



Eastern Area Planning Committee

Date: Wednesday, 3 June 2020

Time: 10.00 am

Venue: MS Team Live Event/Virtual - please see the link below

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

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

For more information about this agenda please telephone Democratic Services on 01305 251010 or David Northover on 01305 224175 - david.northover@dorsetcouncil.gov.uk



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This meeting will be held as a MS Teams Live Event/Virtual (please see link below)

Link for morning session 10.00 am – 1.00 pm

https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZjdiODI2NzgtNjhlMi00NTIhLWE5MmMtYzQ5ZjA3NmM4Yzhh%40thre.ead.v2/0?context=%7b%22id%22%3a%220a4edf35-f0d2-4e23-98f6-b0900b4ea1e6%22%2c%22oid%22%3a%221b44fce-fc3a-4938-a8be-abbbc58daf3c%22%2c%22isBroadcastMeeting%22%3a%22true%7d

Link for afternoon session - 2.00 pm onwards

[Dorset Council's Eastern Area Planning Committee - 3 June 2020 Part 2](#)

There will be an intermission in transmission between 1.00 pm and 2.00 pm for the Committee to break for lunch.

Please refer to the agenda to view which applications will be considered in the morning and those that will be considered in the afternoon Committee sessions.

Members of the public are invited to make written representations provided that they are

submitted to the Democratic Services Officer no later than **8.30am on Monday 1 June 2020**. This must include your name, together with a summary of your comments and contain no more than 450 words.

If a councillor who is not on the Planning Committee wishes to address the committee, they will be allowed 3 minutes to do so and will be invited to speak before the applicant or their representative provided that they have notified the Democratic Services Officer by **8.30am on Monday 1 June 2020**.

Please note that if you submit a representation to be read out on your behalf at the committee meeting, your name, together with a summary of your comments will be recorded in the minutes of the meeting.

Please refer to the guide to public participation at committee meetings for general information about speaking at meetings [Guidance to Public Speaking at a Planning Committee](#) and specifically the "***Covid-19 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings***" included as part of this agenda (see agenda item 4 - Public Participation).

Using social media at virtual meetings

Anyone can use social media such as tweeting and blogging to report the meeting when it is open to the public.

AGENDA

Page No.

1 APOLOGIES

To receive any apologies for absence

2 DECLARATIONS OF INTEREST

To receive any declarations of interest

3 MINUTES

5 - 12

To confirm the minutes of the meeting held on 12 May 2020.

4 PUBLIC PARTICIPATION

13 - 14

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](#).

5 6/2018/0606 - RURAL EXCEPTION SITE FOR A DEVELOPMENT OF 28 DWELLINGS - RESERVED MATTERS - AT SPYWAY ORCHARD, DURNFORD DROVE, LANGTON MATRAVERS

15 - 34

To consider a report by the Head of Planning.

6 3/19/1504/FUL - ERECTION OF A PAIR OF 3 BEDROOM, SEMI-DETACHED, TWO STOREY HOUSES, WITH ASSOCIATED PARKING AND THE DEMOLITION OF EXISTING GARAGES AT GARAGE COURT, NEW MERRIFIELD COLEHILL WIMBORNE

35 - 56

To consider a report by the Head of Planning.

7 6/2019/0443 - DEMOLITION OF EXISTING BUILDINGS, AND THE ERECTION OF A CLASS A1 DISCOUNT FOODSTORE WITH ASSOCIATED WORKS AT UPTON OIL CO LTD, BLANDFORD ROAD NORTH, UPTON

57 - 86

To consider a report by the Head of Planning.

**INTERMISSION - COMMITTEE BREAK FOR LUNCH BETWEEN
1.00 PM AND 2.00 PM**

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| 8 | 3/20/0269 - ERECTION OF FIVE CABINS WITH ASSOCIATED
'OPEN' ENCLOSURES, EACH TO BE OCCUPIED BY A PRIVATE
COLLECTION OF PET ANIMALS AT SLOUGH HOUSE, SLOUGH
LANE, HORTON | 87 - 100 |
|----------|---|-----------------|

To consider a report by the Head of Planning.

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| 9 | 6/2019/0530 - CHANGE OF USE OF LAND TO SUITABLE
ALTERNATIVE NATURAL GREENSPACE (SANG) & ASSOCIATED
CAR PARK AT LAND OFF FLOWERS DROVE, LYTCHETT
MATRAVERS | 101 - 124 |
|----------|--|------------------|

To consider a report by the Head of Planning.

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|-----------|---|------------------|
| 10 | 3/19/1435/COU - CHANGE OF USE OF BUILDINGS TO
COMMERCIAL USES UNDER B2 GENERAL INDUSTRIAL AND B8
STORAGE & DISTRIBUTION - RETROSPECTIVE APPLICATION -
AT CLAYFORD FARM, UDDENS DRIVE, COLEHILL | 125 - 142 |
|-----------|---|------------------|

To consider a report by the Head of Planning.

11 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.



DORSET COUNCIL - EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 12 MAY 2020

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

Apologies: -

Officers present (for all or part of the meeting):

Kim Cowell (Team Leader - Development Management), Andrew Collins (Principal Planning Officer), Ellie Lee (Planning Officer), Lindsey Watson (Senior Democratic Services Officer), Phil Crowther (Legal Business Partner – Regulatory) and David Northover (Democratic Services Officer).

82. Apologies

There were no formal apologies received from members of the Committee.

83. Introduction by the Chairman

Given that the meeting was being held as a virtual meeting - in being delivered as a MS Team Live Event – owing to the need to do so during the coronavirus/Covid -19 pandemic, the Chairman took the opportunity to explain how the meeting would take place, the way this would be done and the reason for this. She explained the protocols and processes to be followed and that doing so gave the Council the ability to continue to fulfil its obligation of delivering the planning function and determining applications.

84. Declarations of Interest

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

Councillors Alex Brenton and Cherry Brooks having both served previously on Purbeck District Council, mentioned that minute 88 had been discussed and debated within that Council but neither had come to a view on the matter that would constitute their predetermination of the application, so felt able to participate fully in the meeting.

85. Minutes

The minutes of the meeting held on 11 March 2020 were confirmed and would be signed at the first opportunity.

86. 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.

87. 3/20/0178/FUL - Single storey extension to south-west elevation and alterations to ramp and railings at Verwood Library, 1 Manor Road, Verwood

The Committee considered an application 3/20/0178/FUL - single storey extension to south-west elevation and alterations to steps and railings at Verwood Library, 1 Manor Road, Verwood which was designed to provide a new staff and accessible toilet. Doing this would enable the library's toilet facility to be more accessible to those working at and visiting the library and comply with the necessary statutory regulations relating to this. Whilst reference had been made for a ramp to be constructed for access purposes, officers confirmed that this was not the case and never formed part of the proposals of the formal, with the steps being considered satisfactory to serve the purpose of access.

With the aid of a visual presentation, officers explained what the main proposals and planning issues of the development were; how these were to take place; why they were necessary; and what the benefits of the development entailed. Plans and photographs provided an illustration of the location, dimensions and configuration of the library, its setting within Verwood; how the new extension and access arrangements would look and where the steps would be; the materials to be used and the reasons for why it was to be orientated in the way proposed. Officers showed its relationship with neighbouring property and amenity, including the united reformed Church, with the characteristics of the site being shown too.

Whilst the proposed extension, new steps and its associated railings would be visible from the public realm, due to its modest scale and form it was considered that this would have a very limited impact on the appearance in the wider sense. Whilst the extension would bring the building closer to the side/south-western boundary by approximately 1.2m, no new windows were necessary, with the existing external window being replaced with an internal door for access to the new toilet. And as such the separation distance was not considered to be harmful. Moreover, this part of the library already accommodated a toilet so there was no change of use, merely an increase in size. Accordingly, it was considered to be acceptable as there was no significant harm to neighbouring residential amenity.

Having assessed the material considerations - as outlined within the report - with the proposal considered to accord with policy HE2 of the Local Plan,

officers considered there not to be any matters which would warrant a refusal of planning permission in this case and the Committee's approval was now being sought, subject to conditions. Given that the application was made by Dorset council, the need for Committee consideration gave it credibility and ensured transparency of the decision making process.

Formal consultation had not met with any formal objections, Verwood Town Council included.

The opportunity was given for members to ask questions of the presentation and what they had heard. However, whilst the relevance of the ramp mentioned was not part of what the Committee were being asked to consider, some members asked why this could not be the case, considering that a ramp would be beneficial for those less able to use steps. Officers confirmed that in any event there would not be room to accommodate these and there were already sufficient means of access throughout the library that were accessible for all, which were wholly DDA compliant. Moreover the steps were predominantly for staff access, with there being alternative public toilets available in the nearby vicinity.

The Committee understood the need for the extension and saw it as a valued public asset and recognised what the benefits of this would be to the library overall. Whilst some members maintained their reservations about there not being a ramp and asked if some further consideration could be given to this if practicable, officers reaffirmed that the ability to accommodate these could well prove prohibitive.

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 and the position of the Town Council, the Committee were satisfied in their understanding of what the proposal entailed and, on that basis – being proposed by Councillor Bartlett and seconded by Councillor Cook - on being put to the vote – the Committee agreed, unanimously, 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 3/20/0178/FUL subject to the conditions set out in paragraph 12 of the officer's report.

Reasons for Decision

- public benefit by creating an accessible toilet at the library.
- sustainable location
- acceptable design and general visual impact.
- no significant harm to neighbouring residential amenity
- scale, layout, design and landscaping respects the context of the site
- no material considerations which would warrant refusal of this application.

88. **6/2019/0585 - Erection of 9 dwellings and associated works at the former Royal British Legion Club, Wimborne Road, Lytchett Matravers**

The Committee considered application 6/2019/0585 for the construction of 9 dwellings and associated works at the former Royal British Legion Club, Wimborne Road, Lytchett Matravers.

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 progressed; and what this entailed. The application focused on the provision of Plots 7 and 8 and how these would complement the previously granted development permission. Plans and photographs provided an illustration of the location, dimensions and appearance of the development and the individual properties, along with their ground floor plans; how it would look; proposed street scenes; the materials to be used; the means of landscaping; and its setting within the landscape - which was incorporated within the Green Belt. How the previous British Legion building looked was shown too. Officers showed the developments relationship with other proposed residential development sites to its southern, western and northern sides, with reference to policy H6 of the emerging Purbeck Local Plan. The construction of Plots 7 and 8 were considered to be limited infilling and acceptable in the circumstances, due to its relationship with existing development and sites-identified for development in the emerging Local Plan. The characteristics and topography of the site was shown and its relationship with the highway network and to properties in Lions Court, located to the west.

Officers explained that the Committee was being asked to consider the application following the scheme of delegation referral process, this being necessary to allow consideration of the impact on the Green Belt. Members noted that this was exactly the same scheme as application 6/2018/0022, which had been dismissed at appeal. Subsequently, a smaller scheme - for 7 dwellings - had been granted and construction of these was already progressing. Views into Lytchett Matravers, and further along Wimborne Road, showed the dwellings being built.

However, officers were of the opinion there were material planning considerations as to why this application could now be considered acceptable as there were materially different circumstances. Previously, the proposals were considered under previously developed land criteria and there was therefore a requirement to assess the proposals on impact upon the openness of the Green Belt. The Committee were informed that in light of the Planning Inspectorate's view that weight could now be given to the Emerging Purbeck Local Plan, as this proposal was considered to be infill development in the Green Belt, consequently, there was not an obligation for this impact to be assessed on grounds of openness. The approved scheme for 7 houses had omitted the area of Green Belt land, whilst the proposed layout plan included the area within the Green Belt, which was proposed to be used for the gardens of Plots 7 and 8 only.

Reference was also made for the need for substantial weight to be given to any harm upon the Green Belt, as outlined in paragraph 144 of the National Planning Policy Framework (NPPF) and to an extract from the Emerging

Purbeck Local Plan Policy H6, regarding the proposed allocation of housing in Lytchett Matravers.

The site was located mainly within the settlement boundary of Lytchett Matravers, as defined in the Purbeck Local Plan part 1, with the area to the south not being within the settlement boundary and within the Green Belt.

It was recognised that this application had become quite contentious, with Lytchett Matravers Parish Council and some neighbours raising concerns which had already been addressed by the later grant of planning permission and also justification for including the Green Belt.

However, the basis of the officer's report was for approval of the application and this was the recommendation being made to Committee.

Formal consultation had generated an objection from Lytchett Matravers Parish Council on the basis that the site would become over-developed and was not in keeping with the characteristics of the area; there would be insufficient parking provision; and that as the proposal crossed the Green Belt boundary, it would compromise its openness. The other objections primarily cited this Green Belt issue too.

The Committee were notified of written submissions received from:-

- Cindy Wood, resident of Lions Court, who opposed the application on procedural grounds, in that as there was no material changes between this application and that which had been refused, it should not be being considered by Committee, but rather by the Planning Inspectorate. Moreover, as this piece of land was never part of the Emerging Local Plan, there was no grounds for it being considered in the way it was.
- Jo Tasker, on behalf of the agent, Ken Parke Planning Consultants, asked the Committee to approve the application in that, as the small area of Green Belt land formed part of the wider development, the application was considered to be part of an infill residential scheme within a village. It is considered therefore as a matter of course to be appropriate development, which, by definition, was not harmful to Green Belt. Moreover, as land to the south and surrounding the element of Green Belt was also proposed to be allocated for housing, it would be removed from the Green Belt leaving the small parcel of Green Belt application land, isolated by residential development on all sides, therefore not meeting any of the requirements of Green Belt land. Consequently, the agent considered this would be better utilised as residential gardens.

The opportunity was given for members to ask questions of the presentation and what they had heard, in seeking clarification of the distances between plots 7 and 8 and their neighbouring plots; having an understanding of the relationship between the Green Belt and the development and what this meant in practice and; what would be permissible in/the constraints of the gardens.

One of the three local members, Councillor Alex Brenton, supported the view of the Parish Council in that she felt this application was incongruous with the characteristics of that eastern side of the village and would be conspicuous and obtrusive in its form, appearance and protrusion, being seen as adversely affecting the density of the development.

Given this, the Committee acknowledged that whilst Purbeck District Council had previously refused the initial application on the grounds of density and overdevelopment, the Inspector had determined that the design, character and density would be appropriate, but had dismissed the appeal on the basis of the impact on the openness of the Green Belt. As this was no longer the issue – as infilling had no bearing on openness and the best use was being made of the land - there was no reason why the application should not be approved. Moreover, the provisions of the NPPF were being complied with in practice and its principles fulfilled, with the isolated small area of Green Belt to now to be used as gardens, which could be seen, in itself, as a valued environmental asset.

However, the local member and another member maintained that the site was best designed to accommodate 7 properties only and that the 9 proposed would compromise the optimum density of the development.

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, the written representations and what they had heard at the meeting, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this and, on that basis – and being proposed by Councillor Shane Bartlett and seconded by Councillor Mike Dyer, on being put to the vote, the Committee agreed - by 7:2 - that the application should be approved, subject to the conditions set out in paragraph 7 the officer's report.

Resolved

That planning permission be granted subject to the conditions set out in paragraph 7 of the report.

Reasons for Decision

Retain a 5 year land supply

- Paragraph 14 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 site is considered that the proposal is for limited infilling in a village and so in principle is appropriate development within the Green Belt.
- 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.

89. **Urgent items**

There were no urgent items for consideration at the meeting.

90. **Valediction**

The Chairman took the opportunity to thank all who had participated for their contribution in making the meeting the success it was.

Duration of meeting: 10.00 - 11.20 am

Chairman

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Dorset Council Covid-10 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings

Due to the Covid-19 pandemic the Council has had to put in place measures to enable the Council's decision making processes to continue whilst keeping safe members of the public, councillors and council staff in accordance with the Government's guidance on social distancing by applying new regulations for holding committee meetings from remote locations.

The following procedures will apply to planning committee meetings until further notice, replacing where appropriate the relevant sections of the Guide to Public Speaking at Planning Committees:

1. While planning committee meetings are held remotely during the Coronavirus outbreak public participation will take the form of written statements (and not public speaking) to the committee.
2. If you wish to make a written statement it must be no more than 450 words with no attached documents and be sent to the Democratic Services Team by 8.30am two working days prior to the date of the committee – i.e. for a committee meeting on a Wednesday written statements must be received by 8.30am on the Monday. The deadline date and the email contact details of the relevant democratic services officer can be found on the front page of the committee agenda. The agendas for each meeting can be found on the Dorset Council website
<https://moderngov.dorsetcouncil.gov.uk/mgListCommittees.aspx?bcr=1>
3. During this period the council can only accept written statements via email and you should continue to bear in mind the guidance in the public speaking guide when preparing your representation.
4. The representations made by members of the public will be read out, in the order in which they were received, by the Chairman or an officer (but not the case officer), after the case officer has presented their report and before the application is debated by members of the Committee. It may be that not all of your representation will be read out if the same point has been made by another representation and already read to the Committee. The time period for public participation (i.e. reading out public representations) will remain at 15 minutes for each item, although the Chairman of the Committee will retain discretion over this time period as she/he sees fit.
5. This addendum applies to members of public (whether objecting or supporting an application, town and parish councils, planning agents and applicants).

6. Local ward councillors, will continue to be able to make oral representations to the committee on planning applications within their ward in order to represent local residents, the Council will ensure that the technology is in place to enable this to happen from remote locations. Local ward members, who are not members of the committee, are required to advise Democratic Services two working days in advance of the meeting of their intention to speak.

Democratic Services March 2020

1.0 **Application Number:** 6/2018/0606

Webpage: <https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2018/0606>

Site address: Spyway Orchard, Durnford Drove, Langton Matravers, Swanage, BH19 3HG

Proposal: Rural exception site for a development of 28 dwellings (22 affordable and 6 open market) - Reserved Matters - access, layout, appearance, scale & landscaping

Applicant name: Ms Zoe Wensley-Smith, Aster Homes Ltd

Case Officer: Anthony Bird

Ward Member(s): Cllr Cherry Brooks

The application is being presented to the Planning Committee as the Service Manager for Development Management and Enforcement considers that it is appropriate for the Committee to determine the application given the site history and the extent of local community interest in the development.

2.0 **Summary of recommendation:**

To **GRANT** approval of reserved matters subject to conditions

3.0 **Reason for the recommendation:** as set out in paras 15 and 16.

- The National Planning Policy Framework (NPPF) says that approval should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- Approval would help deliver affordable housing in an acceptable location in accordance with an outline planning permission.
- The detailed design proposals are acceptable in terms of impact on the character and appearance of the area.
- There are no objections on highway safety or traffic grounds.
- There will not be demonstrable harm to neighbouring residential amenity.
- There are no material considerations that warrant refusal of the application.

4.0 **Key planning issues**

Issue	Conclusion
Detailed design and impact on character and appearance of the area, including the AONB and protected trees	Acceptable subject to conditions.
Highway safety, access and parking	Acceptable subject to conditions.

Impact on residential amenity	Acceptable. No demonstrable harm on existing neighbouring properties. Satisfactory relationship will exist between dwellings within the development.
Ecology/Biodiversity	No issues. Biodiversity Mitigation is already secured by a condition attached to the outline planning permission.
Housing type	Acceptable.

5.0 Description of Site

The site has a total area of 1.57 hectares. It is located to the south of Langton Matravers village outside the defined Settlement Boundary. It is within the open countryside that forms part of the Dorset Area of Outstanding Natural Beauty. Trees on the site are subject of tree preservation orders.

Vehicular access to the land is obtained via Dunford Drove which runs along the western site boundary of the application site. This boundary is defined by a Purbeck stone wall. Public rights of way (footpaths) are located immediately to the north and west of the site. Beyond the right of way along the northern boundary of the site are the rear gardens of dwellings fronting Dunford Drove and Gypshayes. To the south of the application site is holiday accommodation at Langton House, the common boundary to which has relatively recently been demarked by a 2m high close boarded timber fence.

Natural land levels fall from south to north. A modern agricultural building is located within the site towards the western boundary.

6.0 Description of Development

The proposal is for a development comprising 28 dwellings, of which 22 are affordable housing units and 6 are open market housing units. Following the grant of outline planning permission under reference 6/2015/0687, this is an application that seeks approval for all of the reserved matters for the development; that is access, layout, scale, appearance and landscaping.

The national planning practice guidance identifies consideration of reserved matters as comprising:

- access – this relates to the accessibility to and within the site;
- layout – this relates to the way in which buildings, routes and spaces within the development are situated and orientated in relation to each other, and to buildings and spaces outside the development;

- scale – this relates to the height, width and length of each proposed building;
- appearance – this relates to the aspects which determine the visual impression a building or place makes, including building form and architecture;
- landscaping - this relates the treatment of land (not buildings), including the laying out of gardens, new planting, walls and fencing.

During the processing of the application various amendments to the proposals were made, with the revised plans/documentation subject of appropriate re-consultation and publicity. The changes evolved from discussions with officers and in response to considerations arising from representations made by the local community and technical consultees.

The scheme now relates to eleven separate two storey buildings that will provide 6 one bedroom apartments, 4 two bedroom houses, 10 three bedroom houses and 8 four bedroom houses.

7.0 Relevant Planning History

The site has had an extensive planning history, including several appeals. In July 2016 under application reference 6/2015/0687 outline planning permission was refused (with all matters reserved) for a rural exception site comprising a development of 22 affordable and 6 open market dwellings. An appeal against this decision was made and subsequently allowed by the Planning Inspectorate in March 2017. This application seeks approval for the reserved matters pursuant to that outline planning permission.

Attached to the outline planning permission is a Planning Obligation (under Section 106) that secures the affordable housing to meet local needs. In addition two express 'pre-commencement approval' conditions were included in the permission requiring (i) the submission and implementation of a surface water management scheme for the development site, and (ii) arrangements for foul water drainage disposal from the development. Conditions were also included requiring work to be carried out in accordance with a specified Arboricultural Method Statement (AMS) and an approved Biodiversity Mitigation Plan (BMP). Consequently although drainage issues in particular have been raised by the local community, none of the above matters are for consideration as part of this reserved matters application. It is however important to emphasise the significance of the conditions. Most especially since the failure by a developer to comply with 'pre-commencement' requirements could potentially invalidate a planning permission as well as lead to enforcement action.

Concurrent with this reserved matters submission, is an application for 'non-material' amendments to the AMS and BMP (under reference 6/2019/0086). This is a mechanism to enable the contents of these documents to properly align with

design details of the reserved matters. It will however only be determined after a decision is made on the reserved matters application.

8.0 List of Constraints

Property within the parish of Langton Matravers, but outside a Settlement Boundary

Property within Dorset Area of Outstanding Natural Beauty (AONB): (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

Natural England standing advice applies. This property is within 5km of a European Habitat (SSSI)

Property within the Purbeck Heritage Coast

Property within Mineral Safeguarding Area

Property subject of Tree Preservation Orders

Property intersects Public Rights of Way (two footpaths)

Property within 500m of Ancient Woodland

An ordinary watercourse is within the site boundary

9.0 Consultations

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

Consultees

Natural England

No objection. Provides comments in relation to nearby SSSI's, SAC's and Heathlands SPA.

Wessex Water

Guidance provided in relation to existing water main and public foul sewer crossing the site and potential conflict of the layout with a Statutory Easement. Advises no public surface water sewers in the site vicinity.

Dorset Police – Crime Prevention and Design Advisor

Notes that Secured by Design (SBD) accreditation is not being applied for at this time, but recommends the development meets the SBD guidance.

Dorset AONB Landscape Planning Officer

No objections. Notes the appeal Inspector deemed the relatively localised harm to the AONB to be outweighed by the benefits of the proposed housing. Considers revised layout an improvement and the proposed materials palette comprising slate roofs, elevational treatments of render/brick and Purbeck stone acceptable. Provides detailed observations on landscaping matters which are capable of being conditioned.

Dorset Council – Highway Management

No objection. Recommends the imposition of three conditions.

Dorset Council – Rights of Way

No objection. Subject to the full width of the nearby public footpaths remaining open and available to the public, with no materials or vehicles stored on these routes. Otherwise a temporary Path Closure Order must be obtained. The surface of the rights of way must be maintained or properly repaired.

Dorset Council - Senior Tree & landscape Officer

No objections, subject to the imposition of conditions.

Dorset Council - Senior Housing Officer (Policy and Enabling)

Supports the size of the affordable housing detailed within this reserved matters application. Satisfied that the proposal is capable of meeting an identified current local need.

Dorset Council – Minerals and Waste Planning Authority

No objections.

Dorset Council as Lead Local Flood Authority (LLFA)

Point out that LLFA ongoing involvement as statutory consultee is required in respect of the detailed design and discharge of relevant surface water drainage condition of the outline planning permission. At this stage discretionary comment offered. Extremely sensitive location with adjacent land, property and infrastructure at risk of fluvial/surface water flooding downstream of the site. Advise that a precautionary approach be adopted in this matter until the issues and concerns are adequately addressed.

Langton Matravers Parish Council

OBJECTIONS (received 11 January 2019, 13 May 2019, 16 December 2019, 16 January 2020 and 26 February 2020):

Scale and layout: Increased risk of flooding. Scale of the development is not appropriate within the AONB: the development is too large in this context. The

mix of housing type is not appropriate for local need, which is mainly for the smaller dwellings.

Access: Problems with safety of pedestrians (lack of footway etc.), Difficult for both public and emergency vehicles, negative impact on rights of way. There will be problems with the impact of increased traffic on i) the narrow lane to Spyway Car Park and ditch/drainage there; ii) possible blocking of Emergency vehicles; iii) Vehicle movement within Durnford Drove and at its junction with the High Street (B3069).

Landscape: Detrimental in terms of tree-felling and current look and feel of area. The proposed number and maturity of trees to be planted is totally insufficient to replace the unjustifiably large number of trees to be felled, some with TPOs. Dorset Council's Biodiversity protocol must be followed.

Existing and New Conditions:

- a) Drainage. The Council is concerned about drainage/sewerage and surface water management; they are not happy that existing plans will meet the conditions imposed. Ineffective drainage/sewerage systems may result in flooding and damage in other parts of the village, and this is unacceptable.
- b) Construction and Vehicle Impact Management Statement. The Council asks that before any development goes ahead, the developers provide a full and robust Construction Management Statement indicating how noise, pollution, vehicle movements and other matters will be managed and mitigated during the construction phase and addresses how vehicle movements will be co-ordinated with contemporaneous developments. This should include a timetable of proposed activities and agreement to minimise effect on neighbours and traffic in the village. Guideline document for construction traffic management requirements submitted.
- c) Climate Emergency. The Council asks that, in line with Dorset Council's Climate Emergency statement, the plans are altered to include solar panels, ground/air source heat pumps or other types of carbon neutral design throughout.

