide the safe access and egress into the site.

Under the general information under ‘Housing’ in the Bere Regis Neighbourhood Plan it states that; “The Parish Council expects: Access to the Tower Hill site for

construction and future parking will be from Tower Hill with no traffic access from Barrow Hill.” These comments and explanations as to why this is not appropriate are detailed below under ‘scale and impact upon the character and appearance of the Conservation Area’ and ‘highway safety and access’.

Officers consider that there is no fundamental conflict with the overall aims of the plan and site constraints have limited the proposed number of dwellings to 2. Land to the north of the application site would be left predominately open and be a green space. Access through to the proposed SANG (Suitable Alternative Natural Greenspace) is provided by a footpath.

### **Scale, design and impact on the character and appearance of designated and non designated heritage assets**

The Council has a statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when considering applications. Policy LHH within the Purbeck Local Plan is relevant to this. The Bere Regis Conservation Area Appraisal forms a key point of reference.

The Council has also a statutory duty under section 66 (1) (when considering whether or not to grant planning permission) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) to have special regard to the desirability of preserving the listed building or its setting and any features of special architectural or historic interest it possesses.

Section 16 of the National Planning Policy Framework (NPPF) contains various advice relating to conserving and enhancing the historic environment. The Conservation Area is a designated Heritage Asset. To the north of the application site are lynchets which are non designated heritage assets. The Old School House, the property to the east of the access is Grade II listed and other buildings within Barrow Hill are identified in the Conservation Area Appraisal as being key unlisted buildings (non designated heritage assets).

As previously identified, as a result of concerns raised by the Council's Archaeologist regarding the impact of three dwellings on the non designated heritage asset to the north, the current proposal only provides for 2 dwellings. The additional dwelling would have had an effect upon the reading and nature of the historic features. This third dwelling has now been omitted and the amended plans show that the lynchets would not be affected by the new dwellings or infrastructure. As such the Council's archaeologist is now satisfied that this concern has now been addressed. A condition is imposed following his recommendation.



In design terms, it is considered that this amendment overcomes any harm to the Conservation Area and other heritage considerations. The archaeologist does not consider that there needs to be a physical barrier between the proposal and the remainder of the field.

This proposal involves relocating the access into the field to the south, with increased planting along Barrow Hill. Due to this, and the low key nature of the access proposed, officers consider that the proposal will adversely affect the setting of the Grade II listed The Old School House or the other buildings in the vicinity identified as non designated heritage assets in the Conservation Area.

Neither Policy BR7 nor its supporting text make any express reference to the importance of protecting the hedgerows relating to this site. The preamble to the Housing section of the Neighbourhood Plan states that; “access to the Tower Hill site for construction and future parking will be from Tower Hill with no traffic access from Barrow Hill.”

In the Bere Regis Conservation Area Appraisal, the site is located within the character area defined as ‘Back Lanes’. These are medieval in origin. The appraisal details that this area retains a rural character derived mainly from banks, hedges and soft landscaping. Their relationship to open countryside and the sense of the village edge merging into the rural edge is marked. It further states that, “taking into account their considerable historical significance, they are a major contributor to the character and legibility of the settlement.”

The Townscape Appraisal describes the built form within the settlement. The area is defined as being within Barrow Hill which follows an irregular pattern in terms of layout and built form. The steep topography influences the area with development arranged along various lane that cross the slopes and run up the hillside. It goes on to say that the majority of the development around the upper slopes comprise scattered individual buildings loosely arranged around the lanes or set back in modest sized plots.

In terms of visual impact, the Townscape Appraisal details that due to the height and scale of buildings in this area, the buildings in this area have an exaggerated prominence in the views up the hill. However this is not seen as a criticism as it states that the buildings appear to tumble down the hillside in a pleasing assortment of roof forms, chimneys and materials. In addition it considers that hedges are an important aspect of the character of the lanes on Barrow Hill.

The Townscape Appraisal identifies the area of the proposed dwellings as being a critical townscape. This is defined as elements of the urban environment which are irreplaceable but vulnerable to damage or loss. They should remain unchanged or virtually unchanged. The appraisal further details that the steep and narrow lanes of Barrow Hill have a less urban character but are equally important in terms of their contribution to the quality of the village townscape. The

key features of the area is the presence of dominant vegetation and steep embankments. Some of the strengths of the area include a distinctively enclosed rural lane character and streetscenes are dominated by trees and landscaping.

In order to create an access onto Tower Hill there would need to be extensive site levelling and engineering works with the loss of significant existing hedge banks. There is already an existing field access into this site in Barrow Hill. This proposal will result in the closure of the existing access, the creation of a new access and the planting of new hedge bank where the existing access is sited. The Design and Conservation Officer has clarified that in his opinion this arrangement would conserve the Conservation Area. This opinion is accepted by officers and on this basis officers consider that the proposal would comply with Policy LHH of the Purbeck Local Plan Part 1.

The Parish Council have raised concerns over the siting of the dwellings at the top of the bank. The dwellings are located at a flatter piece of land at between 58.5 and 59.5 AOD. The road level, for reference, in Tower Hill is located between 55 and 56.5 AOD. The dwellings have been designed in a linear form parallel to the road. This layout respects and accords with the urban grain which comprises the historic street pattern within the back lanes part of the Conservation Area. The dwellings are 1.5 storey in height with a maximum height of approximately 7m in height. But this varies across the plots with the levels on the site. Materials are proposed to be brick and slate and these are appropriate materials in this context. The Design and Conservation Officer has assessed the proposals and has no objections to the amended plans. On this basis the proposals are considered to preserve the character and appearance of the area and the Conservation Area and comply with Policy LHH of the Purbeck Local Plan Part 1.

#### Conclusion on Impact upon Heritage Assets

The application has been reduced from 3 dwellings to 2 due to an objection from the Council's archaeologist due to the impact upon non designated heritage assets. There is no conflict with these now.

Due to the location, design and form of the dwellings, and the low key nature of the access proposed, officers consider that the proposal will not adversely affect the setting of the Grade II listed The Old School House or the other buildings in the vicinity identified as non designated heritage assets in the Conservation Area.

In assessing the characteristics of the Conservation Area, the submitted proposal preserves this character. The vegetated roadside bank would be retained and the proposals would provide low scale detached dwellings that would reflect this area. Whereas the actual allocation within the Neighbourhood Plan with the access from Tower Hill would, if reflected in full in an application, result in harm

to the Conservation Area. Public benefits would still result within increased public access, via a footpath to the proposed SANG to the north of the application site.

In considering all heritage assets, the proposal conserves them all as required by Paragraph 193 of the NPPF and Policy LHH of the Purbeck Local Plan Part 1.

### **Landscape Impact**

The siting and form of the dwellings allows a visual connection to be made from the north, across the village to the church and wider landscape beyond. Any potential views from Woodbury Hill and Black Hill would be seen against existing built form in Barrow Hill and development tumbling down the hill to the north of the village. Therefore the development would not be seen as having an adverse visual effect upon the surrounding landscape.

As such officers consider that the proposal would comply with Policy LHH of the Purbeck Local Plan Part 1.

### **Highways Issues including Access**

As part of the proposals, a new access to the south of the existing field gate is proposed. Currently on site the field is accessed via a 5 bar field gate located approximately 23m north of the junction of Barrow Hill with Tower Hill. A new vehicular access will be located a minimum of 10m from the junction of Tower Hill. This new access would be 3m wide. Up to 9m from the carriageway edge the access would be finished in resin bound rolled gravel. New visibility splays of 23m to the north and 16m to the south would be provided. In order to provide this new access, the existing hedge is proposed to be removed and a new hedge set back outside of the visibility splay on both sides of the access. The existing field gate access would be blocked up and included within the planting area.

As previously identified, the housing preamble of the Neighbourhood Plan contains information relating to parking and access. It comments that “it is important that new residential developments do not increase the parking load on the existing narrow streets. Consequently, this plan requires that each unit of housing in all development areas be provided with adequate off-road parking spaces.” It is in this context that it then identifies that access from the site should be from Tower Hill.

