



## Northern Area Planning Committee

**Date:** Tuesday, 23 March 2021  
**Time:** 10.00 am  
**Venue:** MS Teams Live Event This meeting will be held remotely as an MS Teams Live Event [please see link below]

**Membership: (Quorum 6)**

Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Tim Cook, Les Fry, Matthew Hall, Brian Heatley, Carole Jones, Emma Parker, Val Potheary, Belinda Ridout and David Taylor

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

**For more information about this agenda please contact George Dare on 01305 224185 - [george.dare@dorsetcouncil.gov.uk](mailto:george.dare@dorsetcouncil.gov.uk)**



For easy access to the Council agendas and minutes download the free public app Modern.Gov for use on your iPad, Android and Windows tablet. Once downloaded select Dorset Council.

Members of the public are invited to access this meeting with the exception of any items listed in the exempt part of this agenda.

This meeting will be held remotely as an MS Teams Live Event. Please note, there are two different links to watch the meeting as there is a morning and an afternoon session.

[Northern Area Planning Committee Link - Morning session starting at 10am](#)

[Northern Area Planning Committee Link - Afternoon session starting at 2pm](#)

Members of the public are invited to make written representations provided that they are submitted to the Democratic Services Officer no later than **8.30am on Friday, 19 March 2021**. This must include your name, together with a summary of your comments and contain no more than 450 words.

If a councillor who is not on the Planning Committee wishes to address the committee, they will be allowed 3 minutes to do so and will be invited to speak before the applicant or their

representative provided that they have notified the Democratic Services Officer by **8.30am on Friday, 19 March 2021**.

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

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

### **Using social media at virtual meetings**

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

# AGENDA

Page No.

**1 APOLOGIES**

To receive any apologies for absence.

**2 DECLARATIONS OF INTEREST**

To receive any declarations of interest.

**3 MINUTES**

7 - 12

To confirm the minutes of the meeting held on 16 February 2021.

**4 PUBLIC PARTICIPATION**

13 - 14

To receive questions or statements on the business of the committee from town and parish councils and members of the public.

Public speaking has been suspended for virtual committee meetings during the Covid-19 crisis and public participation will be dealt with through written submissions only.

Members of the public who live, work, or represent an organisation within the Dorset Council area, may submit up to two questions or a statement of up to a maximum of 450 words. All submissions must be sent electronically to [george.dare@dorsetcouncil.gov.uk](mailto:george.dare@dorsetcouncil.gov.uk) by the deadline set out below.

When submitting a question please indicate who the question is for and include your name, address, and contact details. Questions and statements received in line with the council's rules for public participation will be published as a supplement to the agenda.

Questions will be read out by an officer of the council and a response given by the appropriate Portfolio Holder or officer at the meeting. All questions, statements and responses will be published in full within the minutes of the meeting.

**The deadline for speaking at this meeting is 8.30am on Friday, 19 March 2021.**

Please refer to the Guide to Public Speaking at Planning Committee and specifically the "Covid-19 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings" included

with this agenda.

## 5 PLANNING APPLICATIONS

To consider the applications listed below for planning permission.

- a P/FUL/2021/00063, Land East of the B3092 South of the River Lodden, Gillingham 15 - 22**

To consider a report by the Head of Planning.

- b P/FUL/2020/00282, Land at E 382085 N 125405, Shaftesbury Road, Gillingham 23 - 30**

To consider a report by the Head of Planning.

- c 2/2018/1437/FUL, St Martin's, Queen Street, Gillingham, SP8 4DZ 31 - 58**

To consider a report by the Head of Planning.

### COMMITTEE BREAKS FOR LUNCH 1PM - 2PM

- d WD/D/20/001203, Land Adjacent to Piddlehinton Enterprise Park, Church Hill, Piddlehinton 59 - 84**

To consider a report by the Head of Planning.

- e WD/D/20/002427, St Osmund's Church of England Middle School, Barnes Way, Dorchester, DT1 2DZ 85 - 92**

To consider a report by the Head of Planning.

- f P/HOU/2020/00139, 54 West Street, Fontmell Magna, SP7 0PF 93 - 100**

To consider a report by the Head of Planning.

## 6 URGENT ITEMS

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

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

## **7 EXEMPT BUSINESS**

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.

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

### **MINUTES OF MEETING HELD ON TUESDAY 16 FEBRUARY 2021**

**Present:** Cllrs Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Tim Cook, Les Fry, Matthew Hall, Brian Heatley, Carole Jones, Emma Parker, Val Potheary, Belinda Ridout and David Taylor

**In Attendance:** Cllr Graham Carr-Jones and Cllr David Walsh

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

Robert Lennis (Area Lead (Major Projects) Eastern), Hannah Smith (Planning Area Manager), Lara Altree (Senior Lawyer - Regulatory), Steve Savage (Transport Development Manager), Gill Whitney (Technical Support Officer) and George Dare (Democratic Services Officer Apprentice)

**30. Apologies**

No apologies for absence were received at the meeting.

**31. Declarations of Interest**

There were no declarations of interest.

**32. Minutes**

The minutes of the meeting held on 15 December 2020 were confirmed and would be signed at a later date.

**33. 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.

**34. Planning Applications**

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

**35. 2/2020/0406/OUT, Land south of Lower Road, Stalbridge, Dorset**

The Committee considered an application to erect up to 114 dwellings and up to 2,000 square metres of employment space. (Outline application to determine access).

The Chairman introduced the item by explaining that the application has been referred to the Planning Inspectorate on the grounds on non-determination. She asked that members consider the application the same as any other application, however the final decision would be made at a public enquiry.

The Area Lead Planning Officer delivered a presentation to the Committee. Various plans were shown including an aerial view, access plans, and a concept masterplan. He highlighted the officer views on the site being a valued landscape.

The Transport Development Manager presented the access points to the site. There would be two highway access points and two pedestrian access points. He explained to the Committee that the Highway Authority would not support the eastern pedestrian access point because it was not considered safe. The application was supported by a transport assessment. The Highway Authority had no objections to the application.

The key planning matters were highlighted:

- Principle of development, lack of five-year housing land supply, and the Planning Balance
- Landscape impact

Members were advised that there was an amendment to condition 8.

A number of written representations were received and are attached as an annexure to these minutes.

### **Local Member for Stalbridge**

Cllr Graham Carr-Jones

As a representative of the local community, he urged members to refuse the application. He stated although the Council cannot demonstrate a five-year housing land supply, the proposal contradicts several parts of the North Dorset Local Plan. He felt that Stalbridge has inadequate facilities and infrastructure, such as the lack of a medical facility. He also drew attention to the fact that there would be a 27% growth of the town if this application was approved and if the other two proposed sites are built.

Cllr Carr-Jones' full statement has been attached as an annexure to these minutes.

### **Members' Questions and Comments**

The Committee asked questions and made comments on the application. The issues raised included: pedestrian safety on Lower Road; the residual cumulative impact of the development; the lack of a housing land supply; the high-density housing proposed compared to other areas of the town; the



commercial area of the development; and the lack of infrastructure and facilities in Stalbridge.

In response to the members, the Area Lead Planning Officer confirmed that: there are no historical trails near to the site; the planned commercial area would be for light industrial use or for workshops; Stalbridge could be allocated further growth in the new Dorset Local Plan.

In response to the members, the Transport Development Manager confirmed that the transport assessment has been checked and it identified no traffic issues; there would be a construction traffic management plan.

It was proposed by Cllr Ridout and seconded by Cllr Andrews that, for the purposes of appeal, the application be refused.

The meeting was adjourned at 11.39am for officers to formulate formal reasons for refusal as this proposal was against the recommendation.

Upon reconvening at 12.04pm a roll call was taken by the Chairman to ensure that all members were present.

The Area Lead Planning Officer presented the reasons for refusal and members voted on the proposal.

The vote was carried.

### **Decision**

That, for the purposes of appeal, the application be refused.

### **Reasons for Decision**

1. The proposal by reason of its location on the edge of a settlement would lack sufficient services and facilities to support the level of growth proposed, would lead to an unsustainable form of development in which people would be reliant on the private car to access a sufficient range of services, facilities, and employment. In view of there being no overriding need for this proposal within the countryside and particularly Stalbridge Parish, the proposal would be contrary to policy 2, 6 and 20 and Objectives 2 and 4 of the Local Plan and the NPPF, which seek to meet local housing needs in rural areas, and the requirement to locate development to facilitate access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use. The identified environmental harm is considered to significantly and demonstrably outweigh the social and economic benefits of providing the level of proposed housing and employment in this location.

2. The level of housing proposed on the edge of settlement location would result in a level of development which would be out of keeping with the prevailing character of existing and planned development which surrounds the site and which would fail to successfully integrate due to the extent of built form proposed and existing. The proposal would be contrary to policies 2, 6,

7, 20 and 24 and objectives 2 and 4 of the North Dorset Local Plan Part 1 and NPPF.

**36. Urgent items**

There were no urgent items.

**37. Exempt Business**

There was no exempt business.

**Duration of meeting:** 10.00 am - 12.17 pm

**Chairman**

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# Northern Area Planning Committee

## 16 February 2021

### Decisions List

**APPLICATION NUMBER:** 2/2020/0406/OUT

**APPLICATION SITE:** Land south of Lower Road, Stalbridge, Dorset

**PROPOSAL:** Develop land by the erection of up to 114 No. dwellings and up to 2,000 square metres of employment space (for Business use (Class B1), with up to 1 No. Retail (Class A1) unit). Form vehicular and pedestrian access, form public open space and carry out associated works. (Outline application to determine access).

**DECISION:** That, for the purposes of the appeal, the application be refused.

#### **Reasons for Refusal**

1. The proposal by reason of its location on the edge of a settlement would lack sufficient services and facilities to support the level of growth proposed, would lead to an unsustainable form of development in which people would be reliant on the private car to access a sufficient range of services, facilities, and employment. In view of there being no overriding need for this proposal within the countryside and particularly Stalbridge Parish, the proposal would be contrary to policy 2, 6 and 20 and Objectives 2 and 4 of the Local Plan and the NPPF, which seek to meet local housing needs in rural areas, and the requirement to locate development to facilitate access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use. The identified environmental harm is considered to significantly and demonstrably outweigh the social and economic benefits of providing the level of proposed housing and employment in this location.

2. The level of housing proposed on the edge of settlement location would result in a level of development which would be out of keeping with the prevailing character of existing and planned development which surrounds the site and which would fail to successfully integrate due to the extent of built form proposed and existing. The proposal would be contrary to policies 2, 6, 7, 20 and 24 and objectives 2 and 4 of North Dorset Local Plan Part 1 and NPPF.

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## Dorset Council

### **Covid-10 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings – effective from 20 July 2020**

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

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

1. While planning committee meetings are held remotely during the Coronavirus outbreak public participation will take the form of written statements (and not public speaking) to the committee.
2. If you wish to make a written statement it must be no more than 450 words with no attached documents and be sent to the Democratic Services Team by 8.30am two working days prior to the date of the committee – i.e. for a committee meeting on a Wednesday written statements must be received by 8.30am on the Monday. The deadline date and the email contact details of the relevant democratic services officer can be found on the front page of the committee agenda. The agendas for each meeting can be found on the Dorset Council website  
<https://modern.gov.dorsetcouncil.gov.uk/mgListCommittees.aspx?bcr=1>
3. During this period the council can only accept written statements via email and you should continue to bear in mind the guidance in the public speaking guide when preparing your representation.
4. The first three statements received from members of the public for and against the application (maximum six in total) will be read out together with any statement from the town and parish council, by an officer (but not the case officer), after the case officer has presented their report and before the application is debated by members of the Committee. It may be that not all of your statement will be read out if the same point has been made by another statement and already read to the Committee. This is to align with the pre-Covid-19 protocol which limited public speaking to 15 minutes per item, although the Chairman of the Committee will retain discretion over this time period as she/he sees fit. All statements received will be circulated to the Committee members before the meeting.
5. This addendum applies to members of public (whether objecting or supporting an application, town and parish councils, planning agents and applicants).
6. Councillors who are not on the Planning Committee may also address the Committee for up to 3 minutes by speaking to the Committee (rather than submitting a written statement). They need to inform Democratic Services of their wish to speak at the meeting two working days before the meeting.

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## 1.0 Application Number – [P/FUL/2021/00063](#)

**Site address** - Land East of the B3092 South of the River Lodden, Gillingham, Dorset.

**Proposal** - Form a floodplain compensation area as part of land adjacent to Gillingham Principal Street

**Applicant name** – Dorset Council

**Case Officer** – Simon McFarlane

**Ward Members** - Val Potheary, Belinda Rideout, David Walsh

## 2.0 Summary of Recommendation:

Recommendation: Delegate authority to Head of Planning to **GRANT** permission subject to the prior completion of a s.106 obligation address:

- Access to the land for monitoring and maintenance of the flood storage area

and the conditions (and their reasons) listed at the end of the report.

## 3.0 Reason for the recommendation:

- The site is allocated in the North Dorset Local Plan (Policy 21)
- The Principal Street has planning permission ref - 2/2020/0379/FUL
- There are no material considerations which would warrant refusal of this application

## 4.0 Table of key planning issues

Issue	Conclusion
Principle of development	The principle of development was agreed through the strategic local plan allocation (Policy 21), the outline application ref - 2/2018/0036/OUT which sought permission for the principal street access points off the B3081 & the B3092 and the detailed application for the Principal Street ref - 2/2020/0379/FUL.
Flood Risk	The floodplain compensation calculations show that any loss in

	floodplain capacity due to the principal street can be compensated for on a level for level basis.
Ecology	Full surveys have been undertaken and impact upon protected species can be mitigated to avoid significant effects.

## 5.0 Description of Site

The site comprises an area of approximately 0.54 hectares, which forms a small section of land within the Strategic Site Allocation – Gillingham Southern Extension (Policy 21). The land abuts the proposed Principal Street junction to the B3092 and is currently made up grassed farmland.

## 6.0 Description of Development

The proposal is to form a compensatory flood storage area. This is required in order to compensate for the volume of floodplain lost through the future construction of the Principal Street. The lowered area will have gentle side slopes to the new proposed levels which would be on average 0.6m lower than existing with a maximum depth of 1m. Access to form this area would be gained from the Principal Street site. Floodplain compensation calculations and design have been carried out to ensure that any raised areas within the 100 year, plus (85%) climate change, extent within the site are offset on a level for level basis. The post-development ground levels will provide a total net gain of 721.1m<sup>3</sup> in 100 year, plus (85%) climate change, floodplain capacity across the site.

## 7.0 Relevant Planning History

### *Gillingham Strategic Site Allocation*

2/2018/0483/REM - Erect 90 No. dwellings with garages, bin / cycle store, building to house electricity sub-station and associated infrastructure, including play areas and public open space. (Reserved Matters application to determine appearance, landscaping, layout and scale, following the grant of Outline Planning Permission No. 2/2014/0968/OUT). Land to the East of Lodden Lakes New Road Gillingham Dorset. Approved February 2019.

2/2018/0036/OUT - Develop land by construction of an urban extension to the south of Gillingham between Shaftesbury Road (B3081) and New Road (B3092). The urban extension would comprise up to 961 dwellings. Up to 2,642 sq. m. in a new local centre providing retail, community, health and leisure uses, new and enhanced pedestrian/cycle routes, open spaces, roads, car parking and vehicular access. To include all ancillary works and associated infrastructure (Outline application to determine access only). West of Shaftesbury Road at Land South of Gillingham, Shaftesbury Road, Gillingham, Dorset.



2/2018/0077/OUT Develop land by the erection of up to 634 dwellings (use class C3), a primary school (use class D1), sports pitches with floodlighting, public open space, play facilities, access and internal estate roads, internal footpaths and cycleways, sustainable drainage system with ponds, landscaping, utility connections and associated/infrastructure. (Outline application to determine access only). Land at Park Farm Kingsmead Business Park, Gillingham, Dorset

These outline applications were recommended for approval by officers and was subsequently delegated by members at the February 2019 North Dorset District Council Planning Committee and subsequently at the May 2020 Northern Area Committee, subject to no adverse comments from environmental health, conditions and completion of a Section 106 agreement.

P/OUT/2020/00495 - Develop land by the erection of up to 115 No. dwellings, form vehicular access from New Road and Lodden Lakes Phase 1, form public open space. (Outline application to determine access). Pending decision.

2/2020/0379/FUL - Construction of a Principal Street, associated access, landscaping and infrastructure works at land to the East of New Road (B3092), Gillingham. Approved November 2020.

P/FUL/2020/00282 - Form a temporary access for the construction of the Gillingham Principal Street. Pending Decision.

## **8.0 List of Constraints**

Parish Name - : Gillingham CP  
Settlement Boundary - Gillingham  
Ward - Gillingham

## **9.0 Consultations**

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

### **Gillingham Town Council**

No objection.