Representations received

Objections received from the Campaign to Protect Rural England (CPRE) supporting the local community concerns as summarised below.

Objections received from the occupiers of 63 nearby properties and the occupier of 1 property in Harrow, primarily on the following grounds:

- Development unacceptable outside of the village and adverse AONB and Heritage Coast impact
- Excessive scale/density out of character with the area/considerable loss of trees/light pollution

- Does not comply with policy RES. It is not small, has too much market housing, it does not address affordable housing need in Langton Matravers. Exceeds identified affordable housing need in Langton Matravers
- Loss of privacy, adverse impact on the amenity of neighbouring properties
- Will generate excessive traffic and highway safety problems. Dunford Drove and High Street inadequate to serve development. Adverse impact on footpaths
- Cause/exacerbate surface water and foul water flooding problems. Concerns at the inadequacy/unacceptability of the drainage information provided. All aspects of drainage and water supply should also be considered at this stage.
- Adverse impacts on protected species/wildlife.

1 representation received on behalf of the owner of nearby properties advising no objection to the size or character of the proposal but concerned about highway safety and surface water drainage difficulties.

1 representation received from the occupier of a nearby property expressing support for the proposal.

Representation from the Governors of St George CE VA Primary School, Langton Matravers supporting in principle any development that would bring more pre and primary aged pupils to the School due to the falling number of children living in the catchment area.

10.0 Relevant Policies

Purbeck Local Plan Part 1 (PLP1):

Policy SD – Presumption in Favour of Sustainable Development

Policy LHH: Landscape, Historic Environment and Heritage

Policy D: Design

Policy IAT: Improving Infrastructure and Transport

Policy RES: Rural Exception Site

Policy AH: Affordable Housing

Policy BIO: Biodiversity and Geodiversity

Policy DH: Dorset Heaths International Designations

Policy DEV – Development Contributions

Bournemouth, Dorset and Poole Minerals Strategy (2014)

Policy SG1: Mineral Safeguarding Area

National Planning Policy Framework (NPPF):

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

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

Chapter 5: Delivering a sufficient supply of homes

- Paragraph 77 – Rural housing

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 15: Conserving and enhancing the natural environment

- Paragraphs 170, 172 & 173 - Conserving and enhancing the natural environment
- Paragraph 175 & 177 – Habitats and biodiversity

Purbeck Local Plan 2018-2034.

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.

Other material considerations

Dorset AONB Management Plan 2019-2024

Dorset AONB Landscape Character Assessment & Management Guidance 2008.

Dorset Heathlands Planning Framework 2020 – 2025 Supplementary Planning Document adopted March 2020.

Purbeck District Design Guide Supplementary Planning Document adopted January 2014.

Purbeck District Affordable Housing Supplementary Planning Document 2012-2027 adopted April 2013.

National Design Guide.

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

Dorset biodiversity appraisal and mitigation plan.

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. In particular:

- Access; arrangements made to ensure people with disabilities or mobility impairments or pushing buggies have been accommodated within the development (footpath links and access crossing points).

13.0 Financial benefits

What	Amount / value
Non Material Considerations	
CIL Contribution	£511959.69

New Homes Bonus	None payable in this case as the outline planning permission was granted on appeal.
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14.0 Climate Implications

The appeal Inspector considered the site to be “in a fairly sustainable location on the edge of the village”. As such it is within reasonable access to local facilities and services, including the village school, resulting in less need to travel. The new dwellings will be built in accordance with the relevant Building Regulations. On this basis it is not considered the proposal will have a significant impact on climate change.

15.0 Planning Assessment

Detailed design and impact on character and appearance of the area, including the AONB and protected trees

The site is within the AONB and the National Planning Policy Framework (NPPF) states that great weight should be given to conserving landscape and scenic beauty in AONBs. Policies D and LHH of the Purbeck Local Plan Part 1 (PLP1) require development proposals to positively integrate with their surroundings and to conserve the appearance, setting, character, interest, integrity, health and vitality of landscape assets. Similarly PLP1 Policy CO refers to rural exception sites being acceptable subject to not having a significant adverse impact on, amongst other things the visual environment. The appeal Inspector identified that there would only be some fairly limited adverse impact on the character and appearance of the area and that the site was suitable as a rural exception site outside of the identified settlement boundary of Langton Matravers and the open market housing proposed was acceptable. Taking account of the development plan as a whole, the Inspector concluded that the scheme would be a sustainable form of development for which there is a presumption in favour.

As the Inspector observed the development would occupy an existing fairly large, gently sloping field adjacent to the southern edge of Langton Matravers. The site contributes to the open and spacious setting of the village in this location, along with fields to the east and west of the site and the open grounds of Langton House to the south. Unlike those surrounding areas, the site is relatively discrete due to the presence of trees around its perimeter and trees and vegetation opposite the site on the western side of Durnford Drove.

It is not considered that any aspect of the reserved matters proposed indicate that the limited adverse impact identified by the Inspector will change or be increased.

The development is relatively dense compared to the nearby existing village properties, particularly those of Gypshayes backing onto the footpath running along the northern site boundary. Those properties have particularly long and mature rear gardens. From vantage points on footpaths to the east and south-east of the site, it would also be seen to in the context of the much more clearly visible dwellings of The Hyde, to the north-east of the site. Those dwellings are generally located fairly close together, lining the road up to the edge of the open countryside.

The proposed buildings are set away from the eastern boundary. Together with the high degree of softening/screening from the trees surrounding the site, even in winter months with the leaves off, neither the scale or appearance of the buildings or the layout of the site suggest the proposal would have a dominating effect on that existing open setting south of the settlement.

The arboricultural information originally submitted with the application assessed that a large number (in excess of 100) of the protected trees on the site should be felled, partly in the interests of general tree management and partly to enable the construction of the development. This generated a significant number of objections from the local community. Following discussion with the applicant it has been agreed that only the minimum number of trees should be removed. This amounts to a total of 37 trees required to be removed in order for the development (including allowing for the provision of a contractor's compound) to proceed and a specific condition is recommended to control this.

From footpaths to the south of the site extending beyond the car park at the southern end of Durnford Drove, and those to the west of the site, the situation remains as described by the Inspector. The proposed development would be largely screened or softened by a combination of intervening landform, trees, or the significant combined massing of buildings relating to Langton House. From those westerly footpaths, the closest part of the development comprising the nearest dwelling to Durnford Drove would also be seen to some extent in the context of those existing dwellings fronting that road immediately to the north. In front of the site the access and nearest houses to Durnford Drove are the most prominent public aspects of the development. These are on the side of the site nearest to the existing houses fronting the road and in that context the site layout and the proposed scale and appearance of the buildings are acceptable. Those dwellings on the southern side of the site are set well back from the road and behind the existing barn and trees. They will not be unduly prominent in the landscape.

In summary the overall design of the development is considered to be of a sufficiently high quality. Although a number of planning conditions are necessary to properly control details of the development, including for example, precise information on the external building materials, additional tree planting and a

restriction on external lighting. This will ensure these details are acceptable within the AONB.

Impact on residential amenity

The Inspector considered that a scheme could be designed to avoid an unacceptable level of overlooking of neighbouring properties and a harmful loss of privacy and that this would also apply in respect of any concerns relating to loss of sunlight or daylight or any overbearing impact.

The Inspector noted the pleasant openness and tranquillity of the countryside to the south of the settlement experienced when walking along the footpath to the north of the site, particularly as the dwellings to the north are significantly screened by the mature vegetation within the intervening rear gardens. The Inspector also acknowledged that the relatively high density of the proposal would in visual terms distract from that existing locally appreciated character. However, in terms of noise generation, once completed, the Inspector concluded that being a residential development where there are mainly rear gardens backing onto that path, it is unlikely that the levels generated would be to a harmful extent. In terms of construction activity the Inspector noted that whilst this would inevitably generate varying degrees of noise in the local context, it would be over a relatively limited period of time.

The proposed detailed design of the development is set out in such a way that the new dwellings are sufficiently far away from existing neighbouring properties for there to be no adverse impacts in terms of loss of light, unacceptable overlooking or any other matters. Within the development itself, the design and layout of the buildings takes proper account of the amenity of the future occupiers of the new dwellings.

Highway safety, access and parking

This application does not raise any new considerations in relation to the appeal decision in which the Inspector stated that it was unlikely that the additional number of vehicles arising from the development would cause such an increase in traffic flows on the local network as to materially affect its capacity or increase the risk of collisions, including at existing road junctions with Durnford Drove. Despite concerns raised by local residents about the junction with the High Street, the Inspector noted that there were not any recorded accidents and that it meets the minimum visibility standards.

Highway Management have no objections to proposals, which have been modified to ensure satisfactory access and parking arrangements will serve the development. Dorset Waste Partnership has confirmed to the applicant that they would collect from this private (unadopted) estate road.

The point of access to the site, from the existing shared access served off the end of Durnford Drove, is to be visually distinctive being surfaced with red coloured mastic asphalt (macadam) and delineated from access road or highway with raised granite setts. This compliments and emphasises the existing private arrangement to drivers leaving Durnford Drove that they have left the highway using the standard familiar arrangement of dropped pre-cast concrete (PCC) kerbs with 25mm upstand as per normal vehicle crossings onto a shared surface as per a vehicle crossover or in this case the existing continuation of Durnford Drove. This then either transitions into the existing access shared with public footpath (SE16/route 25) or bifurcates and transitions back to a more traditional arrangement of separate footway and carriageway within the new development where a raised kerb will help to keep vehicles off the footway. Both the end of Durnford Drove at the turning head and the internal access road each side of this shared area are wide enough for vehicles to pass. The shared area is sufficiently visible for all approaching users to see and be seen and a section of wall and trees are to be removed.

The scheme is capable of being satisfactorily developed without significant impacts on the adjacent public footpaths. The existence of these rights of way does not represent an impediment to the approval of the application.

Housing type

Affordable housing provision within the development is subject to a Planning Obligation attached to the outline planning permission. This requires a detailed written scheme of affordable housing to be submitted to the Council for approval and separate from any reserved matter planning application. This scheme is required to provide a comprehensive amount of information, including affordable housing type, tenure, construction timing and details of the affordable housing provider. The scheme is not a matter to be considered or determined as part of a reserved matter submission.

The overall accommodation to be provided comprises 6 one bedroom apartments, 4 two bedroom houses, 10 three bedroom houses and 8 four bedroom houses

The Senior Housing Officer supports the size of the affordable housing detailed within the application and is satisfied that the proposal is capable of meeting an identified current local need.

The number of open market dwellings within the development is fixed in the outline planning permission and the Planning Obligation. It is not a matter for consideration as part of this reserved matters application.

Ecology/Biodiversity

Biodiversity considerations in relation to this development comprise biodiversity mitigation and enhancement within the site and the mitigation of the impacts on internationally protected Dorset Heathlands.

In terms of the former, in the appeal decision the Inspector noted that the proposal had taken account of the likely presence within the site of Great Crested Newts and evidence of badger activity. Mitigation measures were included within a Council Natural Environment Team approved Biodiversity Mitigation Plan (BMP). This provided for enhanced habitat at the eastern end of the site, free from housing as well as other protection and enhancement measures. On this basis the Inspector was satisfied that the proposal would protect the biodiversity interests of the site and the implementation of the BMP was secured by an express condition of the outline planning permission. Consequently it is not part of the assessment of this application. As indicated earlier in this report adjustments and updating of the BMP are subject of application reference 6/2019/0086 and this will provide for biodiversity mitigation and enhancement required as part of the outline permission to align with the design detail of the reserved matters application if approved.

In terms of Dorset Heathlands, an Appropriate Assessment has been undertaken during the processing of the application in accordance with requirements of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to Section 40(1) of the NERC Act 2006 and the NPPF. Required mitigation of the impacts on internationally protected Dorset Heathlands will be dealt with through the Community Infrastructure Levy (CIL) charging process.

16.0 Conclusion

There are no material considerations that warrant refusal of the application. The development has outline planning permission. Approval of these reserved matters would accord with the Development Plan and the objectives of the NPPF and would help deliver affordable housing in an acceptable location for a rural exception site.

The detailed design proposals are acceptable in terms of impact on the character and appearance of the area. There are no objections on highway safety or traffic grounds. There will not be demonstrable harm to neighbouring residential amenity.

17.0 Recommendation

GRANT approval of Reserved Matters

With the following conditions:

1. The development permitted must be carried out in accordance with the following approved plans drawing numbers:

7502-L01, 7502-SK01, 7502-D02RevB, 7502-D03RevB, 7502-D04, 7502-D05, 7502-D06RevA, 7502-D07RevA, 7502-D08, 7502-D09, 7502-D10RevB, 7502-D11RevB, 7502-D12, 7502-D13, 7502-D14RevA, 7502-D15, 7502-D16, 7502-D17, 7502-D18, 7502-D19, 7502-D20RevA, 7502-D21RevA, 7502-D22RevA, 7502-D23, 7502-D24RevA, 7502-D25RevA, 7502-D26RevB, 7502-D27, 7502-D28, 7502-D29, LA01-D-Landscape Strategy, 18027-0202-P07 and 18027-WFB-00-ZZ-DR-C-0202.

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

2. Despite the information submitted with the application no trees shall be felled other than the following trees identified on the Soundwood Tree Consultancy drawing SW1a 'Tree Constraints Management Works' Tree numbers:- 288 sycamore, 301 sycamore, 302 ash, 307 ash, 308 hawthorn, Part G1 - 9 sycamore, G3 - 9 sycamore, G4 - 5 ash and 9 sycamore (total 37 trees).

Reason: To prevent the unnecessary removal of existing trees to ensure that the development does not have a detrimental impact upon the character and appearance of the Dorset AONB.

3. Despite the information submitted with the application this approval does not relate to any details of surface water drainage, foul water drainage, water supply or other utilities infrastructure shown on any approved drawing. Before any ground works start details of surface water management and foul water drainage disposal are required to be submitted to and approved in writing by the Council under the terms of condition numbers 4 and 5 of the outline planning reference 6/2015/0687.

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

4. Despite the information submitted with the application, before any above ground work takes place details of boundary walls, fencing and any changes to ground levels must be submitted to and approved in writing by the Council. The development must then be implemented in accordance with the approved details.

Reason: To ensure proper control is exercised on these details so that the development does not have a detrimental impact upon the character and appearance of the Dorset AONB.

5. Despite the information submitted with the application, before any above ground work takes place precise details of new tree and shrub and other planting shall be submitted to and approved in writing by the Council. The development must then be implemented in accordance with the approved details. All planting must take place within the first full planting season following the substantial

completion of the development or the first occupation of the dwellings, whichever is the sooner.

Reason: To ensure proper control is exercised on these details so that the development is enhanced and does not have a detrimental impact upon the character of the Dorset AONB.

6. Before any above ground work takes place a maintenance schedule and management plan in respect of the planting required under condition 5 shall be submitted to and approved in writing by the Council. The planting must then be maintained in accordance with the approved maintenance schedule and management plan. Any trees or plants of the agreed landscape scheme which within a period of five years from the completion of development die, are removed or become seriously damaged or diseased, must be replaced in the next planting season with others of similar size and species, unless local planning authority gives written permission to any variation.

Reason: To ensure the landscaping of the site establishes successfully.

7. The manufacturers name, product name and colour of: all external facing and roofing materials for the buildings; all surfacing materials of footpaths; accesses; driveways and; parking areas, 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 and in order to ensure that the materials used do not have a detrimental impact upon the Dorset AONB.

8. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Numbers 18027-0202-P07 and 7502-01-D02RevB must be constructed, unless otherwise agreed in writing by the Council. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

9. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number 18027-WFB-00-ZZ-DR-C-0202 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 for the lifetime of the development.

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

10. Before the development hereby approved is occupied or utilised provision must be made to ensure that no surface water drains directly from the site onto the adjacent public highway.

Reason: To ensure that the site is properly drained and that surface water does not flow onto the highway.

11. No street lamps or other external lighting fixtures may be installed in the development.

Reason: To avoid external lighting having a detrimental impact upon the character of the Dorset AONB.

12. Informative Note - Community Infrastructure Levy. This approval 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 approval that requires a financial payment. Full details are explained in the notice.

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

14. Informative Note - Privately managed estate roads. As the new road layout does not meet with the Highway Authority's road adoption standards or is not offered for public adoption under Section 38 of the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.

15. Informative Note - Advance Payments Code. The applicant should be advised that the Advance Payments Code under Sections 219-225 of the Highways Act 1980 may apply in this instance. The Code secures payment towards the future making-up of a private street prior to the commencement of any building works associated with residential, commercial and industrial development. The intention of the Code is to reduce the liability of potential road charges on any future purchasers which may arise if the private street is not made-up to a suitable standard and adopted as publicly maintained highway. Further information is available from Dorset County Council's Development team. They can be reached by telephone at 01305 225401, by email at dli@dorsetcc.gov.uk, or in writing at Development team, Dorset Highways, Environment and the Economy, Dorset County Council, County Hall, Dorchester, DT1 1XJ.

16. Informative Note - Fire safety. To fight fires effectively the Fire and Rescue Service needs to be able to manoeuvre its equipment and appliances to suitable positions adjacent to any premises. Therefore, the applicant is advised that they should consult with Building Control and Dorset Fire and Rescue Service to

ensure that Fire Safety - Approved Document B Volume 1 Dwelling houses B5 of The Building Regulations 2006 can be fully complied with.

17. Informative Note - Superfast broadband. Please give some thought to how your new development will be ready to connect to superfast broadband for use by the occupants. Find out more about BT Openreach and the Home Builders Federation cost sharing approach via this website link <http://www.newdevelopmentsopenreach.co.uk/> BT Openreach and Virgin Media also have the following guides: <http://www.newdevelopments-openreach.co.uk/developers-andarchitects/developershandbook.aspx> Page 25 https://keepup.virginmedia.com/Content/networkExpansion/doc/New_Build_Developers_Guide.pdf Dorset Council has also produced information for developers about providing fibre broadband in new housing developments at: <https://www.dorsetcouncil.gov.uk/business-consumers-licences/superfastdorset/about-superfastdorset/guidance-for-property-developers.aspx>.

18. 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 additional information to the scheme/address issues was given which were found to be acceptable.

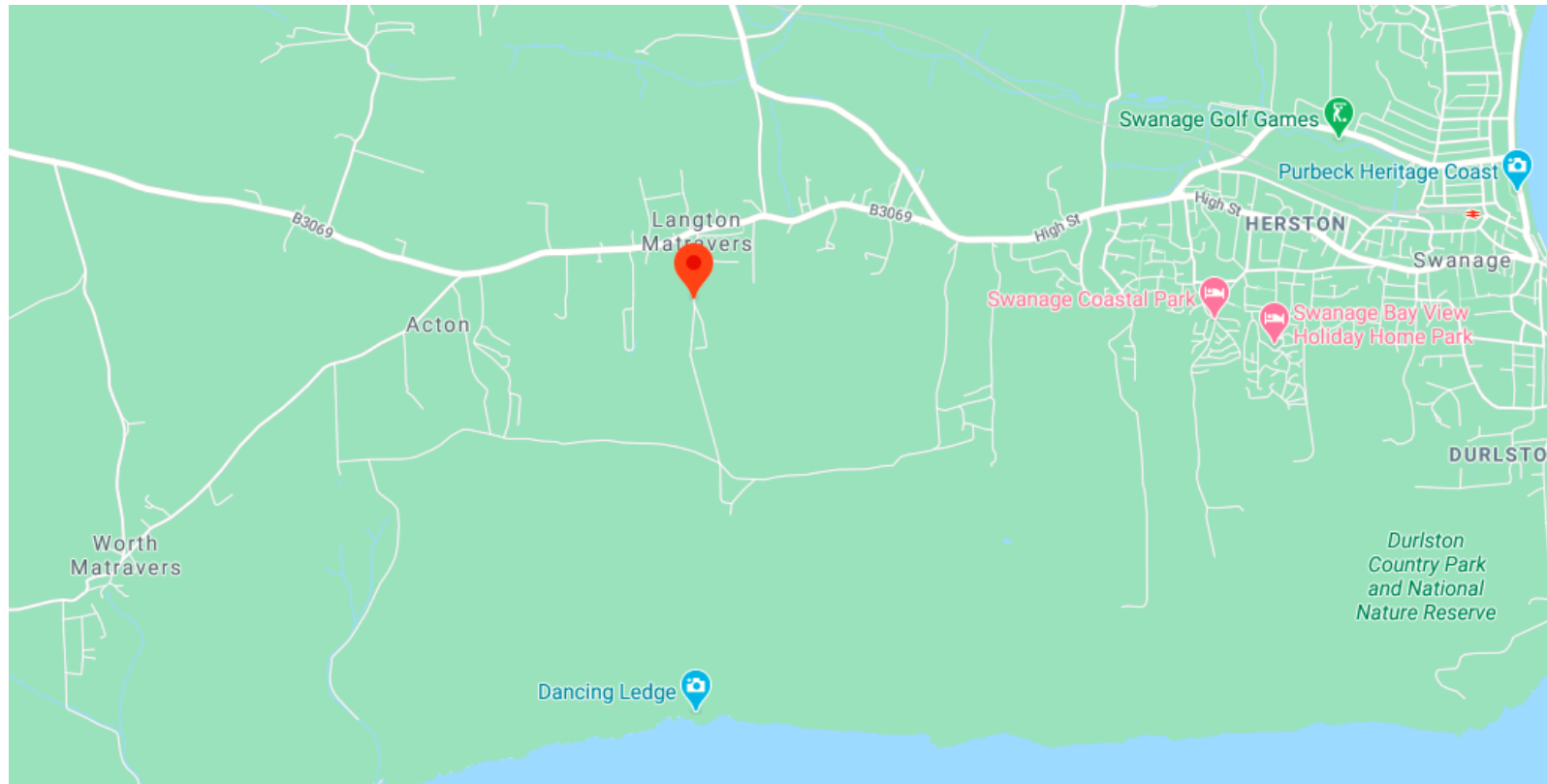
Approximate location of site on map



Application Reference: 6/2018/0606

Address: Spyway Orchard, Durnford Drove, Langton Matravers, Swanage, BH19 3HG

Application: Rural exception site for a development of 28 dwellings (22 affordable and 6 open market) - Reserved Matters - access, layout, appearance, scale & landscaping



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REPORT SUMMARY

REFERENCE NO.	3/19/1504/FUL
APPLICATION PROPOSAL	Erect a pair of 3 bedroom semi-detached two storey houses, with associated parking. Demolish existing garages. (Amended description).
ADDRESS	Garage Court at New Merrifield Colehill Wimborne BH21 7AL
RECOMMENDATION	GRANT subject to conditions (see Section 12 of the report for the full recommendation)
REASON FOR REFERRAL TO COMMITTEE	The Nominated Officer has referred this application to the Planning Committee, to allow consideration of the concerns raised by the Parish Council with regards to the loss of the garage forecourt.
SUMMARY OF REASONS FOR RECOMMENDATION	<ul style="list-style-type: none">• The proposal comprises new residential development within the urban area which will contribute to housing provision.• 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 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.• The number of residential units (2) and the mix of unit sizes (3 bedroom dwellings) are considered to be appropriate for this site.• The traffic movements generated by the development can be accommodated without detriment to highway safety and adequate parking will be provided to serve the dwellings• Adequate mitigation can be secured through planning conditions to offset any harm to the ecological and biodiversity value of the site.• The development would not be significantly harmful to the residential amenities of nearby dwellings by reason of loss of privacy, overshadowing, dominance or noise; and an acceptable level of residential amenity is capable of being provided for occupiers of the proposed dwellings.• Adequate parking provision will be provided to serve the proposed dwellings• The scale, layout, design and landscaping of the development would respect the context of the site and preserve the visual amenities of the locality.• Other environmental impacts have been assessed and there are not any which are potentially significant and which cannot be controlled by conditions.• Other issues raised by consultees have been assessed and there are not any which would warrant refusal of the application.

INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL

The following are considered to be material to the application:

Contributions to be secured through Community Infrastructure Levy (CIL) payments:
£23,300 (approx. 11649 x 2)

The following are not considered to be material to the application:

Estimated annual council tax benefit for Dorset Council: £3,200 (approx.)

Estimated annual council tax benefit total: £4000 (approx.)

APPLICANT	Aster Group	AGENT	Mr Samuel Croft
WARD	Colehill & Wimborne Minster East	PARISH/ TOWN COUNCIL	Colehill Parish Council
PUBLICITY EXPIRY DATE	30 September 2019	OFFICER SITE VISIT DATE	04 September 2019
DECISION DUE DATE	23 October 2019	EXT. OF TIME	07 February 2020

RELEVANT PLANNING HISTORY:

There is no relevant planning history on the application site.

The following relates to Treetops, a dwelling sharing the southern boundary:

App. No	Description	Decision	Date
3/18/1695/FUL & 3/19/0299/NMA <i>[neighbour to south]</i>	Treetops: Erection of a one and a half storey cottage and a garage for the principal dwelling (Treetops). Amendments approved under Non material amendment application.	Granted	10.12.2018 & 27.02.2019
3/16/0645/TTPO <i>[neighbour to south]</i>	Treetops: Fell Scots Pines trees (T17 & T20 to T26)	Granted	24.06.2016

MAIN REPORT

1.0 DESCRIPTION OF SITE AND SURROUNDINGS

1.01 The application site has an approximate area of 0.06ha and is located within the Wimborne and Colehill urban area. Access to the application site is from New Merrifield to the north between two storey properties, 8 & 9 New Merrifield. The site comprises a surface level parking forecourt in front of 8 single storey flat roofed garages which are positioned outside of the site but along the northern edge. The agent has confirmed that the garages are to be demolished but this will be dealt with outside of this application process; it is anticipated that prior approval will be sought under the Town and Country Planning (General Permitted Development) Order Schedule 2, Part 11, Class B.

