



## Eastern Area Planning Committee

**Date:** Wednesday, 30 September 2020

**Time:** 10.00 am

**Venue:** Virtual/Teams Live Event - see link below to access proceedings of meeting

**Membership: (Quorum 6)**

Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Alex Brenton, Robin Cook, Mike Dyer, Barry Goringe, Brian Heatley, David Morgan, Julie Robinson, 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**

---



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

Members of the public are welcome to attend this meeting with the exception of any items listed in the exempt part of this agenda. MS Team Live Event/Virtual (please see link below)

**Links for the meeting:-**

Morning session – 10.00 am – 1.00 pm

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_OWl0ODU3MDktZTM4ZS00NWMzLTk4MWItOTQ2MjdlYTRjMWM1%40thread.v2/0?context=%7b%22Tid%22%3a%220a4edf35-f0d2-4e23-98f6-b0900b4ea1e6%22%2c%22Oid%22%3a%226b0f9558-2fa4-49d1-82dc-5ad39a1bb4c7%22%2c%22IsBroadcastMeeting%22%3atrue%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_OWl0ODU3MDktZTM4ZS00NWMzLTk4MWItOTQ2MjdlYTRjMWM1%40thread.v2/0?context=%7b%22Tid%22%3a%220a4edf35-f0d2-4e23-98f6-b0900b4ea1e6%22%2c%22Oid%22%3a%226b0f9558-2fa4-49d1-82dc-5ad39a1bb4c7%22%2c%22IsBroadcastMeeting%22%3atrue%7d)

Afternoon session - 2.00 pm onwards

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_MjhjNWU1OWQtODE1OC00MmYwLTlhYmMtMGNkNDYwZDQwYjY3%40thread.v2/0?context=%7b%22Tid%22%3a%220a4edf35-f0d2-4e23-98f6-b0900b4ea1e6%22%2c%22Oid%22%3a%226b0f9558-2fa4-49d1-82dc-5ad39a1bb4c7%22%2c%22IsBroadcastMeeting%22%3atrue%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MjhjNWU1OWQtODE1OC00MmYwLTlhYmMtMGNkNDYwZDQwYjY3%40thread.v2/0?context=%7b%22Tid%22%3a%220a4edf35-f0d2-4e23-98f6-b0900b4ea1e6%22%2c%22Oid%22%3a%226b0f9558-2fa4-49d1-82dc-5ad39a1bb4c7%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 28 September 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 28 September 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 - 8

To confirm the minutes of the meeting held on 26 August 2020.

**4 PUBLIC PARTICIPATION**

9 - 10

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](#).

**MORNING SESSION 10 AM TO 1.00 PM**

**5 6/2019/0604 - REDEVELOPMENT OF SITE INCLUDING DEMOLITION OF SEVERAL SCHOOL BUILDINGS, CONVERSION AND CONSTRUCTION OF NEW BUILDINGS TO PROVIDE 19 DWELLINGS WITH VEHICULAR ACCESS, OFF STREET PARKING, GARDENS & LANDSCAPING - THE OLD MALTHOUSE, HIGH STREET, LANGTON MATRAVERS**

11 - 54

To consider a report by the Head of Planning.

**6 3/20/0499/FUL - ERECTION OF A MULTI-USE GAMES AREA (MUGA) COMPRISING SYNTHETIC SURFACE, 3M HIGH PERIMETER BALL STOP NETTING AND 8 X 8M LIGHTING COLUMNS (ADDITIONAL AND AMENDED DOCUMENTS - 6/7/20) AT ST IVES PRIMARY AND NURSERY SCHOOL, SANDY LANE, ST LEONARDS AND ST IVES**

55 - 72

To consider a report by the Head of Planning.

**AFTERNOON SESSION - 2PM ONWARDS**

- |          |   |                  |
|----------|---|------------------|
| <b>7</b> | <b>3/ 19/1767 - DEMOLISH EXISTING DWELLINGS AND ERECT A FOOD STORE - LIDL - WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING AT 76-78 RINGWOOD ROAD, VERWOOD</b> | <b>73 - 120</b>  |
|          | To consider a report by the Head of Planning.   |                  |
| <b>8</b> | <b>PLANNING APPEALS SUMMARY</b>   | <b>121 - 124</b> |
|          | To consider a summary of planning appeal outcomes.  |                  |
| <b>9</b> | <b>URGENT ITEMS</b>   |                  |



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

### **MINUTES OF MEETING HELD ON WEDNESDAY 26 AUGUST 2020**

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

**Apologies:** Cllrs Robin Cook

**Officers present (for all or part of the meeting):** Kim Cowell, Naomi Shinkins, Chelsey Golledge, Phil Crowther and David Northover

#### **122. Apologies**

An apology for absence was received from Councillor Robin Cook.

#### **123. Declarations of Interest**

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

#### **124. Minutes**

#### **125. 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.

#### **126. 3/20/0657/CONDR - Land North of Casa Velha, Ringwood Road, Three Legged Cross,**

The Committee considered application 3/20/0657/CONDR to vary Condition 18 (hours of operation) of PA 3/19/1365/FUL (Erection of 14 commercial units for

B1(b), B1(c) and B8 use together with access and associated parking) to vary the hours of operation Land North of Casa Velha, Ringwood Road, Three Legged Cross, Wimborne so as to provide for operations during the hours of 10:00 to 16:00 on Sundays or public holidays, including deliveries to site. The development currently provided capacity for light industrial and storage businesses to complement the principle of new employment development to

meet economic need and this variation was designed to benefit this still further.

With the aid of a visual presentation, officers explained what the main proposals and planning issues of the variation were; why these were considered necessary; the reasoning for this and what benefits these would bring – in furthering the capacity of the site and providing the opportunity for flexibility in how the operations were able to be undertaken.

Plans and photographs provided an illustration of the location, dimensions, configuration and design of the development, with the presentation also confirming what the highways and access arrangements were; landscaping characteristics; noise assessments made; the development's relationship with neighbouring amenity and particularly the Oakdene Nursing Home, and set the development in context with the characteristics of the surrounding area.

The Planning Officer had also sought additional clarification regarding specific Sunday background noise levels not included in the Noise Impact Assessment and, following a series of assessments made, consideration given to the LOAEL – Lowest Observed Adverse Effect Level - above which adverse effects on health and quality of life could be detected.

Consequently the noise impact assessment satisfactorily demonstrated that the impact of site operations for the B1 and B8 during the daytime period, including on Sundays, would have the Lowest Observed Adverse Effect Level (LOAEL) adverse impact on the dwellings in the vicinity of the site and was therefore considered acceptable in terms of planning and noise.

As such, having assessed the material considerations as outlined within the report, and with the conditions set out, there were not considered to be any matters which would warrant a refusal of planning permission in this case. Approval subject to the following conditions is therefore recommended.

Formal consultation had generated an objection from Verwood Town Council – on the basis that given the site's relationship to nearby properties it would adversely affect amenity by general disturbance, which should be minimised. Comments from the Environmental Health officer were that although the applicant had demonstrated through noise modelling that there was unlikely to be a statutory nuisance, there would undoubtedly be some noise created by the new development, which bordered residential properties. In extending operating hours and deliveries to include Sundays and bank holidays when residents were likely to be using their gardens could give rise to complaints of disturbance in the future.

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 certain points. 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.

Whilst the Vice-Chairman was of the view that the officer's recommendation should be supported for the reasons given – in being reasonable acceptable and beneficial - the majority of members considered that, in affirming their view in considering this very point at their meeting in March 2020 – *“in recognising that operations should be prevented on Sundays and bank holidays in the interests of neighbouring amenity and particularly Oakdene Nursing home and the adverse effect this would have if allowed”* – saw that nothing material had changed since then for them to come to a different opinion now. On that basis, they remained reluctant to see the changes recommended being made. Moreover conditions and monitoring were designed to address any concerns about nuisance or disturbance to residents of Oakdene Nursing Home and that these would be quite satisfactory in remaining in place for that reason.

Councillor David Shortell - one of the two local members for West Moors and Three Legged Cross - objected to what was being proposed, considering that such a variation would compromise the measures which had purposely been put in place to reduce the adverse impact on the tranquillity of Oakdene Nursing Home and its residents and local amenity in general. On that basis, he asked the Committee to refuse the application. This view was shared by the other Ward member, Councillor Mike Dyer.

Moreover, whilst having no direct bearing on the application, mention was made that the nearby Longmeadow industrial estate - which was very similar in nature - remained closed on Sundays and Bank Holidays, so there was no real reason why the case could be made for this being any different.

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 the views of Ward Councillors David Shortell and Mike Dyer, 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 variation should be granted permission, they could not agree to what was being recommended on the basis that given the proximity of the authorised employment use to neighbouring properties - in particular Oakdene Nursing Home to the application site, the proposed variation of the hours of operation, and associated traffic generation would result in an unacceptable risk of noise pollution and disturbance, which would impact negatively on neighbouring amenity. On that basis and on being put to the vote, the Committee agreed, 9:1, that the application should be refused.

**Resolved**

That the application 3/20/0657/CONDR be refused.

Reason for Decision

Given the proximity of the authorised employment use to neighbouring properties (in particular Oakdene Nursing Home) to the east of the application site, it is considered that the proposed hours of operation, and associated traffic generation; which includes deliveries to and from the site from 10:00 to 16:00 hours on Sundays and Public Holidays, will result in an unacceptable risk of noise pollution and disturbance, which would impact negatively on neighbouring amenity. For this reason the development is considered to be contrary to Policy HE2 of Christchurch and East Dorset Core Strategy and paragraphs 170 (e) and 180 (a) of the National Planning Policy Framework 2019, which require the mitigation and minimisation of noise and disturbance from new development on neighbouring amenity.

**127. Statement of Decision Appeals**

Consideration was given to the statement of decision appeals and the Committee noted these and what they entailed.

**128. Urgent items**

There were no urgent items for consideration at the meeting.

**Duration of meeting:** 10.00 - 11.15 am

**Chairman**

.....



## Dorset Council

### **Covid-10 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings – effective from 29 July 2020**

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

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

1. While planning committee meetings are held remotely during the Coronavirus outbreak public participation will take the form of written statements (and not public speaking) to the Committee.

2. If you wish to make a written statement it must be no more than 450 words with no attached documents and be sent to the Democratic Services Team by 8.30am, two working days prior to the date of the Committee – **i.e. for a committee meeting on a Wednesday, written statements must be received by 8.30am on the Monday**. The deadline date and the email contact details of the relevant democratic services officer can be found on the front page of the Committee agenda. The agendas for each meeting can be found on the Dorset Council website:-

<https://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 first three statements received from members of the public for and against the application (maximum six in total) will be read out together with any statement from the town and parish council, by an officer (but not the case officer), after the case officer has presented their report and before the application is debated by members of the Committee. It may be that not all of your statement will be read out if the same point has been made by another statement and already read to the Committee. This is to align with the pre-Covid-19 protocol which limited public speaking to 15 minutes per item, although the Chairman of the Committee will retain discretion over this time period as she/he sees fit. All statements received will be circulated to the Committee members before the meeting.

5. This addendum applies to members of public (whether objecting or supporting an application), town and parish councils, planning agents and applicants. **The first three statements received from members of the public, for and against the application, (maximum six in total) will be read out, together with any statement from the Town and Parish Council, in its own right.**

6. Councillors who are not on the Planning Committee may also address the Committee for up to 3 minutes by speaking to the Committee (rather than submitting a written statement). They need to inform Democratic Services of their wish to speak at the meeting two working days before the meeting – by the 8.30 am deadline above - so those arrangements can be put in place.

This page is intentionally left blank

**1.0 Application Number:** 6/2019/0604**Webpage:** <https://planningsearch.purbeck-dc.gov.uk/Disclaimer?returnUrl=%2F>**Site address:** The Old Malthouse, High Street, Langton Matravers, BH19 3HB**Proposal:** Redevelopment of site including demolition of several school buildings, conversion & construction of new buildings to provide 19 dwellings with vehicular access, off street parking, gardens & landscaping**Applicant name:** Old Malthouse (Purbeck) Limited**Case Officer:** Cari Wooldridge**Ward Member(s):** Councillor Cherry Brooks

The Nominated Officer has identified this application to come before the Planning Committee in light of the concerns raised by the Parish Council and local representations.

**2.0 Summary of recommendation:**

GRANT planning permission subject to conditions.

**3.0 Reason for the recommendation:**

- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact in terms of the Langton Matravers Conservation Area and the Dorset AONB.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no objections on highway safety, traffic or parking grounds.
- There are no other material considerations which would warrant refusal of this application.

**4.0 Key planning issues**

Issue	Conclusion
Principle of development	Acceptable. The site is previously developed and the majority of the site is located within the settlement boundary.
Vacant building credit and affordable housing provision	Acceptable and in accordance with NPPF and NPPG policy and guidance.
The impact of the proposals on the significance of the heritage asset of Langton Matravers Conservation Area,	Acceptable subject to details of finishes and joinery conditions.

its features of special architectural or historical interest, and it's preservation	
Scale, design and impact on the character and appearance of the area	Acceptable subject to detail of materials condition.
Impact on the Dorset AONB	Acceptable. Submitted Landscape and Visual Impact Assessment is acceptable and includes suitable mitigation.
Impact on the living conditions of the occupants of neighbouring properties	Acceptable subject to conditions.
Tree impacts	Acceptable subject to condition requiring implementation of the submitted Arboricultural Method Statement and Tree Protection Plan.
Biodiversity impacts	Acceptable biodiversity impacts in accordance with Biodiversity Mitigation and Enhancement Plan approved by the Dorset Council Natural Environment Team. Acceptable impacts on Dorset Heaths International Designations and Poole Harbour Recreation Pressures in accordance with adopted policy and SPD.
Highway safety, car parking and impacts on Public Rights of Way	Acceptable subject to conditions and informative notes on decision.
Flood risk and drainage	Acceptable subject to conditions requiring the approval of a detailed surface water management scheme, and related maintenance and management details.
Waste Service Provision	Acceptable.
Second homes and infrastructure contribution	Emerging Purbeck Local Plan cannot be given weight at this stage.

## 5.0 Description of Site

5.1 The application site is approximately 0.5ha in size and consists of buildings and land that formerly formed the main complex of The Old Malthouse School, Langton Matravers, which closed in 2007. The site forms part of a much larger area of land

within the same ownership, including extensive playing fields to the north and north-east. Other part of the school site have previously been severed and sold / redeveloped including land to the west of Old Malthouse Lane and more recently cottages along High Street to the south of the application site.

