



Eastern Area Planning Committee

Date: Wednesday, 1 July 2020

Time: 10.00 am

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

Membership: (Quorum 6)

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

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

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



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Link for morning session 10.00 am – 1.00 pm

Morning session (10.00am):

https://teams.microsoft.com/l/meetup-join/19%3ameeting_N2UyMGY4NDEtMTVjYy00NjFmLTlkMGMtYjkyZWJiNmE1ZTk5%40thead.v2/0?context=%7b%22Tid%22%3a%220a4edf35-f0d2-4e23-98f6-b0900b4ea1e6%22%2c%22Oid%22%3a%2221b44fce-fc3a-4938-a8be-abbbc58daf3c%22%2c%22IsBroadcastMeeting%22%3atrue%7d

Link for afternoon session 2.00 pm onwards

Afternoon session (2.00pm):

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NDBmZTU0ZWEtODg1ZC00MTA3LTkxMWUtOTgzYTBiMDhhYjli%40thread.v2/0?context=%7b%22Tid%22%3a%220a4edf35-f0d2-4e23-98f6-b0900b4ea1e6%22%2c%22Oid%22%3a%22e945dac7-c7f0-449d-b9aa-53ead0dfb0e6%22%2c%22IsBroadcastMeeting%22%3atrue%7d

Members of the public are invited to make written representations provided that they are submitted to the Democratic Services Officer no later than **8.30am on Monday 29 June 2020**. This must include your name, together with a summary of your comments and contain no more than 450 words.

If a Councillor who is not on the Planning Committee wishes to address the Committee, they will be allowed 3 minutes to do so and will be invited to speak before the applicant or their representative provided that they have notified the Democratic Services Officer by **8.30am on Monday 29 June 2020**.

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

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

Using social media at virtual meetings

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

A G E N D A

Page No.

1 APOLOGIES

To receive any apologies for absence

2 DECLARATIONS OF INTEREST

To receive any declarations of interest

3 MINUTES

5 - 60

To confirm the minutes of the meeting held on 3 June 2020.

4 PUBLIC PARTICIPATION

61 - 62

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

5 6/2019/0443 - DEMOLITION OF EXISTING BUILDINGS, AND THE ERECTION OF A CLASS A1 DISCOUNT FOODSTORE WITH ASSOCIATED WORKS AT SITE OF UPTON OIL CO LTD, BLANDFORD ROAD NORTH, UPTON

63 - 92

To consider a report by the Head of Planning.

6 6/2020/0167 - ALTERATIONS TO FIELD GATE AND CREATION OF PEDESTRIAN GATE AT ST GEORGES PRIMARY SCHOOL, 76 HIGH STREET, LANGTON MATRAVERS

93 - 100

To consider a report by the Head of Planning.

INTERMISSION - COMMITTEE BREAK FOR LUNCH BETWEEN 1.00 PM AND 2.00 PM PRIOR TO AFTERNOON SESSION

7 3/19/2271 - DEMOLISH THE EXISTING BUILDINGS AND ERECT A DEMENTIA CARE HOME WITH NEW VEHICULAR ACCESS AND PARKING PROVISION AT 5 - 7A EDMONDSHAM ROAD,

101 - 132

VERWOOD

To consider a report by the Head of Planning.

8 URGENT ITEMS

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

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



DORSET COUNCIL - EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 3 JUNE 2020

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

Apologies: Cllrs Bill Trite

Officers present (for all or part of the meeting): Kim Cowell (Team Leader – Development Management), Andrew Collins (Principal Planning Officer), Tony Bird (Planning Officer), Kevin Riley (Senior Planning Officer), Ellie Lee (Planning Officer), Liz Adams (Principal Planning Officer), Peter Walters (Senior Planning Officer), Colin Graham (Engineer), Clare Marshall (Engineer), Chelsey Golledge (Technical Support Officer), Phil Crowther (Senior Solicitor) and David Northover (Democratic Services Officer).

Representations/Statements

Minute 96

Mike and Janet Robinson, Barrie Mayes, Roy Kendall, Collette Drayson, Judith and Dave Priddle, Elizabeth Earl, Kate & Pearce Mutendera, Richard Earl, Duncan Hedges, Peter Bowyer - Chair Dorset CPRE, David Senior, Zoey Ingarfield, Sarah Bibra, Bridget Mayes, Nigel Jarvis for Aster Homes, Dr Sparks - Clerk to Langton Matravers Parish Council

Minute 97

Allan and Jo Wilding, Sam Croft – Willis and Co, David Packer – Colehill Parish Council

Minute 99

Debra Senior, Martin Hanham, John Andrews – on behalf of Dawn Groom,, the applicant

Minute 100

Robert and Gail Irwin, Tim Hoskinson, Planning Manager, Wyatt Homes

Minute 101

Mary Court - British Horse Society (and on behalf of a number of fellow horse riders), Caroline Stagg, Tim Harris, Deborah Ray, Tony and Vicky Philips, June Stagg, Hazell Johnson, Jon Coombes

91. **Apologies**

An apology for absence was received from Councillor Bill Trite.

92. **Introduction by Chairman**

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

93. **Declarations of Interest**

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

Councillors Cherry Brooks and Beryl Ezzard having both served previously on Purbeck District Council, mentioned that the Outline Planning Permission for application 6/2018/0606 - minute 96 - had been discussed and debated within that Council, and had made their views known, but as this application dealt solely with Reserved Matters, neither had come to a view on this aspect that would constitute their predetermination of the application, so felt able to participate fully in the meeting.

94. **Minutes**

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

95. **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.

96. **6/2018/0606 - Rural exception site for a development of 28 dwellings - Reserved Matters - at Spyway Orchard, Durnford Drove, Langton Matravers**

The Committee considered application 6/2018/0606 on a proposal for a development comprising 28 dwellings, of which 22 were affordable housing units and 6 open market housing units. Following the grant of Outline Planning Permission (OPP) under application 6/2015/0687, this application now sought approval for all of the Reserved Matters for the development;

pertaining to access, layout, scale, appearance and landscaping – as defined and identified in the national planning practice guidance - at Spyway Orchard, Durnford Drove, Langton Matravers.

Officers drew the attention of the Committee to the planning history of the site, in that OPP was allowed by the Planning Inspectorate in March 2017, on appeal. Accordingly, it was confirmed, and emphasised, that this application sought approval for the Reserved Matters pursuant to the OPP permission and should be the focus of the Committee's considerations.

For the Committee's understanding the Outline Planning Permission established the principle of development at this location; setting out the density and type of dwellings; conditioned surface water management, foul drainage, a biodiversity mitigation plan and an arboricultural method statement, as well as a S106 Planning Obligation securing the affordable housing to meet the identified local need. The Committee were informed that in light of the Planning Inspectorate's judgement that the principle of the development was acceptable, it was solely now the Reserved Matters that were for consideration.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; how these were to be progressed; how the development would contribute to meeting housing needs; and what this entailed. The presentation focused on not only what the development entailed and its detailed design, but what effect it would have on residential amenity and the character the area, including the AONB and protected trees.

Plans and photographs provided an illustration of the location, orientation, dimensions – form, bulk, size and mass - and appearance of the development and of the individual properties, with examples being given of how typical semi-detached, terraced and apartment block properties were designed, along with their ground floor plans; how it would look; proposed street scenes; the materials to be used; how footpaths would be reconfigured and accommodated; access and highway considerations; the means of landscaping, screening and tree cover, explaining which trees were to be felled and which would be retained; and its setting within the village and wider landscape - which was incorporated within the Dorset Area of Outstanding Natural Beauty. A biodiversity obligation was being fulfilled at the easternmost point of the site by way of an environmental protection zone, with ecological provision being part of the application.

Officers showed the development's relationship with other adjacent residential development in Durnford Drove and Gypshayes - as well as Langton House, swimming pool, farm and The Hyde - and how the buildings were designed to be in keeping with the environment. The characteristics and topography of the site was shown and its relationship with the highway network and to properties in the adjoining roads in particular. Views into the site and around it were shown, which provided a satisfactory understanding of all that was necessary.

Officers explained that, should it be necessary, there could be provision made for a Construction Management Plan (CMP) to govern the management of the development works, to complement any grant of permission.

In summary, officers planning assessment adjudged that the overall design of the development was considered to be of a sufficiently high quality and, whilst planning conditions would be necessary to properly control details of the development, particularly within the Dorset AONB – it being necessary that the detail of some of these conditions – 3,4,5,6 and 7 – be submitted to and approved in writing by the Council - as was the usual practice - the development was considered to be acceptable. They were satisfied that the detailed design and impact on character and appearance of the area, including the AONB and protected trees; highway safety, access and parking; impact on residential amenity; ecology/biodiversity; and housing type were all acceptable, with all significant planning matters having been appropriately, or adequately, addressed.

As there were no material considerations that warranted refusal of the application; that the development had Outline Planning Permission; that approval of the Reserved Matters would accord with the Development Plan and the objectives of the NPPF and would help deliver affordable housing in an acceptable location for a rural exception site; that the detailed design proposals were acceptable in terms of impact on the character and appearance of the area; that there were no objections on highway safety or traffic grounds and; that there would not be demonstrable harm to neighbouring residential amenity, this formed the basis of the officer's recommendation in seeking approval of the application.

Prior to consideration of the merits of the application in its own right, Councillor Alex Brenton requested a site visit be held on the grounds that the Committee should see at first hand how the layout of the site would look, how land might be used more effectively and what tree cover there was, so as to have a better understanding in coming to their decision. Calls for a site visit were supported by Councillor Beryl Ezzard to look at the access arrangements and safety aspects of this, given how little scope there was for improvements to be made given the constraints of the highway at that point, as this was part of Reserved Matters. Utility issues and land ownership were highlighted too. These were the grounds on which a site visit was being proposed. The Council for the protection of Rural England had also asked that a visit be held in their submission.

Officers referred to the view of the Inspector that access arrangements were satisfactory, with visibility being acceptable and no concerns being raised by the Highways Officer and no reported accidents or conflicts being evident. Moreover, issues of land ownership were not for consideration either

Having heard the arguments made for a site visit, the Chairman's view was that focus should be on the application at hand and only if there were material considerations pertaining to that which would justify a site visit, could one be held. She had not heard sufficient reasons, in respect of the issues to be considered for this application from members, to agree to a site visit.

Formal consultation had generated an objection from Langton Matravers Parish Council, concerned at the development's scale and layout; access; landscape; drainage; the need for a CMP and the need for enhanced environmental considerations. Mention was made of a booklet covering the history of the Spyway Orchard application site, which had been sent to members prior to the meeting by the Parish Council.

The Committee were notified of those written submissions received and officers read these direct to the Committee - being appended to these minutes. Having heard what was said, officers responded to some of the pertinent issues raised, being confident that each one could be addressed by the provisions of the application.

It was recognised that this application had become notably contentious over a number of years, with the views of the Parish Council being similar to those who had formally objected to the application - and contained in the submitted statements - and were drawn to the attention of Members on the grounds that the development would :-

- be unacceptable outside of the village and would have an adverse AONB and Heritage Coast impact
- be of excessive scale/density, being out of character with the area and would generate tree loss and light pollution
- be non-compliant with policy RES and its provisions
- compromise privacy, having an adverse impact on the amenity of neighbouring properties
- generate excessive traffic and highway safety problems.
- cause/exacerbate surface water and foul water flooding problems.
- have an adverse impact on protected species/wildlife.

The Campaign to Protect Rural England (CPRE) supported the local community concerns too.

Another response accepted the development in itself, but raised concerns about highway safety and surface water drainage. Alternatively, support was received from a neighbouring resident, whilst the Governors of St George Primary School supported the development in principle as it was likely to contribute towards generating additional pupil numbers by attracting families with children. Moreover, Dorset AONB Landscape Planning Officer, the Senior Tree and Landscape Officer, Highways Management, Rights of Way, and Natural England all either supported the application or raised no objection to it.

The opportunity was given for members to ask questions of the presentation and what they had heard, in seeking clarification of aspects so as to have a better understanding in coming to a decision. One member considered that the Committee should be given the opportunity to consider, in detail, conditions 3,4,5,6 and 7 given that it related to the fundamental principles of reserved matters, rather than this being delegated to officers. In response officers emphasised that this was the usual standard practice adopted in

dealing with this and provided a flexible means of achieving this within agreed standards, guidelines and regulations.

It was confirmed that the Inspector was satisfied with the impact the development would have on the Dorset AONB, taking into account the issues raised previously by Purbeck District Council.

Officers confirmed that in allowing the appeal, the Inspector had emphasised that this was not considered to be a major development in the Dorset AONB, pertaining to the provisions of the National Planning Policy Framework. To emphasise the importance of this, officers took the opportunity to clarify what the criteria for major development was.

Officers confirmed that much of the context of the objections raised related to aspects of the OPP – the opportunity for which to consider had since passed – and reiterated that, in light of the Planning Inspectorate’s judgement that the principle of the development was acceptable, Reserved Matters issues should be the sole focus for Committee.

Nevertheless, concern was raised that the application did not require the need for sustainable environmental measures to be included in the development. Once again this was a consideration of the OPP. Moreover, whilst it was indeed recognised that the Council had declared a climate emergency, as it stood, there were no policies that existed to compel the need for such measures. As some members were minded to refuse the application, it was confirmed that it was necessary for them to identify sound material planning reasons for doing this. Upon reflection, such reasons could not be identified.

It was clarified that the dimensions of the rooms in the dwellings and their design were acceptable in meeting the necessary the national standards for affordable housing. Consideration of the provision of external lighting was to be controlled by condition.

Given all this one member asked for further consideration of the application to be deferred until more detail was available and the matters raised looked into. However, the Chairman reminded the committee that regardless of what members might wish to see, they were only being asked to consider the application as it stood.

Officers confirmed that the Inspector was content with the illustrative layout and design of the development although, subsequently, modifications had been made to improve this, to address certain aspects. Whilst it was claimed that no other flats existed in Langton Matravers, officers were content that the design proposed was still in keeping with the character of the village and proportionate.

Officers also confirmed that the affordable housing provision was designed to meet local need and were not on the open market. It was confirmed that, as it stood, there was no second home restrictions on those houses on the open market.

Other members acknowledged that how detailed aspects of some conditions would be dealt with accorded with what was the usual standard practice for the Council and was both acceptable and practical. They were satisfied that the development met the provisions of the NPPF and that the standards of design were acceptable and realised the optimum density for the site, it was acknowledged that there was an identifiable need for housing to meet local need and this development would go some considerable way to achieving that. Moreover, the families that it would undoubtedly attract would ensure that the local school remained viable. They were content with how the development would be screened and the landscaping proposed and based on the evidence provided there would be no adverse access or highway issues. Overall, they considered that the development made the best use of the land it could and would be an asset to the village.

As an aside, one member mentioned the benefit of having an Architect's Panel to scrutinise design and appearance of development prior to Planning committee consideration and commended this to the Council.

The local Ward member, Councillor Cherry Brooks, took the opportunity to speak, being minded to support the application, subject to receiving satisfactory answers to a series of questions asked relating to:-

- adequate bedroom size
- houses ridge prominent above tree line
- how water run off would be managed
- provision of bin stores
- what tree replacement scheme there would be for the access/works compound
- retaining accessibility along the bordering northern footpath and was this actually bridleway
- what provision was there for renewable energy, as set out in the emerging Purbeck Local plan
- could any lighting provision be mitigated by condition, so as to avoid unnecessary light pollution

Officers addressed the questions raised providing what they considered to be satisfactory answers. In particular, they agreed that there could be scope for the provision of bin stores, replacement planting of the compound and lighting controls, all by condition. The Solicitor confirmed that the footpath referred to was a right of way.

The local member thanked officers for their clarification but remained disappointed that there was no insistence in the application of provision of renewable energy measures. Nevertheless, given the answers received, she considered these to be satisfactory in her better understanding of the application and considered the development would complement the amenities of the village i.e. shops, post office and school.

The Solicitor advised that any conditions requiring renewable energy measures required a policy basis and that it was a matter for members to determine the weight to be given to the Council's emerging policy on this. Finally, officers confirmed that the development was contained wholly within

the red line drawing accompanying the application, with anything outside that being of no consequence to the Committee's considerations.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation, the written representations; and what they had heard at the meeting, and having received satisfactory answers to questions raised, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this and, on that basis - and being proposed by Councillor Shane Bartlett and seconded by Councillor John Worth - on being put to the vote, the Committee agreed - by 7:3 - that the application should be approved, subject to the conditions set out in the paragraph of the report relating to this and taking into account the variations to conditions asked for.

During the course of the debate on the application, members voted to exceed the 3 hours limit for continuous debate so as to be able to come to their decision.

Resolved

That planning permission for application 6/2018/0606 be granted, subject to the conditions, and Informative Notes, set out in the paragraph of the report relating to this, this being:-

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

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

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

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

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

3. Despite the information submitted with the application this approval does not relate to any details of surface water drainage, foul water drainage, water supply or other utilities infrastructure shown on any approved drawing. Before any ground works start details of surface water management and foul water drainage disposal are required to be submitted to and approved in

writing by the Council under the terms of condition numbers 4 and 5 of the outline planning reference 6/2015/0687.

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

4. Despite the information submitted with the application this approval does not relate to any boundary walls or fencing or altered grounds levels shown on any approved drawing. Before any above ground work takes place details of these matters must be submitted to and approved in writing by the Council. The development must then be implemented in accordance with the approved details.

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

5. Despite the information submitted with the application, before any above ground work takes place precise details of new tree and shrub and other planting shall be submitted to and approved in writing by the Council. These details shall include replacement tree planting in the location of tree numbers 307, 308, G3 and G4 identified in condition number 2. The development must then be implemented in accordance with the approved details. All planting must take place within the first full planting season following the substantial completion of the development or the first occupation of the dwellings, whichever is the sooner.

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

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

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

7. The manufacturers name, product name and colour of: all external facing and roofing materials for the buildings; all surfacing materials of footpaths; accesses; driveways and; parking areas, must be submitted to and approved in writing by the Council before they are used on the proposal. The development must then be implemented using the approved materials.

Reason: To ensure satisfactory appearance of the development and in order to ensure that the materials used do not have a detrimental impact upon the Dorset AONB.

8. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Numbers 18027-0202-P07 and 7502-01-D02RevB must be constructed,

unless otherwise agreed in writing by the Council. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

9. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number 18027-WFB-00-ZZ-DR-C-0202 must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

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

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

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

11. No street lamps or other external lighting fixtures must be installed in the development unless in accordance with details submitted to and approved in writing by the Council.

Reason: To enable the Council to retain control over external lighting to prevent it from having a detrimental impact upon the character of the Dorset AONB.

12. Before any of the dwellings comprising plots 11 to 16 are first occupied, facilities for the storage of household waste and recyclable materials to serve those dwellings must be provided on the site in accordance with a detailed scheme submitted to and approved in writing by the Council. The facilities must thereafter be retained and maintained at all times.

Reason: To ensure appropriate provision is made for the storage of household waste and recyclable materials to serve plots 11 to 16 in the interests of the amenity of the locality.

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

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

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

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

17. Informative Note - Fire safety. To fight fires effectively the Fire and Rescue Service needs to be able to manoeuvre its equipment and appliances to suitable positions adjacent to any premises. Therefore, the applicant is advised that they should consult with Building Control and Dorset Fire and Rescue Service to ensure that Fire Safety - Approved Document B Volume 1 Dwelling houses B5 of The Building Regulations 2006 can be fully complied with.

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

19. Statement of positive and proactive working: In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and creative approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions. For this application: the applicant/agent was updated of any issues after the initial site visit; the opportunity to submit additional information to the scheme/address issues was given which were found to be acceptable.

Reasons for Decision

As set out in paragraphs 15 and 16 of the officer's report:-

- The National Planning Policy Framework (NPPF) says that approval should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.

- Approval would help deliver affordable housing in an acceptable location in accordance with an outline planning permission.
- The detailed design proposals are acceptable in terms of impact on the character and appearance of the area.
- There are no objections on highway safety or traffic grounds.
- There will not be demonstrable harm to neighbouring residential amenity.
- There are no material considerations that warrant refusal of the application.

AFTERNOON SESSION

Owing to other commitments, Councillors Goringe and Worth presented their apologies for the afternoon session.

97. **3/19/1504/FUL - Erection of a pair of 3 bedroom, semi-detached, two storey houses, with associated parking and the demolition of existing garages at Garage Court, New Merrifield Colehill Wimborne**

The Committee considered application 3/19/1504/FUL for the erection of a pair of 3 bedroom semi-detached two storey houses, with associated parking, and ancillary works at Garage Court, New Merrifield, Colehill, Wimborne.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; how these were to be progressed; how the development would contribute to meeting housing needs; and what this entailed. The presentation focused on not only what the development entailed and its detailed design, but what effect it would have on residential amenity and the character the area, including the AONB and protected trees.

Plans and photographs provided an illustration of the location, dimensions – form, bulk, size and mass - and appearance of the development and of the individual properties, along with their ground floor plans; how it would look; proposed street scenes; the materials to be used; the need for the existing garages to be demolished to accommodate the development; what landscaping there would be; its relationship with the highway network; the characteristics of the site; its relationship with other adjacent residential development and its setting within Colehill. Views into the site and around it were shown, which provided a satisfactory understanding of what the application entailed.