- 1.02 Dwellings in the surrounding area comprise two-storey semi-detached & terraced dwellings, with some terraced bungalows. The bungalows at 18-23 New Merrifield have grassed front gardens and pedestrian only access; a path runs in front of these properties between the New Merrifield cul-de-sac to the east and the application site. Without highway access these properties are dependent upon the parking area now proposed for development or on-street parking.
- 1.03 The two-storey semi-detached dwellings at 9-12 New Merrifield also lack front gardens with sufficient depth to achieve full off-street parking. These properties appear to use the garages & parking areas within the application site, and there is some parking over pavements.
- 1.04 The row of 8 single storey garages lie at the end of the rear gardens of no's 9-12 New Merrifield and face the application site northern boundary. Consultation responses suggest that these garages are currently leased to various individuals in the vicinity, including to occupants of some of the properties already mentioned and a dwelling to the south of the site.
- 1.05 The site lies outside of the Burts Hill Conservation Area which sits to west, beyond and including Merrifield Road, and to the north beyond New Merrifield road.
- 1.06 Fencing runs along the access road and western boundary, while vegetation and hedges form the southern boundary. There are some Tree Preservation Orders (TPOs) within close proximity; the TPOs adjacent and overlapping the southern site boundary are TPO ref: CO/116 group ref: T26 & CO/116 group ref: T25 respectively. There are also large trees located to the west of the timber fence/brick western boundary.
- 1.07 A Grade II Listed building (Little Thatch) is located across the road from the north-east of the application site. (Historic England list entry number: 1031528).
- 1.08 Adjoining properties to the application site are:
- Rear gardens of no's 9, 10, 11 & 12 New Merrifield to the north boundary beyond the garages
 - Sides of no's 9 & 8 New Merrifield to the west & east (respectively) of the access road within the application site
 - Side of no. 23 New Merrifield (bungalow) to the most easterly part of the eastern boundary
 - Treetops (dwelling) to the south screened by trees and vegetation

2.0 PROPOSAL

- 2.01 The proposed development comprises of the erection of 2 no. new semi-detached dwellings. Whilst the existing row of garages to the north are outside of the application site, the proposal would render them inaccessible. Although the garages are not included in the application site they are not shown on the

proposed plan and the agent has confirmed by email that the garages will be demolished outside of this application process by means of an application to the Local Planning Authority to determine if prior approval will be required.

- 2.02 The existing forecourt to the garages for surrounding residents would no longer be available as a parking forecourt for neighbouring properties and would instead provide a total of 4 no. parking spaces for the proposed 2 no. semi-detached dwellings. Those who use the existing parking forecourt and garages would have to find alternative parking nearby either on plot frontages or on-street parking. During the application process, in response to officer and third party concerns regarding the loss of parking, the Agent submitted a Transport Note (produced by Evoke), which included the findings of a Parking Survey in support of the application.
- 2.03 Each semi-detached dwelling would provide 3 no. bedrooms at first floor level.
- 2.04 Materials are proposed to match the surrounding dwellings which are brick.
- 2.05 The site will be screened from development to the south by mature vegetation and boundary treatment to side and rear dwelling boundaries would be 1.8m close boarded fencing to match existing timber fencing in the surrounding area.

3.0 SUMMARY OF INFORMATION –

<i>All measurements are approximate</i>	Existing	Proposed
Site Area (ha)	0.06 ha	0.06 ha
Use	Parking forecourt serving 8 garages	Residential
Approximate Ridge Height (m)	Adjoining garage height not supplied	7.25m/8m
Approximate Eaves Height (m)	Adjoining garage height not supplied	5.35m
Approximate Length (m)	Adjoining garage block 5.2m	Total 7.1m
Approximate Width (m)	Adjoining garage block 20.15m	11.4m (5.7m each approx.)
Distance from east (front) boundaries (minimum in metres)	N/A	6.75m
Distance from north (side) boundary to rear of 9-12 New Merrifield	N/A	0.9m

(minimum in metres)		
Distance from north boundary to New Merrifield (road) (minimum in metres)	N/A	30.7m (direct line from dwelling to boundary across no. 9)
Distance from west (rear) boundary (minimum in metres)	N/A	7.8m
Distance from south (side) boundary (minimum in metres)	N/A	0.35m
No. of Storeys	N/A	2
Parking Spaces	Approx. 18 parking spaces. (14 if method from Parking Survey is used).	4 parking spaces.
No. of Residential Units	N/A	2
No of Bedrooms	N/A	(3 bedrooms x 2 dwellings) 6 total

4.0 RELEVANT PLANNING CONSTRAINTS

- SSSI Impact Risk Zone
- Heathland 5km Consultation Area
- Rights of Way - 3.53m
- Airport Safeguarding
- Open Space/Recreation
- Main Urban Area
- Adjacent Tree Preservation Orders TPO ref: CO/116 group ref: T26 & CO/116 group ref: T25
- Beyond but immediately east of the Conservation Area

5.0 POLICY AND OTHER CONSIDERATIONS

The guidance contained in the National Planning Policy Framework (NPPF) is a material consideration.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Christchurch and East Dorset Local Plan and saved policies of the East Dorset Local Plan 2002.

Development Plan:

Christchurch and East Dorset Core Strategy 2014

The following policies are of particular relevance in this case:

- KS1 Presumption in favour of sustainable development
- KS2 Settlement Hierarchy
- HE1 Valuing and Conserving our Historic Environment
- HE2 Design of new development
- HE3 Landscape Quality
- LN1 The size and type of new dwellings
- LN2 Design, Layout and Density of New Housing Development
- ME2 Protection of the Dorset Heathlands
- KS12 Parking Provision
- ME1 Safeguarding biodiversity and geodiversity

Supplementary Planning Documents:

- Dorset Heathlands Planning Framework SPD

The National Planning Policy Framework (2019)

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

- Section 9 Promoting sustainable transport

Transport issues are to be considered from the earliest stages of development proposals. It is recognised that 'opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account' (para 103). When considering applications paragraph 110 requires that applications should (inter alia) give priority to pedestrian and cycle movements and to facilitating access to public transport, should address the needs of people with disabilities and reduced mobility, create places that are safe, secure and attractive and allow for delivery of goods and access by service and emergency vehicles.

- Section 12 Achieving well-designed places

The requirement for good design set out in section 12; paragraph 127 requires that development should add to the overall quality of the area. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions (para 130).

6.0 LOCAL REPRESENTATIONS

6.01 In addition to letters to neighbouring properties, a site notice was posted outside the site on 04.09.2019 with an expiry date for consultation of 30.09.2019. A further letter consultation was carried out on 09.09.2019 following the amendment of the description.

6.02 11 representations have been received, all of these raising objection. The issues raised are summarised in the table below. See Section 8.0 of this report for the officer level responses to the points below.

Summary of Objections & Comments from third parties	
Use, Design & Impact on Character of the Area	<ul style="list-style-type: none"> • The site is described as within the urban area - it is within a rural area. • Overdevelopment and design is inappropriate in scale, bulk and height. • 2-storey height is not in character with the surrounding • Ridge height too high along with elevated site.
Amenity & Neighbouring amenity	<ul style="list-style-type: none"> • Bedrooms don't meet the National Housing Minimum Standards. • Intrusive, harmful visual impact to neighbouring amenity • Southerly semi-detached dwelling is too close to the southern boundary of the site. • Removal of vegetation/trees may lead to harmful overlooking and loss of privacy/amenity. • Loss of gardens for existing residents of New Merrifield. • No provision of a footpath along New Merrifield road. • Buildings too close to boundaries.
Displacement of Parking	<ul style="list-style-type: none"> • Displacement of 19 vehicles • No provision for parking, during & after the construction & a further 4 existing cars on service road. • Parking demand would increase due to the displacement & hinder access for emergency service vehicles. • No provision for resident/visitor parking who have to use the garage court, nor visitors, care workers, delivery vans and ambulances etc. • To find alternative garaging nearby would be an impossible task. • Disabled residents unable to park near to their homes. • Parking issues already exist in the area. • Not all dwellings around the application site have driveways or parking spaces. • Those who rent the garages were not informed of the proposal, other than by the site notice and/or neighbour letters for the planning application.
Access, Traffic, Infrastructure & Road Safety	<ul style="list-style-type: none"> • Access from New Merrifield which is a rural unmade road. • Merrifield is a single road, with no passing places, & badly maintained • Health and Safety of elderly residents/children during construction & the additional vehicle access. • Merrifield is used as a footpath for walkers, horse riders, pony trap, elderly residents and young children who cycle in the road.
Ecology/ Environment	<ul style="list-style-type: none"> • Garage Court to New Merrifield is a bat fly route. • Slow worms, grass snakes and bats have been sighted in and around the green area. • Concern for the habitats of existing wildlife.

Trees	<ul style="list-style-type: none"> • Application failed to identify the trees and hedges on and adjacent to the application site/ important in terms of landscape character. • No mention of replanting of 3 oak trees to replace diseased TPO trees removed from Treetops (property to the south). • The most southerly dwelling is too close to trees/vegetation.
Conservation Area	<ul style="list-style-type: none"> • Site is close to the Burts Hill Conservation Area
Construction	<ul style="list-style-type: none"> • Construction works and addition of heavy vehicles - chaos and safety issues for residents • Noise, dust & loss of privacy, during and after the works.

7.0 CONSULTATIONS

7.01 Colehill Parish Council Objection (received 05.09.2019)

'Colehill Parish Council objects strongly to this application by Aster, a housing association. Removal of the garage forecourt will have a profound effect on the many residents of New Merrifield where parking on the narrow roadways/tracks is extremely difficult. It may be true that the garages are not suitable for modern cars, but they have their uses and more so the forecourt. Furthermore, while the proposed semidetached houses may have sizes of accommodation to national standards, the designs of the bathrooms and bedroom 3 are awkward and impractical.'

7.02 Natural England No objection (received 23.09.2019) *'No objection subject to mitigation being secured.'*

7.03 Dorset Council Highways No objection subject to condition (received 18.09.2019) *'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.'*

Further comments following receipt of the Transport Note (02.03.2020)
'The information supplied within the Transport Note appears acceptable; therefore I have no concerns, and nothing further to add to my observation of 18 September 2019.'

7.04 Dorset Council Conservation Officer Comments (received 11.10.2019) *'The proposal will have no greater effect upon the setting of the Conservation Area, than the garages do at present. Therefore I have no objections.'*

7.05 Dorset Council Trees & Landscape Comments (received 16.10.2019)

'Following my initial site visit an Arb report (Hellis Arb and Landscape ref: 19/08/143/NH) has now been submitted in support of the submission. I am of agreement that the need for tree protection measures are not needed in this instance. Recommendation: No Objection.'

8.0 APPRAISAL –

8.01 The main considerations involved with this application are:

- the principle of the development
- the impacts upon the character of the area
- the impacts on neighbouring amenity
- the impact upon the Conservation Area
- the impact upon ecology
- the impact upon parking provision

These points will be discussed as well as other material considerations under the headings below.

Principle of Development

8.02 The site is located on the edge of, but within the Wimborne and Colehill urban area. Objections on the basis of a rural location are unfounded. The principle of development is acceptable subject to compliance with local and national planning policies. The proposal will make a modest contribution to housing supply and the size of the properties accords with local need for 2 and 3 bedroom houses identified by the Council's Strategic Housing Market Assessment (SHMA).

8.03 In addition to compliance with the SHMA, policy LN1 requires that all housing be built to meet minimum space standards. The minimum space standard for a three-bedroom property as set out in the Christchurch and East Dorset Councils' Housing and Affordable Housing SPD is 57m². The current properties have approximately 66.5m² Gross Internal Floor Area each, and therefore do not conflict with the minimum standards required.

Design and Impact on the Character of the Area

8.04 The proposed 2 no. semi-detached 2 storey dwellings are in keeping with the character of the surrounding area and will have a limited impact upon the street scene as they are to the rear and sides of existing dwellings in New Merrifield.

8.05 The site is approximately level with properties to the north and east, however there appears to be a slight downwards slope towards the north. Whilst it is noted that the dwellings to the east/south-east of the site are single storey and some dwellings to the south are below 2 storeys in height, the proposed dwellings are sites 20m from the nearest bungalow (no. 23) which provides

appropriate separation. The dwellings will be read in relation to the two storey semis to the north and the proposed ridge heights, eaves heights, scale, massing and design reflect the existing properties and are considered to be acceptable. Appropriate materials can be secured by condition (3)

- 8.06 Policy LN2 requires that the design and layout of new housing development should maximise the density of development to a level which is acceptable for the locality.
- 8.07 The net density of the site is: 2 dwellings ÷ 0.06 hectares (ha) = 33.33 dwellings per hectare (dph), which is just above the required minimum density of 30dph set out in policy LN2 and will not conflict with local character.
- 8.08 The Parish Council has raised concerns about the arrangement and size of bedroom 3 and the bathroom in each of the dwellings. The overall floor areas of the properties meet the minimum gross internal floor areas within the National Technical Housing Standards. Although modest, the third bedroom in each property is large enough to accommodate a single bed, so refusal on this ground would not be justified.

Amenity Issues

- 8.09 The minimum separation distances (approx.) of the proposed north elevation first floor side window to the rear elevation of neighbouring dwellings are:
- 9 New Merrifield (rear elevation)
 - Two storey: 18.15m
 - Single storey rear projection: 15.1m
 - 10 New Merrifield (rear elevation)
 - Two storey: 17.4m
 - Single storey rear projection: 13.05m
 - 11 New Merrifield (rear elevation)
 - Two storey: 18.45m
 - Single storey rear projection: 13.45m

The minimum separation distances (approx.) of the proposed south elevation first floor side window to Treetops to the south has been calculated as approx. 10m to the ground floor and 15m to the first floor.

The proposed first floor front bedroom windows will look towards unenclosed space to the west of no. 23 New Merrifield Road (12m separation) and the side of that property (19m) with only oblique views of the rear garden of no. 9 to the northeast (the boundary has a separation distance of approx. 15m).

- 8.10 Given the above separation distances, there is no anticipated harmful overbearing appearance, overlooking or privacy impact arising as a result of the proposal, provided that the secondary window on the north facing and south facing elevations to bedroom 2 in both dwellings are obscure glazed. This is secured by condition (8).

Impact on Highway Safety

- 8.11 The Dorset Council Residential Parking Standards calculator identifies that a total of 4 parking spaces should be provided for 2 no. semi-detached dwellings. The proposal provides 4 parking spaces to the front of the dwellings, to the east, with access from New Merrifield to the north.
- 8.12 Dorset Council Highways considers that the proposed access and parking provision for the new properties is acceptable and has no objection to the proposal on highway safety grounds subject to the inclusion of the following turning and parking condition (condition 4):
'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.'

Displacement of Parking

- 8.13 The National Planning Policy Framework seeks to promote sustainable transport as set out in chapter 9. There is recognition that opportunities to maximise sustainable transport solutions will vary between urban and rural areas (para 103) but the planning system is to actively manage patterns of growth in support of the objectives set out in paragraph 102 which include the requirement for development proposals to consider transport issues at the earliest stages so that *'e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places'*.
- 8.14 In this case the development will result in the loss of the use of 8 garages (adjacent to the northern boundary of the site) and the parking forecourt which serves them. A Transport Note (produced by Evoke) was submitted in support of the application on 02.03.2020 following officer and third party concerns regarding loss of parking. The report states that the garages are of a limited size and *'they cannot realistically be used for the parking of modern vehicles'*. This statement is disputed by some objectors who claim that they use garages for the keeping of their cars, with 8 consultation responses providing evidence on this, from 6 households.
- 8.15 The Transport report that was submitted following officer concerns, acknowledges that the courtyard and access road provides parking opportunities for up to 22 vehicles but on the basis of a parking survey concludes that *'it is generally considered that the courtyard is underutilised'*
- 8.16 The report notes that *'the majority of properties on New Merrifield have private driveways'* (2.2.2). Whilst this is true for some properties along the northern stretch of New Merrifield, it is not the case for those to the south; properties 18-23 have no direct highway access so no opportunity to create off-street parking and are reliant upon the parking area proposed for development or

on-street parking the closest opportunity lying over 50m from no. 23. Some houses to the north (nos. 9-12) also lack front gardens with insufficient depth to achieve full off-street parking.



- 8.17 The submitted report, and indeed the application, recognises the need to provide parking for the new dwellings in accordance with Dorset's parking standards, notwithstanding the opportunities for walking, cycling and using public transport that are identified as being available within the suburban locality. It also recognises that there is higher than average car ownership in East Dorset (2.6.2) with high car reliance for accessing work (2.6.3).
- 8.18 The parking survey identifies a worst-case scenario of 16 cars being displaced (8 garage and 8 spaces) and claims that the additional parking demand can be absorbed on streets in the vicinity. The parking/traffic survey, carried out on behalf of the applicants on two weekdays in January between the hours of 00:30 & 05:30, identified that on Marshfield to the southeast parking was close to capacity but identified parking opportunities on New Merrifield (5), Merrifield (14), Colehill Lane (31) and Smugglers Lane (16). At that time, only 6 vehicles were seen parked in the parking courtyard, (the subject of this application) on the two nights surveyed, in addition to any cars parked in the garages.
- 8.19 The assessment submitted on behalf of the applicants concludes that the parking court is currently underutilised and there is ample capacity for the nearby highways to accommodate parking for the displaced vehicles.
- 8.20 Officers have had regard to the report and its conclusions, but disagree that all the areas shown as parking opportunities are realistic or accessible:
- Merrifield is a private road with signs indicating 'no parking' which explains why the survey recorded that all the spaces were available; this road should not have been included in the survey.

- When considering the findings of the report it is also important to consider the distances between the parking opportunities and the dwellings requiring spaces together with topography. Smugglers Lane is a walking distance of 200m which is not realistic for residents returning home with shopping or other heavy items.
- The survey shows that the southern part of New Merrifield (NME7 & 8) is already at close to capacity with 4 cars parked on the nights of the survey, one being parked on the pavement.

8.21 Nevertheless, it is recognised that the survey demonstrates that opportunities for parking exist along Colehill Lane, 70-120m (approx.) from nos. 18-23 and approx. 145m-190m from 8-12 New Merrifield. Some parking opportunities also exist along New Merrifield (eastern stretch). Whilst sub-optimal, especially for elderly or infirm residents, it is clear that the existing parking provision for vehicles in the garages and parking court already places parking spaces some distance from properties in a similar manner to on street parking so the main difference would be the loss of assured parking provision.

Existing dwellings	Existing walking distances to parking (exc. access) (approx. min. in metres)	Min. proposed walking distances to on-street parking (approx. min. in metres)	Difference to walking distance (approx. min. in metres)
8 New Merrifield	Garage Court: 50m New Merrifield (eastern): 128m	Colehill Lane: 145m New Merrifield (eastern): 128m	+95m 0m
9 New Merrifield	Garage Court: 43m New Merrifield (eastern): 113m	Colehill Lane: 162m New Merrifield (eastern): 113m	+119m 0m
10 New Merrifield	Garage Court: 53m New Merrifield (eastern): 130m	Colehill Lane: 173m New Merrifield (eastern): 130m	+120m 0m
11 New Merrifield	Garage Court: 61m New Merrifield (eastern): 134m	Colehill Lane: 177m New Merrifield (eastern): 134m	+116m 0m
12 New Merrifield	Garage Court: 73m New Merrifield (eastern): 144m	Colehill Lane: 189m New Merrifield (eastern): 144m	+116m 0m
18 New Merrifield	Garage Court: 74m New Merrifield (eastern): 15m	Colehill Lane: 70m New Merrifield (eastern): 15m	-4m 0m
19 New Merrifield	Garage Court: 66m New Merrifield (eastern): 25m	Colehill Lane: 77m New Merrifield (eastern): 25m	+11m 0m
20 New Merrifield	Garage Court: 53m New Merrifield (eastern): 39m	Colehill Lane: 90m New Merrifield (eastern): 39m	+37m 0m
21 New Merrifield	Garage Court: 43m New Merrifield (eastern):	Colehill Lane: 100m New Merrifield (eastern):	+57m 0m

	48m	48m	
22 New Merrifield	Garage Court: 33m New Merrifield (eastern): 56m	Colehill Lane: 108m New Merrifield (eastern): 56m	+75m 0m
23 New Merrifield	Garage Court: 20.5m New Merrifield (eastern): 65m	Colehill Lane: 120m New Merrifield (eastern): 65m	+99.5m 0m

- 8.22 Objections have been received from residents concerned about hindrance of emergency vehicle access as a result of additional on-street parking, but the parking survey takes account of areas where the road would be too narrow (less than 4.1m in width) to accommodate a vehicle safely. The new layout will not have a demonstrable impact on access by service and emergency vehicles.
- 8.23 Dorset Council Highways are satisfied that the findings of the Transport Note are acceptable and in the light of the evidence provided, Officers note that while the development misses an opportunity to contribute to creating a high quality place where residents are assured of parking opportunities, there is no contrary evidence to support refusal on the grounds of demonstrable harm arising as a result of parking displacement. On balance, therefore, it is considered that a refusal of the scheme on the grounds of displaced parking could not be substantiated.

Impact on Ecology

- 8.24 A biodiversity survey was requested, but none has been submitted. Objectors have referred to bats and reptiles in the vicinity.
- 8.25 In the absence of a biodiversity study, the Council's Natural Environment Team (NET) has advised that there may be some impact on nesting birds within and surrounding the application site so should the application be approved, it is necessary that conditions should be imposed to protect nesting birds (Condition 5), and also restrict any external lighting (Condition 6).
- 8.26 On the advice of NET it is also considered necessary and reasonable to require biodiversity enhancements to 50% of the proposed dwellings. The enhancements required are: 1 built in bat tube and 1 built-in box for birds (Condition 7).
- 8.27 Conditions 5, 6 and 7 will secure the necessary mitigation/enhancement in terms of biodiversity to accord with policy ME1.

Protection of the Dorset Heathlands

- 8.28 The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site. The proposal for a net increase in 2 residential units, in combination with other plans and documents and in the absence of avoidance and mitigation measures, is likely to have a significant impact upon the site.

- 8.29 The appropriate assessment (separate document to this report) has concluded that the likely significant effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the supporting policy documents, and that the proposal is wholly compliant with the necessary measures to prevent adverse effects on site integrity detailed within the Dorset Heathlands Planning Framework SPD 2020-2025.
- 8.31 In accordance with the SPD the Community Infrastructure Levy (CIL) includes the necessary contribution towards heathland mitigation in the form of Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). This has been effectively offered by the applicant as they have declared the proposal CIL liable. On this basis, no objection would be raised with regard to the impact of the scheme on the SSSIs.

Impact on Trees

- 8.32 Concerns were raised by objections about the impact of the proposal on trees. Following a site visit and the request of an Arboricultural report by the Tree Officer, the following document was received on 28.08.19: *'Tree Survey & Arboricultural Impact Assessment' produced by HELLIS Arboriculture & Landscape Design*'. This demonstrated that the proposal would not harm neighbouring trees.
- 8.33 Further to Tree Survey and Arboricultural Impact Assessment submission, it is considered that tree protection measures are not needed and there is no objection to the proposal from the Tree Officer.
- 8.34 The objections included mention of replacement trees following tree removal, but this relates to Treetops to the south rather than the application site.

Impact on Conservation Area

- 8.35 Whilst the proposed two storey dwellings are located in the existing surface parking forecourt, where there are currently no buildings other than those surrounding the site (including the garages to the north), it is similar in form to the two-storey dwellings located outside of the site (to the north and north-east).
- 8.36 The site lies outside of the Burts Hill Conservation Area and whilst the proposed works would as a result of their height and position, be partially visible from the Conservation Area, the proposal lies within the adjoining urban settlement and is in keeping with the character of existing dwellings in the surrounding area, in terms of storey height, form, scale and materials. The Council's Conservation Officer is satisfied that the proposal would therefore not have a harmful impact on the setting of the Conservation Area, so there is no conflict with policy HE1.

Other matters

- 8.37 Objectors have raised concerns that as tenants of the garages they were not served notice of the application. The application was accompanied by an ownership certificate, as required by Articles 13 and 14 of the Town & Country Planning (Development Management) Procedure Order 2015 which confirmed that the applicant is the sole owner of the land to which the application relates and it is noted that this excludes the garages. The Council does not have access to tenancy agreements so their nature and duration are unknown.
- 8.38 Legislation states that a local planning authority shall not “entertain” any application for planning permission where the article 13 ownership requirements have not been satisfied. If a person knowingly falsifies information on a certificate this is an offence which is dealt with outside the planning system. It does not necessarily render any permission granted on the basis of incorrect ownership unlawful as permission runs with the land and not the applicant. The grant of a planning permission does not convey rights on an applicant to carry out development on land they do not own. The application has therefore been allowed to progress.
- 8.39 Concerns have also been raised by objectors about the implications of construction traffic on the amenities of residents and highway safety. Due to the limited widths of the highway in the vicinity and the close proximity to existing dwellings it is considered necessary and reasonable to require a construction management plan including details of construction parking arrangements (condition 9). The agent agreed to the imposition of this pre-commencement condition by email on 22.05.2020.
- 8.40 All comments raised by third parties which are material considerations have been assessed within this report. Any other comments are not considered to be material to this application.

CONCLUSION

- 8.41 The development which will secure two new dwellings is acceptable in principle, as it is within the Wimborne and Colehill Urban Area, the dwelling floor areas exceed minimum standards and the proposal is in keeping with the character of the surrounding area in terms of design, materials, scale and form.

Conditions can reasonably be imposed to mitigate the potential for harmful impacts upon neighbouring amenity (condition 8 and 9), highway impact (condition 4) and ecology (conditions 5, 6 & 7). The agent's agreement to pre-commencement conditions has been secured.

It is recognised that the proposal will have an impact on local amenity with regards to the loss of parking for existing neighbouring occupants but on balance of the material considerations as outlined within the report above, this is not considered to result in such demonstrable harm that it would warrant the refusal of planning permission in this case. Approval is therefore recommended subject to the following conditions.

9.0 HUMAN RIGHTS

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

10.0 PUBLIC SECTOR EQUALITIES DUTY

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

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

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

11.0 CLIMATE IMPLICATIONS

- 11.01 The proposed development of 2 no. semi-detached dwellings is of a small scale and will not have a significant impact upon climate change. The proposed development is within a sustainable location within the urban area and should planning permission be granted, the dwellings should be constructed to comply with Part L of the Building Regulations.

12.0 RECOMMENDATION

GRANT, subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - SC/Aster/MF/01 Location Plan (dated March 2019, received 15 July 2019)
 - SC/Aster/MF/03 Block Plan - Proposed (dated June 2019, received 15 July 2019)
 - JH/Aster-101 Layout & Elevations As Proposed (dated June 2019, received 15 July 2019)
 - Tree Survey & Arboricultural Impact Assessment (dated August 2019, received 28 August 2019)

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

3. The materials and finishes to be employed on the external faces of the development, hereby permitted, shall match those of the existing surrounding buildings and as per the Agent emails (received 31.07.2019 & 22.05.2020), unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory visual relationship of the new development to the existing.

4. Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted approved 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.

5. The cutting or removal of vegetation/trimming of trees shall not take place during the bird nesting season (which runs from 1 March to 31 August), without the prior submission of details to, and their written approval from the Local Planning Authority. Details that are submitted to the Local Planning Authority for approval should demonstrate that the works would not have an adverse impact upon active wild bird nests. Thereafter the works shall be undertaken in accordance with the approved details.