5.2 The majority of the application site is located within the Langton Matravers settlement boundary, although areas of car parking along the northern part of the site are located outside the boundary. The site is also located within Langton Matravers Conservation Area which includes all of the former school buildings and significant areas of the former playing fields to the north of the site. In addition, the site is within the Dorset Area of Outstanding Natural Beauty with exceptional landscape views to the north, and the entire site (in addition to the playing fields) is covered by a Tree Preservation Order. Within the site, former school buildings remain of varying heights and ages. Older school buildings are set along Old Malthouse Lane with modern (1980s) detached school buildings located to the rear including a large school hall. All existing buildings are constructed of Purbeck Stone with areas of wooden cladding also used on the modern buildings. The topography of the site slopes away from Old Malthouse Lane to the east and north, with the rear area of the site being at significantly lower levels. Purbeck stone walling encloses the majority of the site boundaries although temporary modern close boarded fencing has been installed to separate the recently sold properties on High Street from the southern boundary of the site.

5.3 Surrounding development is largely residential including historic (although unlisted) and more recent redevelopment along Old Malthouse Lane. To the east, the site adjoins Langton Matravers Primary School and its playground.

## 6.0 Description of Development

6.1 The application proposes the redevelopment of the site including demolition of several school buildings, together with the conversion & construction of new buildings to provide 19 dwellings with vehicular access, off street parking, gardens & landscaping.

6.2 Following amendments to the original plans, the number of dwellings proposed in the scheme has been reduced in number by one to nineteen. This proposal consists of 9 apartments, 9 houses and 1 bungalow. The table below sets out the breakdown according to type, size and conversion / new build:

Property Type	1 bed	2 bed	3 bed	TOTAL	New Build	Conversion
Bungalow	1			1	1	
House		2	7	9	9	
Apartment	2	6	1	9	7	2

- 6.3 The apartments consist of 2 units within the conversion of the more historic part of the original school buildings along Old Malthouse Lane and 7 units within a new build element (to replace demolished buildings) along Old Malthouse Lane, forming a courtyard to the east. The modern and larger 1980s school buildings in the northern part of the site are to be demolished and will allow for a courtyard style development of detached and semi-detached houses (including a single bungalow) focused around car parking courts that address the differing levels of the site.
- 6.4 Whilst the conversion and new build apartment buildings will continue to reflect the existing industrial appearance along Old Malthouse Lane, the new build courtyard properties have a much more modern appearance and design which continues to include traditional materials, including Purbeck Stone, that are distinctive to the village.
- 6.5 The vehicular access to the site will remain via Old Malthouse Lane with the existing school site access altered to provide for the new development. An existing area of informal car parking that extends along the eastern side of Old Malthouse Lane between the lane and the playing fields to the north of the site is to remain and will continue to provide parking for residents as part of the proposed scheme.

## **7.0 Relevant Site and Planning History**

### Site History

- 7.1 The submitted Planning Statement for the application sets out the history for the site which, originally constructed as a brewery, became the private / independent school known as the Old Malthouse in 1906. The independent boarding school was closed on 12th July 2007.
- 7.2 In 2008 the property was acquired by the Cothill Educational Trust that operated a business from the site. The Trust first ran courses for adults, for corporate team building and staff development. Then providing a science- based centre, running residential, outward bound type courses for children. Fees were charged per person, per day and there is no Ofsted history as the business was not a school. The current owner of the site purchased the site from the Cothill Educational Trust after closure of the Cothill business in November 2018. The company accounts refer to the sale of a “former activity centre”.

### Planning History

- 7.3 The recent planning history listed below relates specifically to the application site for the current application. Other applications for residential development have been approved historically on Old Malthouse Lane as either redevelopment of former school buildings or the change of use to residential of former buildings.
- 6/1985/0525 - Erect extension to form new entrance lobby and W.C. – Approved.
- 6/1986/0884 - Erect multi-purpose school hall. – Approved.
- 6/1993/0434 - Erect two-storey block to provide 6 No. new classrooms. - Approved.

6/2009/0257 - Demolition of two storey extension. Erection of new two storey entrance lobby and access corridors. – Approved.

6/2009/0664 - Demolition of two storey extension. Erection of new two storey entrance lobby and access corridors - proposed non- material amendment to PP 6/2009/0257 - rearrangement of fenestration including two additional windows, reduction of rooflights and adjustment of the upper roof height – Refused.

6/2010/0415 - Demolition of two storey extension. Erection of new two storey entrance lobby and access corridors - (application for retrospective alterations - as built). – Approved.

#### Pre application advice and negotiation

7.4

The Case Officer and Design and Conservation Officer have provided significant levels of advice in relation to the current proposal at both pre-application and application stages. Pre-application advice considered two options for residential development at the site (i) to include conversion of all buildings fronting onto Old Malthouse Lane and (ii) to include partial demolition and re-building of buildings fronting onto Old Malthouse Lane, together with a new courtyard development to the rear. The advice concluded that the proposed residential development was acceptable in principle subject to the requirements of Policy CF of the Purbeck Local Plan being met, or sufficient evidence being supplied as part of any planning application to demonstrate a material change of use has occurred from the established C2 school use of the site. It was also advised that further consideration was given to the other aspects raised in written advice prior to the submission of any planning application including the inclusion of retaining mature trees, neighbour amenity, hard and soft landscaping, and bin / recycling storage.

8.0

### **List of Constraints**

8.1

The following constraints and designations are applicable to this application:

- The parish of Langton Matravers.
- Langton Matravers settlement boundary.
- 500m of Ancient Woodland.
- The Dorset AONB (Purbeck) (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).
- The Bournemouth Airport Windfarm Safeguarding Area.
- Langton Matravers Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- 5km of a European Habitat (SSSI).
- The Mineral Safeguarding Area.
- A River Catchment - Poole to Weymouth Coast.
- 2km of a SAC.

- 8.2 The site also intersects a footpath right of way and has a TPO Order (A1) District of Purbeck (The Old Malthouse School No.1, Langton Matravers) Tree Preservation Order 2007' Ref. TPO 332 which covers all trees that were present at the time that the Order was made.

## 9.0 Consultation responses (summary)

- 9.1 All consultee responses can be viewed in full on the website. The following are summaries:

### **Consultees**

- **Natural England (responses 22/11/19 and 22/07/20).**

No objection subject to heathland mitigation being secured in accordance with SPD to ensure that identified adverse effects are mitigated. Authority to undertake an Appropriate Assessment. No additional mitigation measures are required above what you would secure through CIL Proposal must meet statutory duty in regard of the Dorset AONB. Planning permission should not be granted until the BMEP has been approved by the Dorset Council Natural Environment Team.

- **Historic England.**

Includes demolition of an element of the north-western range of the school buildings which is considered to be a positive building in the Conservation Area Appraisal. Authority must be convinced that the proposed development will preserve or enhance the character and appearance of the Conservation Area and that the demolition is justified.

- **Environment Agency.**

Outside external checklist - no comment.

- **Health and Safety Executive (consulted on advice of Dorset Council Environmental Health Officer).**

Use HSE's Planning Advice Web App to consult HSE where development is within the consultation distance of a hazardous installation or a major accident hazard pipeline – Officer Note: not relevant to this application.

- **Wessex Water (WW)**

Foul sewers crossing the site may have transferred into public ownership. Should be accurately located and marked on developer drawings. No building within 3m and no tree planting within 6m. May be possible to divert sewers.

No foul drainage details for review. Information provided for applicant.

The existing drainage regime for retained buildings fronting High Street and Old Malthouse Lane is to remain. Rear roof areas of retained buildings are to be re-directed to a new separate surface water system. Surface water runoff must be disposed of in accordance with SuDs Hierarchy and NPPF Guidelines.



The Surface Water Design strategy (GAP Ltd Oct 2019) using infiltration methods requires the approval of the Lead Local Flood Authority (LLFA). Ground Investigation has not been undertaken to prove that soakaways will work. If infiltration is unviable, the contingency strategy proposes connection to the public surface water sewer. Where other methods are not viable, developers may connect to the nearest public surface water sewer at an agreed discharge rate. Proof of connectivity between private manhole in applicant's ownership and the public surface water sewer on Old Malthouse Lane required. Must also demonstrate satisfactory hydraulic capacity and condition of the private sewer.

Wessex Water will only accept discharge from a permeable paving system acting as an attenuation feature with an impermeable membrane preventing groundwater ingress. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system. Surface water connections to the public foul sewer will not be permitted either directly or indirectly.

- **Dorset Police (Crime Prevention and Design Advisor).**

No response received to consultations.

- **Dorset and Wiltshire Fire and Rescue Service.**

No response received to consultations.

- **Forestry Commission.**

No comments to make due to the scale of the proposed development. Refer to standing advice.

- **Woodland Trust.**

- No response received to consultations.

- **Dorset AONB Officer.**

The Application is supported by a comprehensive LVIA and the judgements reached are fair and considered. The Proposals are compliant with the AONB Management Plan objectives and policies.

The northern 'edge' treatment is particularly important. The Illustrative Landscape Proposals show a mix of tree planting and hedges/ stone walling to this boundary – which will assist in assimilating the proposed dwellings into the setting. Landscaping to be secured through condition and a detailed method statement required in relation to central Beech tree.

- **Dorset Council Arboricultural Officer.**

No objection. The arboricultural assessment, method statement and Tree Protection Plan provided are appropriate. The rationale given for the tree removals is acceptable and the specified protection of the remaining trees is

appropriate. Condition development to be carried out in accordance with approved details.

- **Dorset Council Design and Conservation Officer (responses 05/02/20, 16/06/20 & 12/08/20).**

Comments on proposal as originally submitted

Submission was not quite as expected after pre-app. Old Malthouse Lane elevation not supported due to substantial harm to the setting of the conservation area. The public benefits not outweighing the harm caused. Concerns - dominant gable end, loss of staggered frontage, over domestication of the existing character which is of an “industrial”/commercial nature. Proportions of glazing and rhythm not maintained. The existing lattice pattern to the windows are considered an important feature within the conservation area and their replacement would be considered harmful. The proposed bin store replacing an existing building with high level glazing is considered unnecessary loss of a positive feature and should be retained if possible.

Bordering at an overdevelopment of the site due to increased need for parking and ancillary functions. Use of water butts collecting rainwater is considered a weak solution visually although could be described as a “sustainable” design approach – a more integrated approach should be considered.

The design of the inner courtyard dwellings is considered a positive feature and it is disappointing that this contemporary design approach cannot be extended throughout the new built elements of the scheme.

No objection to amended plans received 23/07/2020

Following lengthy design discussions, the latest drawings now reflect and resolve all DCO concerns over the Old Malthouse Lane elevation and support is now offered to the scheme. Although large in scale, the heritage impact of the proposal is considered to result in less than substantial harm which will be outweighed by the overall public benefits of the scheme. No objection subject to conditions.

- **Dorset Council Public Health Officer.**

Request a Construction Environmental Management Plan (CEMP) to demonstrate how it is intended to minimise or mitigate construction effects.

Ensure that the Environment Agency and Health & Safety Executive are made aware of this application and proposed demolition and any formal guidance produced by either enforcing body is referred to during the demolition phase of the development.

Demolition is likely to have significant effects upon the environment and residents with regards to noise, and dust. To protect residents the CEMP

should include details as listed by Environmental Health Officer (available in full on website).

- **Dorset Council Highways Engineer (responses 20/01/20 and 03/09/20).**

No objection.

Application is for the redevelopment of buildings and grounds that have had a variety of uses over many years each generating their own vehicular trips that in theory could be utilised within their use class which certainly for the educational use could be significantly higher than this proposal for just 20 residential units.

This size of development doesn't require supporting with a Transport Assessment, especially in view of recent changes to such requirements and bearing in mind the sites previous uses. However, the applicant has submitted a Transport Statement.

Comments have received about visibility from the private access road on to the High Street (B3059) which in addition to a bus route provides access to Corfe and beyond to the west and the nearby town of Swanage to the east. This section of High Street has an unusual bulge in it which helps with visibility by creating splays each side due to the vehicle track line of passing vehicles being further from the dropped kerbs across the access. This situation is to remain.

It is noted the Transport Consultant states that the applicant is willing to fund the consultation and implementation of road markings at the access to Old Malthouse Lane at its junction with High Street. The existing zig-zag lines denoting a school access are no longer relevant and could be removed and replaced with some form of road markings such as solid white lines with hatching within the carriageway of High Street in line the kerb alignment of High Street either side of the access to emphasise no parking within 10 metres of this junction as per the Highway Code to keep sight lines clear. This could be reinforced with traffic regulation orders which the Parish Council needs to request.

Storage and collection of waste is proposed within a building to the north side of the site's own access away from High Street.

The Highway Authority considers that the revised proposals do not present a material harm to the transport network or to highway safety subject to conditions relating to (i) Estate Road Construction and (ii) the submission of a construction traffic management plan.

Following submission of additional swept path analysis information by transport consultants on behalf of the applicant, the Highway Authority still considers the development to be acceptable, especially given the minor improvements now made and has no further comments to add to previous.

- **Dorset Council Local Lead Flood Authority (responses 19/12/19, 20/02/20 & 08/06/20).**

Site within Flood Zone 1 (low risk of fluvial flooding) and no (theoretical) risk of surface water flooding by relevant mapping. Adoption of infiltration methodologies is likely to be viable at this location, subject to adequate ground investigation and consideration of the existing layout.

Application is supported by a comprehensive and site-specific Surface Water Design & Maintenance Plan (SWDM) and Surface Water Drainage Layout Plan. Whilst the SWDM document does outline the existing drainage arrangements and presents a conceptual drainage strategy as two options (i.e. Systems A & C), pending adequate assessment of ground conditions and relevant infiltration rates, we retain some concerns on the basis of the assumptions made in respect of ongoing discharge to the adjacent highway and receiving sewer system/s.

The alternative strategy of zero infiltration needs to offer a contingency arrangement that is both viable and deliverable. Wessex Water (WW) should be consulted and invited to comment in respect of available capacity and required betterment, or mitigation. Without in principal agreement and comment from WW the contingency arrangement is not substantiated.

Within the response provided by WW (15/01/2020) they have identified the extent of their obligation to existing drainage infrastructure and have offered in-principle agreement to the contingency arrangement, should subsequent ground investigation and soakage testing not support the (preferred) adoption of infiltration methodologies. Withdraw our Holding Objection, provided two conditions are attached to any subsequent permission. Details also provided to applicant.

Proposed revisions do not necessitate any alterations to the conceptual drainage strategy upon which we have previously commented and found acceptable, subject to the attachment of relevant conditions.

- **Dorset Council Housing Policy Officer.**

No objection. Due to the increasing numbers on the housing register and the shortage of general needs affordable housing it is vital to provide affordable housing on development sites. Unfortunately this application shows some vacant dwelling credit on this site so there is no provision for affordable homes required.