Policy IAT of the Purbeck Local Plan Part 1 requires that development should provide safe access to the highway, and/or should provide towards new/improved access to the highway and improvement of the local highway.

On the site of the proposed houses will be 6 car parking spaces. These result in 2 each for the dwellings and 2 further visitor / unallocated spaces. The 2 spaces for plot 1 would be in tandem located between the two dwellings. The spaces for plot 2 would be located 7m to the north of the dwelling. A turning area is

proposed to the north of the site to allow vehicles to enter and exit the site in forward gear.

The Highways Officer advised the applicant at pre-app stage that an access from Barrow Hill with greater visibility splays, would be preferable and be an enhancement to road users. In addition the then Highways Authority identified in the consultation to the Neighbourhood Plan, that the original advice given to the Neighbourhood Plan group that access should be from Tower Hill was an error and in highway terms access should be from Barrow Hill.

The Highways Officer has carefully considered the proposal in relation to access to the site along the narrow back lanes of Tower Hill, Barrow Hill, Butt Lane, Snow Hill and Snow Hill Lane. It is acknowledged by the Council's Highways Officer that these lanes are somewhat constrained. However, this provides a natural form of speed control. Despite the number of houses already served by these roads, no injury or accidents for certainly the last 5 years have been recorded. Barrow Hill itself currently manages to serve four existing dwellings despite it being very narrow at the top end. The lower end flares out, providing inter-visibility for road users and reasonable passing space for cars. It is recognised that the field already has an access but the Highways Officer requested that it be moved further south away from the boundary of Mount Pleasant, so that an improved visibility splay could be provided at a point where the road was wider. Also, the hedge line to the south is proposed to be set back providing an area of inter-visibility between users of Tower Hill to the south, and people exiting the relocated access (also residents further up Barrow Hill). Whilst the alterations to the highway access are necessary for this scheme the Highways Officer notes that this should also provide significant benefit over the existing junction arrangement. This would be of benefit to existing residents and users of Barrow Hill. The road geometry however remains unchanged to keep vehicle speeds low.

In assessing all the highway issues, the Highways Officer considers that the proposed access is acceptable, and that roads leading to the site are narrow and constrained but this in itself reduces traffic speeds and accidents. As detailed in the NPPF, the proposed access and any increased use of the back lanes is not considered to cause an unacceptable impact upon highway safety or the road network. The proposed new access would also allow for greater visibility of existing users of Barrow Hill whilst still retaining its character. The proposal provides sufficient parking to meet the needs of the development. In the opinion of officers therefore the proposal accords with Policy IAT of the Purbeck Local Plan Part 1 and the requirements of the housing preamble of housing section of the neighbourhood plan in relation to parking. Whilst the proposal does not accord with the Neighbourhood Plan statement that access should be provided

from Tower Hill, this is not considered to be sufficient reason to refuse the application.

Conditions are imposed to ensure parking and turning, the new access, surface water drainage and a Construction Method Statement are submitted and agreed, and the existing access closed off.

In order to provide sufficient visibility splays and a safe access, it is necessary to reposition the field gate in a different location and therefore a different route across the field is necessary.

In the Bere Regis Neighbourhood Plan (Policy BR10), land to the north of Bere Regis is proposed to be allocated as a SANG. Access to this area is proposed through the field. The submitted plans have included a new footpath to the north to facilitate access to the SANG.

### **Impact on the adopted Bere Regis Neighbourhood Plan – Bunds / Local Green Space**

The Bere Regis Neighbourhood Plan has gone through a consultation exercise, referendum and has been formally adopted (made).

Policy BR7 of the Neighbourhood Plan allocates residential development in Tower Hill for 3 homes. Map 3 shows the site allocated on a plan.

Upon meeting with the committee clerk and a representative of the neighbourhood plan group, their proposals were that sites located within the hillside should be dug out to road level and any spoil used to create an acoustic bund around the north of the village. There is no reference to digging out this site within the adopted Neighbourhood Plan and the only reference to a bund is within supporting text to policy BR5 which is concerned with a different site.

There is no evidence to suggest that this site would give rise to amenity issues necessitating the need for an acoustic bund. Further, as identified above, the Archaeologist has confirmed that reducing this proposal from 3 to 2 dwellings will address harm to the undeveloped area to the rear, whilst retaining access via Barrow Hill will prevent harm to the Conservation Area that would be caused by excavating this site. For all these reasons, it is not considered that requiring a provision of a bund in relation to this development can be justified.

The supporting text continues by stating; “The land to the north of the development area will be designated as Local Green Space or used for the Common Land swap (see further detail in the section on the Community Hall).” Under the Community Hall section there is no specific policy and the text states “The preferred area for such a land swap lies to the north of the Tower Hill development site.” Therefore this indicates that nothing has been agreed and is only an option. Map 5 of the Neighbourhood Plan identifies Local Green Spaces

(new and proposed) with footpaths and SANG and is supported by Policy BR10: Local Green Space. However the application site is not identified in the Policy or on the map. A detailed Biodiversity Mitigation Plan has been submitted and this has been agreed with the Council's Natural Environment Team with a certificate provided. The application as amended, does not compromise the ability for an area to the north of the application site to be used in a land swap.

Case law indicates that a proposal does not have to accord with each and every policy in the development plan, but the Local Planning Authority should regard the development plan as a whole. The Local Planning Authority has to make a judgment bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach. Paragraph 2 of the NPPF confirms that Neighbourhood Plan are part of the Development Plan. When read as a whole, officers consider that the areas of conflict with the Neighbourhood Plan are not significant to justify refusing the application.

### **Impact on the living conditions of the occupants of neighbouring properties**

The dwellings are located at the flatter piece of land facing onto Tower Hill. Therefore the nearest neighbours to the dwellings are 1 – 3 Tower Hill. Plot 1 would be located towards to east of the site and opposite Numbers 1 and 2 Tower Hill. These properties are 2 storey semi-detached properties with windows facing north towards the application site. The distance between plot 1 and these existing dwellings is a minimum of 14m. However the dwellings have been design with dormer windows facing the north. A single rooflight for each dwelling is proposed facing the south. These rooflights are to be positioned over the stairwell of the dwellings. Due to the angle of the pitch of the roof and the change in levels, as shown in cross section drawing 18108.21A there would no overlooking of neighbouring properties.

Comments raised over the proposed access from Barrow Hill are detailed above under highway safety and access.

### **Flooding and Drainage**

#### **Flooding and Surface Water Drainage**

The flood risk map identifies the site as being within Flood Risk Zone 1. However, the Council's Drainage Engineer notes that surface water mapping identifies flooding problems in extreme events further down the catchment. The development offers the chance to reduce associated surface water drainage issues in the catchment. The Engineer is therefore suggesting a condition to require a sustainable drainage scheme to be provided.

#### **Foul Drainage**

Due to a high water table, there are sewage problems in this location. It is therefore proposed that foul drainage would be dealt with by a sewage treatment plant on site. The Council's Engineer considers that the use of a sewage treatment plant is preferable to a septic tank and better for the environment. This is the subject of a planning condition.

Wessex Water have also commented on the proposal. They have confirmed that they have no objections to the proposal and give guidance for the applicant.

### **Biodiversity**

The site is located outside the 400m but within 5km of SSSI heathland.

Mitigation of the impacts on internationally protected Dorset Heathlands will be dealt with through the Community Infrastructure Levy charging process.

The mitigation of the potential adverse effects of nutrient loading on the ecological integrity of the Poole Harbour internationally designated sites will also be dealt with through the Community Infrastructure Levy charging process.

An Appropriate Assessment has been undertaken in accordance with requirements of the Conservation of Habitats and Species Regulation 2017, Article 6 (3) of the Habitats Directive having due regard to Section 40(1) of the NERC Act 2006 and the NPPF , which shows that there is no unmitigated harm generated by the proposals to interests of nature importance.

On the corner of Tower Hill with Barrow Hill a small area of hedgerow would be removed to facilitate the new visibility splay, but new hedge planting is proposed either side of the new splay to compensate for this loss.