Reason: To ensure the adequate protection of bird species and its habitat protected by law that may exist on the site.

6. No external lighting shall be installed unless details have first been submitted to and agreed in writing by the Local Planning Authority and the lighting shall thereafter be maintained in accordance with the agreed details.

Reason: In the interests of protecting bird and bats.

7. Prior to the first occupation of any of the proposed dwellings, one bat tube and one built-in box for birds shall be installed into the fabric of the dwellings hereby permitted and details, including photographs to demonstrate installation, shall be submitted to the Local Planning Authority. The bat tube and nesting box shall thereafter be maintained in perpetuity and replaced if damaged.

Reason: In the interests of biodiversity and to provide net gains for nature.

8. Both in the first instance and upon all subsequent occasions, the windows above ground floor level on the side north elevation and the side south elevation shall be glazed with obscure glazing to industry standard Level 5 Obscurity. These windows shall either be fixed closed or have a top opening fanlight with the cill of the opening part at least 1700mm above the floor level of the room they serve and the lower section fixed shut.

Reason: To preserve the amenity and privacy of the occupants of neighboring properties.

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. hours of operation

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

Informatives:

1. The applicant is advised that there may be nesting birds within the application site and surrounding areas. The applicant is advised that the cutting or removal of vegetation/trimming of trees should be outside of the bird nesting season, which runs from 1 March to 31 August.
2. Bats are a protected species.
3. CIL Informative

Background Documents:

Case Officer: Ellie Lee

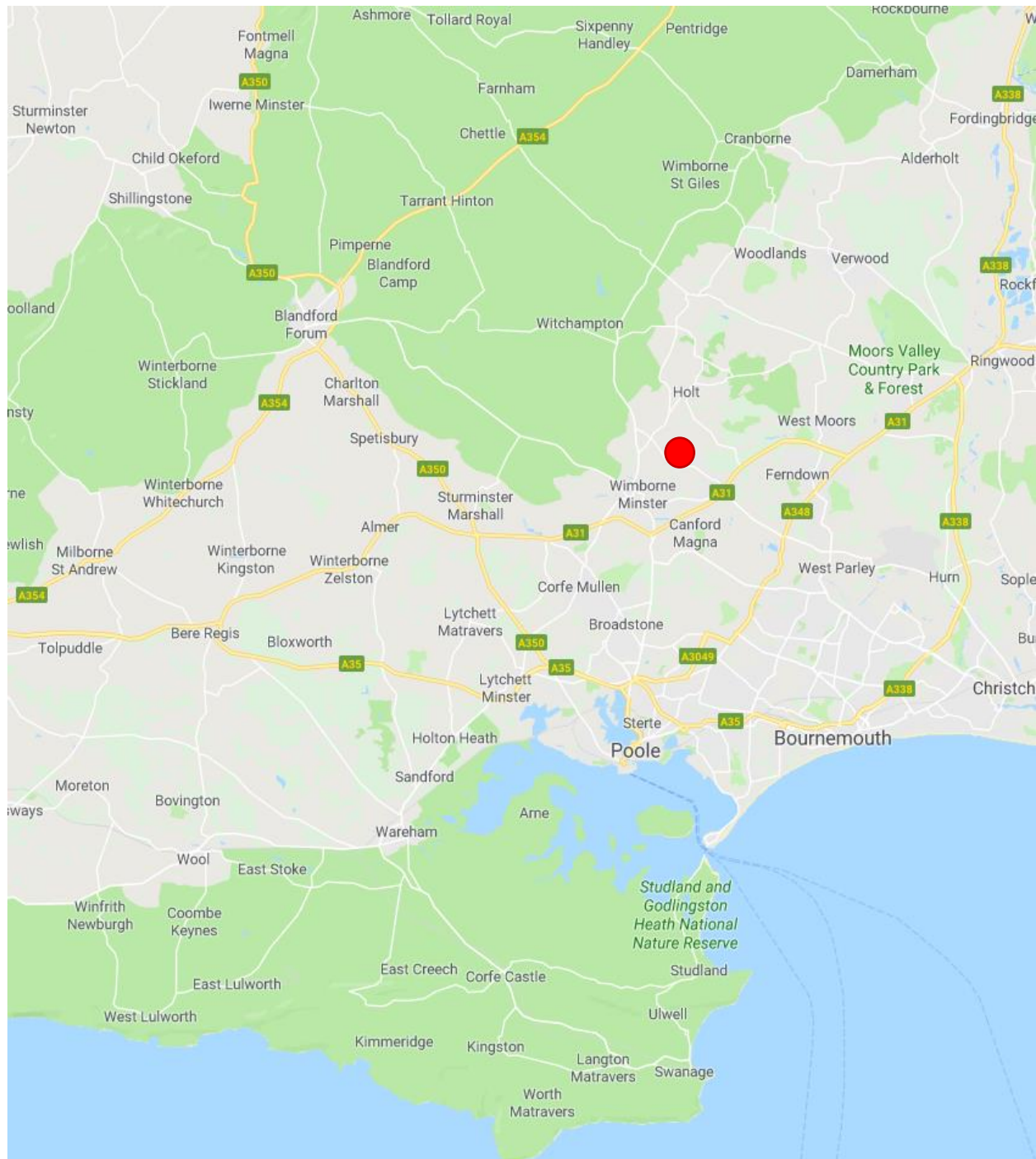
NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

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

Approximate Site Location ●

3/19/1504/FUL – Garage Court at New Merrifield Colehill Wimborne BH21 7AL

Proposal: Erect a pair of 3 bedroom semi-detached two storey houses, with associated parking. Demolish existing garages. (Amended description).



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1.0 Application Number: 6/2019/0443

Webpage: <https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2019/0443>

Site address: Upton Oil Co Ltd, Blandford Road North, Upton, Poole, BH16 6AA

Proposal: Demolition of existing buildings, and the erection of a Class A1 discount foodstore with associated access, car parking and landscaping

Applicant name: ALDI Stores Ltd

Case Officer: Peter Walters

Ward Member(s): Councillor Alex Brenton, Councillor Bill Pipe & Councillor Andrew Starr

The application is being presented to the Planning Committee as the Service Manager for Development Management and Enforcement considers that it is appropriate for the Committee to determine the application.

2.0 Summary of recommendation:

GRANT subject to conditions and a S106 agreement

3.0 Reason for the recommendation: as set out in paras 16 at end

- Para 14 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 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
- The proposal is not considered to harm the viability or vitality of either Upton or Poole Town Centres.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable – within the settlement boundary of Upton. Considered to be an edge of town centre site with no other suitable sites within Upton.
Impact on the viability of Upton Town Centre	Acceptable – impact on the viability of other stores within Upton not considered to be sufficient enough to

	result in their closure
Scale, design, impact on character and appearance	Acceptable – scale of the building is not excessive and the standardised design is not harmful to the character and appearance of the area
Impact on amenity	Acceptable – store set away from nearest residential properties so not overbearing. No concerns regarding privacy. Parking spaces are set away from the gardens of neighbouring residential properties. Hours of operation and delivery times will be the subject of a condition.
Highway safety and Parking	Acceptable – subject to conditions and Section 106 agreement
Flooding and Drainage	Acceptable – subject to conditions
Contaminated Land	Acceptable – subject to conditions
Proximity to SSSI heathland	Acceptable – proposed use is not considered to be likely to increase or encourage use on protected heathland.
Biodiversity	Acceptable – Biodiversity Mitigation Plan has been approved by the Natural Environment Team
Proximity to Public Right of Way	Acceptable – however public right of way must not be blocked without prior consent
Economic Benefit	The equivalent of 30 full time jobs would be provided by the development.

5.0 Description of Site

The site is a plot of land 0.79 hectares in size, situated to the east of Blandford Road North (B3068) and to the south of the main A35 dual carriageway. Access is to the west of the site from Blandford Road North. To the north west of the site is the interchange between the A35 Lytchett Minster to Poole Road, the A350 to Blandford and the B3068 Blandford Road North to Upton Town Centre and Hamworthy. This is screened by established vegetation. The height of the road at this corner is approximately 4.5m above the ground level of the site.

Between the screening and the site is a small stretch of road, formerly forming part of the A350 Blandford – Poole route prior to the construction of the bypass.

The road formerly sited a mini recycling centre however, it is now unused but remains accessible. The land is in the ownership of the Council.

To the east of the site is some screening, with residential properties abutting the site boundary. Similarly residential properties are adjacent to the southern boundary of the site. To the north west of the site is public open space, owned by Upton Town Council, featuring a skate park.

Two public rights of way exist, beginning beyond the north-western corner of the site. The first is a bridleway SE18/6 that runs along the northern border of the site, the second is a footpath, SE18/25 that runs away from the site. Both footpaths join the former road.

The site has most recently been used by the Upton Oil Company. It has a dual use as an oil depot and petrol station. It is unclear when this use first began however historic mapping indicates that it was established by the end of the Second World War.

The site is currently not in use, however the previous buildings and structures remain, with the exception of the fuel pumps. The scale of the buildings varies from single storey flat roof huts to the main building which is approximately 7.3m in height.

The ground level of the land changes, with the eastern end of the site, nearest Upton Close is at a higher ground level than the rest of the site (the north western part of the site is lowest at 19.47m above datum whilst the highest point at 23.26m).

The west of the site was formerly open, with a low level wall providing a physical boundary. An earth bund has subsequently been installed for security purposes. The rest of the site is bounded by a steel fence, approximately 2m in height. There is little in the way of vegetation on the site, the exception being three trees on the western boundary facing onto Blandford Road North, and another set in the south eastern part of the site.

The surrounding area is predominantly residential nearly all of it mid-20th Century development. The area is characterised by the different phases of residential development, with varying densities and building scales. Upton Town Centre is approximately 240m to the south of the boundary of the site, which has a dispersed layout, with a number of businesses.

6.0 Description of Development

The proposal is to erect a discount supermarket (A1 use class), with 1802 square metres of gross floor space of which 1315 square metres will be used as the retail area and the rest of the space used for storage and staff facilities. A bay for unloading deliveries will be constructed on the north eastern elevation, recessed

into the ground, with the lowest point being situated approximately 1.2m below the finished floor level of the rest of the store.

The store will have a mono pitched roof, which at its lowest point on the eastern elevation is approximately 4.9m and at the highest point on the western elevation is approximately 8.7m. It will be at its longest point (including the front canopy) approximately 60m, and at its peak width, including the warehouse area approximately 37.5m.

The proposal includes the formation of a new car park, providing 132 car parking spaces, of which two will provide an electrical charging point, and 8 will be designated as parking spaces for parents with young children. The car park will also provide 4 parking spaces for disabled users and 10 spaces for bicycles.

A new access is also proposed as part of the development. A totem sign is proposed however the applicant has indicated that they will apply for separate advertisement consent if this application is approved. The proposal also includes a planting and landscaping scheme for the car park.

7.0

Relevant Planning History

- The use of the land as an oil depot and garage was established prior to the introduction of the planning system.
- In 1952, an application to extend the garage and workshop was approved (reference 301738).
- In 1957, advertisement consent for the erection of an illuminated sign was approved (reference 304380).
- In 1959, an application for a further extension was approved (reference 305396).
- In 1959, an application to make alterations to the forecourt and access at Upton Oil Company was approved (reference 305683).
- In 1959, an advertisement consent application for further signage was approved (reference 305835).
- In 1959, an application to erect an additional workshop and office accommodation was approved (reference 306019).
- In 1961, an application for an oil storage building was approved (reference 307659).
- In 1967, an application to site four new storage tanks was approved (reference 312711).

- In 1999, an application to site a new autodiesel storage tank to replace the two existing tanks was approved (6/1999/0035).
- Later in 2000, an application to erect a chain link perimeter fence with barbed wire on top supported by angled posts was approved (6/1999/0840).
- In 2003, an application to install new fuel storage tanks and loading gantry, a new loading bay and off-loading point was approved (6/2003/0837).
- In 2010, permission was granted to reposition the kiosk and fuel tank to accommodate the pedestrian hard standing (6/2010/0596).

8.0 List of Constraints

- Within settlement limit
- Historic Contaminated Land - Description: Oil storage depot
- Heathland Consultation Area
- Adjacent to public right of way
- Surface water flooding risk

9.0 Consultations

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

Consultees

Natural England

- No objection in principle
- However, further information required regarding how reptile populations will be avoided and their habitats enhanced.
- Also concerns about changes to the right of way encouraging more people to access the heathland.
- The Biodiversity Mitigation Plan should be accompanied by a certificate from the Natural Environment Team
- These matters have now been addressed and Natural England have no objections to the proposal

Environment Agency

- No objections subject to conditions in relation to a further more detailed assessment being undertaken, verification that the works have been carried out, monitoring of the works and agreement to submit further details if additional contamination is discovered.

Lambert Smith Hampton (Council's Retail Consultant for this application)

- Initial response outlined the need to include convenience goods stores in Poole Town Centre in the Retail Impact Assessment.
- Consider that the proposal would have an impact of -12.5% impact upon Upton Town Centre and -19% on convenience stores in Poole Town Centre
- The impact upon both Upton and Poole Town Centres would not be sufficient to adversely impact their vitality and viability.
- A condition should be included on the planning permission restricting the use to being a deep discount retailer, as this will protect other businesses in Upton that could otherwise be adversely affected, leading to harm to the vitality and viability of Upton Town Centre.

Dorset Council Economic Development

- Positive economic contribution
- Reduces the need for car travel elsewhere

Dorset Council Public Heath

- Querying the daytime and night-time figures for consideration of background noise levels
- Recommends that deliveries only take place between 08:00 and 22:00
- Contaminated land remediation is considered to be acceptable
- Conditions are recommended

Dorset Council Planning Policy

- Officers will need to consider there are alternative suitable sites and whether the development will be harmful to Upton Town Centre

Dorset Council Lead Local Flood Authority

- Acceptable scheme for the discharge of surface water run-off utilising the existing Highways Drainage system, at an attenuation of 14l/s.

Dorset Council Rights of Way Officer

- Public right of way must be remain free of obstruction
- Damage must be suitably repaired

Dorset Council Highways Team

- No objections subject to the provision of an uncontrolled pedestrian crossing
- Also provision of bus shelters, layby and right turn lane required
- In addition, disabled parking spaces, cycle spaces and electric vehicle charging points to be provided as per the supplied plans.

Dorset Police Crime Prevention Officer

- Liaised with agents in designing scheme so no further comments to make

Cllr Pipe (Ward Member)

- No objection in principle to the development

Cllr Starr (Ward Member)

- Requested that the application is considered by the committee due to concerns regarding the uncontrolled crossing to the western side of the site.

Lytchett Minster and Upton Town Council

- No objection in principle
- Would like to see the vegetation on land between the site and the A35 (Dorset Council owned land) cut back to improve sightlines
- Would like clarification of the boundary
- Would like to see the bus stop relocated
- Would like to see the repositioning of the disabled and parent and child spaces
- Would like to see dog tether facilities
- Would welcome S106 contribution to the provision of town facilities

Representations received

The Council has received 372 responses from neighbours, 24 objecting to the proposal, including one representing Lidl, 310 in support of the proposal and 38 making comments, supporting the proposal subject to some matters being addressed.

The objections are as follows:

- Lidl have commented that they consider that the proposal should be considered to be an out of town centre site and therefore should not be supported due to impact on Upton Town Centre
- Lidl have also commented that they believe the proposal is likely to draw trade away from other shops within Upton Town Centre
- Lidl have also commented that there is no provision for this in the Purbeck Local Plan Part 1 nor the Emerging Purbeck Local Plan
- Impact on the highway network and highway safety
- Impact of noise and car fumes on the neighbouring residents and air pollution levels in Upton
- Concerns regarding the former use and the underground fuel tanks
- Reduced value of neighbouring properties
- Concerns regarding pedestrian safety crossing the road
- Concerns regarding delivery times and impact on the living conditions of neighbouring residents

The letters of support are for these reasons:

- Privacy is not a concern
- This use is preferred to housing or other uses
- It would be a welcome addition to the area
- It is a good use of a derelict site and reuses a brownfield site
- It would provide employment
- Infrastructure for Upton such as this is needed as the town is growing rapidly

- Local people would have the option of walking to pick up groceries
- The current retail provision in Upton is inadequate

The comments made in general about the proposal include:

- Showering facilities should be provided for staff to offer the opportunity for staff to travel to work sustainably.
- Replacement walls need to be solid so that the same level of privacy for neighbouring residents is maintained.
- Lorries should not be permitted to stay overnight
- The crossing on Blandford Road North should be traffic light controlled.
- Visibility for exiting the site will need to be addressed

10.0 Relevant Policies

Purbeck Local Plan Part 1:

Policy LD: General Location of Development

Policy RP: Retail Provision

Policy D: Design

Policy FR: Flood Risk

Policy IAT: Improving Infrastructure and Transport

Policy BIO: Biodiversity and Geodiversity

Policy DH: Dorset Heaths International Designations

Policy RFS: Retail Floor Space Supply

Policy CF: Community Facilities and Services

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.

National Planning Policy Framework:

Chapter 4: Decision-making

Chapter 6: Building a strong, competitive economy

Chapter 7: Ensuring the vitality of town centres

Chapter 9: Promoting sustainable transport

Chapter 12: Achieving well-designed places

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

Chapter 15: Conserving and enhancing the natural environment

Other material considerations

Purbeck District design guide supplementary planning document adopted January 2014.

Development contributions toward transport infrastructure in Purbeck guidance February 2013.

The Dorset heathlands planning framework 2020 - 2025 supplementary planning document adopted March 2020

Strategic Flood Risk Assessment 2018

Dorset biodiversity appraisal and mitigation plan.

Purbeck townscape character appraisal supplementary planning document adopted August 2012 - Upton

Landscape Character Assessment (Non AONB)

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.

- Parking spaces for parents with young children and persons with disabilities or mobility impairments are provided close to the shop entrance.
- A customer WC will be provided that will be able to be used by those with mobility impairments.

13.0 Financial benefits

What	Amount / value
Material Considerations	
New jobs created	30 full time equivalent jobs
Non Material Considerations	
Business Rates	£120,000.00 pa

14.0 Climate Implications

The proposed development may have some benefits from a climate perspective by providing a supermarket that can be accessed by bicycle or on foot by nearby residents.

15.0 Planning Assessment

Principle of development

The site is situated within the settlement boundary of Upton. Policy LD of the Purbeck Local Plan Part 1 states that new development should be focussed within towns and villages that have a settlement boundary. The policy then provides a hierarchy of settlements. The towns within the plan area, which include Upton, are considered to be the most sustainable locations for development. Therefore, the proposal is compliant with Policy LD. The site is

previously developed land that is currently not in use. The National Planning Policy Framework (NPPF) encourages previously developed land to be favoured for new development where it is appropriate to do so to reduce the need for undeveloped sites to be used.

The edge of the site is within 300m of the town centre, as defined in the accompanying proposals map. As such, the site is considered to be an edge of centre location.

Paragraph 86 of the NPPF states:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”

In this instance, the applicant has stated that no town centre locations are available for the development of the supermarket. Officers consider that there are no other sites within the town centre limits (which is strictly defined) that would be suitable for a development of this scale. This being the case, as the site is considered to be an edge of centre site, it is considered to be acceptable for retail development, in accordance with paragraph 86 of the NPPF.

Policy RP: Retail Provision of the Purbeck Local Plan Part 1 states that new retail development should be commensurate with Policy LD of the Local Plan, in that it should be focussed within the Town Centre. The policy states that development outside the town centre that adversely affect their vitality and viability will not be permitted. The impact of the proposal on these grounds will be considered in greater detail below.

Officers note that Policy RFS: Retail Floor Supply highlights a need for 1300 (net) square metres of food retail floor space in the plan area, with this being predominantly located within Swanage. The proposed net retail floor area for this development is 1315 square metres. This is more than the entire allocation within the plan area.

The Local Plan has calculated that 1300 square metres of floor area is that which is required to meet the needs of the plan area. However, officers consider that this does not provide a cap on the amount of retail floor space that can be developed in the plan area. Officers are satisfied that, so long as the development can be demonstrated not to have an adverse effect on surrounding retail town centres, the proposal is, in principle acceptable.

Impact on the viability of Upton Town Centre

Although paragraph 89 of NPPF requires a Retail Impact Assessment for new retail development in excess of 2500 square metres (gross) of floorspace it allows for different thresholds if they form part of an adopted local plan. In this instance, the Purbeck Local Plan Part 1 has adopted a threshold of 1000 square metres, after which a Retail Impact Assessment (RIA) must be provided. Accordingly, a RIA has been supplied, and the impact on the viability of Upton Town Centre must be considered.

The proposed development would significantly increase the retail offer in Upton. Aldi's business model is to provide limited food lines (approximately 1500, which is significantly smaller than "traditional" supermarkets that typically would have between 2500 – 40000 lines), with some ad-hoc sales of other goods. The stores do not sell Tobacco, stationary goods or pharmacy goods and there are no food counters (for example fishmongers or butchers). As a result, the store would compete with a limited number of other stores. At present, within Upton there are a number of small stores, many independent, many of whom provide goods that either would not be on sale in the store, or would only be sporadically on sale in the store (for example Upton Hardware Store and Numark Pharmacy).

The Council has sought independent advice from Lambert Smith Hampton Consultancy (LSH) regarding the proposed development, specifically its impact upon the viability of the town centre of Upton and other retail centres where appropriate. LSH concluded that Poole Town Centre should be considered in addition to Upton as part of the appraisal of the impact of the proposed development. This is due to the catchment being considered to be approximately 10 minutes' drive from the site.

LSH has assessed the RIA provided in relation to the Aldi store and concluded that the forecast turnover shown in the assessment is considered to be a reasonable estimate and therefore, the RIA is considered to be appropriate in providing details on how much turnover is therefore likely to be diverted from other stores in the area.

In terms of trade diversion from other stores, the applicant has estimated that 20% of trade in the store will come from customers previously using Lidl on Blandford Road in Hamworthy, and 20% from Tesco Extra on Fleets Lane in Poole. As these are both out of centre stores, this is not considered to be harmful in planning terms (competition between stores is not a material planning consideration).

With regards to the impact on Upton Town Centre, it is noted that the Co-op store, which also includes the post office, is situated outside of the defined town centre as set out in the Purbeck Local Plan Part 1. As such, it is not the subject

of NPPF paragraph 85 which seeks to promote the long term vitality and viability of town centres.

The applicant has estimated that the proposal would have an estimated impact on the turnover of other convenience stores in Upton of -6.4%. LSH have considered their figures and do not consider that this fully accounts for top up shopping, which the applicant suggests will not happen. LSH have instead projected a figure of -12.5% loss of turnover for convenience stores within Upton, and a higher figure of -20.9% turnover for the Co-op store.

It is accepted therefore, that the proposed development will have an impact on the turnover of some stores within Upton. However, the reduced turnover does not necessarily result in a loss of viability of town centre stores. As discussed, the Co-op store, which is considered to be the most significantly impacted store, is situated outside of the town centre and therefore is not afforded the protection. The impact on convenience stores in Upton Town Centre is considered to be - 12.5% and this rate is not considered to result in the stores being unviable, based on the guidance provided by LSH. It should be noted that other stores and businesses in Upton Town Centre (for example the pharmacy and the hardware store) are unlikely to be significantly affected by the proposals due to the nature of the goods being sold at Aldi.

Officers consider that it is appropriate to condition any approval to ensure that should the company's business model alter in the future, it would not be in a position to sell goods that would have a harmful impact on the viability of other stores within the town centre.

In relation to Poole Town Centre, the proposal is considered to have an impact on Convenience Retail stores in Poole Town Centre, considered to be approximately -19%. Once again, other stores in Poole Town Centre would not be affected by the proposals. As Poole Town Centre is largely derived of comparison goods stores (i.e. not food or general groceries) the impact on the vitality and viability of Poole Town Centre is considered to be low and therefore acceptable.

Taking into account the above factors, officers consider that proposal will not have a harmful impact on the vitality and viability of either Upton or Poole Town Centres.

Scale, design, impact on character and appearance

The area is characterised largely by residential development, with residential properties adjacent to the site on the east and southern boundaries. However, the site has had an industrial character that predates nearly all the residential development that now surrounds it. It is therefore considered that a non-

residential use on this site would not be detrimental to the well-established different character.

The proposed store utilises a standardised design for discount retailers, with a mono-pitched roof rising from a height of 4.9m to a maximum of 8.7m. The building is approximately 60m in length and 37.5m in width. As such, the scale of the building would be significantly greater than that of the surrounding buildings. While the footprint would be noticeably larger than any single building currently present on the site, it would replace a number of smaller buildings that are currently dispersed around the site. Therefore, although the mass is concentrated in one block, the site itself as a whole would not be significantly more developed than at present.

In terms of the height of the building, the tallest structure currently present has a height of approximately 7.4m. Officers note that this is only 1.3m less than the proposed store, and it is noted that the majority of the roof will be lower than the roof ridge of the existing building is. As such, while it is clear that the scale of the new store would be greater than that of the existing buildings, it is not considered that the scale is increased sufficiently to cause harm to the character of the area.

The design is considered to be relatively functional. Glazing is primarily limited to the south elevation of the store, which faces the proposed car park. There is a degree of glazing on the west elevation, primarily around the entrance to the building. There is also a small amount of high level glazing on the west elevation to allow some light into the store. No glazing is proposed on the north elevation of the building and two modest windows are proposed on the east elevation serving the staff areas. The west elevation would in principle be the primary elevation, facing the road. In this respect the design does not make a significant contribution to the street scene. However, officers note that the rising level of Blandford Road North as it approaches the road junction means that views from the road are somewhat limited, those that are available will likely be at a similar height to the high level windows. This being the case, the orientation of the glazing on this proposal is considered to be acceptable.

In terms of materials for the store, the applicant is proposing that the walls are clad in a combination of anthracite grey (RAL 7016) and metallic silver (RAL 9006) cladding on a red brick plinth. The two cladding materials are patterned on the building to prevent a single mass of cladding. The roof will be clad in composite roof panels all in anthracite grey. Once again, this is fairly atypical of the design of discount supermarkets. Given that the character of the site is different and more industrial in nature, the replacement of these buildings with the proposed store is not considered to be incongruous with the character that was already established.

The car park will cover the majority of the site. However, the majority of the current site is also hard surfaced. As such, the character of the area is not considered to be harmfully impacted. The proposal also includes landscaping around the edge of the carpark which will offset its impact. It is noted that the green space on the western boundary of the site is largely maintained, in keeping with the existing character of the area.

Taking the above matters into account, officers consider that the proposal would not have a detrimental impact upon the character of the area.