### **Natural Environment Team**

No objection, subject to conditions.

### **Natural England**

No objection.

### **Environment Agency**

No objection, subject to conditions.

## 10.0 Representations

There were no representations received prior to the Committee.

## 11.0 Relevant Policies

**Local Plan: The North Dorset Local Plan Part 1 (LPP1)** was adopted by North Dorset District Council (NDDC) on 15 January 2016. It, along with policies retained from the 2003 North Dorset District-Wide Local Plan, 1 and the ‘made’ Gillingham Neighbourhood Plan, form the development plan for the North Dorset Area within Dorset Council. Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Relevant applicable policies in the adopted North Dorset Local Plan Part 1, January 2016 are as follows:

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Core Spatial Strategy

Policy 4: The Natural Environment

Policy 17: Gillingham

Policy 21: Gillingham Strategic Site Allocation

### **Gillingham Neighbourhood Plan**

The Gillingham Neighbourhood Plan was ‘made’ on 27 July, 2018 and forms part of the Development Plan for North Dorset.

### **National Planning Policy Framework (NPPF):**

The NPPF has been updated with a revised version published February 2019. The following sections and paragraphs are relevant to this application:

1. Introduction
2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
9. Promoting sustainable transport
15. Conserving and enhancing the natural environment

*The presumption in favour of sustainable development*

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development. ...

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay...

## 12.0 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.

## 13.0 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.

## 14.0 Financial benefits

Benefit	Quantum
Construction Jobs	Lasting approximately 1 year

## 15.0 Planning Assessment

### Principle of development

The principle of development for the ‘principal street’ and the access location from the B3092 has been established through the strategic local plan allocation (Policy 21), the outline application ref - 2/2018/0036/OUT which sought outline permission for the access points off the B3081 & the B3092, and the detailed Principal Street application ref - 2/2020/0379/FUL.

### **Flood Risk**

A new raised embankment will be formed for the Principal Street development. As a result of some areas of the site being raised, the proposed floodplain compensatory storage area will need to be excavated upstream of the River Lodden Bridge to ensure there is no loss of flood storage and no increases in flood risk elsewhere as a result of the development. The floodplain compensation calculations show that any loss in floodplain capacity due to the scheme can be compensated for on a level for level basis.

### **Ecology**

Full Phase 1 and 2 ecological surveys have been undertaken across the site. Biodiversity mitigation measures, which include tree/hedgerow protection measures, water vole habitat degradation/restoration, and bird boxes, will be secured through a planning condition.

### **Planning Balance;**

When all the material planning issues are considered in the planning balance, your Officer's conclusion is that the benefits of the reduction in flood risk, combined with the facilitation of the wider development warrant approval of the application.

## **16.0 Conclusion**

The proposed development will allow the construction of the Principal Street without increasing flood risk. Officer's recommend that the development should be approved without any further delay.

## **17.0 RECOMMENDATION**

Recommendation: Delegate authority to Head of Planning to **GRANT** permission subject to the prior completion of a s.106 obligation address:

- Access to the land for monitoring and maintenance of the flood storage area

and the conditions (and their reasons) listed at the end of the report.

## **CONDITIONS**

### **Time Limits**

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).

## Approved Plans

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

- HI1177/82/01/Orig – Gillingham Principal Street Floodplain Compensation Area Location and Site Plan
- HI1177/82/02/Orig – Gillingham Principal Street Floodplain Compensation Area Plan and Long Section
- HI1177-81-02-Orig – Gillingham Principal Street Floodplain Compensation Area Swale Discharge

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

## Ecology

3. The development shall be carried out in accordance with the mitigation and enhancement measures set out in the Danny Alder Ecological Report, Dated 25 November 2020.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

## **INFORMATIVES NOTE: Environmental Permit**

An Environmental Permit may be required from the EA, as relevant regulator for all works to a designated Main River that take place in, under or over, or as prescribed under relevant byelaws in accordance with section 109 of the Water Resources Act 1991. To clarify the Environment Agency's requirements, the applicant should contact the relevant department by emailing [floodriskpermit@environment-agency.gov.uk](mailto:floodriskpermit@environment-agency.gov.uk)

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**1.0 Application Number – [P/FUL/2020/00282](#)**

**Site address** - land at E 382085 N 125405 Shaftesbury road Gillingham, Dorset.

**Proposal** - Form a temporary access for the construction of the Gillingham Principal Street.

**Applicant name** – Dorset Council

**Case Officer** – Simon McFarlane

**Ward Members** - Val Pothecary, Belinda Rideout, David Walsh

**2.0 Summary of Recommendation:**

Recommendation: **GRANT**, subject to the conditions (and their reasons) listed at the end of the report.

**3.0 Reason for the recommendation:**

- The site is allocated in the North Dorset Local Plan (Policy 21)
- The Principal Street has planning permission ref - 2/2020/0379/FUL
- There are no material considerations which would warrant refusal of this application

**4.0 Table of key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	The principle of development was agreed through the strategic local plan allocation (Policy 21), the outline application ref - 2/2018/0036/OUT which sought permission for the principal street access points off the B3081 & the B3092 and the detailed application for the Principal Street ref - 2/2020/0379/FUL.
Impact on Heritage	Extensive archaeological investigations have taken place to the satisfaction of the council's senior archaeologist and Historic England in relation to 2/2018/0036/OUT. Further work is to be secured by condition in relation to the construction of the principal street.

Ecology	Full surveys have been undertaken and impact upon protected species can be mitigated.
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**5.0 Description of Site**

The site comprises an area of approximately 0.075 hectares, which forms a small section of land within the Strategic Site Allocation – Gillingham Southern Extension (Policy 21). The land abuts the B3081 and is currently made up of scrub and ruderal vegetation.

**6.0 Description of Development**

The proposal is for a temporary access road/junction to be constructed to provide one way construction access during the construction of the principal street. Upon completion of the project, the temporary access would be stopped up, until initial phases were ready to commence, at which point the last remaining section of the principal street will be completed to join the B3081.

**7.0 Relevant Planning History**

*Gillingham Strategic Site Allocation*

2/2018/0483/REM - Erect 90 No. dwellings with garages, bin / cycle store, building to house electricity sub-station and associated infrastructure, including play areas and public open space. (Reserved Matters application to determine appearance, landscaping, layout and scale, following the grant of Outline Planning Permission No. 2/2014/0968/OUT). Land to the East of Lodden Lakes New Road Gillingham Dorset. Approved February 2019.

2/2018/0036/OUT - Develop land by construction of an urban extension to the south of Gillingham between Shaftesbury Road (B3081) and New Road (B3092). The urban extension would comprise up to 961 dwellings. Up to 2,642 sq. m. in a new local centre providing retail, community, health and leisure uses, new and enhanced pedestrian/cycle routes, open spaces, roads, car parking and vehicular access. To include all ancillary works and associated infrastructure (Outline application to determine access only). West of Shaftesbury Road at Land South of Gillingham, Shaftesbury Road, Gillingham, Dorset.

2/2018/0077/OUT Develop land by the erection of up to 634 dwellings (use class C3), a primary school (use class D1), sports pitches with floodlighting, public open space, play facilities, access and internal estate roads, internal footpaths and cycleways, sustainable drainage system with ponds, landscaping, utility connections and associated/infrastructure. (Outline application to determine access only). Land at Park Farm Kingsmead Business Park, Gillingham, Dorset

These outline applications were recommended for approval by officers and was subsequently delegated by members at the February 2019 North Dorset District



Council Planning Committee and subsequently at the May 2020 Northern Area Committee, subject to no adverse comments from environmental health, conditions and completion of a Section 106 agreement.

P/OUT/2020/00495 - Develop land by the erection of up to 115 No. dwellings, form vehicular access from New Road and Lodden Lakes Phase 1, form public open space. (Outline application to determine access). Pending decision.

2/2020/0379/FUL - Construction of a Principal Street, associated access, landscaping and infrastructure works at land to the East of New Road (B3092), Gillingham. Approved November 2020.

P/FUL/2021/00063 - Form a floodplain compensation area as part of land adjacent to Gillingham Principal Street. Pending decision.

## **8.0 List of Constraints**

Parish Name - : Gillingham CP  
Settlement Boundary - Gillingham  
Ward - Gillingham

## **9.0 Consultations**

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

### **Gillingham Town Council**

No objection.

### **Archaeological Officer**

No objection.

### **Transport Development Management**

No objection, subject to conditions.

### **Tree Officer**

No objection, subject to conditions.

### **Natural Environment Team**

No objection, subject to conditions.

## **10.0 Representations**

There were no representations received prior to the Committee.

## 11.0 Relevant Policies

**Local Plan: The North Dorset Local Plan Part 1** (LPP1) was adopted by North Dorset District Council (NDDC) on 15 January 2016. It, along with policies retained from the 2003 North Dorset District-Wide Local Plan, 1 and the 'made' Gillingham Neighbourhood Plan, form the development plan for the North Dorset Area within Dorset Council. Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Relevant applicable policies in the adopted North Dorset Local Plan Part 1, January 2016 are as follows:

Policy 1: Presumption in Favour of Sustainable Development  
Policy 2: Core Spatial Strategy  
Policy 4: The Natural Environment  
Policy 5: The Historic Environment  
Policy 17: Gillingham  
Policy 21: Gillingham Strategic Site Allocation

### **Gillingham Neighbourhood Plan**

The Gillingham Neighbourhood Plan was 'made' on 27 July, 2018 and forms part of the Development Plan for North Dorset.

### **National Planning Policy Framework (NPPF):**

The NPPF has been updated with a revised version published February 2019. The following sections and paragraphs are relevant to this application:

1. Introduction
2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
9. Promoting sustainable transport
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

#### *The presumption in favour of sustainable development*

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development. ...

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay...

## 12.0 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.

## 13.0 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.

## 14.0 Financial benefits

Benefit	Quantum
Construction Jobs	Lasting approximately 1 year

## 15.0 Planning Assessment

### Principle of development

The principle of development for the ‘principal street’ and the access location from the B3081 has been established through the strategic local plan allocation (Policy 21), the outline application ref - 2/2018/0036/OUT which sought outline permission for the access points off the B3081 & the B3092, and the detailed Principal Street application ref - 2/2020/0379/FUL.

### Construction Access

The highway authority has no objection to the temporary construction access, subject to conditions.

### **Impact on Heritage**

The applicant in 2/2018/0036/OUT was required to carry out extensive archaeological trial trench surveying prior to the issue of outline planning permission. An archaeological evaluation was undertaken between July-September 2019. The investigations were undertaken in accordance with a Written Scheme of Investigation prepared and approved prior to commencement on site.

In respect of this application and particular parcel of land, the professional opinion of Peter Cox at AC Archaeology is that the area of possible medieval earthworks identified on the wider site do not extend into the application land. On this basis there is no harm to heritage assets and therefore no objection from the Councils Senior Archaeologist.

### **Ecology**

Full Phase 1 and 2 ecological surveys have been undertaken across the site. Biodiversity mitigation measures, which include replacement hedgerows and wildflower grass seeding will be secured through a planning condition.

### **Planning Balance;**

When all the material planning issues are considered in the planning balance, your Officer's conclusion is that the benefits of the temporary access for construction purposes combined with the facilitation of the wider development warrant approval of the application.

## **16.0 Conclusion**

The proposed development will allow for the efficient construction of the Principal Street. Officer's recommend that the development should be approved without any further delay.

## **17.0 RECOMMENDATION**

Recommendation: **GRANT**, subject to the conditions (and their reasons) listed at the end of the report.

## **CONDITIONS**

### **Time Limits**

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).

### **Access road construction**

2. Before the temporary construction access hereby approved is utilised the geometric highway layout shown on Drawing Number HI1177/90/02/Orig must be constructed. Thereafter, this access must be maintained, kept free from obstruction and available for the purposes specified.

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

### **Closure of access**

3. Upon the completion of the Principal Street the access hereby approved shall be removed, the vehicular crossing expunged and the area reinstated as shown on Dwg No HI1177/90/04/A.

Reason: To ensure the proper and appropriate reinstatement of the adjacent highway.

### **Ecology**

4. The development shall be carried out in accordance with the mitigation and enhancement measures set out in the Danny Alder Ecological Report, Dated 09 September 2020.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

### **INFORMATIVE NOTE: Dorset Highways**

The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at [dorsethighways@dorsetcouncil.gov.uk](mailto:dorsethighways@dorsetcouncil.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

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## 1.0 **Application Number** – 2/2018/1437/FUL

**Site address** - St Martins Queen Street Gillingham SP8 4DZ

**Proposal** - Erect extra care residential building comprising 55 No. residential units, shared communal areas and ancillary facilities. Modify vehicular accesses, form pedestrian accesses, parking, servicing, courtyard and landscaping, carry out associated works.

**Applicant name** – Magna Housing Association

**Case Officer** – Simon McFarlane

**Ward Members** – Cllr Val Potheary, Cllr Belinda Ridout, Cllr David Walsh

The Head of Service considers that under the provisions of Dorset Council's constitution this application should be determined by the Area Planning Committee.

## 2.0 **Summary of Recommendation:**

Delegate authority to Head of Planning to **GRANT** permission subject to a s.106 agreement to address:

- 25% affordable housing
- Community facilities
- Informal outdoor space

and the conditions (and their reasons) listed at the end of the report.

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

- The proposal is located within the settlement boundary
- The proposal is for a type of housing in significant need
- The Council cannot demonstrate a five year housing land supply
- The proposal would contribute towards the Council's 5 year housing land supply
- 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. None have been identified
- The development would secure economic and social benefits
- There are no material considerations which would warrant refusal of this application

4.0

**Table of key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	The principle of development is considered to be acceptable in light of location within the settlement boundary.
Scale, design, impact on character and appearance	The current vacant site is detracting from the appearance of the area. The revised proposals are considered to be acceptable.
Affordable Housing and s.106 planning obligations	The scheme will deliver a 25% policy compliant level of affordable housing with a commitment from the applicant as a registered provider that the development will be delivered as a 100% affordable development and contribute to local community and informal open space infrastructure contributions.
Access	The proposed vehicular access points into the site are acceptable.
Transport	There will be no adverse impacts and parking provision is commensurate with the age profile of the intended residents.
Impact on Heritage	The site is adjacent to the Gillingham Conservation Area and several listed buildings. It is considered that there will be a degree of less than substantial harm. However this harm is outweighed by the public benefits.
Residential Amenity	The amenity of adjacent residents will be protected with adequate space, between proposed and existing properties.
Flooding/Drainage	<p>The site lies mostly within Flood Zone 1 (low risk), and a proportion in 2/3 (medium/high risk). However the development has been sequentially tested and built form located into the area of the site at lowest flood risk.</p> <p>Surface water drainage details can be adequately secured by condition.</p>
Ecology	Full surveys have been undertaken and



	impact upon protected species can be mitigated to avoid adverse effects.
Carbon emission reductions	The development will meet the requisite CO2 reduction targets set out in Part L of the building regulations through the provision of highly insulated floors, walls and roofs, excellent glazing thermal performance, improved building envelope air-tightness, and a centralised combined heat and power unit, which will provide heating, domestic hot water and electricity to be used on site.
Economic benefits	Benefits would come from the provision of jobs during construction and within the development, future residential expenditure in the town, and release of under occupied properties.
Social Benefits	There will be a significant social benefit through the provision of specialist/affordable accommodation which is in high demand and will result in health benefits to residents and savings to the NHS.

## 5.0

### Description of Site

The application site comprises land at St Martin's, Queens Square, Gillingham. The site is located to the north west of Gillingham town centre, within walking distance to its range of shops, services and facilities.

The application site extends to approximately 0.75 ha (1.8 acres) and is bordered by St Martin's Square/Queen Street to the west, a tributary of Shreen water to the east and residential properties to the north and south. The site slopes from west to east down to the watercourse.

The site is situated in a predominantly residential area and was previously occupied by a care facility and a separate residential building. The site is now cleared and can be classified as previously developed land.

The site lies outside but adjacent to the Gillingham Town centre Conservation Area and in close proximity to several listed buildings.

The site lies predominately within flood zone 1 (low risk) with the lower parts of the site closest to the watercourse falling within flood zones 2 (medium)/3 (high).

## **6.0 Description of Development**

The application seeks detailed planning permission for the development to form 55 extra-care units and communal facilities (including; owners lounge, wellbeing room, activity room, wardens office, kitchen/dining area, mobility scooter store, refuse store, and guest suite)(use class C3), landscaping, parking, and access.

Since the submission of the first iteration of the proposals in 2018, the plans have been significantly revised. The number of dwellings have been reduced from 59-55, the height, bulk and layout were all reduced and the design was completely revisited. These changes were all necessary to address concerns in relation to the initial proposals.