A Biodiversity Mitigation Plan has been prepared and this has been agreed and signed off by the Natural Environment Team (NET).

## **16.0**

### **Conclusion**

The site is in a location that is allocated in policy BR7 of the Neighbourhood Plan for development. Whilst the proposal is only for 2 houses, the reduction from 3 which is the number indicated in the policy is in order to meet a requirement of the Archaeologist and avoids creating harm that would conflict with Local Plan Policy LHH. The supporting text to the policy makes clear the need for policy BR7 to accord with relevant adopted district wide policies.

Although the access to the site remains from Barrow Hill, which is in conflict with the statement about access in the Neighbourhood Plan, officers do not consider that this would be sufficient reason for refusal. The proposal provides adequate parking on site. Furthermore, retaining access from Barrow Hill not only avoids engineering works on site that would potentially be significantly harmful to the

Conservation Area but also will provide visibility improvements of benefit in that location.

The design and location of the dwellings respects and accords with the urban grain which comprises the historic street pattern within the back lanes part of the Conservation Area. The dwellings have been designed with a courtyard approach that draws influence from agricultural forms to minimise the impression of urbanising the field.

There is no evidence to suggest that this site would give rise to amenity issues necessitating the need for an acoustic bund.

The proposal does not compromise the ability for an area to the north of the application site to be used in a land swap.

Public benefits would result within increased public access, via a footpath to the proposed SANG to the north of the application site.

Overall, notwithstanding the fact that the proposal does not deliver 3 houses or an access via Tower Hill, for the reasons identified above, taken as a whole it is considered that it is in accordance with the relevant policies of the Development Plan. The scheme will also deliver a number of public benefits to the locality. For these reasons and in the absence of any identified material considerations that would outweigh such matters the application should be approved.

## **17.0 Recommendation**

Grant permission subject to the following conditions.

1. The development must start within three years of the date of this permission.  
Reason: This is a mandatory condition imposed by Section 91 of the Town and Country Planning Act 1990 to encourage development to take place at an early stage.
2. The development permitted must be carried out in accordance with the following approved plans: 18108.12A, 18108.13, 18108.14B, 18108.15A, 18108.16, 18108.17A, 18108.18, 18108.21A, 18108.22B and 18108.23C  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The manufacturers name, product name and colour of all external facing and roofing materials must be submitted to and approved in writing by the Council before they are used on the proposal. The development must then be implemented using the approved materials.  
Reason: To ensure satisfactory appearance of the development within the Conservation Area.



4. The development must be carried out and maintained in accordance with the approved biodiversity mitigation plan dated 11 September 2019 agreed by Dorset Council on 1 October 2019 unless subsequent variation is agreed in writing with the Council.  
Reason: In the interests of biodiversity in accordance with Regulation 9(3) of The Conservation of Habitats & Species Regulations 2010.
5. No foul drainage works must start until a scheme of foul drainage, including maintenance is submitted to and approved by the Council. The development must then be implemented and maintained in accordance with the approved scheme.  
Reason: To ensure that the development is adequately drained and does not increase the risk of flooding or pose a risk to public health or the environment.
6. A suitable method of dealing with surface water drainage from the development must be installed before the first occupation of the houses. Before any surface water drainage works start, the scheme must be submitted to and approved in writing by the planning department of the Council. This must include details of the on-going management and maintenance of the scheme. The appropriate design standard for the drainage system must be the 1 in 100 year event plus 40% allowance for the predicted increase in rainfall due to climate change. This requirement is above and completely separate to any building regulations standards. Prior to the submission of those details, an assessment must be carried out into the potential for disposing of surface water by means of a sustainable drainage system (SUDs). The results of the assessment must be provided to the Council. The approved drainage scheme must be implemented. It must be maintained and managed in accordance with the agreed details.  
Reason: These details are required to be agreed before surface water drainage works start in order to ensure that consideration is given to installing an appropriate drainage scheme to alleviate the possible risk of flooding to this site and adjoining catchment land.
7. Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.  
Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.
8. Before any other works are commenced the visibility splay areas as shown on Drawing Number 18108.14B must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent

carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

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

9. Before the development is occupied or utilised the first 5 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.

10. Informative Note - Community Infrastructure Levy. This permission is subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice has been issued with this planning permission that requires a financial payment. Full details are explained in the notice.

11. Informative Note - The Environmental Permitting (England and Wales) (Amendment) (England) Regulations 2014 apply to all sewage installations in England. The regulations apply to septic tanks and small sewage treatment plants. You are advised to consult the Environment Agency (Tel 03708 506506) to establish whether your proposed discharge will require a permit or will be exempt.

12. Informative Note - Building Regulation approval will be necessary for carrying out any drainage works and a separate application will be required for this.

13. Informative Note - The proposal is located in an area prone to sewer flooding caused by high levels of groundwater during prolonged periods of wet weather. Separate systems of drainage on site must be completely watertight and vent stacks rather than durgo valves must be used to prevent restricted toilet use during these prevailing conditions.

14. Informative Note - Dorset Council Highways.  
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 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@dorsetcouncil.gov.uk](mailto:dorsetdirect@dorsetcouncil.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester,

DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

15. Statement of positive and proactive working: In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and creative approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

For this application: pre-application advice was provided; the applicant/agent was updated of any issues after the initial site visit; the opportunity to submit amendments to the scheme/address issues was given which were found to be acceptable; the application was approved without delay.

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Approximate location of site on map



**Application Reference:** 6/2019/0126

**Address:** The Paddock, Barrow Hill, Bere Regis

**Application:** Erect 2 new dwellings & associated infrastructure. Modify existing access



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**1.0 Application Number:** 6/2019/0337

**Webpage:**

<https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2019/0337>

**Site address:** Misty Cottage, Worth Matravers, BH19 3LQ

**Proposal:** Planning permission is sought to erect a single storey rear extension

**Applicant name:** Mr J Whiteoak & Mr B Wilson

**Case Officer:** Simon Burditt (Planning Officer)

**Ward Member(s):** Councillor Cherry Brooks

Comments received from Worth Matravers Parish Council are contrary to the officer recommendation and Dorset Councillors have requested that the application is referred to planning committee. The nominated officer has given careful consideration to all representations received and the planning merits of the application concluding that the application should be presented to the planning committee. The application was deferred at the 4 December 2019 Eastern Area Planning Committee after the officer presentation, for a committee site visit. This took place on 6 January 2020.

**2.0 Summary of recommendation:**

GRANT subject to conditions.

**3.0 Reason for the recommendation:** as set out in paragraph 16 at end of the report.

- The proposal is acceptable in terms of size, scale, design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity or privacy.
- The proposal would preserve the appearance of the Worth Matravers Conservation Area and not harm the setting of nearby listed buildings.
- There are no material planning considerations which would warrant refusal of this application.

**4.0 Key planning issues**

Issue	Conclusion
Principle of development	Acceptable, the site is located within the Worth Matravers settlement policy boundary.
Size, scale, design, impact on the character and appearance of the area	The proposed single storey rear extension is acceptable in terms of

and the wider Dorset Area of Outstanding Natural Beauty	size, scale and design in respect of the property, the Worth Matravers Conservation Area and the wider Dorset Area of Outstanding Natural Beauty.
The impact of the proposals on the significance of the heritage asset, the Worth Matravers Conservation Area, the features of special architectural or historical interest and the preservation of the conservation area	The size, scale and design of the proposed single storey rear extension to the house is acceptable in terms of the preservation of the character and appearance of the Worth Matravers Conservation Area.
Impact upon the setting of nearby Grade II Listed Buildings	The size, scale and design of the proposed single storey rear extension to the house is acceptable in terms of the setting of nearby listed buildings.
Impact on the living conditions of the occupants of neighbouring properties	The proposed single storey rear extension would not result in any harmful loss of amenity due to a reduction in light or loss of privacy for any nearby properties or neighbours.