- **Dorset Council Rights of Way Officer.**

Proposals in vicinity of public right of way. No objection. However, throughout the duration of the development and in the future, the full width of the public right of way must remain open and available to the public, with no materials or vehicles stored on the route and the

surface of the Rights of Way must be maintained. Two informative notes proposed.

- **Dorset Council Waste Partnership.**

Concern, especially in the construction phase is access to the properties at the bottom of the Malt House Lane and Mount Pleasant Lane which is serviced by a standard RCV (11m long x 3 m wide). Proposed tree planting could over time cause access issues/damage to our vehicles.

The bin store doesn't make it clear what access we will have and if it has enough capacity for the size or amount of containers that will be required.

- **Langton Matravers Parish Council (LMPC) (responses received 11/12/19, 09/03/20 & 19/06/20).**

Comments on original submission  
Object.

The 'Vacant Building Credit' used to avoid affordable housing does not apply because the buildings are abandoned rather than vacant (see Court of Appeal ruling Hughes v Secretary of State for the Environment [2000] for definition of abandoned buildings). The parking area to the North on Old Malthouse Lane is outside the settlement boundary, triggering a requirement for affordable housing.

The NPPF makes clear that sustainability for communities is an important and aim should be 'to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations'. Para 77 says 'In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs'. This development does not do either, as the main need is for affordable homes. Recent new builds in the village have been almost exclusively sold for the second or holiday home market, which does not meet local needs.

All dwellings should be subject to the Second Homes policy.

Neighbours on the west side Old Malthouse Lane will be adversely affected by the height and proximity of new buildings on the east side which are taller and closer than the present buildings on. Will lose privacy.

The transport statement incorrectly states the volume of traffic being based on 20 dwellings whereas parking is also being provided for the 3 additional cottages fronting on to the High Street. Plans should take into account the 2 dwellings which will also use the lane as part of the redeveloped Science block. Traffic movements should be based on 25 dwellings.

The access and visibility splay to the B3069 is inadequate. The last time that data for traffic speeds on the B3069 was collected was 2008 and it should not be assumed that speeds have remained constant. The development is likely

to result in overspill parking. There is insufficient space for the 'turning area' to the North.

The width of Old Malthouse Lane at the south end will be narrowed by the westward moving of the footprint of the buildings at that point. Have not taken into account the car parking spaces on the west side of the lane which will make 2-way movement challenging. More robust Vehicle Impact Assessment and Traffic Management plans are required.

The proposed bin store will create unpleasant smells and potential blocking of other vehicles during use and bin collections.

Will result in the loss of at least 13 trees. Should be more replanting in line with Dorset Council Biodiversity Appraisal Protocol and Dorset Biodiversity Compensation Framework.

Demolition of buildings which are presently bat, swift and house martin roosts is likely to be detrimental to these populations. A special licence is needed. No work to be undertaken between the end of March and beginning of September is an unrealistic promise with such a large development.

Adverse effect on the Langton Matravers Conservation Area. Density is too high. There should be more use of local Purbeck stone and lower roof levels to be more in keeping with the area.

Request 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 these 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.

Ask 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.

A development of 20 dwellings is a large one within such a small village, especially given that there are also proposals for an even larger development on the south side of the village for 28 houses at Spyway Orchard. Langton has a narrow village street, and is mainly one-track throughout much of its length, owing to parked vehicles. Concerns in particular regarding Highways issues. With the exception of a request for a Construction Traffic Management plan, Mr Graham's formal report on the application (20th January, 2020) does not reflect concerns highlighted by the Council, particularly in relation to the inadequacy of the visibility splay, increase in on-street parking and the need for a Transport Assessment. Council asks that DC organise an independent traffic survey, to include the cumulative impact of both developments, during the construction phase and afterwards, to address issues raised by this Council.

PC comments on revised plans received 23/07/2020

- welcome the many improvements. However, the changes are not sufficient to address many of the Council's previously recorded concerns. Copy of concerns resubmitted.

**Summary of Local Representations received**

9.2

The application was advertised by means of a site notice displayed on 21/11/2019 and by letters sent neighbours. Third parties were re-consulted of amended plans by letters dated 21/05/2020 and 24/07/2020.

The Council received a total of 30 letters of objection in relation to original and amended plans from 18 neighbours and residents about this planning application. In addition, letters of comment were also received from The Ramblers Association and St. George's CE VA Primary School. The representations are all available in full on the Council's website.

The following list sets out a summary of the key issues raised in the comments:

- **Principle of development**
  - Do not oppose development in principle.
  - Need for housing recognised.
  - Why exceed the upper limit of the village housing need?
  - Dwelling size ideal as starter homes or second homes. Clause should prevent sale as second homes.
  - All car parking for the development should be within the site and not outside the settlement boundary. Unacceptable in AONB.
  - St Georges Primary School welcomes in principle any development that will bring more pre and primary aged pupils to the school due to falling numbers of children in the village and catchment. However, concerned about absence of affordable housing.
- **Impact of Langton Matravers Conservation Area**
  - Diamond shaped windows are distinctive to Conservation Area and should be retained and installed on all OMHL elevations.
  - Glad that diamond fenestration has been included on amended plans.
  - Consent required for demolition in Conservation Area.
  - Lower density scheme required that is in keeping with Conservation Area.
- **Scale, design and impact on the character and appearance of area**
  - Purbeck Stone must be used for all external walls and grey slate or imitation stone on roofs. Brick, render and cladding should not be allowed. Windows should be consistent with existing character. Should

be finished in gloss white and in upvc or aluminium to prevent deterioration.

- Increased height of development overbearing.
- Disappointed development is oriented inwards.
- Houses, carports and bin store along the lane will change character.
- Ground Source Heating and Grey Water systems should be installed.
- Number of units should be reduced. Density and parking will appear urban.
- Old window in side of bin-store should be retained.

- **Impact on the Dorset AONB**

- Will be abrupt edge with AONB and more gradual edge with lower height buildings is required.
- Parking along the lane will detract from the character of the area.

- **Impact on neighbouring properties**

- Building line of Old Malthouse Lane elevation has been extended into the lane and will increase overlooking, loss of privacy, tunnelling effect and overshadowing of neighbours.
- Building height should be reduced.
- Obscure glass should be used on windows facing onto Old Malthouse Lane.
- No Construction Management Plan.
- Bin Store – nuisance, highway hazard, odour, imposing for existing residents, rodents, flies, light pollution & will not be maintained. Unsafe location for users. Access should be from within site. Are not comforted that store would be managed by a management company. Bin Requirements only provides for 19 dwellings whereas the parking schedule refers to 22 units.
- Re-siting of bin store is positive but road safety remains issue and access should be from within the site.

- **Tree impacts**

- Exposed site will hinder establishment of proposed landscaping and tree planting.
- Biodiversity impacts

- **Highway safety, car parking and impacts on Public Rights of Way**

- Roadway not sufficiently wide for 2 vehicles to pass. Junction improvements required (and suggested) at junction of OMHL with High Street. Site access not wide enough.



- Old Malthouse Lane is too narrow, poor visibility, used by school parents and inadequate parking restrictions. Safe access for all users required. Should be widened.
  - Pedestrian safety risk along lane and insufficient thought in relation to pedestrian access.
  - Documents ignore private parking spaces to front of 2 & 4 OMHL.
  - Transport document is misleading, underestimates vehicle movements and refers to non-existent turning circle.
  - All parking should be within the site by each unit and provide for electrical charging.
  - Access to designated parking spaces on the lane will become more difficult.
  - No cycle storage areas.
  - Will be on-street parking in lane and High Street.
  - Maintenance of the lane will become more difficult.
  - High Street already very busy and congested and proposal will make worse.
  - Ramblers Association concerned about impact of increased traffic movements on public right of way along the lane.
  - Further additional parking should be provided to the north of the site alongside the playing fields.
  - A Traffic Management Plan is required.
  - During construction, traffic control will be required in front of the School at peak drop-off and pick-up times to ensure pupil safety.
  - Bin-store access door that opens onto the land will cause safety issues.
  - A number of photographs were submitted by local residents demonstrating the narrowness of the lane.
  - Swept Path drawing does not accurately reflect land ownership opposite the site entrance. Car dimensions are inaccurate. Clearly show that two cars cannot pass each other at the entrance and further down the access road. Emphasises dangers for pedestrians and need to move bin store.
  - Slope of site entrance will increase risk to drivers and pedestrians. Ben lorry will block lane for substantial time. How will pedestrians be kept safe then?
  - Impact of proposals on access to driveway of 1 – 4 OMHL has not been assessed in any swept path drawings.
- **Flood risk and drainage**

- Drains were never designed to accommodate surface water from substantial new developments and overflow would threaten existing houses with flooding. Assurance on use from Wessex Water required.
- Concerned that development may exacerbate drainage issues on school playground due to land level differences.
- **Other**
  - Application should be determined by planning committee.
  - Restrictions on educational use. Change of use to housing must be assured.
  - Timing of all new developments in the village needs to be considered in terms of traffic and disruption to residents.
  - Dynamics of village will be changed with all new development.
  - Detrimental impact on Primary School which will be impacted by effects of two proposed development in village. Parents will choose to send their children elsewhere.
  - Formal agreement should be reached with the Primary School and Parish Council over the future use of the playing fields by the local community.
  - Longer term use of adjacent fields and courts by Primary School and Pre School is important and the school continues to work with the Old Malthouse Trust and Cothill Trust in this respect.
  - Applicants have been open with residents and maintained on-going dialogue.
  - Do we need to lose the former school hall facility?
  - There is no guarantee that the area to the north of the site (playing fields etc.) will not form part of future proposals for development. This space should be designated as open space.
- Ask developers to continue informal agreement for School staff parking at the site.

## **10.0 Relevant Planning Policies**

### **10.1 Purbeck Local Plan Part 1 (2012)**

Policy SD: Presumption in favour of sustainable development;

Policy LD: General location of development;

Policy SE: South East Purbeck;

Policy HS: Housing Supply;

Policy BIO: Biodiversity and geodiversity;

Policy DH: Dorset Heaths International Designations;

Policy CF: Community facilities and services;

Policy FR: Flood risk;

Policy D: Design;

Policy LHH: Landscape, historic environment and heritage; and,

Policy IAT: Improving accessibility and transport.

10.2

#### Emerging Purbeck Local Plan 2018-2034

The emerging Purbeck Local Plan was submitted for examination in January 2019 and public hearing sessions were held in the summer and autumn of 2019. On the 18 March 2020 the Planning Inspector reported back through a Post Hearing Note. She stated that she was reasonably satisfied at this stage that with Main Modifications the Plan is 'likely to be capable of being found legally compliant and sound'. The Inspector's note explains that she will make a final decision on whether the plan is legally compliant and sound after she has considered: responses on Main Modifications following public consultation and an updated Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA). The Inspector indicates that the strategy for meeting the area's needs is sound. Planning Policy officers are making preparations to finalise a schedule of proposed Main Modifications for consultation and updated versions of the HRA and SA.

National planning policy states that councils are entitled to give weight to policies in local plans that are being examined after considering: how far their local plan has progressed through the plan preparation process, any unresolved objections to relevant policies and the degree of consistency between policies in the emerging plan and those policies in the National Planning Policy Framework.

The council has recently received specific direction from the Planning Inspectorate through a report which provides an Inspector's decision on a planning appeal against the imposition of a condition preventing the use of dwellings as second homes in accordance with the requirements of policy H14 of the emerging local plan. The planning appeal was allowed because the Inspector considered that the council had given undue weight to policies in its emerging local plan when taking its decision on the planning application. The council took this decision after receiving the Post Hearing Note relating to the Purbeck Local Plan. Despite the plan's progress through the examination process, the Planning Inspector (who considered the appeal relating to the planning condition) was not persuaded that the Purbeck Local Plan had progressed sufficiently for its policies to be given significant weight in decision making on planning applications.

Officers have reviewed their position on this matter after receiving the appeal decision, and now advise that no significant material planning weight can be given to the policies H14 and I1 in the emerging Purbeck Local Plan when determining the current planning application. The position on the material weight that can be given to policies in the emerging Purbeck Local Plan will change as the local plan progresses further through the examination process. Officers will regularly monitor the plan's progress and advise the Committee through their reports when they consider that

significant material weight can be given to the policies of the emerging local plan when taking decisions on planning applications.

10.03 National Planning Policy Framework:

Section 2: Achieving sustainable development;

Section 4: Decision making;

Section 5: Delivering a sufficient supply of homes;

Section 9: Promoting sustainable transport;

Section 11: Making effective use of land;

Section 12: Achieving well-designed places;

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

Section 15: Conserving and enhancing the natural environment; and,

Section 16: Conserving and enhancing the historic environment.

10.4 **Other material considerations**

National planning practice guidance (PPG) and National Planning Policy Framework (NPPF)

Purbeck District design guide supplementary planning document adopted January 2014.

Dorset AONB Management Plan 2019-2024.

Dorset AONB Landscape Character Assessment & Management Guidance 2008.

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

The Dorset heathlands planning framework 2020-2025 supplementary planning document adopted 31 March 2020.

Development contributions toward transport infrastructure in Purbeck guidance February 2013.

Dorset biodiversity appraisal and mitigation plan.

Purbeck Strategic Flood Risk Assessment 2018

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

Langton Matravers Conservation area appraisal.

11.0 **Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

## 12.0 Public Sector Equalities Duty

12.1 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.

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.

12.2 It is considered that the proposed development, to include current Building Regulation accessibility requirements, would not result in any disadvantage to persons with protected characteristics.

## 13.0 Financial benefits

What	Amount / value
Material Considerations	
None	N/A
Non Material Considerations	
CIL Contributions	Liability Zero.
Council Tax	£2076.76 per dwelling (based on average Council Tax Band D)

## 14.0 Climate Implications

The proposal is for 19 new dwellings, all of which will be constructed to current building regulation requirements and which will be serviced by suitable drainage to prevent any additional impact in terms of flood risk that may be exacerbated by future climate change.

## 15.0 Planning Assessment

The main planning considerations in respect of this application are:

- The principle of development;
- Layout, scale, design and impact on the Langton Matravers Conservation Area;
- Impact on neighbouring residential amenity; and,
- Highways impacts.

These and other considerations are set out below.