The officer's recommendation was for permission to be granted on the basis that:-

- the proposal comprised new residential development within the urban area which would contribute to housing provision.
- paragraph 11 of the National Planning Policy Framework (NPPF) set out that permission should be granted for sustainable development unless specific policies in the NPPF indicated otherwise;
- the location was considered to be sustainable and the proposal acceptable in its design and general visual impact.
- there was not considered to be any significant harm to neighbouring residential amenity.
- the number of residential units (2) and the mix of unit sizes (3 bedroom dwellings) were considered to be appropriate for this site.
- the traffic movements generated by the development could be accommodated without detriment to highway safety and adequate parking would be provided to serve the dwellings
- adequate mitigation could be secured through planning conditions to offset any harm to the ecological and biodiversity value of the site.
- the development would not be significantly harmful to the residential amenities of nearby dwellings by reason of loss of privacy, overshadowing, dominance or noise; and an acceptable level of residential amenity was capable of being provided for occupiers of the proposed dwellings.
- adequate parking provision would be provided to serve the proposed dwellings
- the scale, layout, design and landscaping of the development would respect the context of the site and preserve the visual amenities of the locality.
- other environmental impacts had been assessed and there were not any which were potentially significant, and which could not be controlled by conditions.
- other issues raised by consultees have been assessed and addressed, as necessary.

The officer provided the following updates to the published report in her presentation:

- The application did not include the demolition of garages as these lie outside of the application site
- In 8.03 the GIFA has been calculated as 67sqm which accords with the SPD requirement for a four bed space dwelling as proposed.
- In 8.09 the reference to 'Treetops' should read 'Snowdrops' as this is the name of the new build.

Whilst officers accepted that the houses were somewhat small in size, it was considered that the development made the best use of the available land. The orientation of the houses would not compromise privacy of neighbouring residents, with obscured glazing of bedroom windows, as necessary, to achieve this, with there being considered to be adequate distance maintained between them. Whilst it was acknowledged that some parking currently available would be displaced with the need to find alternative parking on adjacent roads, the submitted parking survey indicated that sufficient spaces were available in the vicinity.

Formal consultation had generated an objection from Colehill Parish Council in that the removal of the garage forecourt would have a profound adverse effect on the many residents of New Merrifield where parking on the narrow roadways/tracks was extremely difficult. Furthermore, whilst it was accepted that the proposed dwellings had sizes of accommodation to national standards, the design of the bathrooms and the third bedroom were considered awkward and impractical.

The Committee were then notified of those written submissions received and officers read these direct to the Committee - being appended to these minutes. Having heard what was said, officers responded to some of the pertinent issues raised, being confident that each one could be addressed by the provisions of the application and the assessments made.

The opportunity was given for members, to ask questions of the presentation and what they had heard, in seeking clarification of room sizes, design and the arrangements being made to identify alternative parking for those displaced by the loss of their garages and parking spaces.

Officers addressed the questions raised, providing what they considered to be satisfactory answers based on the assessments made, the material planning considerations applicable and for the reasons set out in their report and presentation.

Members were concerned that the development would compromise the privacy of neighbouring properties, particularly the property 'Snowdrops'. Given that the secondary bedroom windows to the side elevations would have obscured glazing to help achieve this indicated that there certainly was an issue with this. They were concerned that the loss of the garages and the forecourt would be detrimental to those existing residents who would be disadvantaged by not having the convenience of being able to access secured and assured parking provision close to their residences and having to identify alternative parking, some distance from their properties, which would not always be readily available, to any same extent. Access too was seen to be compromised and, with access to public transport being limited, would invariably have an adverse effect on those currently living there.

Members also expressed concern at the size, design and appearance of the dwellings and the limitations of the third bedroom which they considered to be wholly inadequate. The density of the development was too cramped and compromised what the development had to offer. It was acknowledged that the design of a development had an effect on well-being and it was their opinion that this proposal did nothing to enhance that. Moreover, there was a need to accommodate the needs of those most vulnerable in society with an equality impact assessment being able to determine that, but felt that this would not be achieved by what was being proposed.

As the Planning Authority, members said that the Council had an obligation to ensure development achieved good planning standards and design and met what was necessary and expected, in being wholly satisfied that those

standards had been met. They considered that this was not the case for this development.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation, the written representations; and what they had heard at the meeting, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this.

The Committee considered that, notwithstanding the assessments made by Officers, the proposal should be granted permission, they could not agree to what was being recommended on the basis that there would be an unacceptable loss of amenity, having an adverse effect on those current residents; the site constituted overdevelopment; its design was not to an acceptable standard and the unacceptable impact on resident's parking.

On that basis – and being proposed by Councillor David Tooke and seconded by Councillor Shane Bartlett, on being put to the vote, the Committee agreed unanimously that the application should be refused.

Resolved

That planning application 3/19/1504/FUL be refused.

Reasons for Decision

The proposal represents overdevelopment of the site which would result in cramped and contrived development and an adverse impact on local amenity as it would displace off-street parking provision traditionally associated with adjacent dwellings which lack opportunities for alternative parking provision. On-street parking opportunities are sufficiently distant that the displacement of parking would result in an unacceptable loss of residential amenity and fails to add to the overall quality of the area contrary to Policy HE2 of the Christchurch and East Dorset Local Plan (2014), and also contrary to paragraphs 122 e), 124 and 127 of the NPPF (2019) that require a good standard of amenity for existing and future occupants.

98. **6/2019/0443 - Demolition of existing buildings, and the erection of a Class A1 discount foodstore with associated works at Upton Oil Co Ltd, Blandford Road North, Upton**

The Committee were informed that application 6/2019/0443 for the demolition of existing buildings and the erection of a Class A1 Aldi discount foodstore with associated works at Upton Oil Co Ltd, Blandford Road North, Upton was being recommended to be deferred on the grounds that:-

- During the current Covid-19 restrictions in relation to public meetings, members of the public wishing to address the Committee were invited to submit up to 450 words by 8.30 am on Monday 1 June.

This application generated a significant number of third party representations, with no email address supplied. 346 letters were sent

out first class on Wednesday 27 May, inviting written submissions. It had however been drawn to officers attention that a reduced postal service was operating in the Upton area, with no Saturday deliveries. The Council's letters were therefore not delivered until after the cut off period. Members of the public were consequently unable to register their written comments on this application within the prescribed timeframe.

For these very particular reasons, it was the officer's view that application 6/2019/043 should be deferred from consideration at this meeting in order to allow written representations to be read at Committee.

In understanding and acknowledging the reasons given, the Committee agreed that application 6/2019/043 should be deferred, to be considered at the earliest opportunity.

Resolved

That application 6/2019/043 be deferred.

Reason for decision

On the grounds stated above.

99. **3/20/0269 - Erection of five cabins with associated 'open' enclosures, each to be occupied by a private collection of pet animals at Slough House, Slough Lane, Horton**

The Committee considered application 3/20/0269/FUL for the erection of five cabins with associated 'open' enclosures each to be occupied by a private collection of pet animals kept incidental to the enjoyment of Slough House (a dwelling-house) as such at Slough House, Slough Lane, Horton, Wimborne, the site being located within the Green Belt.

Officers explained that it was proposed to erect five wooden cabins, with adjoining enclosures, on land to the east of Slough House for use by the applicant's pet animals, understood to be a collection of primates. The cabins and mesh enclosures varied in footprint. Whilst the cabins and outdoor enclosures conformed to the dimensions controlling permitted development, in the interests of the character of the area, it was proposed to site the structures in front of the dwelling house - where permitted development rights did not apply - in an area which was well screened by a mature hedge. Given the circumstances for having to find alternative and suitable accommodation for their family and pets in a relatively short space of time, due to the compulsory purchase of their current property and the necessity to do so, the applicant had chosen this property on the basis that it would be able to meet their particular practical and business needs and offered them an assured location to achieve this. This was the basis for their justification that very special circumstances existed.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; why it was necessary and what it was designed to achieve – in providing a practical means of meeting their need to rehome their pets; what benefits it would bring to the applicant; how it was to be managed; how it would look; and what this entailed. Plans and photographs provided an illustration of the location; what works were necessary to provide for the enclosures; their size, design and appearance; access arrangements; and its setting within the village of Horton and wider landscape - which was incorporated within the Green Belt. The characteristics and topography of the site was shown and its relationship with residential properties; amenities and the highway network. Views into the site and around it were shown, which provided a satisfactory understanding of what the application entailed.

The planning history of the site was explained in that a series of applications had been made previously on the basis of similar proposals, all of which had been refused as being inappropriate development in Green Belt. An appeal made to the Planning Inspectorate had also subsequently failed. This application was designed to be more modest and compatible with the provisions necessary for Green Belt development and was accompanied by supporting documentation which sought to confirm that very special circumstances existed.

The officer's recommendation was for refusal of the application on the grounds that the proposed development lay within the South East Dorset Green Belt and, as such, only particular types of development, set out in the National Planning Policy Framework, could be permitted. The proposed outbuildings represented inappropriate development which would result in harm to the openness of the Green Belt contrary to the provisions of the National Planning Policy Framework - paragraphs 133-134 and 143-146. Moreover, it was the officer's assessment that no very special circumstances had been demonstrated which would outweigh the potential harm to the Green Belt by reasons of inappropriateness and impact on the openness of the Green Belt. Overall, it was considered that the loss of openness, although reduced from that previously refused, would remain moderate. This held substantial weight against the proposal.

As the proposal was inappropriate development, it was then necessary to consider whether there was any other harm arising prior to considering whether very special circumstances existed. Although this application for 5 cabins and enclosures had, modestly, reduced the harm to the openness of the Green Belt since previous refusals, the proposal still remained inappropriate development in the Green Belt. The circumstances of the application had not demonstrably altered since the previous appeal was dismissed; additional information submitted in relation to the extensive nature of the search for an appropriate dwelling and a pending s192 lawful development certificate application were insufficient to demonstrably alter the weight that could be given in favour of the proposal. Without very special circumstances that would clearly outweigh the harm to Green Belt, the application failed to accord with national Green Belt policy. On that basis, officers were recommending refusal of the application.

Formal consultation had generated no objections, Knowlton Parish Council included. However, several third-party objections had been received on the grounds that the proposals would have an adverse impact on Green Belt, given that a very similar to previous application had been dismissed at appeal and there were no very special circumstances; there would be an adverse impact on neighbouring amenity and footpath users from disturbance, hygiene and pollution; the principle of the proposal and the welfare of the animals were of concern given the design, size and number of cabins proposed; and that there remained concern about security.

The Committee were then notified of those written submissions received and officers read these direct to the Committee - being appended to these minutes. Having heard what was said, officers responded to some of the pertinent issues raised, being confident that each one could be addressed by the provisions of the application and the assessments made.

The opportunity was given for members, and particularly the local Ward member – Councillor David Tooke - to ask questions of the presentation and what they had heard, so as to have a better understanding of what the application entailed.

Officers addressed the questions raised, providing what they considered to be satisfactory answers based on the assessments made, the material planning considerations applicable and for the reasons set out in their report and presentation.

Some members had reservations at what was being proposed, on the basis of the reasoning and recommendation made by officers in their report and in being reinforced by the presentation. Moreover, the Inspector's judgement had not necessarily been made on the size of the development but on the principle of the development.

Other members – including the local ward Member - were of the opinion that the applicant had demonstrated very special circumstances in that given the necessity for them to identify a suitable, appropriate and practical site to be able to accommodate their pets and still be accessible to run their business successfully in a very short time scale, there appeared to be no practical alternative that could meet their needs or address their circumstances adequately. Moreover, in a practical sense, the materials to construct the cabins were in keeping and would not be permanent, their siting would not be intrusive or conspicuous, being modest in their dimensions and; demonstrable harm could not be afforded to the usage of the footpath on the perimeter of the site, with the cabins being well screen from view. Overall those members considered that the application could not be considered detrimental to the impact on the Green Belt and were necessary to meet the very particular needs of the applicant and the circumstances in which they found themselves.

However the Solicitor reminded members that the basis of the officer's recommendation was that, after very careful assessment and thorough investigation of the evidence, it was established that the application did not

meet any of the categories in the NPPF which could be considered very special circumstances in the Green Belt. The Planning Officer confirmed that the Inspector's decision was also integral to the recommendation being made, and this application was of similar nature so it was essential to ask what was new that justified coming to a different view.

The local Ward Member attested that that decision and previous refusals had been made on a wholly different application in terms of numbers of cabins, their location and how they would be viewed. This more modest application addressed those issues and therefore overcame those concerns. A judgement was now being made on these circumstances.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation, the written representations; and what they had heard at the meeting, particularly the views local ward Member, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this.

The Committee considered that, notwithstanding the assessments made by officers that the proposal represented inappropriate development in the Green Belt and that no very special circumstances had been demonstrated which outweighed the harm to the Green Belt, they could not agree to what was being recommended on the basis that, compared to the previous scheme that was dismissed at appeal, the impact on openness had been reduced following the removal of one of the proposed cabins/enclosures from the proposal and their rearrangement on the site and, given this, considered that the very special circumstances put forward by the applicant did now outweigh the harm to the openness of the Green Belt.

On that basis – and being proposed by Councillor David Tooke and seconded by Councillor Shane Bartlett, on being put to the vote, the Committee agreed by 5:4 that the application should be approved, subject to the following conditions:-

Commencement

- Approved plans
- Materials
- Species of animal to be restricted to existing animals owned
- No private viewings
- No more than 5 enclosures for pets on the site

with Delegated Authority being given to officers to issue the decision following agreement on the final wording of the conditions with the Chairman, Vice-Chairman and the relevant legal representative, prior to issue.

Resolved

That planning permission be granted for application 3/20/0269/FUL, subject to conditions to control:-

- Commencement
- Approved plans
- Materials

- Species of animal to be restricted to existing animals owned
- No private viewings
- No more than 5 enclosures for pets on the site

Officers had Delegated Authority to issue the decision notice following agreement on the final wording of the conditions with the Chairman, Vice-Chairman and the legal representatives, prior to issue.

Reasons for Decision

That the very special circumstances put forward by the applicant did now outweigh the harm to the openness of the Green Belt.

100. **6/2019/0530 - Change of use of land to Suitable Alternative Natural Greenspace (SANG) & associated car park at land off Flowers Drove, Lytchett Matravers**

The Committee considered application 6/2019/0530 for a Change of use of land to Suitable Alternative Natural Greenspace (SANG) & associated car park at land off Flowers Drove, Lytchett Matravers, the site being located within the Green belt. Permission was being sought to change the use of agricultural land to a SANG and a car park for 8 cars, proposing for there to be management of the site by way of mown paths, benches, signage, a new pond and hedgerow and planting enhancements. Existing ponds will be fenced and retained and mature trees on the site would be retained. The intention was that the SANG would provide mitigation for future residential development elsewhere within Lytchett Matravers – with a future proposed development of some 150 houses in the near vicinity being identified in the emerging Purbeck Local Plan.

This proposed SANG would provide the capacity to mitigate the impact of the net increase in residential units on the heathlands from these developments. A S106 obligation would be required as part of this application which would ensure the management details of the SANG and its provisions were associated with the allocated housing development.

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

Natural England considered that the effect of this increase in housing provision a relatively short distance from protected heathland would have a significant effect on Dorset's lowland heathlands from the activities of its residents. Management and mitigation of this was considered necessary to divert recreational activity away from heathland, with the Provision of SANGs being one of the key tools in mitigating the adverse impacts on Dorset heathland. The proposed SANG would also provide access to a new public open space to residents and visitors.

The proposed SANG would be located on land designated as Green Belt, with the National Planning Policy Framework (NPPF) advising that local authorities should plan positively to enhance the beneficial use of the Green Belt this proposal would go some considerable way to doing that, in providing opportunities for further access into the Green Belt and opportunities for outdoor recreation, encouraging activities that were consistent, and beneficial, to its purpose - safeguarding the countryside from encroachment - and essential characteristics - its openness.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; why it was necessary and what it was designed to achieve – in providing an attractive, accessible alternative to protected heathland; what benefits it would bring; how it was to be managed; how it would look; and what this entailed. Plans and photographs provided an illustration of the location; what works were necessary to provide the car park; access arrangements; and its setting within the village and wider landscape - which was incorporated within the Green Belt. The characteristics and topography of the site was shown and its relationship with residential properties; amenities and the highway network. Views into the site and around it were shown, which provided a satisfactory understanding of what the application entailed.

Officers confirmed that there would be limited impact on the Green Belt from this modest car park, but was nevertheless necessary to accommodate parking needs that would arise when the SANG was established. It was noted that the only physical works are paths and the car park area. The latter will facilitate the parking of vehicles which will have some impact on openness but it was argued that these would be limited by the modest size of the car park, the transitory nature of the parking and surfacing. Any impact is outweighed by the public benefits of securing the land as public open space and, in the future facilitating allocated housing development by mitigating impact on the heathland.

Formal consultation had generated an objection from Lytchett Matravers Parish Council on the grounds that the SANG would be too distant from the new development to be effective and serve the purpose for which it was designed; was not large enough to be an attractive alternative to current practice, with the route around it being of insufficient length to be of benefit to a SANG. They also raised concern at the need for a car park given that it was designed for local use and with their needs in mind. It was suggested that those requiring a car to access the site already had plenty of alternative, spacious and popular locations available to visit should they so wish, with this site seemingly being of little attraction to them. In any event, additional car use should be discouraged.

Much of the third party objections received echoed these sentiments, adding that establishing a SANG would go a long way to justifying development and the additional need for amenities this would bring; the fundamental characteristics of the green belt would be compromised/adversely affected; there were already popular, alternative and more attractive open spaces to use; and that the site was too remote from the village to be of benefit and,

even if it were used, would generate additional unnecessary traffic movements.

The Committee were then notified of those written submissions received and officers read these direct to the Committee - being appended to these minutes. Having heard what was said, officers responded to some of the pertinent issues raised, being confident that each one could be addressed by the provisions of the application.

The opportunity was given for members and particularly one of the 3 local ward members – Councillor Alex Brenton - to ask questions of the report, presentation and what they had heard, in seeking clarification of the adequacy and suitability of the SANG – and its relative distance - to meet the needs of the proposed development; how it would be used; the need for a car park and how this was to be maintained and managed, excess traffic generation and its associated speeds, provision for cycling and of dog bins.

Officers addressed the questions raised providing what they considered to be satisfactory answers. Natural England considered the size of the SANG to be acceptable and suitable for the needs to be met, with the applicant allowing the whole site to be used as well as the formal paths; the size of the SANG and its characteristics was considered relative to the size of the development and the activity it was likely to generate; the S106 would govern how the site and the car park were managed and maintained and would be the developers responsibility; the SANG would only be necessary at the advent of the development being put forward; the car park would alleviate the need for unregulated parking and turning; cycling was provided for by conditions with bike parking provision, as necessary; dog waste bins could well be included , by condition; a high barrier was proposed to discourage inappropriate use; traffic management and excessive speeds was not considered to be an issue, but collaboration with Dorset Police would manage this.

Members, including the local ward member, considered these to be satisfactory in their better understanding of the application and considered the SANG would complement the upcoming development in providing a necessary open space for activities to take place and serve to act as an acceptable and attractive alternative in relieving any unnecessary pressure from the nearby Dorset heathland.

The benefits of a SANG were acknowledged by members in that they were an established way to mitigate the impact of new residential development upon protected areas and would increase connectivity of green infrastructure and natural habitats within Purbeck, expanding the Council's Green Infrastructure by accessing areas of land which were previously restricted by agricultural use.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation, the written representations; and what they had heard at the meeting, and having received satisfactory answers to questions raised, the Committee were satisfied in their

understanding of what the proposal entailed and the reasoning for this and, on that basis – and being proposed by Councillor Shane Bartlett and seconded by Councillor Brenton, on being put to the vote, the Committee agreed unanimously that the application should be approved, subject to the conditions set out in the relevant paragraph of the report.

Resolved

That planning permission be granted for application 6/2019/0530, subject to conditions and completion of Section 106 Agreement.

Reasons for Decision

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The provision of the SANG is vital for the strategic allocation within Lytchett Matravers of the 150 dwellings proposed to be allocated under the emerging Purbeck Local Plan under Policy H6 and would enable the contribution of housing which would significantly add to the Council's housing land supply.
- The use is appropriate in the Green Belt.
- The proposals could effectively address recreational impact upon the nearby heathlands.
- The location is considered to be sustainable and the proposal is acceptable in its layout and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

101. **3/19/1435/COU - Change of use of buildings to commercial uses under B2 General Industrial and B8 Storage & Distribution - Retrospective application - at Clayford Farm, Uddens Drive, Colehill**

The Committee considered application 3/19/1435/COU – being a Retrospective Application - for the change of use of buildings to commercial uses under B2 General Industrial and B8 Storage and Distribution at Clayford Farm, Uddens Drive, Colehill, Wimborne, which was located within the Green Belt.

The proposal sought retrospective planning permission to change the use of the former agricultural buildings along the north, east and western sides of the quadrangle to B2 and B8 uses, creating 17 business units. The application, as originally submitted, was for B1 and B8 uses. However, the development description was later amended to reflect the Use Classes of the existing businesses at the site.

The application site was located within the Green Belt in a remote countryside Location, characterised by a mixed landscape of woodland, heathland and small field enclosures. The site is accessed via a compacted hard-core track,

which formed part of the Bridleway network. The site comprised a quadrangle of hardstanding enclosed on four sides by portal frame buildings, some of which were formally agricultural buildings associated with Clayford Farm.

Officers provided details of the employment history of the site and what it had previously been used for – as working farm buildings, housing agricultural needs and machinery, being currently occupied by businesses categorised with B2 and B 8 usage classes. The application was designed to regularise the activities already taking place there, this being the case over several years, without there being any significantly adverse affect on the character of the location.

The businesses residing there were principally vehicle repair and storage, but also include a sausage factory and a hydro clean business. The terms of the arrangements for production at the sausage factory was highlighted in that its operations were limited by a condition of its planning permission that production shall solely involve the production of sausages/burgers from cockerels which were reared at Clayford Farm; which was no longer the case.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; why it was necessary; how it was to be applied and managed; and what this all entailed. Plans and photographs provided an illustration of the location showing views into the site and around it; access arrangements; the use of the access track/ bridleway and its setting within the Parish and wider landscape – being incorporated within the Green Belt and adjacent to an SSSI and Holt Heath. The characteristics and topography of the site was shown - being of a very rural, isolated setting - and its relationship with other units in the vicinity on the commercial estate and where it was located in relation to West Moors, the nearest urban area; what impact the proposals would have on the amenity of neighbouring properties; what flooding risk there was and how the highway network would be impacted, all of which provided a satisfactory understanding of what the application entailed.