## 5.0 Description of Site

The site is located in the middle of Worth Matravers, within the Worth Matravers settlement policy boundary, the Worth Matravers Conservation Area and the Dorset Area of Outstanding Natural Beauty. The property includes a detached house that dates from the 1960s and has walls constructed of Purbeck Stone. Along the west (side) elevation of the house there is a single storey extension that projects beyond the rear wall of the house by approximately 4.4m. To the front of the house there is an area of hard surfacing for the parking of vehicles. Immediately to the rear of the house there is a patio area and a substantially sized garden beyond. Along the east (side) elevation of the rear garden there is some established planting. In terms of land levels, Misty Cottage is set on a plot that is higher than Rose Cottage to the east, a property that includes a Grade II Listed Building with a single storey extension on the west (side) elevation, to the east of the boundary with the application site.

Misty Cottage is set amongst a collection of dwellings of various ages, to the west of the Mill Pond within the centre of the village.

## 6.0 Description of Development

Planning permission is sought to construct a single storey extension on the rear elevation of the house.



## **7.0 Relevant Planning History**

310954 - In August 1965 planning permission was granted for the construction of the house.

313274 - In May 1968 planning permission was granted for the construction of a vehicular access.

6/1984/0024 - In March 1984 planning permission was granted for the construction of a single storey extension on the rear of the single storey element on the west (side) elevation of the house.

6/1986/0563 - In October 1986 planning permission was granted for the construction of a single storey extension in the form of a porch on the front of the single storey element on the west (side) elevation.

6/1989/1090 - In January 1990 planning permission was granted for the construction of a porch positioned centrally on the front elevation of the house.

## **8.0 List of Constraints**

The site is within the Worth Matravers settlement policy boundary.

The site is within the parish of Worth Matravers.

The site is within the Worth Matravers Conservation Area. There is a statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings and Conservation Areas) Act 1990.

The site is within the Dorset Area of Outstanding Natural Beauty. There is a statutory protection in order to conserve and enhance the natural beauty of such landscapes under the National Parks and Access to the Countryside Act of 1949 and the Countryside and Rights of Way Act of 2000.

Adjacent to the site is a Grade II Listed Building, Rose Cottage, also nearby is Cobblers Cottage another Grade II Listed Building. There is a statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **9.0 Consultations**

All consultee responses can be viewed in full on the website.

- **Design and Conservation Officer**

The proposals have been reviewed carefully and in relation to the Worth Matravers Conservation Area Appraisal (adopted September 2009).

Despite the extensive views of the rear gardens of this group of properties, it is considered that the proposed rear extension does not harm this aspect any more than the existing extension.

The proposed rear extension is not contrary to guidance and not considered to be of poor design, indeed contrasting modern design is often the preferred choice for heritage locations. The sensitive use of the palette of materials is how the sympathetic blend is achieved.

On this basis there is no objection to the proposed rear extension.

On further clarification, the Design and Conservation Officer has confirmed that the proposed rear extension does not harm the setting of either the Worth Matravers Conservation Area or adjacent listed building. He also confirms that the proposals would be an enhancement.

- **AONB Landscape Officer**

Has commented that assuming that the proposals would not affect any of the boundary vegetation to Pikes Lane considers that there is unlikely to be any significant impacts on the dark skies quality of the AONB.

- **Worth Matravers Parish Council**

The Parish Council object to the proposals.

The historic and positive characteristics of the village are described and it is then confirmed that the proposals are not in accordance with the Worth Matravers Conservation Area Appraisal, further that they do not improve or enhance the conservation area or the setting of the two adjacent listed buildings.

Concerns are raised regarding the size and design of the proposed single storey rear extension in terms of the surroundings, impact upon nearby properties, views from Worth Green and the impact upon the Worth Matravers Conservation Area. Concern is raised in respect of light pollution from the rooflights within the proposed extension.

### **Representations received**

Many objections have been received from neighbours and nearby residents with some commenting more than once.

Issue
<p>Some comments have been received from the occupants of Rose Cottage, plus several sets of comments from a planning agent and a barrister on their behalf.</p> <p>Reference is made to Rose Cottage being more than 1.6 metres lower than Misty Cottage, therefore the extension would be approximately 5.0 metres above their garden, on the boundary and with a floor to roof window, albeit frosted, sited over the patio, garden and main access to Rose Cottage.</p>

It is stated that the proposed extension would result in a property that is out of keeping with neighbouring properties, the central position that the property occupies and the character of the Worth Matravers Conservation Area.

Confirmation is given that the “..overbearing and harmful impact of this proposal on the character and setting of both these listed cottages needs to be taken into consideration, especially given the elevated position that it would command”.

Regarding the centre of the village and the Worth Matravers Conservation Area, concern is expressed that the proposed extension would change the view from the duck pond and that the proposed rooflights and sedum roof are out of keeping with the historic surroundings. Reference is also made to the proposed rooflights causing light pollution, to the bedrooms of Rose Cottage and the entire centre of the village from the elevated position.

The comments from the agent, SETPLAN, make the point that conservation areas and listed buildings are designated heritage assets and detail how they consider the proposed single storey extension varies from a single storey rear extension that may be constructed as ‘permitted development’, without the need for planning permission.

It is stated that because Misty Cottage adjoins Rose Cottage that it “forms a physical and visual part of the listed buildings setting”. It is also stated that “The modernistic forms, detailing and materials of the rear extension are not sympathetic to the character and appearance of the existing dwelling or of the conservation area, forming a discordant element in the conservation area harmful to the setting of the adjoining listed building”.

The comments from the barrister make reference to the legal requirements under the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of a listed building, the preservation or enhancement of the character and appearance of the conservation area and requirements of the National Planning Policy Framework.

Mention is made that the proposals would be within the setting of the listed building (Rose Cottage) and that the comments of the Council’s Design and Conservation Officer accept or discount the harm, that in implicitly accepting the harm there is no consideration given to public benefits and that with the proposals being within the setting of the listed building no consideration has been given to public benefits.

It is stated that the application is not accompanied by a planning or heritage statement to deal with the impact of the proposal in terms of the conservation area or nearby listed buildings.

Finally it is suggested that another officer or external consultant be invited to consider the proposals on behalf of the Council “to avoid an appearance, or the reality, of pre-determination”.

Some comments have been received from an occupant of Cobblers Cottage, the property positioned slightly further to the east of the site.

Concerns are raised in respect of the size of the proposed extension, that it would be up to the boundary with Rose Cottage and dominate this eighteenth century building. Reference is made to the extension being higher than is necessary. Reference is made to Misty Cottage being overlooked from the village green and that the size and elevation of the proposed extension is such that it is adverse to the preservation and enhancement of the village. In the second letter reference is made to the opaque window being out of keeping, that the rooflights will result in light pollution and that due to the impact upon the setting of the listed building it would be contrary to Planning Policy Statement 6.

Two sets of comments have been received from the occupants of Orchard Cottage in Worth Matravers. Confirmation is given that they have no objection in principle to an extension, but consider that the extension is too large and will have an impact upon the neighbours and the view from the pond.

Some comments have been received from an occupant of Post Office Cottage. They confirm that such an extension may be acceptable elsewhere, however it would be out of place within the village and conservation area, further new plans should be submitted for what will be in view from the very public areas of the village.

Comments from an occupant of Pond View state that the proposals are out of character and unsympathetic to the surrounding dwellings, contravening the conservation area.

Two sets of comments have been received from an occupant of Wynderly. It is stated that the extension is quite large, would overlook the property next door and be visible from the village green. It is suggested that the extension could be set at a lower level and the planting replaced along the east side to mitigate some of the impact.

Some comments have been received from the occupants of number 1 London Row. Concern is expressed in respect of the impact upon the character of the area, plus the potential for overlooking of the rear gardens of the properties in London Row from the extension and terrace.

The occupants of Cressy confirm their objection to the size of the proposed extension within the conservation area.

Two sets of comments have been received from an occupant of The Croft in Winspit Road. It is stated that the existing extension to Misty Cottage is detailed as a negative element within the Worth Matravers Conservation Area Appraisal and that the proposed extension would have a major impact upon Rose Cottage and be unsympathetic to the neighbourhood and the principles of the Worth Matravers Conservation Area.