### **Principle of development**

- 15.1 The majority of the application site is located within the settlement boundary of Langton Matravers. The northern site boundary extends beyond the settlement boundary by approximately 38m along Old Malthouse Lane and includes areas of existing car parking (provided as informal hardstanding) to the east of the lane. No built development is proposed within this area, with Old Malthouse Lane to remain unaltered and the existing car parking areas to remain as car parking to serve the current proposal. Given that there would be no additional significant harmful impacts on the area of countryside located outside the settlement boundary as a result of the proposed development, the proposed development is considered to be acceptable in principle in accordance with policies SD: Presumption in favour of sustainable development and LD: General location of development of the Purbeck Local Plan Part 1 2012 (PLP1).
- 15.2 The site is a former private school site and outward bound centre and is therefore 'brownfield' or 'previously developed land'. Government guidance in the National Planning Policy Framework (NPPF) encourages and gives substantial weight to the redevelopment of these sites (paragraph 118 NPPF). Concerns are raised by the Parish Council in terms of the loss of a community facility. However, following closure of The Old Malthouse School (C2 Residential Institution) the buildings were subsequently used as a residential outward bound activity / training / private events centre (also C2 Residential Institution). Given the previous uses were business as opposed to community uses, it is not considered that either of the previous uses formed a 'community facility / service' in accordance with the definition in PLP1 (8.10). As such, it is considered that it would be unreasonable to apply the requirements of PLP1 Policy CF to the proposal.
- 15.3 The proposed dwellings would also provide towards the Purbeck area housing supply in accordance with policy HS: Housing Supply of PLP1 which weighs in favour of the application.
- 15.4 The acceptability in principle is nevertheless subject to the consideration of all other material planning issues as set out in more detail in the sections below.

### **Affordable housing and vacant building credit**

- 15.5 Policy AH: Affordable Housing of the Purbeck Local Plan Part 1 requires that sites within Langton Matravers provide 50% affordable housing. Policy AH provides some flexibility for negotiation on the amount of affordable housing to be provided. Policy AHT: Affordable Housing Tenure, says that tenure be negotiated on a site-by-site basis to reflect identified local need.

- 15.6 In support of this application, the Planning Statement points out that the site is 'previously developed land' and that it contains substantial vacant buildings with an overall reduction in the built development proposed. In accordance with the NPPF paragraph 63 and footnote 28, to support the re-use of brownfield land, where vacant buildings are being re-used or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount that is equivalent to the existing gross floor space of the existing buildings. The existing buildings at the site have a total floor space of approximately 2,136 sq. m. The submitted Vacant Building Credit Report notes that proposed development accounts for 2,091 sq. m. of floor space meaning that the existing buildings are approximately 45sqm larger in floor space than the proposed buildings. The calculations have been reviewed as part of the CIL assessment for the site and are considered to be correct with a 2% margin of error.
- 15.7 Paragraph 27 of the Planning Practice Guidance on Planning Obligations notes that:
- 15.8 *"Where there is an overall increase in floor space in the proposed development, the local planning authority should calculate the amount of affordable housing contributions required from the development as set out in their Local Plan. A 'credit' should then be applied which is the equivalent of the gross floor space of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation."*
- 15.9 The following calculation is included in the Vacant Building Credit Report and results in a reduction in the requirement for affordable housing to 0%:

Proposed GIAm2	2,091.10
Existing GIAm2	2,136.40
Net Gain GIAm2	-45.30
Credit	102.16%
Reduction on AH%	-2.16%
Policy AH%	50%
Adjusted AH%	0.00%
Proposed Dwellings	20
AH Provision	0

- 15.10 Objections have been received from the Parish Council stating that the buildings at the Old Malthouse have been abandoned and that the vacant building credit does not therefore apply as set out in footnote 28 of paragraph 63 of the NPPF. Officers have fully considered this argument and disagree with the Parish Council statement. This is because the buildings which were in use as The Old Malthouse School (Independent) until closure in July 2007 were until only recently (August 2018) in a business use as the Old Malthouse Activity Centre. The buildings only became vacant when the business use was closed and the site subsequently sold in

November 2019. The applicants have submitted full evidence in this respect as set out in paragraph 2.6 of their Planning Statement. The buildings have not been abandoned, and although in some disrepair could easily become capable of re-use.

15.11 In their comments, the Parish Council refer to the Court of Appeal judgement in *Hughes v Secretary of State for the Environment* 2000 – which sets out that the test for determining whether the use of a building has been abandoned in planning terms is objective with regard to the following criteria:

- *the physical condition of the building;*
- *the length of time for which the building had not been used for the relevant use;*
- *whether it had been used for any other purposes (such as intervening uses); and*
- *the owner's intentions (which is not determinative)*

15.12 In applying the criteria of the test to the current application, the physical condition of the buildings continue to be of a relatively good state of repair; the buildings have only been out of use since August 2018; and, there have been no intervening uses in this period of time. The current owner's intentions to redevelop the site have been clear since initial contact and a pre-application site meeting with the former Development Manager at Purbeck District Council in December 2018 followed by a formal application for pre-application advice in May 2019. Given the limited time period between closure and the current application, during which meaningful pre-application discussion took place, the case officer considers that the buildings have not been abandoned and the application of the Vacant Building Credit applies. There is therefore no requirement for the proposal to include affordable homes on the site.

15.13 Whilst the disappointment expressed in neighbour representations that no affordable housing can be secured is recognised, the application is considered to meet the requirements of Policy AH: Affordable Housing of the Purbeck Local Plan Part 1, the NPPF and NPPG in this respect.

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

15.14 The site is located within the Langton Matravers Conservation Area and this is considered further in the historic assets section below.

15.15 Neighbour representations raised concerns about the impact of the proposed development on local character. Following several amendments to the proposed scheme to address concerns relating to the site access, bin store and the design and external appearance of the Old Malthouse Lane elevation, the most recent amendments to the layout, scale and design of the proposal are considered by officers to be acceptable.

15.16 At the front of the site, the existing older section of the school buildings [dormitories] are to be retained. Following a reduction in the number of units proposed from 20 in the original submission to 19, the older section of the building is to be converted into two apartments – a one bed unit at ground floor level and two bed unit at first floor level (units 2 & 3). Minor alterations to existing openings are proposed to widen



several windows, insert a new bedroom window, and provide independent access to each apartment. In addition, a new walkthrough is to be provided between the older building and the new buildings (to replace the more modern part of the existing buildings) to be constructed along Old Malthouse Lane to the north. This addition is considered to be acceptable in design and in providing the opportunity for pedestrians to move through the development to High Street without using the site access further along the lane.

- 15.17 As part of a new build extension to the older school buildings, a 3 bedroom terraced house (unit 4) and a further 7 apartments (units 5 – 11) (1 x 1 bed, 5 x 2 bed & 1 x 3 bed) will be provided to the north in a two storey development extending along the Old Malthouse Lane elevation. The Old Malthouse Lane elevation has been amended through the application process to reduce the height and mass of part of the new element by between 0.5m and 2.4m (as detailed in comparison street scene to Old Malthouse Lane – 18-1004-CO01 P2) and remove overly domestic elevational features that did not reflect the historic commercial use of the site as a brewery. In taking advantage of a drop in ground levels to the east and north, the apartment building turns the corner into the site to provide three levels – lower ground, ground and first floor.
- 15.18 To the rear and north of the apartments, in the remainder of the site, 9 houses (units 13 to 20) and 1 bungalow (unit 12) are proposed in a contemporary courtyard style development. These include a mixture of 3 detached and 6 semi-detached properties. In addition, an existing store / garage of stone construction is to be relocated north of its current position to provide a secure bin-store with car port style garaging below that also takes account of the drop in levels within the site. Low level Purbeck Stone walls will create car parking courtyards that will reduce the appearance of built development within the site and sensitively deal with the gradual reduction in levels from west to east and south to north. Between the courtyards, landscaping and pedestrian passageways will allow access across the site to Old Malthouse Lane and towards the open space and additional parking provision to the north.
- 15.19 Concerns have been expressed by neighbours and the Parish Council over the density of the scheme. The Government's objective is to significantly boost the supply of homes (Paragraph 59 NPPF) and promote an effective use of land (Paragraph 117 NPPF). The application site is approx. 0.5ha in size and with 19 dwellings proposed the density of development would be 38dwph. Officers do not consider this to be overly dense given the tight urban grain of terraced development along many of the more historic roads in the village, including High Street. Both the Design and Conservation Officer and Planning Case Officer have spent considerable time negotiating the current scheme and consider that the higher density courtyard style development is acceptable in this edge of village location, given the relatively high density of development within the surrounding Conservation Area and the proximity of the site to open space within the village and open countryside directly to the north (and accessed by footpath along Old Malthouse Lane).
- 15.20 Neighbours have also noted concerns over particular design details including the need to retain the diamond lattice windows on the older part of the development and the elevation along Old Malthouse Lane and the need to incorporate the use of Purbeck Stone and avoid brick and render finishing. Concern has also been expressed over the design of the bin-store.

15.21 Following further discussion with the applicant, the plans now include diamond lattice windows along the lane elevation, to be re-used where possible from the existing building. Proposed materials and design details are considered to be high quality and locally distinctive and will include traditional materials of Purbeck Stone and timber, Purbeck stone walling, exposed construction elements e.g. beams and stone dressed windows and doors. Given the sensitivity of the site details of all final materials can be agreed by way of condition (Conditions 10 & 11) on the decision notice, including the submission of sample details such as the stone walling detail. Design details include simple and modest property forms, retention of an industrial character along OMHL, low eaves, varied roof scape, and bespoke architectural details throughout the site.

15.22 In conclusion, following a number of amendments to the layout, scale and design of the proposed development, it is considered that the proposal is now acceptable in terms of its impact on the character and appearance of the area.

**The impact of the proposals on the significance of the heritage asset, its features of special architectural or historical interest, and its preservation**

15.23 The Council has a statutory duty under section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when considering applications. Paragraph 196 of the National Planning Policy Framework (NPPF) advises 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, including securing its optimal use.

15.24 The Council's Design and Conservation Officer (DCO) has been heavily involved in the current proposal from pre-application stage. As a result, a number of amendments have been made to the plans, particularly along the Old Malthouse Lane elevation to ensure that the impact on the Conservation Area is not considered to result in any harm. The submitted Heritage Statement provides a clear understanding of the site and explanation of how the proposed layout and design will both preserve and enhance the Conservation Area setting. In response to ongoing discussions with the DCO and Case Officer, the amended scheme now addresses all concerns raised, particularly in terms of an appropriate scale and mass, the removal of domestic features on the Old Malthouse Lane elevation, an appropriate pattern of roof scape, acceptable pattern of fenestration and openings, and an appropriate rhythm ode development along Old Malthouse Lane. The proposed bin store has been moved and altered in layout to retain as much of the traditional feature as possible, whilst addressing neighbour concerns in relation to access from Old Malthouse Lane.

15.25 The contemporary courtyard development to the north and north-east of the historic buildings has been considered to be acceptable and of a high quality design since pre-application stage when the applicants were advised that a 'pastiche' development would not be supported. In commenting on the most recent amendments the DCO has confirmed that the latest drawings resolve concerns over the Old Malthouse Lane elevation and support is now offered to the scheme. This support is subject to the inclusion of conditions (Conditions 9, 10 & 11) on the decision in relation to the future approval of all new finishes and standard joinery details.

- 15.26 Officers have liaised closely with the Design and Conservation Officer on the proposed scheme and consider that the impact of the scheme results in less than substantial harm to the heritage designation and that any harm caused is at the lower end of the spectrum and is outweighed by the public benefits in accordance with NPPF paragraph 196. The benefits include the comprehensive redevelopment of a sustainable brown field site which may otherwise fall into significant disrepair to the detriment of the significance of the heritage asset.
- 15.27 Due to the sensitive site location within the Conservation Area and the Dorset AONB, detailed hard and soft landscaping plans were requested by officers. The hardscape plan illustrates how the courtyard concept will work being defined by low Purbeck stone walling and including a range of surfacing materials including rolled gravel, flagstones, cobble rumble strips and cobbles appearing natural in appearance. The scheme also identifies open surface water channels and water features throughout the development which will discharge into the SUDS system but will also provide a source of water irrigation (as opposed to individual water butts for each property) and additional landscape features. The soft landscaping plan identifies the trees to be retained within the site together with new tree planting, landscape planting and ground cover planting. Whilst the plans set out key intentions for the site, they do not address the full level of detail that would ordinarily be required e.g. final materials and height of boundaries and species of soft landscaping etc. However, this can be addressed by way of appropriate conditions (Condition 13) on the decision notice.
- 15.28 In conclusion, it is considered that harm to the Conservation Area will be less than substantial and is outweighed by the overall benefits of the scheme. There are no outstanding objections and impacts are considered to be acceptable subject to conditions on the decision notice.
- Impact on the Dorset AONB**
- 15.29 Areas of Outstanding Natural Beauty have statutory protection in order to conserve and enhance the natural beauty of their landscapes under National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000. Concerns have been raised by neighbours about the impact on the AONB.
- 15.30 Langton Matravers is included within the Dorset AONB and the site location on the edge of the settlement is particularly sensitive in terms of visual impacts. The Dorset Council AONB Team have been consulted on the proposed development and note that the modern 20th century block school buildings that mark the northern boundary of the site forms a dominant 'built edge' and has an awkward visual 'relationship' with adjacent housing owing to its massing. These building adjoin the former school playing fields to the north, with the sports fields acting as a transitional landscape between the built form of the Village and the wider rural valley sides to the north. There are extensive and attractive views northwards from the site towards the Purbeck Ridge.
- 15.31 The application is supported by a Landscape and Visual Impact Assessment (LVIA). This notes that 'the site and Langton Matravers are located on the southern edge of the Corfe Valley Landscape Character Area. The changes on the site will be the alteration to the existing built form of the edge of the village, although generally not prominent within the wider valley setting and not significantly altering the pattern of the built form of the village or extending into the more sensitive rural landscape

around the village. As the sensitivity of the wider valley setting is assessed as high, the degree of effect as a result of changes on the site is therefore assessed as slight'. It also notes that the new development would result in a more legible site layout with higher quality hard and soft landscaping than present. As a result, the effect on the local landscape / village character is considered to be moderate. In terms of views of the site from the north and Purbeck Ridge, the visual impact is assessed as slight to negligible due to existing vegetation and the reduction in mass and scale of the built form within the site. The retention of existing mature trees and new landscaping will continue to screen and soften the site in views from the north. Mitigation included within the scheme, for example, retaining existing opening, low level Purbeck Stone walling, use of local materials and high quality hard and soft landscaping, and specific landscape mitigation are considered to be acceptable and will result in a long-term positive impact on the landscape setting.

- 15.32 In reviewing the submitted LVIA, the AONB Officer notes that she is happy with the judgements included and the range of viewpoints covered. The mitigation proposed in paragraph 9.4 of the LVIA is considered to be acceptable, including the retention of the main central beech tree; planting native broadleaved trees along the northern and eastern boundaries; planting of native trees and specimen shrubs to key areas within the site; amenity planting to provide lower-level landscape structure; and the planting of native and ornamental hedging / native woodland mix near to the north-western boundary of the site. Car parking along the lane within the AONB is pre-existing and its retention is not considered to result in harm. The AONB Officer raises no objection is raised in terms of AONB landscape impacts and the proposal is considered to be acceptable in this respect.