## **7.0 Relevant Planning History**

Ref - 2/2018/1170/DEM

Proposal:

Demolition of 1 - St Martins House - 2.5 storey brick building with accommodation in the roof space, dual pitched clay tile roof and brick chimneys; 2 - Former St Martins Residential Care Home - a two-storey, U shaped brick building with a pitched, clay tile roof, flat-roofed dormer section, brick chimneys and UPVC windows; 3 - Bungalow - single storey and brick built with a pitched, clay tile roof, wooden window frames and plastic guttering; 4 - Outbuilding - Single storey stone building with a pitched, clay tile roof, partially collapsed with tiles missing and covered in foliage, as a result access is limited; and 5 - Low wall under 1m constructed from 1960's artificial stone located on the western boundary of the application site.

Former North Dorset District Council confirmed by notice dated 28th September 2018 (LPA ref: 2/2018/1170/DEM) that the demolition of all existing buildings on the site did not require the Council's prior approval, subject to the works being undertaken in accordance with the submitted details. The buildings on site were subsequently demolished. The site is now vacant.

Ref - TPO/2021/0004

The following is the statement of the Council's reasons for making the Order (as required by REGULATION 5 of The Town and Country Planning (TREES) Regulations 2012), "in view of the proposed development submitted for consideration under 2/2018/1437/FUL; an assessment has been undertaken and it is the Council's view that the five trees identified for retention and detailed within the schedule, contribute positively to the amenity of the locality. Their long-term protection and retention is therefore sought to be secured by way of a provisional order.

## 8.0 List of Constraints

Ward Name – Gillingham Town Ward  
Flood Zones 2/3  
Adjacent to Gillingham Conservation Area

## 9.0 Consultations

### **Gillingham Town Council**

Consulted on the 24 September 2019, their comments dated 28 October 2020 were as follows;

Objection, for the following reasons,

- Although the design of the proposed front elevations has been improved, the size and scale of the rear is considered to be overbearing and too dominant which will result in a development that is harmful to the setting of the conservation area and will have a negative impact on the adjoining listed building;
- the design is considered to be too “angular” and needs to be “softened”, and
- the site of the proposed electrical sub-station, adjacent to Lime Tree House, is considered to be harmful to the setting of the listed building (please note that the wall is constructed of stone, not brick as indicated in the application).

### **Conservation Officer**

Consulted on the 24 September 2019, their comments dated 29 January 2021 were as follows;

No objection, subject to conditions.

### **Historic England**

Consulted on the 24 September 2019, their comments dated 07 October 2020 were as follows;

No objection, in recognition that the revisions and reductions to the scale of the proposed building were now less overbearing and more contextual. There was an agreement with the assessment of the Conservation Officer with regards to the need to condition high quality materials given the prominent and sensitive nature of the location.

### **Archaeologist**

Consulted on the 15 October 2018, their comments on the 11 January 2021 were as follows;

No objection, there is not a strong enough case to require archaeological evaluation and/or mitigation in relation to this proposed development.

**Transport Development Management**

Consulted on the 15 October 2018, their comments dated 08 January 2021 are as follows:

No objection, subject to conditions.

**Drainage Flood Risk Management**

Consulted on the 15 October 2018, their comments dated 18 January 2021 are as follows;

No objection, subject to conditions.

**Environment Agency**

Consulted on the 15 October 2018, their comments dated 04 September 2019 are as follows;

No objection, subject to conditions.

**Wessex Water**

Consulted on the 15 October 2018, their comments dated 06 September 2019 are as follows;

No objection, subject to the appropriate buffers or diversions of foul/surface water sewers.

**Tree Officer**

Consulted on the 20 November 2019, their comments dated 27 January 2021 are as follows;

No objections, subject to conditions.

**Dorset Education Authority**

Consulted on the 15 October 2018, their comments are as follows;

No objection, subject to the imposition of appropriate Conditions or other agreement to ensure occupancy is restricted.

**Environmental Health**

Consulted on the 20 November 2019, their comments dated 16 October 2018 are as follows;

No objections, subject to conditions.

**Landscape Architect**

Consulted on the 15 October 2018, there was no response from this consultee at the time of report preparation.

**Urban Design**

Consulted on the 15 October 2018, there was no response from this consultee at the time of report preparation.

**Dorset Police Architectural Liaison Officer**

Consulted on the 15 October 2018, there was no response from this consultee at the time of report preparation.

**Housing Enabling Team**

Consulted on the 15 October 2018, there was no response from this consultee at the time of report preparation.

**Planning Policy**

Consulted on the 15 October 2018, there was no response from this consultee at the time of report preparation.

**Principal Technical Officer**

Consulted on the 15 October 2018, there was no response from this consultee at the time of report preparation.

**Dorset Waste Partnership**

Consulted on the 15 October 2018, there was no response from this consultee at the time of report preparation.

**NHS Property Services**

Consulted on the 15 October 2018, there was no response from this consultee at the time of report preparation.

**Dorset Clinical Commissioning Group**

Consulted on the 15 October 2018, there was no response from this consultee at the time of report preparation.

**North Dorset Primary Care Trust**

Consulted on the 15 October 2018, there was no response from this consultee at the time of report preparation.

## 10.0 Representations

31 letters of representation were received, 31 objected to the proposal and 0 supported the proposal.

Objections;

- Impact upon the appearance of the area
- Overdevelopment
- Poor Design
- Impact upon heritage assets
- Pedestrian safety issues
- Flooding Issues
- Alternative provision could be provided in the Southern allocation (Policy 21)
- Proposed housing tenure should be mixed and provide housing for younger people/families
- Questions over the need for housing for the elderly
- St Martins should have been retained as a building of historic interest
- Impact upon important trees
- Substation noise impact

## 11.0 Relevant Policies

### North Dorset Local Plan Part 1 (January 2016):

On 1 April 2019, North Dorset District Council ceased to exist and became part of a new Unitary Authority known as Dorset Council. The development plan will remain in place until such time as the existing policies are revoked or replaced.

Policy 1 – Presumption in Favour of Sustainable Development  
Policy 2 - Core Spatial Strategy  
Policy 3 - Climate Change  
Policy 4 - The Natural Environment  
Policy 6 – Housing Distribution  
Policy 7 - Delivering Homes  
Policy 8 - Affordable Housing  
Policy 13 - Grey Infrastructure  
Policy 14 - Social Infrastructure  
Policy 15 - Green Infrastructure  
Policy 17 - Gillingham  
Policy 23 - Parking  
Policy 24 – Design  
Policy 25 - Amenity

## **Gillingham Neighbourhood Plan 2016-2031 (adopted July 2018)**

- Policy 23 - The pattern and shape of development
- Policy 24 - Plots and buildings
- Policy 25 – Hard and soft landscaping
- Policy 27 - Protection of locally important heritage assets

### **Other Material Considerations:**

#### **Dorset Local Plan (Consultation version January 2021)**

Dorset Council have produced a draft Local Plan containing proposals for guiding future development over the whole of the Dorset Council area up to 2038. The initial consultation period runs until the 15 March 2021. Given its early stage of consultation the weight to be given to it is very limited.

- Section 28 – North Dorset Functional Area
- NORD1: Care Facilities within Northern Dorset
- Section 29 – Gillingham

### **National Planning Policy Framework:**

As far as this application is concerned the following sections of the NPPF are considered to be relevant

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
11. Making effective use of land
12. Achieving well designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

### **Listed Buildings and Conservation Areas**

Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed buildings or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.

Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development in a conservation area, the local planning authority must pay special attention to the

desirability of preserving or enhancing the character or appearance of the conservation area.

**Gillingham Town Design Statement**

The Gillingham Town Design Statement (TDS) was adopted by Cabinet on 19 March 2012 and endorsed by Council on 30 March 2012, as an evidence base study. It does not include specific policies, but contains guidelines and recommendations in respect of the design of new development within the town. A key recommendation is that *“new development needs to be sympathetic with the town, rather than be a copy of a template used by a developer elsewhere”*.

**12.0 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.

**13.0 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.

**14.0 s.106 obligations/Financial benefits**

<b>Benefit</b>	<b>Quantum</b>
Affordable housing	25% on site (with commitment to provide 100 social rented)
Community facilities	RiversMeet - £51,497.60 Additional Cemetery Provision – £45,025.75



	Libraries - £13,860.00
Informal outdoor space	Garden of Remembrance - £16,500.00
Construction Jobs	Provided for approximately 1-2 years
Council Tax Revenue	Generated by 55 dwellings

## 15.0 Planning Assessment

- Principle of development
- Housing need
- Design
- Heritage
- Residential amenity
- Transport
- Biodiversity
- Flooding and drainage
- Affordable Housing
- Infrastructure provision
- The planning balance

### Principle of Development

Policy 2 (Core Spatial Strategy) of NDDC local plan part 1 requires development to be located in accordance with the spatial strategy which directs development to the 4 main towns (and larger villages), which includes Gillingham. The town is recognised as one of the most sustainable locations, where homes, and facilities are easily accessible. The site is located within the settlement boundary of Gillingham just outside the Town Centre boundary and within walking distance to shops and services, which is particularly important for the residents of extra care housing.

Policy 17 (Gillingham) of the local plan states that the vast majority of growth will be delivered within Gillingham and that housing needs will be met through infilling and regeneration within the settlement.

The principle of development is therefore considered to be acceptable and in accordance with the spatial strategy.

### Housing Need

Studies show that the proportion of people over 60 is likely to increase significantly over the next 20 years.

The Eastern Dorset 2015 Strategic Housing Market Assessment (North Dorset District Summary) August 2015 defines the objectively assessed need (OAN) for different types of housing in the District, including market, affordable and specific

groups such as the elderly and those with disabilities.

Gillingham is located within the North Dorset Housing Market Area (HMA). In the North Dorset HMA, significant growth is forecast in the number of older persons (55 and over - 34%) and those with dementia or mobility problems (89% and 72% respectively). Paragraph 3.20 states that *“Given the ageing population and higher levels of disability and health problems amongst older people there is likely to be an increased requirement for specialist housing options...”* of 1,012 homes or 51 per annum. There is also an identified OAN for 146 affordable homes per annum with a significant demand for 1 and 2 bedroom social rented and intermediate homes.

This application for 55 dwellings (45 x 1 bedrooms and 10 x 2 bedrooms) with 25% secured as ‘social rented’ will help meet the OAN for accommodation for elderly persons with a range of other specialist needs. It should be noted that the applicant has requested that provision is made for a maximum of 3 flats which could accommodate persons below the age of 55 that are in need of care. Given that the number is proportionally small in comparison to the overall number of dwellings it is considered that this would not materially alter the considerations of the proposed development.

Policy 7 (Delivering Homes) states that the Council will support the provision of both additional elderly persons’ accommodation and other specialist forms of housing, to meet this growing need.

The NPPF requires local authorities to identify and update annually a five year supply of specific deliverable housing sites. Currently Dorset Council is unable to demonstrate a five year housing land. In the area that was North Dorset DC has only 3.3 year housing land supply.

Accordingly, Footnote 7 of the NPPF confirms that the relevant housing policies of the development plan should be considered out of date. Paragraph 11d) states that where the relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

The Framework seeks to encourage residential development in sustainable locations. The proposed dwellings would be located within close proximity to facilities and services, and contribute towards housing supply and choice.

### **Design/Layout**

The initial proposals submitted for the redevelopment to form 59 units failed to relate to the character and appearance of the area. The proposed design would have neither preserved or enhanced local distinctiveness. The plans illustrated

an overly dominant and imposing development that would have been completely out of context with its setting.

During the application process the plans were revised significantly in consultation with the council's planning officers and in particular the conservation officer. The revised proposals have resulted in a reduction to 55 units and have now been designed to better reflect the surrounding context and setting.

The latest proposals have been reduced in height, site coverage and stepped further away from both the north and south boundaries. The front wings of the building have been reduced to two storeys in height with the building then stepping up to 2 ½ and 3 storey in height further back into the site. The inclusion of feature gables, variation in eaves and ridge heights, recesses, a mixture of high quality materials including grey slate and red plain roof tiles, and red brick with detailing, will create a well-articulated development which respects and responds positively to the surrounding context.

The proposed development will provide a mix of 1 & 2 bedroom flats complete with 'Communal Hub', providing facilities for the residents at ground floor. The principal entrance is accessed from the communal parking court to the South of the building. This section of the building has been recessed and the use of a double height atrium creates legibility and a focal point. A discreet secondary entrance is proposed from the central square.

The building will form a 'H-Plan' with a focal courtyard fronting the public highway with a retained cherry tree as a focal feature, and a further communal courtyard with seating facing towards the river to the East. The building will be set within professionally landscaped grounds which will be maintained in perpetuity by a management company.

The apartments are laid out either side of a central corridor on all floors providing level access and a range of different outlooks for residents. There will be two lifts providing access to all floors. The majority of the apartments are served by private balconies or ground floor terraced areas allowing residents access to private amenity areas as well as the communal gardens.

The density of the development is 73 dwellings per hectare which is considered to be appropriate for a development located within close proximity to a town centre. There is a clear requirement set out in National Planning Policy that planning decisions should promote an effective use of land in meeting the need for homes and substantial weight should be given to the value of using suitable brownfield land within settlements for homes, and support appropriate opportunities to remediate derelict land.

Furthermore the density is appropriate in the context of the proposed use as an extra care development. These types of developments are made up of smaller

dwelling units arranged in an efficient layout and are required to be contained within a single building which has convenient secure access to communal facilities. The provision of adequate car parking, landscaped areas, distance to neighbouring boundaries all indicate that the proposed density is within an acceptable range.

Overall it is considered that the development has been designed to respect the character and quality of the area within which it is located.

### **Heritage**

The site lies outside but adjacent to the Gillingham Conservation Area and within close proximity to the Grade I listed St Marys Church. In addition to St. Mary's Church, there are four Grade II Listed Buildings adjacent to the southern end of the Site, which fall within the boundary of the Conservation Area. The north elevation of one of these buildings, Lime Tree House (NHLE: 1110305) borders the southern edge of the Site. On the opposite side of the road, there are numbers 1 and 2 St. Martin's Square, which are listed as one entry (NHLE: 1110301). Broadhayes Cottage (NHLE: 1305025) and Broadhayes (NHLE: 1172579) are farther to the north, on the opposite side of St. Martin's Square to St. Martin's House.

Through the submission of supporting heritage documentation submitted with the application, the significance of heritage assets and the impact of the proposed development has been assessed and special regard has been given to the preservation of those assets in the balancing exercise.

Through the submission of revised plans (as described above) efforts have been made to integrate the development into the street scene by reducing the scale of the built elements to each side of the main façade and the setting back of the building behind landscaped frontage gardens. This is considered to be contribute positively to the setting of heritage assets.

However, whilst these changes have been considered as a positive the overall scale of the building and in particular rear wings will create an intrusion into the setting of the neighbouring listed building Lime Tree House and therefore there is some harm to heritage assets identified which needs to be carefully considered. This level of harm is considered to be classified as 'less than substantial harm' and should be afforded great weight in the decision making process. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should then be balanced against the public benefits of the proposal.

Officers consider that there are significant public benefits derived from this proposed development which would include the following;

- The regeneration of a derelict site

- Delivery of extra care and affordable housing, which are both in significant need
- Savings to the NHS through specialist housing that better suits older people needs
- Improvements to the wellbeing of residents lives through companionship, and the safety and security of purpose built/managed accommodation
- Release of under occupied properties in the locality
- Reduction in the need to travel by car through the sites sustainable location within walking distance of shops and services
- The increased spending and support of the local shops and services within the town through regular visits by residents
- Temporary construction jobs
- Permanent and temporary jobs created within the development

As such, it is considered that in this case the level of harm is clearly outweighed by the significant public benefits of the development and accordingly there is no heritage policy reason for refusing the proposed development. Therefore the tilted balance and the presumption in favour of sustainable development remains engaged.

### **Residential Amenity**

There will be an inevitable change to the nature of the site from its current vacant state with the proposed built form and increased vehicular movement, domestic noise and activity. However this is unlikely to adversely impact adjacent neighbours to the extent that would warrant the refusal of this application.

The most affected residents will be the properties adjoining immediately to the south and to the north of site. To the south of the site is Lime Tree House, a domestic dwelling house with a large rear private garden. The side to side distance from the foremost part of the two-storey wing of the proposed building will be 21m with a communal parking area and proposed tree and boundary planting in between. Moving further back into the site the proposed three storey wing will be 27m from the corner of the neighbouring property and 11m from the side boundary.

These distances, together with the intervening access road, and the position of the large outbuilding within the rear garden all serve to mitigate the impact and adequately protect the amenity of the neighbouring residents.