Two sets of comments have been received from some occupants of Cornerways, Winspit Road. It is stated that any extension is likely to be visible from the green and therefore needs to be in keeping with the surroundings, but that this extension would be large, out of character with the surrounding buildings and “damage the historic cottage feel of the heart of this beautiful village”. Within the second set of comments reference is made to the proposals being contrary to the Worth Matravers Conservation Area Appraisal.

Two sets of comments have been received from some people in Rudgwick (Horsham). The first comments refer to the size, scale, design and choice of materials and the negative impact the proposals would have upon the nearby dwellings, the village green and the conservation area. In the second comments concern is expressed regarding light pollution from the proposed rooflights within the conservation area.

Some comments have been received from someone in Yarnton (Kidlington). Concern is expressed regarding the impact of the proposed extension upon neighbouring properties and the surrounding area.

Some comments have been received from an occupant of St Nicholas Court. These confirm that the proposals will have no impact upon their property.

## 10.0

### Relevant Policies

#### Purbeck Local Plan Part 1:

Policy LD: General location of development

Policy D: Design

Policy LHH: Landscape, historic environment and heritage.

#### Emerging Purbeck Local Plan

No relevant policies.

#### National Planning Policy Framework (February 2019)

Chapter 12: Achieving well-designed places

- Paragraph 127 (subsection c) - Achieving well-designed places

“Planning policies and decisions should ensure that developments: ... are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change...”

#### Chapter 16: Conserving and enhancing the historic environment

- Paragraph 184 - Conserving and enhancing the historic environment
- Paragraphs 190 and 192 (subsection c) – Proposals affecting heritage assets

“In determining applications, local planning authorities should take account of: ... the desirability of new development making a positive contribution to local character and distinctiveness”.

- Paragraph 193 – Considering potential impacts

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...”.

#### Other material considerations

Worth Matravers Conservation Area Appraisal (adopted September 2009)

Purbeck District Design Guide (supplementary planning document, adopted January 2014)

National Planning Practice Guidance

National Design Guide

### **11.0 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.

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.

### **12.0 Public Sector Equalities Duty**

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.

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 Public Sector Equalities Duty.

The property includes a two storey dwelling and the proposal is a single storey rear extension to form additional accommodation for this dwelling.

### 13.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
None	

### 14.0 Climate Implications

The proposal is for a single storey extension on the rear elevation of an existing two storey dwelling. On this basis the proposal is not considered to have any significant climate implications.

### 15.0 Planning Assessment

#### Principle of development

The site is located within the Worth Matravers settlement policy boundary and includes an existing two storey dwelling. The proposal is for the construction of a single storey extension on the rear of the house, consequently there is no objection in principle to the proposed extension, subject to the consideration of all other material planning considerations.

#### Size, scale, design and impact on the character and appearance of the area and the Dorset Area of Outstanding Natural Beauty

The proposed rear extension is a single storey addition that would project beyond the rear wall of the house by approximately 4.4 metres, with a height of approximately 3.3 metres to the top of the flat roof and a height to the top of the rooflights of approximately 4.0 metres. Regarding the existing dwelling, this is a two storey house and the proposed extension is single storey with a roof that

although of sedum, would be flat, thus ensuring that the size and scale of the proposed extension is not excessive in relation to the dwelling or the site.

The proposed single storey extension would have walls constructed of Purbeck stone, the same as the existing house and many of the properties nearby, therefore a material that would appear acceptable in terms of the character of the area. Regarding the roof of the proposed extension, this would be of sedum and although a different choice of material, would not appear intrusive in relation to the site or the character of the area. Similarly although the proposed extension includes a collection of rooflights, these would not appear intrusive in relation to the site or the character of the area.

Within the proposed extension it is intended to include a circular window and some bi-fold doors within the rear (south) elevation and a vertical window within the east (side) elevation. These doors and windows would be constructed of timber and the circular window on the rear elevation would include some detailing around it. With the bi-fold doors and circular window at ground floor level and facing into the rear garden, this design approach would appear acceptable in terms of the property and the character of the area. Similarly the plain vertical timber window within the east (side) elevation would appear acceptable.

The size, scale and design of the proposed single storey rear extension is such that this would not have an impact upon the character of the wider Dorset Area of Outstanding Natural Beauty or its dark skies.

**The impact of the proposals on the significance of the heritage asset, the Worth Matravers Conservation Area, the features of special architectural or historical interest and the preservation of the conservation area**

The Council has a statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) to pay special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas when considering applications.

Misty Cottage is located within the centre of Worth Matravers, occupying a prominent position within the Worth Matravers Conservation Area and visible from the area of the Mill Pond, located to the East of the site. On this basis although Misty Cottage is comparatively modern compared to many of the nearby dwellings, most of which are listed buildings, the position of the application site is such that this is a sensitive location and careful consideration has been required in terms of the proposals.

There is an existing single storey extension on the western side of the property. This projects beyond the rear wall of the dwelling by approximately 4.4m. This existing extension has a pitched roof and is approximately 3.6m. The proposed extension is to project to the rear by approximately 4.3m and have a flat roof with



a height of approximately 3.1m. The proposed extension would therefore be seen against the backdrop of the existing pitched roof extension, when viewed from public viewpoints to the east of the site in the area of the Mill Pond. As such the Design and Conservation Officer does not consider that the proposal would result in any harm to the Conservation Area, indeed it is considered to be an enhancement over and above the existing extension. As officers consider that the proposals would not result in any harm and preserve the character and appearance of the Conservation Area, there is no requirement to assess the level of harm or whether there are any public benefits as detailed under Paragraph 196 of the National Planning Policy Framework.

Due to topography, the land slopes down towards the South and Pikes Lane, vegetation and existing out buildings there are limited views from Pikes Lane. Similarly the site cannot be seen from the West.

The size and scale of the proposed single storey rear extension in relation to the two storey house and the size of the site is acceptable.

Regarding the design, the proposed extension would have walls constructed of Purbeck stone and in combination with the sedum roof and rooflights over, although of a contrasting modern design, the proposed extension on the rear of this house constructed around the 1960s would appear sufficiently sympathetic within the historic setting of the Worth Matravers Conservation Area. The proposed single storey rear extension would be visible from the Mill Pond, as is the extension on the western side of the property. However the choice of materials is such that in combination with the design the proposed extension would preserve the appearance of the Worth Matravers Conservation Area. Paragraph 127 of the National Planning Policy Framework confirms that "Planning policies and decisions should ensure that developments ... are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change...". This is also confirmed within the Worth Matravers Conservation Appraisal, for this states in respect of conservation area designation "While bringing some added controls the object of designation is not to prohibit change or development but rather to manage its quality and contextual appropriateness".

Regarding the potential for light pollution from the rooflights proposed to be inserted within the roof, the dwelling is a two storey house that includes glazing at ground floor and first floor, as such the inclusion of rooflights within a ground floor extension could not reasonably be discouraged on the basis of light pollution even within an area where there is no street lighting. Consequently there is no justification to secure a change to the proposals on this basis.

In conclusion, officers consider that the proposal is not harmful to the character or appearance of the Worth Matravers Conservation due to the proposed extension.

Therefore officers consider that the proposals comply with Policies LHH of the Purbeck Local Plan Part 1 and the aims and objectives of the National Planning Policy Framework.

### **Impact upon the setting of nearby Grade II Listed Buildings**

The Council has a statutory duty under section 66 (1) (when considering whether or not to grant planning permission) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) to have special regard to the desirability of preserving the listed buildings or its setting and any features of special architectural or historic interest which it possesses.

Consideration has been given to the impact of the proposed single storey rear extension upon Rose Cottage and Cobblers Cottage. Rose Cottage and Cobblers Cottage are Grade II Listed Buildings, with Rose Cottage being located adjacent the application site, to the east and due to changes in land levels it is set at a lower level than the site, but within the centre of a village and developed area.