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

- 15.33 The proposed development can be considered in two separate elements in assessing the impact on the amenity of neighbouring properties. Units 2 – 11 of consist of 9 apartments and one house that make up the conversion of the existing school building and the replacement development extending northwards along Old Malthouse Lane (OMHL) before turning the corner at the site access and curving eastwards into the site. Impacts on the neighbouring properties to the west on the lane and to the south along High Street are key for this element.
- 15.34 In terms of the two proposed apartments in the original building, there will be no additional impact in terms of loss of light or outlook. A couple of minor alterations to window size and the insertion of a new first floor bedroom window on the eastern elevation is proposed. Given the lack of habitable windows serving units 2 & 3 in the western elevation, and the previous dormitory use of this section of the building, it is considered that the impact on neighbours on OMHL in terms of privacy and overlooking are acceptable. Similarly, the east facing windows remain largely unchanged from the dormitory layout apart from the new bedroom window. However, this window is small and serves a second bedroom. It will also not result in any additional overlooking / loss of privacy than that which would be experienced by the adjacent lounge window (formerly a bedroom), and impacts are therefore considered to be acceptable.
- 15.35 Units 4 – 11 will be newly constructed replacing the former more modern section of the school building. At first floor level, this section was also previously in use as single and shared dormitory rooms with associated en-suite and bathroom facilities.

At ground floor level, the section included kitchen, dining and office facilities. The replacement of this section with the new house and apartments results in reduction in the scale and mass of development along this part of the lane as highlighted on the Comparison Street Scene plan. This is considered to be a positive alteration in terms of the level of tunnelling, overshadowing and overbearing impacts experienced in relation to the existing building. In addition, the proposed elevation is only two storey with no roof windows or rooflights facing onto the lane, whereas the existing elevation is three storey with overlooking from second floor windows. Again, the proposed buildings are not considered to result in any additional harmful impact in terms of loss of privacy or overlooking of neighbours than would have been experienced under the previous use.

- 15.36 Where the new apartment building follows the access road into the site, a number of habitable windows at lower ground, ground and first floor levels will have an outlook towards the proposed courtyard element of the development to the north and east. Window to window overlooking to the east and north-east is acceptable due to the distances involved (minimum distance of 17.6m to side elevation of unit 12 and 21.8m to unit 13), areas of access and parking courtyards with landscaping in between. Unit 20 to the east is located much closer to the apartment building (approx. 7m minimum distance between elevations). However, given the off-set of windows, the vehicle access in between, the use of stone walling boundaries, and the positioning of all bedroom windows serving no. 20 on the rear of the property, it is considered that this close in-site relationship is acceptable. To the south, window to window distances of approx. 18 metres are retained between the new apartments and the rear facing windows of cottage on High Street. Given the location of a parking court in between and related landscaping, this is again considered to be acceptable in terms of privacy.
- 15.37 Further north along OMHL, the existing garage / store will be relocated northwards to allow for a widened site access. However, it will remain single storey with no additional impacts to existing. To the north of this, the western elevation of unit 12 and unit 13 beyond will be visible to neighbours on OMHL. However, due to the site level differences, these will again appear as single storey in terms of impact, and will not result in any harmful impacts in terms of overbearing development or loss of privacy. Existing outlook onto the bulky school hall building will be lost, thereby improving the neighbour outlook to the east.
- 15.38 In terms of the contemporary courtyard housing to the north and north-east, this has been purposely designed to prevent direct loss of privacy between properties despite the compact layout. The inclusion of corner windows, angled windows, off-set views, private courtyards, covered external areas and stone boundary walling means that direct window to window overlooking is avoided and each property maintains a level of privacy that is considered to be acceptable. The non-standard design and layout also addresses loss of light and impacts of overbearing development that might otherwise arise from properties in close proximity to each other on a standard estate layout.
- 15.39 The amenity of future occupiers of the new dwellings has been considered by the case officer following pre-application advice that raised concerns about the density of the development and the size of private amenity space for family sized dwellings. Whilst the private amenity space is still considered to be small, it is all fully enclosed and particularly private. In addition, the location of the site on the village edge with

immediate PROW access to the countryside and nearby access to Langton Matravers Recreation Ground is considered to provide suitable alternative options for outdoor recreation opportunities for future residents.

- 15.40 The proposed development is therefore considered to be acceptable in terms of impact on neighbouring amenity and the amenity of the future occupiers of the proposed dwellings.

#### **Tree impacts**

- 15.41 The site is covered by the Tree Preservation Order District of Purbeck (The Old Malthouse School No.1, Langton Matravers) Tree Preservation Order 2007' Ref. TPO 332 which includes the application site but also extends to the north to include all of the playing fields. This is an Area TPO made on 29 November 2007 and covers all trees that were present at the time that the Order was made.
- 15.42 There are a number of mature trees within the application site and on its north-eastern boundary with the former school playing fields. The application is supported by an Arboricultural Impact Assessment which considers the effects of the proposed development on the local character of the site from a tree perspective. The assessment identifies that there are no trees within the site of high quality (Category A), five of moderate quality (Category B), and six of low quality (Category C). Of the identified trees, eight are proposed to be removed and three to be retained subject to protection of their Root Protection Areas (T2 – Copper Beech at the centre of the site, T9 – Scots Pine adjacent to car parking and T17 – Crab Apple near T9). The trees to be removed are of low category, poor condition or are small or limited in their size. Three moderate quality trees to be removed are located within the site and will not result in any loss in terms of visual amenity or landscape character. New tree planting is proposed as part of the scheme to enhance local character and compensate for the loss of trees as detailed above. This includes additional planting of 17 structural trees within the site (as set out in the AMS), on its northern and eastern boundaries and at the northern parking area.
- 15.43 The Council's Tree Officer has been consulted on the proposal and notes that the rationale given for the tree removals is acceptable and the specified protection of the remaining trees is appropriate. No objection is raised on arboricultural grounds provided that the development is carried out in accordance with the submitted Arboricultural Method Statement and Tree Protection Plan. This can be dealt with by way of condition on the decision notice (Condition 12). The impact of the proposal on trees is therefore considered to be acceptable in accordance with policy LHH: Landscape, historic environment and heritage.

#### **Biodiversity impacts**

- 15.44 The proposed development includes the demolition and conversion of existing buildings, all of which have been out of use since November 2018. The location of the site on the edge of the village adjacent to extensive sports fields and the open countryside means that the application has required a Biodiversity Assessment in accordance with the Dorset Biodiversity Appraisal. A Phase 1 & 2 Bat Survey has been submitted with the application and this notes the evidence of bats in two roof voids of the old building and potential for crevice dwelling bats in gaps under the eaves and around the roof. A number of house martin nests were also noted around the building. Further dusk emergence and dawn re-entry surveys were undertaken on each building and confirmed bat

roosting in the old school building, one of the modern buildings and the garage. A European Protected Species licence will be required from Natural England in respect of works to these buildings and a Biodiversity Mitigation and Enhancement Plan (BMEP) has been submitted to the Council.

- 15.45 The BMEP identifies the presence of bats, house martins and swifts at the site. Alternative temporary replacement roosts and permanent roots are detailed including two dedicated bat lofts. Additional mitigation including the installation of bat bricks, tubes and boxes in the walls of the new dwellings is also proposed. External lighting is proposed to be kept to a minimum, and whilst details are not provided in the BMEP, this can be dealt with by way of condition (Condition 16) linked to the implementation of the approved Plan. Further details including the timing of works, monitoring of the site and the overseeing of all licensed works by a licensed ecologist is also included. In terms of other mitigation, the BMEP sets out the installation of House Martin nests, Swift boxes, Swallow nest cups and bee bricks as part of the development.
- 15.46 The BMEP was approved by the Dorset Council NET Team on 17<sup>th</sup> September 2020 and the proposed development is therefore considered to be acceptable in terms of biodiversity impacts on protected species.
- 15.47 In accordance with the ruling of ECJ C-323/17 People Over Wind, Sweetman v Coillte Teoranta, Natural England have advised the Council that the Council needed to undertake an Appropriate Assessment (AA) in accordance with Regulation 63. The AA is to enable full consideration of the proposed development and any likely adverse effects on the integrity of European and internationally designated Dorset Heathland sites and recreational pressures on Poole Harbour, which may remain if avoidance / mitigation measures are carried out as proposed. An AA has been undertaken in advance of the planning application being determined by the Council. This shows, that suitable mitigation measures will address the likely adverse effects of the proposed development on the integrity of heathland sites and recreation pressures on Poole Harbour. The proposal is therefore acceptable in this respect.
- 15.48 Separately to the Habitat Regulations Assessment requirements, the proposed development is also subject to the Environmental Impact Assessment (EIA) Regulations 2017 due to its location within a 'sensitive area' – the Dorset AONB. An EIA screening opinion, in accordance with the Environmental Impact Assessment Regulations 2017, has been undertaken by the Case Officer in respect of the proposal. This opinion concludes that the development is not considered to be EIA development and that the provision of detail at planning application stage, and the application of adopted planning policies, can ensure that any environmental effects resulting from the proposed development can be minimised.

#### **Highway safety, car parking and impacts on Public Rights of Way**

- 15.49 The application site is accessed via Old Malthouse Lane, a private land that adjoins High Street to the south and extends northwards to outlying houses. Old Malthouse Lane is largely within the ownership of the applicants, although there are a number of areas that have been sold off separately with earlier residential developments along the land and now fall within the ownership of the neighbouring properties, for example, private car parking spaces to the front of 3 & 3 Old Malthouse Lane.
- 15.50 The Parish Council and neighbour representations have raise many concerns in relation to highway safety including the impact of additional cars on pedestrian and

vehicles safety, the inability for two cars to pass at certain parts of the lane, impacts on parked cars and congestion along the lane, highway safety at the junction with High Street and safety at the site access junction with old Malthouse Lane.

Comments are also made in relation to the submitted Transport Assessment being incorrect. In response to concerns raised, the applicants have recently amended the site plan to widen the site access at the junction with Old Malthouse Lane and have also submitted 'swept path drawings' to indicate how vehicles will be able to manoeuvre into the site.

15.51 The Council's Highway Engineer has been consulted on all of the information and has also been forwarded additional information and photographs provided by local residents. In considering all of this information the Engineer notes that it is important to note that the application is for the redevelopment of buildings and grounds that have had a variety of uses over many years, each generating their own vehicular trips, that in theory could be utilised within their use class. And, for the educational use, the vehicular trips could be significantly higher than the proposed 19 residential units. It is also noted that whilst the applicants have submitted a Transport Assessment for consideration by the Council, the size of development does not require one.

15.52 In terms of visibility at the junction of OMHL and High Street, in his response the Council's Engineer notes that this particular section of High Street has an unusual bulge in it which helps with visibility by creating splays each side due to the vehicle track line of passing vehicles being further from the dropped kerbs across the access. In addition, approved traffic calming in the form of a raised platform and footpath widening across High Street between Langton Matravers Primary School and the playing fields opposite (in association with planning application 6/2020/0167) which has now been installed, further acts to calm the traffic near the Old Malthouse Lane junction. The Highway Engineer considers that the proposals do not represent any material harm to the transport network or highway safety and has raised no objection to the proposal subject to conditions relating to estate road construction and the approval of a construction traffic management plan prior to commencement of the development (Conditions 17 & 18). Traffic regulation orders for revised road markings could be requested by the Parish Council should these be considered necessary in the future.

15.53 In order to address neighbour concerns in relation to the passing of cars at the junction of the site access with Old Malthouse Lane, and implications for vehicles parked in private parking spaces opposite, the applicants have submitted a number of Swept Path Analysis drawings. The Council's Highway Engineer has considered the drawings which have been prepared by transport consultants and notes that the development continues to be considered acceptable, especially given the minor improvements now made, and no further comments are raised as additions to previous. The proposed development is therefore considered to be acceptable in terms of highway impacts.

15.54 In terms of car parking provision, the submitted parking schedule and plan includes a total of 38 spaces for both the proposed development of 19 units (including visitor spaces). In summary, the following levels of parking are provided:

- Total provision – 35 spaces
- 19 units – 1 allocated space each



- 12 unallocated spaces
- 4 visitor spaces
- Average provision of 1.8 spaces per unit.

- 15.55 The above car parking provision (as detailed in the submitted schedule and parking plan) has been assessed against the Dorset Residential Car parking Study calculator which confirms that where 19 allocated spaces are proposed at one space per dwelling, then an unallocated parking requirement of 10 spaces is required together with 4 visitor parking spaces. As the proposed provision of unallocated parking spaces exceeds the calculator requirement by 2 spaces, the proposed car parking provision for 19 dwellings is considered to be acceptable and in accordance with the County Parking Guidance. In addition, the car parking plan includes three parking spaces for cottages that front onto High Street. Whilst this provision may have formed part of the sale contract for each of these properties, it will reduce pressure for on-street parking along High Street and is considered to be a positive addition.
- 15.56 The proposed scheme does not include any dedicated cycle parking provision as there is space within the amenity area of each of the 10 houses for cycle storage. In the absence of a policy that requires cycle parking provision to serve the development, Officers consider that it would be unreasonable to require specific provision as part of the scheme to serve the apartments, particularly as the Highway Engineer has raised no objections on parking or cycle parking grounds.
- 15.57 In terms of other issues raised in neighbour representations, whilst Officers acknowledge requests for the installation of electric charging points as part of the scheme, there are again no adopted policies in PLP1 that require such installations as part of current applications. In the absence of an adopted policy, it would again be considered unreasonable to request such provision as part of the current scheme. Finally, in terms of the current parking provision for staff of St George's C of E Primary School, the applicants have confirmed in writing that they continue to work closely with the school and its head teacher and will continue to accommodate school staff parking (as agreed by the previous site owner) within the wider site ownership of some 5.9ha.
- 15.58 A Public Right of Way passes through the application site along OMHL – footpath SE 16/44. Consultation has taken place with the Council's Rights of Way Officer who has confirmed that she has no objection to the proposal providing that throughout the duration of the development and in the future, the full width of the public right of way must remain open and available to the public, with no materials or vehicles stored on the route and the surface of the Rights of Way must be maintained. Two standard informative notes can be included on the decision notice in this respect (Informative Note 23). In conclusion, the parking provision is sufficient to serve the development and the access will not result in highway safety issues in accordance with policy IAT: Improving Accessibility and transport.