Impact on amenity

As previously mentioned, the area is largely residential. However, the use of this site as a petrol station and oil depot has been established prior to the construction of the majority of the residential properties. The change of use of the site is likely to lead to an intensification of the use of the land compared to the business that was on the site previously. However, officers are mindful of the planning use of the site and accept that alterations could be made to the existing site that would also have the effect of increasing the intensity of the use.

The applicant has proposed opening hours of 08:00 – 20:00 Monday – Saturday and 10:00 – 17:00 on Sundays and Bank Holidays (subject to Sunday trading laws). However, the accompanying statement advises that deliveries could be made between 07:00 and 23:00 without having a significant impact on noise in the area. The Public Health Team have disputed this claim and officers agree that although the delivery lorry will only make noise while manoeuvring into position, there is also associated noise with unloading the deliveries on cages and trollies that make noise as well as noise generated by the people working on unloading the delivery. While officers appreciate the business perspective of having deliveries take place outside of opening hours, given the residential properties that are nearby to the store, there are significant concerns about the impact that this could have on the living conditions of the nearby neighbours. Consequently, in line with the Public Health Team, officers intend to apply a condition restricting the opening hours to those requested and requiring deliveries to take place within those opening hours.

Some of the car parking spaces are situated in close proximity to the residential properties, notably those in both Warbler Close and Upton Close. A 2.4m close boarded fence is proposed along these boundaries which will serve to reduce the impact of the car park on these properties. The parking spaces are also situated away from the fencing, with some landscaping between the spaces. As such, the nearest dwelling to a parking space (18 Warbler Close) would be approximately 5.5m away (it is noted that a garage is closer, however this is not used as a habitable space). Officers are satisfied that this distance will be sufficient to protect the amenity of the residents of the neighbouring properties.

The main building is situated well away from the residential properties (over 30m away). The highest point of the roof is situated on the west elevation, which is further away from the residential properties. Officers are satisfied therefore, that the scale of the building would not have an overbearing effect on the nearest residential properties.

In terms of privacy, only a ground floor is proposed and as such there are no concerns with regards to the impact of the proposals on the privacy of the neighbouring residents.

The proposed development will require relatively significant levels of external lighting. The Council's Public Health Team have recommended that details of all external lighting should be submitted to the Council to ensure that it does not have a detrimental impact on the amenity of the living conditions of the occupants of neighbouring properties. This will be achieved by means of a condition. In addition, a condition will be applied requiring the lighting to be switched off once the store has closed. The Public Health Team have suggested that the external lighting should be off when the store is closed. However, officers note that customers are not required to be out of the store by closing time, but should be completing their purchases. Therefore, it is likely that there will be members of the public leaving the store after it has closed. Additionally, members of staff will leave once the store is closed. Officers therefore consider that it is reasonable to condition that the external lighting will be switched off an hour after the store has closed.

Taking the above factors into account, it is considered that the proposal would not result in an unduly harmful impact on the amenity of the neighbouring residents.

Highway Safety and Parking

The proposed store would provide a car park to accommodate 136 vehicle parking spaces, including four for disabled users and 10 cycle spaces. To the north east of the site will be a loading bay for use by delivery lorries. A new vehicular access will be formed onto Blandford Road North.

The site is situated close to the junction between the A35 Upton Bypass dual carriageway, a primary route in the area, the A350 route to Blandford Forum and the B3068 Blandford Road North which passes through Upton and Hamworthy en route to Poole (this road has a weight restriction beyond Upton Crossroads preventing it from being a primary route into the town).

The Council's Highways Engineer has been consulted on the proposal. He has noted that discount food retailers such as Aldi are known to generate relatively few trips. It is calculated that the proposed development will calculate one trip per minute from the south and one trip per minute from the north. Of these, the

applicant estimated that 20% of trips will be made from those passing by, while 80% of trips will be with the store as the primary destination. The Highways Officer considers these figures to be robust.

The applicant has undertaken an assessment on this basis. A new junction will be formed to provide access to the site. To facilitate this, a right turn lane will need to be installed for traffic travelling from the south. The Highways Officer is happy with this approach.

The Highways Officer has indicated that the proposal would be acceptable subject to the provision of the right turn lane, a new pedestrian refuge to allow pedestrians to cross from the west of Blandford Road North, new bus shelters to replace on the eastern side of the road, the bus stop that will be lost and on the western side of the road to improve existing facilities. In addition, a layby will need to be provided on the southbound side of the road to improve visibility from buses entering the road. Further, the provision for cycle parking will need to be provided, as well as the parking spaces for disabled users and parent and child users. The proposed electric vehicle charging points will also need to be installed as proposed. These will all be the subject of planning conditions.

In addition to this, an agreement will need to be met to monitor the use of the uncontrolled pedestrian crossing. If it is established over a five year period that there is sufficient pedestrian use of the crossing, an agreement must be in place for the applicant to upgrade the crossing to a traffic light controlled crossing. This will be achieved by means of a Section 106 agreement.

In terms of parking spaces, the number is considered to be sufficient for the size of the store.

Flooding and Drainage

The site is not near any rivers or coastal areas. As such, it is in Flood Risk Zone 1 with regards to fluvial and coastal flooding, and is not considered to be at high risk of flooding. However, the area is identified as being at high risk of surface water flooding.

The lead local flood authority has been consulted on the proposals. They initially objected to the proposal due to the potential for issues resulting from surface water flooding. They raised concerns that the proposed discharge of surface water was to a receiving system of which it was unclear who had ownership of the system. They suggested a number of different options.

The applicant has subsequently provided a revised drainage strategy. They have agreed in principle to discharge surface water to an existing highway drain. In addition, the water will be attenuated, allowing a discharge rate of 14 l/s. The lead local flood authority consider this to be a betterment than the existing

arrangement, whereby the water is not attenuated and therefore more prone to pond at certain parts of the site. The system will be gravity controlled, with the exception of the loading bay, which will be situated below ground (which is required in order for the vehicles to be unloaded at the correct height). A pump will be used to drain this area.

Taking the above into account, the lead local flood authority has indicated that the proposal will be acceptable subject to conditions requiring finalised details of the drainage system being submitted and agreed by the Council. In addition, a further condition regarding the management of the site will be required to be submitted.

Contaminated land

The site has been in use as a storage depot from oil products and also as a petrol station. As such, there is a high potential for significant contaminants to be present on the site. The applicant has submitted a number of documents in relation to resolving the existing contamination issues. Both the Environment Agency and the Council's Land Contamination Team have considered the proposals and raised no objections subject to a number of conditions relating to the proposal. These include conditions in relation to a further more detailed assessment being undertaken, verification that the works have been carried out, monitoring of the works and agreement to submit further details if additional contamination is discovered. The Land Contamination Team also require the monitoring of groundwater to take place to monitor for Light Nonaqueous Phase Liquid (LNAPL) plume.

It is noted that there are underground fuel storage tanks. The applicant proposes the removal of these tanks and the identification of areas below the tanks that could have LNAPL plume. The Environment Agency and the Council's Public Health team are satisfied with this approach.

Subject to these conditions, the proposal is considered to be acceptable with regards to land contamination.

Proximity to SSSI heathland

The site is situated approximately 150m from the Upton Heath SSSI. As such, Natural England have been consulted on the proposal. While they initially raised concerns about the proximity to rights of way and encouraging use of heathland, it is acknowledged that two rights of way already exist to the north of the site. Accordingly, Natural England have withdrawn their objection and it is considered that the proposal will not have a detrimental impact on the nearby SSSI heathland.

Biodiversity

Given the size of the site, and its proximity to SSSI heathland, a biodiversity survey has been undertaken. Only a few bats were noted passing the site, and no roosts were discovered. However, the applicant has prepared a biodiversity enhancement scheme, which has been approved by the Natural Environment Team. A condition will be applied requiring the implementation of the enhancement scheme. The proposal is therefore considered to be acceptable in terms of biodiversity interests.

Proximity to Public Right of Way

The site is adjacent to two public rights of way that pass to the northern side of the site, connecting to the north western corner of the site. The paths are not adopted, and the southern of the two paths is used more frequently. The proposals include an opening on the north eastern entrance of the site that would provide a sight line to the entrance of the store. It would also provide easier access for pedestrians from the east of the site, encouraging walking as opposed to using vehicles. It is noted that the Highways Team have encouraged the footpath to the housing estate to be surfaced and with a gradient that could be utilised by wheelchair and pushchair users. However, as there is an extant footpath, it is not considered that this is necessary to mitigate the development.

Economic Benefit

The proposed development would provide a clear economic benefit to Upton and surrounding areas. The development would generate 30 full time equivalent jobs in the store. This is considered to be a positive benefit to the area. It should be noted that if the proposal was considered to be harmful to the viability and vitality of Upton, the generation of 30 full time jobs would not be considered to carry significant weight to overcome the harm that would be caused. However, as outlined above, the proposal is considered not to be harmful to the viability and vitality of Upton Town Centre. Overall, the modest economic benefits are welcomed.

16.0 Conclusion

Taking all of the above matters into account, officers consider that all material planning considerations have been addressed and the proposal can be supported.

17.0 Recommendation

Delegate to the Head of Planning to grant permission subject to the completion of a legal agreement under section 106 of the town and country

planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:

A monitoring agreement for the first five years after the store has opened to establish whether the pedestrian crossing will need to be upgraded to a signal controlled crossing.

And 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: 180751-1100-P3, 180751-1410-P4, 180751-1401-P3, 180751-1402-P3, 180751-1500-P4 & 1351-01
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The store hereby approved shall be used as a discount food retailer only and for no other retail use within Class A1 of the Use Classes Order, 1987 (as amended) in accordance with the following stipulations;
1) the sales area (convenience and comparison goods) shall not exceed 1,315sqm;
2) The food store shall not provide any of the following services without the prior written consent of the Local Planning Authority;
a) Fresh meat counter b) Fresh fish counter c) Delicatessen/cheese counter d) Hot Food e) Post office services but not including the sale of books or postage stamps
Reason: The application is justified on the basis of the provision of a discount food retailer on the site and the Council is concerned to ensure control is retained over the use of the development for this purpose in the interests of the vitality and viability of existing centres.
4. The store can only open to customers between 08:00 and 20:00 on Mondays to Fridays, between 08:00 and 20:00 on Saturdays, and between 10:00 and 17:00 on Sundays. No new customers must be admitted to the premises before or after these times.
Reason: In the interest of the amenities of adjoining and nearby residential properties.
5. Deliveries must not commence before 08:00 and must terminate by 20:00.
Reason: In the interest of the amenities of adjoining and nearby residential properties, taking account of the cumulative noise generated by deliveries and plant machinery associated with the store.

6. The rating level of the sound emitted from the site shall not exceed 45dBA between 0800 and 2000 hours and 32dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest noise sensitive premises (identified in the report titled Environmental Noise Assessment of a proposed Aldi Site, 9/07/2019 Project No 1918928). The measurements and assessments shall be made according to BS4142:2014. Unless otherwise agreed in writing, the assessment shall be submitted to the Council for approval within 1 month of the approved use commencing.
Reason: In order to protect the amenity of the residents of the neighbouring properties.
7. The store must not open until a lighting scheme, including a proposals plan showing proposed levels, and details of all external lighting has been submitted to and approved in writing by the local planning authority. The lighting must be designed with guidance set out by the Institute of Lighting Engineers to reduce the detrimental effects of night time light pollution. All lighting in the development must accord with the approved scheme.
Reason: These details are required to ensure that the lighting does not increase the effects of light pollution in the area, and to protect the amenity of the residents of the neighbouring properties.
8. All external lighting shall be switched off an hour after the store closes and shall be switched on no earlier than half an hour before the store opens.
Reason: To reduce the impact of light pollution on the area and to protect the amenity of the neighbouring residents.
9. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
 3. The results of the site investigation in (1) and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation

strategy giving full details of the remediation measures required and how they are to be undertaken.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

10. Prior to the development being constructed, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

11. The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 170 of the National Planning Policy Framework.

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

13. During the construction process, the details regarding the management of air quality as set out in the Air Quality Assessment, prepared by Entrans dated 08/10/2019 must be implemented.

Reason: In order to ensure that air quality is managed during the construction process to protect the amenity of the neighbouring residents.

14. Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted plans including the right turn lane for northbound traffic on Blandford Road North 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.

15. Before the development hereby approved is occupied or utilised the following works must have been constructed to the specification of the Planning Authority:

- 1) Road widening for the formation of a right turn lane and pedestrian refuge
- 2) A bus stop on the southbound side with bus shelters on both the southbound and northbound sides with real time passenger information boards
- 3) Details of visibility splays to be provided for access to the store and for the new bus stop.

(or similar scheme to be agreed in writing with the Planning Authority).

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

16. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the electric vehicle charging points and parking bays shown on Drawing Number 180751-1410 Rev P4 are submitted to the Planning Authority. Any such scheme requires approval to be obtained in writing from the Planning Authority. The approved scheme must be constructed before the development is occupied or utilised and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of ultra-low emission vehicles.

17. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to the LPA for written approval

and once approved be implemented and adhered to fully for the full length of the construction period.

Reason: to minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

18. The cycle locking points as shown on drawing 180751-1401-P3 must be installed prior to the first opening of the store and maintained and retained thereafter.

Reason: To encourage and facilitate sustainable methods of transport to and from the store.

19. No development shall take place until a detailed surface water management scheme for the site, which accords with the approved outline Drainage Strategy (ALDI Store Blandford Road, Upton – Craddys – Rev D – Not dated – Ref No: 10677w0001d) and provides clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed.

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

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

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

21. Prior Land Drainage Consent (LDC) may be required from DC's FRM team, as relevant LLFA, for all works that offer an obstruction to flow to a channel or stream with the status of Ordinary Watercourse (OWC) – in accordance with s23 of the Land Drainage Act 1991. The modification, amendment or realignment of any OWC associated with the proposal under consideration, is likely to require such permission. We would encourage the applicant to submit, at an early stage, preliminary details concerning in-channel works to the FRM team. LDC enquires can be sent to floodriskmanagement@dorsetcouncil.gov.uk.

22. The soft landscaping works detailed in the landscape proposals agreed by the Council must be carried out during the first planting season (October to March) following the use of any of the buildings. The planted scheme must be maintained in accordance with the agreed details.
Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.
23. Informative Note - Planning Obligation. This permission is subject to a Section 106 Planning Obligation with respect to the monitoring of the use of the pedestrian crossing, annually, for the first five years after the store has opened. This is to establish whether the crossing will need to be upgraded.
24. Informative Note - Dorset Council Highways.
The works to provide a pedestrian crossing, bus shelters, right turn lane and a layby for the bus shelter will be the subject of agreements under Section 278 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 222120, or on line at www.dorsetcouncil/roads,highways and maintenance, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, to discuss this further.
25. 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.
26. 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.
27. 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.

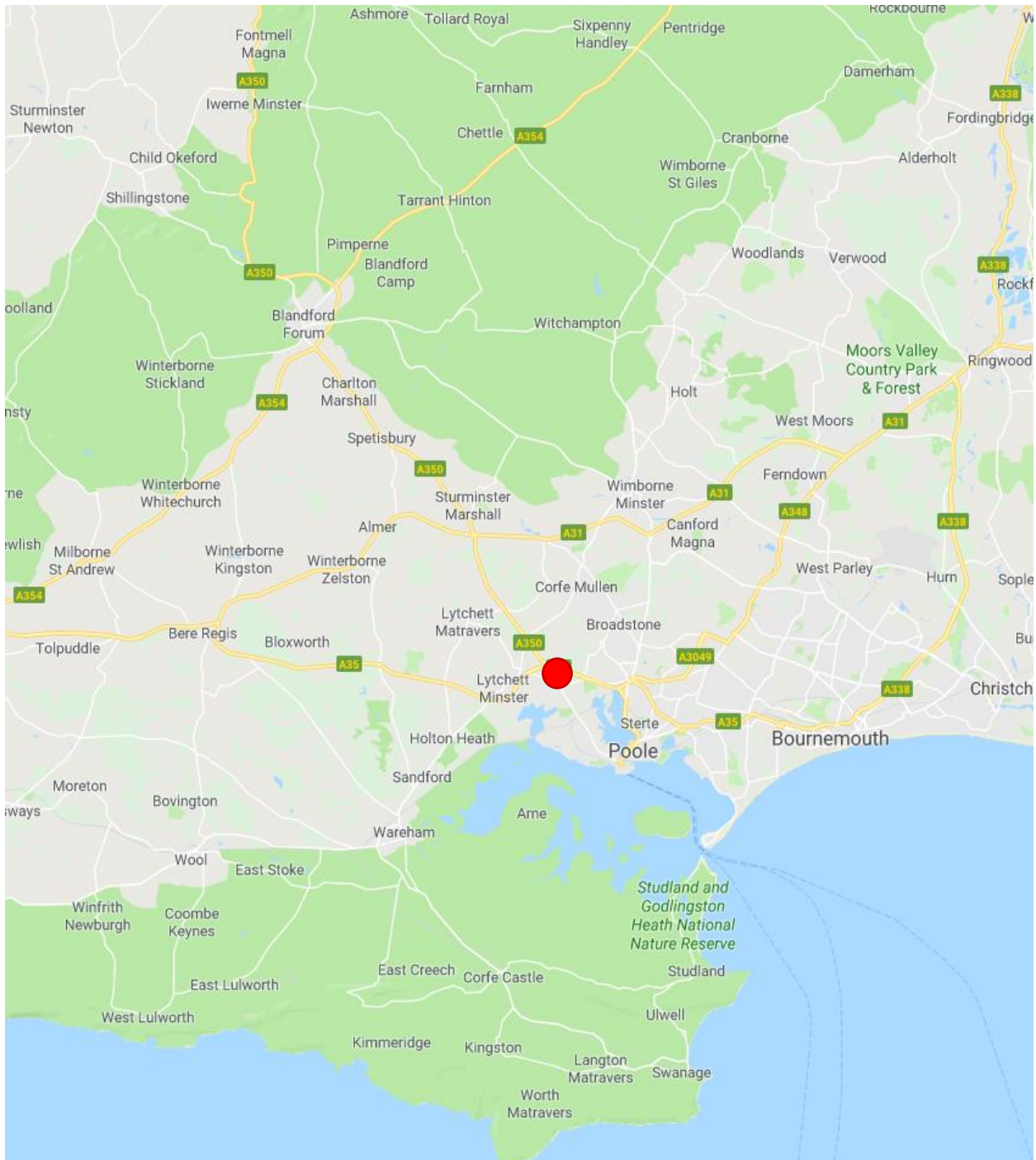
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Approximate Site Location 

Application Reference: 6/2019/0443

Address: Upton Oil Company, Upton, BH16 6AA

Application: Demolition of existing buildings, and the erection of a Class A1 discount foodstore with associated access, car parking and landscaping



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REPORT SUMMARY

REFERENCE NO.	3/20/0269/FUL		
APPLICATION PROPOSAL	Erection of Five Cabins with associated 'open' enclosures each to be occupied by a private collection of pet animals kept incidental to the enjoyment of Slough House (a dwelling-house) as such		
ADDRESS	Slough House, Slough Lane, Horton, Wimborne, Dorset, BH21 7JL		
RECOMMENDATION - Refuse (see Section 9 of the report for the full recommendation)			
REASON FOR REFERRAL TO COMMITTEE The Nominated Officer has judged that the planning history necessitates consideration by the Committee.			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none">• The proposal represents inappropriate development in the Green Belt• No very special circumstances have been demonstrated which outweigh the harm to the Green Belt			
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL None applicable			
APPLICANT	Mrs Dawn Groom	AGENT	Mr John Andrews
WARD	Cranborne and Alderholt	PARISH/ TOWN COUNCIL	Woodlands
PUBLICITY EXPIRY DATE	5 April 2020	OFFICER SITE VISIT DATE	Site visit to display notice only due to Covid19
DECISION DUE DATE	3 April 2020	EXT. OF TIME	3 June 2020

RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
3/19/1784/FUL	Erection of 6 cabins with associated 'open' enclosures each to be occupied by a private collection of Pet Animals kept incidental to the enjoyment of the dwelling house	Refused	15/11/2019
3/19/1648/CLP	Erection of 6 Cabins with associated enclosures for occupation by Pet Animals kept incidental to the enjoyment of the dwelling house	Under consideration	

3/19/1231/PAL Pre application advice by letter	Erection of six cabins and related exercise enclosures for occupation by a private collection of primates kept incidental to the enjoyment of the dwelling house	Response: 6 cabins for primates unlikely to be incidental	26/06/2019
3/18/2339/FUL	Erection of six cabins with associated open enclosures each to be occupied by a private collection of primates kept incidental to the enjoyment of the dwelling house	Refused	24/10/2018
3/18/1023/PAM Pre application advice by meeting	Erection of outbuilding to house monkeys	Not permitted development due to height	10/05/2018

MAIN REPORT

1.0 DESCRIPTION OF SITE AND SURROUNDINGS

- 1.01 The site lies within the Green Belt and the Woodlands Area of Great Landscape Value (AGLV). A footpath (Public Right of Way E59/17) runs adjacent to the north of the site from Slough Lane west around Remedy Oak Golf Club.
- 1.02 The application site comprises approx. 0.5ha within a larger land holding. It includes the dwelling known as Slough House, its curtilage to the west and land in use as garden to the east. The dwelling is served by a gated driveway of at least 200m in length leading from Slough Lane. It has a garage to the north.
- 1.03 The site slopes down from South Lane (southeast) towards open countryside/woodlands but the house, while it lies below Slough Lane, is sited on a mound facilitating views across the open land to the northwest/west. A mature hedge approx. 5m high runs along the eastern boundary of the site.
- 1.04 There are outbuildings to the east, beyond the application site but within the land holding. These include a building known as 'Offices' directly east of the dwelling and to the northeast, an L shape stable block.
- 1.05 The closest neighbour to the application site is 'Little Oaks' to the east which is on higher ground than the application site but benefits from a mature hedge boundary. 'Lovebirds Acres' to the north is also visible from the site.

2.0 PROPOSAL

- 2.01 It is proposed to erect five wooden cabins with adjoining enclosures on land to the east of Slough House for use by the applicant's pet animals. The cabins and mesh enclosures vary in footprint. The application does not refer to the

species of pet but it is understood from previous applications that the applicant has an established collection of primates and the application is considered on this basis.

- 2.02 The supporting statement explains that the cabins and outdoor enclosures conform to the dimensions controlling permitted development under Schedule 2, Part 1, Class E 'building etc incidental to the enjoyment of a dwelling house' but that in the interests of the character of the area it is proposed to site the structures in front of the dwelling house in an area which is well screened by a mature hedge. As the proposed cabins are on garden land forward of the dwelling and arguably beyond the residential curtilage, they require planning permission.

3.0 SUMMARY OF INFORMATION

The proposal is for five of the six pens and enclosures previously refused permission. The layout has been amended so that the spread of the development has been reduced. Previously two of the six cabins and enclosures were positioned further south and east but now all five are sited on land between the house and the high hedge which borders the garden and provides screening from buildings to the east.

All measurements external & approximate	Floor Area		Max height		Volume	
	Previous	Proposed	Previous	Proposed	Previous	Proposed
Buildings A & A	12.2m ² X2	12.2m ² x2	3.4m	3.4m	38m ³	38m ³
Enclosures A & A	12.8m ² x2	12.8m ² x2	3m	3m	38.4m ³	38.4m ³
Building B	7.7m ²	7.7m ²	2.9m	2.9m	19.8m ³	19.8m ³
Enclosure B	10m ²	10m ²	3m	3m	30m ³	30m ³
Building C	20m ²	20m ²	3.5m	3.5m	50m ³	50m ³
Enclosure C	18m ²	18m ²	3m	3m	55m ³	55m ³
Building D	30m ²	30m ²	2.5m	2.5m	68.5m ³ (inc veranda)	68.5m ³ (inc veranda)
Enclosure D	24.7m ²	24.7m ²	3m	3m	74.1m ³	74.1m ³
Building E	20.2m ²	n/a	2.5m	n/a	42m ³	n/a
Enclosure E	22.8m ²	n/a	3m	n/a	68.4m ³	n/a

Total	204m ²	160m ²			560m ³	450m ³
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4.0 RELEVANT PLANNING CONSTRAINTS

Ancient Woodland- over 140m away
SSSI Impact Risk Zone
Green Belt
Heathland 5km Consultation Area
Rights of Way

5.0 POLICY AND OTHER CONSIDERATIONS

5.01 Development Plan:

Christchurch and East Dorset Core Strategy 2014

KS1 Presumption in favour of sustainable development
KS3 Green Belt
HE2 Design of new development
HE3 Landscape Quality

5.02 The National Planning Policy Framework (2019)

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

- Section 12 Achieving well-designed places
- Section 13 Protecting Green Belt Land

Planning Practice Guidance

6.0 LOCAL REPRESENTATIONS

6.01 In addition to letters to neighbouring properties, a site notice was posted outside the site with an expiry date for consultation of 4 April 2020 and a press advert was published on 6 March due to the relationship with the footpath.

6.02 8 representations have been received from 6 addresses, all raising objections. The issues raised comprise the following:-

- Impact on Green Belt- very similar to previous application dismissed at appeal and no very special circumstances
- Impact on neighbouring amenity and footpath users from noise and waste products- concerns about hygiene and potential pollution of the nearby stream
- Keeping and breeding of wild animals and extent of development not considered incidental to the dwelling house
- Concern about the proposed design not being fit for purpose (no safety porches) and potential danger should the animals escape
- Concern about animal welfare (fewer cabins), purported evidence of breeding of primates by applicant & potential conflict with legislation
- Query why it is a full application rather than householder

7.0 CONSULTATIONS

7.01 Knowlton Parish Council (rec'd 5 March 2020)
No objection

7.02 DC Environmental Health (rec'd 12 March 2020)
If the collection is to remain the same as in previous applications or decrease, then no objection on the grounds of potential noise subject to a condition restricting/identifying the number of animals to be housed and describes the species by their Latin or common name.

The case officer may also wish to consider adding an informative with regard to the requirements under animal licensing legislation. Any animal listed in the schedule attached to the Dangerous Wild Animal Act 1976 or the intention exhibiting the animals to the public under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 will require a licence.