Due to Rose Cottage and Cobblers Cottage being set within a developed area and the nature of the alterations, the proposed single storey rear extension on this two storey dwelling, the Design and Conservation Officer considers that the proposal, would not have a detrimental impact, but preserve the setting of the Grade II Listed Buildings. Therefore officers consider that the proposals comply with Policies LHH of the Purbeck Local Plan Part 1 and the aims and objectives of the National Planning Policy Framework.

### **Impact on the living conditions of the occupants of neighbouring properties**

Misty Cottage is a detached house. However due to the fact that land levels slope downwards from west to east, plus downwards from north to south, the application site is set higher than Rose Cottage, the property to the east. On this basis careful consideration has been required in respect of any impact of the proposed single storey rear extension on the property and occupants of Rose Cottage and other nearby properties. In order that the fullest consideration could be given to amenity and privacy issues for nearby properties, especially Rose Cottage, a visit was undertaken to this property on 28 June 2019.

Of the various properties near to the application site the main property and neighbours for consideration are at Rose Cottage. On the west (side) of Rose Cottage there is a single storey element, including an extension that dates from around the late 1970s. Within the single storey element on the west side there is

a window within the west elevation, a window that is positioned at the northern end. The position of the window within this part of Rose Cottage is such that the proposed rear extension for Misty Cottage would not result in any loss of amenity due to a reduction in light or loss of privacy for this neighbouring property.

The proposed single storey rear extension would project beyond the rear of Rose Cottage. However on the basis that the proposed extension is a single storey addition on the rear of the house, despite the fact that Misty Cottage is set on land that is higher than Rose Cottage, the proposed extension would not result in any harmful loss of amenity due to a reduction in light either for the dwelling due to the position of the glazing within Rose Cottage. Also the proposals would not result in a harmful loss of light to Rose Cottage's garden due to the open nature of the garden. Regarding privacy, the proposed window within the east (side) elevation is intended to be of obscure glass. In order to ensure the continued privacy of the property and neighbours at Rose Cottage, any grant of planning permission would include a condition to ensure the level of obscurity for the side glazing, that this window remains fixed shut and a condition to prevent the insertion of any further windows, doors or openings within the east (side) elevation of the rear extension. Additionally in terms of the existing context it is noted that there is a first floor window within the east (side) elevation of Misty Cottage.

In terms of the impact of the proposed single storey rear extension upon the path to the side and rear garden of Rose Cottage, although the position of the extension would be set at a higher level than Rose Cottage due to the higher ground levels, the size of the extension is such that this would not be over bearing and therefore would not justify a change to the proposals or refusal of the application. Regarding the glazing within the rear (south) elevation of the proposed extension, this would provide views that are predominantly of the rear garden of the application site, with more limited and oblique views of the gardens to either side.

Cobblers Cottage is set further away from the application site and as such the proposed rear extension would not result in any loss of amenity due to a reduction in light or loss of privacy for this property or the occupants. With regard to Orchard Cottage (Braemar) immediately to the west of the application site, the existing extension along the western side of Misty Cottage is such that the proposed extension would adjoin this in such a manner that it would not result in any loss of amenity due to a reduction in light or loss of privacy for this property or the occupants.

With regard to the properties to the south in London Row, although these are set at a lower level than the application site, there is an intervening distance of approximately 22 metres between the proposed single storey rear extension and the rear garden of the closest, number 1 London Row. Additionally there is a

road between the rear garden of Misty Cottage and the rear garden of number 1 London Row.

Regarding the potential for light pollution from the rooflights proposed to be inserted within the roof, the dwelling is a two storey house that includes glazing at ground floor and first floor, as such the inclusion of rooflights within a ground floor extension could not reasonably be discouraged on the basis of light spillage towards a neighbouring property.

## **16.0 Conclusion**

The proposed development is not considered to have a detrimental impact on the character and appearance of the area, the wider views within the Conservation Area, the setting of listed buildings, or the amenity of the neighbouring residents. Therefore the proposal is considered to be acceptable.

## **17.0 Recommendation**

To grant planning permission subject to the conditions as set out below.

1. The development must start within three years of the date of this permission.  
Reason: This is a mandatory condition imposed by Section 91 of the Town and Country Planning Act 1990 to encourage development to take place at an early stage.
2. The development permitted must be carried out in accordance with the following approved plans: drawing number 17184.20, drawing number 17184.24, drawing number 17184.25, drawing number 17184.22, drawing number 17184.23, drawing number 17184.26, drawing number 17184.27 and drawing number 17184.21 submitted as part of the application, plus drawing number 17184.31 A, drawing number 17184.28 B and drawing number 17184.32 A received on 22 August 2019, plus drawing number 17184.30 B, drawing number 17184.29 A and drawing number 17184.33 B received on 29 August 2019.  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Before the single storey rear extension is brought into use, the glazing within the east (side) elevation must be glazed with obscure glass to a minimum Pilkington privacy level 3, or equivalent as agreed in writing with the Council and permanently fixed shut. This window / glazed element must be permanently maintained in that condition.  
Reason: To safeguard the amenity and privacy of the occupiers of adjoining residential property.
4. No further windows, doors or openings will be constructed or inserted within the east (side) elevation of the single storey rear extension.  
Reason: To safeguard the amenity and privacy of the occupiers of adjoining residential property.

5. Informative Note - Matching Plans.

Please check that any plans approved under the building regulations match the plans approved in this planning permission. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission.

6. Statement of positive and proactive working:

In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and creative approach to development proposals focused on solutions. The Council works with applicants / agents in a positive and proactive manner by; offering a pre-application advice service, and as appropriate updating applicants / agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

For this application: the applicant / agent was updated of any issues after the initial site visit; the opportunity to submit amendments to the scheme / address issues was given which were found to be acceptable.

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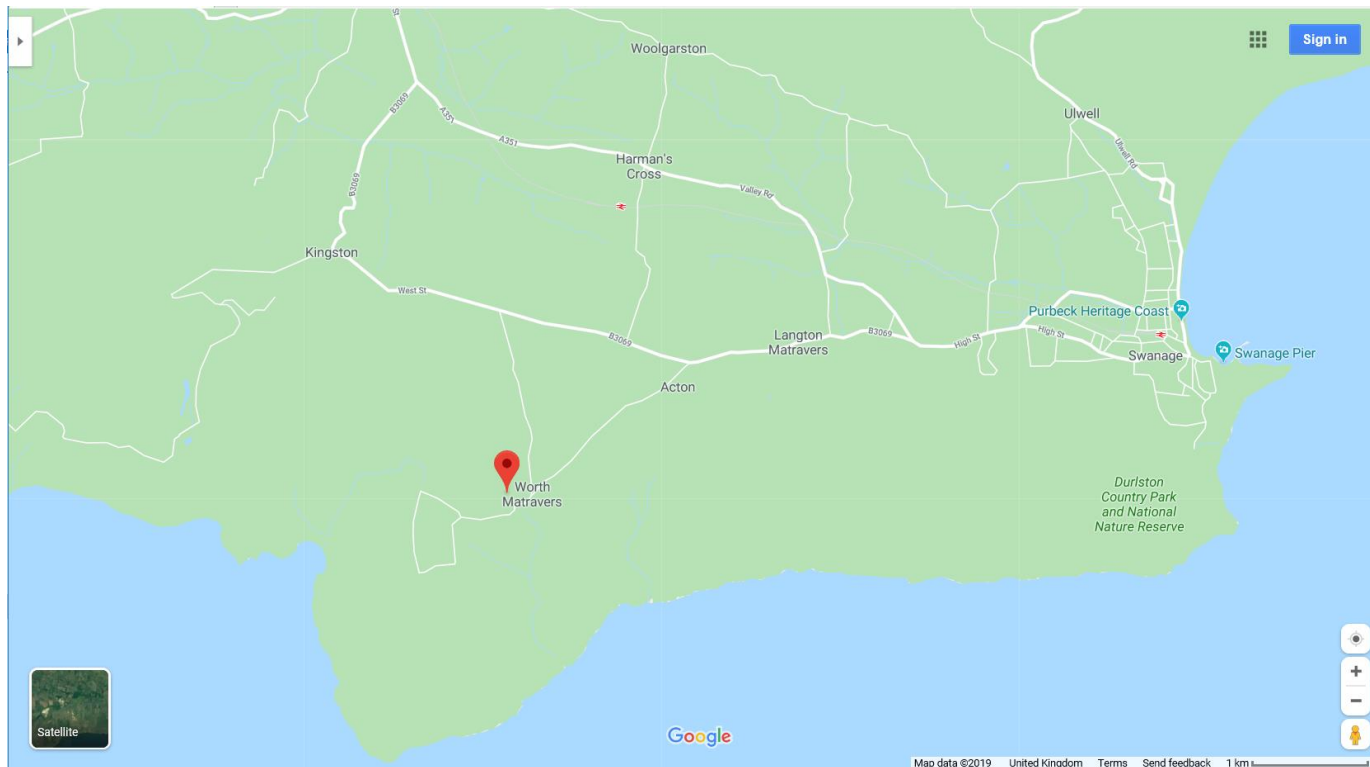
## Approximate location of site on map