There is a public comment from the neighbours of Lime Tree House and the Town Council regarding the location of the proposed substation close to the boundary wall. The applicant has provided sufficient justification to demonstrate that this is the only realistic location for the structure to be located. The location has been derived through the need to avoid the constraints of surface and foul water sewer easements, flood zones, and ecology buffers. Notwithstanding the submitted plans, there will be a condition which will require the applicant to

submit details of the substation enclosure, which shall be enclosed in brick and with a slate roof. This will ensure that there are no harmful noise impacts and that the appearance of the substation is commensurate with the location adjacent to a conservation area, listed building and boundary wall.

To the north lies Portland Bungalow and Nos 1-3 Portland Cottages which have private gardens to the rear. The distance from the proposed three storey wing to the side boundary of Portland Bungalow is in excess of 12m and 19m to the corner of Portland Cottage. These distances, the intervening access road, and the boundary tree planting all serve to adequately protect the amenity of the neighbouring residents.

Whilst there will be a significant degree of change in comparison to the existing vacant site, in the context of a town centre location and an urban area this change is considered to be appropriate and overall it is considered that the amenity of adjacent residents will be sufficiently protected.

### **Transport**

The submitted Transport Statement confirms that the existing access points serving the site will be utilised for the proposed development. The northern access from Queen Street will be used by service vehicles and provide access to the refuse storage area. The southern access from St Martin's Square will provide access to staff, resident and visitor parking. 31 car parking spaces are proposed for visitors, staff and residents, along with an internal secure storage area for mobility scooters. It is considered that this provision is satisfactory bearing in mind the site's town centre location and the average age profile of the intended residents (which is likely to be 79+years old). Projected trip generation in both the morning and evening peaks is low and will not have an unacceptable impact on the adjoining highway network. The Highway Authority has no objection, subject to conditions requiring details for construction management, travel plans, cycle parking, mobility scooter storage, and electric vehicle charging points.

### **Biodiversity**

Phase 1 and Phase 2 ecology surveys have taken place and a report submitted with the application. The Dorset natural environment team have been consulted and the application is accompanied by a biodiversity mitigation & enhancement plan and an approved and signed biodiversity mitigation plan certificate. This will ensure that the following mitigation measures take place;

- Maintenance of a dark corridor for bats on the eastern edge of the site
- Bat boxes, access tiles/tubes
- Bee brick
- Bird box
- Exclusion and translocation for reptiles
- Enhancement and receptor site for reptiles

- River buffer zone
- Use of native shrubs/trees in the planting proposals

In light of these mitigation and enhancement measures biodiversity and protected species will be adequately safeguarded.

### **Flooding and drainage**

The site lies partly within flood zone 1 (low risk) and flood zones 2/3 (medium/high risk). A Flood Risk Assessment (FRA) and Sequential Test have been submitted with the application.

The FRA has assessed the existing flood risk to the site from all relevant sources. The majority of the site and all of the proposed built footprint is located within the area of low risk (Flood Zone 1). The area of the site located within flood zones 2/3 is towards the lower part of the site adjacent to the river. This area is mainly proposed as soft landscaping and a very minimal amount of car parking area. Planning conditions are imposed to ensure that finished floor levels remain above 73.20 AOD and that there shall be no structures, ground-raising or other encroachment into the floodplain on existing land below the level of 72.06mAOD. The Environment Agency have raised no objections subject to these conditions.

The sequential test is a requirement set out in national planning policy. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. The applicant has submitted sufficient evidence to demonstrate that there are no other available alternative sites that are at lower risk of flooding within the Gillingham area for this specific use.

A detailed drainage assessment and layout has been submitted with the planning application. This has been scrutinised by the Councils drainage engineer and no subsequent objections have been raised. Further details will be secured by planning condition.

### **Affordable Housing**

The scheme will deliver a 25% policy compliant level of affordable housing. The dwellings will all be 'social rented'. It should be noted that the applicant is a registered housing provider and its commitment to the Council is to deliver the development as 100% social rented housing. The reason that 100% provision will not be secured in the s.106 legal agreement is twofold;

1. Adopted planning policy only seeks 25% affordable housing provision in Gillingham and therefore it is not considered 'necessary' 'fair' or 'reasonable' to seek more than this. A higher percentage would fail to meet the tests for planning obligations set out in the Community Infrastructure Regulations, paragraph 122.

2. The applicant benefits from additional subsidy through the 'conversion' of the remaining 75% from market housing to affordable housing, which in turn allows the 100% provision.

The 25% affordable element would be secured in perpetuity by a s.106 agreement and should weigh favourably in the planning balance. The decision maker should be mindful of the commitment to provide 100%, however this additional quantum should not be considered in the planning balance.

### **Infrastructure provision**

The applicant has also agreed to make all of the requested contributions (set out in section 14 above). These will be secured by s.106 legal agreement and are considered necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

## **16.0**

### **Conclusion**

The development of 55 extra care dwellings, including the provision of 25% affordable housing (with a clear commitment to provide 100%), would increase housing choice for the elderly, make a contribution towards the current shortfall in housing supply and would provide significant public benefits.

The authority cannot demonstrate a five year housing land supply and so the presumption in favour of sustainable development applies. In accordance with paragraph 11 d) of the Framework, as directed by Footnote 7, policies which are most important for determining the application are considered out-of-date, and subsequently planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Given this shortage of housing land supply the 'tilted balance' would apply. This is where the need to boost housing land supply is prioritised when weighing up the planning balance for proposals.

There will be significant social and economic benefits weighing in favour of the proposal;

- The regeneration of a derelict site
- Delivery of extra care and affordable housing in a sustainable location
- Savings to the NHS through specialist housing that better suits older people needs
- Improvements to the wellbeing of residents lives through companionship, and the safety and security of purpose built/managed accommodation
- Release of under occupied properties in the locality
- Reduction in the need to travel by car through the sites sustainable location within walking distance of shops and services



- The increased spending and support of the local shops and services within the town through regular visits by residents
- Temporary construction jobs
- Permanent and temporary jobs created within the completed development

It is important to note that there are no adverse impacts which would significantly and demonstrably outweigh these benefits. There are no fundamental concerns with regard to the following topics;

- The character of the area
- Design
- Residential amenity
- Highways
- Flood risk/Drainage
- Trees/Hedgerows
- Ecology/protected species

In the case of the heritage consideration, special regard and attention has been given to the desirability of preserving the setting of listed buildings and the character and appearance of the Conservation area. An element of less than substantial harm has been identified. However it is considered that the public benefits outweigh this harm.

Therefore in this case the proposed development is in accordance with the development plan and there are no considerations of specific policies in the NPPF that weigh against the balance towards housing provision and the application should be approved without further delay.

## 17.0 **RECOMMENDATION**

Recommendation A: Delegate authority to Head of Planning to **GRANT** permission subject to a s.106 agreement to address:

- 25% affordable housing
- Community facilities
- Informal outdoor space

and the conditions (and their reasons) listed at the end of the report.

Recommendation B; Refuse permission for failing to secure the obligations above if the agreement is not completed by (23 September 2021) or such extended time as agreed by the Head of Planning.

## **CONDITIONS**

### **Time Limit**

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).

### **Age Restriction**

2. The residential accommodation hereby approved shall only be occupied as extra care accommodation and such occupation shall be limited to persons over 55 years old (with the exception of three flats, which can be occupied by persons under 55 who are in need of care).

Reason: to ensure that the proposals are retained as extra care dwellings and so that the impacts of the proposal are acceptable in highway terms and planning obligations.

### **Approved Plans**

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

- Location Plan; S001 Rev B, Dated 03/10/18
- Site Plan; 1182 PD002, Rev G, Dated 15/01/21
- Ground Floor Plan, 1182 PD100, Rev G, Dated 23/06/20
- First Floor Plan, 1182 PD101, Rev G, Dated 23/06/20
- Second Floor Plan, 1182 PD102 Rev G, Dated 23/06/20
- Roof Plan, 1182 PD103, Rev D, Dated 15/01/21
- West Elevation, 1182 PD301, Rev F, Dated 15/01/21
- East Elevation, 1182 PD303, Rev D, Dated 26/06/20
- North Elevation, 1182 PD302, Rev F, Dated 15/01/21
- South Elevation, 1182 PD304, Rev E, Dated 15/01/21
- Courtyard Elevations, 1182 PD305, Rev F, Dated 15/01/21

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

### **Material Samples**

4. Prior to development above damp proof course, samples of materials to be used in the construction and finish of all brick types, roof tiles, hips and ridges, slates, stone and cappings; shall be made available on site and retained in that location thereafter for the inspection and approval of the Local Planning Authority. Any such samples shall require approval to be obtained in writing from the Local Planning Authority prior to any

development above damp proof course and the development shall thereafter accord with the approved materials.

Reason: To safeguard the character of the locality.

### **Sample Panels**

5. Prior to development above damp proof course, a sample panel measuring at least 1 metre by 2 metres, using the approved stone and /or brick and demonstrating the proposed coursing, mortar mix and pointing detail, shall be constructed on site. Construction of the development hereby permitted shall not commence above damp proof course until a sample panel of the stonework has been approved in writing by the Local Planning Authority, thereafter, the stone panel shall remain on site until the external walls of the dwelling have been constructed to eaves height.

Reason: To safeguard the character of the locality.

### **Dormers and South Elevations Foyer Entrance**

6. Prior to development above damp course level, details of all dormers and the south side foyer entrance to include detailed annotated drawings (at a scale of not less than 1:20 elevations and 1:5 cross-sections) showing the design, materials, finish, construction specifications, profiles, eaves overhangs shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter accord with the approved scheme.

Reason: To safeguard the character of the locality.

### **Chimneys, Balconies, balustrading, Railings**

7. Prior to development above damp course level, details of all chimneys, balconies, balustrading, railings, to include detailed annotated drawings (at a scale of not less than 1:20 elevations and 1:5 cross-sections) showing the design, materials, finish, construction specifications, profiles shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter accord with the approved scheme.

Reason: To safeguard the character of the locality.

### **Windows and Doors**

8. Prior to development above damp course level, detailed annotated drawings (at a scale of not less than 1:20 elevations and 1:5 cross-sections) showing the design, materials, finish, construction specifications, and depth of reveal of external doors and windows shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter accord with the approved scheme.

Reason: To safeguard the character of the locality.

### **Window Reveals**

9. Notwithstanding the details shown on the submitted plans, all windows shall be installed with their frames inset not less than 75mm from the outer face of the wall.

Reason: To safeguard the character of the locality.

### **Brick detailing and profiles**

10. Prior to development above damp course level, details showing the brick detailing for window heads and aperture surrounds; quoins; string courses; plinths; sills shall be submitted to the Local Planning Authority. Any such scheme shall require approval to be obtained in writing from the Local Planning Authority and the development shall thereafter accord with the approved details.

Reason: To safeguard the character of the locality.

### **All rooflights or patent glazing**

11. All new and replacement rooflights and patent glazing shall be conservation style with vertical glazing bar(s) and fitted flush to the roof plane.

Reason: To safeguard the character of the locality.

### **Vents and flues**

12. Prior to development above damp course level, details of all extractor vents, soil vent pipes (including any means of alleviating and/or filtering fumes and odours) shall be submitted to and approved in writing by the Local planning Authority. The approved scheme shall be implemented before the development is occupied and shall be permanently maintained thereafter.

Reason: To safeguard the character of the locality.

### **Boundary walls, Substation and Bin stores:**

13. Prior to development above damp course level, details of all boundary walls and enclosures, substation and bin stores, to include detailed annotated drawings (at a scale of not less than 1:20 elevations and 1:5 cross-sections) showing the design, materials, finishes, construction and acoustic soundproofing or mitigation specifications, profiles shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter accord with the approved scheme.

Reason: To safeguard the character of the locality.

### **Soft Landscaping**

14. Prior to the commencement of any development hereby approved, above damp course level, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. 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.

Reason: In the interest of visual amenity.

### **Hard Landscaping**

15. Prior to the commencement of any development hereby approved, above damp course level, full details of hard landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual amenity.

### **Tree Protection**

16. The development hereby approved shall proceed only in accordance with the details set out in the Kingfisher Ecology Ltd Arboricultural Method Statement dated July 2019 setting out how the existing trees are to be protected and managed before, during and after development.

Reason: To ensure thorough consideration of the impacts of development on the existing trees

### **Foul Drainage**

17. Prior to the commencement of development details of foul drainage for the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to the completion of the development.

Reason: To ensure adequate facilities are provided in the interests of flooding and pollution.

### **Surface Water Drainage**

18. Prior to commencement of development details of the surface water drainage works, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction shall be submitted to and approved in writing by the Local Planning Authority and the approved drainage scheme shall be completed before occupation of the development.

Reason: To avoid drainage problems as a result of the development with consequent pollution or flood risk. Reason: To avoid drainage problems as a result of the development with consequent pollution or flood risk.

### **Surface Water Drainage Maintenance**

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

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

### **Flood Risk**

20. The development permitted by this planning permission shall only be carried out in accordance with the following measures:

1. Finished floor levels must be set no lower than 73.20m above Ordnance Datum (AOD).
2. There shall be no structures, ground-raising or other encroachment into the floodplain on existing land below the level of 72.06mAOD. Any ground raising or encroachment on land below this level must be fully compensated for on a level-for-level basis within the site.

REASON: To reduce the risk of flooding and prevent flooding elsewhere.

### **Manoeuvring, parking and loading areas**

21. Before the development is occupied or utilised the areas shown on Drawing Number 1182 PD002 Rev G for the manoeuvring, parking, loading and unloading of vehicles have been surfaced, marked out and made available for these purposes. Thereafter, these areas must be maintained, kept free from obstruction and available for the purposes specified.

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

### **Mobility scooter parking/storage**

22. Before the development is occupied or utilised the mobility scooter storage/parking facilities shown on Drawing Number 1182PD100 Rev G must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper construction of the storage/parking facilities.

### **Cycle parking details**

23. The development hereby permitted must not be occupied until a scheme showing precise details of the proposed cycle parking facilities is submitted to and approved by the Planning Authority. The approved scheme must be constructed before the development is occupied and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: To encourage the use of sustainable transport modes.

### **Electric vehicle charging scheme to be submitted**

24. Prior to the construction of any part of the development above damp proof course a scheme showing full details of the necessary underlying infrastructure for 16 car parking spaces to enable the installation and activation of electric vehicle charge points at a future date shall be submitted and approved by the Local Planning Authority. The approved scheme must be constructed before the development is occupied and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure that adequate future provision is made to enable occupiers of development to be able to charge their plug-in and ultra-low emission vehicles.

### **No gates**

25. There must be no gates hung so as to form obstruction to the vehicular access serving the site.

Reason: To ensure the free and easy movement of vehicles through the access and to prevent any likely interruption to the free flow of traffic on the adjacent public highway.

### **Construction traffic management plan to be submitted**

26. Prior to the commencement of development a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Local Planning Authority. The CTMP must 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 (also accommodating local schools' commencement and finishing times)
- a framework for managing abnormal loads
- contractors' arrangements (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 approved Construction Traffic Management Plan.



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

### **Travel Plan**

27. Before the development hereby approved is occupied or utilised, the submitted WYG Travel Plan Ref - A11424, dated July 2019, must be implemented and operational.

Reason: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

### **Ecology**

28. The biodiversity mitigation and enhancement measures set out in the Biodiversity Plan approved by the Natural Environment Team on 16/07/2019, shall be implemented in full, in strict accordance with the timetable set out in the report, or in the absence of a specific timetable, prior to the development hereby approved being first brought into use. The site shall thereafter be maintained in accordance with the approved mitigation and enhancement proposals.

Reason: In the interests of protecting species protected by law

29. No development shall take place until a scheme for the provision and management of a 10 metre wide buffer zone alongside the Shreen tributary shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include: - plans showing the extent and layout of the buffer zone. - details of any proposed planting scheme (for example, native species). - details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan. - details of any proposed footpaths, fencing, & lighting.

REASON. In order to conserve and enhance the natural and local environment by minimizing impacts on biodiversity and providing net gains in biodiversity.

## **Contamination**

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

## **INFORMATIVES**

All works offering an obstruction to flow within a channel with the status of Ordinary Watercourse are likely to require prior Land Drainage Consent from Dorset Council, as relevant Lead Local Flood Authority, in accordance with s23 of the Land Drainage Act 1991.

All works in, under, over or within (Byelaw) distance of the adjacent Main River Shreen, may require an Environmental Permit from the Environment Agency, in accordance with the Water Resources Act.

## **INFORMATIVE**

Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site.

Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

## **INFORMATIVE**

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>

## **INFORMATIVE**

Water efficiency measures should be incorporated into this scheme. This conserves water for the natural environment and allows cost savings for future occupants. The development should include water efficient systems and fittings such as: dual-flush toilets; water-saving taps; water butts; showers and baths. Greywater recycling and rainwater harvesting should also be considered.