7.03 County Rights Of Way Officer
None received

8.0 APPRAISAL

- 8.01 The main planning consideration is whether the development has overcome the previous reason for refusal and whether new issues arise:
- The impact of the proposed development on the Green Belt
 - The impact on neighbouring amenity
 - The impact on the character of the area

These and other issues are considered below:

The impact of the proposed development on the Green Belt

- 8.02 The site lies within the South East Dorset Green Belt. Two previous applications for six cabins to house primates belonging to the applicant at Slough House have been refused by the Council (under delegated powers) because it was judged that the proposed development did not meet any of the exceptions set out in NPPF paragraphs 145 or 146, it would result in harm to openness and there were no very special circumstances to outweigh the harm resulting from the proposal.
- 8.03 At appeal (APP/U1240/W/18/3217298) the Inspector agreed with the Council that the cabins were inappropriate development in the Green Belt and attached substantial weight to the harm arising due to the inappropriate nature of the development in this location. The Inspector also considered that they would result in moderate harm to openness.
- 8.04 The current proposal seeks to overcome the previous refusals by amending the application. The changes are:
- The number of cabins and enclosures has been reduced to 5 with an associated reduction in the volume of built form proposed
 - An amended layout sees the cabins and enclosures clustered within a smaller site area between the dwelling and a high hedge.

It is necessary to assess the revised proposal against the policy in the NPPF.

Is the development inappropriate in the Green Belt?

- 8.05 The applicant recognises that the development is inappropriate within the Green Belt as the new outbuildings do not fall within any of the identified exceptions set out in the NPPF. Substantial weight is to be given to the harm to the Green Belt due to the inappropriate nature of the proposal.

Does the development result in harm to openness?

- 8.06 The NPPF states that the '*fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*' (para 133). Openness has spatial and visual qualities.
- 8.07 The proposal for five cabins and associated enclosures has reduced the volume of the proposed development but the volume of the cabins alone remains at approx. 214m³ and the enclosures approximately double this figure. Although the spread of the development has reduced, the proposal would still introduce built form to a currently undeveloped part of the garden resulting in some harm to openness.

- 8.08 The Inspector previously commented: *'The proposed cabins and enclosures would, to a large extent, be screened by an existing hedge which is substantial in height. While this would ensure that views of the proposed remain limited, it would nevertheless be visible from the public footpath which runs to the northern boundary of the appeal site.'* Although the visual impact would be further reduced by the consolidation of the layout, these comments remain applicable.
- 8.09 Overall, it is considered that the loss of openness, although reduced from that previously refused, would remain moderate. This holds substantial weight against the proposal.
- 8.10 As the proposal is inappropriate development it is necessary to consider whether there is any other harm arising prior to considering whether very special circumstances exist.

The Impact on the rural character and Area of Great Landscape Value (AGLV)

- 8.11 Policy HE2 of the Core Strategy states that the design of development should be of a high quality, reflecting and enhancing areas of local distinctiveness, in terms of its (inter alia) layout, bulk, and scale. Policy HE3 of the Core Strategy specifically states that within the Areas of Great Landscape Value development will only be permitted where the siting, design, materials, scale and landscaping are sympathetic with the particular landscape quality and character of that area.
- 8.12 The proposed outbuildings would be set well back from the Slough Lane to the east and would be screened to the north and north east by an existing high hedge which is shown for retention on the submitted plan, although a Willow tree and shrubs on the site of the proposed outbuildings have been omitted so it is assumed they may be removed. The Planning Inspector expressed concern that the retention or maintenance of any landscaping necessary to provide a suitable screen for the development to reduce its harm within the AGLV could not be guaranteed in the long term. This concern is noted, but on the basis of that the existing hedge appears to be in good health and with the re-siting of the 5 proposed cabins between existing buildings, it is considered that the harm caused by the structures, which are of modest height, would be limited to local views so the harm to the character of the area would be limited and modest.

Impact on Amenity

- 8.13 Policy HE2 of the Core Strategy states that new development should be compatible with or enhance its surroundings in terms of the impact it would have on the amenities of neighbouring properties.
- 8.14 The proposed outbuildings would be screened by mature hedge from neighbouring properties at Little Oaks and Lovebirds Acers. Given the proposal's siting, scale, design, and its relationship to neighbouring

properties, it is considered that it would not result in significant harm to the amenities of neighbouring occupiers in terms of overbearing development, loss of outlook, light or privacy.

- 8.15 Letters of objection have been received raising issues of noise pollution, waste management, public safety, and odours. The Council's Public Health and Protection Team have been consulted on each application and have previously contacted the Public Health Team in South Bucks, where the animals are currently kept. Dorset Council Public Health have raised no objection to this proposal, provided that number of animals to be kept at the premises at any one time is limited and the breeds are also restricted to those previously understood to be owned by the applicant as other breeds are noisier. If permission was to be granted, then a condition could reasonably be used to control the type of animals kept. A restriction on numbers would be imposed by the Licencing department as a normal practice so a planning condition would not be necessary.

Impact on the Public Right of Way

- 8.16 The Rights of Way (ROW) Officer has previously raised concerns over the impact of the proposal on users of the adjoining ROW users, such as implications if an animal escaped, and the impacts of maintenance noise on the animals. These issues were not considered by the Inspector, but officers have previously considered that the hedge screening between the application site and ROW is sufficiently robust to avoid any significant impact on the use or enjoyment of the ROW arising.
- 8.17 Some limited weight has previously been given to the potential impact on public safety should a primate escape their enclosure, however this is considered to be very unlikely; there is no recorded evidence of previous escapes reported by Public Health at their existing home in South Bucks.

Other matters

- 8.18 A number of letters have been received regarding the ethos of keeping primates as pets and animal welfare, with reference made to the Government's call for evidence on keeping primates as pets last autumn. However, these matters are not considered relevant to the planning process and they do not constitute a material planning consideration. The purpose of the application is to consider the proposed built form and its impact on the surroundings, rather than the morality of keeping pets and animal welfare.
- 8.19 The applicant refutes concerns raised by objectors in relation to breeding stating that '*There are no extraneous activities such as animal breeding or visits by members of the public and there never have been any*'. Additional harm to the Green Belt would be anticipated if there were visitors associated with a commercial use or if the collection expanded as a result of breeding necessitating additional cabins. At appeal the Inspector raised concerns about whether a condition restricting the cabins and enclosures to the keeping of

pets incidental to the enjoyment of the dwelling house could be enforced and this would be similarly applicable to a legal agreement which the applicant has offered to enter into.

Whether Very Special Circumstances Exist

- 8.20 NPPF paragraph 144 states that “Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.’ This is a high threshold that requires careful consideration of the facts and circumstances of the case. The applicant claims very special circumstances exist in this instance and these are set out in their supporting statement.
- 8.21 The Council has previously recognised that the relocation of the applicant and her pets has been initiated by works to the M4 motorway which has resulted in Highways England compulsorily purchasing part of the garden in Buckinghamshire in which the animals were previously housed. It is understood that the animals have been temporarily rehoused in an alternative area of adjoining land but that the dwelling house itself is shortly to be purchased under Blight Notice procedures. It has therefore been necessary for the applicant to find her family and their pets a new home.
- 8.22 This information was available to the Planning Inspector when she dismissed the previous appeal. She commented *‘I am not persuaded that the primates have to be relocated to this site, which is situated within the Green Belt, where development is by definition inappropriate. No substantive evidence has been submitted in support of this appeal to demonstrate that other sites were considered but found unsuitable’* (para 17).
- 8.23 The latest supporting statement seeks to justify the choice of Green Belt location for the proposed relocation with reference to the applicant’s extensive search for alternative accommodation within a short timescale and the restrictions imposed by their requirements for stabling for the family’s horses and the need to maintain a location within commuting distance of the business that the applicant and her family has established which employs some 70-80 persons. Reference is made to a wide search assisted by national and local estate agents and property consultants. It has been explained that applicant did not keep records of her property search as she hadn’t appreciated that they would be needed, but a list of some of the properties considered and rejected as unsuitable has been submitted which includes 20 properties in West Sussex, Buckinghamshire, Berkshire, Essex and Oxfordshire, Oxon and Kent. It is contended that the applicant’s need for land to support her horses means that Green Belt is ‘a common policy consideration’ and that the urgent need for permanent accommodation sought by the application is critical to the future wellbeing of the pets.
- 8.14 This report recognises that there is a multiplicity of considerations that inform a house purchase and that the applicant has made the decision to relocate to

Slough House on the basis of a judgement that the property, of those available at the particular moment in time, can best provide for their family and animals. However, as Green Belt represents only 13% of the land area of England and covers only a portion of Dorset, it is considered unlikely that there is no alternative, non-Green Belt location that could accommodate the applicant's needs. The alignment of the property with the applicant's desires cannot be given weight that is sufficient to outweigh the harm to the Green Belt arising from their proposal.

- 8.15 The applicant maintains that the proposal is also beneficial in limiting Green Belt openness compared to a fall-back position, namely the construction of multiple cabins and enclosures within the more visually exposed residential curtilage to the rear and side of the dwelling. The Inspector, having limited information before her, declined to consider this matter at appeal.
- 8.16 A lawful development certificate (3/18/2339/CLP) for the proposed development of 6 cabins and enclosures to be located to the rear of and used incidental to Slough House was submitted to the Council last year, but that application is yet to be determined, and is currently being held in abeyance until the extent of the residential curtilage of the dwelling has been formally established. Subject to clarification about the extent of the curtilage, which has changed over time, it appears that outbuildings which would have a greater visual impact on openness might be achieved on the site, however, as was the case at the time of the appeal, it remains unclear whether these, if purposed to house the applicant's primates, would be considered to be incidental. The Inspector noted that there was no substantive evidence to indicate that there was a greater than theoretical possibility that an alleged fallback position would be implemented so she gave the fall-back limited weight. During the processing of this application officers reconsidered the progress of the CLP, identified a way forward and sought the applicant's agreement to await the outcome of the CLP in order that it could inform the assessment of the planning application. This offer was declined due to timescales, and therefore the situation with regards to fall-back remains unresolved so that the weight that it can be given to it remains limited.
- 8.17 In relation to the original application there was discussion about the opportunity to restrict permitted development rights under Class E 'buildings etc incidental to the enjoyment of the dwelling house' via a permission. But the Inspector clarified that as this would not prevent the applicant exercising those rights prior to commencement of development, nor was the imposition of a condition to remove Class E rights likely to meet the test of necessity in this instance. Even if, as the applicant now submits, this is an exceptional case, the ability to impose a restriction requiring permission to be sought for future outbuildings and/or demolition of any other outbuildings constructed prior to commencement, cannot be given any significant weight in favour of the application.
- 8.18 Overall, when the purported benefits are considered cumulatively, it is not considered that very special circumstances exist that would outweigh the

harm to the Green Belt resulting from inappropriateness and loss of openness.

Conclusion

- 8.19 Although this application for 5 cabins and enclosures has modestly reduced the harm to the openness of the Green Belt since previous refusals, the proposal remains inappropriate development in the Green Belt. The circumstances of the application have not demonstrably altered since the previous appeal was dismissed; additional information submitted in relation to the extensive nature of the search for an appropriate dwelling and a pending s192 lawful development certificate application are insufficient to demonstrably alter the weight that can be given in favour of the proposal. Without very special circumstances that clearly outweigh the harm to Green Belt the application fails to accord with national Green Belt policy.

9.0 HUMAN RIGHTS

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

10.0 PUBLIC SECTOR EQUALITIES DUTY

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

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

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

11.0 CLIMATE IMPLICATIONS

- 11.01 No significant climate change impacts have been identified as likely to result should permission be granted for the pet cabins and enclosures.

9.0 RECOMMENDATION - Refuse, for the following reasons

1. The proposed development lies within the South East Dorset Green Belt. Within this area it is intended that only particular types of development set out in the National Planning Policy Framework will be permitted. The proposed outbuildings represent inappropriate development which will result in harm to the openness of the Green Belt contrary to the provisions of the National Planning Policy Framework, in particular paragraphs 133-134 and 143-146. No very special circumstances have been demonstrated which would outweigh the potential harm to the Green Belt by reasons of inappropriateness and impact on the openness of the Green Belt.

Informatives:

1. For the avoidance of doubt the following plans are hereby refused:

18/DG/JAA/1 - Location Plan
18/DG/JAA/3A - Block Plan
18/DG/JAA/4 - Buildings A elevations
18/DG/JAA/5 - Buildings B elevations
18/DG/JAA/6 - Buildings C elevations
18/DG/JAA/7 - Buildings D elevations
18/DG/JAA/9 - Buildings A, B and C floor plans
18/DG/JAA/10 - Buildings floor plans

Background Documents:

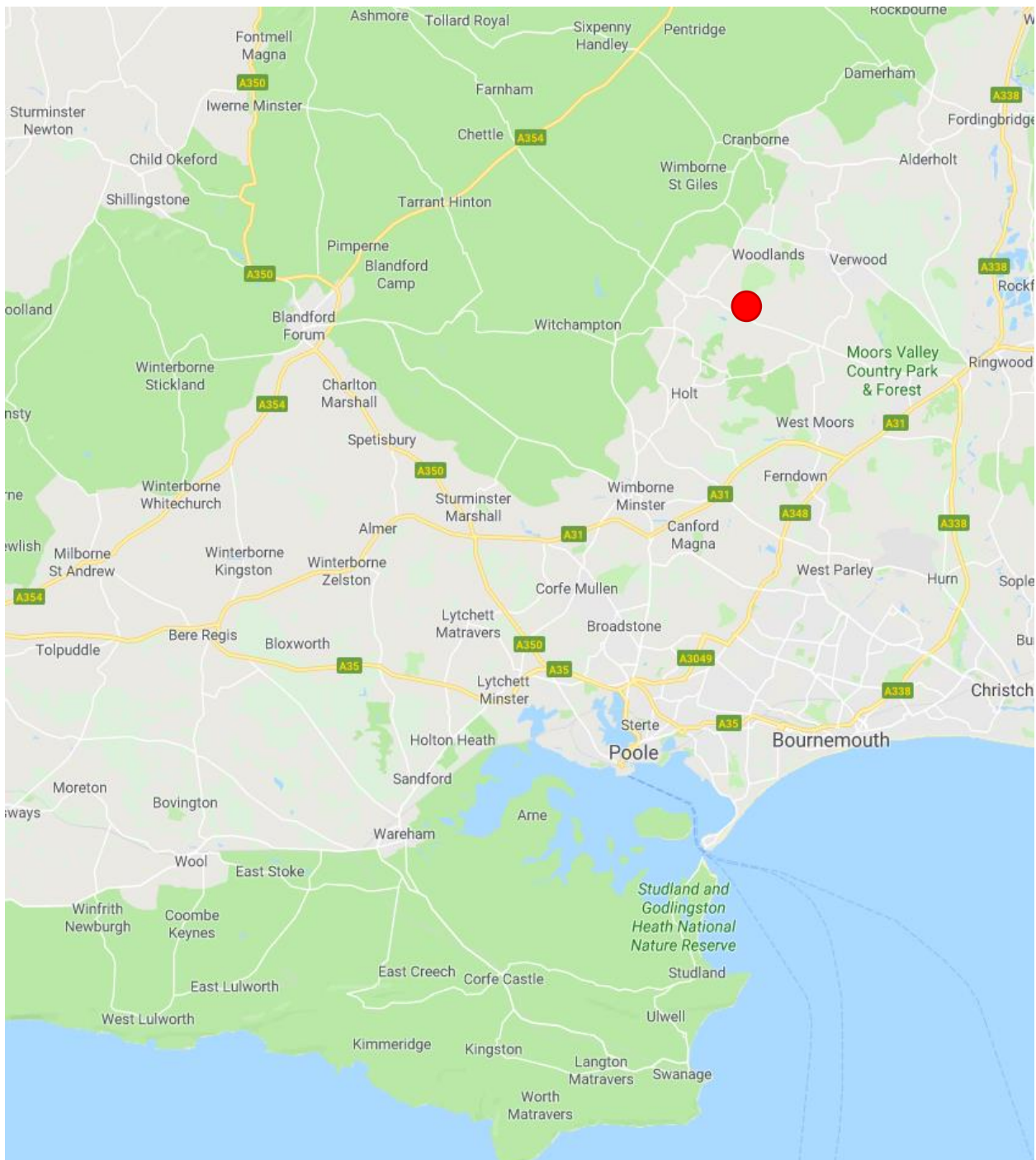
Case Officer: Elizabeth Adams

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

Approximate Site Location ●

3/20/0269/FUL – Slough House, Slough Lane, Horton, Wimborne, BH21 7JL

Proposal: Erection of Five Cabins with associated 'open' enclosures each to be occupied by a private collection of pet animals kept incidental to the enjoyment of Slough House (a dwelling-house) as such.



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- 1.0** **Application Number:** 6/2019/0530
Webpage: <https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2019/0530>
Site address: Land off Flowers Drove, Lytchett Matravers
Proposal: Change of use of land to Suitable Alternative Natural Greenspace (SANG) & associated car park
Applicant name: Lewis Wyatt (Construction) Limited
Case Officer: Andrew Collins
Ward Member(s): Cllr Bill Pipe, Cllr Andrew Starr and Cllr Alex Brenton

The application is being considered by the Planning Committee at the request of the Service Manager for Development Management and Enforcement ('The Nominated officer') in light of the comments received from Cllr Starr and Cllr Brenton, and Lytchett Matravers Parish Council.

2.0 **Summary of recommendation:**

GRANT subject to conditions and completion of Section 106 Agreement

3.0 **Reason for the recommendation:** as set out in paras 15 and 16 at end

- 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 provision of the SANG is vital for the strategic allocation within Lytchett Matravers of the 150 dwellings proposed to be allocated under the emerging Purbeck Local Plan under Policy H6 and would enable the contribution of housing which would significantly add to the Council's housing land supply.
- The use is appropriate in the Green Belt.
- The proposals could effectively address recreational impact upon the nearby heathlands.
- The location is considered to be sustainable and the proposal is acceptable in its layout 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.

4.0 **Key planning issues**

Issue	Conclusion
Principle of development	Acceptable. The proposals allow the facilitation of new dwellings in Lytchett

	Matravers. The location is appropriate.
Impact on Green Belt	Acceptable. The proposal is not inappropriate and meets the overall aims of preserving the Green Belt.
Scale, layout, impact on character and appearance of landscape	Acceptable
Biodiversity	Acceptable.
Impact on amenity	Acceptable. No adverse impact upon nearby properties
Access and Parking	Acceptable.

5.0 Description of Site

The proposed site is a single field with a total area of approximately 7.6 ha, located to the north-east of the settlement of Lytchett Matravers and accessed off Flowers Drove, which abuts its north-western corner. The site is bound to the north-west by Flowers Drove; to the north, south and west by mixed arable and grassland agricultural fields; and to the east by a gravel farm track with grassland fields beyond.

The site is currently dominated by agriculturally improved species-poor grassland with scattered Oak trees bordered by a mix of stock fence, hedgerows, scattered scrub and frequent mature trees. In the east of the proposed SANG is a fenced area with a pond, scrub and trees, and in the north is a small seasonal waterbody.

The proposed SANG will retain the grassland and wood pasture whilst enhancing it with wildflower meadow (the sward would be over-sown with wildflower mixes) and rough grassland.

The site slopes up (steeply in places) from the north to the south. This is a maximum of 20 metres from road level to the highest point of the site.

The site is located within the Dorset Green Belt.

An existing public footpath (SE17/3) runs along the western boundary of the site.

6.0 Description of Development

Full planning permission is sought to change the use of agricultural land to a Suitable Alternative Natural Greenspace (SANG) and a car park for 8 cars. The proposal will include mown paths, benches, signs, a new pond and hedgerow and planting enhancements. Existing ponds will be fenced and retained and mature trees on the site will be retained. The intention is that the SANG will provide mitigation for future residential development elsewhere within Lytchett Matravers. Sites have been identified under the emerging Purbeck Local Plan Policy H6 for 150 homes within 3 sites known as land east of Wareham Road, Land at Blaneys Corner and Land East of Flowers Drove. This proposed SANG

offers the capacity to mitigate the impact of the net increase in residential units on the heathlands from these developments.

7.0 Relevant Planning History

No planning history.

Chapter 4 of the merging Purbeck Local Plan (LP) identifies the release of three suitable sites from the Green Belt surrounding Lytchett Matravers to accommodate up to 150 homes (in total) and a SANG. The applicant is proposing to develop all the sites identified in policy H6 of the emerging Local Plan and Officers at the Council have engaged in pre application discussions with the applicant. As a pre-cursor to the residential sites being brought forward, this application for the Suitable Alternative Natural Greenspace (SANG) has been submitted.

8.0 List of Constraints

The site is in the parish of Lytchett Matravers

The site is within 5km of a European Habitat (SSSI)

This site is in the Statutory Green Belt

The site is in a River Catchment - Stour (Dorset. Middle)

This site is within a water source protection zone.

9.0 Consultations

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

Consultees

Natural England (NE)

(27/11/19)

NE has no objection to the proposed change of use. They also have no comments on the proposed management strategy at this time as the management details will need to be reviewed and resolved in relation to the proposed housing allocations in Lytchett Matravers. This will secure the land and its management in perpetuity as mitigation for adverse effects on Dorset Heathlands European and internationally designated sites.

(10/02/20)

NE has no additional comment on the principle of the application.

There are some points which will need to be addressed in relation to the associated housing developments which will be secured through suitable planning conditions.

Comments made over boundary treatment, location of dog bins and ensure that there is space in the car park for cycle loops.

Environment Agency (EA)

No objection to the proposed development. Make comments on the ponds and that these must be offline of any local surface watercourses, as if it connected to or interfere with flows then it may need an Environmental Permit from the Environment Agency and / or the Lead Local Flood Authority.

Dorset Council – Planning Policy

No objection in relation to principle of the scheme or its impact upon the Green Belt.

In relation to the amended plans no objection.

Following submission of the planning application has noted responses relating to the:

1. position/accessibility of the proposed SANGs;
2. length of the circular walk within the proposed SANGs; and
3. detailed design of the proposed SANGs.

After reviewing the further information notes that the applicants have attempted to address some of the design related issues, and that management agreements can be finalised through the planning obligations for the housing sites identified in policy H6 of the emerging Purbeck Local Plan.

Positive detailed comments were made over the location of the SANG, length of the circular walk and detailed design.

Dorset Council – Lead Local Flood Authority

No objection to the proposed scheme and creation of a SANG area, with a limited area of permeable car parking. We see no value in requesting a planning condition in this instance, provided that compliance with the supporting Flood Risk Assessment (FRA) is ensured.

Dorset Council – Tree Officer

Has no objection.

The proposed management plans comply with good custom and practice. There are no trees down for removal although some maintenance based upon safety will be required before it is open for public access. Plenty of new planting is planned which will help to increase tree cover and be of benefit to wildlife.

Dorset Council – Public Rights of Way

The path width has been increased.

The public right of way SE17/3 which runs alongside it and is mentioned as a major access route for which I requested additional maintenance and surfacing to

take place through the development, has been suggested that this could be financially contributed to within the section 106 agreements.

Regarding future maintenance the applicant states that an agreement with Dorset Council will be entered into, as manager of many Greenspace sites within Purbeck area I would be interested to be involved in any future maintenance plans to ensure they are sustainable and funded.

Dorset Council – Highways

Has no objection subject to a condition regrading vehicle access and an informative regarding a new access.

Urban Heath Partnership

It is still not explicitly stated how fly-tipping will be dealt with. Rubbish bins will not address fly tipping due to the types of material that tend to be fly-tipped e.g. white goods, building materials etc. The management plan should clearly state how fly-tipping will be dealt with and within what timescale to ensure the site remains accessible and attractive.

The covering letter states that the dog accessible pond will be lined but this is not stated in the revised management plan.

Dorset Dogs

Raise various detailed comments in regard to the proposed layout and furniture including that there should be safe access to the site, access infrastructure should be suitable for use by diverse people including those using pushchairs, wheelchairs and mobility vehicles, fencing of the site, visitor monitoring, bins for dogs, use of pond for dogs, different habitat areas, link to their website encouraged, further enhancements of the site suggested.

Lytchett Matravers Parish Council

Objection received (09/10/2019)

Raise an objection on the following grounds;

(i) Given that the majority of the new dwellings proposed to be built in Lytchett Matravers by this developer are located at a site on the southern boundary of the settlement the location of the proposed SANG is too far away to be effective.

(ii) The total area is believed to be too small for it to be an attractive alternative to current practice, so it is anticipated that it will be little used and not achieve the purpose for which it is intended.

(iii) The length of the path / walk within it is too short to satisfy the requirements of a SANG.

They also wished to challenge the logic of including a car park on such a small site. This seems to cater for users anticipated to travel from further afield to a facility which is smaller and with less interest than more attractive alternatives which could also be reached by car. Concern was expressed about the environmental impacts of encouraging further car use.

Representations received

Council for the Protection of Rural England (CPRE)

Objects. Considers that the proposal is premature without the allocations in the Emerging Purbeck Local Plan and that if granted under delegated powers any decision would be unsound and illegal.

Considers that Flowers Drove should not be made more popular for motorists and a car park should not be provided.

Any new houses needs appropriate infrastructure not just a SANG. Considers that Green Belt protection should be maintained.

Third Party Representations

The Council received 25 comments from neighbours and residents about this planning application. The representations are all available in full on the Council's website and this report addresses the key planning points raised.

Summary of concerns;

Principle

- No value added to the land, there is already a footpath through the land which is used regularly by local people;
- This SANG is only being provided to develop housing nearby;
- Housing would result in further development pressures –schools doctors, parking and traffic congestion;
- Proposal would have an adverse impact upon the Green Belt;
- A sculptured environment would be an eyesore;
- If a SANG is demonstrated to be needed it should be located more centrally within the village;
- The submitted ecology report requires further work to be done to assess potential on the site;
- This is the wrong location for a SANG.

Traffic / Highways

- There is no need for car park;
- Increase in traffic along Flowers Drove, which is already used by speeding vehicles as a ratrun;
- Location is away from most of village with most people having to drive with increased carbon emissions;
- Proposed access is located on an unsafe corner;
- Flowers Drove has no footpath, streetlights and is derestricted to 60mph;
- Any increase in traffic would affect fauna;
- Residents have asked for traffic calming in Flowers Drove prior to this application being submitted;
- Getting to the site from other parts of the village via public footpaths could be dangerous; especially the crossing of Wimborne Road;
- Flowers Drove is considered to suffer with winter flooding and subsidence. Any additional traffic will add to this;
- Traffic speeds along Flowers Drove raised with Council and local MP;
- Access to the site would mean going round 2 blind bends.

Community Issues

- This isolated location would attract vandalism and anti-social behaviour;
- There is already a circular route of public footpaths within the area and this is not needed;
- Fly tipping is an issue in the area and the car park would provide a spot for it.

Maintaining SANG / Specifics of Proposals

- Deer regularly pass through the site and allowing dogs off the lead could result in clashes;
- Deer proof fencing needed?;
- The circular walk is too short and therefore does not meet the requirements for the SANG;
- Due to gradient the site would be unsuitable for disabled users;
- The ponds would need to be fenced to avoid danger to children;

- Unlikely to attract residents from the heaths as too small a walk;
- Providing a car park will dissuade people from using it as if in a car will go further.

