



Northern Area Planning Committee

Date: Tuesday, 17 September 2019
Time: 2.00 pm
Venue: Stour Hall - The Exchange, Old Market Hill,
Sturminster Newton, DT10 1FH

Membership: (Quorum 6)

Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Tim Cook, Les Fry, Matthew Hall, Carole Jones, Robin Legg, Bill Pipe, Val Potheary, Belinda Ridout and David Taylor

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

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AGENDA

		Page No.
1	APOLOGIES	F_PRO
	To receive any apologies for absence	
2	DECLARATIONS OF INTEREST	F_PRO
	To receive any declarations of interest	
3	MINUTES	F_PRO
	To confirm the minutes of the meeting held on 21 August 2019.	
4	PUBLIC PARTICIPATION	F_PRO
	There will be no opportunity for Members of the public to speak on a planning application unless proper notification is given to Democratic Services no later than two clear working days before the meeting in accordance with the Guide to Public Speaking at Planning Committee .	
5	PLANNING APPLICATIONS	F_PRO
	To consider the applications listed below for planning permission	
a	Proposed Traffic Regulation Order - Church Lane and Lyons Walk, Shaftesbury	F_PRO
	This report considers the objections and support received, and whether the proposals in Shaftesbury should be implemented as advertised.	
b	Application No: 2/2018/1240/FUL, Huntley Down, Milborne St Andrew, DT11 0LN,	F_PRO
	Erect 25 No. dwellings with garages, form vehicular access	
c	Application No: 2/2019/0351/FUL, Three Choughs Inn, West Street, Blandford Forum, Dorset, DT11 7AJ	F_PRO
	Change of use and conversion of ground floor and rear outbuilding to additional staff accommodation for the Crown Hotel and create 3 No. parking spaces (demolish existing single	

storey rear outbuilding).

- d Application No: WD/D/19/001562, All Saints Ce Vc Primary School, Giles Lane, Bishops Caundle, Sherborne, DT9 5NQ**

F_PRO

Replacement of existing temporary timber external changing rooms with new combined temporary timber clad changing room/storage unit.

6 EXEMPT BUSINESS

F_PRO

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended)

The public and the press will be asked to leave the meeting whilst the item of business is considered.

7 URGENT ITEMS

F_PRO

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 - NORTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 21 AUGUST 2019

Present: Councillors Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Tim Cook, Les Fry, Matt Hall, Carole Jones, Robin Legg, Belinda Ridout and David Taylor

Apologies: Councillors Bill Pipe and Val Potheary

Also present: Councillors Andy Canning and David Walsh

Officers present (for all or part of the meeting): Emma Baker, Robert Lennis, James Lytton-Trevers, Philip Crowther and David Northover

25. Apologies

Apologies for absence were received Councillors Bill Pipe and Val Potheary.

26. Declarations of Interest

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

Councillor Mary Penfold considered that she might well have a prejudicial interest in minute 29, having been a participant in discussion of the principles of the DTEP scheme, within which the Great Western Traffic Management scheme was a part. On that basis, she withdrew from the meeting during consideration of the item.

27. Minutes

The minutes of the meeting held on 23 July 2019 were confirmed and signed.

28. 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.

29. Dorchester Transport and Environment Plan (DTEP) - Proposed 20 mph Zone for Victoria Road and neighbouring roads, Dorchester

The Committee considered the officer's report for the introduction of a 20 mph zone for Victoria Road and adjoining residential roads in Dorchester. As part of the Dorchester Transport and Environment Plan (DTEP), enhancements had been made to pedestrian crossing provision on all major arms of the Great Western Junction to improve the accessibility of the junction for vulnerable road users as well as maintaining throughput capacity and accessibility.

Whilst this scheme had proved largely successful, in implementing the scheme, there had been a need to prohibit certain traffic movements to complement this, with an 'access only' Order being made to restrict motorists from using Victoria Road as a convenient alternative. However, since

being introduced in July 2017, subsequent monitoring of traffic flows had shown that it had not been as effective as thought in deterring through traffic.

Moreover, the volume of traffic using the route out of convenience had increased. This, coupled with the speed of vehicles using the route as a means of a short cut, had given rise to the proposal Members were now being asked to consider. Whilst every effort was being made as far as practicable, it was generally recognised that enforcement alone was a challenge without additional measures being implemented.

The proposals were considered by officers to now be necessary as a consequence of the implementation of the original scheme to ensure all that could be done to deter traffic from using Victoria Road unnecessarily. What was now being experienced had been previously raised as a concern by some residents prior to the Junction scheme being implemented.

Officers described the proposal, what it was designed to achieve and set out the practicalities of delivering this, including providing an understanding of those traffic flows and manoeuvres undertaken. To complement the zone, physical measures – raised, cushioned platforms – would be constructed as a means, making the scheme self enforcing. Road closures were not possible and there was no space to accommodate a turning head. Illustrations showed the scheme's setting within the character of the townscape and the local road network, the junction's and the roads' configuration and the residential roads' relationship with each other; with the Great Western Junction (GWJ) and with the amenities in the area. Officers were satisfied that acceptable, alternative routes were available to motorists wishing to gain legitimate access.

Advertisement of the proposed 20 mph zone, with its complementary physical measures, had resulted in objections and representations being received and the Committee was now being asked to give these due consideration and whether the proposed Order should be recommended to Cabinet for implementation as advertised, apart from the inclusion of the speed cushion at the junction of Albert Road and Victoria Road which, following consideration of those representations, had since been discarded.

Public Participation

David Sharman, local resident, had previously raised concerns about the prospect of rat running along these roads as a result of the GWJ improvement scheme prior to the matter being considered by the County Council's Regulatory Committee in autumn 2016. On the basis that residents had been given some assurance that this would not be the case, much of the opposition to that GWJ scheme had been withdrawn, allowing it to proceed. However, those previous concerns had since been realised, which was now causing residents the concern he had envisaged. Given the consequence of this, he now considered that the 20mph zone should go some considerable way to achieving what many residents hoped it would do and supported it entirely.

Another resident, Linda Poulsen, was of the view that since the changes had been made, there had been a marked increase in traffic along Victoria Road and other roads in the area, with incidents and altercations being experienced. She too hoped the zone would provide the answer residents were looking for and that the physical measures would give the impression of the road being less attractive to those thinking of using it unnecessarily. She thanked the relevant authorities for now addressing the matter.

Since living in Victoria Road, Rodney Alcock had seen a considerable increase in the volume and speed of traffic using it and it had become a congested and dangerous thoroughfare. On the grounds of road safety, he welcomed the proposals.

The Committee heard from Andy Canning, in his capacity as one of the Ward Councillors for Dorchester West and as Chairman of the DTEP Project Working Group, who wholly supported the proposals being made to maintain amenity for residents and to discourage unnecessary through traffic. He accepted that the unintended consequences of the scheme had been realised to a greater extent than previously thought but was confident the proposals would now address

the matter and was what the majority of residents wanted. He also felt that the zone was required on road safety grounds.

The Committee were then provided with the opportunity to ask questions of the officer's presentation and officer's provided clarification in respect of the points raised including questions about future monitoring of the situation; what the collision record was and how vehicles manoeuvring over any speed humps could have a bearing on air quality and noise. Officers confirmed that there would be continual monitoring of the effectiveness of the zone and that only one, minor, traffic incident had been experienced in the previous five years. Any adverse environmental effect of the humps would be more than mitigated by the reduction in overall traffic volumes.

The other Ward Member for Dorchester West was on the view that the proposals would satisfactorily address the issues being experienced by residents, particularly in successfully reducing the volume of traffic. The physical measures would act as a deterrent to the majority of those who did not need to legitimately use the road for access purposes.

Whilst some members had reservations of the effectiveness of the scheme and how enforceable it was, the Committee largely understood the need for, and the reasoning behind, the proposal and what benefit it was likely to bring to those residents in the affected area. They acknowledged that as part of this scheme being successful, there would need to be as effective enforcement as practicable, but understood that the physical measures to be put in place would serve to act as some deterrent to those looking for a shorter, alternative route. On that basis, and being put to the vote, it was

Recommended

That having considered the objections received, Cabinet be asked to implement the 20mph zone Order for Victoria Road, Westover Road, St Helens Road and part of Albert Road, Dorchester as advertised, with the exception of the road hump at the junction of Victoria Road and Albert Road.

Reason for Recommendation

The proposals should further deter inappropriate and excessive use of this quiet, residential street by unsuitable and unnecessary through traffic.

30. Planning Applications

Members considered written reports submitted on planning applications as set out below.

31. WD/D/19/001272 - Development of Sectors 3.63 & 4.31 North Quadrant, Poundbury, Dorchester

The Committee considered planning application WD/D/19/001272 by ZeroC Holdings Ltd, with approval being sought in respect of reserved matters for access, appearance, landscaping, layout and scale for the development of Sectors 3.63 and 4.31 North Quadrant, Poundbury, Dorchester of outline planning permission 1/D/09/001363.

The approved reserved matters application was for 83 dwellings across the 2 sectors. The proposal was now for 85 dwellings, with both additional dwellings being affordable units. Of the 85 units, 53 were indicated to be private and 32 affordable, which equated to 60% of the total number of units.

In respect of Sector 3.63 the main changes when compared to the consented scheme were:

- Plot 438 had been moved slightly south and was now detached from plot 437.
- There was to be a single coach house unit above the garages in the parking courtyard and it was now proposed to be split into 2 units.

- Plots 439 – 444, shown as being affordable dwellings, had a reduced internal floor area of 72.4 sq m, as opposed to the approved 76.5 sq m.
- Plots 450 – 454 shown as being affordable dwellings had a reduced internal floor area of 83.2 sq m, as opposed to the approved 93.5 sqm
- The width of the terrace (plots 446 – 448) was reduced and as a result, the windows were proposed to be reduced by 1 module in width, from 4 panels to 3.
- Plots 439 – 444 were no longer proposed to have a stepped ridge and the width of the windows had been reduced.
- Plots 450 – 454 were no longer proposed to have a stepped ridge.

In respect of Sector 4.31, the main changes when compared to the consented scheme were:

- Blocks 633 & 634 had been staggered by 450mm. The internal floor areas of the flats had also been reduced and a third floor flat omitted from the scheme. The design of the two blocks was now proposed to be the same.
- Amendments to doors and fenestration on Plots 625 – 630.
- Block 631 – individual access to each flat above the garages, as opposed to the previously approved shared access. Width of garages had been reduced to accommodate the change.
- Steps to Flat 632b amended so that a set would rise each side of the door to a landing area as opposed to the steps that led straight to the front door in the approved scheme.
- Block 635 – amendments to fenestration and the omission of ground floor windows from the south west elevation.
- Changes to the carport/refuse/cycle store building on west side of site to incorporate two flats above.

The Committee were provided with a visual presentation and, taking into consideration the provisions of the Update Sheet appended to these minutes, for context, officers described the main proposals and planning issues in detail, how the development would contribute to meeting housing needs; what the key elements of the reserved matters were; how detail to individual properties had been changed and the reasons for this as a means to benefit the development and what this entailed. Plans and photographs provided an illustration of the location and design of the development, showing both its dimensions - form, mass and size – and those of individual properties and how these would look, be constructed and the materials to be used.

The presentation also confirmed what the highways, traffic management, parking and access arrangements being proposed would be; showed the development's relationship with other residential development and civic amenities in Dorchester and its setting within the town. Officers also explained the context of the development in relation to the characteristics of the surrounding town development and landscape, the local highway network, the topography of the area and the relationship between the development and the adjoining Dorset Area of Outstanding Natural Beauty (AONB).

Public Participation

Councillor Robin Potter, Chairman of Dorchester Town Council's Planning Committee, confirmed that the Town Council maintained its objection to the proposal on the grounds that there would be a loss of residential amenity, particularly to the affordable housing units and there was a lack of commitment to consideration of environmental and sustainability measures from the outset of the development. The Town Council was also disappointed with the design of two of the blocks, which gave the impression of a somewhat austere and overbearing appearance, lacking in visual interest. On that basis he asked the Committee to refuse the application.

Greg Hilton addressed the Committee on behalf of the applicant, considering that all of the issues raised had either already been addressed or could be addressed satisfactorily and the proposals remained in accordance with the outline permission. On that basis, he considered there to be no material planning considerations for being unable to grant permission. He confirmed that the issue of charging points for electric cars would be discussed with the Duchy, with consideration

given to the practicalities of providing this and what this would entail. In his view there had been no compromise of amenity by the changes made to the scheme and that what was now being proposed was wholly acceptable and met all that was necessary.

Similarly, the attention of the Committee was drawn to the representation made by the local Ward member for Dorchester Poundbury, Richard Biggs, expressing concern at the absence of the infrastructure for electric car charging points, - particularly in light of the Council being committed to the enhancement of environmental considerations in their declaring of a Climate Emergency - ; the restrictive dimensions of the garages; the reduction in the size of some units; and the scant opportunity to understand what landscaping there would be. Given this he was of the view that the application should be refused.

The Committee were then provided with the opportunity to ask questions of the officer's presentation and officer's provided clarification in respect of the points raised. Particular emphasis was placed on the reasoning for the reduction of size of those properties affected and what consideration was being given to the provision of electric car charging points.