Officer confirmed that the re-use of buildings, as was being prosed, was not inappropriate in the Green Belt provided that the buildings were of permanent and substantial construction, preserved its openness and did not conflict with the purposes of including land within it. The buildings in the application met this requirement.

In two previous applications being refused - these being of a similar nature to this one - officers explained that the reasons had now been satisfactorily addressed by this application or were not applicable. National policy changes, in supporting rural business, now meant the activities being proposed were acceptable and the condition of the access track was regularly maintained by the applicant, as it was in his own interests to do so. Accordingly, this application did not present any other issues which would necessitate a new reason for refusal and as such, taking into account the considerations set out in the report officers considered that this application was in accordance with the development plan and national planning policy and guidance and was therefore being recommended for approval.

Formal consultation had generated an objection from Holt Parish Council on the basis that the B2 category - of general industrial usage - was inappropriate at this location given the proximity of the SSSI and Holt Heath; given the environmental impact of heavy industry being unsuitable to the terrain, the inadequate arrangements for the usage of the bridleway for access and associated safety issues; and that there appeared to be inadequate parking available.

Officers stated the proposals were designed to regularise and address what was now taking place at the site. The site had been used in a similar way for years, traffic usage was low; parking was adequate; B2 industrial use was already established so the impact would have little difference. The condition of the road, which could become rutted and liable to puddling in extreme weather, was regularly maintained to an acceptable standard which was in the interests of the applicant. There was to be no new development, merely a conversion of what was already there to meet the needs of the business, with right of access being a civil matter and not for the consideration of the Committee.

It was felt that the proposals would contribute towards the continued support of the local and rural economy and provided employment opportunities. Controls in place to regulate time of use for deliveries and operations would benefit the overall management of the business.

The Committee were then notified of those written submissions received and officers read these direct to the Committee - being appended to these minutes. Having heard what was said, officers responded to some of the pertinent issues raised, being confident that each one could be addressed by the provisions of the application especially relating to the condition of the access road and how this was to be maintained and the that the activities taking place there had taken place over a long time. The status of the access road was clarified with four individuals being in ownership throughout its length, but it was the applicant who regularly maintained it. Concern that there could be a conflict with the volume of vehicles using it and speed with which they drove, officers were of the view that this had not been an issue previously but confirmed that signage to this effect could be considered, if necessary, by way on an Informative Note to any grant of permission.

The opportunity was given for members and particularly the local ward member – Councillor Robin Cook - to ask questions of the presentation and what they had heard, in seeking clarification about the management of the access road and what activities would take place and how this would be monitored and managed.

Officers addressed the questions raised providing what they considered to be satisfactory answers.

Some members were concerned at how the access road was to be managed and what conflict there might be with those users of the bridleway. Additional

concern was raised that whilst the business of storage and distribution was acceptable, light industrial usage might not necessary be appropriate for, or conducive with, the characteristics of the site or be in keeping with the surroundings.

However other members - including the local ward Member - saw the economic and employment benefits of what was being proposed and were conscious that should the proposals not go ahead, there could well be the possibility that the much needed rural employment and economy benefits could be adversely affected. The diversification of agricultural business was a well accepted practice, with how this was to be done being governed by condition. It was also accepted that, whilst problems could arise during extreme weather events, the condition of the track was regularly monitored and maintained by the applicant as it was in their interests to do so for the effectiveness of their business. Signage, as necessary, could be considered on the access track so as to avoid any unnecessary conflict between deliveries to the site and those using the bridleway. Moreover, given the environmental sensitivities of applications within the Green Belt, Members were reassured by what they had heard from officers on this and satisfied with the position.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation, the written representations; and what they had heard at the meeting, and having received satisfactory answers to questions raised, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this and, on that basis – and being proposed by Councillor Shane Bartlett and seconded by Councillor David Tooke - on being put to the vote, the Committee agreed – by 6:2 - that the application should be approved, subject to the conditions set out in the relevant paragraph of the report.

Resolved

That planning permission be granted for application 6/2019/0530, subject to conditions set out in paragraph 12 to the report.

Reasons for Decision

- No new buildings are proposed and therefore the development is appropriate within the Green Belt and its impact on the landscape and biodiversity is not significant.
- The proposed change of use will support the diversification of a former agricultural business, promote enterprise in a rural area, provide local employment and find a new use for substantial agricultural buildings that could otherwise lie empty.
- The former agricultural buildings are already occupied by 17 businesses that would either have to close or relocate if the proposal is refused. This is an important consideration for the local economy.

- The proposed use has been established at the site for several years without any identified harm.
- The traffic movements generated by the development have been accommodated without detriment to highway safety for several years. The Highways Authority have no objection.
- There is not considered to be any significant harm to neighbouring residential amenity by reason of noise or disturbance.
- This application is found to accord with the development plan and national planning policy and guidance and is therefore recommended for approval.

102. Urgent items

There were no urgent items of business for consideration at the meeting.

103. Schedule of Statements

Representations/Submissions/Statements made on Applications at the Eastern Area Planning Committee meeting 3 June 2020

A schedule of the statements read direct to Committee is available as a pdf document, and is accessible here :-

6/2018/0606 - Spyway Orchard

Roy Kendell

The reasons to grant approval of some of the Reserved Matters need to take careful heed of recent events:

Climate Implications: There are now regular massive flooding problems which are occurring year on year. 2020 has again shown the climate is changing very quickly and current surface water drainage is inadequate in all areas of the country.

Impact on Residential Amenity: Until and unless a full-proof and sustainable surface water drainage scheme exists that will, without fail, deal with current and future rainfall, the statement that "Acceptable. No demonstrable harm on existing neighbouring properties." must be false. When our house is flooded (see below) the impact on us will be very considerable.

From Christmas 2019 until early February 2020 the southern part of The Hyde had a small brook running through it. The water was surface water run off from what is now the wooded grassed site of Spyway Orchard and from a spring, fed by the soaked ground of Spyway Orchard. When built over the problem will be multiplied many times over.

Once reaching our house (Mistral) the surface water runs into a culvert then a deep gully bordering our house. This culvert and gully deals with a huge amount of surface water at all times of bad weather and it does not appear on

any map, nor is it maintained by Wessex Water or other agency. I do not believe the situation is known or has been investigated by the applicant or its agents.

Recommendation: Item 3 relating to the surface water drainage is a vital and essential precondition. Until and unless the applicant has a robust and proper answer to this very important pre-condition why are they proceeding with other much less important matters. Are they, and Dorset Council, going to quietly slip this through at a stage when it is too late to stop the development with Dorset Council eager to get its hands on the CIL money?

Barrie Mayes

I write concerning application 6/2018/0606. I confirm my continuing objection to this proposed development, and am aware that the planning process has reached the stage of considering certain reserved matters and their effects on the certainty that certain key Conditions can be met. I am addressing two issues.

Effect on Surface Water Management: The meeting will discuss and agree certain Reserved Matters without any knowledge of whether the Developer's proposed Surface Water Management Plan will be found to work prior to building commencing. There is major concern in the community, highlighted by Dorset's Lead Flood Authority, that this plan will not work in the specific geological environment of Spyway Orchard. This would require a major redesign of the system at the building stage which will radically effect certain key Reserved Matters, apparently already agreed (eg Layout, Landscape and Access). This is a feedback loop which makes a nonsense of the planning process. The Planning Committee must consider this real danger.

AONB: Every aspect of the Reserved Matters discussion will impact on whether the Inspector's requirement that damage to the AONB be minimised is met. The issue is complex and requires expert knowledge of AONB practice. The committee will not have available to it on June 3rd any expert advice on the intricacies of planning within the AONB since access to any AONB expertise at the meeting is not considered necessary by the Planning Officer and has specifically been denied. I have great concern that the difference in significance between different parts of the AONB will regrettably not therefore receive the attention it requires, despite the diligence of the Committee. The immediate environs of Spyway Orchard are not just any old AONB - they are the Gateway to a unique part of this Country and of national importance.

Key Government guidelines on different sensitivities apply which I have seen nowhere discussed in any of the Planning Documentation for this Development going back over time. Indeed, the Inspector himself regrettably failed to note these guidelines, which in my view should have given grounds for complaint. Spyway Orchard should be the national test case for the principle which these guidelines encapsulate.

It is critical therefore that these guidelines, addressing Visual Receptor Sensitivity, be now addressed by the Committee. They can be found in National Standard Guidelines for Landscape and Visual Impact Assessment (GLVIA3).

Mike and Janet Robinson

I write concerning application 6/2018/0606. I confirm my continuing objection to this proposed development, and am aware that the planning process has reached the stage of considering certain reserved matters and their effects on the certainty that certain key Conditions can be met. I am addressing two issues.

Effect on Surface Water Management: The meeting will discuss and agree certain Reserved Matters without any knowledge of whether the Developer's proposed Surface Water Management Plan will be found to work prior to building commencing. There is major concern in the community, highlighted by Dorset's Lead Flood Authority, that this plan will not work in the specific geological environment of Spyway Orchard. This would require a major redesign of the system at the building stage which will radically effect certain key Reserved Matters, apparently already agreed (eg Layout, Landscape and Access). This is a feedback loop which makes a nonsense of the planning process. The Planning Committee must consider this real danger.

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It is critical therefore that these guidelines, addressing Visual Receptor Sensitivity, be now addressed by the Committee. They can be found in National Standard Guidelines for Landscape and Visual Impact Assessment (GLVIA3).

Mrs Sparks, Clerk to Langton Matravers Parish Council

On 12th December 2019 Langton Matravers Parish Council resolved that it objects to the Reserved Matters application on the following grounds:

1. Access. There will be problems with the impact of increased traffic on
 - i) the narrow lane to Spyway Car Park and ditch/drainage there;
 - ii) possible blocking of Emergency vehicles;
 - iii) Vehicle movement within Durnford Drove and at its junction with the High Street (B3069).
2. Landscaping. The proposed number and maturity of trees to be planted is totally insufficient to replace the unjustifiably large number of trees to be felled, some with TPOs. Dorset Council's Biodiversity protocol must be followed.
3. Layout. The mix of housing type is not appropriate for local need, which is mainly for the smaller dwellings.
4. Scale. The Scale of the development is not appropriate within the AONB: the development is too large in this context.

Existing and New Conditions.

a) Drainage. The Council is concerned about drainage/sewerage and surface water management; they are not happy that existing plans will meet the conditions imposed. Ineffective drainage/sewerage systems may result in flooding and damage in other parts of the village, and this is unacceptable.

b) Construction and Vehicle Impact Management Statement.

The Council asks that before any development goes ahead, the developers provide a full and robust Construction Management Statement indicating how noise, pollution, vehicle movements and other matters will be managed and mitigated during the construction phase and addresses how vehicle movements will be co-ordinated with contemporaneous developments. This should include a timetable of proposed activities and agreement to minimise effect on neighbours and traffic in the village.

c) Climate Emergency.

The Council asks that, in line with Dorset Council's Climate Emergency statement, the plans are altered to include solar panels, ground/air source heat pumps or other types of carbon neutral design throughout. [end]

The Council would like to draw the Committee's attention to correspondence from Mr Graham Cox, DC Tree Officer, to Mr Bird on 11th February 2020: this followed a site meeting between Mr Cox and members of the Council:

'My one significant reservation about the arboricultural report is the inclusion of a substantial amount of management work – including a great deal of felling – that's not directly related to the development. I note you're looking at a condition that would specifically exclude this work to trees in the TPZ.'

The Council agrees with Mr Cox's view and asks that his comments be especially noted.

I understand that 'every planning application MUST be assessed and determined on its own merits with an open mind, weighing up all the relevant and genuine material issues.

Spyway Orchard is outside the formally agreed rural settlement boundary for Langton Matravers. Reason: To avoid further encroachment into the countryside/ AONB and into the setting of the World Heritage UNESCO site.

Purbeck District Council: Have objected to every development on this site

The inspectors report states that though outline planning, to build housing on this site is possible, ALL other matters are reserved. This is key to the application going forward or not.

Serious concerns raised by residents and consultees.

- RES site: The Parish Council have not supported this site as an RES. Community not consulted.
- Major Development: Major development for Langton.
- Settlement Boundary: The development is outside the rural settlement boundary, adjacent to a narrow lane within the UNESCO setting, in the AONB to the area of Dancing Ledge.
- Affordable Housing: Is of the 80% type. The Purbeck Plan, the Emerging Dorset Plan, Shelter and housing provision bodies agree this type to be unaffordable in high market value areas such as Purbeck and other areas of Dorset. This is also recognised by government.
- Market Housing: The 6 properties do not have a policy to protect them from becoming second homes or holiday lets. The district valuer originally advised that the development be based on 2 market houses. There are now 6.
- Access: Serious issues. Challenged, impinges on adjacent land owners land. A ditch to the west.
- Density: The AONB , World Heritage gateway, should not be impacted by a major dense development.
- AONB: Serious concerns . The Protection of the spectacular AONB at this point, the peace and tranquillity of the visitor experience within the setting of the World Heritage Site sustains this area are paramount. This should be protected.
- Footpaths and Rights of Way: Residents and consultee have raised serious concern
- Flooding/Surface Water Engineer: Residents and PDC and DC engineers have raised serious concerns.
- Habitats Report: Residents and consultee raise serious concerns regarding loss of habit, foraging land, loss of wildlife corridor for protected species ie Bats, badgers, owls, great crested newts , wide range of birds, deer, and other wildlife.
- Trees: Residents and tree officers have raised concerns about loss of trees.
- Wessex Water: Residents and Wessex Water have both raised serious concerns.

This application on balance, does not genuinely meet the aims and objectives of sustainable development. There are too many valid and serious material concerns raised, by both residents and consultees that outweigh any development on this site.

Consultee responses may amount to an objection. Councillors, Please question.
Thank you

Colette Drayson

We wish to reiterate our objection to this large development. We support the need for truly affordable housing in Langton Matravers but it needs to be commensurate with the local need and interspersed throughout the village. Whilst there are no objections from the statutory bodies and consultees there are serious concerns raised by most of them which have not yet been addressed relating to this application, so it is difficult to comment fully. The recommendation from the Planning Officer would imply that the application can be approved piecemeal without full recourse to local residents. Our objection comments are as follows:

Access

The lane to the site is extremely narrow with an open ditch on the west side and is already used by a large amount of traffic (both motorised and pedestrian) to access Langton House, Spyway carpark and Spyway Farm. Footpaths emerge at the junction with Durnford Drove where this new access road is proposed, presenting an additional hazard which has not been addressed properly. There are no passing places and limited visibility. The proposal to resurface part of the road with red tarmac to highlight the access to the site does not fit with the AONB requirements for limited visual impact.

Layout

Commenting on the layout at this stage seems arbitrary because Wessex Water will require a change to the layout in order to accommodate the requirements for avoiding or relaying the large water main which traverses the site. However, the proposed layout does not take into consideration the requirement for adequate surface water management or sewage management with suitable connection to the existing system.

Scale

This is a large development which will have a significant impact on the south side of the village. Some of the proposed houses appear tiny with little or no room for the normal requirements for everyday living. Limited storage space and no garages.

Landscaping

Spyway Orchard is currently an open field surrounded by trees, the proposed landscaping includes retaining walls, six foot fences and the removal of a significant number of mature trees. We note the planning officers recommendation is to limit this to 37 trees but who will monitor this and what happens when the developer "damages" trees during building works. We also

note that there is a concurrent amendment to the AMS and BMP – will there be an opportunity for further comment on these amendments?

Appearance

Again from the Planning Officers recommendations details appear likely to change. We note that there is a recommendation for no street lighting and no external lights on the properties – how will this be enforced?

Thank you for the opportunity to comment on this application.

Dave and Judith Priddle

I am writing to highlight the worries that I have with regard to the planning application for Spyway Orchard.

We have been living in Langton Matravers since 1974.

The orchard was thus named because it was full of trees large and small, fruit and other.

Many larger trees enjoyed a TPO but were felled nevertheless, due to Mr Turner's longterm view for development of the site.

Every tree is precious at this time of climate change and every tree still standing on this site should be preserved into the future.

No newly planted one can perform the vital CO2 absorption in the way that a mature tree can.

Protection of these magnificent trees MUST surely be a priority in planning decisions for this site.

The orchard is not massive and the prospect of 28 dwellings there is certainly going to look and feel cramped and cramped !

This will be an infill out of all proportion to the village as a whole and will cause endless problems with access on to the lane leading up to Langton House and Spyway Farm, and, of course, the ever increasing carpark facilities belonging to the National Trust, situated at the top of the lane.

Each dwelling is likely to own two cars or more, adding to the chaos of visitor traffic associated with our very popular Jurassic coastline.

There are also delivery vans constantly serving Langton House, the most popular "Holiday Property Bond" in the country.

I do not think that the traffic problem has been adequately addressed, and I am not convinced that there is an answer if these 28 dwellings are to be built.

Yours sincerely

Sarah Bibra

“I write in the capacity of the chair of the Dorset Campaign to Protect Rural England, the countryside charity.

There is widespread and growing recognition of the importance of designations in Dorset. This application is associated with the designations of the AONB, a Rural Exception Site, and the UNESCO World Heritage Site. The proposals at Langton will harm each of these designations.

The site is in a particularly sensitive location. It is not just another piece of the AONB. The South Dorset AONB is recognised as an important area for a range of species and habitats.

In view of the particular context of this site, may I request that the planning committee defers making any decisions on the matter of 6/2018/0606 until after a site visit. A site visit will confirm the special nature of the area, and how the area will be damaged by this proposal. I realise that the difficulties of the current CV19 pandemic do not lend themselves easily to a site visit, yet with a relaxation of the current lockdown a site visit should be possible.

The AONB and its protection is of paramount importance. This is widely recognised in Purbeck by the residents, local councils and tourists.

Public confidence in the exercise of the planning function by the Eastern Area Planning Committee can only be enhanced by a site visit. Please accede to this request.”

Peter Bowyer - Chair Dorset Campaign to Protect Rural England

Reserved Matters of Appearance, Landscaping and Layout

The proposed Spyway Orchard development is a Major development by definition within the Town & Country Planning Order (2010) and, as such, according to the NPPF, is 'unlikely to be appropriate' within a Heritage Coast setting, and, in paragraph 172, 'should be refused in a designated AONB'. Nothing could be clearer and yet is ignored time again in the Inspector's and Case Officer's reports.

The overriding objection of residents and relevant consultees is that it will distract from the beauty of its unique setting. The Case Officer appears to officially, and on record, agree with these objections when he states in Section 9.0, 'The Inspector also acknowledges that the relatively high density of the proposal would, in visual terms, distract from that locally appreciated character'. There is therefore no case for the Committee to argue, as even the Inspector agrees with our concerns!

Any officer who has visited the site will appreciate the sensitive location, adjacent to a major access to the UNESCO World Heritage Jurassic Coast. The report (section 9.0) admits 'that the development is relatively dense compared to nearby village properties'. The suggestion that the dwellings would be softened and screened by trees assumes felling of mature, identified trees. The typical low quality growth that defines so much of rural England provides real screening. Much of this will be removed during construction.

The design is said to avoid 'unacceptable overlooking or any other matters' to existing neighbouring properties'. The site plan identifies a retaining wall between 0.5m and 1.6m in height along the northern edge. The new houses in Plots 1-6 will be even higher than the ground level of the site, directly overlooking the entire gardens of the lower six properties in Durnford Drive. Wessex Water's report (15/01/20) contains concerns and restrictions on the Water Main, Foul and Surface Water Sewerage. 'Plots 9, 10 & 11-16 conflict with the water main. Changes in ground levels to rear gardens of plots 1 -16 including embankments and any retaining structures must not be constructed within the statutory easement width and must be moved'. 'Ground levels above the main must not be adjusted'. 'No surface water must be discharged into the public sewer'. 'No building can come with 5m either side of the water main, 6m for trees'. All these must be resolved before construction, leaving a simple question for all those officers present today. How can officers take a vote on the Reserved Matters of Appearance, Landscaping and Layout when every site plan will have to be redrawn in order to comply? The development is, as yet, undefined, and a vote for approval of Reserved Matters should not be taken today.

Richard Earl

With similar sentiments from Elizabeth Earl

I write to you, to lodge my objection to the Spyway Orchard development on the following grounds:

1. Access. Despite the number of years this has been going on and at least four different plans I have seen, the access to the site is still a cause for concern, in that there is still no clear and satisfactory solution. The numerous problems are well documented so not repeated here. It seems to me that the approach is to put in plans and words that look OK on the surface, but fall-down spectacularly when the detail is scrutinised. This must be done properly or not at all and it is certainly not going to be a case of just wearing people down.
2. Scale. The scale of this Major development is not in keeping with the AONB, is in a rural exception area and contravenes government statutes.
3. Appearance and Landscaping. Once again, the plans I have seen continue to change as attempts are made to push this through the planning process. The final appearance is highly likely to not be as pleasant as the drawings shown. Are the council able to ENSURE this development is in keeping with its surroundings? Who is accountable?
4. Layout. My concerns are as per appearance and landscaping above.

Your review of this case, ongoing for at least 5 years now, will have revealed that I am only one of hundreds of local residents who continue to object to this farcical sequence of events.

Duncan Hedges

I am writing to register our objection to the above planning proposal. For a small(ish) orchard in a relatively inaccessible location, I cannot see how 28 dwellings and the increased traffic flow associated with these homes can be safely accommodated. Access to the site is limited and difficult, and the density of the dwellings is considerably higher than found in surrounding sites. It seems that there remain unresolved water drainage issues which mean that no final landscaping plans have been submitted either. Hard, therefore, to comment on landscaping and appearance. These plans should not be approved as they are. Thank you and kind regards,

Zoey Ingarfield

I represent the applicant, Aster Homes.