#### **Flood risk and drainage**

- 15.59 The application site lies within Environment Agency Flood Zone 1 and is at low risk of fluvial flooding. It is also outside areas of known theoretical surface water flood risk. However, the proposed development must be able to deal with its own surface-water run-off to ensure that flood risk is not increased within the application site or surrounding areas. As the development is over 10 dwellings (classed as major), it is

also required to be supported by a drainage strategy that is in accordance with the National Planning Policy Framework (NPPF).

- 15.60 The planning application is supported by relevant drainage details including a site-specific Surface Water Design & Maintenance Plan (SWDM), Surface Water Drainage Layout Plan, Drainage Construction Details Drawing, and details of two Surface Water Drainage System Designs. The Local Lead Flood Authority (LLFA) was consulted on these details and noted that whilst the SWDM document outlined the existing drainage arrangements and presents a conceptual drainage strategy as two options (i.e. Systems A & C), pending adequate assessment of ground conditions and relevant infiltration rates, the LLFA retained concerns on the basis of the assumptions made in respect of ongoing discharge to the adjacent highway and receiving sewer system/s. As a result, a holding objection was made pending the submission of further details (including adequate ground investigation and soakage testing and consultation comments from Wessex Water) for approval.
- 15.61 Later comments received from Wessex Water confirm that the existing drainage regime for the front roof areas of retained buildings fronting High Street and Old Malthouse Lane is to remain. Rear roof areas of retained buildings are to be re-directed to a new separate surface water system. In the absence of infiltration methods (as identified in the LLFA response), Wessex Water notes that the contingency strategy proposes connection to the public surface water sewer. This is considered to be acceptable whether other drainage methods are unviable, and subject to an agreed discharge rate.
- 15.62 Following the response from Wessex Water, further consultation took place with the LLFA and who note Wessex Water's identification of their obligation to existing drainage infrastructure and their in-principle agreement to the contingency arrangement provided by the applicants should subsequent ground investigation and soakage testing not support the (preferred) method of infiltration at the site. On this basis, the LLFA has withdrawn their holding objection subject to the inclusion of two conditions on the planning decision requiring (i) a detailed surface water management scheme for the site and, (ii) details of maintenance and management of the surface water sustainable drainage scheme (Conditions 7 & 8).
- 15.63 In terms of foul drainage, Wessex Water has provided guidance to the applicants and have confirmed their agreement to a connection to the local public foul sewer network from the proposed development. A surface water sewer in Old Malthouse Lane is suitable for connection subject to the provision of proof of connectivity between the sewer and a private manhole in the applicant's ownership. The developer will be required to demonstrate satisfactory hydraulic capacity and condition of the private sewer to Wessex Water. Nevertheless, the details provided by Wessex Water do not raise an objection to the proposed development.
- 15.64 In summary, the proposed development is considered to accord with Policy FR: Flood Risk and is acceptable in terms of both surface water and foul water drainage.

#### **Waste Service Provision**

- 15.65 The proposed scheme has included a site bin storage area since pre-application stage to ensure that impacts of individual bins and external bin storage does not result in harmful impacts on the character of the Conservation Area. In response to objections from neighbours, the bin store has been slightly re-located to provide for a wider site access, has been provided a side access, and has also been altered in

design to more closely reflect the existing simple Purbeck Stone garage / store on the lane. The case officer also requested that the applicants demonstrate that the bin store was of a sufficient size to provide the capacity required for recycling, food and general waste in accordance with Council guidelines. This has been demonstrated through the submission of a bin requirement assessment and bin store layout plan that demonstrates that there is sufficient room for the capacity of bins required, and also to allow the bins to be manoeuvred on collection day. Given that the requirements have been fully met, the level of waste provision is considered to be acceptable. In addition, the retention of a simple elevation onto the lane, with a side access for residents is also considered to address neighbour concerns relating to the visibility of bins and the access doors opening and closing. The applicants have confirmed that the bin store will be managed by a site management company and whilst details are not necessary for the determination of the application, it is considered that suitable maintenance and management will minimise any likely harmful impacts e.g. loose rubbish, odours and bin clutter. The waste service provision is therefore considered to be acceptable.

### **Other considerations**

- 15.66 The Parish Council and local representations emphasised the perceived need for a condition to be imposed to prevent the future occupation of the proposed dwellings as second homes. This would accord with policy H14 of the emerging Purbeck Local Plan.
- 15.67 In accordance with Paragraph 48 of the NPPF, the Council previously considered that weight could be given to emerging policy H14 for new dwellings, and between 20<sup>th</sup> April 2020 and 11<sup>th</sup> September 2020 a condition was applied to all planning approvals for new dwellings in the Purbeck area AONB (excluding applications for replacement dwellings where additional justification is required).
- 15.68 However, as set out at paragraph 10.2 of this report and detailed in the appeal summary also within the Committee report pack, the recent appeal decision against the Council's imposition of a second homes restrictive condition and award of costs against the Council has altered the advice provided by Planning Policy Officers. No weight can currently be given to policy H14 of the emerging Purbeck Local Plan so a condition preventing the future occupation of the dwellings as second homes would not accord with the Local Plan in force and would not be reasonable or necessary as required by NPPF para 55.
- 15.69 The emerging Purbeck Local Plan also includes Policy I1 that sets out requirements for developer contributions to deliver Purbeck's infrastructure. In light of the appeal decision and updated policy advice, Officers consider that emerging policy I1 also has insufficient weight to reasonably and necessarily require the stated contributions towards Education provision.
- 15.70 Other issues raised by neighbour representations about the use of the adjacent fields and courts and their future development are not material considerations for the application under consideration.

## 16.0 Conclusion

The proposed development accords with local and national planning policy. It is considered to be acceptable in principle, of an appropriate layout, scale and design, and also in terms of impacts on the Langton Matravers Conservation Area and the Dorset AONB. The impact on neighbouring amenity and highways impacts are considered to have neutral impacts given the previous uses of the site and impacts such as flood risk, biodiversity and trees are all considered to be acceptable. The proposed dwellings will make a positive contribution to the local housing supply. Approval is recommended subject to relevant conditions as set out below.

## 17.0 Recommendations

17.1 To **grant** planning permission subject to the following conditions:

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

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

2. The development permitted must be carried out in accordance with the following approved plans and documents:

Site Location Plan 18-1004-LOC P1; Proposed Site Plan (colour) 18-1004-SLO1 P5; Proposed Hardscape 18-1004-SLO1.h P5; Proposed Soft Landscape 18-1004-SLO1.sl P5; Proposed site cross section A - A 18-1004-SO1 P2; Comparison cross section A - A 18-1004-CO02 P2; Old Malthouse Lane Street Scene Elevations and Flat Elevations 18-10040.BF.e1 P2; Comparison Street Scene - OMH Lane 18-1004-CO01 P2; Malthouse Topographical Survey 2D Scaled Rev D Model; Units 2 - 11 Ground Floor Plans 18-1004-BF.p1 P2, First Floor Plan 18-1004-BF.p2 P2 and Elevations 18-1004-BF.e2 P2; Unit 12 - Floor Plan 18/1004-U12.p-P1 and Elevations 18/1004.U12.e-P1; Unit 13 - Floor Plan 18/1004.U13.p-P1 and Elevations 18/1004.U13.e1-P1 & 18/1004.U13.e2-P1; Units 14 & 15 Floor Plan 18/1004.U14&15.p-P1 and Elevations 18/1004.U14&15.e1-P1 & 18/1004.U14&15.e2-P1; Units 16 & 17 Floor Plan 18/1004.U16&17.p-P1 and Elevations 18/1004.U16&17.e1-P1 & 18/1004.U16&17.e2-P1; Units 18 & 19 Floor Plan 18/1004.U18&19.p-P1 and Elevations 18/1004.U18&19.e1-P1 & 18/1004.U18&19.e2-P1; Unit 20 Floor Plan 18/1004.U20.p-P1 and Elevations 18/1004.U20.e1-P1 & 18/1004.U20.e2-P1; Bin Store & Car Port Floor Plan 18-10040CB.p P4 and Elevations 18-1004-CB.e P2 & 18-1004-BF.e1 P2; Parking Schedule 18-1004-PS.01; Parking Allocation Plan 18-1004-PAP01 P1; Accommodation Schedule 18-1004-AC01 Rev A; and Waste Bin Requirements 18-1004-BR01.

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

3. Despite the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 1, Classes A, B, C and E, except for wooden sheds and greenhouses, and Schedule 2, Part 2, (or any order revoking and re-enacting that Order with or without modification), no further development, including material changes to the shape and appearance of windows, and the carrying out of building, engineering or other operations will

be undertaken within the application site without first obtaining planning permission from the Council.

Reason: In the interest of neighbour amenity and to retain the visual amenity and townscape character of the area including the Langton Matravers Conservation Area.

4. Before the development hereby approved commences a Construction Environmental Management Plan (CEMP) must be submitted to and approved in writing by the Planning Authority. The CEMP must include:

- No bonfires to be held on site at any time.
- Hours of demolition and construction are to be limited to Monday – Friday 0700 – 1900; Saturday 0900 – 1300; and no activity on Sundays or Bank Holidays. If there are to be any proposed deviations from these hours, please contact Environmental Health to discuss these.
- Start up and movement of vehicles / equipment etc. will be limited to 30 minutes prior to the hours of construction only.
- To minimise disturbance, broadband alarm or video shall be fitted to works vehicles instead of the conventional beepers when reversing.
- Activities which may give rise to dust shall be controlled, as far as practicable, to minimise dust emissions. This must include controlling dust from regularly trafficked road areas. Dust suppression may be achieved using water and locating equipment and machinery, away from residential areas.
- At all times, a contact telephone number shall be displayed on site for members of the public to use to raise issues. A named person will also be provided to Environmental Health in order for contact to be made should complaints be received.
- Any waste arising at the site shall be appropriately segregated and controlled prior to its removal by an appropriately licensed contractor. Any waste arising from the activity which could potentially be contaminated in any way shall also be segregated again, and removed appropriately. Environmental Health must be informed if this occurs.
- The use of any radio / amplified music system on site must be kept at a level not to cause annoyance to noise sensitive premises beyond the boundary of the site.
- Any future sub-contractors to the site shall be made aware of, and comply with any guidelines/conditions relating to site management of emissions of noise, dust, smoke, fumes etc. made in as part of the determination of this application.
- Letter drops to adjacent residents in close proximity should be considered as part of the Demolition / Construction phase to give a minimum of 48 hours' notice of any exceptional activities proposed.
- Details of site safety and security including the storage of plant and materials used in the demolition and construction of the development.

The development must be carried out strictly in accordance with the approved CEMP.

Reason: To minimise the likely impact of the proposed development on the amenity of neighbouring properties.

5. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:

- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction works and anticipated deliveries
- timings of deliveries so as to avoid, where possible, peak traffic periods
- a framework for managing abnormal loads
- contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- wheel cleaning facilities
- vehicle cleaning facilities
- Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- a scheme of appropriate signing of vehicle routes to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary

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

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

6. 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 providing clarification of how drainage 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 implemented in accordance with the submitted details before the development is occupied.

Reason: To prevent the increased risk of flooding and to protect water quality.

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

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

8. Before they are installed, detailed drawings of all new windows/internal/external doors and their openings must be submitted to and approved in writing by the Council. Such drawings will be to a scale of not smaller than 1:10 and will include 1:5 scale sections through all main joinery and glazing components to include standard window details of the head, cill and jamb. The development must be completed in accordance with the approved details.

Reason: To ensure that these details are in keeping with the character and appearance of the Conservation Area.

9. The manufacturers name, product name and colour of all external facing and roofing materials (to include roof tiles, stone, pointing etc.) 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 that these details are in keeping with the character and appearance of the Conservation Area.

10. Before the construction of any external walling starts a sample panel of all proposed Purbeck dry stone walling and all external walling and pointing must be completed, inspected and agreed in writing by the Council. This must clearly demonstrate the mortar mix/pointing profile/coursing/finish to be used. The panels must remain on site during construction works. The development must be built in accordance with the agreed sample panels.

Reason: To ensure the satisfactory appearance of the development in the interests of the character and appearance of the Conservation Area and the Dorset AONB.

11. All works impacting on the retained trees during the demolition and development and all proposed tree planting must be carried out as specified in the approved Arboricultural Method Statement, reference 19172-AA-PB and the Tree Protection Plan, reference 19172-BT2, both dated 17/10/19.

Reason: To prevent trees on site being damaged during construction works.

12. No development must take place until the Council has approved a detailed scheme of landscaping. This needs to include
  - i. A landscape proposals plan showing full details of the hard landscape including the product name and colour of all surfacing and paving, the product name, colour and height of all walls, fences and other structures, and any external lighting.
  - ii. Planting plans which must show the species of trees, shrubs and herbaceous plants to be planted and where they will be planted, the size that the trees/shrubs/plants will be on planting, and the number that will be planted;

The development must be carried out strictly in accordance with the approved landscaping scheme.

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

13. The soft landscaping works detailed in approved Proposed Soft Landscape 18-1004-SLO1.sl P5 and agreed in accordance with condition 13 must be carried out during the first planting season (October to March) following the first occupation 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.

14. Any trees or plants of the approved 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 the Council gives written permission to any variation.

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

15. The development must be carried out and maintained in accordance with the approved Biodiversity Mitigation and Enhancement Plan dated 9<sup>th</sup> September 2020 and agreed by Dorset Council on 17<sup>th</sup> September 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.

16. The hard surfacing/paving, walls, fences and other external structures, detailed in the approved Proposed Hardscape Plan 18-1004-SL01.h P5 must be carried out before the first occupation of any of the building.

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

17. Before the development is first occupied the access, geometric highway layout, and turning areas as shown on Proposed Site Plan Drawing Number 18-1004-SL01 P5 must be constructed. Thereafter, the access and turning 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.

18. Prior to the occupation of each unit the parking provision detailed on Parking Schedule 18-1004-PS.01 and shown on Parking Allocation Plan 18-1004-PAP01 P1 must be constructed and made available for use, unless otherwise agreed in writing by the Planning Authority. Thereafter, the parking 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.

19. Before the development is occupied or utilised the Bin Store shown on Bin Store & Car Port Floor Plan 18-10040CB.p P4 and Elevations 18-1004-CB.e P2 & 18-1004-BF.e1 P2 must be constructed and full bin capacity provided, unless otherwise agreed in writing by the Planning Authority. Thereafter, the



Bin Store must be maintained, kept free from obstruction and made available for the purpose specified.

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

20. Before any of the new dwellings are brought into use, the bathroom and en-suite windows of all units must be glazed with obscure glass to a minimum Pilkington privacy 3, or equivalent as agreed in writing with the Council. Thereafter, the windows must be maintained in that condition:

Reason: To safeguard the amenity and privacy of the occupiers of adjoining residential property.