10.0 Planning Policy and other considerations

Purbeck Local Plan Part 1:

Policy SD: Presumption in favour of sustainable development,

Policy LD: General location of development,

Policy HS: Housing Supply,

Policy BIO: Biodiversity and Geodiversity

Policy DH: Dorset Heath International Designations

Emerging Purbeck Local Plan 2018-2034.

Regard has been had to the policies of the emerging Local Plan as a relevant consideration and where its policies are considered to have some weight they have been identified in the relevant section of the report.

Policy H6 – Lytchett Matravers

“Land as shown on the policies map will help to meet the District’s housing needs by providing up to 95 new homes on Land to the East of Wareham Road, 25 homes on Land at Blaney’s Corner and 30 homes on Land to the East of Flowers Drove as well as supporting infrastructure and community facilities. Along with the requirements relating to all development on the sites allocated for new homes in this plan, housing development on all the allocated sites in Lytchett Matravers will be expected to:

- a. improve accessibility between Lytchett Matravers and Lytchett Minster by forming or improving defined walking and cycling routes between the villages; and*
- b. provide financial contributions for local health infrastructure and education (as required by Policy I1)....”*

Policy V2 – Green belt

“Greenbelt boundaries have been amended at Lytchett Matravers, Upton and Wareham to support sustainable development. The impact of removing land from the green belt should be offset with the creation of suitable alternative natural greenspace (SANG) at Lytchett Matravers and at Wareham. The Council will protect the green belt, as designated on the policies map, to:

- a. prevent the spread of the Poole, Bournemouth and Christchurch conurbation;*
- b. safeguard the countryside from encroachment;*
- c. preserve the setting and special character of Wareham;*

d. prevent neighbouring settlements of Holton Heath, Lytchett Matravers, Lytchett Minster, Morden(East and West), Organford, Sandford, Upton and Wareham merging.”

Policy E7 – Conservation of protected sites

Policy E8 – Dorset Heathlands

Lytchett Matravers Neighbourhood Plan adopted 2017

Policy 2 – Local Design Principles

National Planning Policy Framework (NPPF) (2019)

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

48. Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

91. c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, ... and layouts that encourage walking and cycling.

96. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

Chapter 9 – Promoting sustainable transport

Chapter 13 – Protecting Green Belt land

134. Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

144. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

146. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) ensure that substantial weight is given to any harm to the Green Belt.

Chapter 15 – Conserving and enhancing the natural environment

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air

and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Other material considerations

National planning practice guidance

Purbeck District design guide supplementary planning document adopted January 2014.

The Dorset heathlands planning framework 2020 - 2025 supplementary planning document adopted 1 April 2020.

Dorset biodiversity appraisal and mitigation plan.

Landscape Character Assessment (Non AONB)

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 lower (Northern) part of the site is level and mowed paths are provided and is accessible to all.

Due to the contours elsewhere on site, the provision of level, hard standing areas throughout is not possible as these would erode the openness and the ecological value of the site.

13.0 Financial benefits

What	Amount / value
Material Considerations	
None	N/A
Non Material Considerations	
None	N/A

14.0 Climate Implications

The proposed development will bring benefits from a climate perspective by providing a suitable recreation area that minimises impacts upon protected heathlands accessed by bicycle or on foot by nearby residents.

15.0 Planning Assessment

Principle

The provision of the SANG is vital for the strategic allocation within Lytchett Matravers of the 150 dwellings proposed to be allocated under the emerging Purbeck Local Plan under Policy H6 and would enable the contribution of housing which would significantly add to the Council's housing land supply.

It is the view of Natural England that the cumulative effect of a net increase of dwellings up to 5km from protected heathland would have a significant effect on Dorset's lowland heathlands (that are covered by international designations) from occupants of these new developments living in close proximity. Mitigation is required, encompassing measures to divert recreational pressure away from heathland, otherwise there is the prospect that local authorities will not be able to grant permission for residential development within 5km of these designated sites.

The guiding principle of The Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) is that there should be no net increase in urban pressures on internationally important heathland as a result of additional development. The SPD facilitates the delivery of mitigation measures for the heathlands in ways consistent with national and local planning policy for local authorities in South East Dorset. These measures have been identified jointly by local authorities in Dorset and Natural England. For large greenfield sites and

urban extensions, the expectation is that SANGs will be provided as part of the avoidance and mitigation strategy.

Provision of SANGs is proposed as one of the key tools in mitigating the adverse impacts on Dorset Heaths.

The proposed SANG would also provide access to a new public open space to residents and visitors.

The NPPF also sets out that the planning system should 'contribute to and enhance the natural and local environment'. Paragraph 170 sets out that local authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. Paragraph 170 also details that local authorities should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value.

Under emerging Policy H6 there have been 19 representations to this policy in the Local Plan examination in relation to this policy. Of these the majority of the concerns surround the principle of allocating sites within Lytchett Matravers with associated concerns about impact upon infrastructure and services, impacts upon nearby protected areas and the deliverability of the SANG and which sites require the SANG and timescales for developing these sites. Also Wessex Water require coordination regarding sewage in bringing forward the sites.

The emerging Purbeck Local Plan is at an advanced stage and on 18 March 2020 the Planning Inspector for the Emerging Local Plan reported back stating that at this stage that with Main Modifications the Plan is 'likely to be capable of being found legally compliant and sound'.

Looking at the weight that can be given to the emerging Local Plan paragraph 48 of the NPPF advises that; "Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);

and

- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

The Inspector's letter explains that she will make a final decision on whether the plan is legally compliant and sound after she has considered: responses on Main

Modifications following public consultation and an updated Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA). The Inspector indicates that the strategy for meeting the area's needs is sound. An update will be required to both HRA and SA to take into account any changes made through the main modifications. Planning Policy colleagues are confident that these matters can be addressed and the plan be found sound.

The Planning Inspector specifically looked into and commented on the allocations in the Green Belt.

In this regard she said;

“Housing Allocations (Moreton Station (policy H4), Wool (policy H5), Lytchett Matravers (policy H6) and Upton (policy H7))

43. There are a number of suggested Main Modifications to the housing allocation policies as a result of the discussions at the hearing sessions. As referred to above, the Council has prepared a revised trajectory which, amongst other things, seeks to take account of the discussions at the hearing sessions regarding the deliverability of the sites and the timing of their delivery. ... In relation to this matter the Council should also consider whether this is likely to have any implications for the timing of the delivery of the sites in Lytchett Matravers (policy H6) which also require Green Belt release.”

In having regard to the Inspector's comments, there were no principle objections in releasing the Green Belt land for development. The only specific considerations in relation to the allocation was whether there would be any issues in terms of timing of delivery of the site. Therefore there is a greater degree of certainty that the applications for the new dwellings will be appropriate and need for the SANG will be required.

Policy CO: Countryside in the Purbeck Local Plan Part 1 (2012) allows new development in the countryside providing that the development does not have significant adverse impacts, a) visually; b) ecologically; or c) from traffic movements.

In relation to visual impacts, the engineering operations are limited to a small area in the north eastern corner of the SANG for a small parking area. Detailed comments are made by others in relation to the details of the fencing, which can be conditioned and as such the proposal would not result in significant adverse impact visually.

In relation to ecology, the applicant has carried out an ecological survey of the site and that the SANG has been designed and will be managed to preserve or enhance biodiversity. As such the proposal would not cause a significant adverse impact in this regard.

A total of 8 car parking spaces in the car parking area which suggests a modest number of vehicular trips to and from the SANG, and limited impact on the site's rural character and setting. The Highways Officer does not raise an objection in relation to traffic movements.

On the basis of the above, the proposal accords with Policy CO of the Purbeck Local Plan Part 1.

The SANG will deliver publicly accessible open green space. The lower (Northern) part of the site is level and mowed paths are provided to facilitate access to the open space. Due to the contours elsewhere on the site, the provision of level, hard standing areas throughout is not possible as these would erode the openness and ecological value of the site. This will be consistent in principle with Policy 2, and the 'Local Design Principles', of the Lytchett Matravers Neighbourhood Plan.

During the course of the application comments were received that raised concerns over whether this was a suitable location for the SANG.

The proposed Lytchett Matravers SANG is suitably located for access by both pedestrians (from the residents living within 400 metres of its boundaries – including Blaney's Corner and Flowers Drove housing sites and Huntick Road) via existing public footpath SE17/3 and for some people accessing the site in motorised vehicles (for the residents of the homes planned for Wareham Road site - the proposed SANG is closer than either existing Upton Heath or Morden Bog SANG's that served development). The SANG includes car parking and is well related to the existing public rights of way. It will be necessary to consider whether rights of way need to be improved, or created, for pedestrian access from the Blaney's Corner/Flowers Drove housing sites during the assessment of these anticipated future planning applications.

Concerns were also expressed that the length of the walk offered by the SANG was not long enough. While the circular walk provided in the SANGs is not 2.3 to 2.5kmlong as suggested in site quality checklist of the SPD, the council (following discussions with Natural England) is satisfied that the proposed SANG will deliver effective mitigation because of: a) its shape/size/characteristics (it provides larger areas of open space/sloping site and good views over the nearby open countryside), and b) the opportunity to link the SANG's circular walks with the public rights of way in the near vicinity including the footpath which runs through the site along the Eastern boundary.

Some responses have raised detailed comments over the detailed design. The proposed SANG has been designed to provide alternative green space in order to address the effects from the 150 homes identified in the emerging Purbeck Local Plan. While there may be some opportunity to improve its function as a public open space, all of the improvements suggested by respondents are not

justified in relation to land use planning terms as they are related to a specific end user. Some of the comments relate to matters which do not serve a function that is related to the SANG essential purpose (of mitigating visitor impacts on Dorset heaths) or where they could undermine the SANG natural characteristics and its function. In assessing all the comments raised, the amended plans have gone far enough to address concerns in relation to the use's essential purpose.

The Planning Inspector's letter in relation to the soundness of the Emerging Purbeck Local Plan was received and published on the Council's website on 20 March 2020. This letter confirms that the inspector is 'reasonably satisfied at this stage that with Main Modifications the Plan is likely to be capable of being found legally compliant and sound'.

The Inspector's letter explains that she will make a final decision on whether the plan is legally compliant and sound after she has considered: responses on Main Modifications following public consultation and an updated Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA).

Appendix E of The Dorset Heathlands Planning Framework 2020 – 2025 SPD Appendix E advises that when the Council considers the application for the development that the SANG is designed to mitigate it will need to be certain that the SANG:

- meets the SANG criteria;
- is deliverable, i.e. ownership and appropriate management is secured;
- can be managed in a suitable condition in perpetuity; and
- will be monitored for the first 5 years.

This typically involves a draft Section 106 Agreement, an implementation plan, long-term management plan and monitoring arrangements being submitted for agreement with Natural England and the Council.

In this case the SANG application has been submitted for consideration prior to the application for the housing that it is proposed to mitigate against. It is known through the proposed emerging Purbeck Local Plan that the applicant is proposing to develop all the sites proposed to be allocated within Lytchett Matravers. On this basis it is considered necessary for the applicant to enter into a Section 106 that links this SANG to the land at Wareham Road, land at Blaneys Corner and Land East of Flowers Drove and that these applications would have the relevant section 106 agreements that, together with the Section 106 agreement for the SANG site, contain the appropriate ownership and management. The section 106 agreement associated with this application would ensure that the SANG mitigates against the proposed allocated sites and not any

other piecemeal development in the future. But also ensuring the management, monitoring and mitigation is appropriately addressed.

It is noted that Dorset Dogs have raised comments over the proposed SANG. However, it must be remembered that SANG's are not solely for dog walking and other users are encouraged to use the land. However subject to the detailed section 106 agreement and management plan some of these matters could be addressed such as dog pond, location of waste bins and details of site boundary treatment.

The emerging Purbeck Local Plan is sufficiently advanced that the need for the SANG to mitigate up to 150 dwellings is demonstrated. The SANG is appropriately located to serve the allocated sites and due to the characteristics of the land Natural England has confirmed that it is possible for the proposed SANG to provide mitigation for up to 150 dwellings subject to conditions to secure the necessary enhancements. The proposal therefore complies with Policy DH (Dorset Heaths) of the Purbeck Local Plan Part 1 and the SPD.

Green Belt

This planning application proposes a 'SANG' area to be associated with future residential development identified in the emerging Purbeck Local Plan.

The proposed SANG would be located on land designated as Green Belt.

The National Planning Policy Framework (NPPF) advises that local authorities should plan positively to enhance the beneficial use of the Green Belt.

The proposed SANG will provide opportunities for further access into the Green Belt and opportunities for outdoor recreation. The proposed use will encourage activities that are consistent, and beneficial, to its purpose (safeguarding the countryside from encroachment) and essential characteristics (its openness).

The Planning Practice Guidance, published in July 2019 advises the factors to be taken into account when assessing the potential impact of development on the openness of the Green Belt. This advice considers that both spatial and visual aspects can be considered.

Paragraph 146 of the NPPF states that building operations need not constitute inappropriate development where they involve the provision of appropriate facilities for outdoor recreation as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The proposed building operations are not considered to constitute inappropriate development.

Engineering and operations do not constitute inappropriate development providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Given the scale and nature of the proposed works, and the extent of the site area, it is concluded that the proposal would not result in any significant loss of openness in this case, or conflict with

the purposes of including land within the Green Belt, and therefore that these aspects of the proposal would not constitute inappropriate development in the Green Belt.

Operational development associated with the creation of the SANG includes the formation of an access track and car parking area. The proposed works are necessary for use of the SANG, and therefore should be treated as 'appropriate facilities' for the purposes of paragraph 145 of the NPPF.

The degree of activity likely to be generated including traffic generation should be considered. The proposed activity on the parking area is limited with only a maximum of 8 vehicles using the parking area at any time. The parking area and access track is approximately 210m². As aforementioned, the carrying out of engineering operations in the NPPF is not considered to be inappropriate, providing it preserves openness and meets the requirements for the land to be included in the Green Belt. The formation of a hardstanding is for use associated with the SANG and is a small area associated with the overall SANG.

The access track and car park is a permanent feature and does result in the loss of openness of the Green Belt.

In conclusion the proposals do not adversely affect the purposes of the Green Belt as detailed in paragraph 134 of the NPPF '.

Scale, layout, impact on character and appearance of landscape

The Countryside and Tourism Officer suggested the use of some hoggin paths for better access in all conditions. The agent has considered this and confirm that they have not provided hoggin paths, as they are aiming for a more natural approach with grassed mown paths. This would give visitors a more rural and natural feel as they walk around the SANG. It also encourages biodiversity and is more environmentally friendly.

A local resident has suggested that the site should have deer proofing fencing surrounding it. However, Natural England have confirmed that this is unnecessary as it is unsightly in open countryside and costly to maintain in perpetuity. Increased robust landscaping around the site is suggested instead along with clipex fencing. These can be secured by condition (number 04).

Biodiversity

The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and geological conservation interests, minimising impacts on biodiversity and providing net gains in biodiversity by establishing coherent ecological networks that are more resilient to current and future pressures.

The provision of SANG is an established way to mitigate the impact of new residential development upon protected areas.

The SANG will increase connectivity of green infrastructure and natural habitats within Purbeck. It will expand the Council's Green Infrastructure by accessing areas of land which were previously restricted by agricultural use and provide greater provision and choice of types of open space including accessible and semi-natural spaces.

Measures may need to be taken to enhance the site to be used as a SANG and to replicate the natural qualities and features of the heathland that draw visitors including access routes, footpaths, walking tracks, hard/soft landscape, trees, streams/ponds, dog bins and fencing. The submission of details of such measures, and their implementation, can be secured by planning condition for agreement. Guidelines for the quality of SANGs is detailed in Appendix E of the Dorset Heathlands Planning Framework 2020 - 2025 SPD. Details of the management plan for the SANG to be agreed can also be secured by condition.

Once applications for dwellings are ready for consideration, a Section 106 legal agreement can be secured to detail the ongoing maintenance of the SANG land and to make sure that the SANG land is secured prior to the occupation of any homes.

Impact on amenity

There are no residential properties in such close proximity to the application site that will be affected by this relatively 'low key' use.

Concerns have been raised regarding that the site could promote fly tipping. Fly tipping is a criminal offence for which you can be prosecuted. Thereby it is outside the remit of the planning authority. However a parking barrier has been proposed and this will restrict access to the site to smaller vehicles and other such SANGs within the former Purbeck area, have not resulted in increased fly tipping.

Access and Parking

The proposal is primarily intended to serve the local community. An existing public Right of Way (footpath SE17/3) runs through the site. The rights of way officer considers that this may need additional maintenance and resurfacing and has suggested possible inclusion within the legal agreement. This matter can be addressed through the management plan condition (05). A small parking area is proposed to enable increased access and useability of the site. Other sites within Purbeck have provided a small parking area and this has resulted in no significant increase in traffic movements. The Highways Officer has raised no objection to the proposals. Also on discussion with the local highways officer, there are no projects or proposals for traffic calming measures and this has been discussed locally with local residents. The access requirements of the highway authority can be secured by planning condition.

16.0 Conclusion

The proposals allow the facilitation of new dwellings in Lytchett Matravers in a location accessible from all proposed sites and as such is an appropriate location.

The proposal is not inappropriate and meets the overall aims of preserving the Green Belt.

17.0 Recommendation

Grant

- A) Delegate to the Head of Planning to grant permission subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:**

To secure in perpetuity management of the land as a SANG and tie the use of the land as SANG as mitigation to the sites at Land East of Wareham Road, Land at Blaneys Corner and land east of Flowers Drove as identified in the emerging Purbeck Local Plan.

And the following conditions (and their reasons).

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: Location Plan, 813.11/29G - Illustrative SANG Masterplan, AWP drawing 0902/PHL-101A Access and Car Park Arrangements and submitted Flood Risk Assessment AWP – 0902 Rev A.

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

3. The land shall only be used for informal public recreation purposes only and for no other purposes, including any other purpose within Class D2 (Assembly and leisure) of the Town and County Planning (Use Classes) Order 1987 (as amended or replaced).

Reason: To define this permission and in the interests of the proper planning of the locality

4. Prior to the first use of the site, a detailed SANG design and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The submitted design shall include details of the hard and soft landscaping and proposed equipment. All proposed and existing trees and shrubs shall be correctly described and their positions accurately shown on a planting plan. The approved landscaping shall be undertaken in accordance with the agreed timetable unless otherwise approved in writing by the Local Planning Authority.

Reason: To secure features necessary to ensure that the SANG operates effectively in accordance with the Dorset Heathlands SPD 2020-2025

5. Prior to the first use of the site, a management plan relating to the proposed SANG shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall set out specific habitat management and enhancement measures; frequency and nature of SANG maintenance measures; clear functional objectives for the SANG; site leaflet production and publication; and the means by which the SANG management strategies can be adapted over time. The approved scheme shall be implemented in accordance with the timetable(s) established within the approved details.

Reason: To secure features necessary to ensure that the SANG operates effectively in accordance with the Dorset Heathlands SPD 2020-2025

6. Before the car park is opened and made available to the public the first 10 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing), 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.

7. 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 on 01305 222120, or on line at [www.dorsetcouncil/roads,highways and maintenance](http://www.dorsetcouncil/roads,highways%20and%20maintenance), 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.

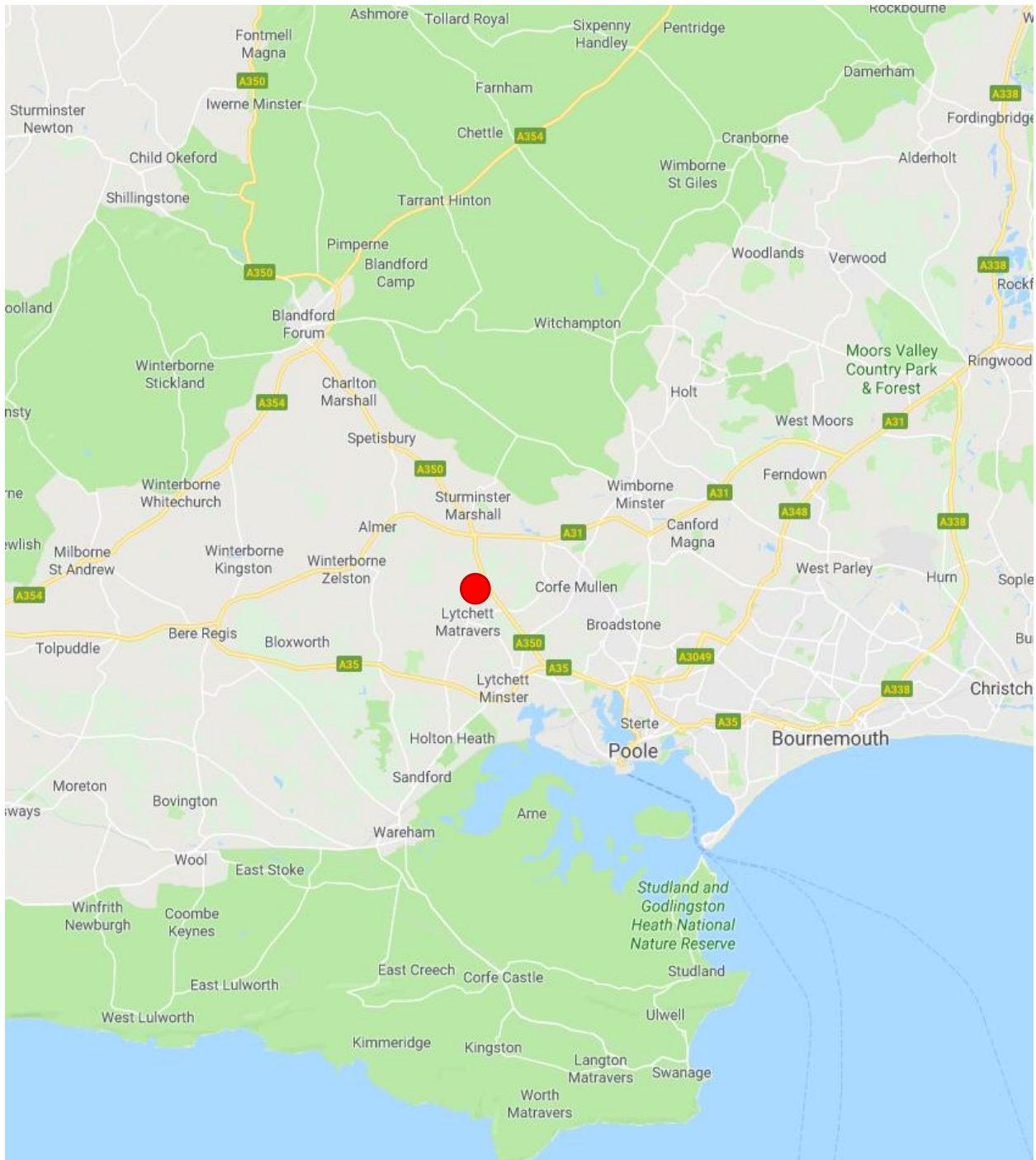
- B) Refuse permission for the reasons set out below if the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by (6 months from the date of committee) or such extended time as agreed by the Head of Planning.**

Approximate Site Location ●

Application Reference: 6/2019/0530

Address: Land off Flowers Drive, Lytchett Matravers

Application: Change of use of land to Suitable Alternative Natural Greenspace (SANG) & associated car park



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REPORT SUMMARY

REFERENCE NO.	3/19/1435/COU		
APPLICATION PROPOSAL	Change of use of buildings to commercial uses under B2 General Industrial and B8 Storage & Distribution - retrospective application (amended description).		
ADDRESS	Clayford Farm, Uddens Drive, Colehill, Wimborne, Dorset, BH21 7BJ		
RECOMMENDATION	GRANT subject to conditions (see Section 11 of the report for the full recommendation)		
REASON FOR REFERRAL TO COMMITTEE			
The Nominated Officer has requested that this application be referred to the planning committee to allow consideration of the concerns raised regarding impacts on the bridleway			
SUMMARY OF REASONS FOR RECOMMENDATION			
<ul style="list-style-type: none">No new buildings are proposed and therefore the development is appropriate within the Green Belt and its impact on the landscape and biodiversity is not significant.The proposed change of use will support the diversification of a former agricultural business, promote enterprise in a rural area, provide local employment and find a new use for substantial agricultural buildings that could otherwise lie empty.The former agricultural buildings are already occupied by 17 businesses that would either have to close or relocate if the proposal is refused. This is an important consideration for the local economy.The proposed use has been established at the site for several years without any identified harm.The traffic movements generated by the development have been accommodated without detriment to highway safety for several years. The Highways Authority have no objection.There is not considered to be any significant harm to neighbouring residential amenity by reason of noise or disturbance.This application is found to accord with the development plan and national planning policy and guidance and is therefore recommended for approval.			
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL			
<u>The following are considered to be material to the application:</u>			
Not applicable			
APPLICANT	Mr K Martin	AGENT	Mr Simon Munnings

WARD	West Moors and Holt	PARISH/ TOWN COUNCIL	Holt Parish
PUBLICITY EXPIRY DATE	16 March 2020	OFFICER SITE VISIT DATE	28 October 2019
DECISION DUE DATE	07/10/2019	EXT. OF TIME	None
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
3/19/0638/FUL	Change of use of redundant agricultural barns to uses within use classes Class B1 (Business) and Class B8 (Storage or distribution). Retrospective.	Withdrawn	27/06/19
3/12/1026/COU	Change of use of buildings and area of yard to commercial B8: Storage use	Refused	19/03/12
Reasons for refusal: 3/12/1026/COU <ul style="list-style-type: none"> 1. In the absence of evidence that additional parking would not be required the proposal was judged likely to harm the openness of the Green Belt. 2. Unsustainable location. 3. Means of access considered unsuitable for additional vehicular traffic. 			
3/12/0457/CLU	Sausage factory (B2). Industrial units used for storage and workshops (B1 and B8).	Refused	07/09/12
03/03/0887/FUL	Change Of Use Of Existing Agricultural Workshop To Plant For Processing Cockerel Meat To Sausages & Packing.	Granted	28/08/03
03/01/0102/FUL	Change Of Use Of Agricultural Buildings To B1, B2 & B8 Use (light Industrial, General Industrial And/or Storage Uses	Refused appeal dismissed	22/03/01 & 18/10/01
Reasons for refusal: 03/01/0102/FUL <ul style="list-style-type: none"> 1. Unsustainable location 2. Harmful noise and disturbance caused by additional vehicles 3. Access track inadequate to carry additional vehicles 			
3/86/0403/OUT	Outline-Agricultural Dwelling	Refused	05/06/86
3/82/2061/HST	Dwellinghouse	Refused	07/01/83
3/82/2013/HST	Farm office	Granted	17/12/82

MAIN REPORT

1.0 DESCRIPTION OF SITE AND SURROUNDINGS

- 1.01 The application site is located within the Green Belt in a remote countryside location characterised by a mixed landscape of woodland, heathland and small field enclosures. The site is accessed via a compacted hard-core track, which forms part of the Bridleway network (including the Ferndown and Stour Forest Trail). To the west and north of the site is a sawmill and fence manufacturer and its associated yard and further to the west is a row of houses. To the south and south-east of the site is a farm access, farm buildings and a dwellinghouse. The site access track has two separate routes through Ferndown Forest to the metalled road network and there are other residential properties along both routes.
- 1.02 The site comprises of a quadrangle of hardstanding enclosed on four sides by portal frame buildings, some of which were formally agricultural buildings associated with Clayford Farm. The southern side of the site is only partially enclosed by buildings, being also bounded by fencing and vegetation which separates it from the original farm holding; the site is no longer associated with any agricultural enterprise. A recently erected portal framed extension along the southern edge of the site and an extension to the eastern end of the northern building do not form part of this Change of Use application. At the time of the site visit, the centre of the quadrangle was mainly in use for parking vehicles.
- 1.03 In the south-west corner of the quadrangle is a small brick-built building believed to be in use as an office, a porta cabin believed to be in use as a staff room, a small breeze block building believed to be in use as a store and a weighbridge.
- 1.04 In earlier applications to develop the site it has been stated that the western and eastern range of buildings have previously been used as lairage for the short term keeping of cockerels (commercial fattening for the food industry) prior to export. Part of the eastern building has been in use for sausage making following a planning consent in 2003.
- 1.05 The applicant has submitted a list of the current occupants of the buildings that are part of this application. The Use Classes of the businesses currently occupying the site, as shown on the list provided are B2 and B8 Use Classes. The businesses of these occupants are principally vehicle repair and storage but also include a sausage factory and a hydro clean business. It is noted that production at the Sausage Factory is limited by a condition on its grant of planning permission that production shall solely involve the production of sausages/burgers from cockerels which are fattened at Clayford Farm; cockerels are no longer fattened at Clayford Farm.