I would like to begin by commending the report and thanking the officer for his consistent work assessing this application.

I regret I cannot present this in person, but I am grateful you will consider my statement.

Outline planning permission was allowed on appeal in March 2017 and the site was then sold. Fittingly for an affordable housing exceptions site, however, it was purchased by an affordable housing provider.

Aster is a charity whose mission is to provide affordable housing, and re-employs any profits back into meeting that goal.

Turning to this application:

Aster was aware the outline process had been controversial locally when submitting this reserved matters application but did not fully anticipate the level and range of concerns.

After the significant initial response, however, Aster chose to react positively. We carried out a full audit of the scheme, and significant improvements have been made to its layout, design quality, landscaping, and safety credentials.

Underpinning this was a contextual analysis of development in Langton Matravers, a thorough review of local objections, discussions with key consultees and an informal meeting with the Parish Council, all to ensure the revised scheme targeted local concerns so far as reasonably possible.

Aster took considerable time and care to revamp the scheme and maximise its quality, while also ensuring it remains viable.

Some objections to this application concern the principle. We recognise, with sympathy, the site will continue to be unpopular with some as a location for

housing, but it has outline permission, and my client has purchased it with the goal of delivering affordable homes.

The appeal Inspector clearly acknowledged there would be some adverse impact to the AONB, but gave “substantial weight” to delivering affordable housing. A handful of market homes were permitted. They are necessary to make 80% affordable housing viable.

Other reasons for objections concern matters beyond the scope of reserved matters that will be dealt in the later discharge of outline conditions.

Relevant criticisms have been taken seriously. Concerns about road safety led to the addition of a footpath, two separate accesses for pedestrians, and improvements to the interface with Durnford Drove.

Concerns about trees prompted a rethink of the woodland management goals set out by inherited outline stage reports. Aster took fresh advice, changed the strategy, and dramatically reduced proposed tree removals.

These proposals will not cause any significant adverse effects.

We therefore hope the committee endorse the recommendation and approves these reserved matters.

The site is sustainable, this scheme will deliver a significantly better development than was illustrated at the outline stage, and, most importantly affordable homes in Langton Matravers.

Thank you.

Nigel Jarvis MRTPI, Planning Director, Luken Beck MDP Ltd.

I wish to object to this application at Spyway Orchard (SO). The Inspector approved this on the condition that all reserved matters needed to be satisfactory before this development could proceed.

My particular objections are re. Landscaping and Access.

1. LANDSCAPING These designs are not clear and until confirmed as compatible with all water utilities, sewerage and drainage requirements are not acceptable. Also:

SO is widely visible (see images attached) from many directions from campsites and footpaths and even from the popular open-topped double decker Purbeck Breezer bus Route 40, all used by thousands of visitors each year. SO is the village's southerly green frame and provides key shelter from winter storms and absorbs increasingly heavy annual rainfalls. Felling existing trees

- will create a widely visible gap of a suburban incompatible with SO's rural nature.
- risks reducing the village's appeal for the many visitors who contribute so much to the local economy.

2. ACCESS The proposed access is not the same as in the plans presented to the Inspector.

It is dangerous to vehicles and pedestrians as it exacerbates and adds to existing hazards in a road busy with year-round holiday traffic due to the Holiday Property Bond's Langton House (LH) apartments and the National Trust's Car Park (NTCP) beyond the SO site. (See images).

- Cars, work vehicles, delivery, service and utility vehicles generated by SO will lead to congestion and conflict with other vehicles at the turning circle and in the single track section of Durnford Drove (DD) in what is regularly as busy road.
- There have been incidents of visitors' cars falling into the ditch of this section, blocking access to and from LH and the NTCP.
- SO access's road is dangerously close to the house Arbutus.
- Drivers proceeding along DD (which has a blind summit midway) down the slope to the turning circle usually brake before accelerating to drive up the incline of the single track section. The SO access is a risk to vehicles and pedestrians and risk more bottle necks.
- If the NTCP is full or visitors don't want to pay to park, SO offers more free parking, creating further traffic loading. More pedestrians will use the single-track section. (They do not use the public footpath). Gating SO would create further safety issues.
- SO's traffic will interfere with access for emergency vehicles out to the cliffs, to LH and to Spyway Farm and indeed access to the site for the same vehicles is problematic.
- It endangers pedestrians from many directions inc. those crossing the turning circle to walk to Tom's Field Campsite or to the village allotments.

These plans are just dangerous. Please keep us safe.

Yours faithfully

Bridget Mayes (Mrs)

Thank you for your letter informing us of the Virtual Planning Committee to discuss the above referenced planning application. We are writing to express our opposition to this planning permission based on the following issues we have found with the proposed plans.

Access & Highway safety

Looking at the access plans, it seems that to achieve the access to the estate, the developer will need to build the road across a piece of land on the south east edge of our property, along the footpath. This land leading to the proposed entrance of the development is actually part of our property as indicated on our title deeds and we have neither been consulted nor given our consent for the developer to build on it. We have erected a bollard where we intend to move the wall right up to the edge of our property boundary as at the moment, due to design considerations, the wall was not marking the actual edge. We hope you will be able to carry out a site visit before making your decision.

This means the actual width of the entrance to the development will be much narrower than what is indicated on the planning documents.

As there will be very little passing space between this wall and large vehicles such as refuse trucks, construction equipment and fire engines, this wall is liable to damage from passing vehicles should the proposed road be allowed. The road into the proposed development is so narrow that delivery

and service vehicles are not going to be able to turn and will have to either reverse in or out, greatly increasing the risk of accidents. In the case of damage, which we are sure will occur periodically, can the council please provide clarity on who will be liable for this damage if drivers do not voluntarily report the damage to us?

Drainage

We also take issue with the proposed drainage plans. As the council is aware, we suffer from flooding on Durnford Drove as do the residents of the Hyde. The previous application on this site set very stringent conditions due to the complexity of flooding issues. We are not sure if these are met by the design, but we hope the council will ensure they are. However, we have noted that the drainage design for the new scheme seems to introduce a new danger by diverting water from the south side of the site into the drain that runs underneath the turning circle. This water then runs in an open gully through properties on Durnford Drove and Gypshayes before joining the sewer. When we have high rainfall and the surface runoff increases, not only does it flood the properties through which the gully runs through, it also causes the flooding of sewage on The Hyde. Surely any scheme that increases the water flowing into the gully is a danger and cannot be permitted.

Other issues of concern to us are the removal of mature trees from the site and the impact this will have on this gateway to the world heritage coast and Area of Outstanding Natural Beauty, the scale of the development which is unprecedented in the village.

With this in mind, we are still opposed to the development and request that you reject this application forthwith.

Kate & Pearce Mutendera

The width of the Access point is insufficient .The land to the East and West of the site is owned by two separate third parties. Both have objected to the application and both have stated clearly that the applicant must not use their land for any development i.e the applicant cannot widen the site access.

The Committee will know third party ownership is not a planning issue. In this case, it poses such a vital and significant factor for the applicant to overcome, that it is likely to cause the Committee serious concerns during their collective decision making process. The access point is so narrow it is passable by one single vehicle, thus HGV's face a unique problem which can cause considerable safety issues. HGV's presently reverse up the Drove to reach the Holiday Property Bond site, that or reverse back down it. All HGV's, such as refuge trucks, presently conduct a three point turn at the Junction of Durnford Drove and Gypshayes and then reverse a distance of 350 meters. Meeting a vehicle or a wheel chair bound disabled individual, a cyclist, or a mother and child at any point is a significant safety issue but through such a narrow access point is considerable worse and not acceptable. There is no

turning circle or passing place at any stage from the Turning Head to Spyway carpark, none are planned in the applicants submitted documents.

In the Inspectors decision document in para 22 it states: The illustrative site layout shows that there would be adequate space for sufficient on and off-street parking within the site and for an access road of suitable width to allow two way traffic flow.” It would only be possible to have two way traffic flow if the applicant added passing bays, or significantly increased the width of the access point. Which would be seriously difficult, due to 3rd Party issues (again).

The relevant submitted documents show no footpaths passing through the access. Dorset Footpath SE16/15 is affected by this plan. A recognised Right of Way which has considerable footfall all year round is reduced to zero as it passes through the pinch point. There are no planned footpaths passing through the proposed access pinch point. No street lamps or other external lighting fixtures may be installed in the development. The splay areas must be maintained and kept free from all obstructions for the lifetime of the development.

Not achievable: splay lines pass over 3rd party property and cannot be guaranteed. OBJECT

David Senior

3/19/1504/FUL - Erection of a pair of 3 bedroom, semi-detached, two storey houses, with associated parking and the demolition of existing garages at Garage Court, New Merrifield Colehill Wimborne

Mr S Croft – Willis and Co

Please take this our written statement in support of the above application to be presented to Committee Members.

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

Furthermore the proposed do not conflict with the minimum standards required.

The proposed 2 no. semi-detached 2 storey dwellings are in keeping with the character of the surrounding area and will have a limited impact upon the street scene. Overall, the proposal is considered to be acceptable in its design and general visual impact and would be harmful to the residential amenities of nearby dwellings by reason of loss of privacy, overshadowing, dominance or noise; and an acceptable level of residential amenity is capable of being provided for occupiers of the proposed dwellings.

The traffic movements generated by the development can be accommodated without detriment to highway safety and adequate parking will be provided to serve the dwellings. A Transport Note was submitted in support of the application following officers and third party concerns regarding loss of parking. The assessment concludes that the parking court is currently under utilised and there is ample capacity for the nearby highways to accommodate parking for the displaced vehicles. Dorset Council Highways are satisfied that the findings of the Transport Note are acceptable and in the light of the evidence provided there is no contrary evidence to support refusal on the grounds of demonstrable harm arising as a result of parking displacement.

Adequate mitigation can be secured through planning conditions to offset any harm to the ecological and biodiversity value of the site. Other environmental impacts have been assessed and there are not any which are potentially significant and which cannot be controlled by conditions.

Other issues raised by consultees have been assessed by the Officer in their report and there are not any which would warrant refusal of the application. It is concluded that the proposed is acceptable and that conditions can reasonably be imposed to mitigate any impact upon neighbouring amenity, highway impact and ecology and that we have to these pre-commencement conditions.

For these reasons we hope that members will support the officer's recommendation and approve the application.

Cllr. D G L Packer - Colehill Parish Council

1. Colehill Parish Council considered this application on 2nd September 2019 and strongly and unanimously objected to the proposal by Aster Housing Association. The Council is acutely aware of the need for affordable homes in Dorset and for Aster to maximise use of its resources. But this proposal substantially diminishes the amenities and standard of living of more than 34 adults (taken from the Electoral Roll) and children.
2. New Merriefield comprises two parts. The Officer's report describes the 12 terraced bungalows (typical old-folks accommodation) on a tarmacked cul-de-sac which does not have direct vehicular access to the garages. In parallel there are 10 semi-detached social houses on the narrow unsurfaced track of New Merriefield. None of these have garages and all can directly access the garage court, which many residents use for parking because of the difficulty of parking elsewhere. It also serves as a play area for the children.
3. This application implies the demolition of 8 garages in good repair but does not seek authority to do so. It is claimed that they are not suitable for modern cars, which must be questionable c.f. Nissan Micro. That apart, they have their uses and many are rented and used for storage i.e. as outhouses to the small dwellings.
4. Dealing with the proposal for two new 3-bedroom houses in the court, their proximity to existing houses will lead to overlooking and a sense of overbearing. They, no doubt, satisfy regulations for size but Bedroom 3 is an awkward shape; so too is the Bathroom. They are far from ideal accommodation and it is difficult to imagine families leading a contented and fulfilling life in this situation. Neither has New Merriefield been a good choice for social housing and supported living. It is on the northern edge of the village with the nearest shops, Colehill Post Office and Furzehill Post Office, some distance away along a busy main road. It is not on a bus route, meaning that a car is a necessity, especially for the elderly residents. And yet it is proposed to reduce the amount of available car parking.

5. In summary, the substantial harm that will be done to the residents in 22 existing homes far outweighs the doubtful benefit that may come from building two 3-bedroom house on the New Merrifield Garage Court. The East Planning Committee is asked respectfully to note the strong objection of the Colehill Parish Council and to refuse this planning application.

Allan and Jo Wilding

Written Objection to 3/19/1504/FUL Garage Court, New Merrifield

The report contains a serious omission as it makes no reference to the new build cottage 'Snowdrops' which directly borders the site to the south. This home would be most severely impacted by the application with significant overlooking and loss of privacy. The development is shown just 35cm from the boundary and directly over-looking the principle living area. Building foundations will substantially damage the large hedge that provides screening between the two sites and render Snowdrops even more exposed. No screening hedge could grow high enough to prevent direct over-looking. The Planning Officer has failed to show the minimum separation distances to Snowdrops, which will be considerably less than to any of the other properties.

The report barely mentions the properties to the south of the site which are all of a considerably different nature to those on New Merrifield. David Gallagher, former EDDC Senior Planning Officer described the buildings along New Merrifield as 'not characteristic of the immediate area and are an anomaly. We removed the pd from the large chalet dwellings nearer the junction with Colehill Road to preserve the openness of this part of the settlement.' The properties to the south are chalets or bungalows. As the site sits between two differing development styles surely the needs and impact of all the adjoining properties should be taken into account. All this to squeeze in two properties with a tiny third bedroom. What is more important, developer profit or long-term quality of housing stock and local area amenity? I urge the Committee to visit the site in order to properly ascertain for themselves the nature of the area and the potential impact a development of this size would have. If permitted this two-storey development would boast the highest roof line in the area.

The Parish Council and all consulted neighbours have unanimously objected on grounds of loss of amenity and scale of development. Who would have thought replacing a few ugly, outdated garages would have provoked such a negative response? Had the developer taken a more considered approach to engage and consult with neighbours and utilise the principles of good design they could have achieved a design that enhanced the use of space, served the needs of all parties and provided a positive legacy for future generations. If this report proceeds despite its factual errors, I ask the Committee to reject the application under section 12 NPPF(2019) on the grounds of poor design, over-development and no improvement in character and quality of the area and will be detrimental to the way it functions.

I ask you to use the trust place in you by your constituents to preserve and enhance our unique environment and reject this application.

And

I write with regards to the above Planning Application due to be considered at the Planning Meeting on 3rd June.

There is a material inaccuracy in the report as it doesn't accurately reflect the neighbouring properties to the proposed development site. Construction of 'Snowdrops', a cottage in the gardens of Treetops, commenced in September 2019 and is nearing completion. The Planning Authority were notified of the start of construction. Snowdrops is now the closest property to the proposed development.

Failure of the officer to include the impact of the development on this property and failure of the Planning Committee to take the concerns of this property into account would render any decision made at the Committee Meeting as unsound. I have prepared a written statement which details the adverse impact on the amenity of the area and highlights the omissions and inaccuracies in the report if the Application does go committee, although I am concerned that it may not be read out if time does not allow. I therefore ask that the Application is withdrawn from the meeting in order to save any embarrassment to the Planning Authority and until the full impact of the proposed development on all the neighbouring properties has been fully taken into account.

3/20/0269 - Erection of five cabins with associated 'open' enclosures, each to be occupied by a private collection of pet animals at Slough House, Slough Lane, Horton

Debra Senior

Reference the above planning application I would like the following points emphasised at the hearing dated 3rd June 2020.

Right of Way repeatedly redirected away from the proposed site of the planning application

Rights of Way Officers have reinstated and written to the owners stating the right of Way cannot be moved

Yellow Way markers have been destroyed and the Right of Way has now been altered again to a different route from the established Right of Way

Rights of way have been blocked, tied with string and obstructed with plastic fencing

The location of the application is virtually in the centre of 5 properties almost without obstruction to buffer any noise

The intention of the application was originally stated to house a private collection of monkeys although this has now been left off subsequent applications I believe the intention to house a private collection of monkeys remains the same

Some of breeds of monkeys referred to in the original application are nocturnal which is a concern for both their habit and noise levels

John Andrews – on behalf of Dawn Groom

1. This unique case arises from Mr and Mrs Groom being forced to move from their home in the Green Belt as a result of impending works for a Government Project

of Nationally Significant importance. They are simply seeking to relocate their

horses and private collection of small pet primates from one home to another. After an extensive search, Slough House (also in the Green Belt) was

identified as being a comparable property with sufficient grounds.

2. The Applicants sought to work with the Council's Officers by seeking pre-application advice hence the proposed siting of the pet housing facilities.

3. At the forefront, the Applicants are seeking to achieve a development for the

housing of their pets in a location well away from public view and close to Slough House (which is essential to providing regular contact). In common with

the advice, they wish to avoid the absurdity of erecting the development in the

'open' rear garden as 'permitted development' rather than in the front garden

which is screened by mature evergreen hedging 5.2 m high where the openness of the Green Belt will not be harmed.

4. Counsel was instructed and positively advised as to the existence of “very special circumstances” and on the matter of permitted development.
 5. The Officer’s Report makes clear there are no objections on Environmental Health grounds, from the Rights of Way Officer or local residents relevant to material planning considerations other than reference to the Green Belt.
 6. The Report also states that the proposal would not result in significant harm to the amenities of neighbouring properties
 7. The “very special circumstances” fully supportive of this application arise from:
 - a) the Applicants being forced to move from their “home” by a nationally important Government project;
 - b) finding a “readily available” new “home” (not just another house) i.e. not in a chain that could fall apart, because of the given time by when their existing home has to be vacated otherwise homelessness would arise;
 - c) the need for the new “home” to provide reasonably comparable facilities to those that are soon to be lost;
 - d) the urgency to relocate the pets from their ‘temporary’ site to a ‘permanent’ new home under the day-to-day control of the Applicants. (The need for the pets’ ‘temporary’ site arose from certain of the government project immediately affecting their safety.)
 8. The ‘very special circumstances’ are weighty and considerably outweigh inappropriateness and the modest harm to the openness of the Green Belt. Being unique, no precedent will be set for future development in the Green Belt. For the reasons outlined above, the Planning Committee is respectfully requested to grant Planning Permission subject to appropriate conditions.
-

Martin J Hanham - objection

6/2019/0530 – Establishment of SANG at land off Flowers Drove, Lytchett Matravers

Robert & Gail Irwin

We would like to add to our previous objection which I hope you will allow under the circumstances, which is as follows:

In the light of Covid-19, the residents of Lytchett Matravers have proved that there is no need for a SANG and also car park as they have most successfully used the existing right of way and foot path to explore the wonderful Green Belt around Lytchett, in order to exercise in a car free environment. We would add that there must be great doubt how a SANG and car park could be successfully managed in our ongoing Covid-19 emergency and economic climate.

Tim Hoskinson, Planning Manager, Wyatt Homes

This application comes before you at a time when we have a heightened appreciation of the need for our communities to have good access to natural green space and the benefits that this brings for physical and mental wellbeing.

This application would allow 7.6 hectares (approximately 19 acres) of attractive countryside on the edge of Lytchett Matravers to be used for informal recreation. It is supported by a management plan that sets out access and maintenance arrangements along with biodiversity and landscape enhancements.

The proposed SANG is an important part of the Council's strategy for mitigating the effects of planned development on the Dorset Heathlands. It is identified in the recently adopted Dorset Heathlands SPD as well as in the emerging Purbeck Local Plan.

This site is exceptionally well suited to serve as a SANG. It is an attractive area of countryside in a tranquil setting with expansive views. Mature trees give a parkland character. The topography and landscape offer interest and variety that invites visitors to explore and enjoy the natural environment.

A management plan has been prepared to show how the SANG would be looked after. Existing trees and hedgerows would be retained and enhanced by new planting. Wildflower meadows would be planted and grassland managed to improve species diversity. A network of mown grass paths would be provided along with seating area, information board and bin located at convenient locations.

A footpath already runs along the edge of the field, providing connections into the wider public rights of way network. This allows people to choose from a range of different lengths of walk. Walks through the meadow can be linked to longer routes of 2 to 5 kilometres using the network of footpaths, bridleways and country lanes that connect to the village and surrounding countryside.

The site is within easy walking distance of the housing allocation sites at Blaneys Corner and Flowers Drove. The provision of a small car park will improve accessibility for residents from the south of the village, including the housing allocation at Wareham Road. In combination with on-site green space this will provide the new developments with a variety of local areas for informal recreation, relieving pressure on the Dorset Heathlands.

The capacity of the proposed SANG is capable of providing mitigation for in excess of the 150 new homes allocated in the emerging Local Plan. This has been confirmed by Natural England.

In conclusion, the SANG would provide a substantial area of attractive natural green space accessible to existing and future residents of Lytchett Matravers. It will provide a valuable resource for informal recreation as an alternative to the use of Dorset Heathlands SPA.

3/19/1435/COU - Change of use of buildings to commercial uses under B2 General Industrial and B8 Storage & Distribution - Retrospective application - at Clayford Farm, Uddens Drive, Colehill

Hazell Johnson

Safety of clayford lane if planning is accepted, road not suitable for h.g.v..where can the general public and other road uses pass safely..i.e carriage drivers, cyclists, ramblers..horse back riders, runners, if more traffic is introduced to the bridle way, how safe are these people, including the wild

life..my daughter and I often sit in the field with our horse and listen to the night jar bird..and we see lizards and other reptiles basking in the sun on the road..the hedges are covered with dust and dirt from the vehicles which use it now..may I say too.. they drive to fast down the lane..The owner of the field had to jump out of the way of a speeding land rover which came from one of the units there already at 70mph..he had to jump out of the way..they just laughter..it's not funny...my daughter out riding her horse had 2 cars up my horses behind..revering there engines..it made her so scared..I have seen other people having near misses for people speeding they do not respect the 15mh speed limit...the people that live down the lane can not put there washing out in there own garden..for the dust that is left behind from cars, vans, lorrys, speeding down the lane...and what if there is a fire like the wareham fire. How would the search and rescue fire, police, get to it fast if there was vehicles that cannot give way as the road/bridle way is not wide enough...it would be a disaster to the people that live in that land and to the wildlife..if the planning goes ahead..is the gentleman prepared to make the road safe for users to be able to be passed safely..bearing in mind..horses and cyclists you have to leave a 2meter safety cap when passing...also the road has dropped a tremendous amount over the last 5 years I have been there...I understand progress on units, so why don't they use the units built not to far way in west moors...thank you...