Officers confirmed that although it was accepted that some proposed units fell below national standards for size, they confirmed that there was no policy in the adopted West Dorset and Weymouth and Portland Local Plan (2015) regarding the minimum size of dwellings, although it was understood that properties needed to be of a reasonable size to provide adequate amenity to residents. As those proposals were in accordance with all the necessary relevant national and local policies and the National Planning Policy Framework (NPPF) so, on balance, should be acceptable for what they were. Given this, officers considered that the reduction in gross internal floor area would not result in an unacceptable impact on residential amenity and therefore was wholly acceptable.

The Senior Solicitor confirmed that the Committee's focus for their consideration – in material planning consideration terms – was whether they could accept that the proposed size of the properties, and rooms therein, were sufficiently large enough to be acceptable in planning terms.

Regarding the provision of charging points, it was clarified that paragraph 110 of the NPPF stated that development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. There was, however, again no policy requirement in the Local Plan for this to be the case. Moreover, there would be a need to establish where responsibility lay for the management of such a facility. However, officers understood that the Duchy were giving active consideration of this matter for development at Poundbury overall, so as to establish what any future technology was likely to be and identify what infrastructure might therefore be required.

Given this, the Committee were keen to emphasise to the applicant the importance of actively pursuing the means to provide for the ability to achieve the installation of the necessary charging infrastructure as a fundamental part of this development and any other new builds on the estate, if at all practicable. Officers confirmed that this could not be conditioned in itself as there was no requirement for this within the policies of adopted Local Plans, nor was it a requirement of the outline permission. Nevertheless, an Informative note could be added to any grant of permission highlighting the importance to the Committee of this.

Officers also took the opportunity to assure the Committee that the size of the garages being proposed was quite adequate to accommodate modern motor vehicles, despite thoughts to the contrary from the Ward member. Moreover, there should be no concern that garages could be converted into additional living space as they were mostly isolated from the property itself.

Similarly, they confirmed that there was every reason to believe that any landscaping would be as sympathetic with its setting as had previously been the case throughout the completion of other sectors of the estate and which had received critical acclaim. This aspect would be covered by condition.

Officers considered that given all of this, together with those changes made to the proposals in response to the representations received to the formal consultation process, now satisfactorily addressed what concerns there had been so, on that basis, officers were recommending that permission be granted for the approval of the application. Having heard what officers had to say about this, members were largely satisfied with the responses received in their more meaningful understanding of what the proposals entailed.

Nevertheless, some members remained concerned at the proposed reduction in size of some of the properties and considered that, whilst seemingly adequate, this was far from what might be expected, or indeed, required. Their view was that, ideally, tenants of those particular properties were deserving of a more spacious living space.

However other Councillors expressed a different view in that what was being proposed went some considerable way to achieving what could be considered to be an acceptable development, in enhancing the housing stock of the estate and in contributing to meeting housing needs.

Generally in terms of scale, layout and appearance, the scheme was seen to be acceptable as it was not so different to that previously approved, and that those changes made were designed to benefit and optimise what the development had to offer.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and having taken into account the officer's report, what they had heard at the meeting from the case officer, legal advisor and invited speakers, notwithstanding the views of the Town Council and the local Ward Member, on that basis - and on being put to the vote – the Committee considered that the planning application should be approved and planning permission granted, subject to the conditions set out in the officer's report, and having regard to the provisions of the Update Sheet and taking account of an Informative note about environmentally sustainable means of charging electric cars.

Resolved

That planning permission be granted for application WD/D/19/001272, for the development of Sectors 3.63 & 4.31 North Quadrant, Poundbury, Dorchester, subject to the conditions set out in paragraph 16 of the report; having regard to the necessary provisions in the Update Sheet and taking account of the following Informative, to be included with the grant of permission.

Reason for Decision

It was considered that the proposed development would have an acceptable impact on visual amenity and the landscape character of the Area of Outstanding Natural Beauty, residential amenity and highway safety.

Informative:

The Council expects applications for development that will generate additional traffic movement to be accompanied by a statement (with reference to plans) explaining how the development has been designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. This could be included in a Transport Statement or Assessment, or separately, but it should be done as a matter of course. This application did not include such a statement. Prior to occupation of the development hereby approved such a statement should be submitted to the Council as a matter of record.

32. 2/2019/0686/FUL - Construction of two pairs of residential properties in place of agricultural building, Sandpits Lane, Madjeston, Gillingham

The Committee considered planning application 2/2019/0686/FUL for the proposed construction of two pairs of conventionally styled, domestic dwellings in Sandpits Lane, Madjeston, Gillingham, in place of the current, modern agricultural barn situated close to a farm complex. The four dwellings would be brick built alongside each other, with slate roofs and timber fenestration, and located behind an aged stone wall, which currently supported one side of the barn, with shared access and rear gardens and parking.

In view that permission had been granted for the conversion of the barn to four dwellings - under Class Q application - the principle had already been established for the delivery of housing at this location. However, this permission did not provide for the demolition of the barn, rather the conversion of it. Permission was now being sought to develop the site as now proposed.

For context, the Committee were provided with a visual presentation and officers described the main proposals and planning issues in detail, covering the key elements of the development. Plans and photographs provided an illustration of the location and design of the development, how it would look and showing its dimensions - form, mass and size - and the materials to be used. Members were provided with views from various directions and the presentation also confirmed what the access arrangements being proposed would be; its relationship with the highway network and explained the context of the development in relation to the characteristics of the surrounding countryside and its setting within it.

As part of the formal consultation process, Gillingham Town Council had objected to the application, claiming it would be out of character as well as being dominant, over-bearing and harmful to the landscape. Eight residents had also made their objection known on the grounds that the development would attract additional traffic; that the site would be unsuitable for families and would set a precedent for developing homes in the open countryside.

However officers considered that this would not be the case on the basis that each application was considered on its own merit and would not therefore set a local precedent for more isolated houses, as there was already a prior approval for four dwellings on the site.

Public Participation

Martin Carpenter, EnPlan, spoke on behalf of the owners of the neighbouring Madjeston Farm, considering the application to be unacceptable on the grounds that it did not comply with Policy 20 of the North Dorset Local Plan (2016) in that paragraph 8.172 stated that "new dwellings should be located where they will enhance or maintain the vitality of rural communities and new isolated homes in the countryside should be avoided unless there are special circumstances". It was the view of his clients that this was not the case here and should be rejected.

Robyn Harper, for the applicant, Symonds and Sampson, considered the application should be granted permission in that the principle for domestic dwellings had already been established by Class Q, whereas the existing dwelling would require conversion. The proposal benefitted from an environmental enhancement, in being built to modern, energy efficient standards and of what the local vernacular was, being a less obtrusive amenity with no adverse highway impact.

The Committee were then provided with the opportunity to ask questions of the officer's presentation and officer's provided clarification in respect of the points raised including an explanation of how Class Q applications were considered and what these entailed in practice.

One of the local Gillingham Ward councillors, Belinda Ridout, said what was being proposed was acceptable given that, in her view, the current barn was obtrusive and of little aesthetic value and the replacement cottages would be considerably more attractive and were similar to those nearby on the same lane, being brick built in the local, vernacular, materials.

However other Councillors expressed a different view in that they were concerned that approval of the application would indeed set a precedent, with advantage being taken of agricultural permitted development rights – Class Q - for similar applications to be made in open countryside where houses were not generally allowed, unless tied to an agricultural business.

Other Committee members agreed with the Ward member though, considering that four new countryside homes built in the local style would enhance the look of the area, compared to a large industrial-style barn and benefitted not only the characteristics of the rural scene, but provided much needed and valued housing stock for the rural community. They agreed with officers that this was a good example of a sustainable use of redundant buildings to meet housing needs.

Having had an opportunity to discuss the merits of the application, having understood what was being proposed and having taken into account the officer's report, what they had heard at the meeting from the case officer, legal advisor and invited speakers, on that basis - and on being put to the vote – the Committee considered that the planning application should be approved and planning permission granted, subject to the conditions set out in the officer's report .

Resolved

That planning permission be granted in respect of planning application 2/2019/0686/FUL, subject to the conditions set out in the officer's report.

Reason for Decision

The proposal would lead to an environmental enhancement over and above that which would be achieved were the existing building to be converted into four dwellings.

33. WD/D/19/001826 - Construction of CCN provision at St Marys Church of England Middle School, Coombe Road, Puddletown

The Committee considered planning application WD/D/19/001826 for St Marys Church of England Middle School, Coombe Road, Puddletown to install a modular construction classbase for a new Complex Communication Needs (CCN) provision within the School, incorporating a glazed linking corridor to connect the proposed building with the existing school, together with 4 additional parking spaces to meet increased staffing levels.

With the aid of a visual presentation officers described the proposal and planning issues in detail, covering the key elements of the development. Photographs and plans were shown to the Committee which provided an illustration of the location and design of the proposed development, how the modular unit would look and its dimensions - form, mass and size - and the materials to be used; parking and access arrangements; and its relationship with the school and other neighbouring development in that part of Puddletown. Officers referred to the detailed design, including the school's construction and the materials to be used. The Committee was also shown the context of the development within the character of the surrounding landscape.

Officers reported that no objections or representations had been received to the published planning application, with the Puddletown Area Parish Council and the local Ward Member, Emma Prker, having had the opportunity to respond, and being satisfied in that regard.

The Committee were then provided with the opportunity to ask questions of the officer's presentation and officer's provided clarification in respect of the points raised including questions about what mitigation there would be for tree replacement; what colour scheme would be used for the external paintwork, considering cedar red to be complementary to that which existed; and if solar energy could be incorporated within the scheme.

Officers confirmed that there would be sufficient tree management, covered by condition; the development's external colour scheme would be wholly in keeping with the surrounding characteristics of the other school buildings, covered by condition ; and, where practicable, consideration was given to the inclusion of renewable energy source in developments affecting Council properties, including the installation of solar energy, if able.

The Committee agreed that as the proposed development would create a new facility for children with complex communication needs across Dorset it was to be wholly accepted. They were assured by officers that an Informative note would complement any grant of planning permission in addressing the issue of inclusion of renewable energy source, wherever practicable. On that basis, and on being put to the vote it was

Resolved

That planning permission be granted for planning application WD/D/19/001826, subject to the conditions set out in the officer's report, with a variation to conditions 3 and 4, namely:-

- 3 No development above ground level shall proceed until all external facing materials for the walls and roof the modular unit hereby approved have been agreed in writing. The development shall thereafter proceed in accordance with the agreed materials. Materials should be made available on site for inspection and retained thereafter until the development has been completed.

Reason: To ensure a satisfactory visual appearance of the development.

- 4 Prior to development above foundation level, a tree planting scheme for a minimum of five new trees, and tree maintenance scheme, must be submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall be implemented during the planting season November - March inclusive, immediately following commencement of the development hereby approved. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years following commencement of the scheme.

Reason: In the interest of visual amenity.

And being complemented by the Informative, namely:-

- Informative: Every effort should be made to demonstrate how development for the Council is addressing the 'state of Climate Emergency'. This means demonstrating as part of the planning application how the proposed development will be making improvements on our use of natural resources and reduction of pollution. In this particular case a statement should be submitted prior to occupation of the development hereby approved.

as necessary.

Reason for Decision

The scheme would have considerable public benefits, via the creation of a new facility for children with complex communication needs across Dorset. There were no adverse landscape impacts, the proposal would not compromise road safety, and four new parking spaces were to be created.

34. Urgent items

There were no urgent items to be considered.

35. Update Sheet

WD/D/19/001272 - Development of Sectors 3.63 & 4.31 North Quadrant, Poundbury, Dorchester

Update(s):-

1. Additional plans to go in condition no. 1 (plans list condition):

Preliminary Plot Levels Drwg no. PHL – 3631 Rev A received on 03/07/2019

Preliminary Plot Levels Drwg no. PHL – 4311 Rev A received on 03/07/2019

General Arrangement Plan Drwg no. GA-3631 Rev A received on 08/07/2019

2. Amendment to paragraph 14.10 of committee report to read:

“Both the Royal Pavilion and the building in Great Cranford Street opposite the site, which appears to have residential accommodation on the upper floors, are of a greater number of floors than the proposed buildings 633 and 634 in Sector 4.31, and are separated from the site by the intervening road.”

Duration of meeting: 2.00 - 4.30 pm

Chairman

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Dorset
Council

Northern Area Planning Committee

Proposed Traffic Regulation Order – Church
Lane and Lyons Walk, Shaftesbury

Date of Meeting: 17 September 2019

Lead Member: Cllr Ray Bryan

Local Member(s): Cllr Derek Beer and Cllr Tim Cook

Lead Officer: Jack Wiltshire

Executive Summary:

Following the advertising of proposed changes to parking restrictions in Church Lane and Lyons Walk, Shaftesbury, seven objections and six support have been received to the proposals. This report considers the objections and support received, and whether the proposals in Shaftesbury should be implemented as advertised.

Equalities Impact Assessment:

The proposed waiting restrictions will have the usual exemption for disabled badge holders.

Budget:

The cost of making the Order is estimated at £2000 inclusive of advertising charges.

Risk Assessment:

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

Current Risk: LOW

Residual Risk LOW

Climate implications: N/A

Other Implications: N/A

Recommendation:

That having considered the objections received, Cabinet be recommended to approve the proposed waiting restrictions on Church Lane and Lyons Walk as originally advertised.