## 1. Application Details

Reference: [WD/D/20/001203](#)

Site Location: Land Adjacent Piddlehinton Enterprise Park, Church Hill, Piddlehinton

Proposal: Create a temporary gypsy and traveller transit site for 3 years for 25 caravans to start 1st April 2020 and end 31st August 2023 inclusive for five months a year

Applicant: Dorset Council

Case Officer: Huw Williams

Ward Members: Councillor Jill Haynes

The application is by Dorset Council and, in part, relates to land owned by Dorset Council. The application is reported to Committee in accordance with Dorset Council's Constitution.

The application, the plans and further information about the application may be inspected via the application webpages accessible by entering the application reference at <https://planning.dorsetcouncil.gov.uk/disclaimer.aspx?returnURL=%2f>.

## 2. Recommendation

2.1 Grant planning permission subject to the conditions set out in paragraph 13.1 below.

## 3. Reason for Recommendation

3.1 The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations made about the application and other material planning considerations set out in this report.

3.2 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3 The development plan includes the made Piddle Valley Neighbourhood Plan 2018-2038 ('the Made Neighbourhood Plan') and the adopted West Dorset, Weymouth and Portland Local Plan 2015 ('the Adopted Local Plan').

3.4 The application site is not subject to any development plan land use allocation or any site specific policies or proposals but is located:

- (i) within the countryside i.e. outside of the defined development boundaries;
- (ii) within the Poole Harbour Nutrient Catchment Area; and
- (iii) adjacent to the Piddlehinton Enterprise Park Key Employment Site.

3.5 The application proposal is for the temporary and seasonal use of land as a gypsy and traveller transit caravan site to meet a recognised identified need for transit

pitches in Dorset. The proposed development is considered to be in general accordance with the development plan and it is considered that there are no material considerations warranting determination of the application other than in accordance with the development plan.

#### 4. Table of Key Planning Issues

Principal of development	There is no in-principle land use objection to the proposed development. Policy SUS2 of the Adopted Local Plan allows for the development of sites for for gypsies, travellers and travelling showpeople outside of the defined development boundaries; the application site is neither allocated nor statutorily protected for other purposes; and planning permission is sought to address a recognised need and for a temporary period only.
Flood risk and climate change	The application proposal is in accordance with Policy ENV5 of the Adopted Local Plan and matters identified in Policy 5 of the Made Neighbourhood Plan have been addressed adequately.
Impact on biodiversity	Subject to the imposition of recommended conditions, the application proposal is considered to be in accordance with both statutory and policy requirements for the protection and enhancement of biodiversity resources.
Impact on landscape character and visual amenity	The proposed development can be accommodated on the Application Site without significant harm to either landscape character or visual amenity and in accordance with Policies ENV1 and ENV10 of the Adopted Local Plan and Policy 12 of the Made Neighbourhood Plan.
Equalities and Human Rights	The proposed development would promote fair and equal treatment, help reduce discrimination and victimisation; advance equality of opportunity; and foster good relations. The proposed development should not impact on the right to live anyone's personal life without unjustified interference nor unreasonably deprive any person of either their right to the peaceful enjoyment of their possessions or of their right to their possessions.

## **5. The Application Site**

- 5.1 The planning application site encompasses approximately 2.2 hectares of rough pastureland (hereafter referred to as 'the Application Site') together with a roadway access route from the B3143. The Application Site historically formed part of the Piddlehinton Army Camp and also has a history of seasonal use as a transit caravan site for gypsies and travellers.
- 5.2 The village of Piddlehinton is located approximately 1,100 metres to the northwest of the Application Site and the larger village of Puddletown approximately 3.5 km to the southeast.
- 5.3 The Piddlehinton Enterprise Park is a mixed-business and industrial area situated to the south and west of the Application Site. The Royal School of Signals army training camp is situated to the north of the Application Site and open countryside to the east.
- 5.4 The access roadway runs alongside the western boundary of the Application Site and additionally serves parts of the Enterprise Park, the training camp and Puddletown Rugby Club.
- 5.5 The outer boundaries of the Application Site are defined by post and wire fencing, broken hedging and occasional trees. Internally, the site is divided by a post and wire fence and includes areas of semi-improved calcareous grassland interspersed with patches of scrub and bramble scrub. Scattered trees are present in the east of the site. Also present are areas of level consolidated ground where former army camp buildings previously stood.
- 5.6 Vehicular and pedestrian access to the Application Site is by means a field gate in the northern boundary. Inside the gateway is a short length (approximately 20 metres) of consolidated ground formed as trackway.
- 5.7 There is a permanent gypsy and traveller site located to the west of the Enterprise Park approximately 160 metres from the Application Site.
- 5.8 Wessex Water's Piddlehinton Sewage Treatment Works is located on the opposite (western) side of the B3143 approximately 210 metres from the Application Site.
- 5.9 Public footpaths are present in the countryside to the east and north of the Application Site.

## **6. Relevant Planning History**

- 6.1 Between January 2012 and June 2016 Dorset County Council granted four time-limited planning permissions authorising the use of the Application Site as a transit caravan site for gypsies and travellers.
- 6.2 The first two permissions (1/D/2012/000150 and 1/D/12/000593) covered the nine week period spanning the duration of the 2012 London Olympic and Paralympic Games.

- 6.3 Planning permission WD/D/14/000368 granted on 5<sup>th</sup> June 2014 subsequently authorised use of the Application Site as a temporary transit for six month periods (March to August inclusive) starting 1<sup>st</sup> March 2014 and ending 31<sup>st</sup> August 2016.
- 6.4 Planning permission WD/D/16/001217 was granted on 1<sup>st</sup> August 2016 for the:  
“Variation of condition 2 of planning permission WD/D/14/000368 to allow for the continued use of the temporary transit site for up to a further three years, to end 31 August 2019, for six months a year.”
- 6.5 Condition 3 of planning permission WD/D/14/000368 provided that:  
“The use of the site shall be as a transit site only, for use between 1st March and 31st August each year and the number of pitches shall not exceed 25.”
- 6.6 Condition 5 of the permission required that:  
“Prior to development commencing a scheme to control the use of the site shall be submitted to, and approved in writing by the County Planning Authority and the site shall be operated in accordance with the scheme as approved.”
- 6.7 The reason for imposing this condition was stated to be:  
“In the interests of the character and appearance of the area having regard to Policy HS9 of the West Dorset District Local Plan.”
- 6.8 Condition 7 of planning permission WD/D/14/000368 provided that:  
“Whilst the site is operational there shall be a site warden present at all times.”
- 6.9 The reason for imposing this condition was stated to be:  
“In the interests of residents amenity and in accordance with Policies HS9 and A6 of the West Dorset Local Plan.”
- 6.10 Conditions of planning permission WD/D/16/001217 similarly restricted the nature, the duration and the intensity of the authorised use. Condition 5 of the permission required that:  
“Prior to 1 March 2017 a scheme to control the use of the site shall be submitted to and approved in writing by the County Planning Authority and the site shall be operated in accordance with the submitted Scheme.”
- 6.11 The reason for imposing this condition was stated to be:  
“In the interests of the character and appearance of the area having regard to Paragraph 22 of the National Planning Policy Framework and Polices INT1 and SUS2 of the West Dorset and Weymouth and Portland Local Plan.”

## 7. The Proposed Development

7.1 Planning permission is sought for the temporary use of the Application Site as a gypsy and traveller transit site for 3 years for 25 caravans to start 1<sup>st</sup> April 2020 and end 31<sup>st</sup> August 2023 inclusive for five months a year.

7.2 In addition to the requisite application form, ownership certificate and fee, the application includes:

- (i) a Site Location Plan dated 30/04/2020 identify the extent of the planning application site (edged red) and a site plan dated 23/10/2019 titled 'Piddlehinton Transit Site' identifying the extent of the Application Site (also edged red);
- (ii) a supporting Planning Statement that addresses key planning considerations including the need for a transit caravan site and which incorporates an Ecological Appraisal and an accompanying Biodiversity Plan prepared in accordance with the Dorset Biodiversity Appraisal Protocol; and
- (iii) a Flood Risk Assessment.

7.3 The Planning Statement notes that:

“The council is not proposing any operational development (i.e. any hardstandings or new access ways) within the site. Nor is it proposing to remove any existing vegetation or trees. It anticipates that caravans and vehicles will be positioned between existing vegetation for short periods of time whilst the site is being used. For the purposes of this planning application a ‘transit’ caravan site is a site used for temporary periods by Gypsies, Travellers and Travelling Showpeople.”

7.4 It is further explained that the application seeks to address an identified need for transit pitches for an interim period pending preparation of the Dorset Council Local Plan.

7.5 Under the heading ‘Amenity of neighbouring residents and uses on the Enterprise Park, the Planning Statement notes:

“19 It is anticipated that the site would be used as part of the council’s strategy for meeting the accommodation needs of travellers on a temporary basis – in particular in those instances where the Police use their powers around unauthorised encampments<sup>5</sup>. The existing temporary permissions, and the council’s records of security costs, demonstrate that the transit site will be used for short periods when required. The pattern of use to date does not indicate that the site will be used on a continuous basis. For these reasons planning permission is being sought for use of the site between 1<sup>st</sup> April and 31<sup>st</sup> August inclusive. When not being used for this purpose the site will revert back to an agricultural use.

20 The council will retain ownership and control of the site. The Gypsy and Traveller Liaison Officer will have overall responsibility for managing the transit site (conditions applied to earlier planning permissions have required the management plans to be agreed and

the council has paid for security guards as part of this management). This provides the opportunity to resolve any amenity issues that might arise between the use of the transit site and those existing uses on the Enterprise Park.

- 21 The site is not closely related to dwellings. After considering the position of the site, and the limited nature of the use, provided the site is managed appropriately it is not considered that the proposed development will adversely affect the amenity of any nearby uses.”

7.6 Footnote 5 of the Statement explains that:

“Section 61 of the Criminal Justice and Public Order Act 1994 gives the Police power to direct people to leave land and removed their vehicles where: the Police have taken reasonable steps to ask trespassers, who are present with the purpose of living on the land, to leave the land, and where the persons have i) caused damage/used threatening, abusive or insulting words or behaviour to the occupier, their family or employee or agent, or ii) those persons have between them six or more vehicles on the land.”

7.7 The Biodiversity Plan identifies various mitigation and enhancement measures including site management, the division of the southern field into two areas to allow for rotational grazing and new hedgerow planting along the western site boundary. Additional measures are proposed to mitigate against potential harm to the Poole Harbour Special Protection Area and Ramsar.

## **8. Designated Assets**

- 8.1 The Application Site is not located within a statutorily designated landscape or nature conservation area and there are no designated heritage assets either on or in the immediate vicinity of the application site.
- 8.2 The nearest designated assets are grade II listed buildings located at Muston Manor comprising Muston Manor, Walling, Dovecote and mounting block (List Entry 1118827); Granary (List Entry 1324149) and further Walling (List Entry 1152640); and scheduled monuments (the medieval settlements of Little Piddle and Northe Louvard, List Entries 1019410 and 1019411) all located the west of the B3143 and all more than 250 metres from the Application Site.
- 8.3 It is considered that the proposed development would not impact on the heritage significance of these or any other more distant heritage assets.
- 8.4 Poole Harbour is designated a Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar for its nature conservation importance. Nutrient enrichment arising from development within the harbour catchment could have adverse effects on site integrity such that mitigation measures are necessary to prevent adverse effects.
- 8.5 The Dorset Area of Outstanding Natural Beauty (the Dorset AONB) is located approximately 1 km from the Application Site.



8.6 Having regard to the distance to the designated area, the nature of the proposed use, the Application Site's relationship with existing development and to the presence of other intermitting features including trees and hedgerows, it is considered that the proposed development would cause no material harm to the character, special qualities or natural beauty of the Dorset AONB.

## 9. Policy Framework

9.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with an application for planning permission the authority shall have regard to:

- the provisions of the development plan, so far as material to the application,
- a post-examination draft neighbourhood development plan, so far as material to the application,
- any local finance considerations, so far as material to the application, and
- any other material consideration.

9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) provides that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### The Development Plan

9.3 The Development Plan includes the made Piddle Valley Neighbourhood Plan 2018-2038 ('the Made Neighbourhood Plan') and the adopted West Dorset, Weymouth and Portland Local Plan 2015 ('the Adopted Local Plan').

9.4 The Policies Map of the Adopted Local Plan shows the application site to be located:

- within the countryside i.e. outside of the defined development boundaries;
- within the Poole Harbour Nutrient Catchment Area; and
- adjacent to the Piddlehinton Enterprise Park Key Employment Site.

9.5 The Made Neighbourhood Plan similarly shows the application site as not being subject to any land use allocation or site specific policies or proposals but located adjacent to the Enterprise Park.

9.6 Having regard to the location and nature of the proposed development, the most relevant policies of the Adopted Local Plan are:

- INT1 – Presumption in Favour of Sustainable Development;
- SUS2 – Distribution of Development;
- ENV1 – Landscape, Seascape and Sites of Geological Interest;
- ENV2 – Wildlife and Habitats;
- ENV5 – Flood Risk;
- ENV10 – The Landscape and Townscape Setting;
- COM7 – Creating a Safe and Efficient Transport Network; and
- COM9 – Parking Standards in New Development.

9.7 The most relevant policies of the Made Neighbourhood Plan are:

- Policy 3 – Improving wildlife areas;
- Policy 5 – Reducing Flood Risk and Sewage Inundation;

- Policy 6 – Road safety concerns;
- Policy 7 – Development outside the development boundaries;
- Policy 12 – The character and design of new development; and
- Policy 13 – External lighting.

#### Post-examination Draft Neighbourhood Development Plan

- 9.8 There is no post-examination draft neighbourhood development plan that is material to the determination of the subject application.

#### Local Finance Considerations

- 9.9 For the purposes of section 70(2) “local finance consideration” means:
- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
  - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 9.10 Defined as such, there are no local finance considerations that are material to the determination of the application.

#### Other Material Considerations

- 9.11 The term “other material considerations” is broad in scope, a material consideration being any matter which is relevant to making the planning decision in question. With respect to planning policy, the term encompasses national planning policy and guidance; supplementary planning documents and guidance; and emerging planning policy.

#### *National Planning Policy*

- 9.12 Government planning policy set out in the National Planning Policy Framework (‘the NPPF’) and associated Planning Practice Guidance (‘PPG’) is material to the determination of all applications for planning permission in England. National *Planning policy for traveller sites* (‘the PPTS’) was issued in August 2015 and should be read in conjunction with the NPPF (NPPF, paragraph 4).
- 9.13 The NPPF provides that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7) and that achieving sustainable development means that the planning system has three overarching objectives – economic, social and environmental – which are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of the different objectives (paragraph 8).
- 9.14 The NPPF further sets out policy on a range of relevant matters including:
- Decision making – paragraphs 38-58;
  - Delivering a sufficient supply of homes – paragraphs 59-79;
  - Promoting healthy and safe communities – paragraphs 91-101;
  - Promoting sustainable transport – paragraphs 102-111;
  - Making effective use of land – paragraphs 117-123;
  - Achieving well-designed places – paragraphs 124-132;

- Meeting the challenge of climate change, flooding and coastal change – paragraphs 148-169;
- Conserving and enhancing the natural environment – paragraphs 170-183;.

9.15 Paragraph 3 of the PPTS indicates that the overarching aim of the policy is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. More detailed aims for traveller sites are identified in paragraph 4 of the PPTS as:

- “a) that local planning authorities should make their own assessment of need for the purposes of planning
- b) to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
- c) to encourage local planning authorities to plan for sites over a reasonable timescale
- d) that plan-making and decision-taking should protect Green Belt from inappropriate development
- e) to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites
- f) that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective
- g) for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies
- h) to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
- i) to reduce tensions between settled and traveller communities in plan-making and planning decisions
- j) to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
- k) for local planning authorities to have due regard to the protection of local amenity and local environment.”

9.16 Annex 1 of the PPTS provides a glossary which notes that, for the purposes of the policy, “gypsies and travellers” means:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”

9.17 It is further stated that:

“In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life
- b) the reasons for ceasing their nomadic habit of life
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.”

9.18 The Mobile Homes Act 1983 (as amended) provides a similar but more restricted definition stating that “gypsies and travellers” means persons of nomadic habit of life, whatever their race or origin, but does not include members of an organised group of travelling showpeople, or persons engaged in travelling circuses, travelling together as such,

9.19 The PPTS distinguishes between “pitches” for gypsies and travellers and “plots” for travelling show people, the differentiation being between residential pitches for gypsies and travellers and mixed-use plots for travelling showpeople, the latter potentially needing space for the storage of equipment.

9.20 A further distinction is drawn between permanent and transit site accommodation needs. Definitions are not provided, but the Mobile Homes Act 1983 (as amended) defines “transit pitch” to mean:

“... a pitch on which a person is entitled to station a mobile home ... for a fixed period of up to 3 months”

and “permanent pitch” to mean:

“a pitch which is not a transit pitch.”