### **Informative Notes:**

1. Informative Note - Natural England. Attention is drawn to the special protection given in law (for example, under the Wildlife and Countryside Act 1981 (as amended), the Habitat Regulations and the Protection of Badgers Act 1992) to particular plants and animals that may be present within the application site. The grant of this planning permission does not override any relevant statutory species protection provision contained within such legislation.
2. Informative Note - The safe free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on the above path then a Temporary Path Closure Order must be obtained. This can be applied for through this office but the application must be completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application. This application and legal order must be confirmed before any works obstructing the path are commenced.  
  
Any damage to the surface of the footpath attributable to the development must be repaired to Dorset Council's specification, in accordance with Section 59 of the Highways Act 1980.
4. Informative Note - If you are demolishing a building over 50m<sup>3</sup> you must submit a Section 80 - Demolition Notice to the Council's Building Control Team. Applications can be made online at <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-buildings-and-land.aspx?folderIds=5542,16721> or telephone 01929 557280
5. Informative Note - Matching Plans. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.
6. Informative Note - Community Infrastructure Levy. This permission is subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. The development is CIL liable but no liability notice has been issued as the liability amounts to zero.
7. Statement of positive and proactive working: In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and

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

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

**Background Documents:**

Case Officer: Cari Wooldridge

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

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



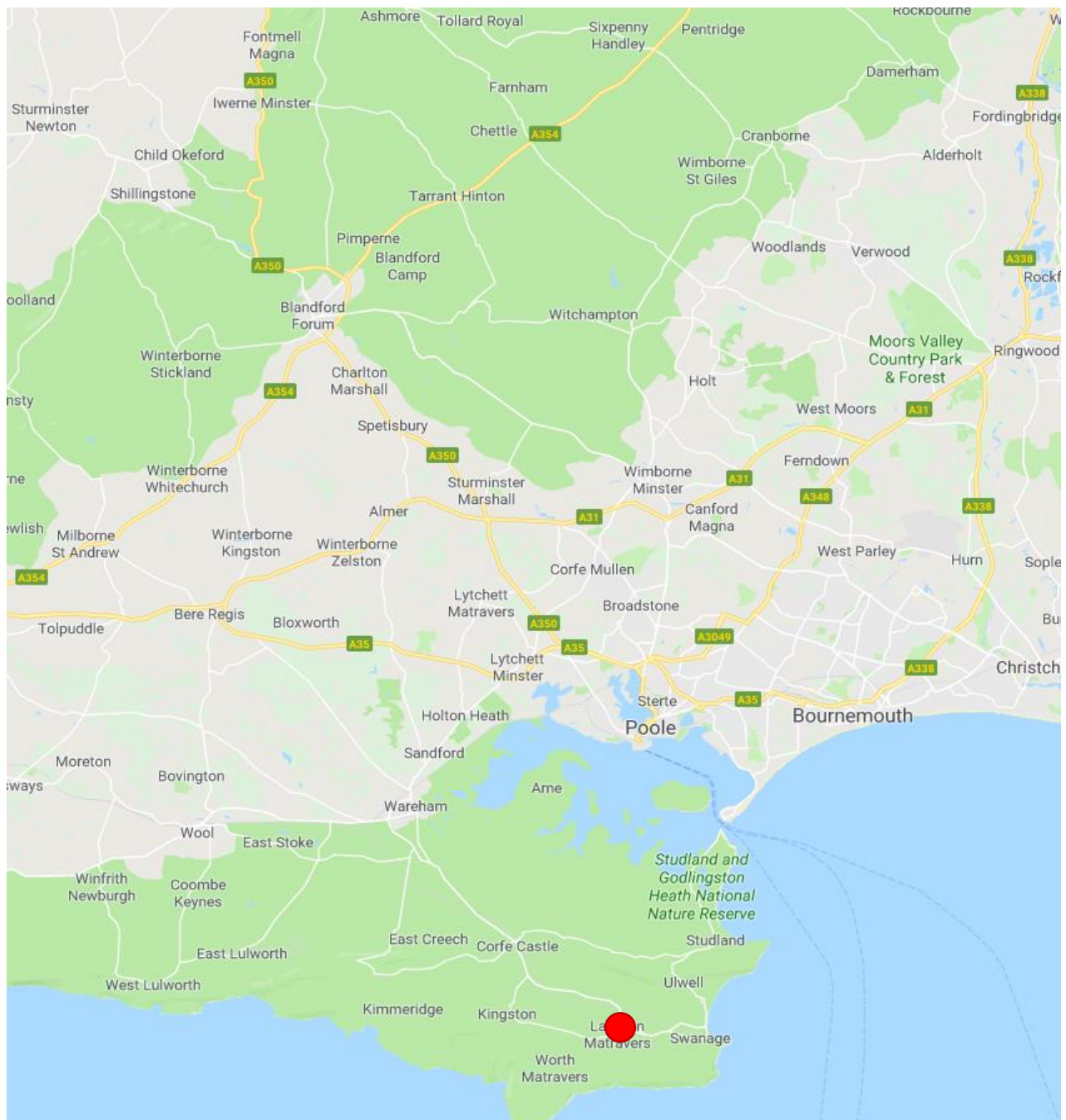
This page is intentionally left blank

Approximate Site Location 

Application reference 6/2019/0604

Site address The Old Malthouse, High Street, Langton Matravers, BH19 3HB

Proposal: Redevelopment of site including demolition of several school buildings, conversion & construction of new buildings to provide 19 dwellings with vehicular access, off street parking, gardens & landscaping



This page is intentionally left blank

**REPORT SUMMARY**

REFERENCE NO.	3/20/0499/FUL		
APPLICATION PROPOSAL	Erection of a multi-use games area (MUGA) comprising synthetic surface, 3m high perimeter ball stop netting and 8 x 8m lighting columns (additional and amended documents rec'd 6/7/20)		
ADDRESS	St Ives Primary and Nursery School, Sandy Lane, St Leonards and St Ives, BH24 2LE		
WEB LINK	<a href="https://eastplanning.dorsetcouncil.gov.uk/plandisp.aspx?recno=116191">https://eastplanning.dorsetcouncil.gov.uk/plandisp.aspx?recno=116191</a>		
RECOMMENDATION - Grant, subject to conditions: (see Section 9 of the report for the full recommendation)			
REASON FOR REFERRAL TO COMMITTEE The Nominated Officer considers that it is appropriate for the application to be considered in the public forum in the light of concerns raised by the parish council and the large number of public consultation responses and objections from neighbours.			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"><li>• The development of a new sports facility will enhance opportunities for sport on the school site within the urban area where the principle of development is acceptable</li><li>• The limited harm arising from the changed character of the school site will be outweighed by the benefits</li><li>• Conditions can be imposed to mitigate the impacts arising in relation to noise and lighting to acceptable levels and assessments demonstrate that the proposal will not result in harm to neighbouring amenity</li><li>• Adequate parking provision is available for users of the facility outside school hours</li><li>• There are no other matters which would warrant refusal of planning permission.</li></ul>			
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL None.			
APPLICANT	St Ives Primary and Nursery School	AGENT	Mr Daniel Wilden
WARD	St Leonards	PARISH/ TOWN COUNCIL	St. Leonards and St. Ives
PUBLICITY EXPIRY DATE	21 July 2020	OFFICER SITE VISIT DATE	16 September 2020
DECISION DUE DATE	8 May 2020	EXT. OF TIME	1 October 2020

<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
3/19/1529/PAL	Pre-application advice was sought prior to submission. The officer's advice was that the development was acceptable in principle but it would need to be demonstrated that the proposal could avoid any significant harm to neighbouring amenity from noise and light pollution.		31/10/2019
3/14/0020	New Free Standing Classroom in School Grounds	Granted	05/03/2014
3/10/0983/FUL	Erect Awning to Rear Elevation	Granted	22/12/2010
3/75/1027	Build swimming pool (no condition imposed to regulate hours of use)	Granted	08/08/1975

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE AND SURROUNDINGS**

St Ives First School is located north of Sandy Lane within the urban area of St Leonards and St Ives. This area is predominantly residential with a suburban character.

The school is a single storey, predominantly flat roofed building which stands within a level, 1.5ha (approx.) site. Residential properties lie to the north, east and west of the school grounds. The access to the school is from Sandy Lane which runs along the southern boundary. The boundary is demarcated by post and wire fencing. The school is served by a car park offering 22 spaces with additional parking available outside of school hours on the playground.

The application site lies within the school field to the west of the school buildings.

### **2.0 PROPOSAL**

The proposed Multi Use Games Area (MUGA) comprises an area of synthetic surface 50m long by 26m wide surrounded by 3m high perimeter ball-stop netting which will be served by eight 8m high lighting columns- 4 to the north and 4 to the south. A MUGA is an all-purpose court, providing an outdoor space suitable for a range of sports and activities so it has multiple different sports line markings. The proposed pitch could accommodate sports such as 5 a side football, netball and tennis. Existing climbing play equipment would be relocated within the school site.

It is proposed that the MUGA will be used between 9:00am and 8:30pm Monday to Sunday. During school hours it is anticipated that the MUGA will be used by the school but outside of these hours it will be made available for hire by third parties. A Third Party Hire Management Plan has been submitted which the school will operate and this includes the following requirements:



- Sessions are to be scheduled as early in the evening as availability allows with particular priority for early scheduling of any hard ball sports
- A point of contact will be provided for residents to report matters relating to public health, safety or on-going disturbance
- Reasonable checks of potential hirers will be made and evidence of their activities, national body accreditation, insurance etc will be recorded
- All hirers will enter into a hire agreement to include limits on timings of sessions, flood light use, responsibility for noise levels (no whistles, radios, public announcement systems or other amplified sound allowed), no. of participants and use of parking on-site rather than on-street.
- Complaints procedure set up, complaints to be addressed promptly
- Records to be made available to the Local Planning Authority upon request

### 3.0 SUMMARY OF INFORMATION

All measurements approximate	Proposed
Site Area (ha)	0.19ha
Use	Continued use for sport and recreation
MUGA length	50m
MUGA width	26m
Height of netting	3m
Height of lighting poles	8m
Distance from west school boundary	25m
Distance from building 5-11 Hesketh Close	Approx. 30m
Distance from southern school boundary	15m
Distance from Sandy Lane dwellings	Approx. 30m
Distance from northern school boundary	54m
Parking Spaces	22 + additional parking opportunities on playground

Materials	Dark green playing surface, Black/grey ball stop netting
-----------	---

#### **4.0 RELEVANT PLANNING CONSTRAINTS**

Open Space./Recreation

Main Urban Area

SSSI Impact Risk Zone

Airport Safeguarding

Tree Preservation Orders on trees along the northern school boundary and on individual trees along the south and east school boundaries

#### **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

KS11 Transport and Development

KS12 Parking Provision

HE2 Design of new development

HE3 Landscape Quality

HE4 Open Space Provision

LN7 Community Facilities and Services

ME1 Safeguarding biodiversity and geodiversity

##### **East Dorset District Council Local Plan 2002 saved policies:**

DES2 Criteria for development to avoid unacceptable impacts from types of pollution

##### **5.02 Government Guidance**

The National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

#### **6.0 LOCAL REPRESENTATIONS**

6.01 The application was advertised by means of a site notice displayed on 11 May and by neighbour letters. These were delayed due to the physical constraints imposed by Covid but were sent on 14 May so the consultation period was extended until 8 May.

6.02 71 letters of objection were received during the first consultation raising the following concerns:

<b>Issue</b>	<b>Number of Representations raising this issue</b>
<b>Lack of car parking and increase in traffic as well as the school traffic</b> - road access to the school is restricted with many vehicles parking on the road at all times of the day. The traffic pattern will now be altered to include regular evening/night and weekend activity, potentially all year round. No additional parking facility.	58
<b>Noise</b> – from playing matches (whistles, people shouting, cheering, car doors slamming). Inappropriate in a residential area. Users would stay later than 10pm	57
<b>Light-</b> altered character and impact on amenity	54
<b>Open Times</b> – 10pm closing time will impact on amenity, should be no use on a Sunday	41
<b>Biodiversity</b> – harm arising from lighting	22
<b>Safety</b> - road safety, increase in traffic accidents, emergency services won't be able to get through due to traffic and car parking. Traffic calming needed.	18
<b>Character of area</b> – quiet residential area	15
<b>Mental health-</b> associated with harm	10
<b>Anti-Social Behaviour</b> - anticipated foul language, disruptive behaviour, vandalism, drug use.	10
<b>Security-</b> neighbouring properties at risk	9
<b>Trees-</b> removal of trees in the past	8
<b>Litter</b>	8
<b>Lack of Toilet/Changing Facilities</b> - No toilet, washing, changing, first aid or storage facilities.	6
<b>Privacy-</b> impacts for neighbours	5
<b>Visual Impact</b>	5
<b>Too large-</b> over development of the field	5
<b>Air pollution-</b> from associated traffic <b>Unnecessary-</b> all weather facilities available elsewhere in Ringwood and Ferndown.	4

6.03 27 letters of no objection, and 18 letters of support were also received during the first consultation period raising the following matters:

- Community benefits of additional sport facilities- improved opportunities to participate in activities and improve health
- Shortage of all weather facilities in the local area

6.04 A re-consultation took place in July following receipt of additional information and a revised proposal to limit operating times until 8:30pm. 33 representations were received, 32 raising objections that the amendments failed to overcome their previous concerns.

## **7.0 CONSULTATIONS**

### **7.01 St Leonards & St Ives Parish Council (22 May 2020)**

Members discussed the proposal at length. There was considerable concern about the impact on those living close by in relation to noise and lighting particularly outside of school hours and questioned whether the requirements of policies HE2, HE3, HE4 and LN7 were being met.

It was agreed unanimously that they could not support the proposal in its present form. Whilst there were some merits and benefits to the school they had serious concern about the impact of the proposal on residents and the environment particularly in relation to the hours of opening and number of days of use. Cllr Bryan will ask that this goes to the LPA Committee if the Officer is minded to approve and asked that a Member of the Committee supports him at that meeting if called.

### **7.02 St Leonards & St Ives Parish Council (24 July 2020)**

The Parish Council feels very strongly that the amendment to the original planning application does not address or mitigate the serious concerns the Parish Council raised in its initial objection.

In that the noise levels would be unacceptable.

The lighting levels would be unacceptable and that the school does not possess the ability to safely or adequately manage the facility nor has it demonstrated how the facility would be managed properly.

The Parish Council feels that this application does not address or mitigate the detrimental impact on the local community and the environment.

It is the opinion that this is a commercial venture and is not suitable or appropriate for this community.