Reason for Recommendation:

Church Lane and Lyons Walk are both narrow it also has a tight bend. Frequently parked cars cause obstructions to traffic flow. Both Church Lane and Lyons Walk are very close to the town centre and can be used by non-residents as free parking all day. The proposals will improve the movement of all vehicles that use the road regularly and improve visibility for pedestrians and all vehicles. Larger vehicles such as emergency services will have better access if required.

Appendices:

Appendix 1 – Drawing No. 2018/1/66
Appendix 2 – Detailed town centre plan

Background Papers:

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

Officer Contact:

Name: Jessica Cutler
Tel: 01305 225719
Email: Jessica.Cutler@dorsetcouncil.gov.uk

- 1.1 Proposals were advertised for public consultation on 13 June 2019 for a variety of changes to waiting restrictions in Shaftesbury. Six letters of support were received for the proposals at Church Lane and Lyons Walk, one letter with comments and seven letters of objection. This report considers the objections and support raised.
- 1.2 Church Lane and Lyons Walk are located central to Shaftesbury Town. There are currently restrictions along some sections of Church Lane and Lyons Walk.
- 1.3 There have been parking concerns along Church Lane and Lyons Walk from both Shaftesbury Town Council and the Local Members resulting in a request for waiting restrictions. The concerns were reported to the Community Highway Officers and it was agreed to consult on this Order.
- 1.4 The Town Council and Local Members are particularly concerned that parked vehicles are causing an obstruction to both roads and houses, it also results in damages to the gas meter boxes that are positioned along Lyons Walk.
- 1.5 The problems are reported as throughout the day (i.e. 24-hours) issues, which is why the proposal is to introduce double yellow lines along all lengths of Church Lane and Lyons Walk to prevent cars parking, excluding the existing disabled parking bay.
- 1.6 The proposal will reduce the amount of parking on Church Lane and Lyons Walks in preference to nearby car parks.
- 1.7 There is no record of any collisions in the area in the last five years (yearend 30th April 2019).

2. Information

- 2.1 Council officers proposed that no waiting at any time would be appropriate restrictions along both lengths of Church Lane and Lyons Walk as shown in Appendix 1. The restrictions would discourage parking in Church Lane and Lyons Walk by visitors and town workers parking and walking into Shaftesbury High Street instead of using car parks or other means of transport.
- 2.2 The proposed restriction would improve access for large vehicles including delivery vehicles, refuse vehicles and emergency service vehicles.
- 2.3 Church Lane and Lyons walk are located directly off from Shaftesbury High Street and Lyons Walk is the rear road for the newly refurbished Grosvenor Hotel. See Appendix. 2
- 2.4 Property accesses lead directly onto the highway, due to the style of buildings especially along Lyons Walk, windows are ground level and parked vehicles can block emergency exits to both windows and doors. The proposed restrictions would address this concern.
- 2.5 Gas meter boxes are positioned on the edge of the highway and are frequently obstructed or damaged by vehicles parking or manoeuvring.

3. Law

3.1 Sections 1 and 2 of the Road Traffic Regulation Act 1984 allow the Council to make an Order prohibiting or restricting the waiting of vehicles or the unloading of vehicles. The circumstances where an Order may be made include:

- For avoiding danger to persons or other traffic using the road;
- For facilitating the passage on the road of any class of traffic;

4. Consultation

4.1 Under Dorset Council's procedure, primary consultation was carried out on the proposed scheme and is supported by the Local Member, Shaftesbury Town Council, and the Police.

4.2 There have been 16 responses to the public consultation process for this Order. There are 7 objections to the proposal from residents, 6 support letters, one set of comments, these have all been summarised below:-

Name and Address	Summary of Response – Support of the proposal
Resident Church Lane, Shaftesbury	Fully supportive, very frequently it is impossible to exit onto Bimport or enter from Bimport because of parked vehicles. Same restrictions should also apply in Church Lane, the exception of one car parking space opposite the door of No.6 Church Lane. Many delivery vehicles now use Lyons Walk and Church Lane, members of public will leave cars parked for long periods of the day. Emergency service vehicles need access to these roads.
Freehold Owner Lyons Walk, Shaftesbury	Support the proposals not lease to ensure access for emergency vehicles.
Resident Lyons Walk, Shaftesbury	Fully supportive of restrictions in Lyons Walk. Same restrictions should also apply in Church Lane, the exception of one car parking space opposite the door of No.6 Church Lane.
Resident Lyons Walk, Shaftesbury	Delighted to see the notice about the parking restrictions. Parking at the north end of the road (from Bimport) made it virtually impossible for emergency vehicles to get through if they were ever called out.

	<p>Priority should always be to keep Lyons Walk free of parking.</p>
<p>Resident Lyons Walk, Shaftesbury</p>	<p>Concerns that emergency vehicles would be unable to access the properties due to parked cars.</p> <p>Parked vehicles cause a problem for deliveries to the properties as well as blocking the highways for other traffic wishing to pass through.</p>
<p>Resident Lyons Walk, Shaftesbury</p>	<p>Delighted at the proposal to change the parking restrictions, especially along Lyons Walk but also on Church Lane.</p> <p>This narrow lane is not really designed to have cars driving or parked outside its houses. When cars are parked outside the houses, the small lane is impassable for any vehicle larger than a car and drivers of large cars must take extreme caution for fear of hitting the wall or another car. The narrowness of the street would certainly preclude any emergency service vehicles from reaching the front doors of the properties.</p> <p>Many cars park so closely to the houses, that they routinely block important emergency exits from the houses. The houses along Lyons Walk each have a gas meter outside their front door. These are routinely damaged by cars parking in front of houses which break the protective bars or even the boxes themselves which contain the gas meters.</p> <p>Vision is often obscured by parked cars when leaving front doors, this is a danger to small children.</p>
Name and Address	Summary of Response – Opposing the proposal

<p>Residents Lyons Court, Shaftesbury High Street, Shaftesbury Heathlands Way, Shaftesbury Lyons Walk, Shaftesbury High Street, Shaftesbury</p> <p>(all five residents signed copies of the same letter)</p>	<p>There is very low level of risk to given the length of the road and the tight corner where Lyons Walk meets Church Lane, any traffic using the lane does so at a very low speed. I have never witnessed excessive speed or any persons in any danger.</p> <p>The proposal will restrict all parking along the lane, even in the widest sections and yet the disabled bay will remain. Therefore, this suggest that cars parked (sensibly) in the lane do not actually propose an obstruction.</p> <p>The lane allows, at most, 6 cars to park. Everyone parks considerately there has never been a problem with residents parking on the lane obstructing access for others. Residents parking on this lane do so because of the severe lack of unrestricted free parking for residents living in the town centre. Parking available within a reasonable distance to residents living on Lyons Walk or Church Lane, is in Trinity Church Yard. This is on a permit basis at a cost near to £600 per annum. There seems to be a lack of understanding of resident's points of view, or to take time to understand the different points of view. There appears complete disregard by the town council and Dorset Council for residents who are working full time, contributing to the life of Shaftesbury and economy and do not have the means to pay for expensive parking permits. It seems a way of forcing people out of the town, creating a town only supportive of retired wealthy people.</p> <p>Emergency access – we have had no problems to date with emergency vehicles accessing the lane. Both police and ambulance crews have parked and accessed the lane in the last 18 months, with no problems. A fire engine would not be able to access or negotiate the corner where the roads meet, with or without cars parked.</p> <p>The proposed TRO seems excessive and shows no compassion or understanding of different residents' circumstances. I object in the strongest terms. Should the TRO be approved, then I urge the council to consider other</p>
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	options available and come to a compromise, rather than proceed with the proposal.
Resident Lyons Court, Shaftesbury	Personally, parks own car very close to property as not to obstruct anyone driving through Church Lane. As the disabled bay is remaining, the reason for double yellow lines cannot be for obstruction of the road.
Resident Parsons Pool, Shaftesbury	Never an issue with cars being parked.
Name and Address	Summary of Response – Other comments
Resident Coronation Drive, Shaftesbury	Cannot see why this is necessary, not a busy street.

- 4.3 The proposed double yellow lines cover the entire lengths of both Church Lane and Lyons Walk (exception of the existing disabled parking bay) after concerns were raised and supported by Shaftesbury Town Council and the Councillor for Shaftesbury.
- 4.4 The proposed exemption of the disabled parking bay is to ensure that people who meet the eligibility criteria are provided with adequate parking facilities in the vicinity of their homes as part of the Council's policy of providing measures for social inclusion. There is no suitable alternative location for the disabled parking bay it was installed in 2006 and would be replaced with double yellow lines should the bay no longer be required.
- 4.5 The proposed double yellow lines will always enable residents to safely access their properties and allow the free movement of vehicles. Officers are aware that some people park their vehicles with a conscious effort not to obstruct others. However, the concerns that emergency vehicles and repeated obstruction and damage to private property was deemed to outweigh any need to maintain unrestricted parking on Church Lane and Lyons Walk.
- 4.6 Parking permits for residents are available from Shaftesbury Trinity Trust Church at Trinity Church Yard at an annual cost of £575.00, parking permits for residents and/or visitors at Angel Lane and Bell Street car parks bought through Dorset Council at £240 per annum, see appendix 2 for locations of all car parks.
- 4.7 The location of Church Lane and Lyons Walk is just off Shaftesbury High Street, this makes it a popular area of free parking for visitors and people working in the town.

- 4.8 Parking restrictions on Bimport restrict parking Monday to Saturday 8am to 6pm 1 hour no return within 2 hours. The restrictions allow for overnight parking and all day parking on Sunday, see appendix 2 for location.
- 4.9 Parking restrictions on High Street restrict parking 8am to 6pm 1 hour no return within 2 hours. The restrictions do allow for overnight parking, see appendix 2 for locations.
- 4.10 Despite parking restrictions further down High Street which restrict parking Friday to Wednesday 8am to 6pm 1 hour no return within 1 hour and no waiting 4am to 4pm on Thursdays; these restrictions allow overnight parking. See appendix 2 for locations.
- 4.11 Emergency vehicle access is a key consideration, and it is understood that the lane is narrow, and fire and rescue vehicles would not be able to manoeuvre the corner from Lyons Walk into Church Street. It is vital however that emergency vehicles can access as far as the corner of both roads at least without damaging parked vehicles or properties.
- 4.12 Having considered all the responses received, it is considered that the current proposals should be progressed rather than leave the situation as existing.



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1.0 Application Number: 2/2018/1240/FUL (<https://planning.north-dorset.gov.uk/online-applications/>)

Site address: Huntley Down, Milborne St Andrew, DT11 0LN

Proposal: Erect 25 no. dwellings with garages, form vehicular access.

Applicant: Lewis Wyatt (Constructions) Ltd.

Case Officer: Robert Lennis

Ward Member(s): Emma Parker

2.0 Summary of Recommendation:

2.1 DELEGATE AUTHORITY to the Planning Manager to grant planning permission subject to securing planning contributions through the signing of a S106 agreement and conditions listed in the report.

3.0 Reason for reconsideration:

3.1 On the same day that this Planning Committee considered the merits of this application in July the Planning Inspectorate issued their appeal decision on an earlier application for 30no. dwellings on this site (planning application ref. 2/2017/1871/FUL); see appendix 1. Amongst other relevant matters, the Inspector noted (paragraph 36) that the proposal would not harm the character of the local landscape or undermine the neighbourhood plan. This is a material consideration that members need to consider before issuing a decision notice.

3.2 This report should be read in conjunction with the two previous Committee Reports from the 8th January 2019 North Dorset Planning Committee, and 23rd July 2019 Dorset Council Northern Area Planning Committee, and agreed minutes.

4.0 Reason for recommendation:

- The Committee's stated reasons for refusal have been addressed by the Planning Inspectorate in the recent appeal decision. In this light, Officers would not be able to defend these reasons at an appeal.
- The Council cannot demonstrate a 5 year housing land supply.
- The proposal would provide substantial economic, social, and environmental benefits;
- The proposal would not conflict with Policy or undermine the Milborne St Andrew Neighbourhood Plan.

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The 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.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	Accepted; having regard to the sustainability of the location and lack of a five year housing land supply.
Amenity	No significant harm; amended layout and design has addressed previous issues raised.
Layout and density	Acceptable; amended layout and proposal has reduced the number of proposed dwellings from 30 to 25.
Character and design	Acceptable; there is a mix of housing types and styles in the area. The proposed appearance and layout would respond to and reinforce the character of Huntley Down.
Impact on ecology	Addressed by way of condition to provide a Heathland Infrastructure Project (HIP) prior to occupation.
Highway safety and traffic generation	No objections raised by the Highway Authority.
Affordable housing	Acceptable; the applicant is offering one additional unit, therefore eleven affordable dwellings would be delivered with this development. This is in excess of Policy requirements.
Planning Contributions	The legal agreement is completed and ready to be signed. The amount is acceptable and meets the legal tests required of planning contributions. The provision of a HIP and local area of play will be secured by conditions.

5.0 Description of Site – (as previously reported)

The application site is 1 hectare (2.47 acres) of arable land located on the north western edge of Milborne St. Andrew. It consists of grade 3 agricultural land rising to the west and accessed from the existing residential street Huntley Down. The site is generally used as pastureland with a site slope upwards from the south-eastern edge to the north-west with a gradient averaging at 10%. The high point in the north west reaches 94.8m with the low point in the south east at 84.6m. Existing tree cover is located around the perimeter of the site. A strong line of Poplars are located just beyond the western edge. The south edge has a relative dense hedge and some isolated trees consisting primarily of Ash and Poplars trees.