Mary Court (Access and Bridleways Officer) - British Horse Society.

I am the local British Horse Society Access and Bridleways Officer for the area that this planning application for change of use is located and wish to OBJECT strongly on behalf of the many horse riders/owners who have been in contact with us over their concern to this application.

The bridleways that are being used to serve this industrial unit site are part of an extensive network of interlinking bridleways and footpaths that connect Holt Heath, Uddens Plantation, Cannon Hill, Whitesheet Plantation and Castleman Trailway and are used heavily and enjoyed by not only horse riders/owners but walkers, cyclists, joggers, pedestrians and those who own property adjacent to the bridleway that is being used by vehicles of all types and sizes to access this industrial unit/s.

The safety of those using these bridleways is being compromised by the sometimes reckless and dangerous driving of vehicles down these bridleways on their way to and from these units. There are very few passing areas where horse riders can pull off to avoid these vehicles some of which are commercial vehicles of varying sizes and are driven at speed at times.

There have been a number of incidents that have been reported to the Police this year alone where persons have had a close shave with vehicles speeding and they have not taken care and attention to other users on these bridleways.

With the already change of use has come an increase of noise , banging and crashing which as one of the bridleways is alongside these units causes horses to jump and spook which is also a safety concern.

There is an overspill of vehicles from the unit parking on the footpath that leads from Uddens Plantation to the corner where the industrial unit is which is narrowing the width that users have.

Due to increased traffic the surface of the bridleways is being severely compromised and although some work has been done by persons from Clayford Farm (we believe) the lack of proper maintenance (just scraping of mud up and down the bridleways and putting rubble and broken roof tiles with roof nails still in situ into the potholes) doesn't address the problem and I had a report of a pony stepping on a roof tile nail and becoming lame also punctures to vehicle tyres. Horse riders and their horses could further injure themselves due to the poor condition of the surface now of these bridleways.

Caroline Stagg

Following my previous comments submitted with concerns over this planning application, I have a further statement to make.

On 18th May 2020 I had to officially complain to Jayar Auto Parts as their delivery driver en route to Clayford Farm was driving at excessive speed on the track to Clayford. His speed spooked my horse causing her to spin round. As he was driving so fast he skidded as he braked and the skid caused my horse to rear. The driver laughed.

I did complain direct to Jayar Auto Parts who handled the matter appropriately however this is further evidence of the dangers to the public using the track in it rightful state. If I had been a less competent rider or a child there would have been much more serious implications.

Such dangerous driving and increased traffic is seriously impacting the use of a very established bridlepath, and the environment.

Jon Coombes

As residents of 3 Clayford Cottages we OBJECT to application 3/19/1435/COU Clayford Farm, BH21 7BJ.

1. No lawful B2/B8 use has ever existed at this site. The site is in an established residential area. It is contrary to Policy to allow a B2/B8 use in this location.
2. The LPA made significant allocation of B2/B8 land at Ferndown Industrial Estate which hasn't been developed. The Industrial Estate is highly sustainable and capable of accommodating any demand for B2/B8 use in the area.
3. The site requires right of way to access the Highway and is made over bridleway in private ownership of Mr Philips. Change of use requires permission from Mr Philips, this approval is not granted. S25 of the application form Certification and s8 Access is incorrect.

4. Bridleway access to the site is unmade. Use created by the application site produces significant dust and air pollution which is harmful to the amenity of neighbouring residents

5. The narrow bridleway cannot safely be used by large commercial vehicles and pedestrians at the same time and the use is a major highway safety issue having an impact on amenity of neighbouring residents.

6. Industrial processes occur regularly on the premises being in use at all hours of the day/night having an impact on the amenity of residents, contrary to s19/20 of the application.

7. Current use of the premises is unlawful in planning and been the subject of criminal use and antisocial behaviour. Police should be a consultee to this application so details can be provided.

8. The application states (s14) that no provision is made for the storage and collection of waste which is harmful to the amenity of residents.

9. The application states (s13) that sewerage will be discharged into a cesspit. This will create odour and pollution having an impact on the amenity of residents.

10. The site is adjacent to important and protected SSSI. The use of the site for B2/B8 operation will have an impact on the biodiversity contrary to s12 of the application.

11. The site is within 20m of a water course. The area has experienced flooding within the last 10years, our property being over 1foot underwater; contrary to s11 of the application.

12. The site doesn't make adequate provision for parking as any open land on the site is used for storage. The lack of parking is contrary to planning policy and to s9 of the application. This application runs contrary to significant Adopted Planning Policies and there is no conceivable way that it should be approved.

The important point here is that this entire industrial development has been developed without planning consent.

The Planning Officer's whole approach to the application appears largely to be based on trying to give some "rubber stamp" to something that should never have been allowed to develop in the first place.

Clayford lies within the Green Belt, set in attractive woodland and near internationally designated Heathland within 400m of SSSI. The only access to the site is a long, narrow and poorly surfaced track of almost 1.1 mile in length before it reaches any road. Access to the main highway is a 2.9 miles along narrow roads south via the hamlet of Broom Hill. By any professional planning

assessment, this is not a location where commercial and industrial development would or should ever be permitted.

Over the last 20 years, there have been various applications to create commercial and industrial development at the site, all but one of which have been refused, with subsequent appeals dismissed. Refusal reasons included the unsustainable nature of the location, its impact on openness of Green Belt, inadequate access, and impact on local amenity. None of these reasons for refusal have changed.

Yet, despite this, the planning officer is now recommending (against the backdrop of many letters of objection and none in support) to approve the full extent of unauthorised uses on the site, now including B2 general industry and B8 storage and distribution.

It is clear that the whole assessment of the application is entirely lead by the applicant and based on what is there now. There is even reference to other buildings on the site (unauthorised) which the “applicant intends to apply for planning permission for”. The Council’s entire approach to this application has been to regularise and “rubber stamp” years of unauthorised development, all of which is unsuitable in this location.

The officer report attempts to “control” the future use of the site by reference to the existing uses in the various units on site. The applicant takes no notice of what the Council says. Uses have changed over time without planning consent this will continue to happen. Further development has taken place in the past two weeks. The Council has proved unwilling to enforce against these uses.

So, having only just considered the impact of this retrospective application, it is already clear that further intensification of the industrial use at Clayford is planned, once again through unauthorised development, this time of new buildings inappropriate in Green Belt. Applicants intention is quite clear, that industrial uses at Clayford will continue to the detriment of the Green Belt, the local environment, and residents. This application must be refused.

Tim Harris

We OBJECT to the planning application 3/19/1435/COU at Clayford Farm, BH21 7BJ. We are the Freehold owners of the bridleway between Redbridge to Brick Hill Corner.

Your planning assessment makes the assumption that the proposed commercial premises at Clayford Farm will be over our land to Uddens Drive via Redbridge and the A31. Established rights of access over our land are for agricultural use only and we will not permit the use of our land to form vehicular or pedestrian use for any B2 or B8 use in Clayford.

Accordingly as this application site cannot satisfactorily access the public highway, this application must be refused.

Impact on openness of Green Belt & SSSI

The desire to regularise this unauthorised development means that the planning officer's assessment of the proposal is partial. The focus appears to be that recent changes to the NPPF which permit reuse of buildings in the Green Belt effectively permit the development, supported by other statements which encourage growth of the rural economy. The conclusion is that, because this development involves the re-use of existing buildings, that it will have no impact on openness of Green Belt.

However, impact on openness should not simply be measured in terms of buildings, but also in terms of activity. This area of Green Belt is characterised by forest and heath. Over time, these units have been annexed from Clayford Farm and changed from an agricultural holding to an industrial park, and a rural track into an access road for the industrial uses. This intensification of use of itself impacts on the openness of the Green Belt, and any permission for Class B2 General Industry will inevitably cause further harm to the Green Belt in terms of heavy vehicle movements and activity on the site. As well as the planning protections given by the Habitats Regulations Act to the Heathland SSSI site, there is a very specific species ecosystem directly impacted by the increased traffic caused by the Development. This would raise the impact threshold on the Habitats Regulations Assessment even further.

The Sallow Hedgeline immediately next to the main access track on the Whitesheets Boundary fenceline has been independently confirmed by a national wildlife charity to hold a BAP Listed Species, The Dingy Mocha Moth (*Cyclophora Pendularia*). The moth eats and breeds in the rare hedgeline environment, which is cut and managed in a very specific way to ensure the future of the moth.

Adequacy of site access

In respect of access, the report is also flawed. It is acknowledged that the access track is long, and poorly maintained, yet the lack of "accidents" appears to be used as a measure of its adequacy. With a poorly maintained, often muddy track, vehicle speeds are likely to be such that collisions are unlikely. This, however, is no proof of the adequacy of an access. Permission for B8 and B2 uses is likely to result in increased movements of larger vehicles. In particular, vehicle repair uses involve frequent car and lorry movements to and from the site.

I have submitted a series of photographs of commercial vehicles on the track showing its poor condition and narrowness. In summary, this track was never designed for such industrial activity and the Council should restrict uses to a level appropriate to the location and limited access.

I respectfully request that this application be refused.

Deborah Ray

I have been connected with the area of Whitesheet , especially the main track. for over 30 years. It has always been an area of natural wood and heath, with a "bridleway" running through from the main road on Whitesheet Hill to Clayford Farm. This bridleway is used by walkers - with dogs and children, and epecially horse riders seeking a safer ride than the main roads. The speed limit is 15mph - standard for bridelways. Increasingly we have to put up with fast moving vehicles, large vehicles (including at one point Eddie Stobart lorries) that drive very fast not allowing for other track users. Last winter we had to endure frequent problems when cars and lorries were stuck where the track has collapsed. it has been useable during the dry weather but is unlikely to be 100% when we have a lot of rain. any increase in traffic will not be in keeping with the area - it is a rural area not an industrial area in any form. We need to preserve the natural habitat - many more people have discovered this wonderful area during the present crisis and hopefully they will be able to do so for many years

June Stagg

Duration of meeting: 10.00 am - 4.50 pm

Chairman

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Dorset Council

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

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

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

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

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1.0 Application Number: 6/2019/0443

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

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

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

Applicant name: ALDI Stores Ltd

Case Officer: Peter Walters

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

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

2.0 Summary of recommendation:

GRANT subject to conditions and a S106 agreement or refuse if S106 agreement is not signed

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

- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application
- The proposal is not considered to harm the viability or vitality of either Upton or Poole Town Centres.

4.0 Key planning issues

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

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

5.0 Description of Site

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

Between the screening and the site is a small stretch of road, formerly forming part of the A350 Blandford – Poole route prior to the construction of the bypass. The road formerly sited a mini recycling centre however, it is now unused but remains accessible. The land is in the ownership of the Council.

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

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

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

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

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

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

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

6.0 Description of Development

The proposal is to erect a discount supermarket (A1 use class), with 1802 square metres of gross floor space of which 1315 square metres will be used as the

retail area and the rest of the space used for storage and staff facilities. A bay for unloading deliveries will be constructed on the north eastern elevation, recessed into the ground, with the lowest point being situated approximately 1.2m below the finished floor level of the rest of the store.

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

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

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

7.0 Relevant Planning History

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

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

8.0 List of Constraints

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

9.0 Consultations

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

Consultees

Natural England

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

Environment Agency

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

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

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

Dorset Council Economic Development

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

Dorset Council Public Health

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

Dorset Council Planning Policy

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

Dorset Council Lead Local Flood Authority

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

Dorset Council Rights of Way Officer

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

Dorset Council Highways Team

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

Dorset Police Crime Prevention Officer

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

Cllr Pipe (Ward Member)

- No objection in principle to the development

Cllr Starr (Ward Member)

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

Lytchett Minster and Upton Town Council

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

Representations received

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

The objections are as follows:

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

The letters of support are for these reasons:

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

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

The comments made in general about the proposal include:

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

10.0 Relevant Policies

Purbeck Local Plan Part 1:

Policy LD: General Location of Development

Policy RP: Retail Provision

Policy D: Design

Policy FR: Flood Risk

Policy IAT: Improving Infrastructure and Transport

Policy BIO: Biodiversity and Geodiversity

Policy DH: Dorset Heaths International Designations

Policy RFS: Retail Floor Space Supply

Policy CF: Community Facilities and Services

Emerging Purbeck Local Plan:

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

National Planning Policy Framework:

Chapter 4: Decision-making

Chapter 6: Building a strong, competitive economy

Chapter 7: Ensuring the vitality of town centres

Chapter 9: Promoting sustainable transport

Chapter 12: Achieving well-designed places

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

Chapter 15: Conserving and enhancing the natural environment

Other material considerations

Purbeck District design guide supplementary planning document adopted January 2014.

Development contributions toward transport infrastructure in Purbeck guidance February 2013.

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

Strategic Flood Risk Assessment 2018

Dorset biodiversity appraisal and mitigation plan.

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

Landscape Character Assessment (Non AONB)

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

- Removing or minimising disadvantages suffered by people due to their protected characteristics

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

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

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

13.0 Financial benefits

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

14.0 Climate Implications

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

15.0 Planning Assessment

Principle of development

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

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

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

Paragraph 86 of the NPPF states:

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

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

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

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

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

Impact on the viability of Upton Town Centre

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

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

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

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

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

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

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

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

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

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

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

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

Scale, design, impact on character and appearance

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

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

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

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

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

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

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

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

Impact on amenity

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

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

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

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

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

The proposed development will require relatively significant levels of external lighting. Details of this have been provided and the Public Health Team have not raised any concerns in relation to the proposed scheme. This will be achieved by means of a condition. In addition, a condition will be applied requiring the lighting to be switched off once the store has closed. The Public Health Team have suggested that the external lighting should be off when the store is closed. However, officers note that customers are not required to be out of the store by closing time, but should be completing their purchases. Therefore, it is likely that there will be members of the public leaving the store after it has closed. Additionally, members of staff will leave once the store is closed. Officers therefore consider that it is reasonable to condition that the external lighting will be switched off an hour after the store has closed.

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

Highway Safety and Parking

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

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

The Council's Highways Engineer has been consulted on the proposal. He has noted that discount food retailers such as Aldi are known to generate relatively few trips. It is calculated that the proposed development will calculate one trip per minute from the south and one trip per minute from the north. Of these, the applicant estimated that 20% of trips will be made from those passing by, while

80% of trips will be with the store as the primary destination. The Highways Officer considers these figures to be robust.

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

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

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

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

Flooding and Drainage

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

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

The applicant has subsequently provided a revised drainage strategy. They have agreed in principle to discharge surface water to an existing highway drain. In addition, the water will be attenuated, allowing a discharge rate of 14 l/s. The lead local flood authority consider this to be a betterment than the existing arrangement, whereby the water is not attenuated and therefore more prone to

pond at certain parts of the site. The system will be gravity controlled, with the exception of the loading bay, which will be situated below ground (which is required in order for the vehicles to be unloaded at the correct height). A pump will be used to drain this area.

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

Contaminated land

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

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

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

Proximity to SSSI heathland

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

Biodiversity

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

Proximity to Public Right of Way

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

Economic Benefit

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

16.0 Conclusion

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

17.0 Recommendation

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

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

And subject to the following conditions:

1. The development must start within three years of the date of this permission.
Reason: This is a mandatory condition imposed by Section 91 of the Town and Country Planning Act 1990 to encourage development to take place at an early stage.
2. The development permitted must be carried out in accordance with the following approved plans: 180751-1100-P3, 180751-1410-P4, 180751-1401-P3, 180751-1402-P3, 180751-1500-P4 & 1351-01
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The store hereby approved shall be used as a discount food retailer only and for no other retail use within Class A1 of the Use Classes Order, 1987 (as amended) in accordance with the following stipulations;
1) the sales area (convenience and comparison goods) shall not exceed 1,315sqm;
2) The food store shall not provide any of the following services without the prior written consent of the Local Planning Authority;
a) Fresh meat counter b) Fresh fish counter c) Delicatessen/cheese counter
d) Hot Food e) Post office services but not including the sale of books or postage stamps
Reason: The application is justified on the basis of the provision of a discount food retailer on the site and the Council is concerned to ensure control is retained over the use of the development for this purpose in the interests of the vitality and viability of existing centres.
4. The store can only open to customers between 08:00 and 22:00 on Mondays to Fridays, between 08:00 and 22:00 on Saturdays, and between 10:00 and 17:00 on Sundays. No new customers must be admitted to the premises before or after these times.
Reason: In the interest of the amenities of adjoining and nearby residential properties.
5. Deliveries must not commence before 08:00 and must terminate by 22:00.
Reason: In the interest of the amenities of adjoining and nearby residential properties, taking account of the cumulative noise generated by deliveries and plant machinery associated with the store.

6. The rating level of the sound emitted from the site shall not exceed 45dBA between 0700 and 2300 hours and 32dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest noise sensitive premises (identified in the report titled Environmental Noise Assessment of a proposed Aldi Site, 9/07/2019 Project No 1918928). The measurements and assessments shall be made according to BS4142:2014. Unless otherwise agreed in writing, the assessment shall be submitted to the Council for approval within 1 month of the approved use commencing.
Reason: In order to protect the amenity of the residents of the neighbouring properties.
7. The store must not open until the lighting scheme drawing number SMG-P186-356-A is implemented and the agreed lighting must be retained thereafter.
Reason: To ensure that the lighting does not increase the effects of light pollution in the area, and to protect the amenity of the residents of the neighbouring properties.
8. All external lighting shall be switched off an hour after the store closes and shall be switched on no earlier than half an hour before the store opens.
Reason: To reduce the impact of light pollution on the area and to protect the amenity of the neighbouring residents.
9. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
 3. The results of the site investigation in (1) and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

10. Prior to the development being constructed, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.
11. The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.
Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 170 of the National Planning Policy Framework.
12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.
Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.
13. During the construction process, the details regarding the management of air quality as set out in the Air Quality Assessment, prepared by Entrans dated 08/10/2019 must be implemented.
Reason: In order to ensure that air quality is managed during the construction process to protect the amenity of the neighbouring residents.
14. Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted plans including the right turn lane for northbound traffic on Blandford Road North must have been constructed.

Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

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

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

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

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

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

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

17. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to the LPA for written approval and once approved be implemented and adhered to fully for the full length of the construction period.

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

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

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

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

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

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

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

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

22. The soft landscaping works detailed in the landscape proposals agreed by the Council must be carried out during the first planting season (October to March) following the use of any of the buildings. The planted scheme must be maintained in accordance with the agreed details.

Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.

23. The development must be carried out and maintained in accordance with the approved biodiversity mitigation plan dated 26/11/2019 agreed by Dorset Council on 16/01/2020 unless subsequent variation is agreed in writing with the Council.

Reason: To ensure the adequate protection of a species and its habitat protected by law that exists on the site.

24. Informative Note - Planning Obligation. This permission is subject to a Section 106 Planning Obligation with respect to the monitoring of the use of the pedestrian crossing, annually, for the first five years after the store has opened. This is to establish whether the crossing will need to be upgraded.
25. Informative Note - Dorset Council Highways.
The works to provide a pedestrian crossing, bus shelters, right turn lane and a layby for the bus shelter will be the subject of agreements under Section 278 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at on 01305 222120, or on line at www.dorsetcouncil/roads,highways and maintenance, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, to discuss this further.
26. Informative Note - Sunday Trading Hours. Notwithstanding the opening hours agreed in condition 4 of the approval, the applicant is reminded that the store must comply with any applicable laws in relation to Sunday trading hours.
27. Informative Note - Matching Plans. Please check that any plans approved under the building regulations match the plans approved in this planning permission. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission.
28. Informative Note - Community Infrastructure Levy. This permission is subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice has been issued with this planning permission that requires a financial payment. Full details are explained in the notice.
29. Statement of positive and proactive working: In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and creative approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

For this application: pre-application advice was provided; the applicant/agent was updated of any issues after the initial site visit.

If the legal agreement is not completed by 31 January 2021, unless agreed in writing by the Council, then planning permission be refused for the following reasons:

The proposal, by means of a lack of monitoring of the use of the pedestrian crossing, has a harmful impact upon highway and pedestrian safety. This is contrary to Policy IAT of the Purbeck Local Plan Part 1 and paragraph 109 of the National Planning Policy Framework.