9.21 Paragraph 28 of the PPTS comments that planning objections to particular proposals may be overcome by various means including the use of planning conditions or planning obligations limiting the maximum number of days for which caravans might be permitted to stay on a transit site (PPTS, paragraph 28).

9.22 Amongst other matters, the PPTS further addresses:

- (i) Using evidence to plan positively and manage development (Policy A);
- (ii) Planning for traveller sites (Policy B);
- (iii) Sites in rural areas and the open countryside (Policy C); and
- (iv) Determining applications for traveller sites (Policy H).

#### Supplementary Planning Policy and Guidance

9.23 The Application Site is located within the Poole Harbour Catchment Area. The Nitrogen Reduction in Poole Harbour Supplementary Planning Document (April 2017) outlines a strategic approach for mitigating adverse effects arising from residential development within the catchment area and is material.

#### Emerging Planning Policy

9.24 The Dorset Council Local Plan Consultation January 2021 is ongoing.

9.25 Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- “a) the stage of preparation of the emerging plan (the more advanced its

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

- 9.26 Being at a very early stage of preparation, the Consultation Draft Local Plan should be accorded very limited weight in decision making. However, the draft plan addresses both the need for and the provision of gypsy and traveller sites in Dorset, identifying the Application Site for potential allocation for 25 transit pitches on a seasonal basis from 1st April to 31st August inclusive each year, the most relevant draft policies being:
- Draft Policy HOUS10: The Requirement for Traveller Sites
  - Draft Policy HOUS12: Gypsy, Travellers and Travelling Showpeople site allocations

## **10. Consultation Response**

### **10.1 Dorset Council Ward Member**

No response received.

### **10.2 Piddle Valley Parish Council**

Responded indicating Council would accept proposal if conditions in the 2014 Management Plan as stated in the Design and Access statement at that time are applied. Comment that CCTV camera at the entrance to camp is not currently working. Request that camera is fixed or replaced and is working at all times as a condition of acceptance. Also request that security should be required permanently when there are a minimum of 2 transits on site.

### **10.3 Dorset Council Transport Development Liaison Engineer**

Responded advising that the Highway Authority has no objection. Noted that the Enterprise Park access road is private and not public highway.

### **10.4 Wessex Water**

Responded indicating no objection and noting:

- (1) Understanding that portaloos will be used for foul sewage disposal - planning authority will need to be satisfied with private arrangements.
- (2) There are no recorded public sewers or water mains within the red line development site.
- (3) Proposed site is within close proximity to Piddlehinton Sewage Treatment Works site. Site is at low risk of causing nuisances such as odours and the site will be accessed by operational vehicles to maintain the site for the community.

10.5 Dorset Council Environmental Health Officer

Responded offering no comment.

10.6 Dorset Council Technical Services

Responded indicating no objection.

10.7 Dorset Council Waste Services – (Operations and Commercial Services Officer)

Responded noting understanding that skips will be provided on site for waste disposal such that there is no need for Dorset Waste Services to conduct collections from the site. Recommends that skips used should be closed skips to reduce incidents of littering.

10.8 Dorset Police Crime Prevention Design Adviser

Responded noting understanding that CCTV camera on entry point to camp is not working and that it was only a condition of planning for one year. Requests that this be amended as soon as possible and that a condition of the extension is that CCTV is operational at all times.

Further noted understanding that security is only required on site when there are five or more units. Requests that this be amended and that security is a permanent fixture on site or at least when there are two or more units on site.

10.9 Dorset Council Spatial Policy and Implementation

No response received.

**11. Other Representations**

11.1 The application was advertised by site notice displayed on 27<sup>th</sup> August 2020. Three further representations have been received variously objecting to the proposed development on the grounds that:

- (i) the site management plan should have been made available as part of the planning application for review & comment;
- (ii) application is based on there being no provision for any running water, power, hard standing areas for the caravans, or adequate lighting for the site;
- (iii) if correct facilities are not put in place, the proposed use could have a detrimental effect for owners and tenants of Enterprise Park;
- (iv) during wet periods, the grassed area will deteriorate with vehicle movements, and cause uncontrollable water runoff onto the service road, which in turn will cause silt deposits to be discharged into the Enterprise Park surface water system;
- (v) lack of information regarding how general waste and how the effluent from their chemical toilets will be disposed of safely; and
- (vi) CCTV camera at entrance to Enterprise Park is not working, and/or further commenting or questioning:
  - (1) data recorded by CCTV cameras should be made available on request to business owners and occupiers to assist in investigation of crimes;
  - (2) previously agreed that there would be security provided; and

(3) will council pay business' increased insurance premium?.

## 12. Appraisal

12.1 The main issues in the determination of the application relate to:

- (i) the acceptability in principle of the proposed development taking account of the need for transit pitches for gypsies and travellers;
- (ii) flood risk and climate change;
- (iii) impact on the character and appearance of the locality;
- (iv) impact on biodiversity;
- (v) whether a condition requiring a site management plan is necessary; and
- (vi) equalities and human rights.

### Principle of Development

12.2 Paragraph 38 of the NPPF addresses decision making and provides that local planning authorities should approach decisions on proposed development in a positive and creative way, using the full range of planning tools available and working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, and that decision-makers at every level should seek to approve applications for sustainable development where possible. Paragraph 13 of the PPTS provides that local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally.

12.3 Paragraph 59 of the NPPF is clear that:

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

12.4 Paragraph 61 of the NPPF states that:

“... the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).”

12.5 The Adopted Local Plan notes that local authorities in Dorset are working together to produce a joint Gypsy and Traveller Development Plan Document which will identify sites throughout Dorset to meet the needs of these groups (paragraph 5.6.1) and that in determining applications for gypsy and traveller accommodation issues of adequate levels of privacy and residential amenity for the occupiers, impact on the amenities of adjacent occupiers, and any detrimental impact upon the natural environment will be taken into account under the relevant policies. It is further stated that until such a time as the Gypsy and Traveller DPD is finalised, decisions on

gypsy and traveller sites will be determined in accordance with national policy and with reference to policies INT1 and SUS2 (paragraph 5.6.3).

- 12.6 Policy INT1 of the Adopted Local Plan provides that there will be a presumption in favour of sustainable development that will improve the economic, social and environmental conditions in the area and hence is not concerned with the acceptability in principle of development. However, policy SUS2 of the Adopted Local Plan addresses the distribution of development in the plan area and states that outside of the defined development boundaries, development is to be strictly controlled having particular regard to the need for the protection of the countryside and environmental constraints, with development to be restricted to specified forms of development identified to include sites for gypsies, travellers and travelling showpeople.
- 12.7 The use of the Application Site is not constrained by any site-specific policies or constraints such that its use as a site for gypsies travellers and travelling showpeople may be regarded as acceptable under policy SUS2.
- 12.8 The Made Neighbourhood Plan does not address directly the adequacy of existing provision for gypsies and travellers within the plan area but notes that the Adopted Local Plan provides a very clear approach to the control of development through the use of defined development boundaries.
- 12.9 Policy 7 of the Made Neighbourhood Plan addresses development outside the defined development boundaries, stating that new homes will only be supported in specified circumstances. No mention is made of the provision of sites for gypsies and travellers but when the Neighbourhood Plan was Made, use of the Application Site as a seasonal transit site was authorised by planning permission WD/D/16/001217. The *Bournemouth, Christchurch, East Dorset, North Dorset, Poole, Purbeck, West Dorset and Weymouth & Portland Gypsy, Traveller and Travelling Showpeople Accommodation Assessment* report of October 2017 had also noted the seasonal provision at Piddlehinton and recommended that no further provision was necessary (paragraph 1.56).
- 12.10 Since the Neighbourhood Plan was made, work on the production of the Gypsy and Traveller DPD has been abandoned, with provision for gypsy and traveller sites now being addressed through the emerging Dorset Council Local Plan.
- 12.11 Paragraph 4.11.7 of the Consultation Draft Local Plan comments that:
- “Monitoring suggests that the transit site identified in the accommodation assessment (i.e. Piddlehinton Camp with a capacity for 25 pitches) is regularly used but that the demand for transit pitches is seasonal and does not exceed the supply. Based on this, the council does not consider that further transit pitches need to be provided in the Dorset Council area.”
- 12.12 It should be noted that paragraph 4.11.7 of the Consultation Draft Local Plan fails to recognise that planning permission for the use of the Application Site as a transit site expired in August 2019 and that the current application was pending consideration.



12.13 Draft Policy HOUS12 of the Consultation Draft Plan identifies the Application Site for potential allocation for 25 transit pitches on a seasonal basis from 1st April to 31st August inclusive each year, with the draft policy further indicating that planning applications for such use will be permitted provided that:

- any impact resulting from the proposal on the character and value of the landscape or the settlements adjacent to the site can be avoided or adequately mitigated; and
- provision is made for safe vehicular and pedestrian access into the site along with adequate on-site parking, turning and storage of associated equipment and vehicles connected with the use of the site; and
- the layout and design of the site ensures appropriate levels of privacy and amenity for the occupiers of the proposed caravans and neighbouring uses; and
- the use can be appropriately managed in accordance with a detailed management plan.

12.14 Being at a very early stage of preparation, the Consultation Draft Local Plan should be accorded very limited weight in decision making, but it is material to note that there are currently no other local authority transit sites permitted to operate in Dorset between 01 April and 31 August and no other live proposals or proposed site allocations aimed at fully addressing the identified need for transit pitches. In this regard, paragraph 27 of the PPTS provides that:

“If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission<sup>9</sup>. ...”

12.15 Significant weight should therefore be given to the contribution that the proposed development would make to meeting identified need. The issues listed in Draft Policy HOUS12 are also important considerations in the determination of the subject application and are therefore each addressed within this appraisal.

12.16 Further pertinent policy is set out in the PPTS which also provides that:

“25. Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

26. When considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness

- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

12.17 Previous use of the Application Site as a gypsy and traveller transit site has not:

- (i) dominated the nearest settled communities;
- (ii) placed any undue pressures on local infrastructure; nor
- (iii) seemingly resulted in any unacceptable environmental impact.

12.18 Reported monitoring data indicates that when the site has been operational it has been in regular use. Satisfactory means of accessing the Application Site from the public highway network are available and there is sufficient space within the Application Site that vehicular and non-vehicular movement can be accommodated without the provision of additional site infrastructure and without the removal of any existing fencing, trees or other features.

12.19 The size and nature of the Application Site is also such that it is readily capable of accommodating 25 caravans in a manner that provides site occupiers with adequate levels of privacy and sufficient space for parking and informal recreation. Amenity provision within the site is rather basic but considered adequate for site's intended purpose.

12.20 Some nearby uses within the Piddlehinton Enterprise Park have the potential to give rise to levels of activity and emissions that could impact on the amenities of those staying at the site, but it is considered that sufficient space is available within the site that complaints regarding environmental conditions are unlikely.

12.21 The government's Planning Practice Guidance is clear that circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period (NPPG, Ref ID: 21a-014-20140306). The guidance further notes that:

- (iv) it will rarely be justifiable to grant a second temporary permission except in cases where changing circumstances provide a clear rationale; and
- (v) that there is no presumption that a temporary grant of planning permission will then be granted permanently.

12.22 Footnote 9 of the PPTS similarly provides notes that there is no presumption that a temporary grant of planning permission should be granted permanently. The Dorset Council Local Plan will address the period 2021 to 20238 and is expected to be adopted in the spring of 2023. The development plan context of the Application Site is therefore expected to change by August 2023 such that a further temporary permission would be appropriate and neither premature nor prejudicial to the ongoing Local Plan process.

12.23 Accordingly, on the basis:

- (i) that there is a recognised, unmet need for seasonal transit pitches in Dorset;

- (ii) that Policy SUS2 of the Adopted Local Plan allows for the development of sites for gypsies, travellers and travelling showpeople outside of the defined development boundaries;
  - (iii) that the Application Site is neither allocated nor statutorily protected for other purposes;
  - (iv) that the site is deemed suitable for the proposed use; and
  - (v) that planning permission is sought for a temporary period only,
- I am satisfied that there is no in-principle land use objection to the proposed development.

### Flood Risk and Climate Change

- 12.24 Paragraph 150 of the NPPF states that new development should be planned for in ways that:
- (i) avoid increased vulnerability to the range of impacts arising from climate change; and
  - (ii) can help to reduce greenhouse gas emissions.
- 12.25 Policy ENV5 of the Adopted Local Plan provides that new development should be planned to avoid risk of flooding where possible and that the risk of flooding will be minimised by:
- (i) steering development towards the areas of lowest risk and avoiding inappropriate development in the higher flood risk zones;
  - (ii) ensuring development will not generate flooding through surface water runoff and/or exacerbate flooding elsewhere.
- 12.26 Policy 5 of the Made Neighbourhood Plan provides that until such time that a groundwater management strategy has been agreed for the Valley, the appropriate level of mitigation will need to be demonstrated through an independent drainage plan for that site prepared by a suitably qualified drainage expert. It is further stated that any flood risk assessment or drainage plan, where required, should clearly assess the opportunities to reduce the causes and impacts of flooding below current levels, including:
- improvements to ground / soil permeability,
  - increased floodwater storage,
  - improvements to the sewerage network,
  - alleviating run-off from hills, and
  - incorporating higher levels of water efficiency and where these are feasible, viable and appropriate, these opportunities should be taken.
- 12.27 The application submission does not address the reduction of greenhouse gases but includes a detailed Flood Risk Assessment which concludes that:
- the proposed site is at no risk of fluvial or pluvial flooding;
  - the existing site and neighbouring properties have never flooded;
  - the proposed site use will not increase the risk of flooding on or off site and there will be no loss of floodplain as a result of the this use;
  - there is a means of escape from the site; and
  - no new surface water drainage is proposed for the site.

12.28 Having regard to the content and findings of the submitted Flood Risk Assessment, I am satisfied that the application proposal is in accordance with the Policy ENV5 of the Adopted Local Plan and that the matters identified in Policy 5 of the Made Neighbourhood Plan have been addressed adequately.

#### Impact on Biodiversity

12.29 Amongst other matters, Policy ENV2 of the Adopted Local Plan provides that:

- (i) development that is likely to have an adverse effect upon the integrity of the Poole Harbour will only be permitted where there is provision to avoid, or secure effective mitigation of, the potential adverse effects;
- (ii) proposals that conserve or enhance biodiversity should be supported; and
- (iii) opportunities to incorporate and enhance biodiversity in and around developments will be encouraged.

12.30 Policy 3 of the Made Neighbourhood Plan provides that development proposals should protect, and where appropriate enhance, the biodiversity of the countryside and further states that the provision of wildlife corridors and buffer areas to protect habitats, and the provision of new biodiversity features will be supported.

12.31 A project level appropriate assessment has been undertaken in relation to the potential for the proposed development to impact on the integrity of the Poole Harbour Special Protection Area (SPA) and Ramsar, the conclusion being that, subject to mitigation in accordance with Nitrogen Reduction in Poole Harbour Supplementary Planning Document, there will be no adverse effect on the designated sites.

12.32 The potential impact of the proposed development on the Application Site and on protected species is considered within the submitted Ecological Appraisal and Biodiversity Plan, with adequate provision made for impact mitigation and enhancement measures such that the proposed development is expected to achieve a net gain.

12.33 Implementation of mitigation in accordance with Nitrogen Reduction in Poole Harbour Supplementary Planning Document and the submitted Biodiversity Plan can be secured by means of planning condition such that the proposed development will be in accordance with both statutory and policy requirements for the protection and enhancement of biodiversity resources.

#### Impact on Character and Appearance of Locality

12.34 Policy ENV1 of the Adopted Local Plan provides that development should be located and designed so that it does not detract from and, where reasonable, enhances the local landscape character and that development that significantly adversely affects the character or visual quality of the local landscape or seascape will not be permitted.

12.35 Policy 10 of the Adopted Local Plan provides that all development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness and further provides that development should only be permitted

where it provides sufficient hard and soft landscaping to successfully integrate with the character of the site and its surrounding area.