The site is bordered by dwellings on three sides. South of the site properties located on Bladen View are suburban in character with front gardens and open space creating a green feel to the development. Parking is predominantly accommodated on plot through side driveways with garages located towards the rear of the property.

North of the site along Coles Lane the building line follows a more organic pattern fronting and siding the route. Where dwellings are occasionally positioned closer to the street, smaller front gardens are offset by areas of informal public spaces helping to maintain a green feel to the lane. Breaks in the built line are punctuated by glimpsed views towards small courtyard clusters located beyond and accessed from the lane. The use of flint details and the occasional thatch roof presents a more rural and village character.

To the east, Huntley Down provides the access route to the site. The route is characterised by larger properties stepping up the slope with some properties clustered around small cul-de-sacs. The properties are typically set back from the route with side or front gardens bringing greenery to the street scene. On-plot parking is provided through private driveways and integral / detached garages. Character detailing is provided by the use of flint and brick in the façades.

6.0 Relevant Planning History

- 6.1 Application: 2/2017/1871/FUL
Proposal: erect 30no. dwellings with garages, form vehicular access.
Decision: refuse for the following reasons:
Dated: 25.07.2018
Appeal: dismissed 23 July 2019
- 6.3 Application: 2/2019/0843/FUL
Proposal: Change of use of agricultural land to an informal public open space as a Heathland Infrastructure Project (HIP)
Decision date: pending
Decision: pending

- 7.0 List of Constraints** – see previous report/appendix 2
- 8.0 Consultations** – see previous report/appendix 2
- 9.0 Representations received** – see previous report/appendix 2
- 9.0 Relevant Policies** – in addition to previous report/appendix 2
- 9.1 *Milborne St Andrew Neighbourhood Plan (2018-2033)*
- Policy MSA1. Meeting Local Needs – Amount and Location of New Development
 - Policy MSA2. Meeting Housing Needs – Dwelling Types
 - Policy MSA4. Supporting Community Facilities
 - Policy MSA6. Settlement Boundary
 - Policy MSA7. Creating safer roads and pedestrian routes
 - Policy MSA8. Parking provision
 - Policy MSA9. Reinforcing Local Landscape Character
 - Policy MSA10. Protecting Local Wildlife
 - Policy MSA12. Improving Recreation Opportunities, and having regard to European and internationally protected sites
 - Policy MSA14. Character and Design Guidance
- 9.2 National Planning Policy Framework
- paragraph 14 is now also considered to be of relevance, this states:
In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:
 - a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
 - c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement; including the appropriate buffer as set out in paragraph 73); and
 - d) the local planning authority's housing delivery was at least 45% of that require over the previous three years.
- 9.3 Other material considerations:

- National Planning Policy Guidance, paragraph: 007 Reference ID: 41-007-20190509, Decision-taking ‘What weight can be attached to an emerging neighbourhood plan when determining planning applications?’

This states “... the community has the final say on whether the neighbourhood plan comes into force as part of the development plan. Where the local planning authority publishes notice of a referendum, the emerging neighbourhood plan should be given more weight, while also taking account of the extent of unresolved objections to the plan and its degree of consistency with NPPF...”

10.0 Human rights

Article 1 – Protection of property

Article 6 - Right to a fair trial.

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

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.

11.0 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 PSED. Access arrangements in particular have been given attention in the design.

12.0 Financial benefits

- Affordable housing; 11no. dwellings.
- Heathland Infrastructure Project (informal open space); 1.24 hectares

	Item	Cost/home	Cost for Development
1	Destination play facilities (NEAP, MUGA, etc)*	£967.52	£24,188.00
2	Maintenance of destination play	£359.36	£8,984.00

3	Allotments*	£288.00	£7,200.00
4	Formal outdoor sports*	£936.40	£23,410.00
5	Maintenance of formal outdoor sports	£128.73	£3,218.25
8	Community, Leisure & Indoor sport facilities*	£2,006.97	£50,174.25
9	Rights of way enhancement	£22.56	£564.00
10	Poole Harbour nitrates [addressed through HIP project or contribution]	£868.80	£21,720.00
11	Dorset Heathlands	£241.00	£6,025.00
12	Primary and secondary (not for 1-bed)	£6,094.00	£140,162.00
	TOTAL [including nitrates contribution]		£285,645.50

It is worth noting that applicant has worked with Officer's to find flexible solutions to allow contributions for some highways matters which the Local Highway Authority see as unnecessary to make the development acceptable in planning terms. As such, some of the definitions in the legal agreement have been drafted to allow money to go towards the 'facilitation of access' from the development to off-site destinations.

13.0 Planning Assessment

The following matters need to be considered prior to issuing a planning decision:

- the outcome of the MSANP referendum;
- the appeal decision for 30no. dwelling on this site;
- benefits, and additional affordable home shared ownership;

The planning assessment/appraisal undertaken in the previous committee report and presented to the (North Dorset District Council) Planning Committee on 8th January 2019 is still relevant as is the previous report presented to the (Dorset Council) Planning Committee on 23rd July 2019.

13.1 *Outcome of Milborne St Andrew Neighbourhood Plan referendum*

The Council held a referendum on 8 August 2019 with the area covered by the referendum being the Parish of Milborne St Andrew. This is the same area to which the neighbourhood plan applies. In the referendum 281 people (90.6%) voted in favour of the plan with 29 people (9.4%) voting against the plan. The turnout was 34.7%.

Full weight should now be given to the policies of this Plan. A report recommending that this Plan is 'made' as part of the development plan for the Council will go before Dorset Council's Cabinet on 1st October 2019.

13.2 *Appeal decision (ref: APP/N1215/W/18/3210703, date 23 July 2019)*

As stated above, the appeal decision for planning application 2/2017/1871/FUL was received on the same day as the July Committee. The Planning Inspectorate is an independent body and it should go without saying that the local Council has no control over the timing of when they issue their decisions.

The Planning Inspector in coming to his conclusions took account of the MSANP and the Examiner's Report. He noted the most relevant NP policies to the appeal were: MSA1(housing need) and MSA14(character). He also gave moderate weight to the NP.

As a competent authority, members and officers need to fully consider material considerations that would influence the outcome of a planning decision as far as reasonable practicable. Therefore members are respectfully directed to reconsider their reasons for refusing this application in light of this appeal decision.

With regard to the principle of development and the Neighbourhood Plan, the Inspector noted at paragraph 36 that Policy MSA1 allows for the release of unallocated greenfield sites for open market housing where, as in this instance, there is a shortfall in supply. Planning application for development on land not allocated in the MSANP need to be considered on their merits and having regard to the broad presumption in favour of sustainable development. In the context he considered that the proposal would not harm the character of the local landscape or undermine the MSANP.

Turning to the reasons put forward by the Planning Committee to refuse planning permission in July, these were minuted as:

1. *The proposed development by reason of its layout and relationship to neighbouring properties would have an unacceptable impact on adjacent residential properties contrary to Policy 25 of the adopted North Dorset Local Plan Part 1 (January 2016), and Policy 14 of the emerging Milborne St Andrew Neighbourhood Plan 2018 to 2033 (Final version, May 2019).*
2. *The proposed development by reason of its design and layout would result in an unacceptable enclave of affordable housing contrary to Policies 8 and 24 of the adopted North Dorset Local Plan Part 1 (January 2016), and Policy 14 of the emerging Milborne St Andrew Neighbourhood Plan 2018 to 2033 (Final version, May 2019).*
3. *The proposal which is outside the development boundary and on the slope of a hill would have an unacceptable impact on the local landscape character and countryside contrary to Policies 4 and 20 of the adopted North Dorset Local Plan Part 1 (January 2016), and Policy 9 of*

*the emerging Milborne St Andrew Neighbourhood Plan 2018 to 2033
(Final version, May 2019).*

These are not dissimilar to the reasons previously used to refuse the scheme for 30 houses which the Planning Inspector has issued an appeal decision on. Because this is the same site, and the applicant has taken steps to address the Council's reason for the previous refusal, the Inspector's decision should be given significant weight in the decision making process.

With regard to reason 1 on layout and neighbour amenity, this seems to have been the sole reason by which the Inspector refused permission (the Inspector used the term *Living Conditions*). In particular, he considered how the previous layout would affect 17 and 19 Huntley Down, 35 and 39 Coles Lane, and 1 and 2 Coles Farm Cottages (see appendix 1 Appeal Decision paragraphs 23 - 32).

To address concerns previously raised about amenity, the layout and siting of the homes have been revised and now provides greater distance between existing and proposed homes. In particular, to the south east of the site, this has been amended to provide plots 4, 5 and 6 with more separation from those dwellings of Bladen View and Huntley Down.

Similarly, to the north of the site, the terrace of properties closest to existing properties on Coles Lane has been reduced to a terrace of three homes, to provide a more significant degree of separation to the closest properties of Coles Lane and Coles Farm Cottages.

It is considered that these changes adequately address the amenity issues raised with the previous layout and would not result in any seriously detrimental harm to the living conditions of neighbouring properties. Therefore, if this application was to be refused by reason of amenity/living conditions it is considered that this issue would not be something we could defend.

With regard to reason 2 on design and layout, the Inspector found at paragraph 22 that "There is no cogent evidence to substantiate the LPAs concern that the proposed layout would fail to secure the success full integration of the affordable dwellings within the enlarge settlement."

The Inspector also opined on the terminology and meaning of 'pepper-potting' affordable housing on 'larger sites'. He was unconvinced that as to the appropriateness of defining the appeal site (the application site) as a 'large site' in the context of Local Plan Policy 8. He thought this should apply to our much larger housing allocations/urban extensions.

The Inspector also noted that your Housing Enabling Team Lead was supportive of the layout and the affordable dwellings spilt between two groupings. In terms of design, he noted that the mix of 1, 2 and 3 bedroom dwellings reflected

identified needs. Whilst these dwellings would be smaller in size than some of the open market units, they would have the same architectural style and raised no objection.

Therefore, if this application was to be refused by reason of design and, or, layout we would not be able to defend this reason.

With regard to reason 3 on landscaping, this is a new reason for refusal which was not raised on the scheme for 30 dwellings. Nonetheless, the Inspector considered matter of landscape in the *Impact upon the Character of the Village*. He found at paragraph 16 that the proposal would not be uncharacteristic of the settlement or harm any important distinctive features of the local area.

Members should note that their Landscape Officer had no objections to the either scheme for development on this site. In particular, there were several amendments to the first scheme to overcome initial concerns raised.

Therefore, if this application was to be refused by reason of design and, or, layout we would not be able to defend this reason.

13.3 *Benefits and proposed affordable housing*

The Inspector weighed up the benefits of the development at paragraphs 33 – 35. In particular he noted that in the terms of social objectives set out in the NPPF the proposed development would: increase choice and supply of homes, address the shortfall in supply of housing, and integrate with the village. In terms of economic objectives the development would provide benefits during the construction phase and afterwards with incoming residents supporting and strengthening the viability of local businesses, services and facilities.

The Inspectors noted at paragraph 35 “The benefits of the appeal scheme weight considerably in favour of an approval.”

In terms of environmental objectives, applicant has reduced the original scheme from 30 to 25 dwellings and amended the layout to better respect neighbouring properties. The overall layout and individual design of dwellings is considered to be good and would preserve or enhance the character of the area.

Additionally, the applicant has, following discussions with the Planning Officers, offered an additional property (Plot 22 in the layout) as a shared ownership affordable home. This change they say is made without prejudice to their position on the planning balance and merits of the scheme submitted to the Council. This would result in a total of 11 homes; or 44% of the total number of dwellings would be offered as affordable housing.

On this point, the applicant is trying to work positively with Officers on how to address Policy MSA 1 of the Neighbourhood Plan which allows for additional development "...if there were substantial benefits over and above the standard requirements..." The terminology of 'over and above' is difficult to address without appearing to have bought a permission. Planning law is quite clear in that sense. Policy MSA1 does not offer any other guidance other to say development should align with certain objectives; which this scheme seems to do.

As previously reported the scheme offers substantial benefits with additional open space (Heathland Infrastructure Project (HIP)), and would align with the objectives identified in Policy MSA1. The offer of additional an additional affordable home adds more weight to these benefits. Hence, it is considered that the proposal does not conflict with the MSANP.

13.4 *Planning Balance*

The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to this: economic, social, and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. These roles should not be undertaken in isolation because they are mutually dependent.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance and a material consideration in determining applications.

The emerging MSANP is also a material consideration. MSANP, which has allocated land for housing growth, has been through examination and referendum, and full weight can be given to these policies. However, as set out above, it is considered that this proposal, on its merits, does not conflict with the aims and objectives of the MSANP having regard to the broad presumption in favour of sustainable development. Therefore the application of NPPF paragraph 14 does not amount to a reason for refusal.

This Council's Policies in the adopted Local Plan Part 1 follow the approach of the presumption in favour of sustainable development. It has been noted that this Council can only demonstrate 3.3 years of housing land supply as such the relevant policies for the supply of housing should not be considered up-to-date.

This invokes NPPF paragraph 11 which states, in part, that when policies most important for determining the application are out-of-date, the Council should granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the proposed development; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

On the first point, this site is not part of a protected area or assets of particular importance which would provide a reason, clear or otherwise, for refusing the proposed development.