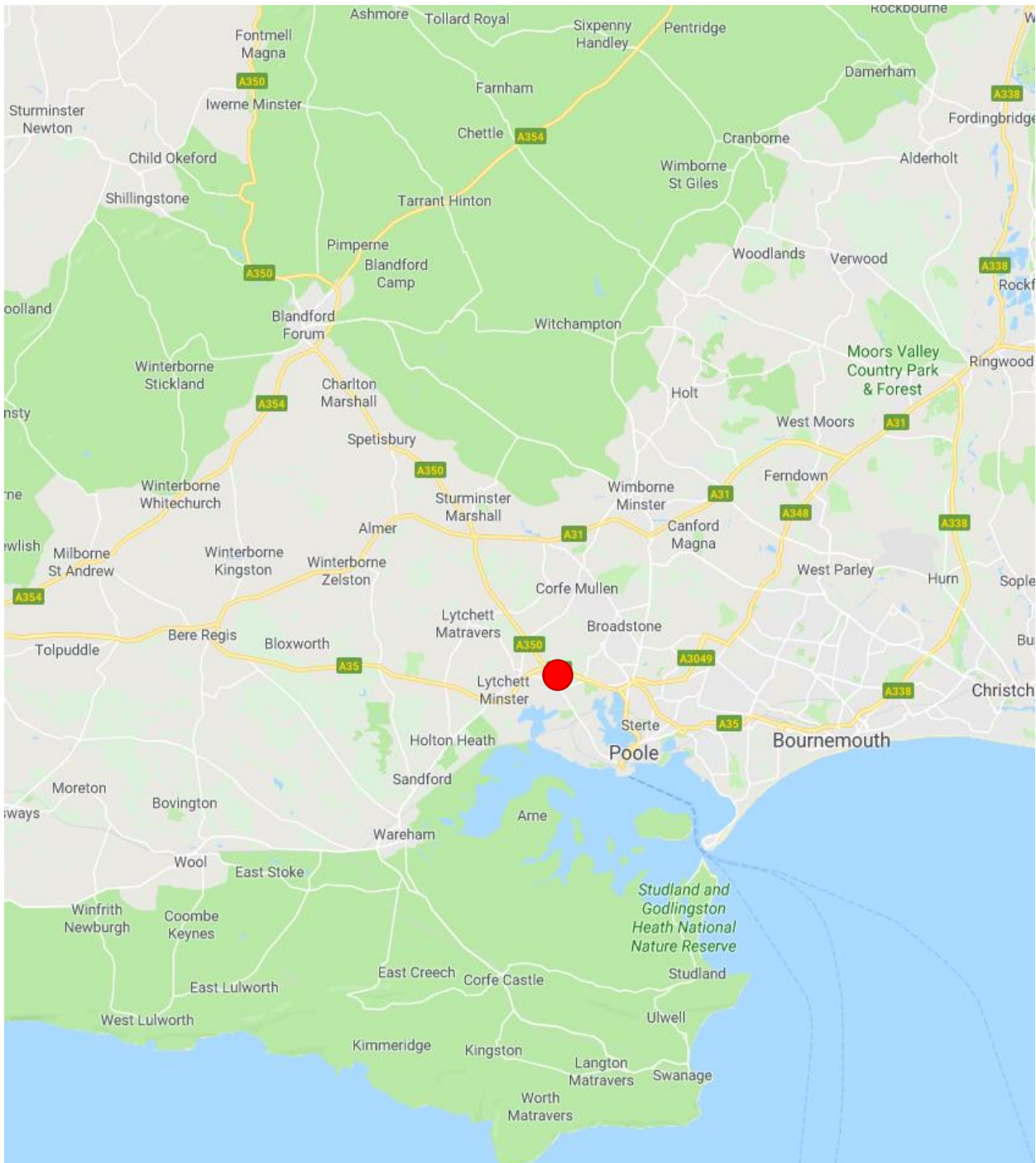
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Approximate Site Location 

Application Reference: 6/2019/0443

Address: Upton Oil Company, Upton, BH16 6AA

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



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1.0 Application Number: 6/2020/0167

Webpage:

<https://planningsearch.purbeckdc.gov.uk/Planning/Display/6/2020/0167>

Site address: St Georges Primary School, 76 High Street, Langton Matravers, BH19 3HB

Proposal: Alterations to field gate and creation of pedestrian gate.

Applicant name: Mrs Helen Jackson

Case Officer: Ros Drane

Ward Member(s): Councillor Cherry Brooks

This application is being presented to the committee as Dorset Council is the applicant.

2.0 Summary of recommendation:

GRANT subject to conditions.

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

- The principle of the development is acceptable and it will improve and allow safe access between the school and the playing field and for the whole community.
- The proposal is acceptable in its layout, appearance and general visual impact.
- The character and appearance of the Langton Matravers Conservation Area will be preserved.
- The natural beauty of the Dorset Area of Outstanding Natural Beauty and the special character of the Purbeck Heritage Coast will not be harmed.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable.
Layout, design, impact on character and appearance of the area including the significance of the heritage asset and its preservation the Langton Matravers Conservation Area, Dorset	Acceptable. Less than substantial harm to the character and appearance of the designated heritage asset (Conservation Area) which is outweighed by the benefits. No harm to the natural beauty of the Dorset AONB
AONB and Purbeck Heritage Coast.	or the special character of the Purbeck Heritage Coast.

Highway safety	No issues. Access to and from the playing field will be improved.
Impact on amenity of occupants of nearby properties	No demonstrable harm.

5.0 Description of Site

The application site is situated within the Langton Matravers Conservation Area, Dorset Area of Outstanding Natural Beauty and the Purbeck Heritage Coast.

The site is located on the southern side of the High Street; (B3069) the main road through the centre of the village of Langton Matravers and opposite St George's First School and the houses that lie either side of the school. The existing entrance gates provide vehicular and pedestrian access to the school playing field which is directly opposite the school.

The frontage either side of the entrance gates is defined by Purbeck stone walling and a grassed verge. A metal safety barrier is located next to the road. The remainder of the playing field boundaries are enclosed by hedging and walling. Land levels rise gently along the High Street and across the playing fields from east to west.

6.0 Description of Development

Existing access to the playing fields is via a 3.8 metres wide field gate for vehicles with attached 1.10 metre wide side pedestrian gate.

The proposal seeks to increase the width of the vehicular access to 4.8 metres and create a new, gated pedestrian entrance (1.4 metres wide) by removing a short section of the existing stone wall onto the High Street. The wider vehicular entrance will allow ground maintenance vehicle access without over running the footway.

The new pedestrian gate will allow access directly opposite the school entrance gate via a new raised crossing point for the school children as part of a wider safety and traffic management plan. The application drawings show the improvement works in the highway to provide a raised crossing point. The highway works do not require planning permission because they are works within the public highway.

New timber field gates of a style to match the existing will be installed in the revised openings. All alterations to the existing stone wall will be finished to match the existing. An existing apple tree on the right hand side of the existing field gate behind the wall will be retained.

7.0 Relevant Planning History

Planning permission number 6/2007/0878 – new vehicular access and pedestrian gated. Granted permission for the existing entrance gate arrangement.

8.0 List of Constraints

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

Dorset AONB. (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

Purbeck Heritage Coast duty to conserve the special character.

The playing fields are Listed Asset of Community Value.

9.0 Consultations

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

• Dorset Highways – Transport Development Liaison Engineer –

The proposals will make crossing the road safer especially for children as it reduces the crossing width off the carriageway; make the waiting area for pedestrians far more conspicuous and keeping it clear of parked vehicles which is major hazard sadly often created by parents and carers themselves. He would expect the narrowing combined with the visual constraint to have a positive effect on reducing vehicle speeds, especially at peak times. The zig-zag road markings should provide for passing space subject to there being no infringement.

Such proposals are usually designed by Dorset Council's in-house design team and subjected to consultation and road safety audits by qualified designers from a separate independent team and as such the Transport Development Management team of Dorset Council have no objection.

• Design and Conservation Officer

No objection to the proposals which make sense from a safety point of view. Recommends a planning condition requiring that any bedding of new stone and pointing needs to be carried out in matching materials to the existing.

• Langton Matravers Parish Council – The Parish Council supports this application.

Representations received

At the time this report is finalised no representations have been received about this application.

10.0 Relevant Policies

Purbeck Local Plan Part 1:

- Policy LD: General Location of Development
- Policy CO: Countryside
- Policy D: Design
- Policy LHH: Landscape, Historic Environment and Heritage
- Policy IAT – Improve accessibility and transport

National Planning Guidance

National Planning Policy Framework (NPPF) 2019:

- Chapter 4 Decision taking

- Chapter 12 Achieving well-designed places
- Chapter 15 Conserving and enhancing the natural environment (in particular paragraphs 173 and 173)
- and Chapter 16 Conserving and enhancing the historic environment.

National Planning Practice Guidance

Other material considerations

Purbeck District Design guide supplementary planning document

Langton Matravers Conservation Area Appraisal

AONB Management Plan 2019 – 2024 SPD

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

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

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

The new access arrangement is suitable for people with disabilities or mobility impairments or pushing buggies.

13.0 Financial benefits – None.

14.0 Climate Implications

The location and amount of development will not have any significant adverse impact on climate change.

15.0 Planning Assessment

Principle of development

The guidance contained in the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance is material considerations in the determination of this application.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area; except, where material considerations indicate otherwise.

St George's Church of England First school lies on the very edge of the Langton Matravers settlement boundary as identified by the Purbeck Local Plan with the playing field itself being outside the settlement boundary.

The proposal seeks to increase the width of the existing vehicular access to the playing field from 4.4 to 4.8 metres and create a separate 1.4m wide, gated pedestrian entrance, by removing a short section of the existing stone wall onto the High Street.

There is no objection in principle to the alterations subject to an assessment of the impact of the development on the character of the area and any other site specific material considerations. The application will continue to ensure access and maintenance of the playing field as an asset of community value for the benefit of the community.

Layout, design, impact on character and appearance of the area including the significance of the heritage asset and its preservation the Langton Matravers Conservation Area, Dorset Area of Outstanding Natural Beauty (AONB) and Purbeck Heritage Coast.

Langton Matravers Conservation Area is a designated heritage asset.

Guidance contained within the National Planning Policy Framework stresses the importance of the conservation of heritage assets as an important component of sustainable development, and something to be afforded considerable weight when judged against other planning considerations. Local planning authorities are exhorted to take into account the particular significance of those assets in making decisions on applications.

Paragraph 193 of the NPPF requires that '*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation*'.

Paragraph 195 states '*Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent....*'

Paragraph 196 states that '*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.*'

The Langton Matravers Conservation Area Appraisal has identified the existing stone boundary wall along the frontage to the playing fields as a 'positive' feature of the area. Its significance lies in its vernacular appearance as a prominent means of enclosure along the frontage to the playing field. This proposal will

result in the loss of a very short (1.4m in width) section of the wall to form the additional opening by the creation of a new pedestrian entrance. However, proportionally, the majority of the stone wall along the frontage will be remain. The visual continuity of a means of enclosure to the High Street will be kept by the installation of gates in the access points. The gates themselves are in keeping with their setting providing access to the green space. The Council's Design and Conservation Officer recognises the public benefit associated with improved highway safety and raises no objection to the proposals subject to any bedding of new stone and pointing matching the existing. (This requirement will be secured by planning condition 3).

The development is considered to be appropriate in terms of its design and is considered to result in less than substantial harm to the significance of the heritage asset (Langton Matravers conservation area). In accordance with paragraph 196 of the NPPF any harm should be weighed against the public benefits of the proposal. In this case the improvements to highway safety are judged to outweigh the less than substantial harm to the Conservation Area. The significance of the Conservation Area will be preserved.

The development will have a limited impact beyond the site and no visually detrimental effect upon the wider area. This direct visual relationship to the existing playing field means the proposals will not have any impact on the wider landscape including the natural beauty of the Dorset AONB or the special character of the Purbeck Heritage Coast.

For these reasons the proposal is considered to be acceptable in terms of its impact on the character and appearance of the area and any impact is outweighed by the public benefit of providing a safer crossing for the village school.

Highway safety

The new arrangement will improve safe access to the playing field for both vehicles and pedestrians.

Impact on amenity of occupants of nearby properties

The nature of the proposed development will not have any impact on the amenity of the occupants of the nearby properties.

16.0 Conclusion

The proposed development will improve safe access to the playing field, recognised as an asset of community value, whilst preserving the significance of the Conservation Area and without harm to the surrounding wider landscape or residential amenity.

Approval is therefore recommended.

17.0 Recommendation

Grant, subject to the following conditions:

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

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

2. The development permitted must be carried out in accordance with the following approved plans: location plan 001/04/Orig, block plan 001/05/Orig registered on 5 May 2020 and plans numbered HI1195-0106A and 07B submitted on 10 June 2020.

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

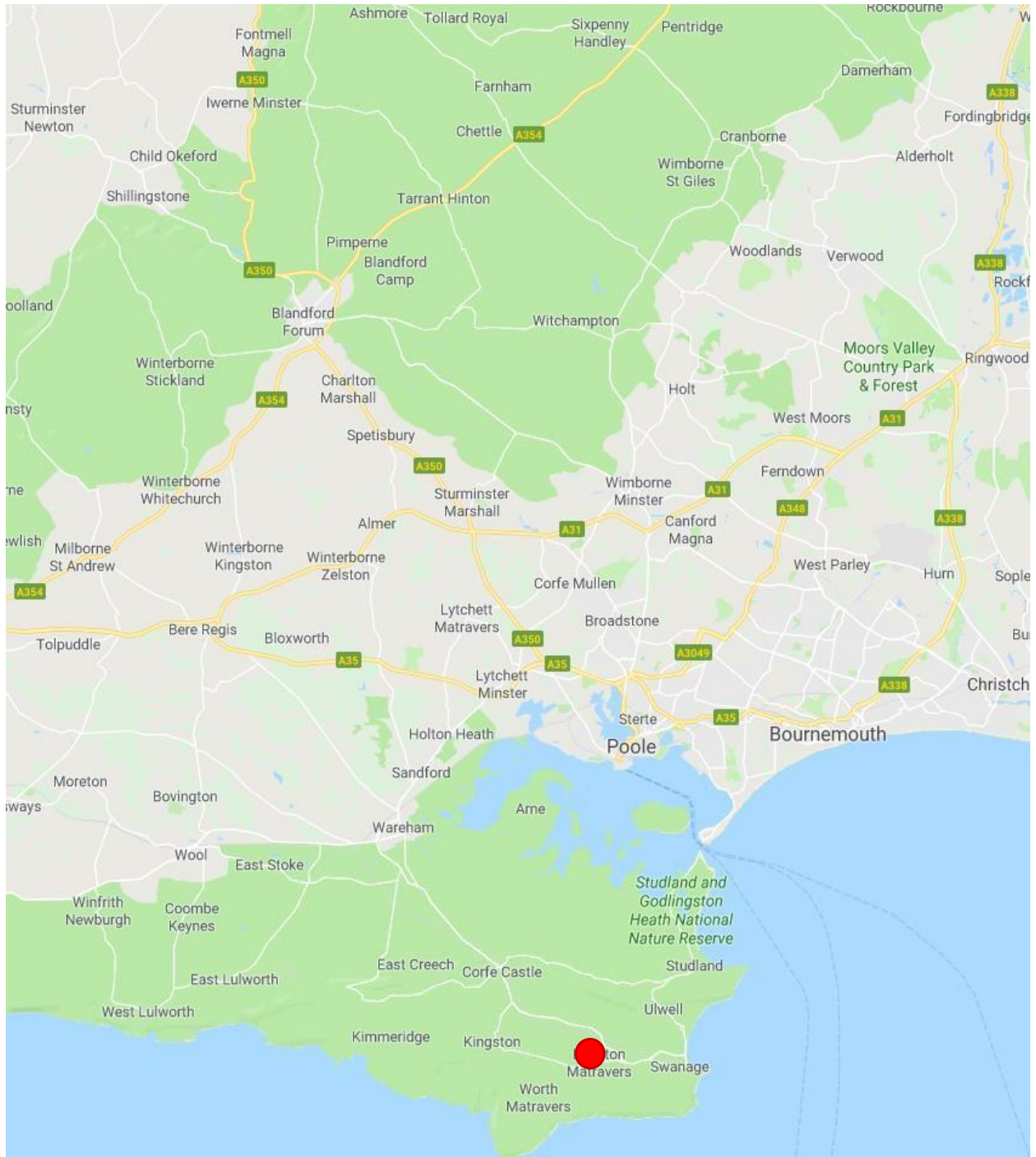
3. All bedding of new stone and pointing in the wall must be carried out in materials to match the existing.

Reason: To ensure that the character and appearance of the Purbeck stone wall is maintained in the interests of preserving the character and appearance of the Langton Matravers Conservation Area.

Approximate Site Location 

6/2020/0167 – St Georges Primary School, 76 High Street, Langton Matravers, BH19 3HB

Proposal: Alterations to field gate and creation of pedestrian gate.



APPLICATION PROPOSAL	Demolish the existing buildings and erect a dementia care home with new vehicular access and parking provision (revised scheme from previously refused applications) (amended plans submitted 28.02.2020)		
ADDRESS	5 - 7A Edmondsham Road Verwood BH31 7PA		
RECOMMENDATION	Grant, subject to conditions (see Section 9 of the report for the full recommendation)		
REASON FOR REFERRAL TO COMMITTEE	The nominated officer has requested that the application be determined by committee due to impact on the area and neighbouring amenity		
SUMMARY OF REASONS FOR RECOMMENDATION	<ul style="list-style-type: none"> • The proposed is located within the urban area of Verwood • Within 400m of protected heathland, the principle of a dementia care home is generally acceptable • Previous reasons for refusal have now been overcome and it is considered there are no longer any matters which would warrant a refusal of planning permission in this case. 		
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL			
<u>The following are considered to be material to the application:</u>			
Contributions to be secured through Section 106 legal agreement: N/A			
Contributions to be secured through CIL: £74605 (approx.)			
Net increase in numbers of jobs: 20			
Estimated increase/ reduction in average annual workplace salary spend in District through net increase/decrease in numbers of jobs: N/A			
APPLICANT	Fayrewood Property Ltd	AGENT	Mr Darryl Howells
WARD	Verwood	PARISH/ TOWN COUNCIL	Verwood
PUBLICITY EXPIRY DATE	19 March 2020	OFFICER SITE VISIT DATE	November 2019
DECISION DUE DATE	13 February 2020	EXT. OF TIME	8 th July 2020

RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date

3/19/0341/OUT	Demolish the existing buildings and erect a part 3/part 4 storey 38 bedroom dementia care home with new vehicular access and parking provision	Sept	2019
<p>Reasons for refusal:</p> <ul style="list-style-type: none"> - The positioning of the proposed care home's northern elevation in relation to windows serving habitable rooms in the adjacent dwelling 9 Edmondsham Road would cause an unacceptable loss of light, outlook and amenity to this neighbouring property. In addition, the scale and position of the main outdoor amenity space for the proposed care home which as designed is likely to be intensively used would create a relationship likely to cause unacceptable levels of disturbance to the occupants of adjacent existing dwellings and result in overlooking of the outdoor amenity space by existing windows at 9 Edmondsham Road. The proposal is contrary to Policy HE2 of the Christchurch and East Dorset Local Plan: Part 1 (2011) and Saved Policy DES2 of the East Dorset Local Plan (2001). - The proposed parking spaces located between the eastern elevation of the proposed care home and Edmondsham Road would prevent the establishment of a suitable landscaping and boundary strategy and fail to provide space for a suitable relationship between the building and the road. The parking and multiple access points represents a contrived and cluttered design which would fail to adequately respect or enhance Edmondsham Road and which does not leave adequate scope for the accommodation of a landscaping scheme and would have a detrimental impact on the street scene. This is contrary to Policy HE2 of the Christchurch and East Dorset Local Plan: Part 1 (2011) and Saved Policy DES11 of the East Dorset Local Plan (2002). - The trees along the southern and south western boundaries of the site fronting Edmondsham Road are a significant landscape component of this part of Verwood, creating a sense of rural enclosure to the road and acting as a screen to the site. The trees are shown to be retained. However the retention of the trees, their requirements for space and an undisturbed area retained around them has not been adequately identified in the submitted arboricultural information. The arboricultural impact assessment does not reflect the on-site conditions. The amended arboricultural submission relies of using the minimum root protection area based on BS5837:2012 Trees in relation to design, demolition and construction, which is not appropriate given the importance of the trees, the magnitude of development and their resilience to change. <p>Consequently the location of the building and as importantly the associated hard surfacing is not acceptable because its proximity to the important line of trees and will result in direct and indirect damage to the root systems which will have a negative impact on the health of the trees and the amenity that they offer. The proposal is contrary to Policies HE2 and HE3 of the Christchurch and East Dorset Local Plan: Part 1 (2011) in relation to its impact on these important trees and their contribution to the appearance of the local landscape.</p>			

- The submitted Flood Risk Assessment and Drainage Strategy dated 12/06/2019 fails to demonstrate that flood risk will not increase as a result of the proposed development, or that options have been taken to reduce overall flood risk, contrary to Policy ME6 of the Christchurch and East Dorset Local Plan: Part 1 (2011).
- The submitted Biodiversity Mitigation and Enhancement Plan is not certified by the Dorset Natural Environment Team, and therefore fails to meet the requirements of the Dorset Biodiversity Appraisal Protocol. The submission fails to provide certainty that impacts on biodiversity will be adequately mitigated, or that enhancement will be effective, contrary to Policy ME1 of the Christchurch and East Dorset Local Plan: Part 1 (2001).

App No	Proposal	Decision	Date
3/19/2163/OUT	Demolish the existing buildings and erect a part 3/part 4 storey 38 bedroom dementia care home with new vehicular access and parking provision (Outline application with landscaping a reserved matter)	Feb	2020

Reasons for refusal:

- The positioning of the proposed care home's northern elevation in relation to windows serving habitable rooms in the adjacent dwelling 9 Edmondsham Road would cause an unacceptable loss of light, outlook and amenity for the occupants of this neighbouring property contrary to Policy HE2 of the Christchurch and East Dorset Local Plan: Part 1 (2014) and paragraph 127 of the National Planning Policy Framework.
- The proposal fails to adequately address the long term health and retention of protected trees to secure their continued contribution as a significant landscape component of this part of Verwood, contributing to the character of the area in which they create a rural enclosure to the road and act as a screen to the site. The BS5837:2012 Trees has been followed to a point but without any notion that the retained trees root spread will inevitably be more concentrated within the site due to the proximity of structures off site. This is considered unacceptable given the importance of the trees, the magnitude of development and the negative impact that the development will have on the existing trees. The proposal has not adequately demonstrated that it is compatible with protected trees, contrary to Policies HE2 and HE3 of the Christchurch and East Dorset Local Plan: Part 1 (2014).
- Due to the nature of basement rooms which have a north west orientation, reduced external amenity space servicing rooms and lack of functioning fenestration for room B5, light will be restricted to an unacceptable level in rooms B1-B5. Therefore these proposed bedrooms would provide living conditions

which are wholly inadequate, particularly for dementia care patients whose principal living space would be these rooms. The proposed living accommodation of these rooms would have detrimental impact on the amenity of future occupiers and is therefore contrary to Policy HE2 of the Christchurch and East Dorset Local Plan: Part 1 (2014) and paragraph 127 of the National Planning Policy Framework.