**Application Reference:** 6/2019/0337.

**Address:** Misty Cottage, Worth Matravers, BH19 3LQ.

**Application:** Erect a single storey rear extension.



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## 1.0 **Application Number:** 6/2019/0590

**Webpage:** <https://planningsearch.purbeck-dc.gov.uk/Disclaimer?returnUrl=%2F>

**Site address:** 8 Westminster Road, Wareham, BH20 4SW

**Proposal:** Variation of condition of Planning Permission 6/2019/0224  
(Reorganisation of depot for recycling collection vehicles. Provision of parking, portacabins for office and welfare facilities, shipping containers for storage and new fencing and lighting) to reduce the number of lamps on the shipping containers from two (one on each container), to one, centrally, on a 2m high post.

**Applicant name:** Mr David Diaz

**Case Officer:** Alexandra Dones (Senior Planning Officer)

**Ward Member(s):** Councillor Beryl Ezzard and Councillor Ryan Holloway

The original application (reference: 6/2019/0224) was brought to the Planning Committee on 31<sup>st</sup> July 2019 for determination as the site is owned by Dorset Council. The Service Manager for Development Management and Enforcement decided this variation of condition application should be presented to Planning Committee for the same reasons.

## 2.0 **Summary of recommendation:**

Officers are recommending approval subject to conditions set out in the report.

## 3.0 **Reason for the recommendation:**

- The location is considered to be sustainable and the proposal is acceptable in its principle, design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity, subject to conditions.
- There are no material considerations which would warrant refusal of this application.

## 4.0 **Key planning issues**

Issue	Conclusion of 6/2019/0224	Effect of changes
Principle of development	Acceptable – within the settlement boundary of Wareham.	No change
Scale, design, impact on character and appearance	Acceptable – there will be no harm to the character and	No change

	appearance of the area.	
Impact on the living conditions of the occupants of neighbouring properties	Acceptable – subject to appropriate conditions. There will be no demonstrable harm to neighbours.	No change
Highway issues	Acceptable – subject to appropriate conditions.	No change
Drainage issues	Acceptable – subject to appropriate conditions.	No change

## 5.0 Description of Site

The site is located on the east side of Westminster Road in a primarily industrial area within the settlement boundary of north Wareham. Previously there was a large industrial style building on site, however, at the time of the Officer site visit the site was vacant. To the north of the site is the SSE electricity distribution site and to the south there are other mixed industrial units. The site is abutted to the east by a number of residential properties and lock up garages accessed via Mistover Close.

## 6.0 Description of Development

The applicant is seeking planning permission to develop the site but not in accordance with condition 4 of application 6/2019/0224. Condition 4 stated:

*‘The lighting on site must be installed in accordance with the details submitted as part of the application. No further external lighting must be installed unless details of the location, illumination and brightness has been submitted to and agreed in writing by the Council. The lighting must be installed in accordance with those agreed details.*

*Reason: In the interest of the amenities of adjoining and nearby residential properties’.*

The only variation to the originally approved scheme is to reduce the number of lamps on the shipping containers from two (one on each container), to one, centrally, on a 2m high post.

The original planning permission reference: 6/2019/0224 gave permission to reorganise a site used as a depot for recycling collection vehicles. The proposals include the provision of parking for the recycling vehicles, a vehicle ‘washdown’ area, porta cabins for offices and shipping containers for storage. The proposals also include the provision of lighting and boundary treatments in the form of

fences and parking for 7 cars at the front of the site. The site has been used as an operational depot for in excess of 20 years. Previously, there was one large industrial style building on site and vans would park behind the building, directly adjacent to the rear boundary which abuts residential properties and their gardens. The large industrial unit has now been demolished and the vehicles have been temporarily relocated to the highways depot (across the road from the application site) whilst the demolition and reorganisation on site takes place. The proposed reorganisation of the site is designed to make better use of the whole site by having smaller buildings and designated parking areas to the front. The applicant believes this will improve the operations on site whilst bettering the previous situation for the occupiers of nearby residential properties. This will be done by removing vehicles from the rear boundary of the site, providing dedicated parking spaces for refuse vehicles and creating dedicated separate areas for vehicle washing, storage and offices.

## **7.0 Relevant Planning History**

None relevant to this application.

## **8.0 List of Constraints**

The site is within settlement boundary.

The site is within River catchment – Piddle (lower).

Surface water flooding – flood risk equivalent to Flood Risk Zone 1.

## **9.0 Consultations**

All consultee responses can be viewed in full on the website.

- **Environmental Protection (lighting)**

No objection (received 17/12/2019)

The Environmental Health Officer raised no objections regarding the proposed changes to the lighting scheme for the site.

- **Wareham Town Council**

No objection (received 21/11/2019)

### **Representations received**

None.

## **10.0 Relevant Policies**

### **Purbeck Local Plan Part 1:**

Policy LD: General Location of Development

Policy SD: Presumption in favour of Sustainable Development

Policy D: Design

Policy IAT: Improving Infrastructure and Transport

Policy BIO: Biodiversity and Geodiversity

Policy FR: Flood Risk

Emerging Purbeck Local Plan

No relevant policies.

NPPE

*Chapter 4: Decision-making*

- Paragraphs 47 & 48 – Determining applications
- Paragraphs 54 & 55 – Planning conditions and obligations

*Chapter 9: Promoting sustainable transport*

- Paragraphs 108, 109 & 110 – Considering development proposals

*Chapter 12: Achieving well-designed places*

- Paragraphs 124, 127 & 130 - Achieving well-designed places

*Chapter 14: Meeting the challenge of climate change, flooding and coastal change*

- Paragraphs 155 & 163 – Planning and Flood Risk

*Chapter 15: Conserving and enhancing the natural environment*

- Paragraphs 170, 172 & 173 - Conserving and enhancing the natural environment
- Paragraph 175 – Habitats and biodiversity

Other material considerations

Strategic Flood Risk Assessment 2018.

## **11.0 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

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.

## 12.0 Public Sector Equalities Duty

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.

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 Public Sector Equalities Duty.

In this instance the site is not generally open to members of the public. Health and safety legislation dictates employee’s requirements and this has been catered for.

## 13.0 Financial benefits

What	Amount / value
<b>Material Considerations</b>	
None	
<b>Non Material Considerations</b>	
Business rates	Increase of £4,000

## 14.0 Climate Implications

The proposed development is to reorganise an existing waste depot in a sustainable location within the settlement boundary of Wareham.

The proposal is not considered to have a significant impact upon climate implications.

## 15.0 Planning Assessment

### Principle of development

Approved as part of the assessment of application 6/2019/0224. The current proposal to make a minor alteration to the approved lighting scheme does not alter this assessment.

### **Scale, design and impact on the character and appearance of the area**

Approved as part of the assessment of application 6/2019/0224. The current proposal to make a minor alteration to the approved lighting scheme does not alter this assessment.