On the second point there has been no particular issue raised either with this site or the proposed residential development that would significantly and demonstrably outweigh the benefits boosting the local supply of housing for the District by delivering 11no. affordable housing dwellings and 15no. open market dwellings.

This application has addressed the concerns and objections raised by the Council regarding development of this site for housing and there are clear economic, social, and environmental benefits to this scheme.

It is considered that the sustainable aspects and benefits of this proposed development outweigh the conflicts with the MSANP.

14.0 Conclusion

The proposed scheme for 25 houses has adequately addressed the potential neighbour amenity issues arising from the previous scheme by reducing the density and amending the layout.

The Planning Inspector found no issues with the design or layout of the affordable housing units of the previous scheme. The current scheme is not substantial different in this regard and as a reason for refusal could not be supported.

The Inspector's decision clearly indicates that this proposal would not harm the character of the local landscape or undermine the MSANP.

The benefits of the scheme are considered to be substantial; therefore the proposal would not conflict with Policy MSA1 of the Neighbourhood Plan. These benefit weigh considerably in favour of approval particularly as our current housing land supply is below the required five year minimum set out in the NPPF.

15.0 RECOMMENDATION

- A) DELEGATE AUTHORITY to the Head of Planning to grant planning permission subject to securing planning contributions through the signing of a S106 agreement and conditions listed in the report.

16.0 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 (as amended).

2. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details:

- Location and block plan (17161.79)
- Proposed Site Plan (17161.22)
- Plots 01 and 02 Plans and Elevations (17161.80)
- Plot 03 Plans and Elevations (17161.81)
- Plots 04 and 05 Plans and Elevations (17161.82)
- Plot 06 Plans and Elevations (17161.83)
- Plot 07 Plans and Elevations (17161.84)
- Plot 08 Plans and Elevations (17161.85)
- Plot 09 Plans and Elevations (17161.86)
- Plots 10 and 11 Plans and Elevations (17161.87)
- Plot 12 Plans and Elevations (17161.88)
- Plot 13 Plans and Elevations (17161.89)
- Plot 14 Plans and Elevations (17161.90)
- Plot 15 Plans and Elevations (17161.91)
- Plot 16, 17, 18 Plans and Elevations (17161.92)
- Plot 19, 20, 21 Plans and Elevations (17161.93)
- Plots 22 and 23 Plans and Elevations (17161.94)
- Plot 24 Plans and Elevations (17161.95)
- Plot 25 Plans and Elevations (17161.96)
- Single and Double Garages Plans and Elevations (17161.78)

Reason: For the avoidance of doubt and to clarify the permission.

3. Prior to occupation of any dwelling hereby approved, the access, geometric highway layout, turning and parking areas shown on drawing number 17161.22 shall have been constructed. Thereafter these areas shall be maintained, kept free from obstruction and made available for the purposes specified.

Reason: In the interests of highway safety.

4. Prior to occupation of the dwellings hereby approved a scheme showing precise details of cycle parking facilities shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme must be constructed before first occupation of any dwelling hereby approved and thereafter maintained and kept free from obstruction, and made available for the purpose specified.

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

5. Prior to commencement of any works on site, a Construction Traffic Management Plan (CTMP) shall be submitted to and agreed in writing by the Local Planning Authority. Amongst other relevant matters, the CTMP shall include:

- construction vehicle details (number, size, type and frequency of movement);
- a programme of construction works and anticipated deliveries;
- timings of deliveries so as to avoid, where possible, peak traffic periods;
- contractors' site arrangement plan(s) (compound, storage, parking, turning, surfacing and drainage);
- wheel cleaning facilities;
- vehicle cleaning facilities;
- a scheme of appropriate signing of vehicle route to the site;
- a route plan for all contractors and suppliers to be advised on;
- temporary traffic management measures where necessary;

The development must be carried out strictly in accordance with the agreed Construction Traffic Management Plan.

Reason: In the interest of highway safety. In particular, 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.

6. No development shall take place until an Construction Environmental Management Plan (CEMP) based on the submitted Hydrogeological Risk Assessment and relevant to all phases of the construction of the proposed development, is submitted to and approved by the Local Planning Authority. The statement shall outline the potential impacts from all construction activities on both groundwater and surface water and identify the appropriate mitigation measures which shall then be implemented to the satisfaction of the Local Planning Authority. It shall include, but not be exclusive, to the following matters:

- a. Satisfactory arrangements for grit traps, sumps, oil interceptors (and sampling chambers) to restrict contaminants entering the groundwater system. These will require a regular maintenance and cleansing regime.
- b. storage and use of fuels and other chemicals on the site;
- c. all plant and equipment shall be checked each day for signs of leakage of fuel or other fluids and any equipment found to be leaking shall be removed from the site immediately; and
- d. design & management of on-site facilities including welfare units and vehicle washing etc, particularly in relation to disposal of waste water / effluent.

Reason: To minimise risk to groundwater and in the interest of public health

7. Prior to any development, details of maintenance and management of the foul and surface water sustainable drainage scheme shall be 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 details should include, an implementation schedule, 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 increased risk of flooding.

8. No development shall be commenced until a scheme for the disposal of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Thereafter, no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented.

Reason: To minimise the risk of flooding and/or pollution.

9. Prior to occupation of the first dwelling, a detailed and finalised a sealed system of foul water drainage and surface water management scheme for the site during and post-development, based upon the hydrological and hydrogeological context of the development, shall be submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is substantially completed. In particular, the scheme shall demonstrate the proposal poses either no risk to groundwater and the aquifer(s) feeding the abstraction boreholes, or that any risk can be successfully mitigated.

Reason: To prevent groundwater infiltration into the foul sewer network affecting service levels to public sewer systems and to prevent any increased risk of flooding.

10. Prior to occupation of any dwelling hereby approved, an arboricultural method statement shall be submitted to and agreed in writing by the Local Planning Authority. The statement shall include, amongst other relevant details, the following:

- details of any proposed tree works;
- installation of temporary ground protection and/or fencing;
- construction methodologies for installation of new hard surfacing within the RPA of retained trees; and
- an auditable/audited system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision.

The development shall be carried out in accordance with the agreed method statement.

Reason: in the interest of public amenity and ecology.

11. Prior to occupation of any dwelling hereby approved precise details of all tree, shrub and hedge planting (including positions and/or density, species and planting size) shall be submitted to and approved in writing by the Local Planning Authority. Planting shall be carried out before the end of the first available planting season following substantial completion of the development. In the five year period following the substantial completion of the development any trees that are removed without the written consent of the Local Planning Authority or which die or become (in the opinion of the Local Planning Authority) seriously diseased or damaged, shall be replaced as soon as reasonably practical and not later than the end of the first available planting season, with specimens of such size and species and in such positions as may be agreed with the Local Planning Authority. In the event of any disagreement the Local Planning Authority shall conclusively determine when the development has been completed, when site conditions permit, when planting shall be carried out and what specimens, size and species are appropriate for replacement purposes.

Reason: In the interests of public amenity and ecology.

12. The applicant's Biodiversity Mitigation & Enhancement Plan dated 31/08/2018 (from Clare Bird and Adrien Meurer of Hankinson Duckett Associates) shall be implemented in full prior to occupation of the 25th dwelling hereby approved or within timescales to be agreed in writing.

Reason: To mitigate the potential adverse affects of the development on the local ecology.

13. Notwithstanding the details on the approved plans, samples of facing and roofing materials to be used in the construction of the dwellings shall be submitted to and agreed in writing by the Local Planning Authority. The development hereby approved shall thereafter be completed in accordance with the agreed details.

Reason: In the interest of good design and to maintain the character of the area.

14. Prior to the occupation of any dwelling hereby approved, details of the proposed LAP (in the location shown on the Proposed Site Plan (17161.22) shall be submitted to and approved in writing by the Local Planning Authority. Those details shall include, amongst other things, planting, layout, schedule of implementation, and future maintenance responsibilities.

Reason: In the interest of public amenity and ecology.

15. Prior to occupation of any dwelling hereby approved, a Heathland Infrastructure Project (HIP) shall be secured and made available in perpetuity for the purposes set out in the letter from Natural England dated 13 December 2018 to a standard the details of which shall be agreed in writing by the Local Planning Authority adjacent to the site or in an agreed alternative suitable location within the Parish of Milborne St Andrew.

Reason: In the interest of wildlife habitat and ecology.

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Appeal Decision

Site visit made on 16 July 2019

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2019

Appeal Ref: APP/N1215/W/18/3210703

Huntley Down, Milborne St. Andrew, Dorset, DT11 0LN.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Lewis Wyatt (Construction) Ltd against the decision of North Dorset District Council (the LPA).
 - The application Ref. 2/2017/1871/FUL, dated 22 November 2017, was refused by notice dated 25 July 2018.
 - The development proposed is 30 new homes, including 12 affordable homes, with access from Huntley Down.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Prior to the LPA's determination of the application the description of the proposed development was changed. The revised description is: 30 dwellings with garages, form vehicular access. The LPA's decision also takes into account some revised plans that were submitted in May 2018. I have determined the appeal on the basis of the amended description and the revised plans¹.
3. The appeal site lies beyond 400 metres and within 5 km of the Dorset Heathlands Special Protection Area (SPA), Dorset Heathlands Ramsar site and Dorset Heaths Special Area of Conservation (SAC). It is also within the catchment of Poole Harbour Site of Special Scientific Interest (SSSI), SPA and Ramsar site. Having regard to the representations made by Natural England (NE) and the provisions of the Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document (SPD), there is a probability or risk that the proposed development, in combination with other plans or projects, could have a significant effect on these European sites.
4. In January 2019, the LPA resolved to grant planning permission for 25 dwellings on the appeal site (ref. 2/2018/1240/FUL). I note that NE did not object to that application, subject to the LPA securing a Heathland Infrastructure Project (HIP) prior to the occupation of any dwelling. I also note that the unilateral undertaking (UU) that has been submitted by the appellant under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended) includes financial contributions towards the cost of mitigation

¹ On behalf of the appellant, I have been informed that there are several errors in the list of drawings specified within the appellant's suggested 'plans' condition. I have determined the appeal on the basis of the clarification provided by the appellant's agent on 15 July 2019 i.e. plans 17161.08B, 17161.09D, 17161.66A (does not exist).

within the Dorset Heathlands and nitrate mitigation within Poole Harbour². The LPA has suggested a planning condition requiring a HIP to be provided.

5. I concur with the Appropriate Assessment that was undertaken by the LPA when it determined the application that is now the subject of this appeal. With the proposed mitigation, including HIP, the appeal scheme would not adversely affect the integrity of the above noted habitats sites.
6. The LPA is unable to demonstrate a five year housing land supply³ (HLS). Given the above and the provisions of paragraph 177 of the National Planning Policy Framework (the Framework), the presumption in favour of sustainable development applies.
7. The UU also includes provision for 12 of the proposed dwellings to be affordable housing and financial contributions towards the cost of various infrastructure. If the appeal was to be allowed it would be necessary for me to consider all of the planning obligations within the UU against the provisions of paragraph 56 of the Framework and the Community Infrastructure Levy Regulations 2010.
8. In April 2019, the LPA became part of the new unitary Dorset Council.

Main Issue

9. The main issue is whether any adverse impacts of the proposal, with particular regard to: the density of the proposed development and its likely effect upon the character of Milborne St. Andrew; the proposed layout and whether this would secure the successful integration of the affordable dwellings within the enlarged settlement and; the likely effect upon the living conditions of neighbouring residents, having particular regard to outlook, privacy and noise disturbance, would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Reasons

Planning Policy

10. The development plan includes the North Dorset Local Plan Part 1 (LP1) adopted in 2016 and the saved policies of the North Dorset Local Plan (2003). The appeal site lies outside the settlement boundary for Milborne St. Andrew.
11. The most relevant development plan policies to the determination of this appeal are LP1 policies 2 (core spatial strategy), 6 (housing distribution) 7 (delivering homes), 8 (affordable housing), 20 (countryside) 24 (design) and 25 (amenity).
12. The site forms part of the countryside surrounding the village of Milborne St. Andrew. The proposal would be at odds with the provisions of LP1 policies 2 and 20. However, given the HLS position within the district and the need to release some greenfield sites to meet the housing requirement, I afford only limited weight to this conflict with these aspects of the development plan.
13. Whilst not forming part of the development plan, the Examiner's Report into the Milborne St. Andrew Neighbourhood Plan 2018 to 2033 (NP) was published in May 2019. The Report concludes that, subject to certain detailed

² This would allow for either a financial contribution or the removal of 1.4 ha of land from agricultural production.

³ The LPA has informed me that it can only demonstrate about 3.3 years HLS.

recommendations, the NP should proceed to referendum. The most relevant NP policies to this appeal are: MSA1 (housing needs) and MSA14 (character). I understand that a referendum is due to take place in August 2019. At this stage, the NP can be given moderate weight.