- The submitted Flood Risk Assessment and Drainage Strategy dated 12/11/2019 provides insufficient information in relation drainage calculations and details of drainage options to demonstrate that flood risk will not increase as a result of the proposed development and that a sustainable drainage strategy can be secured, contrary to Policy ME6 of the Christchurch and East Dorset Local Plan: Part 1 (2014) and paragraphs 163 and 165 of the National Planning Policy Framework.

MAIN REPORT

1.0 DESCRIPTION OF SITE AND SURROUNDINGS

- 1.01 The site is situated within the urban area of Verwood, adjoining the town centre boundary to the south of the site. The wider surrounding development comprises a mixture of residential and commercial uses.
- 1.02 The existing site comprises three detached single storey structures including one bungalow in residential use on plot, totalling approx. 0.2ha, accessed via driveways from Edmondsham Road. The existing buildings are clustered to the north-east of the site, with areas of garden to the south and west. The site is covered by a group Tree Preservation Order (TPO), with the main group of trees located to the south of the site.
- 1.03 To the north of the site are a pair of semi-detached properties 9 & 11 Edmondsham Road, these properties pre-date much of the development on Edmondsham Road and no. 9 in particular is oriented with a number of rooms within the property facing south on the side elevation. To the west of the site is a group of three bungalows, 8-12 Station Road, these are set behind development fronting on to Station Road, with a turning and parking area adjoining the site. To the south-west of the site are garden areas for nos. 2 & 4 Station Road, and to the south The Old Crossroads comprises a mixture of commercial units with some flats above. A three storey block of flats is located opposite the site at Fayrewood Court.

2.0 PROPOSAL

- 2.01 This is an outline planning application with landscape matters reserved to:

‘demolish the existing buildings and erect a dementia care home with new vehicular access and parking provision (outline application with landscaping matters reserved) (revised scheme from previously refused applications)’

- 2.02 Two applications for the same proposal were originally submitted, to the Council for determination. The correlating application PA 3/19/2163/OUT was refused in February 2020 (reasons set out in full above). This application was subsequently amended to address the reasons for refusal set out in relation to application 3/19/0163/OUT. This application is assessed on revised drawings submitted in February 2020.
- 2.03 The proposal is for a 2-3 storey, plus basement, care home. The building would take the general shape of a ‘T’, with three storey elements to the south and west of the site, stepping down to a two and single storey elements to the north adjacent to 9 Edmondsham Road. The building would also include a curved single story café to the western elevation. The building would include a basement level, where ancillary staff and operational spaces (meeting rooms, kitchen, library, storage, office) would be provided.
- 2.04 The main entrance and service entrance for the site would both be located to the south of the building. The main vehicular access would be taken off Edmondsham Road towards the south of the site, providing access to a car park. The parking within the car park would include nine bays located within a stacking system, for use by staff only, a further 10 spaces (7 within the car park and 3 spaces off Edmonsham Road), cycle parking, ambulance bay and bin store are provided.

3.0 SUMMARY OF INFORMATION

3.01 Changes from the previous application include:

- The proposed basement amenity space has been removed
- Bedrooms in the basement have been removed and number of bedrooms reduced from 38 to 29
- Hard landscaping reduced
- Parking reconfigured as per the amended hardlandscaping
- 2 storey element to the north further set back away from the neighbouring property
- Flood and drainage information revised
- A signed Biodiversity Mitigation and Enhancement Plan (BMEP) updated

	Previously Refused 3/19/2163/OUT	Proposed
Site Area (ha)	0.2 ha	0.2 ha
Use	C2 Care Home	C2 Care Home

Floor Area	Basement – 590 m2 Ground floor – 720m2 First floor – 540m2 Second floor – 350m 2 TOTAL – 2200 m2	Basement – 540 m2 Ground floor – 660 m2 First floor – 460m2 Second floor – 350m 2 TOTAL – 2010 m2
Bedrooms	37	29
Approximate Ridge Height (m)	6.1 – 9.5m	4.5 -9.5m
Approximate Eaves Height (m)	4-6.8m	2.6-6.8m
Materials	Brick, render, tile	Brick, render, tile
Parking Spaces	23	21
No. of Storeys	2-3 Storeys	2-3 Storeys
Distance from boundary to no 9	Ground floor – 0-11m First floor – 2.8-15 Second floor - 15 -17.5m	Ground floor – 1.6-11m First floor – 8.7-15m Second floor – 15 -17.5m

4.0 RELEVANT PLANNING CONSTRAINTS

Medium Pressure Pipeline
Ancient Woodland
Agricultural Land Classification
SSSI Impact Risk Zone
Highways Inspected Network
Heathland 400m Consultation Area
Rights of Way
Airport Safeguarding
Town Centre Boundary
Main Urban Area
Primary Shopping Area
Tree Preservation Order

5.0 POLICY AND OTHER CONSIDERATIONS

5.01 Development Plan:

Christchurch and East Dorset Core Strategy (Part 1) 2014 (CS)

The following policies are of particular relevance in this case:

- KS1 Presumption in favour of sustainable development
- KS2 Settlement Hierarchy
- KS11 Transport and Development
- KS12 Parking Provision
- HE2 Design of new development
- HE3 Landscape Quality
- LN6 Housing Accommodation Proposals for Vulnerable People
- ME1 Safeguarding biodiversity and geodiversity
- ME2 Protection of the Dorset Heathlands
- ME3 Sustainable development standards for new development
- ME4 Renewable energy provision for residential and non-residential developments
- ME6 Flood Management, Mitigation and Defence
- ME1 Safeguarding biodiversity and geodiversity
- DES11 Criteria for ensuring developments respect or enhance their surroundings.

5.02 Supplementary Planning Guidance

Dorset Heathlands Planning Framework SPD

5.03 Government Guidance

The National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

6.0 LOCAL REPRESENTATIONS

6.01 In addition to letters to neighbouring properties, a site notice was posted outside the site on the 28 November 2019 with an expiry date for consultation of the 22 December 2019. Neighbours were also reconsulted by letter for the revised design on 5 March 2020.

6.02 In total 66 letters of objection from 44 addresses were received raising the following issues:

	INITIAL DESIGN	REVISED DESIGN
Proposed Use	<p>Another dementia care home is not considered to be required in Verwood</p> <p>Considered to be an inappropriate use in a quiet residential area</p>	<p>Considered to be an inappropriate use in a quiet residential area</p> <p>Is the proposed viable and what will happen if it is not?</p>

<p>Design</p>	<p>Proposed accommodation is not suitable for dementia care patients</p> <p>Revised design is not very different to the previously refused application</p>	<p>Revised design is not very different to the previous design</p> <p>Insufficient number of rooms provided to be viable</p> <p>Insufficient outdoor space is provided for residents</p> <p>Proposed design is not suitable for dementia care patients</p>
<p>Impact on character of the area</p>	<p>3 storeys is considered out of keeping with the character of the area and would be over bearing</p> <p>Overdevelopment of the site</p> <p>Proposed architectural style is out of keeping with the area</p>	<p>Considered out of keeping with the character of the area and would be over bearing</p> <p>Overdevelopment of the site</p> <p>Proposed architectural style is out of keeping with the area</p> <p>Concerns regarding light pollution at night</p>
<p>Neighbouring amenity</p>	<p>Concerns regarding:</p> <p>Overlooking of neighbouring amenity</p> <p>The proposed would result in loss of light for neighbouring properties</p> <p>Additional noise as a result of the proposed will impact neighbouring amenity</p> <p>Noise and smells from the proposed café will impact neighbouring amenity</p> <p>Location of bin store and proximity to neighbours will impact on neighbouring amenity</p>	<p>Concerns regarding:</p> <p>Overlooking of neighbouring amenity</p> <p>The proposed would result in loss of light for neighbouring properties</p> <p>Additional noise as a result of the proposed will impact neighbouring amenity</p> <p>Location of bin store and proximity to neighbours will impact on neighbouring amenity</p>

<p>Access, Traffic and Parking</p>	<p>Concerns regarding:</p> <p>Impact of additional traffic and parking as a result of the proposed where congestion is already caused by existing schools and other local facilities</p> <p>Current public transport is not sufficient to support the proposed development</p> <p>The proposed access road is not suitable with no pavements or streetlights</p> <p>Highway safety concerns as there are no pavements and increased numbers of cars parked on the road will create further safety issues</p> <p>Highway safety concerns in relation to the existing school close by</p> <p>Proposed parking is considered insufficient for both staff and visitors</p> <p>Insufficient space for emergency vehicles to access the site</p>	<p>Concerns regarding:</p> <p>Impact of additional traffic and parking as a result of the proposed where congestion is already caused by existing schools and other local facilities</p> <p>Current public transport is not sufficient to support the proposed development</p> <p>The proposed access road is not suitable with no pavements or streetlights</p> <p>Highway safety concerns as there are no pavements and increased numbers of cars parked on the road will create further safety issues</p> <p>Highway safety concerns in relation to the existing school close by</p> <p>Proposed parking is considered insufficient for both staff and visitors</p> <p>Proposed stacking system is not appropriate parking provision</p>
<p>Infrastructure</p>	<p>Concerns regarding:</p> <p>The existing sewage infrastructure will not cope with additional development</p> <p>The proposed will cause flooding issues</p>	<p>Concerns regarding:</p> <p>Insufficient information that drainage requirements can be met</p> <p>The proposed will cause flooding issues</p>
<p>Dorset Heathlands</p>	<p>Not appropriate development near a SSSI</p>	<p>Not appropriate development near a SSSI</p>

Trees	Concerns regarding: Impact on existing trees That trees on site have been removed and not been replanted	Concerns regarding: Impact on existing trees
Construction	Concerns regarding: Insufficient parking for construction workers during construction Noise during construction and the impact on neighbours	Concerns regarding: Noise during construction and the impact on neighbours

7.0 CONSULTATIONS

The following responses were received from consultees in relation to the initially submitted and revised design.

7.01 - DC Highways

Initial Design	No objection subject to parking, access, visibility splay and a construction management condition.
Revised Design	Nothing further to add

7.02 - Verwood Town Council

Initial Design	Object - Contrary to Policy HE2, Layout & site coverage, architectural style, scale, bulk, height materials, landscaping, visual impact, relationship to nearby properties including minimising general disturbance to amenity & relationship to Mature trees. Concerns regarding traffic volume towards pedestrian safety. We also support any Previous Representations made by the East Dorset Environment Partnership
Revised	Objection still stands – Contrary to Policy HE2, Layout & site coverage, architectural style, scale, bulk, height, materials,

Design	landscaping, visual impact, relationship to nearby properties including minimising general disturbance to amenity & relationship to Mature trees. Concerns regarding traffic volume towards pedestrian safety. We also support previous representations and the new updated representation made by the East Dorset Environment Partnership.
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7.03 - CED Trees and Landscape

Initial Design	Object - The scheme remains much the same with the exceptions being the reduction in hard landscaping to the NW and carparking at the front. The initial comments made in respect of the trees on the S and SW boundaries and their significance in the landscape as well as their sensitivity to the change, remains unaddressed. The BS has been followed to a point but without any notion that the retained trees root spread will inevitably be more concentrated within the site due to the proximity of structures off site. The scheme is, or least gives the impression of pressure for car spaces due the proposed use of hydraulic parking lifts in order to get additional spaces, this is a situation which could only increase. Simply covering an area with hard scaping, using a CFS and putting a roof over those parking spaces shown under the trees only enforces the tree implications/constraints. These areas must be reduced as previously stated. To address these points the parking and possibly the site layout re-evaluating with a more sympathetic approach and design.
Revised Design	No objection - Amended plans are acceptable in tree terms subject to receiving an updated Arb report to be secured by condition.

7.04 - Lead Flood Authority

Initial Design	<p>The following areas have still not been addressed, hence we maintain our Holding Objection for the following reasons:</p> <ul style="list-style-type: none"> - The revised Drainage Strategy (DS) submitted appears confused with respect to climate change. Paragraph 3.13 states: <i>“Guidance given in “Flood risk assessments: climate change allowances” for a development in Flood Zone 1 suggests that a climate change allowance of 20% should be applied.”</i> Whilst paragraph 4.10 states: <i>“The new surface water drainage system, whether discharging to soakaways or the existing watercourse, will be designed to accommodate a 1 in 100 year rainfall event including a 30% uplift for climate change.”</i> To be clear, as per the following guidance, the applicant should offer a 40% allowance for climate change: https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances. If the 20% or 30% lower bound is to be used then the applicant will need to do an impact analysis which demonstrates what will happen in the event that 40%
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	<p>increases in intensity are observed.</p> <ul style="list-style-type: none"> - SSP have still not provided the provisional drainage calculations, as requested in our previous email. - The applicant has proposed an acceptable “plan B” discharge route and has suggested that if this drainage methodology is needed, then on-site attenuation will be stored in an above ground pond. No provisional layout including this pond has been supplied, as such we are unable to ascertain whether this is feasible. This is particularly important as, given the layout proposed, it is not clear how space for an open storage will be found. - We still note that no comment has been made with respect to who will own and maintain the drainage systems proposed.
Revised Design	<p>No objection - Additional information submitted with the revised design provides the necessary detail to substantiate the proposed Surface Water strategy. We therefore have no objection to the application subject to surface water conditions and informatives</p>

7.05 - East Dorset Environment Partnership

Initial Design	<p>Object - EDEP maintains its objection to this proposed development. It still lacks essential information and has failed to address adequately the reasons for refusal of the previous application (3/19/0341/OUT). In particular:</p> <ul style="list-style-type: none"> - The lack of adequate scope for the accommodation of a landscaping scheme and impact on the street scene - The need to ensure no disturbance of the RPAs of the protected trees - Inadequate information and conflicting proposals on how drainage and flood risk issues will be addressed - As this is a revised application, a revised BMEP should be submitted for approval. <p>On the evidence provided, the proposals fail to meet economic, social and environmental sustainability requirements.</p>
Revised Design	<p>Previous objection still stands.</p> <p>In relation to revised information:</p> <ul style="list-style-type: none"> - Tree and Drainage information are incompatible - Concerns regarding tree information provided - Concerns regarding drainage information provided

	<ul style="list-style-type: none"> - Landscape hedging info is incorrect - Internal living conditions still unacceptable
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7.06 - Dorset Waste Partnership

Initial Design	None received
Revised Design	Proposed waste collection does not meet Dorset Waste Partnership requirements

7.07 - Dorset Wildlife Trust

Initial Design	Object - Insufficient information on the revised scheme provided to comment on biodiversity impacts.
Revised Design	Object - No updated ecological assessment and no BMEP

7.08 - Dorset Social Care Team

Initial Design	<ul style="list-style-type: none"> - Need in East Dorset is for acute levels of Dementia Care - Data on market position doesn't match up with our Brokerage Searches - which indicated 9 dementia homes within 5 miles of Verwood - Concern that design doesn't appear to have regard to modern Dementia Friendly design standards. - No consideration of smaller household units within the home - Concern about long-term commercial viability of a home of this size - Concern for sustainable pricing of Dementia Care in this area.
Revised Design	None received

7.09 - Natural England

<p>Initial Design</p>	<p>No objection subject to condition</p> <p><i>Matters Concerning Protected Sites</i></p> <p>The application site lies within 400m of heathland that forms part of the Verwood Heaths Site of Special Scientific Interest (SSSI), protected under the Wildlife and Countryside Act 1981 (as amended). The site also lies in the vicinity of other heathlands that are notified as SSSIs for the special interest of their heathland habitats and associated plant and animal species.</p> <p>Much of the heathland SSSI area is part of the Dorset Heathlands Special Protection Area (SPA) on account of rare or vulnerable heathland bird species and is also part of a Ramsar site on account of rare or vulnerable heathland wetlands and associated rare wetland species. The SSSIs are additionally part of the Dorset Heaths Special Areas of Conservation (SACs) on account of rare or vulnerable heathland and associated habitats and some individual species.</p> <p>The application is for a use which can remove the likelihood of adverse impacts on the designated sites resulting from residential dwellings, subject to development design and likely dependency of patients. The patients at the care home will require a high level of dependency to enable the development to be permitted within 400m of a heathland. This is clearly intended through the DAS and design of accommodation of this application. Natural England consider the following controls to be appropriate to enable your authority to approve this development and conclude no adverse impact on the integrity of the designated sites.</p> <ol style="list-style-type: none"> 1. Predatory pets are one of the causes of adverse impact on the designated sites resulting from additional dwellings. Care homes within 400m are managed and able to restrict/enforce the ownership of pets in a reasonable manor. To enable your authority to permit this development, a restriction on pet ownership is likely to be necessary. This could be secured through planning conditions. 2. The application includes a small number of parking spaces for staff and visitors. Public parking within 400m of a heathland is likely to result in additional visits to the heathland by members of the public, specifically by dog walkers. Although it is recognised that the parking is intended for the use of the staff and visitors, a sign at the entrance to identify that the parking spaces are for visitors and staff only would
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	<p>be an appropriate mitigation measure. This could be secured through planning conditions.</p> <p>3. The high dependency dementia patients require a secure outdoor space that removes the possibility that a patient will leave the site unaccompanied. This also acts as an infrastructure safeguard for the intended patient dependency level that is necessary for this type of use to be lawful within 400m of a heathland. Details of the boundary specification of the secure outdoor space should be submitted to and approved in writing by your authority. This could be secured through planning conditions to be agreed at reserved matters.</p> <p>In the absence of such controls, your authority may be unable to conclude no adverse impact on the integrity of the designated sites. If your authority is unable to secure these measures, please re-consult us and our advice is likely to be amended to an objection.</p> <p><i>Matters Concerning Biodiversity</i></p> <p>Natural England note the submission of a Certificate of Approval dated 30/09/19 from Dorset Council’s Natural Environment Team. In this case, providing the submitted Biodiversity Mitigation and Enhancement Plan, and its implementation in full, is secured through a condition as part of the grant of planning permission, Natural England agree with the opinion of the Natural Environment Team of Dorset Council that the planning authority will have met their duties under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and Regulation 9(3) of The Conservation of Habitats & Species Regulations 2017</p>
<p>Revised Design</p>	<p>N/A – reconsult not required</p>

7.10 - NHS Dorset (DCCG) - None received

7. 11 - County Rights Of Way Officer - None received

8.0 APPRAISAL

8.01 The main planning considerations for this application are:

- The principle of a Care Home development
- Impact on the character of the area

- Impact of the proposal on the amenity of neighbouring properties
- The standard of residential amenity for proposed occupants
- Impact of the proposal on trees
- Impact of the proposal on flood risk
- Impact on Dorset Heathlands
- Impact on Biodiversity
- Impact on highways

8.02 These points and other material considerations are discussed under the headings below.

Principle of development

8.03 The site lies within the urban area where the principle of development is acceptable. Verwood is identified in Local Plan policy KS2 as a Main Settlement where residential and other development will be focused. The proposal would provide 29 additional units of accommodation which would contribute to delivering a sufficient supply of homes within the Local Plan area. It is estimated that the provision of 29 care home bedrooms has the potential to release approx. 16 units of accommodation within the district, contributing to the housing supply.

8.04 Concerns have been raised by neighbours that there is no need for additional care homes in this location. The Adult Social Care Team confirmed under previously refused applications that there are already a number of care homes in the vicinity. Core Strategy policy LN6 requires that *'New social, care or health related development proposals, or major extensions to existing developments, within the C2 use classification will not be subject to Policy LN3 (Affordable Housing) however they will be required to demonstrate that any impacts upon, or risks to, the strategic aims and objectives of Dorset County Council and NHS Dorset health and social care services have been taken into account and mitigated against.'*

8.05 The applicant has provided supporting information and data regarding the need for care homes catering for persons with acute dementia in this area, which were not disputed by the Adult Social Care Team in the previously refused applications. Issues were raised initially regarding the detailed design of the care home and how it meets those needs, however a revised design has been submitted and there is no objection in principle. The NHS have also been consulted but have not responded. However, it is noted in their response to the previously refused application they did not identify any risk to their services as a result of this development. The principle of development is therefore found to be acceptable.

Impact on the character of the area

8.06 The proposal is for a 2-3 storey, plus basement, care home. The building would take the general shape of a 'T', with three storey elements to the south

and west of the site, stepping down to a two and single storey elements to the north adjacent to 9 Edmondsham Road. The building would also include a curved single story café to the western elevation. The building would include a basement level, where ancillary staff and operational spaces would be provided.

- 8.07 The existing character of the area is generally mixed with varying architectural forms and styles depending on the use of the area. To the north of the site are detached and semi-detached two storey properties. To the west of the site is a group of three bungalows. With the town centre boundary to the south, Station Road comprises a mixture of two storey dwellings and two-three storey properties with commercial units at ground level with some residential accommodation above. Three story flats are located directly opposite the site at Fayrewood Court.
- 8.08 Concerns have been raised by third parties the proposed scale and bulk is out of keeping with the character of the area. The previously refused applications, after pre-application advice, were considered by officers to be generally acceptable architecturally given the mixed nature of the character of the area with commercial and residential uses and varying heights of up to three storeys. Issues with the bulk that would project at three storeys to the rear/west of the site and be viewable from the private drive outside nos. 8-12 Station Road as well as glimpsed from Station Road itself in the gaps between buildings was not considered detrimental enough to warrant refusal. Notwithstanding this assessment of the previously refused applications, the revised design somewhat improves the bulk and massing, particularly at first floor level, where the floor area has been reduced from approximately 540m² to 460m².
- 8.09 As per the previously refused applications, the site is proposed to be developed intensively, and while this in itself is not contrary to policy, there were issues that resulted from the proposed intensity of use that are not were not previously acceptable (as per the application refused in November 2019). As per the most recently refused application, the site plan shows a parking strategy with frontage parking divided and broken up by landscaping which overcomes previous reasons for refusal. It is acknowledged that landscaping is a reserved matter but the officer is satisfied that space for sufficient landscaping is provided. Given the level of development on the proposed site it is considered necessary to remove permitted development rights to ensure the site is capable of accommodating the proposed level of accommodation (condition 14).
- 8.10 Proposed materials of brick, render and tile are considered to be in keeping with the character of the surrounding area but it is considered necessary to condition that samples of materials are provided (condition 18) as the specification of these materials have not been provided.