2.0 PROPOSAL

- 2.01 The proposal seeks retrospective planning permission to change the use of the former agricultural buildings along the north, east and western sides of the quadrangle to B2 and B8 uses, creating 17 business units.
- 2.02 The application, as originally submitted was for B1 and B8 uses. However, the development description was later amended to reflect the Use Classes of the existing businesses at the site. Consultees and neighbours were notified of the change and new site notices were posted.
- 2.03 **Note:** The applicant has stated his intension to apply for planning permission for the other buildings on the site, erected after the agricultural use of the site ceased, and which do not form part of this change of use application, pending the outcome of this application.

3.0 SUMMARY OF INFORMATION –

- 3.1 The proposed change of use relates to approx. 1385m² of floor space of which approx. 648m² is in B8 use and 737m² is in B2, subdivided to create 17 business units.

4.0 RELEVANT PLANNING CONSTRAINTS

Flood Zone 2 &3
Green Belt
Rights of Way

5.0 POLICY AND OTHER CONSIDERATIONS

Development Plan:

Christchurch and East Dorset Core Strategy 2014

- KS1: Presumption in favour of sustainable development
- KS2: Settlement hierarchy
- KS3: Green Belt
- KS11: Transport and Development
- KS12: Parking provision
- HE2: Design of new development
- HE3 Landscape Quality
- ME1: Safeguarding biodiversity and geodiversity
- ME2: Protection of the Dorset Heathlands
- ME6: Flood Management, Mitigation and Defence
- PC4: The Rural Economy

Supplementary Planning Documents:

The National Planning Policy Framework (2019)

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

- Section 6 Building a strong, competitive economy

Planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

- Section 12 Achieving well-designed places
The requirement for good design set out in section 12; paragraph 127 requires that development should add to the overall quality of the area. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions (para 130).

- Section 13 Protecting Green Belt Land

6.0 LOCAL REPRESENTATIONS

6.01 In addition to letters to neighbouring properties, a site notice was posted outside the site on 03/09/2019 with an expiry date for consultation of 27 September 2019. A further letter consultation was carried out on 23 October 2019 following an amendment to the description and a second site notice posted on 28 October 2019.

6.02 No representations were received during the consultation period. However, following a deterioration in the condition of a section of forest road leading to the site during February 2020, fifteen neighbour letters of objection to the proposal and an additional objection from the Parish were received by the Council. Notwithstanding the late receipt of these comment it is prudent to give due consideration to the objections; the case officer report has been amended accordingly and Dorset Council highways department reconsulted on the points raised.

14 representation have been received objecting to the proposed development for the following summarised reasons:

- The forest track is cannot cope with the level of traffic.

- There are two routes into the application site (Uddens Drive & White Sheet) neither of which are suitable for type and number of vehicles currently accessing it.
- The units will contribute towards the residents experiencing an increase in dust, smells, fumes, noise or vibration.
- The track is also a bridleway: other users will be affected by increased traffic and noise.
- The track surface has degraded in the past few years.
- Track surface could be dangerous to horses.
- If the track surface is improved it will encourage vehicles to be driven at speed.
- Track is in frequent use by local equestrians and walkers.
- A transport assessment should be done
- A biodiversity assessment should be done
- Vehicles using the track travel at speed with little regard for horses.
- The track may become unusable for emergency service vehicles.
- Repairs that have been carried out to the track are poorly constructed.
- There is a lack of parking at the site.

7.0 CONSULTATIONS

7.01 Holt Parish Council (19.09.2019)

Initial consultation: *“Members support the use of these buildings for small/light industrial usage however in view of the nearby SSSI and Holt Heath we have some concerns regarding the environmental impact in this low-lying location which also uses a bridleway for access.”*

Re-consultation: *“Members previously supported the use of these buildings for small/light industrial usage however the proposed change to B2 General Industrial raises increased concern for the nearby SSSI and Holt Heath. The environmental impact of heavy industry is particularly unsuited to this low-lying location and heavier traffic using the bridleway for access, Holt Parish Council therefore OBJECTS to the proposal. (Members do not require this application to be submitted to the Planning Committee).”*

Additional Parish comment (13.03.2020)

“Holt Parish has further discussed the above application for Clayford Farm following additional information brought to members attention by local residents.

We have been provided with evidence that demonstrates how the development is impacting on the bridleway access which has become unsafe due to the high volume of traffic now generated. The enjoyment of horse riders etc are affected using the bridleway that originally served only 5 properties and the condition of the track is now unsuitable for emergency

services. It appears there is also insufficient parking for the units and vehicles are now parking on the track further hindering access and enjoyment. Our original comments OBJECTING to the proposal remain (as submitted 14 November 2019), however we now request the application is referred to the Planning Committee.

We also understand that residents have written to Dorset Council requesting clarification on changes to the description of the proposal from B1/B8 to B2/B8 and have yet to receive a response. We would be grateful if Dorset Council could respond as soon as possible to our residents' concerns.

If you require any further information please let me know, we would be pleased to receive the latest information on the status of this application.

7.02 Dorset Council Highways

Initial consultation: The Highway Authority has NO OBJECTION to the proposal

Re-consultation: Due to the receipt of a large number of objections complaining of a recent (February 2020) deterioration in the condition of the track leading to the site the Highways Authority was reconsulted. Their reply states:

"The Highway Authority has nothing further to add to its previous observation dated 18 September 2019".

7.03 County Rights Of Way Officer

No Comments received on original consultation

Comments received 24.10.2019 following re-consultation:

"Access to the application site is via bridleways E45/57 and E45/15. The Greenspaces team for East Dorset are concerned as to the impact that additional traffic generated by the use of this land for storage and distribution would generate. In the first instance the increase of vehicular traffic would hinder use of the bridleway by legitimate users in restricting their enjoyment and possibly dissuading use of the route as a result of encountering the types of vehicles likely to be used in this sort of venture. Secondly the introduction of increased vehicular traffic is likely to do damage to a surface which is potentially unsuitable to deal with it. Damage to the surface as a result would impede the proper enjoyment of the route by the legitimate user. We would be happy to consult with the applicant with regards to what measures may be put in place to limit any impact ahead of the application being considered."

7.04 Environment Agency

No reply

8.0 APPRAISAL

8.01 The main considerations involved with this application are:

- The principle of the development in the location
- Impact on the Green Belt.
- Highways Impacts.
- Parking
- Impact on the amenity of neighbouring properties.
- Flood risk
- Biodiversity

These points will be discussed as well as other material considerations under the headings below

Principle of Development

8.02 The application site lies outside of any settlement type identified in Policy KS2 and is therefore located where development would not be allowed unless it was functionally required to be in the rural area. However, Policy PC4 provides exceptions to Policy KS2. PC4 states that proposals for the development and diversification of agricultural and other land based rural businesses will be supported which accord with policy as set out in the National Planning Policy Framework and also that:

- *Are consistent in scale and environmental impact with their rural location avoiding adverse impacts on sensitive habitats, Areas of Great Landscape Value and landscapes identified through landscape character assessments and the openness of the Green Belt.*
- *Conserve the landscape quality and scenic beauty of the Cranborne Chase and West Wiltshire Downs AONB, and comply with the provisions of the AONB Management Plan.*
- *Do not harm amenity and enjoyment of the countryside through the impact of noise and traffic generation.*
- *That minimise additional trips on the highway network and are accessible by sustainable modes other than the car.*

8.03 Paragraph 83 of the NPPF (2019) states that “Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

b) the development and diversification of agricultural and other land-based rural businesses;

c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship”.

8.04 Of particular relevance to this application, Paragraph 84 of the NPPF states *“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist”.*

8.05 The site is not accessible by sustainable modes of transport and consequently people working at the site will be reliant on private car use. However, the proposed change of use will support the diversification of a former agricultural business, promote enterprise in a rural area, provide local employment and find a new use for substantial agricultural buildings that would otherwise lie empty. That the former agricultural buildings are already occupied by 17 businesses that would either have to close or relocate if the proposal is refused is also an important consideration for the local economy. It is considered that the benefits of the proposal to the rural economy outweigh the harm caused by the unsustainability of the location and the need for workers on the site to rely on private car use. Therefore, subject to demonstrating an acceptable impact on the Green Belt, and the highway network, the principle of the development is considered to be in accordance with Local and National planning policy.

8.06 It is noted that applications 03/01/0102/FUL & 3/12/1026/COU were refused because the site was considered to be in an unsustainable location. However, due to the altered policy context, particularly that within the NPPF (2019), which gives greater support to business needs in rural areas, it is considered that for this application, on balance, the sustainability concerns are considered to be outweighed by the social and economic benefits of the proposal.

Impact on the Green Belt

- 8.07 Great importance is attached to Green Belts. The essential characteristics of Green Belts are their openness and their permanence (para 133 of the NPPF (2019)). 'Inappropriate' development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances' (para 143). New development is inappropriate in the Green Belt apart from the exceptions set out in paragraphs 145 and 146. Substantial weight is to be given to any harm to the Green Belt and 'very special circumstances' require that any harm to the Green Belt is clearly outweighed by other considerations (para 144).
- 8.08 Under Para 146d) the re-use of buildings is not inappropriate in the Green Belt provided that the buildings are of permanent and substantial construction, preserve its openness and do not conflict with the purposes of including land within it.
- 8.09 The buildings that are the subject of this application meet the requirement of being of a permanent and substantial construction and because the buildings are arranged around a quadrangle with the associated parking area at the centre and screened by the envelope of surrounding buildings, any increase in parking arising from the proposal would not significantly harm the openness of the Green Belt.
- 8.10 It is noted that the 2012 application to change of use of the buildings and an area of yard to commercial B8 was refused in part due to concerns that that proposal would harm the Green Belt due to the use of part of the yard for open storage and an absence of evidence that additional parking would not be required. However, in this proposal an area of open storage is not proposed and the existing commercial uses of the site, which have been operating in various guises since 2012 have not led to a requirement for additional parking. As such it is considered that the Green Belt refusal reasons for the 2012 application are not present in this case.
- 8.11 This view is consistent with the Appeal Inspector's assessment of the Council's refusal of the 2001 planning application at the site (application 03/01/0102/FUL) for a "Change Of Use Of Agricultural Buildings to B1, B2 & B8 Use (light Industrial, General Industrial And/or Storage Uses)". With regard to impact on the Green Belt the Appeal Inspector found "*that the proposal would be appropriate development in the Green Belt*".
- 8.12 For the reasons given above it is considered that the proposed development is not inappropriate development within the Green Belt and is in accordance with NPPF (2019) Green Belt policy.

Highways Impacts

- 8.13 The Highway Authority has no objection to the proposal and has maintained this position following a re-consultation. The Highways Authority also had no objection to the refused 2012 application (3/12/1026/COU). However, for the refused 2001 application (03/01/0102/FUL appeal denied) the Highways Authority deferred its recommendation due to the lack of information regarding traffic implications. Nevertheless, the refusal reasons for the 2001 and 2012 applications included harm to road safety. For the 2001 application the Appeal Inspector's concern regarding road safety was based on a "*likely increase*" in the amount of traffic using the forest track which, "*in [his] view*" would lead to an increase in the likelihood of accidents. The Inspector's view was necessarily unsubstantiated by evidence and based on his own opinion because little transport information had been provided by the applicant for the 2001 application and because Highways had deferred their comments. However, in refusing the 2012 application, the Council's view that that proposal would harm road safety was contrary to the opinion of the Highways Authority who, for that application had stated no objection.
- 8.14 The current application is a retrospective application and the Council is aware, that industrial and storage uses have been run from the site for several years, up to the current date. As a consequence, a significant amount of time has passed during which the validity of the highway safety concerns raised in previous applications have been able to be assessed in the light of the experience gained from the operation of the site for industrial uses for several years. The highway safety concerns raised in the 2001 and 2012 applications have proved to be unfounded with volumes of traffic using the track remaining relatively low; the Case Officer for this application has visited the site five times over the last year, albeit outside of peak traffic hours, and whilst travelling along the length of the 1.8km access track has passed only half a dozen or so vehicles coming the other way in the totality of these visits. Also, in comparison with the many un-adopted roads in the former East Dorset District, the track remains in reasonably good condition. However, it is noted that towards the end of an exceptionally wet winter, and during the wettest February on record, a section of the track became impassable to two-wheel drive vehicles for a few days until a repair was carried out by the applicant. The un-metalled surface of the track serves to keep traffic speeds low and minimises any conflict between vehicles and other users of the bridleway.
- 8.15 The maintenance issue with the track and the matters raised in the letters of objection received in February 2020 do not raise any issues that warrant a change to the recommendation to approve. That there would be an ongoing requirement to maintain the track was already understood. The agent for the application has advised that the length of the unmetalled section of the two routes leading to the application site has historically been maintained by the applicant, who owns a section of that track, but that there is no formal

agreement in place for its maintenance. He informed the Council that owners of the other properties which are accessed via the track do not pay towards the applicants' costs in maintaining the track. This version of events has been confirmed by neighbours in telephone conversations with the case officer who has been given no reason to doubt that this is so.

- 8.16 As long as there is no formal agreement in place for the maintenance of the track, adequate provision for its future maintenance will remain uncertain. However, in the absence of any alternative arrangements to maintain the track it is considered that the existing informal arrangement provides the most realistic prospect that the track will continue to be maintained. Whether or not this arrangement would continue if this application is refused is not known. However, it is axiomatic that for the applicant to be able to continue to successfully let the business units at the Clayford Farm site, satisfactory access for vehicles along the track will need to continue to be maintained by the applicant. Requiring the applicant enter into a Section 106 agreement to maintain the track would not be possible or reasonable; the applicant owns only a part of the track and it would not be reasonable to formally require him to maintain a track at his expense which also has many other users.
- 8.17 It is noted that some letters of objection have observed that levels of traffic along the track have increased in recent years. It is possible that this may in part be related to the additional buildings erected on the site by the applicant circa 2017/2018 and which are not part of this application. The applicant has advised the Council of his intention, following the determination of this application, to submit a further retrospective planning application to regularise the new buildings at which point their additional impact on traffic levels will be considered.
- 8.18 It is noted that the County Rights of Way Officer, although having not previously responded to consultations on earlier, similar applications to develop the site, has now raised a concern that the proposal would hinder use of the bridleway by other users and that the introduction of increased vehicular traffic is likely to do damage to a surface which is potentially unsuitable to deal with it. However, for the reasons stated above, it is considered that these concerns, first raised in 2001 and again in 2012, have proved to be unfounded. The proposal is therefore considered to be in accordance with Policy KS11.
- 8.19 A condition that Permitted Development rights are withdrawn for changes of use class for the business units within the site, without prior approval of the Council, is considered necessary to ensure that the pattern and scale of the B2 and B8 usage remains commensurate with the location.

Parking

- 8.20 The submitted plans show that the proposed change of use relates to approx. 1385m² of floor space of which approx. 648m² is in B8 use and 737m² is in B2 use.
- 8.21 The Dorset County Council Car and Cycle Parking Guideline figures for non-residential development recommends 1 space per 30m² for B2 use + 1 HGV space per 250m² and 1 space per 200m² + 1 HGV space per 250m² for B8 uses. The recommended parking requirement for the proposal with the current occupants is approx. 25 spaces with 5 HGV spaces. It is noted that the Guideline states “the suggested figures should be interpreted as an initial pragmatic county wide guide”. The current pattern of occupancy of the site, in which the 3 former agricultural buildings are sub-divided into relatively small units of typically 80m², is not likely to generate significant HGV traffic. Notwithstanding these points, the quadrangle of hardstanding in the centre of the site is more than large enough to provide sufficient parking to serve the proposal.

Impact on the amenity of neighbouring properties

- 8.22 As this is an application for a change of use of buildings only it will have no effect on the amenity of neighbouring properties in terms of overbearing, loss of outlook, light or privacy. However, this proposal, to change the use of former agricultural buildings to B2 and B8 used may give rise to an increase in the ambient noise levels in the locality or to odours.
- 8.23 In refusing the appeal for application 03/01/0102/FUL the Council raised no objections based on potential noise or odour emanating from the premises harming amenity and the Inspector did not disagree with this view. He did however agree with the Council that the proposal, by reason of noise and disturbance from the “likely” increased vehicular traffic, would harm the living conditions of residents living close to the track. However, as discussed under the heading Highways Impacts, the anticipated harmfully significant increase in vehicular traffic has not materialised. As a consequence, the previous refusal for the reason of harm to amenity from noise and disturbance, although a prudent precaution at the time, has proved to be unfounded. In consideration of the fact that B2 and B8 operations that have been run from the site for several years without any significant issues arising regarding traffic volumes it is evident that the early concerns have not been substantiated by experience and as such it would not be reasonable to refuse this application due to concerns that the proposal would cause harm to amenity of nearby residents from noise and disturbance.
- 8.24 It is noted that there is a sawmill and fence manufacturer (Use Class B2) adjacent to the site which is located closer to nearby dwellings than the

application site which, along with the sausage factory, has established the precedent of Use Class B2 operations in the locality.

Flood Risk

- 8.25 The applicant has submitted a copy of the Flood Map for Planning produced by the Environment Agency, which indicates that the southern part of the application site lies just within flood zone 2 and 3. The Flood Risk Assessment states that in reality, the former agricultural buildings were constructed on a raised yard that is outside of the flood risk zone. Although the Environment Agency has not responded to its consultation for this application, it stated no objection to the 2012 application, which is similar in terms of its position relative to the flood risk zone. Additionally, because this proposal is an application for a change of use only it will not increase flood risk in the area. As such the application is considered to be in accordance with Policy ME6.

Biodiversity

- 8.26 It is noted that Holt Parish Council stated a concern that the proposed change of use to B2 General Industrial could affect nearby Sites of Special Scientific Interest (SSSI) including those within Holt Heath. However, the proposed change of use of existing buildings is not listed in the Dorset Heathland Planning Framework 2020-2025 or Natural England's Impact Risk Zones for Sites of Special Scientific Interest User Guidance as a development likely to cause a significant effect upon SSSIs or Dorset Heathland. As such the application does not present any significant biodiversity issues.

Conclusion

- 8.28 It is considered that the reasons for the refusal of applications 03/01/0102/FUL and 3/12/1026/COU, which were applications of a similar character and scale to the current application, have been satisfactorily addressed in this application or are not applicable. This application does not present any other issues which would necessitate a new reason for refusal. As such, taking into account the considerations set out above, this application is found to accord with the development plan and national planning policy and guidance and is therefore recommended for approval

9.0 HUMAN RIGHTS

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

10.0 PUBLIC SECTOR EQUALITIES DUTY

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

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

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

11.0 CLIMATE IMPLICATIONS

- 11.01 No significant climate change impacts have been identified as likely to result should permission be granted.

12.0 RECOMMENDATION

GRANT, SUBJECT TO THE FOLLOWING CONDITIONS:

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

Drawing No SJM 19-0701A Building 1
Drawing No SJM 19-0701B Building 2 Revision 7th August 2019
Drawing No SJM 19-0701C Building 3
Drawing No SJM 19-0701D Block Plan Revision 7th August 2019
Drawing No SJM 19-0701E Location Plan
Drawing No SJM 19-0701E Occupiers Revision 7th August 2019

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof the use of each individual business unit, as identified on Drawing No SJM 19-0701E Occupiers, shall be limited to uses within the business unit's Use Class as indicated on Drawing No SJM 19-0701E Occupiers. The Use Class hereby approved for the units identified on the Drawing as Units 1, 2, 3, 4, 5, 6, 8, 10 and the Sausage Factory is B2 and the Use Class hereby approved for the units identified on the Drawing as Units 7, 9, 12, 13, 14, 15, 16, and 17 is B8 as defined in the schedule to

the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment), and for no other purpose whatsoever.

Reason: In order that the Council may be satisfied about the details of proposal due to the particular character and location of this proposal.

3. No vehicles, plant or machinery shall be operated and no process carried out and no deliveries taken or dispatched from the site outside the following times:-

0800 hours and 1800 hours on Mondays to Saturdays inclusive, excluding Bank and Public Holidays.

Reason: In the interests of the amenity of neighbouring residents.

4. No goods, plant or material shall be deposited or stored in the open or displayed for sale in the open on the site without the prior consent in writing of the Local Planning Authority.

Reason: In order that the Council may be satisfied about the details of proposal due to the particular character and location of this proposal and to maintain adequate parking areas.

Informatives:

None relevant

Background Documents:

Case Officers: Kevin Riley

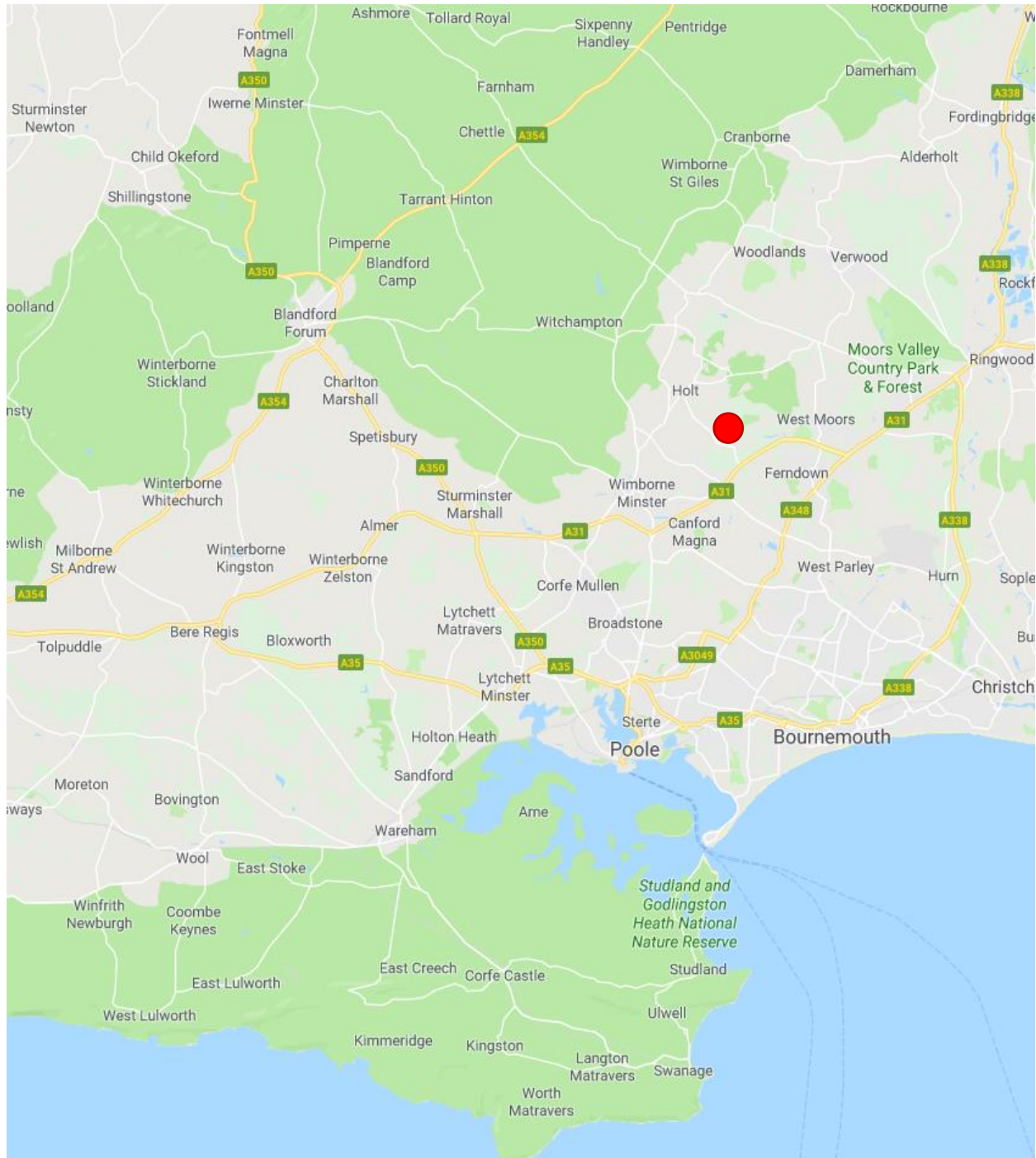
NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

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

Approximate Site Location ●

3/19/1435/COU- Clayford Farm, Uddens Drive, Colehill, BH21 7BJ

Proposal: Change of use of buildings to commercial uses under B2 General Industrial and B8 Storage & Distribution - retrospective application (amended description).



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