Impact upon the Character of the Village

14. LP1 policy 7 requires, amongst other things, the design and layout of development to achieve a residential density that makes effective use of a site and respects the character and distinctiveness of the locality. It also identifies high-density housing as above 50 dwellings per hectare (dph). The Framework also supports the efficient use of land, taking into account matters such as the desirability of maintaining an area's prevailing character and setting. Whilst NP policy MSA14 includes a requirement for the density of housing to be below 20 dph, the NP Examiner found that this too prescriptive and should be deleted.
15. As I noted during my visit, the different types and sizes of dwellings in the surrounding area and the layout of the neighbouring residential estates (which are typified by front gardens and private driveways) creates a suburban character. There is also variation in the density of development. On behalf of the appellant, existing densities have been calculated to be between 17 dph (Bladen View) and 31 dph (Coles Lane).
16. The proposed development would add to the mix and range of dwellings found within this part of the village. Space would be provided around some of the buildings and the layout would reinforce the existing suburban character. At a density of 30 dph, the proposal would not be uncharacteristic of the settlement or harm any important distinctive features of the local area. As noted by the LPA's planning officer, whilst the house sizes may be smaller than some neighbouring dwellings, the development would not appear cramped and the proposed layout would respect the pattern and form of Huntley Down.
17. The development would secure the effective use of a site whilst respecting the character of the locality. In relying on an average density of 22.7 dph the LPA appears to have adopted a rather crude and prescriptive approach to assessing the impact upon the character of this part of the village. It is unclear why the LPA found the density of housing in Coles Lane appropriate but now considers that a slightly lower density for the appeal site would be harmful.
18. The density of the development proposed in the appeal scheme would not harm the character of Milborne St. Andrew. The proposal accords with LP1 policy 7.

Layout – Affordable Dwellings

19. LP1 policy 8 includes a requirement for the affordable housing to be designed to be indistinguishable from other housing on a development site. On larger sites, this should be 'pepper-potted' amongst the market housing, or where there is a high proportion of affordable housing, grouped in small clusters amongst the market housing. The LPA has informed me that rather unhelpfully there is no definition of a 'larger site' but has argued that as the proposal is classed as major development this is a 'reasonable indicator' of a 'larger site'.
20. Given that any scheme over 10 dwellings would be classed as a major development, I am unconvinced by the LPA's argument as to the appropriateness of defining the appeal site as a 'larger site' in the context of LP1 policy 8. In a scheme of 30 dwellings on a 1 ha site, 'pepper-potting' may

not be a viable/realistic proposition for a developer/Registered Provider. A more sensible/logical interpretation of a 'larger site' could be made having regard to the size/scale of the LPA's strategic site allocations/urban extensions.

21. Whatever the actual definition of a 'larger site', I note that in commenting on the application the LPA's Housing Enabling Team Leader was supportive of the proposed 12 affordable dwellings being split into two groups within the site rather than being all grouped together. In this regard, the proposed mix of 1, 2 and 3 bedroom dwellings would be in clusters towards either end of the estate layout. Whilst, to reflect identified needs, these dwellings would be smaller in size than some of the open market units, they would have the same architectural style and would be built alongside open market units, including some existing neighbouring dwellings. The proposed affordable dwellings would form an integral part of the overall development and would assist in helping to create a mixed and balanced community.
22. There is no cogent evidence to substantiate the LPA's concern that the proposed layout would fail to secure the successful integration of the affordable dwellings within the enlarged settlement. The proposal accords with policy 8.

Living Conditions

23. The neighbouring properties that would be most affected by the proposed development are 17 and 19 Huntley Down, 35 and 39 Coles Lane and 1 and 2 Coles Farm Cottages.
24. Proposed units 6 and 8 would be built adjacent to the boundaries with 17 and 19 Huntley Down, unit 23 would be adjacent to 39 Coles Lane and units 25-26 would be adjacent to 35 Coles Lane. There would also be car parking and turning areas located to the rear of 17 and 19 Huntley Down, as well as on land at the rear of 1 and 2 Coles Farm Cottages.
25. On behalf of the appellant, it has been calculated that units 6 and 8 would be about 15.5 metres from the facing rear elevations of 17 and 19 Huntley Down. The facing (side) elevations of units 6 and 8 would not include any first floor windows. Notwithstanding the difference in levels between the site and these neighbouring properties, these proposed units would not be so close or tall as to appear overbearing or oppressive. Whilst they would change the outlook for the occupiers of these neighbouring properties this would not result in any serious loss of amenity. Moreover, the absence of windows from the flank walls would avoid any significant overlooking and harmful loss of privacy.
26. Nevertheless, as I noted during my visit, the rear gardens of 17 and 19 Huntley Down comprise rather tranquil and pleasant areas of private amenity space. They are clearly well used spaces and maintained by the residents of these neighbouring properties. The proposed five parking spaces that are intended for this part of the layout would introduce noise and activity in close proximity to these existing rear gardens. This would be likely to cause noise disturbance for the occupiers of Nos. 17 and 19, as well as resulting in fumes from some vehicle exhausts permeating into these neighbouring garden spaces. This would detract from the enjoyment of these gardens and diminish the living conditions for those living alongside. Whilst, by itself, this would not be so great as to justify withholding permission, it weighs against an approval. Boundary vegetation/treatment would avoid any harmful glare from headlights.

27. On behalf of the appellant, it has been calculated that the facing flank wall of plot 23 would be about 10.5m from the nearest part of 35 Coles Lane. There would be no windows on this flank wall and oblique views from windows in the rear elevation towards No. 35 Coles Lane and its garden would not give rise to any serious overlooking or loss of privacy. Plot 23 would also be sited so as not to appear overbearing or oppressive for those already living alongside.
28. From the facing first floor windows in proposed units 25 and 26 there would be views into the rear garden and conservatory of 35 Coles Lane. However, on balance, these windows would be set back a sufficient distance so as not to result in any serious overlooking or harmful loss of privacy. The set-back would also avoid these units appearing overbearing or oppressive for the occupiers of 35 Coles Lane.
29. The proposed development would introduce over 10 car parking spaces in very close proximity to the rear of 1 and 2 Coles Farm Cottages. The residents of these houses would have an outlook from their first floor facing windows across a sizeable parking forecourt. Moreover, notwithstanding the tall boundary fence, the use of these spaces has the potential to cause serious noise disturbance for the occupiers of these neighbouring dwellings, especially during the early morning and at night. The residents of 1 and 2 Coles Farm Cottages would be likely to experience unacceptable disturbance by vehicle movements on this part of the proposed estate, including noise associated with the slamming of car doors.
30. The future use/enjoyment of the rear gardens to 1 and 2 Coles Farm Cottages would also be compromised by the noise and fumes associated with so many vehicles parking/manoeuvring immediately alongside. Although the existing boundary fence would avoid any harmful glare from headlights/tail lights, the use of the proposed parking spaces on this part of the estate layout would be likely to result in an unacceptable loss of amenity for the residents of 1 and 2 Coles Farm Cottages. The proposal would significantly diminish the enjoyment of these neighbouring properties and conflicts with the provisions of LP1 policies 24 and 25. Whilst seeking to boost significantly the supply of housing, the Framework also requires the creation of places with a high standard of amenity for existing and future users. The proposal would fail to achieve this.
31. I note that the revised scheme for 25 dwellings on the appeal site, which the LPA has resolved to approve, also includes a number of car parking areas adjacent to 1 and 2 Coles Farm Cottages. However, there are slightly fewer parking spaces, these are broken up with planting and also set back further from the boundary. Even if this becomes a fallback position available to the appellant it does not outweigh the harm to the living conditions of the residents of 1 and 2 Coles Farm Cottages that I have identified.
32. There is nothing of substance to demonstrate the proposals would result in any harmful loss of light for those living alongside. However, the noise disturbance that I have identified would unacceptably harm the living conditions of some neighbouring residents. This weighs very heavily against an approval.

Benefits

33. The proposed development would increase the choice and supply of homes within this part of Dorset and assist in meeting the housing needs of the local community. It would help address the shortfall in supply of housing and would

integrate within a village that has a range of services and facilities. The proposal would accord with the objectives of LP1 policy 6 and satisfy the social objective of the Framework.

34. The development would provide economic benefits both during the construction phase and afterwards, with incoming residents supporting and strengthening the viability of local businesses, services and facilities. It would also satisfy the economic objective of the Framework.
35. The benefits of the appeal scheme weigh considerably in favour of an approval.

Other Matters

36. NP policy MSA1 allows for the release of unallocated greenfield sites for open market housing where, as in this instance, there is a shortfall in supply. As noted by the NP Examiner, planning applications for development on land not allocated in the NP need to be considered on their merits and having regard to the broad presumption in favour of sustainable development. The proposal would not harm the character of the local landscape or undermine the NP.
37. My attention has been drawn to selected extracts from an appeal decision on a site in Didcot and a previous appeal for 19 dwellings on the appeal site which was dismissed in 2000. However, each case must be determined on its own merits and the development plan and national planning policies that are relevant in the appeal before me are materially different to those which were considered in the Didcot appeal and the appeal that was dismissed in 2000. Furthermore, I have not been provided with copies of these previous appeal decisions and, in the time available to me, have been unable to locate copies⁴. These previous decisions do not set a precedent that I am bound to adopt.

Planning Balance / Overall Conclusion

38. Notwithstanding the proposed landscape planting and my findings regarding the impact upon the character of the area, the harm to the living conditions of neighbouring residents leads me to find that the proposal would conflict with the environmental objective of the Framework.
39. When all of my findings are weighed together, the adverse impact (noise disturbance) upon the living conditions of neighbouring residents significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
40. I have found that the proposal would accord with some development plan policies and would be contrary to some others. The harm to the living conditions of neighbouring residents would be at odds with the LP1 objective of ensuring residents are able to enjoy their homes without undue disturbance. When considered overall, the proposal conflicts with the development plan.
41. Having regard to all other matters raised, I conclude that the appeal should not succeed.

Neil Pope
Inspector

⁴ In appeals determined by way of written representations the onus is on the respective parties to submit full details of their cases, including providing copies of any relevant decisions.

1.0 APPLICATION NUMBER:

2/2019/0351/FUL

SITE ADDRESS: Three Choughs Inn, West Street, Blandford Forum, Dorset, DT11 7AJ

PROPOSAL: Change of use and conversion of ground floor and rear outbuilding to additional staff accommodation for the Crown Hotel and create 3 No. parking spaces (demolish existing single storey rear outbuilding).

APPLICANT: Hall & Woodhouse

CASE OFFICER: Cass Worman

WARD MEMBERS: Cllr. Noc Lacey-Clarke, Cllr. Byron Quayle.

2.0 Summary of Recommendation: Approve with conditions

3.0 Reason for the Recommendation:

The ground floor of the property has lain vacant for over 10 years. Thorough and reasonable attempts have been made to find suitable tenants (with incentives offered for the refurbishment required). It is considered that the benefits of enabling the development to bring this Listed Building at Risk back into use, outweighs the dis-benefits of departing from Policy 12 of the Local Plan.

It is considered that the 'loss' of the A Class Use would not undermine the focus of on retailing in the area, and is not considered that the change of use would lead to a significant adverse impact on the vitality and viability of the town centre as a whole, and in fact would contribute to the enhancement of the town centre by bringing a vacant ground floor unit which has lain empty for some time back into active use, providing low-cost housing for local workers, and contribute to additional local town centre footfall.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	Local Plan Policy 12 'Retail, Leisure and Other Commercial Developments' discusses how the Council will seek to retain and resist the loss of retail and other A Class uses in the town centres. However due to the unique circumstances of the site, it is considered that the loss of this ground floor unit would not significantly impact on the vitality and viability of the town centre.
Economic benefits	Use of the ground floor for accommodation for staff at the Crown Inn would provide low-cost housing for local workers, and contribute to additional local town

	centre footfall. Employers have difficulty in finding staff and retaining good customer service staff, one factor being staff suffering from the lack of availability of small-scale, affordable housing; the creation of work-related accommodation could be good both for employer and staff.
Listed Building	The proposed use would secure the long-term preservation of the heritage asset at risk.
Scale, design, impact on character and appearance of Conservation Area	Alterations to the rear are considered to be sympathetic and in keeping with the locality.
Access and Parking	The scheme retains three car parking spaces for residents, access into the site remains as existing.

5.0 Description of Site:

5.1 This is a three storey Grade II listed 'corner house', post 1731 located in the heart of the historic core of the town and within the Conservation Area. Its most recent use was as a public house. A car parking area lies to the western side of the pub behind the Crown Inn. A right of way crosses this car parking area leading to Bryanston Park. The property lies within the defined town centre area, but lies just outside the defined primary shopping frontage.

5.2 Its position facing the approach to the town's centre with its cranked façade and large vertical sliding sash windows, some with arched heads, make it a notable and prominent building.

5.3 To the rear is the remnant of a single storey historic stable range, now incorporated within the main building formerly as a skittle alley. To the rear right hand corner is a flat roofed modern single storey infill, which previously served as the cellar and now blocks the rear entrance to the historic cross passage.

5.4 Formerly a public house, it is vacant at ground floor level, while flats above provide staff accommodation for the neighbouring hotel and are accessed separately.

5.5 Internally, despite alterations, the building retains its historic character with exposed brick chimney breasts and fireplaces, timber posts indicating a former hallway, exposed brick walls, blocked windows due to the C20 extension, and staircase with ornate ballusters, string detail and handrail. The lower section of the stair is now enclosed. Ceilings within the main areas appear to be lath and plaster.

5.6 Despite the majority of the ground floor having been opened up, the original rear right hand room still remains enclosed, complete with arched fireplace recess. The subdividing wall is curious with potentially some historic fabric incorporated within it. Stone flags to a large area of the ground floor appear, although characterful, to be laid on cement.