- 8.11 Concerns were also raised that the proposed would result is light pollution that would impact negatively on the character of the area. As noted previously the application site is within the urban area and in close proximity to the town centre boundary, where external lighting already exists. It is also noted the approved and conditioned BMEP (condition 13) requires external lighting to be kept to a minimum with lights, to be hooded to avoid light spill and to be operated by motion sensors.
- 8.12 The proposed is generally acceptable architecturally and the revised layout overcomes previous reasons for refusal. With the conditions in this report the proposed scheme is not considered to have a demonstrable impact on the character of the area that would warrant refusal and is therefore considered acceptable.

Impact of the proposal on the amenity of neighbouring properties

- 8.13 Concerns have been raised that the proposed would result in overlooking of neighbouring amenity, loss of light for neighbouring properties, additional noise and concerns regarding the location of the bins store.
- 8.14 As per the previous refused application, the proposed care home is situated in close proximity to the neighbouring dwelling at no. 9. However, the separation distances at each storey to the neighbouring has been revised as follows:

Previously Refused 3/19/2163/OUT	Proposed
Ground floor – 0-11m	Ground floor – 1.6-11m
First floor – 2.8-15	First floor – 8.7-15m
Second floor - 15 -17.5m	Second floor – 15 -17.5m

- 8.15 The previously refused applications considered the construction of the care home would lead to a loss of light and outlook from no. 9 which would have a detrimental impact on the amenity of this dwelling. With the reduction to the floor area at first floor level the proposed separation at this level has been improved by just over 6m. This is considered to be a significant improvement and now creates a bulk and massing that would not have a demonstrable impact on the outlook of the neighbouring property that would warrant refusal. A light impact study has been also provided to show that there will be no undue restriction in line with the BRE guidance set out in the BRE 2011 site layout and planning for daylight and sunlight.
- 8.16 Previously, the design of the care home included an external amenity space for use by the 38 occupants that was located 2m from the boundary. With the removal of basement bedrooms this space has also been removed and improves the relationship to the neighbouring property at number 9.

- 8.17 As per the previously refused applications, the relationship to other neighbouring boundaries to the south and west are considered acceptable, where separation distances are sufficient and any windows above ground floor level that may directly overlook neighbouring amenity space are at least 10m from the neighbouring boundary.
- 8.17 It is acknowledged that two windows at first and second floor levels are approximately 4.5m from the neighbouring boundary to the south. However, these are considered acceptable where there will only be oblique views of neighbouring amenity space and proposed windows are approximately 25m from the neighbouring dwelling.
- 8.18 Concerns have also been raised regarding noise and disturbance in relation to the proposed use, provision of café and the location of the bin store. The proposed kitchen is located in the basement and is some 13m from the closest neighbouring boundary. Details of plant and servicing have been conditioned to be provided prior to commencement to ensure it does not impact negatively neighbouring amenity (conditions 16 & 17).
- 8.19 With the kitchen located in the basement, the proposed café will be mainly for serving and dining. There is only one opening to the north which is approximately 11m from the neighbouring boundary.
- 8.20 It is acknowledged that the proposed bin store is within close proximity of the neighbouring adjacent boundary. Due to issues with protected trees it has proved necessary to locate this here. However the proposed bin store is a fully enclosed structure, some 25m from the neighbouring dwelling and is therefore considered acceptable.

The standard of residential amenity for proposed occupants

- 8.21 Concerns were raised by the Dorset Social Care Team in response to previously refused applications regarding the suitability of the proposed accommodation for use as a dementia care home due to the proposed internal layout and the lack of a modern approach to living arrangements. However, on balance the standard of amenity was not considered so inadequate as to form a reason for refusal in previous applications.
- 8.22 In addition, there were concerns over the proposed accommodation at basement level comprising the outdoor amenity space and the basement bedrooms, which did form a reason for refusal in the most recently refused application. The living conditions of basement rooms was considered to be wholly unacceptable, particularly for dementia care patients whose principal living space would be these rooms and formed a reason for approval. Proposed basement rooms and amenity space have now been removed in the revised design, removing this previous reason for refusal

- 8.23 The Dorset Social Care Team have not responded to the reconsultation on the revised design and while a more modern approach to dementia care living could still be applied to the internal layout, as per the previously refused applications, on balance the standard of design is not considered so inadequate as to form a reason for refusal.

Impact of the proposal on trees

- 8.24 The site includes a number of mature trees on the southern boundary and is covered by a site-wide TPO. Concerns have been raised by neighbours, Verwood Town Council and the EDEP regarding the impact on trees. A number of issues were identified by the Council's Tree and Landscape Officer in relation to the Arboricultural information submitted as part of the previously refused applications.
- 8.25 The Council's Tree and Landscape Officer has been consulted on the revised design and after some negotiation in relation to hard landscaping and parking space locations, the tree officer is now satisfied that the previous reason for refusal has been overcome subject to a pre-commencement condition to provide an updated tree report (condition 12).

Impact on Highways

- 8.26 The main vehicular access would be taken off Edmondsham Road towards the south of the site, providing access to a car park. The parking within the car park would include nine bays located within a stacking system, for use by staff only, a further 10 spaces (7 within the car park and 3 spaces off Edmondsham Road), cycle parking, ambulance bay and bin store. The proposals for access to the care home, including access for emergency vehicles, have been considered by the Highways Authority and found to be acceptable subject to conditions, including a condition relating to a Construction Traffic Management Plan to manage the impacts of vehicular movements and parking during construction, which have been imposed (conditions 4-9).
- 8.27 Concerns have been raised by third parties that the proposed does not provide sufficient parking and that there are highways safety concerns given the proximity to the First School and lack of street lighting and pavements surrounding the application site.
- 8.28 The level of parking proposed in the previously refused applications were considered in accordance with the requirements of Policy KS12 and the Local Transport Plan at 23 spaces for 37 beds. 19 parking spaces are currently proposed for 29 beds.
- 8.29 The Dorset Council requirement for parking for a residential care home is 1 space per 4 beds and 1 per 2 full time staff. The number of beds have been reduced from 38 to 29 and the agent has confirmed by email that the number

of staff will reduce to 20 full time staff as a result. Therefore the number of parking spaces required as per Dorset Council parking standards is:

29 beds = 7.25 spaces

20 staff = 10 spaces

TOTAL SPACES REQUIRED – 17.25 spaces

TOTAL SPACES PROVIDED – 19 spaces

- 8.30 9 of these spaces are part of the proposed stacking system, these spaces will be allocated to staff only. DC Highways are satisfied with this provision and have imposed a condition to ensure the correct installation and maintenance of the system (condition 6).
- 8.31 DC Highways have raised no concerns on highway safety grounds subject to condition (condition 4-9). The impact on highways and proposed parking provision is therefore found to be acceptable.

Impact of the proposal on flood risk and sustainable drainage

- 8.32 Concerns have been raised by neighbours that the proposed would create a flood risk to the area. The site is located with fluvial flood zone 1, however, there is a risk of fluvial flooding to parts of the site. The building itself would not be within an area at risk of pluvial flooding so it is not considered that a sequential test is required in relation to this proposal.
- 8.33 The Lead Flood Authority (LFA) originally raised concerns regarding the level of detail provided in relation to drainage and flood information. The original submission failed to meet national guidance in relation to climate change and did not include the required 40% allowance; drainage calculations had not been provided as requested in the previously refused application. While the LFA considered there to be an acceptable “plan B” discharge route, provisional details had not been provided with the application and as such the LFA were unable to ascertain whether this was feasible.
- 8.34 The additional information requested by the LFA was subsequently provided by applicant and the LFA confirmed by e-mail dated 1 June 2020 that the additional information submitted with the revised design provides the necessary detail to substantiate the proposed Surface Water strategy. The LFA therefore have no objection to the application subject to surface water conditions and informative (conditions 10 & 11).
- 8.35 Foul water is proposed to be disposed of via the mains sewer and this application did not trigger the requirement to consult Wessex Water.

Impact on the Dorset Heathlands

- 8.36 The application site lies within 400m to 5km of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site. The proposal for a 29 bed care home, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the site. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.
- 8.37 The appropriate assessment has concluded that avoidance measures in the form of conditions and planning obligation could prevent adverse impacts on the integrity of the site. It would be necessary to limit the residential occupancy of the site to those with dementia or the requirement for 24 hour close care, restrict more than 1 member of staff from sleeping at the care home, restrict pets on the site and require the proposed parking to be limited to care home staff and visitors. A Legal Agreement dated 21 April 2020 has been provided by the applicant which secures these measures (informative 2).

Impact on Biodiversity

- 8.38 Concerns have been raised by EDEP and the Dorset Wildlife Trust that an up to date biodiversity plan was not submitted with the application. Subsequently a Dorset NET signed BMEP has been provided and dated 12 May 2020. It is noted that changes where hard landscaping has been reduced and parking provisions reconfigured slightly since the BMEP was submitted. Therefore it is not the most up to date plan in the approved BMEP but changes are minor and have been made to hard landscaping only to address tree concerns and do not affect the provisions of the proposed BMEP. The proposed BMEP is secured by condition (condition 13).

Waste Management

- 8.39 Dorset Waste Partnership (DWP) has advised that the proposed bin store location does not meet their requirements for waste collection. The agent has advised a private waste collection service will be used and it is therefore not necessary to meet the requirements of the DWP. A condition has been imposed to ensure this (condition 15).

9. CONCLUSION

- 9.01 Reasons for refusal in the previously refused application 3/19/0341/OUT and 3/19/2163/OUT have now been addressed to extent that the proposed is no longer demonstrably harmful to the character of the area and the amenity of neighbouring occupants, in particular at no. 9 Edmondsham Road. The previous reasons for refusal in relation to trees and living standards have also be overcome by the reduction of hard landscaping and removal of bedroom accommodation in the basement. Finally sufficient drainage information has been provided to overcome previous drainage concerns.

9.02 The application is therefore recommended for approval.

10.0 HUMAN RIGHTS

10.1 Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

11.0 PUBLIC SECTOR EQUALITIES DUTY

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

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

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

12.0 CLIMATE IMPLICATIONS

12.1 The proposal would increase the number of vehicle trips to the application site. However, more sustainable transport options are also available as the application site is located within close proximity to the town centre boundary where there are public transport links and cycle parking is also provided.

12.2 Existing protected trees are retained on site. One non-native Douglas Fir tree will be lost but will be replaced by a cherry tree.

12.3 The main climate impacts will be result of increased vehicle trips. This is generally expected with new development and given the options of alternative more sustainable transport options the proposed is considered acceptable.

Recommendation: Approve, subject to the following conditions:

Conditions/Reasons:

[All pre-commencement conditions have been agreed by the agent by email on 3 June 2020]

1. (a) Before any development is commenced details of all 'Reserved Matters', that is the following matters in respect of which details have not been given in the application and which relate to the landscaping shall be submitted to and approved in writing by the Local Planning Authority.
(b) An application for approval of any 'Reserved Matters' must be made not later than the expiration of three years beginning with the date of this permission.
(c) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: (a) This condition is required to be imposed by the provisions of Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015: (1) of the (b) and (c) These conditions are required to be imposed by Section 92 of the Town and Country Planning Act 1990.

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

J18067 001 Rev F Proposed Basement Floor Plan
J18067 002 Rev M Proposed Ground Floor Plan
J18067 003 Rev L Proposed First Floor Plan
J18067 004 Rev L Proposed Second Floor Plan
J18067 005 Rev G Proposed Front Elevation
J18067 006 Rev E Proposed Rear Elevation
J18067 007 Rev F Proposed Side Elevation
J18067 008 Rev F Proposed Side Elevation
J18067 009 Rev G Proposed Street Elevation
J18067 010 Rev F Section AA
J18067 011 Rev E Section BB
J18067 012 Rev L Block and Location Plan
J18067 013 Rev E Bin Store Details

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

3. No development above DPC (damp proof course) shall take place until details and samples of all external facing and roofing materials have been provided on site, and approved in writing by the Local Planning Authority (LPA). All works shall be undertaken strictly in accordance with the details as approved, unless otherwise agreed in writing with the LPA.

Reason: This information is required prior to above ground work commencing to ensure satisfactory visual relationship of the new development to the existing.

4. Before the development is occupied or utilised the first 5.00 metres of each vehicular access, measured from the rear edge of the highway (excluding the vehicle crossing – see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

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

5. Before the development is occupied or utilised the areas shown on Drawing Number J18067-012 L 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.

6. Before the development is occupied or utilised multi-parking lift shown on Drawing Number J18067-012 L must have been constructed in accordance with the submitted technical specification (multibase G63 by KLAUS Multiparking). Thereafter, this parking system must be permanently maintained and available.

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

7. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to the Local Planning Authority. The location of the cycle shelter shall be as shown on Drawing Number J18067-012 L. Any such scheme requires approval to be obtained in writing from the Local Planning Authority. The approved scheme must be constructed before the development is commenced and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

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

8. Before the development commences a scheme showing precise details for the provision of visibility splays at the proposed access to the site must be submitted to the Planning Authority. Any such scheme requires approval to be obtained in writing from the Planning Authority. The approved scheme must be

constructed before any part of the development hereby permitted is occupied or is brought into use and will require the visibility splays to be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway and must thereafter be maintained and kept free from all obstructions.

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

9. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Local Planning Authority. The CMS must include:
- the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - delivery, demolition and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: to minimise the likely impact of construction traffic on the surrounding highway network.

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

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

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

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

12. Notwithstanding the details submitted, an up-to-date arboricultural method statement shall be submitted to and approved in writing by the Local Planning

Authority, prior to the commencement of the demolition/development. All works shall subsequently be carried out in strict accordance with the approved details. The method statement must provide the following:

- a specification and plan showing the extent and positioning of protective measures including ground protection and fencing to trees during demolition and construction which complies with BS5837:2012;
- a specification for any works associated with the development in the tree protection zones;
- the locations suitable for storage of materials, site hut/office, concrete mixing, use of fires and service runs;
- cross sections including existing and proposed levels detailing any changes in levels within tree protection zones on/adjacent to the site;
- full details of surfacing, materials, colours, edging, bollards, stones, walling or any other means of enclosure;

The approved details shall be implemented in full and the hard landscaping completed in all respects prior to the first occupation/use of the development and thereafter retained.

Reason: This information is required prior to commencement of development in the interests of tree protection and to accord with Policies HE2 and HE3 of the Core Strategy.

13. The development hereby approved shall not be first brought into use unless and until the mitigation measures as detailed in the approved mitigation plan (ABR Ecology) dated 15.04.20 have been completed in full, unless any modifications to the agreed mitigation plan as a result of the requirements of a European Protected Species Licence, or the results of subsequent bat surveys have first been submitted to and agreed in writing by the local planning authority. Thereafter approved mitigations measures shall be permanently maintained and retained in accordance with the approved details, unless otherwise first agreed in writing by the local planning authority.

Reason: In the interests of nature conservation.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent enactment or re-enactment thereto, no enlargements, improvements or other alterations (including the insertion of a mezzanine floor) shall be undertaken to the building without express planning permission first being obtained.

Reason: To ensure that the site is capable of accommodating the proposed building.

15. Prior to the first occupation of the care home, details of storage for refuse and recycling, together with the access to it including details of a private refuse

collection solution, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Furthermore unless agreed in writing with the Local Planning Authority the approved private refuse collection solution shall be retained in perpetuity.

Reason: In the interests of highway safety, visual amenity and the amenities of future occupiers of the development.

16. Prior to the commencement of the development of the care home, hereby permitted, a noise assessment for any external plant/condensers shall be conducted in accordance with BS4142:2014 for all plant including fans associated with the extract system, refrigeration condensers, air conditioning units and any other plant likely to be audible at neighbouring premises from the care home. The assessment shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme (together with any required measures) shall be installed to the agreed specification prior to the first use, and maintained and operated in that condition thereafter.

Reason: to protect neighbouring amenity of adjoining neighbouring properties

17. Prior to the commencement of development, a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the local planning authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried.

Reason: to protect neighbouring amenity of adjoining neighbouring properties

18. No development above DPC (damp proof course) shall take place until details and samples of all external facing and roofing materials have been provided on site, and approved in writing by the Local Planning Authority (LPA). All works shall be undertaken strictly in accordance with the details as approved, unless otherwise agreed in writing with the LPA.

Reason: This information is required prior to above ground work commencing to ensure satisfactory visual relationship of the new development to the existing.

Informatives:

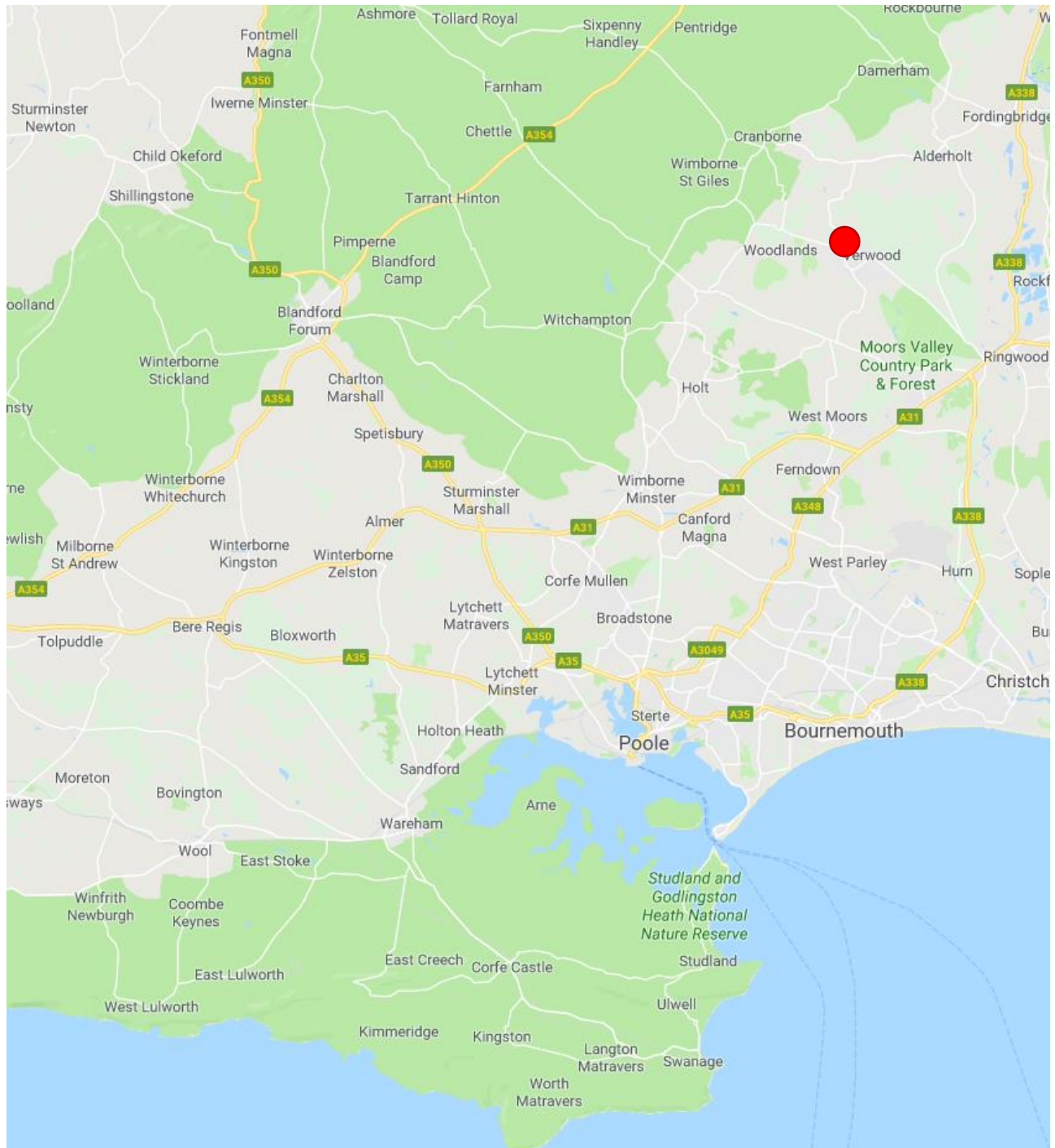
1. The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted.
2. This grant of permission is to be read in conjunction with the Legal Agreement dated 21 April 2020 entered into between Dorset Council and Peter Martin Miller / Helen Louise Miller / Fayrewood Property Limited.
3. The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at Dorset Direct (01305 221000), by email at dorsetdirect@dorsetcc.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.
4. Prior Land Drainage Consent (LDC) may be required from DC's FRM team, as relevant LLFA, for all works that offer an obstruction to flow to a channel or stream with the status of Ordinary Watercourse (OWC) – in accordance with s23 of the Land Drainage Act 1991. The modification, amendment or realignment of any OWC associated with the proposal under consideration, is likely to require such permission. We would encourage the applicant to submit, at an early stage, preliminary details concerning in-channel works to the FRM team. LDC enquires can be sent to floodriskmanagement@dorsetcouncil.gov.uk.

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Approximate Site Location 

3/19/2271/OUT – 5 - 7A Edmondsham Road, Verwood, BH31 7PA

Proposal: Demolish the existing buildings and erect a dementia care home with new vehicular access and parking provision (revised scheme from previously refused applications) (amended plans submitted 28.02.2020)



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