- 12.36 Policy 12 of the Made Neighbourhood Plan provides that development should have regard to the character of the surrounding area to which it relates and should not significantly change the character, for example through over-intensive development.
- 12.37 Policy 13 of the Made Neighbourhood Plan provides that where planning permission is required for external lighting and the lighting will impact on local landscape character, proposals should seek to demonstrate that the benefits of the external lighting proposed should outweigh any harm arising.
- 12.38 Although the stationing of caravans and associated paraphernalia can sometimes be obtrusive in the landscape, past use of the Application Site has not resulted in any unacceptable harm to the character or appearance of either the site or the surrounding area.
- 12.39 Where apparent, the Application Site is primarily viewed in the context of the adjacent development within the Enterprise Park and/or the Royal School of Signals training ground, a context in which use of the site is not unduly discordant. Use of the Application Site is expected to continue largely as previously, with no permanent buildings provided and the on-site presence of caravans limited to periods in which nearby vegetation is in full leaf.
- 12.40 No external lighting is proposed, but the Biodiversity Plan defines appropriate design parameters and control measures should a decision be taken to install any site lighting. Implementation of the Biodiversity Plan will also involve additional hedgerow planting along the western boundary of the Application Site that will improve the appearance of the site and help to reinforce local landscape character.
- 12.41 Overall, it is therefore considered that the proposed development can be accommodated on the Application Site without significant harm to either the character or the appearance of the local landscape and that the application proposal is in accordance with Policies ENV1 and ENV10 of the Adopted Local Plan and also in accordance with Policy 12 of the Made Neighbourhood Plan.

#### Site Management and Other Matters Raised in Representations

- 12.42 Several representations have been received that refer to previous site management arrangements and/or that request the imposition of conditions relating to site management measures, most particularly requesting warden and/or security presence on site and the provision and use of CCTV cameras within the Enterprise Park.
- 12.43 Representations received provide anecdotal evidence of some anti-social and criminal behaviour associated with the previous use of the Application Site as a transit caravan site. Dorset Police's Crime Prevention Adviser has requested that security is a permanent fixture on site and that CCTV is operational at all times.
- 12.44 Amongst other matters, paragraph 91 of the NPPF provides that planning decisions should aim to achieve healthy, inclusive and safe places which:

- (a) promote social interaction; and
- (b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

12.45 The government's Planning Practice Guidance (Reference ID: 53-009-20190722) comments that planning provides an important opportunity to consider the security of the built environment, those that live and work in it and the services it provides, but further notes that section 17 of the Crime and Disorder Act 1998 (as amended) requires all local authorities to exercise their functions with due regard to the likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder.

12.46 Fear of crime and the perceived likelihood of anti-social behaviour are capable of being material planning considerations and can materially diminish the amenity of an area. However, court rulings indicate that fear of crime is only material where the development or use of land, by its very nature, provides a reasonable basis for concern. Within any sub-group in a society, it is likely that a minority of people will act in an antisocial manner and commit crime. However, the use of land as a caravan site is not a type or form of development that, by its very nature, is likely to cause problems for its neighbours.

12.47 The Planning Statement submitted in support of the application is clear that the intention is that Dorset Council's Gypsy and Traveller Liaison Officer will have overall responsibility for managing the use of the Application Site but also notes that conditions attached to previous planning permissions have required the submission and approval of site management plans. The Planning Statement further indicates that the council has historically paid for security guards as part of the site management and comments that these arrangements have provided an opportunity to resolve any amenity issues.

12.48 The PPTS does not comment in detail on operational management arrangements, but practice history suggests that where gypsy and traveller sites are managed properly, they can be successful, self-financing and sustainable.

12.49 Various conditions were imposed on the previous grants of planning permission including requirements for the submission, approval and implementation of a scheme to control the use site (condition 5 of planning permission WD/D//16/001217 and condition 5 of planning permission WD/D/14/000368). Site Management Plans submitted pursuant to the conditioned requirements have addressed a range of site management matters including:

- (i) warden / site management presence;
- (ii) the provision and maintenance of fencing;
- (iii) the provision of portacabins for use by site management and visitors;
- (iv) the provision of portaloos; and
- (v) waste management arrangements.

12.50 The Site Management Plan submitted pursuant to condition 5 of planning permission WD/D//14/000368 additionally stated:

"provide CCTV with infra-red and number plate recognition functionality at both front and rear entrances to the Enterprise Park to be monitored by the

Site Managers at the transit site and by the Enterprise Park businesses when the transit site is not operational. The CCTV equipment will be maintained by the County Council and be available to Enterprise Park businesses through the year”.

- 12.51 Paragraph 55 of the NPPF is clear that planning conditions should be kept to a minimum and only used where they are:
- necessary;
  - relevant to planning;
  - relevant to the development to be permitted;
  - enforceable;
  - precise; and
  - reasonable in all other respects.
- 12.52 National Practice Guidance states that any proposed condition that fails to meet one of the 6 tests should not be used and that this applies even if the applicant suggests or agrees to it (Reference ID: 21a-005-20190723).
- 12.53 Accordingly, matters that are not relevant to planning and/or are not necessary or reasonable should not be conditioned. Having regard to the statutory context within which the site will be operated, a condition requiring the submission and approval of a Site Management Plan is not necessary.
- 12.54 Conditions are recommended:
- (i) to regulate and restrict the use of the Application Site;
  - (ii) to secure the implementation of proposed biodiversity mitigation and net gain measures; and
  - (iii) to secure the post-development clearance of the Application Site.
- 12.55 In my opinion, no other conditions are necessary.

#### Equalities Duty and Human Rights

- 12.56 Section 149 of the Equalities Act 2010 (as amended) provides that in the exercise of its functions a public authority must have due regard to the need to:
- (i) eliminate discrimination, victimisation and any other conduct that is prohibited by or under the Act;
  - (i) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (ii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 12.57 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 12.58 Romany Gypsies and Irish Travellers are protected against race discrimination because they are ethnic groups.
- 12.59 Being focussed on addressing a recognised identified need for transit pitches for gypsies and travellers in Dorset, it is considered that the proposed development

provides for fair and equal treatment and should thereby help reduce discrimination and victimisation, advance equality of opportunity and foster good relations.

- 12.60 The Human Rights Act 1998 imposes an obligation on public authorities not to act incompatibly with the European Convention on Human Rights. The articles/protocols of particular relevance are:
- (i) Article 6 - Right to a fair and public hearing;
  - (ii) Article 8 - Right to respect for private and family life; and
  - (iii) The First Protocol, Article 1 - Protection of Property.
- 12.61 Rights under Article 6 and 8 are qualified rights, meaning that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 12.62 Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. The term “possessions” may include material possessions, such as property, and also planning permissions and possibly other rights. Any interference with a Convention right must be proportionate to the intended objective, such that any interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.
- 12.63 Case law suggests that interference with the human rights noted above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant.
- 12.64 For the reasons set out in this report, I am satisfied that the proposed development should not:
- (i) impact on the right to live anyone’s personal life without unjustified interference such that Article 8 would be engaged; nor
  - (ii) unreasonably deprive any person of either their right to the peaceful enjoyment of their possessions or of their right to their possessions.
- 12.65 I am further satisfied:
- (i) that the application has been subject to proper public consultation;
  - (ii) that the public have had an adequate opportunity to make representations in the normal ways; and
  - (iii) that the representations received are addressed in this report.
- 12.66 Having considered the likely impacts of the proposed development, the rights of the applicant, the general interest and the rights of owners and occupiers of other land in the locality, it is considered that any effect on human rights does not outweigh the granting of permission in accordance with adopted and prescribed planning principles.

### Conclusion

- 12.67 For the reasons set out above, subject to the conditions set out in paragraph 13.1 below, it is considered that the application proposal is in general accordance with the



development plan and that there are no material considerations warranting determination of the application other than in accordance with the development plan. Accordingly, planning permission can and should be granted.

### **13. Details for Inclusion in Decision Notice**

#### **13.1 Recommended Planning Conditions**

##### **(1) Time Limit – Commencement of Development**

The development hereby permitted shall be begun no later than 30<sup>th</sup> August 2023.

##### **Reason**

In accordance with the application proposal for the temporary use of land within the application site and in accordance with section 91 of the Town and Country Planning Act 1990 (as amended).

##### **(2) Commencement of Use of the Application Site as a Caravan Site**

The use of the land shown edged red on the application site plan titled 'Piddlehinton Transit Site' dated 23/10/2019 as a caravan site shall not commence until arrangements have been made to secure the implementation of a scheme of mitigation for the potential adverse impact of that use on the Poole Harbour Special Protection Area that scheme to have been approved in writing by the local planning authority and having been prepared in accordance with the Nitrogen Reduction in Poole Harbour Supplementary Planning Document (April 2017).

##### **Reason**

To mitigate for the potential for adverse impact on the Poole Harbour Special Protection Area in accordance with the application proposal and having regard to policy ENV2 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 and Policy 3 of the made Piddle Valley Neighbourhood Plan 2018-2038.

##### **(3) Management and Use of Land as a Transit Site for Gypsies and Travellers**

The use of the land shown edged red on the application site plan titled 'Piddlehinton Transit Site' dated 23/10/2019 as a caravan site shall be managed as a local authority transit site for occupation by gypsies and travellers only and shall be limited to the period of 01 April to 31 August in each year the site is operational. For the purposes of this permission, the term "gypsies and travellers" shall be taken to mean persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

### Reason

To regulate the use of the site in accordance with the application proposal having regard to policies INT1, SUS2, ENV1, ENV2 and ENV10 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 and Policies 3, 7, 12 and 13 of the made Piddle Valley Neighbourhood Plan 2018-2038.

#### (4) Maximum number of Caravans

Not more than 25 caravans shall be stationed on the application site at any one time.

### Reason

To regulate the use of the site in accordance with the application proposal and in the interest of amenity and the environment having regard to policies INT1, SUS2, ENV1, ENV2, ENV10, COM7 and COM10 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 and Policies 3, 7, 12 and 13 of the made Piddle Valley Neighbourhood Plan 2018-2038.

#### (5) Stationing and Storage of Caravans

No caravan shall be stationed on the application site outside of the land shown edged red on the application site plan titled 'Piddlehinton Transit Site' dated 23/10/2019 and no part of the application site shall be used for the storage of caravans outside of the period 01 April and 31 August in any year.

### Reason

To regulate the use of the site in accordance with the application proposal and in the interest of amenity and the environment having regard to policies INT1, SUS2, ENV1, ENV2 and ENV10 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 and Policies 3, 7, 12 and 13 of the made Piddle Valley Neighbourhood Plan 2018-2038.

#### (6) Implementation of Biodiversity Plan

The use of the land shown edged red on the application site plan titled 'Piddlehinton Transit Site' dated 23/10/2019 shall be conducted in accordance with the biodiversity mitigation and net gain measures set out within sections D, E and H of the Biodiversity Plan submitted in support of the application and certified by Dorset Council's Natural Environment Team on 04 December 2020. The net gain biodiversity measures set out within section H of the Biodiversity Plan shall be implemented in accordance the certified arrangements within 12 months of the commencement of the use of the site as a caravan site.

### Reason

In the interest of biodiversity and to secure net gain for biodiversity having regard to polices SUS2, ENV1, ENV2 and ENV10 of the adopted Weymouth

and Portland Local Plan 2015 and Policies 3, 7, 12 and 13 of the made Piddle Valley Neighbourhood Plan 2018-2038.

(7) Cessation of Use of Land as a Caravan Site

The use of the land shown edged red on the application site plan titled 'Piddlehinton Transit Site' dated 23/10/2019 shall cease permanently not later than 31 August 2023.

Reason

To regulate the use of the site in accordance with the application proposal and in the interest of amenity and the environment having regard to policies INT1, SUS2, ENV1, ENV2 and ENV10 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 and Policies 3, 7, 12 and 13 of the made Piddle Valley Neighbourhood Plan 2018-2038.

(8) Clearance of Site

Within 3 months of the permanent cessation of the use of the land shown edged red on the application site plan titled 'Piddlehinton Transit Site' dated 23/10/2019 as a caravan site, all caravans and any vehicles, chattels, temporary structures, equipment and materials brought onto the land for the purposes of such use shall be removed from the land.

Reason

In the interest of landscape character and visual amenity having regard to regard to policies INT1, SUS2, ENV1, ENV2 and ENV10 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 and to Policies 3, 7, 12 and 13 of the made Piddle Valley Neighbourhood Plan 2018-2038.

13.2 Informative Notes to be Included on Decision Notice

(1) Statement of Positive Involvement

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Dorset Council as local planning authority takes a positive and proactive approach to development proposals focused on solutions. The Council worked with the applicant/agent in a positive and proactive manner by:

- (i) updating the applicant of issues as they arose in the processing of the application;
- (ii) discussing possible solutions to material concerns raised; and
- (iii) providing the applicant with the opportunity to address issues of concern with a view to facilitating a recommendation to grant permission.

(2) Further Information

Further information relating to this decision may be viewed online through the application webpages accessible by entering the application details at <https://planning.dorset.gov.uk/public-access/>.

Report Prepared By: Huw Williams MRTPI - Lead Project Officer  
Economic Growth and Infrastructure, Dorset Council

Completed: 12 March 2021

<b>Application Number:</b>	WD/D/20/002427
<b>Site address:</b>	ST OSMUNDS CHURCH OF ENGLAND MIDDLE SCHOOL, BARNES WAY, DORCHESTER, DT1 2DZ
<b>Proposal:</b>	Replace existing boundary in wire with associated access gates and widening of footpaths.
<b>Applicant name:</b>	Mrs Golledge
<b>Case Officer:</b>	Annabel Cox
<b>Ward Member(s):</b>	Cllr Jones and Cllr Rennie

**1.0** Application to be determined at committee due to parts of the land being Dorset Council owned land.

**2.0 Summary of recommendation:**

GRANT subject to conditions.

**3.0 Reason for the recommendation:**

- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.
- The proposed development is not considered to have a detrimental impact to wildlife.
- There is not considered to be any significant harm to existing trees within the site.

**4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	The principle of erecting a new fence is acceptable.
Scale, design, impact on character and appearance	The proposed development would not have a significant adverse impact on the visual amenities of the site or locality when considering the existing visual impact of the site.
Impact on amenity	The proposed development would not have a detrimental impact on the living conditions of occupiers of residential properties.

Highways Safety	It is considered that the proposal will not compromise road safety.
Trees	All trees are to be retained on site. The proposed development would not result in the loss of trees.
Biodiversity	Mitigation measure are included as part of the proposal ensuring the protection and movement of wildlife within and around the site.

## 5.0 Description of Site

St Osmund's CE Middle School is located to the north and east of Barnes Way, in the south east part of Dorchester. The grounds comprise of a cluster of buildings to the south west corner of the site, tennis courts to the north of the main buildings and a sports field to the east part of the site.

Currently, the site is mainly enclosed by chain-link fencing or hedging. However, in some parts the site lacks any form of adequate enclosure. Residential dwellings closely border the site along the eastern side of Barnes Way (northern section), Standfast Walk and along the site's eastern boundary (dwellings accessed from Garland Crescent).

A significant number of trees and hedges exist along all boundaries, but particularly the south and east boundaries.

## 6.0 Description of Development

The proposal seeks to replace the existing chain-link fencing and gates and replace with a 2400mm high fence. Fence description as follows: 'fully welded metal mesh panel with horizontal 'V' profiles and metal posts with plastic coating and caps, green in colour.

The original proposal has been amended and changes now include:

- Provision for wildlife passage: 150mm by 150mm openings or 150mm raised sections along base of fence placed around the parameter of the site.
- Fence height reduction to 1800mm along Standfast Walk, to be set back  $\geq$  500mm from boundary. A secondary fence is proposed to be adjoined to the existing tennis court fence at the bottom of the bank to ensure security is maintained.
- Fence to be set back by  $\geq$  500mm from the boundaries adjacent to highways were applicable.
- Minor amendments to gates.

## 7.0 Relevant Planning History

No relevant planning history.

## 8.0 List of Constraints

Poole Harbour Catchment Area  
Wessex Water - Supply  
Groundwater Source Prot. Zones  
Area Inside DDB

Wessex Water - Waste  
Surface water flooding

## 9.0 Consultations

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

### Consultees

1. DORCHESTER TOWN COUNCIL- Objection
2. W- Dorchester East Ward- Objection
3. Technical Services- No objection
4. Highways Department- No objection
5. Natural Environment Team- Comment
6. RECONSULTATION- Highways Department- No objection
7. RECONSULTATION- DORCHESTER TOWN COUNCIL- No response
8. RECONSULTATION W - Dorchester East Ward- No objection

### Representations received

Five letters of representation were received objecting, one supporting and two neither objecting nor supporting the proposed development.

The concerns raised by the five letters of representation objecting to the proposed development can be summarised below:

- Height of the fence and its proximity to dwellings along Standfast Walk.
- Overbearing impact and loss of light.
- Appearance being 'prison-like' and the mesh too dense.
- Potential impact to wildlife.

The one letter of support can be summarised below:

- Improved security for the children attending the school.

Additional comments:

- Comments were made with regards to the impact of the proposal to wildlife, particularly hedgehogs.

Total - Objections	Total - No Objections	Total - Comments
5	1	2

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

## 10.0 Relevant Policies

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

As far as this application is concerned the following policies are considered to be relevant.