5.7 Having been vacant now for a decade, the lack of use is now taking its toll on its fabric and it is considered a Building at Risk.

5.8 Listing Entry Extract:

1. 865 WEST STREET (North Side) Three Choughs Public House ST 8806 1/129

2.10.50.

II GV

2. Post 1731. 3 storey front. Usual brickwork. Frontage bends on plan. 3 bays facing South-east, and 2 bays and lean to annexe facing South-west. Sash windows, those to 2nd floor having segmental heads. Ground floor altered. Stucco plinth and door surround.

No 12, Three Choughs Public House, and The Crown Hotel form a group.

Listing NGR: ST8840606309

6.0 Description of Proposal:

6.1 The Three Choughs Inn closed in 2009 and all attempts by Hall and Woodhouse to find a new tenant for public house or retail use have since failed. A tenant was secured in 2016, but they pulled out even before fitting out works had been completed.

6.2 The two upper floors are already in use as staff accommodation associated with the nearby Crown Hotel (also in Hall & Woodhouse's ownership) and the brewery now wishes to convert the ground floor accommodation, which has been vacant for a decade, into four further accommodation units for staff accommodation.

6.3 The proposal would create three en-suite staff bedrooms with shared kitchen facilities on the ground floor level of the main building, with a single self-contained manager's flat (en-suite bedroom, living area and kitchen) created from the existing outbuilding at the side/rear of the building.

6.4 The modern infill structure between the main historic inn and the single-storey rear outbuilding (ex-stables), permitted in 1994 as a bar area to serve the skittle alley, is to be removed, along with the existing external stair, and restored as an external courtyard area. A new external staircase to access accommodation on the upper floors is proposed.

7.0 RELEVANT PLANNING HISTORY:

Application: 2/2019/0703/LBC

Proposal: Demolish existing single storey rear outbuilding. Change of use and conversion of ground floor and rear outbuilding to additional staff accommodation for the Crown Hotel, create 3 No. parking spaces and carry out associated internal and external alterations.

Decision: Awaiting Decision - application for LBC was made jointly with this application for full planning permission being considere

Application: 2/2018/0905/LBC

Proposal: Remove damaged plaster and repair to match existing. Remove corrugated membrane low level, reinstate and carry out associated internal and external alterations.

Decision: Approve Decision Date: 10.09.2018

Application: 2/2013/0495/PLNG

Proposal: Carry out internal and external alterations - two glazed external fire exit doors, repaint existing external framework & entrance door, form outdoor seating area, erect signage, remove internal stud walls and ceiling elements, form lighting scheme and new flooring throughout.

Decision: Approve Decision Date: 12.09.2013

Application: 2/2013/0488/PLNG

Proposal: Form 2 No. exit doors to the rear of the building. Erect picket fence to yard area to match existing fencing and new external seating area to consist of 16 No. outdoor chairs, 6 No. outdoor tables and 4 No. outdoor umbrellas.

Decision: Approve Decision Date: 12.09.2013

Application: 2/2012/0211/PLNG

Proposal: Demolish internal partitions and remove doors. Carry out internal and external alterations.

Decision: Approve Decision Date: 27.04.2012

Application: 2/2011/1093/PLNG

Proposal: Change of use from Public House to Community Offices.

Decision: Approve Decision Date: 18.11.2011

Application: 2/1994/9167

Proposal: Erect ground floor extension to bar and form skittle alley, carry out internal modifications and fire improvements, carry out external alterations

Decision: Approve Decision Date: 01.02.1995

Application: 2/1994/0820

Proposal: Erect ground floor extension and form skittle alley

Decision: Approve Decision Date: 01.02.1995

Application: 2/1992/9097

Proposal: Remove window to form doorway, demolish iron fence, erect wall to form patio

Decision: Approve Decision Date: 02.09.1992

8.0 Constraints

- Within Blandford's Town Centre and secondary shopping frontage
- Grade II Listed Building, is considered a Building at Risk
- Within Blandford Forum Conservation Area
- Within Flood Zones 2 & 3
- Adjacent to Right of Way
- Adjacent to Site of Archaeological Importance

9.0 Consultations

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

Historic England

No comment - seek advice of Conservation Officer

Environment Agency

No objection on the basis that this is a change of use application for ancillary accommodation ONLY to the existing Crown Hotel, and with no new buildings being constructed or new open market dwellings being produced.

Dorset Council Conservation Officer

Support subject to amendments (proposed floor plans), modifications, clarification and conditions.

Dorset Council Transport Development Management

No objection.

Dorset Council Countryside Rights Of Way

No objection. The full width of the public footpath must remain open and available to the public, with no materials or vehicles stored on the route or if the public are unlikely to be able to exercise their public rights on the above path then a Temporary Path Closure Order must be obtained.

Dorset Council Archaeological Office

There was no response from this consultee at the time of report preparation.

Blandford Forum Town Council

The Town Council objects to the application as the proposal takes away A4 usage in the town centre and is not in line with the Blandford+ Neighbourhood Plan.

Representations

Blandford & District Civic Society

No objection in principle to the proposed change of use and alterations, but note that no suggestion of any repairs or actions to improve its external appearance is

mentioned in the submission, which after ten years lying vacant is perhaps in need of attention.

10. Relevant Planning Policies

North Dorset Local Plan Part 1 2011-2031

Policy 1 - Sustainable Devt.
Policy 2 - C Spatial Strategy
Policy 5 - The Historic Env.
Policy 7 - Delivering Homes
Policy 12 - Retail Leisure Comm
Policy 16 - Blandford
Policy 23 - Parking
Policy 24 - Design
Policy 25 - Amenity
Policy 27 - Comm. Facilities

National Planning Policy Framework (2019)

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 7. Ensuring the vitality of town centre
- 8. Promoting healthy and safe communities
- 9. Promoting Sustainable transport
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 16. Conserving and enhancing the historic environment

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Other material considerations

Blandford Forum Conservation Area
Blandford+ Neighbourhood Plan (v2) (in preparation)
Blandford Forum - Conserve & Enhance (1970)
Dorset Historic Towns Survey - Blandford Forum (2011)

11. Human Rights

6.1 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. 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 PSED

This application is for ground floor accommodation in this listed building for staff working at the neighbouring public house. Whilst the conversion would comply with Building Regulations wherever possible, the listed status of the building may restrict some accessibility features otherwise desirable.

13. Financial Benefits

Staff working at the Crown Hotel would have access to affordable accommodation adjacent to their place of work. Residents of the accommodation would contribute to additional local town centre footfall and support other local businesses.

Employers have difficulty in finding staff and retaining good customer service staff, one factor being staff suffering from the lack of availability of small-scale, affordable housing; the creation of work-related accommodation could be good both for employer and staff.

14.0 Planning Assessment

14.1 Principle of development

The proposal follows pre-application advice from, and ongoing discussions with, the Council's Conservation Officer. Support is forthcoming from a Conservation point of view for the alterations proposed to bring this Building at Risk back into use. This

application for change of use and associated development is made jointly with listed building consent 2/2019/0703/LBC

The site lays outside the current defined Primary Shopping Frontage as defined and carried forward from the last Local Plan. However the site is within the Secondary Shopping Frontage as mapped in v1 of the Blandford+ Neighbourhood Plan (now withdrawn). V2 of the Blandford+ Neighbourhood Plan appears not to separate Primary and Secondary Shopping frontages, and instead seems to join the Primary and Secondary Shopping Frontages together - it should be noted however that neither v1 nor v2 of the Blandford+ Neighbourhood Plan has been adopted so hold little weight.

Local Plan Policy 12 'Retail, Leisure and Other Commercial Developments' discusses how the Council will seek to retain and resist the loss of retail and other A Class uses in the town centres, even when they become vacant. The Policy also discusses how it remains important to maintain a strong retail presence in both primary and secondary shopping frontages, and how loss of A Class uses within a unit fronting a street will not be permitted. Therefore, in light of Local Plan Policy 12, the application to convert the ground floor to residential is not supportable.

It is however important to assess the somewhat unique circumstances of this site:

History since 2009

- The ground floor has been vacant since January 2009 when The Three Choughs Inn ceased trading
- Marketing between 2009 and 2011 resulted in Planning Permission being granted in 2011 for change of use to community offices, this permission was never implemented
- Marketing between 2011 and 2013 resulted in the lease being passed to a national coffee chain. The coffee chain continued to pay rent, but the premises was never fitted out, and they did not choose to sub-let. This leaseholder exercised their lease break in 2018
- In October 2017, Hall & Woodhouse aware that the tenant was likely to break the lease, commenced to market the premises, and continue to market the property to date.
- Supporting information does show a concerted effort to lease the ground floor between 2017 and present, with extensive and appropriate marketing being carried out.
- The asking rent in terms of £ per square foot is the lowest of all the premises currently being marketed in Blandford, and well below the average.
- In addition to this reasonable asking price, incentives were included in the terms, acknowledging that the repair and refurbishment associated with bringing the listed property back into a viable commercial use may have been prohibitive to some prospective occupiers. The marketing details specified: *The premises are in need in refurbishment and our clients are prepared, subject to suitable lease terms being*

agreed, to offer an incentive package to assist the ingoing tenants with their programme of works

- The supporting documents describe how none of the limited number of viewings have proceeded in any meaningful way, and no offers have been received or negotiations even entered into

Site Constraints

- The property does not feature a conventional shop or retail frontage in the traditional sense in that there are no large, open fronted shop windows.
- The property frontage at the ground floor comprises four multi-paned windows and a traditionally styled front door. The building turns the corner away from West Street, and has little in the way of prominence or visibility from the main street as a retail or commercial unit, its appearance being more civic or domestic in its appearance.
- Internally the ground floor requires refurbishment, and whilst an incentive package was offered, this may have 'put off' some prospective occupants.
- As the building is listed, there would be limited flexibility to alter the premises to quickly/easily/economically reconfigure the unit to suit.
- Some potential occupiers cited the age and configuration of the premises unsuitable for their needs.

Discussion

- The marketing evidence supplied is thorough and comprehensive. Officers are satisfied that all reasonable efforts have been made to find a tenant for the ground floor premises
- The low price of the Three Choughs, combined with length of time the property has been on the market - including the failed attempt to lease, does indicate that the premises are of limited attractiveness to potential occupiers.
- The site is adjacent to The Crown Inn, a large and imposing, successful and recently renovated public house. On the opposite side of West Street is the Crown and Anchor pub, and a short distance away is the Greyhound pub. It does seem unlikely in the current climate of pub closures, that there would be demand for the premises to re-open as a pub in the foreseeable future.
- In officer opinion, the building is of low attractiveness in competition with other commercial and retail properties on the local market which have been successfully let. This could be because of its outlying position at the periphery of the retail centre, its unusual facing frontage, lack of conventional shop window, as well as its internal and yard geometry and listed status.
- The market movement of other premises in comparison seems to indicate there is generally an appetite to occupy more traditional Blandford town centre retail and commercial premises which the Three Choughs does not offer.

Policy 27 of the Local Plan is relevant in this instance, and this Policy discusses the retention (and loss) of commercial community facilities. The Policy discusses how it is expected that owners of these facilities will explore all options available to them to ensure the continued success of their business. As discussed above, it is considered

that the marketing information submitted with this application has met this test as described in paragraph 10.130 of Policy 27, and that the retail, commercial or other town centre use has been demonstrated to be unviable.

Local Plan Policy 5 'The Historic Environment' discusses how in exceptional circumstances, a proposal for enabling development that would not otherwise be permitted may be supported if it can be demonstrated that this will secure the long term preservation of a designated heritage asset at risk. The alterations proposed to facilitate the residential use of the ground floor follow pre-application advice from, and have the support of, the Council's Conservation Officer who is of the opinion that the scheme is considered to contribute a positive outcome for this Building at Risk.

Finally, with the difficulties that employers have in finding staff - one factor being customer service recruits suffering from the lack of availability of small-scale, affordable housing; the creation of work-related accommodation could be good both for employer and staff.

Taking the application as a whole, and bearing in mind that the ground floor of the property has lain vacant for over 10 years, thorough and reasonable attempts have been made to find suitable tenants (with incentives offered for the refurbishment required), it is considered that the benefits of enabling the development outweigh the dis-benefits of departing from Policy 12 of the Local Plan. It is considered that the 'loss' of the A Class Use would not undermine the focus of on retailing in the area, and is not considered that the change of use would lead to a significant adverse impact on the vitality and viability of the town centre as a whole, and in fact would contribute to the enhancement of the town centre by bringing a vacant ground floor unit which has lain empty for some time back into active use, providing low-cost housing for local workers, and contribute to additional local town centre footfall.

14.2 Design

The proposed operational developments to the rear to facilitate the change of use are considered to be an improvement on the existing by the removal of somewhat incongruous 90s additions, the new external staircase is acceptable and would appear as a subservient addition to the building. The area of paving to the rear would be reconfigured to provide a private courtyard area for residents. The existing informal bin area would be formalised and properly fenced for use by occupants. Planning conditions would be sought to ensure suitable and sympathetic fencing and hard surfacing appropriate to the setting of the listed building are utilised. Taken as a whole, the external alterations are considered not have an adverse impact on the visual amenities of the character of the site or locality.