### **Impact on the living conditions of the occupants of neighbouring properties**

The lighting scheme was considered by the Environmental Health Officer (EHO) as part of the assessment of application 6/2019/0224. To ensure the proposed lighting did not have a negative impact on the living conditions of the occupants of neighbouring properties, a condition was applied to the decision notice stating that the lighting must be installed in accordance with the details submitted as part of the application. The proposed minor change is to reduce the number of lamps on the shipping containers from two (one on each container), to one, centrally, on a 2m high post. The EHO has considered this change and has raised no objections to the proposed changes and does not consider this minor change would have a negative impact on the occupiers of neighbouring properties. The EHO has recommended a condition be applied to the decision notice restricting the use of such lighting columns to between the hours of 06:00 and 20:00. The proposed main operating hours are between 06:30 – 16:30 Monday to Friday including bank holidays and catch up Saturdays during Christmas and New Year so Officers do not consider the proposed condition would negatively impact the proposed use of the site. Officers consider the impact of the proposals on the living conditions of the occupants of neighbouring properties to be acceptable.

### **Highway issues**

Approved as part of the assessment of application 6/2019/0224. The current proposal to make a minor alteration to the approved lighting scheme does not alter this assessment.

### **Drainage issues**

Approved as part of the assessment of application 6/2019/0224. The current proposal to make a minor alteration to the approved lighting scheme does not alter this assessment.

## **16.0 Conclusion**

All significant planning matters have been adequately and appropriately addressed. Officers are recommending approval of this planning application.

## **17.0 Recommendation**

1. The development must start within three years of the date of this permission.

Reason: This is a mandatory condition imposed by Section 91 of the Town and Country Planning Act 1990 to encourage development to take place at an early stage.

2. The development permitted must be carried out in accordance with the following approved plans: PD3907\_C, A100revA, A101 Revision F, A203, A200 Revision E, A202, A100 rev P03, B100 rev P03, C100 rev P03, A200 rev P03, B200 rev P03, C200 rev P03, D100 rev P04, D200 rev P04, AS -F - 001A, AS-F-001B, AS-F 002A, AS-F-002B, AS-F-003, AS-F-004 and the lighting details titled 'Westminster Road Depot' submitted as part of this application.

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

3. The engines of the recycling collection vehicles must not be started before 06:30am.

Reason: In the interest of the amenities of adjoining and nearby residential properties.

4. The lighting on site must be installed in accordance with the details submitted as part of the application. No further external lighting must be installed unless details of the location, illumination and brightness has been submitted to and agreed in writing by the Council. The lighting must be installed in accordance with those agreed details.

Reason: In the interest of the amenities of adjoining and nearby residential properties.

5. The operation of the lighting on site must only be between 06:00 and 20:00.
- Reason: In the interest of the amenities of adjoining and nearby residential properties.

6. Before the development is utilised the turning and parking shown on the submitted plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

7. A suitable method of dealing with surface water drainage from the development must be installed before the first occupation of any of the portable buildings. Before any surface water drainage works start, the scheme must be submitted to and approved in writing by the planning department of the Council. This must include details of the on-going

management and maintenance of the scheme. The appropriate design standard for the drainage system must be the 1 in 100 year event plus 40% allowance for the predicted increase in rainfall due to climate change. This requirement is above and completely separate to any building regulations standards. Prior to the submission of those details, an assessment must be carried out into the potential for disposing of surface water by means of a sustainable drainage system (SUDs). The results of the assessment must be provided to the Council. The approved drainage scheme must be implemented. It must be maintained and managed in accordance with the agreed details.

Reason: These details are required to be agreed before surface water drainage works start in order to ensure that consideration is given to installing an appropriate drainage scheme to alleviate the possible risk of flooding to this site and adjoining catchment land caused by both the weather and the vehicle wash down area.

8. Informative Note - Matching Plans. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.
9. Statement of positive and proactive working: In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and creative approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

For this application: the application was acceptable as submitted and no further assistance was required. The application was approved without delay.



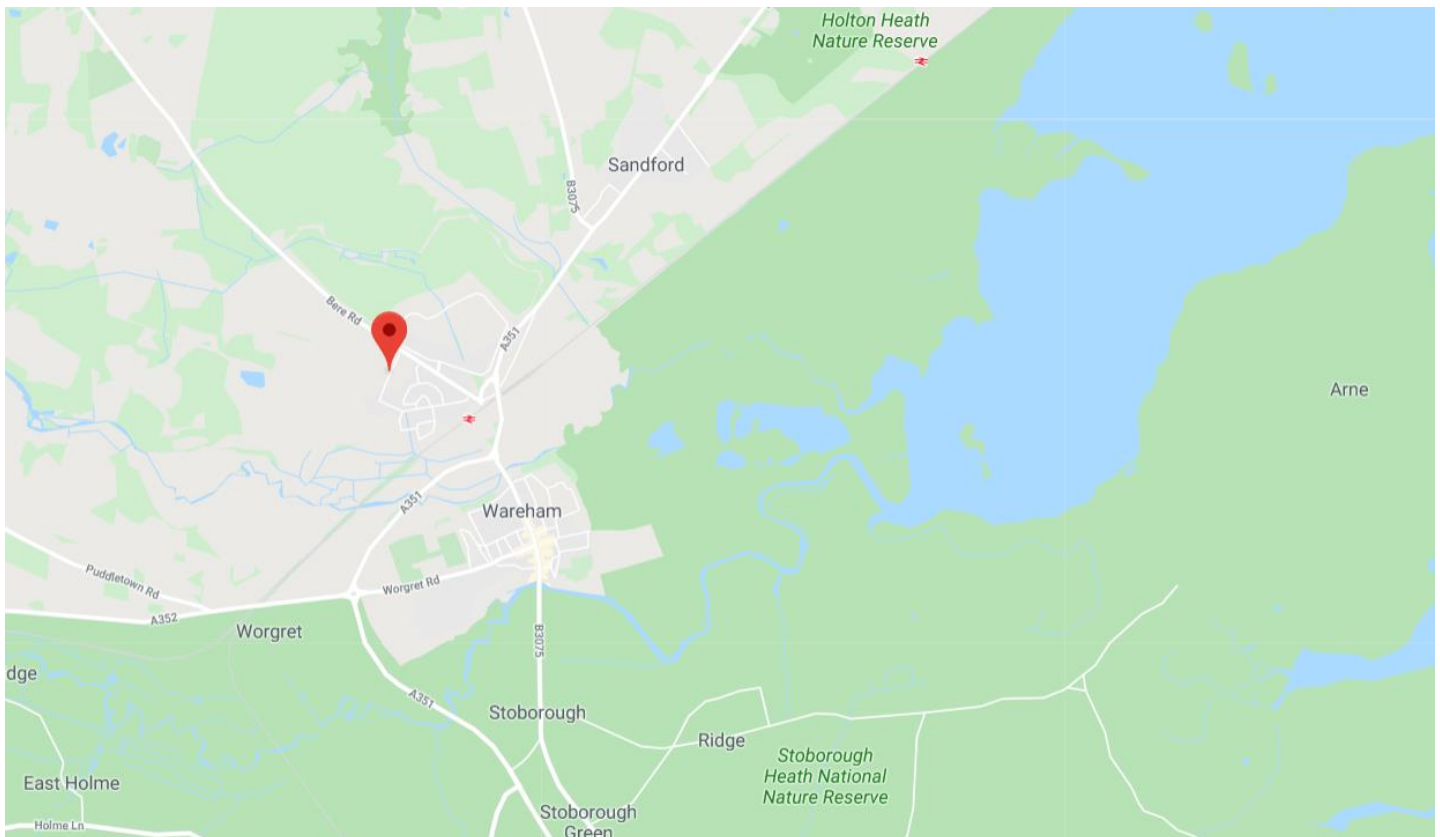
## Approximate location of site on map



**Application Reference:** 6/2019/0590

**Address:** 8 Westminster Road, Wareham, BH20 4SW

**Application:** Variation of condition of Planning Permission 6/2019/0224 (Reorganisation of depot for recycling collection vehicles. Provision of parking, portacabins for office and welfare facilities, shipping containers for storage and new fencing and lighting) to reduce the number of lamps on the shipping containers from two (one on each container), to one, centrally, on a 2m high post.



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