- INT1- Presumption in favour of Sustainable Development
- ENV1 – Landscape, seascape & sites of other geological interest
- ENV2 – Wildlife & Habitats
- ENV 9- Pollution and Contaminated Land

- ENV10 - The landscape and townscape setting
- ENV 12 – The design and positioning of buildings
- ENV 16 – Amenity
- SUS 2- Distribution of development
- COM 7- Creating a safe and efficient transport network

### **National Planning Policy Framework**

The relevant chapters of the NPPF include:

Part 2- Achieving sustainable development.

Part 4- 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.

Part 12- Achieving well-designed places.

Part 15- Conserving and enhancing the natural environment

## **11.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

## **12.0 Public Sector Equalities Duty**

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

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

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

## **13.0 Planning Assessment**

### **Principle of development**

The proposed development seeks to erect a 2400mm fence (1800mm along Standfast Walk) around the parameter of the existing school grounds to provide increased security. The proposed fence shall replace the existing fencing (primarily



chain-link). The principle of development is acceptable and complies with the relevant policies of the Local Plan, Neighbourhood plan and NPPF.

### **Design**

The proposed fence is described as fully welded metal mesh panel with metal posts and green in colour. The fence will be made up of a denser mesh than the existing chain-link fence and shall be 2400mm in height. Although more visually intrusive than the existing fencing, the proposed fence provides a uniform boundary and is not considered to have a detrimental visual impact. Concerns have been raised with regards to the high density of the mesh and height of the fencing, suggesting it is overbearing and overly dominating. The fence is considered to alter the visual appearance of the site as it is more prominent. However, the visual impact of the fence is in keeping with the overall appearance of the site and as a school, serving a large number of pupils within the catchment, the visual impact is to a large extent already there. The addition of the fence is read as part of the school and meets the security needs of school.

The proposed development would not have a significant adverse impact on the visual amenities of the site or locality.

### **Amenity**

Amended plans are submitted to show a reduction in height to the fence along Standfast Walk. This section of fence has been reduced to 1800mm and will be set back from the boundary edge by a minimum of 500mm. These changes reduce the overbearing impact of the fence to the dwellings along Standfast Walk. The density of the fence remains the same, however it is considered the fence allows adequate light through the mesh and when combined with the reduction in height, the impact of the fence is not considered to be detrimental. The proposed fence would also form a barrier to the rear of several number properties along Barnes Way. Currently, high timber fences exist along these residential boundaries. The proposed fence would extend above the existing timber fences. Although there is a degree of impact caused by the proposed fence, light will penetrate the proposed school fence and the overall impact is not considered to be significantly greater than the existing impact of the timber fence and general view of the school directly adjacent. A trellis is proposed along part of this boundary to 1 no. residential dwelling which was requested by a resident and agreed by the applicant.

Elsewhere, the proposed fence is set back a reasonable distance from residential dwellings and its impact is not considered to be significant.

### **Highways**

In an initial consultation with the Highways Department, the officer objected to the proposed development. It was stated that the fence must be set back a minimum of 0.5m from the edge of the carriageway to avoid conflict with highway users (especially cyclists).

The Highway Officer also stated that Point 6 on the site plan appeared to show the fence extend out into the public highway, it was unclear what exactly this represented. The Highway Officer required that the plan should be altered to remove any aspect of the proposal away from the public highway and required that any associated gates must open clear of the public highway.

Revised drawings have since been submitted and the Highways Department confirmed that proposed fence would be set back a minimum of 0.5m from the carriageway on Barnes Way. All gates would open clear of the public highway. With this in mind, the Highway Department had no objection to the application. Amendments were made to point '6' (as shown on Drawing No. 191077 0506 P2) and the fence position to the edge of the carriageway on the northside of Barnes Way (southern boundary of the school) was set back by a minimum of 500mm, as per Highways Department recommendations. The proposed development would not therefore conflict with highway users, nor would it impact adversely on highway safety.

### **Trees**

As per the submitted Arboricultural Method Statement (dated 25<sup>th</sup> September 2020), all trees are intended to be retained and no harm is likely to occur to existing trees on site, providing all measures outlined within the submitted AMS are adhered to.

### **Biodiversity**

Several letters of representation were received raising concern about wildlife passage through and around the site. The Natural Environment Team were consulted and advised that provisions for wildlife should be considered, in line with the Natural Environment and Rural Communities Act (2006) and National Planning Policy Framework (NPPF) '*opportunities to incorporate biodiversity in and around development should be encouraged*'. Incorporated within the amended plans, which are conditioned, 150mm by 150mm openings are proposed in multiple locations or 150mm raised sections along the base of the fence. This alteration ensures that wildlife (in particular hedgehogs) can continue to co-exist in and around the site and therefore the proposed development complies with the relevant policies, as already listed.

## **16.0 Conclusion**

The proposed development complies with the policies of the adopted Local Plan and the relevant sections of the National Planning Policy Framework as already listed

### **Recommendation:**

Grant, subject to the following 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 in accordance with the following approved plans:

191077 0503 P2 Location Plan (received 16/11/2020)  
191077 0505 P1 Proposed Gate Details (received 10/02/2021)  
191077 0504 P2 Proposed fencing details (received 10/02/2021)  
191077 6003 P2 Proposed Site Plan (Extract 3) (received 15/03/2021)  
191077 0506 P2 Proposed Site Plan (received 15/02/2021)  
191077 6001 P2 Proposed Site Plan (Extract 1) (received 15/02/2021)  
191077 6002 P2 Proposed Site Plan (Extract 2) (received 15/02/2021)  
191077 0507 P2 Proposed Fencing (2 of 2) (received 02/03/2021)

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

3. The development hereby approved shall proceed only in accordance with the details set out in the Arboricultural Method Statement dated 25th September 2020 setting out how the existing trees are to be protected and managed before, during and after development.

Reason: To ensure thorough consideration of the impacts of development on the existing trees

### **Informative Notes:**

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
- The applicant was provided with pre-application advice.

The application was acceptable as submitted and no further assistance was required



<b>Reference No:</b> P/HOU/2020/00139
<b>Proposal:</b> Erect rear single storey extension and form pitched roof over existing single storey extension.
<b>Address:</b> 54 West Street Fontmell Magna SP7 0PF
<b>Recommendation:</b> Grant planning Permission, subject to conditions
<b>Case Officer:</b> Jennie Roberts
<b>Ward Members:</b> Cllr Somper

**1.0** This application has been brought to Committee in the interests of transparency, as the applicant works for Dorset Council

**2.0 Summary of recommendation:**  
GRANT subject to conditions

**3.0 Reason for the recommendation:**

- The proposal is considered acceptable in its design and will enhance the character and appearance of the Conservation Area
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application

**4.0 Key planning issues**

Issue	Conclusion
Design and conservation area	The design of the proposed development is considered to enhance the character and appearance of the Conservation Area.
Residential amenity	The proposed development will not overlook, nor be overbearing upon, the neighbouring property.
Highway Impact	There are no adverse highway impacts.

**5.0 Description of Site**

The site is located inside the Settlement Boundary of Fontmell Magna and is within a Conservation Area. It is occupied by one half of a pair of characterful semi-detached dwellings, which are constructed of brick with flint banding, under a tiled roof. There is an existing, flat-roofed, brick-built single storey extension to the rear. The site is adjacent to the carpark of St Andrew's C of E Primary School and is separated from it by a stone wall.

## 6.0 Description of Development

Initially, this application sought planning permission for the erection of a further, modest, rear single storey extension with a pitched roof and the formation of an off-road parking space to the front.

Following discussions with the applicant, the application was amended, to exclude the parking space. In addition, the plans were amended to include a pitched roof over both the existing and proposed single storey rear extensions.

The proposed extension will be constructed of brick and the pitched roof over both extensions would be clay tiled. It would measure c.3.6m high x c.4.2m wide (c.4.9 to include the roof overhang) x c.5m long.

## 7.0 Relevant Planning History

Application No.	Application Description	Decision	Date of decision
2/2007/1226	Erect first floor extension over existing ground floor extension	A	09/01/2008

## 8.0 List of Constraints

Within settlement limit

Within the Fontmell Magna Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

## 9.0 Consultations

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

### Consultees

#### 1. Highway Authority:

*The Highway Authority objected to the proposed parking space, which has since been removed from the proposal.*

#### 2. Fontmell Magna Parish Council:

##### Objects:

##### Comments on original plans:

- *considered proposal may not comply with Policy FM7 of the Fontmell Magna Neighbourhood Plan in terms of materials, roof and parking space*
- *considered proposal may not comply with Policy FM9 of the Fontmell Magna Neighbourhood Plan in terms of it being large in relation to the original building, there being a narrow space between the end of the proposed extension and the east wall, there being a narrow space between the extension and the conservatory of the neighbour. Additionally, the original part of the building is brick-built with flint banding, while the proposed extension does not have any flint banding*

### Comments on amended plans:

- *Revised elevations have responded to some of the criticism of the original elevations and the roof line may now comply with policy FM7 of the Fontmell Magna Neighbourhood Plan.*
- *Proposal may still not comply with Policy FM9 of the neighbourhood plan.*

### Representations received

Two neighbours have objected, for the following reasons (officer response in brackets):

- This is a Conservation Area and the extension seems long and out of proportion with the existing building (*this will be assessed under 'design and conservation area', below*)
- Different rooflines do not give a coherent look and will make the property look unbalanced (*this will be assessed under 'design and conservation area', below*)
- Parking space inappropriate, partly on highway land and telegraph pole may affect access (*this element of the proposal has been withdrawn and is no longer relevant*)
- Excavation works have begun on site and might undermine footings to neighbour's conservatory (*work has currently ceased on the site and the possible undermining of footings is not a material planning consideration*)
- Proposed plans show extension is 30cms away from boundary, which is a breach of Party Walls Act and will mean neighbour cannot maintain his building (*this is a private civil matter, not a material planning consideration*)
- Applicant wishes to remove a boundary wall which neighbour built (*this is a private civil matter, not a material planning consideration*)
- Extra bedroom could be better achieved by building above the existing extension (*only the current proposal can be assessed under this planning application*)
- Submitted plans lack detail, showing no detail of door or window finish, no access statement to show how the work would be carried out and no detail of the roof construction, which appears to be closer than 300mm from neighbour's building (*this is a householder planning application on a non-listed building and therefore such in depth detail is not required. Materials can be conditioned as part of any planning permission*).
- Plans do not show the elevations of neighbour's dwelling or conservatory, or how the proposed extension will impact on these (*amended plans have been submitted, which show just this. The proposed extension will project c1.2m beyond the neighbour's conservatory*).
- The necessary excavation for the footings might undermine neighbour's conservatory footings and patio (*this is not a material planning consideration and would be a Building Regulations matter*).
- Retaining wall would need to be built which is not shown on the application (*This can be conditioned as part of any planning permission*)
- Roofline will result in the extension being higher than neighbour's conservatory and would take morning light from his building (*this will be assessed under 'residential amenity' below*)

Total - Objections	Total - No Objections	Total - Comments
2	0	0

Petitions Objecting	Petitions Supporting
0	0
0 Signatures	0 Signatures

## 10.0 Relevant Policies

### **North Dorset Local Plan**

Policy 1 - Sustainable development

Policy 5 – The historic environment

Policy 24 - Design

Policy 25 – Amenity

### **Fontmell Magna Neighbourhood Plan ‘made’ 10 September 2018**

FM7 – The Conservation Area and locally important features:

- Layouts and building designs to have regard to neighbouring buildings, settings and the built and natural environment, in conjunction with the Conservation Area Appraisal

FM9 – Building design

- Proposals should respect rural character of area, re: scale, form, materials and layout and should have regard to Table 3 in the preamble to this policy

### **National Planning Policy Framework 2019**

As far as this application is concerned the following section(s) of the NPPF are considered to be relevant:

- 1.Introduction
- 2.Achieving sustainable development
4. Decision-making
- 12.Achieving well-designed places
- 16.Conserving and enhancing the historic environment

Paragraph 38 states that 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**

Fontmell Magna Conservation Area Appraisal



## **11.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

## **12.0 Public Sector Equalities Duty**

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

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

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

## **13.0 Financial benefits**

N/A

## **14.0 Climate Implications**

The site is located within the defined development boundary, in a residential area that is considered to be sustainable. The extension would have a high level of energy efficiency, as it would be built according to modern Building Regulations.

## **15.0 Planning Assessment**

### Design and Conservation Area

The dwelling has an existing flat roofed single storey extension to the rear and this application proposes the addition of a further single storey brick-built extension behind it, measuring c.5m in length. Initially, the application proposed the retention of the flat roof and a pitched roof over the new extension, which appeared at odds with the existing flat roof extension. However, following discussions with the applicant, amended plans were received, which see the inclusion of a uniform pitched roof of clay tiles over both the existing and proposed extensions.

Whilst the proposed extension will result in a long, single storey, linear projection from the rear of the original dwellinghouse, the proposed extension will project just c.2m further than the rear of the attached neighbouring property, which has a large two storey extension and a further single storey extension to the rear. Seen in this context, the proposal does not appear out of character with its surroundings. It is considered that the addition of the pitched roof to the existing extension, and the use of quality materials (details to be conditioned as part of any planning permission)

actually serve to enhance the character and appearance of the conservation area in which the site lies. This assessment has been made, having regard to the statutory duty arising under section 71(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character of appearance of the Conservation Area.

Following receipt of the amended plans, the parish council appears to accept that the proposal is in accordance with neighbourhood plan (NP) policy FM7 (Conservation areas and locally important features). However, it maintains its concerns that the proposal may be contrary to NP Policy FM9 (Building design) and continues to object to the development, stating that (officer response in brackets):

- The proposed extension is large in relation to the original building (*this has been assessed above under Design and Conservation Area*)
- The space between the end of the proposed extension and the west wall will be very narrow for meaningful access to the garden (*the space between the proposed extension and the east wall (which is the side rear access is derived from) is c.0.8m at its pinch point, which is sufficient room to wheel bicycles and wheelie bins through*)
- The space between the extension and the timber-clad wall of No. 55 West St, will leave little room for maintenance (*the gap is c.0.3m and in any case, this is a Party Walls Act issue, not a material planning consideration*)

Brick and clay tile are proposed for the extension and this accords with the table in the NP. A condition is proposed to ensure a suitable tone and texture is used. The Parish Council has pointed out that the main two-storey part of the building has brick walls with flint banding and the proposed extension does not. However, the existing extension does not have flint banding and in any case, it is considered that such high-level architectural detailing is not necessary for a modest, diminutive, single-storey, rear extension, much of which will not be visible from public land, due to its positioning behind the school wall and it being set down below the existing ground level.

The preamble to NP Policy FM9 also states that uPVC windows are unlikely to be appropriate in the conservation area. However, the property is already fitted with uPVC windows and the proposed uPVC windows and French doors are therefore considered acceptable. A condition is proposed to ensure that the proposed, small rooflights are of a flush-fitting, conservation-type.

Having regard to the above, officers consider that the design of the proposal respects the character of the area in terms of scale, form, materials and layout. Officers consider that the pitched roof over the existing flat roof extension is an enhancement. Whilst the Parish Council considers that the proposal is too large and contrary to Policy FM9 of the Neighbourhood Plan, officers consider the extension is of a suitable scale and meets these requirements.

#### Residential amenity

The proposed extension projects c.2m past the end of the neighbour's conservatory, which has no glazing on the elevation facing the application site. Due to the compass

positioning, a small amount of early morning summer sunshine might be lost to the roof and the rear windows of the neighbour's conservatory, but this is not considered to be unduly harmful to the residential amenity of the neighbouring property. Due to its modest size, positioning and single storey nature, it is considered that the proposed single storey extension would neither overlook, nor be unacceptably overbearing upon, the neighbouring property.

#### Highway Impact

The Highway Authority objected to the proposed parking space and as such, this element of the proposal was removed from the application. As the remainder of the application relates only to the rear extension of the property, there are no highway concerns.

#### **16.0 Conclusion**

The proposal will enhance the character and appearance of the Conservation Area and will not cause significant harm to neighbouring residential amenity. There are no material considerations which would warrant refusal of this application.

#### **17.0 Recommendation**

Approve subject to the following conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Proposed ground floor layout - Rev A  
Proposed Elevations - Rev B (Amended plan)  
Site Plan - Rev B (Amended plan)  
Location Plan

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

2. 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).

3. Prior to development above damp proof course level, details (including colour photographs) of all external facing materials for the wall(s) and roof(s) shall have been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

4. Prior to the digging of foundations for the proposed development, details of any retaining walls required as part of this proposal, including a timescale for their implementation, shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in strict accordance with the approved details.

Reason: In the interests of amenity

5. All new and replacement roof lights shall be top hung and fitted flush to the roof plane.

Reason: To preserve or enhance the character and appearance of the conservation area.

### **Informative Notes:**

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.