14.3 Amenity

The upper floors are already used for staff accommodation for the Hall and Woodhouse Company. The proposed ground floor managers flat faces into the car park and there are no concerns with regards to over or in-looking. Similarly the provision ground floor accommodation in the main building would not have a

significant adverse impact on the living conditions of occupiers of neighbouring residential properties.

14.4 Access and parking

The proposal would not compromise road safety. The site plan shows three parking spaces would be allocated in the private car park (serving The Crown Hotel) for the Three Choughs. Access to the ground floor accommodation would be via the existing front door. A new external staircase to the rear would provide access to the upper floor accommodation.

14.5 Listed building

The proposal is considered to preserve the character or appearance of the listed building, and the proposed use would secure the long-term preservation of the heritage asset at risk. This conclusion has been reached having regard to: (1) section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the setting of Listed Buildings; and (2) Local Plan policy.

14.6 Conservation Area

The proposal removes some unsympathetic 1990s additions to the rear, and the new staircase is a sympathetic and acceptable addition. The rear will also be 'tidied up' by fencing off the bin store, and re-surfacing the patio area to form a courtyard. Bringing back into use the ground floor of the building which has long since been vacant will enhance the vitality and vibrancy of the Conservation Area by increasing footfall in the area. The proposal is considered to preserve the character or appearance of the conservation area. This conclusion has been reached having regard to: (1) section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area; and (2) Local Plan policy.

14.7 Archaeology

The site of The Crown Inn to the south is a Site of Archaeological Importance. There are no new extensions proposed, and external works to the patio are unlikely to adversely impact potential archaeological interest. The County Senior Archaeologist has been consulted on the proposals and has offered no comments.

14.8 Flood risk

The site is in Flood Zones 2 & 3. Having regard to the submitted Flood Risk Assessment, it is considered that the proposal would not increase the risk of flooding, there is no increase in the existing impermeable area. The Environment Agency has no objection to the proposals on the basis that this is a change of use application for ancillary accommodation ONLY to the existing Crown Hotel, and with no new buildings being constructed or new open market dwellings being produced, subject to the installation of comprehensive flood resilience and resistance mitigation measures being installed within the buildings as part of the refurbishment. The Environment Agency recommends that the applicant/developer should prepare a

Flood Warning and Evacuation Plan for the occupants of the site and their recommendations are included as conditions and in the informatives attached to the decision notice.

14.9 Right of Way

The proposal would maintain the rights of way, the applicants are reminded to ensure the right of way remains unobstructed.

15.0 Conclusion

The ground floor of the property has lain vacant for over 10 years, thorough and reasonable attempts have been made to find suitable tenants (with incentives offered for the refurbishment required), it is considered that the benefits of enabling the development outweigh the dis-benefits of departing from Policy 12 of the Local Plan.

It is considered that the 'loss' of the A Class Use would not undermine the focus of on retailing in the area, and is not considered that the change of use would lead to a significant adverse impact on the vitality and viability of the town centre as a whole, and in fact would contribute to the enhancement of the town centre by bringing a vacant ground floor unit which has lain empty for some time back into active use, providing low-cost housing for local workers, and contribute to additional local town centre footfall.

In terms of heritage considerations, the development would result in no harm to the significance of the asset (listed building and Conservation Area). It would lead to a positive impact on the appearance of the Conservation Area as it would bring a vacant building back into use.

The proposals would secure a long-term viable use for the heritage asset at risk, and the alterations proposed to facilitate the change of use have the support of the Council's Conservation Officer.

The proposed development has no impact on highway safety and three parking spaces are to be allocated for the accommodation.

The accommodation should be tied to the Crown Hotel as unrestricted occupation would not normally be supported in Flood Zones 2 & 3. The applicants should prepare a Flood Warning Evacuation Plan for occupants of the accommodation.

16.0 Recommendation

GRANT subject to conditions

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 (as amended).

2. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details:

2CD01897 STPL - SITE PLAN REV A;

2CD01897 LPL - LOCATION PLAN;

2CD01897 03 - EXISTING GF PLAN;

2CD01897 04 REV C - PROPOSED GF PLAN;

2CD01897 05 - EXISTING & PROPOSED ELEVATIONS;

; forming the approved application.

Reason: For the avoidance of doubt and to clarify the permission.

3. The occupation of the dwelling hereby permitted shall be limited to a person solely employed in the Crown Hotel, Blandford Forum.

Reason: Permission has only been granted having regard to the need for a dwelling where unrestricted occupation would not normally be appropriate in the flood risk area.

4. Prior to the addition of cladding or brick infills, samples of materials to be used in the construction and finish of walls shall be made available on site and retained in that location thereafter for the inspection and approval of the Local Planning Authority. A sample panel of not less than 1m x 1m shall be constructed on site for comparison with the existing historic brickwork to demonstrate the brick bond; bricks; and mortar colour, texture and finish. Any such samples shall require approval to be obtained in writing from the Local Planning Authority and the development shall thereafter accord with the approved materials. All subsequent brickwork shall match the approved sample panel, which shall remain on site until completion of the works

Reason: To safeguard the character of the locality and in the interests of the heritage Asset

5. Prior to the erecting of any fencing and boundary treatments, prior to the demolition of the courtyard infill and associated parapet wall, stairs, and all related structural works, and prior to the installation of any new hard surfacing; A precise scheme detailing the methodology, materials, details and finishes, shall be submitted to and approved in writing by the Local Planning Authority. All demolition shall be carried out by hand unless otherwise agreed in writing by the Local Planning Authority. The works shall proceed in accordance with the agreed details to the satisfaction of the Local Planning Authority.

Reason: To safeguard historic fabric, architectural interest and the significance of the heritage asset and its setting.

6. Prior to the installation of the external staircase, a precise scheme for the external staircase and all associated railings/ balustrading, flat roof surface and courtyard surfaces to include details of materials, design, colour, finish, method of fixing, shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter proceed in accordance with the details as agreed to the satisfaction of the Local Planning Authority

Reason: To safeguard the character of the locality, and to safeguard the significance of the heritage asset and its setting.

7. Prior to the installation of any new or replacement external doors and windows, annotated scale drawings at a scale of 1:20 elevations and 1:5 cross-sections (both vertically and horizontally in the case of windows), to include details of framing profile, glazing type and thickness, colour of unit spacers, method of fixing glazing, glazing bar construction and profile, depth of reveal, window head sill construction and design, and joinery finish and method of opening, shall be submitted to and approved in writing by the Local Planning Authority. No trickle vents shall be employed. The works shall thereafter accord with the details as agreed to the satisfaction of the Local Planning Authority.

Reason: to safeguard historic fabric and significance of the heritage asset

8. Prior to first use or occupation of the accommodation hereby permitted, a Flood Warning Evacuation Plan shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure the occupants of the site are adequately prepared and protected in the event of a flood event.

NOTE: Climate Emergency

Every effort should be made to demonstrate how development for the Council is addressing the 'state of Climate Emergency'. This means demonstrating as part of the planning application how the proposed development will be making improvements on our use of natural resources and reduction of pollution. In this particular case, a statement should be submitted prior to occupation of the development hereby approved, however it is acknowledged that due to the constraints of the site being a designated heritage asset, it may not be possible to implement otherwise desirable sustainable features due to the listed status of the building.

NOTE: Flood Warning Evacuation Plan

The applicant/developer is strongly advised to ensure that a Flood Warning Evacuation Plan is prepared for the occupants of the site. The provision of such a plan may help to protect life and property during a flooding incident. For commercial properties a Flood Warning Evacuation Plan should form part of the Health and Safety at Work Register maintained by the operator of the site.

NOTE: Flood Resilience

In view of the potential flood risks in this locality, it is advised that the developer of this site gives consideration to the use of flood resilient construction practices and materials in the design and build phase. Choice of materials and simple design modifications can make the development more resistant to flooding in the first place, or limit the damage and reduce rehabilitation time in the event of future inundation. Detailed information on flood proofing and mitigation can be found by referring to the CLG free publication 'Improving the Flood Performance of New Buildings'.

http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf

NOTE: Right of Way

The attention of the applicant is drawn to the existence of a public Right-of-Way which crosses the site. This permission does not authorise any interference with or obstruction of the footpath. If the diversion or stopping-up of the path is desired, application should be made to Dorset Council, Tel 01305 224463 Email:

DefinitiveMapTeam@dorsetcouncil.gov.uk

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1.0 Application Number – WD/D/19/001562

SITE ADDRESS - ALL SAINTS CE VC PRIMARY SCHOOL, GILES LANE,
BISHOPS CAUNDLE, SHERBORNE, DT9 5NQ

PROPOSAL - Replacement of existing temporary timber external changing rooms with new combined temporary timber clad changing room/storage unit.

APPLICANT – Dorset Council

CASE OFFICER – Katrina Trevett

WARD MEMBER – Cllr R Legg

The applicant is Dorset Council and therefore the decision has to be considered by planning committee.

2.0 Summary of Recommendation: GRANT subject to conditions

3.0 Reason for the recommendation

The scheme will be of public benefit, via the creation of better facilities for the school. There are no adverse landscape impacts, the proposal will not compromise road safety, neighbouring amenity impact will not be significant.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	Principle support by policy COM6 of the adopted local plan.
Scale, design, impact on character and appearance	Modest scale/height, simple character & design which reflects its ancillary nature to the school.
Impact on amenity	Visually discreet, adequate distance from neighbours with footpath between garden & school grounds (this site).
Impact on landscape	Cannot be widely seen in greater landscape views.
Access and Parking	Will not impact on existing access & parking arrangements which remain the same.

5.0 Description of Site

All Saints School is situated within the centre of Bishops Caundle village. The school is located behind a row of houses that front on to the A3030 on its southern side. There is a public right of way that divides the school boundary from residential garden boundaries to the north.

The proposed changing room/equipment storage unit will be situated immediately north of existing school buildings, within the school grounds.

The area of ground that the new building will be placed is flat.

The site is within the Bishops Caundle DDB.

6.0 Description of Development

This scheme seeks to replace three existing shed buildings and two screened changing areas with a single changing room/store building.

The new building will measure 9m in width by 6.9m in depth, it will be timber clad with a fibre glass sheet roof and will face towards the school buildings (south). Its finishing height will be 2.6m but this is to the ridge; eaves height will be 2.3m.

7.0 Relevant Planning History

None.

8.0 List of Constraints

Site is within the Bishops Caundle Defined Development Boundary.

The site has flagged as being within a contaminated land buffer.

9.0 Consultations

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

Natural England - No objections.

Environmental Health - No comments.

Highways officer - No highways comments.

Bishops Caundle Parish Council - No objections.

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

Representations: None

10.0 Relevant Policies

Adopted West Dorset and Weymouth & Portland Local Plan (2015)

INT1.	PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT
ENV1.	LANDSCAPE, SEASCAPE AND SITES OF GEOLOGICAL INTEREST
ENV2.	WILDLIFE AND HABITATS
ENV10.	THE LANDSCAPE AND TOWNSCAPE SETTING
ENV12.	THE DESIGN AND POSITIONING OF BUILDINGS
ENV16.	AMENITY
SUS5.	NEIGHBOURHOOD DEVELOPMENT PLANS
COM6.	THE PROVISION OF EDUCATION AND TRAINING FACILITIES
COM7.	CREATING A SAFE AND EFFICIENT TRANSPORT NETWORK
COM9.	PARKING STANDARDS IN NEW DEVELOPMENT

The National Planning Policy Framework (NPPF) 2018

The NPPF has been updated with a revised version published on 23 July, 2018.

Paragraph 11 of the of the NPPF advises of the 'Presumption in favour of sustainable development'.

Section 11 'Making effective use of land'

Section 15 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 124 – 132 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Further advice contained in the following sections of the NPPF is of relevance:
Section 15– Natural Environment

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Other material considerations

WDDC Design & Sustainable Development Planning Guidelines (2009)

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 PSED.

13.0 Climate Implications

The new improved changing facilities & storage will help to future proof the school in terms of facilities it provides, maintaining it for the local community where its loss would mean greater travel and subsequent impact on climate change.

14.0 Planning Assessment

14.1 Principle of development:

Policy COM6 of the adopted local plan supports expansion of existing education/training facilities providing that the location is well linked and accessible to the local catchment and any loss of facilities consequential to the development is provided to the same or higher standard.

The purpose of this scheme is to replace the very modest storage sheds with a single modest replacement building that incorporates the uses of the existing buildings to be demolished but more efficiently.

The location of the school and subsequent replacement building is central within Bishops Caundle village and therefore, is ideally placed for accessibility by the local catchment.

As such, this scheme is fully supported in principle by the adopted local plan subject to other material planning considerations.

14.2 Impact on amenities of the site & surrounding area:

The siting of the new building will be on the site of the existing storage sheds, well within the confines of the existing school site. Its scale will remain single storey and modest in height as well as extent. As such, it is considered that impact on amenities will not greatly change.

No neighbour concerns have been received.

14.3 Impact on highway safety:

Parking & access are to remain the same. The new changing rooms & storage area within the building will not greatly intensify use by vehicles to the site.

14.4 Contaminated land:

The site is within a contaminated land buffer. Environmental Health have no objections to this scheme.

15.0 Conclusion

The proposed replacement building is considered acceptable and in accordance with the development plan policies.

16.0 RECOMMENDATION

GRANT of planning permission 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 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
2023-01
2023-02
REASON: For the avoidance of doubt and in the interests of proper planning.