The Parish Council does not wish to make any suggestions or proposals that may be deemed acceptable as they believe the whole proposal is unacceptable.

### **7.03 Dorset Council Highways (20 May 2020)**

No objection

### **7.04 Dorset Council Public Health (2 September 2020)**

No objection subject to conditions to secure installation of polypropylene cord netting, omit backboards and secure use in accordance with the management plan, which includes a booking system for outside school hours, a complaints procedure for nearby residents and a ban on the use of whistles, radios, public announcement systems or other amplified sound for third party users.

## **8.0 APPRAISAL**

### **8.01 The main planning considerations are:**

- The principle of development
- The impact on the character of the area

- The impact on neighbouring amenity

These and other considerations are set out below.

### **The Principle of Development**

- 8.02 NPPF para 91 encourages planning decisions to '*enable and support healthy lifestyles*' including the provision of sports facilities.
- 8.03 The site lies within the urban area of St Leonards and St Ives which is identified as a 'Suburban Centre' in policy KS2, which is a settlement '*with no existing centre[s] that will provide for some residential development along with community, leisure and retail facilities to meet day to day needs within the existing urban areas.*' The proposal, for a Multi Use Games Area to serve the school and local community, falls within the development that is acceptable in principle subject to compliance with other policies.
- 8.04 Some objectors have raised concerns that the proposal will result in the loss of open space as the development will be positioned on the school field. As the proposal is for a sports facility in connection with the school it will not represent a material change of use of the land. It is understood from representations received, that the existing school playing field is not of a particularly high quality. By providing an all-year around playing facility, the MUGA will enhance the current opportunities for sport on the school site. The majority of the playing field will remain unaltered. Development that secures alternative sports and recreational provision where the benefits outweigh the loss of the former use is acceptable on existing recreational land under NPPF para 97.
- 8.05 Objectors have suggested that the demographic of the area is predominantly older people so those using the proposed sport facility would be from outside the area and the location is inappropriate. There is no recent published open space and recreation study for the area but policy HE4 'Open Spaces Provision' of the Christchurch and East Dorset Local Plan identified that the Open Space Study PPG 17, conducted in 2007, would remain applicable throughout the Plan area, amended as necessary to take account of subsequent developments. In section 6, which considers St Leonards and St Ives, the report noted that there were two sites providing active sports space; Braeside Road Recreation ground and Horton Road Recreation Ground and only the later had formal pitch provision. The level of active sport space was - 1.48ha below recommended minimum level provision due to the low level of formal sport and play area provision. The report identified very limited facilities for young people with only one children's play area and no facilities for teenagers. It states '*....facilities for young people and children should thus be a priority, despite the demographic profile. The First school (since 2015 St Ives Primary and Nursery School) is in an opportune location and possibility for improving facilities there for community use should be investigated.*' Since this report there has been no significant change to sports pitch provision in the locality.

- 8.06 Since this time the school has improved its facilities with the swimming pool being repaired and refurbished. The proposed MUGA represents an additional opportunity to improve facilities for young people, both those attending the school and those attending sports clubs that may hire the MUGA, in line with the 2007 report. This is also in accordance with Local Plan policy LN7 'Community facilities and services' which encourages the provision of high quality, convenient, local and accessible facilities for community use and prioritises the multi-use of existing facilities.
- 8.07 The proposal represents an enhancement of an existing community facility in St Leonards and St Ives which is acceptable in principle.

### **The Impact on the Character of the Area**

- 8.08 NPPF paragraph 127 requires that development is sympathetic to local character, including the surrounding built environment and landscape setting.
- 8.09 Local Plan policy HE2 requires that development should be compatible with or improve its surroundings in relation to 11 criteria including layout, height, materials and visual impact.
- 8.10 The proposal will introduce development onto the currently open school field which will be evident from adjoining properties and Sandy Lane. The southern edge of the school site is demarcated by a concrete post and chain link fence. A treed verge which runs between the highway and the pavement for approx. 60m provides softening and contributes to the local verdant character. Where the verge ends, the road affords open views across the school field to the trees along the northern boundary. Although the 3m high mesh netting around the large MUGA and the eight lights would change the streetscape, the proposed siting enables the development to benefit from some screening provided by the verge trees in views from the southwest. The form would retain visual permeability through the mesh fencing and, being a sport related structure, it would not have an incongruous appearance on the existing school field.
- 8.11 Objectors have raised concerns about the removal of trees that used to stand along the southern boundary of the school. There is a longstanding tree preservation order on trees to the north of the site and in 2019, following the removal of some trees that were not protected, a preservation order was placed on individual trees with amenity value to the south and west; none will be affected by the proposal.
- 8.12 Several objectors have referred to the character of the urban area in which the application site lies as being quiet and peaceful. Concerns have been raised that the proposed use of the MUGA, in combination with existing school facilities including an outdoor swimming pool, will increase the intensity and duration of recreational activities to a harmful extent.
- 8.13 The school has explained that the school field is currently used outside of school hours until approx. 18:30 most days, including for holiday clubs, and

until 20:00 three or four times a week. Additionally, the field is used on Saturdays 09:00-20:00 and on Sunday mornings. They expect that the proposed new MUGA will not significantly alter the current usage. Notwithstanding this information, officers recognise that the proposed MUGA, which will offer a better surface during the winter months than the existing field, is likely to result in increased intensity of use of the school field over the year. The lighting will also facilitate use into the evenings and it is proposed that the MUGA be available for use between 09:00 and 20:30 each day. The proposal will therefore increase the period during which vehicular trips to and from the site would be anticipated and the number of trips. It will also introduce lighting into a currently dark area of the settlement where streetlights are limited which will have a visual impact. These changes will have an impact upon the character of the area but when taking into account the lighting assessment, which identifies that light spill will be contained, and the proposed hours of operation which can be secured by condition (no. 6), it is considered that compared to existing use of the school site, only limited harm to the character of the area will result.

### **The Impact on Neighbouring Amenity**

- 8.14 NPPF paragraph 127 requires that planning decisions ensure that developments *'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'* Local plan policy HE2 similarly requires that development should be secure acceptable relationship to nearby properties including *'minimising general disturbance to amenity'*.
- 8.15 Many of those who have objected to the proposal cite concerns about harm to their amenity as a result of noise, disturbance, unneighbourly parking and light pollution. Fear of increased crime levels have also been expressed by the occupants of some of the properties adjoining the school field.
- 8.16 In relation to light pollution, the lighting assessment submitted with the planning application demonstrates that the eight lights will be directed so as to avoid harmful light spill beyond the school site. The measurement of 1 lux (1 lumen per sqm) is equivalent to full moon and this measure is achieved within the site and along the southern boundary, with lower levels beyond, so no harm to neighbouring amenity as a result of light spill is anticipated. A condition is necessary to secure the lighting in accordance with the submitted details (condition 4).
- 8.17 Additional noise will be associated with the proposed development which will facilitate sports training and matches. At the request of officers, a Noise Impact Assessment has been submitted which considers the likely noise impact for properties nearest to the proposed MUGA. Ambient noise level readings were taken on consecutive days Friday- Sunday in June. The site lies close to the A31 which contributes to a relatively constant ambient noise. Due to the impacts of Covid 19 it is anticipated that the ambient noise

readings were conservative, so they formed a robust baseline scenario. The predicted noise levels were based upon ball impact event noise measurements from Winchester Leisure Centre MUGA pitches including noise from the ball hitting the side boards and chain link fencing (checked against other locations to ensure consistency), male voice shout and whistle data and Sport England data. This Sport England data, which was used to predict noise levels of typical sports, included noises from multiple sports including football, hockey and rugby participated in by men, women and children.

- 8.18 When comparing the predicted MUGA noise levels with existing noise levels it was found that the use of the MUGA would not result in significant changes to noise levels experienced by neighbouring residents.
- 8.19 Subsequent additional noise information submitted in support of the application included noise readings for Sunday evenings which were missing from the initial assessment. On that occasion the ambient levels were slightly lower than had previously been recorded, likely due to the warm, still conditions compared to higher wind speeds previously. The likely noise levels at the receiver (neighbouring properties) were measured across distances equivalent to the centre and edge of the proposed pitch.
- 8.20 The conclusion from the noise impact assessments is that noise levels from the centre of the MUGA will result in equal or lower than existing ambient levels at the closest residential property. Noise from the edge of the MUGA could lead to marginally higher ambient levels between 18:00 and 20:30 on quieter evenings. Noise levels without mitigation would remain below levels recommended by Sport England and the impacts for neighbouring residents would not be harmful as they meet the World Health Organisation average for external noise in gardens and daytime (including evening) internal noise levels recommended by British Standards. On the quietest evenings there might be an increase of 5dB above ambient noise levels from the edge of the pitch. Although noticeable, the noise would not be constant and is not judged to be at a level where it would represent harm to neighbouring amenity. Reference has been made to the Institute of Environmental Management and Assessment guidance which classifies such a long term impact as minor.
- 8.21 In order to mitigate the noise impacts, the design of the MUGA includes ball stop netting rather than traditional chain link fencing or wire mesh to avoid noise associated with balls hitting the barrier. The Noise Impact Assessment recommends that there are no backboards fitted and suggests prohibiting whistles. As whistles are already used on the school field by teachers it would not be reasonable to prohibit their use during school hours but the proposed management plan for use by third parties includes a prohibition on the use of whistles, radios and other amplified sound which is reasonable and necessary. The use of backboards for hockey or basketball are associated with increased peak level noise events so it is reasonable for backboards to be restricted by condition (no. 9). The closure of the MUGA by 20:30 each evening and the management plan proposals, including a complaints procedure to address any breach of terms of use, would ensure that the



school can control the impacts of the MUGA. Within these parameters, which can be secured by condition (nos. 3, 6, 7, 9), officers are satisfied that the noise impacts would not conflict with policy HE2 and DES11 requirements.

- 8.22 Fear of crime was raised by a number of neighbouring residents due to the proposed use of the site out of school hours. The management plan has responded to these concerns by requiring checks of those hiring the MUGA and establishing a point of urgent contact for neighbours to report concerns. The school has a fence (approx. 2m high) along the front of the site and the remainder of the perimeter is demarcated by fencing and hedging. As the MUGA lies away from the boundaries there would be no need for users to go near the edge of the site. Whilst there is no CCTV (due to primary education safeguarding constraints), the school has confirmed that it is proposed to run a remote recording system overlooking the MUGA in the same manner as the existing system for the swimming pool. This is a stand alone recording device that works as a deterrent as opposed to CCTV, it records activity and alerts the intruder to the fact that they are being recorded. It can then be downloaded to a computer if required. Additionally, confirmation has been provided that the school intends to make changing rooms and toilets available to hirers. Overall it is considered that the proposal would accord with planning policy in relation to security.
- 8.23 The site lies in a predominantly residential area but it is considered that the design of the MUGA and its use in accordance with the submitted management plan would mitigate the impacts on neighbouring amenity to an acceptable level in accordance with policies HE2 and saved policy DES11.

#### **Impact on highway safety**

- 8.24 The use of the MUGA by the school is not anticipated to result in additional vehicular traffic but proposed third party use of the MUGA has resulted in objections from neighbours. The existing school use is associated with significant on-street parking and concerns have been raised that the proposed out of hours use would extend issues already faced by residents in relation to poor parking and associated reduced accessibility. To avoid negative impacts on highway safety the Third Party Management Plan requires that those hiring the facility to advise participants/parents to use on-site parking and drive into the site for drop off/pick ups. It is noted that the school playground provides good parking opportunities but such on-site parking would need to be made available by the school so a condition is necessary (condition 8). Whilst lawful parking on the highway cannot be prevented, this measure would assist in mitigating impacts that might otherwise arise.
- 8.25 The Council's Highway team have no objection to the proposal which will use the existing school vehicular entrance. The proposal is found to accord with highway and parking policies KS11 and KS12.

#### **Impact on Biodiversity**

- 8.26 The application is accompanied by a biodiversity plan which has been certified by the Council's Natural Environment Team. The biodiversity survey of the site found no evidence of bats or other protected species on the site and although some light spill on trees and shrubs is anticipated, this is not considered likely to have any significant effect on wildlife such as bats. The proposal is considered unlikely to have any significant impact on any protected species or habitats, a bat box, bird box and insect tower will be provided at appropriate locations within the school site to enhance biodiversity. Compliance with the biodiversity plan can be secured by condition (no. 5).

**Conditions necessary to make the application acceptable**

- 8.27 NPPF para 55 requires that the Council considers whether otherwise unacceptable development could be made acceptable by the imposition of planning conditions. These need to meet the six tests in para 56; necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 8.28 It is considered that the proposal can be made acceptable in relation to the impact on the character of the area and neighbouring amenity by ensuring that the MUGA is constructed in accordance with the plans, including lighting plans and restricting the operational hours (including lighting) to 9:00-20:30 each day. Further restrictions such as limiting weekend use would not be reasonable given the intention of the MUGA, which is to be part funded by Sport England, is to improve accessibility to and opportunities for engagement in outdoor activity.
- 8.29 It is also necessary to require that use accords with the management plan in order to ensure that the development is compatible with the adjoining residential land use and to secure the biodiversity plan which includes enhancement measures.

**Conclusion**

- 8.30 Having considered all material planning considerations it is your officers' position that the proposal complies with local and national planning policy.

**9.0 HUMAN RIGHTS**

- 9.01 Article 6 - Right to a fair trial.  
Article 8 - Right to respect for private and family life and home.  
The first protocol of Article 1 Protection of property
- 9.02 This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

**10.0 PUBLIC SECTOR EQUALITIES DUTY**

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

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

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

## **11.0 CLIMATE IMPLICATIONS**

11.01 The proposal is likely to result in an increase in the number of vehicle trips to the application site to use the MUGA outside of school hours as there are limited sustainable transport options available, but it is also likely to reduce some existing trips from the St Ives area to alternative sport facilities. Overall the impacts will be limited.

## **12.0 CONCLUSION**

12.01 The proposed MUGA will facilitate sport throughout the year, improving sport facility provision for young people in St Leonards and St Ives in accordance with Local Plan policies HE4 and LN7. The increased intensity of use of the school field and the introduction of lighting will alter the character of the area, but it is considered that the harm will be limited and will not conflict with policies HE2 or HE3. Only a minor change to noise levels is anticipated and the design of the MUGA will limit light spill and noise levels to appropriate levels within the residential area. The proposed management plan to be implemented by the school in relation to third party users of the MUGA will ensure that all users are aware of noise and operating hour restrictions and encourage off-street parking.

12.02 For the above reasons the proposal is recommended for approval subject to conditions.

**RECOMMENDATION** - Grant, subject to the following:

### **Conditions:**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
4306-1 Site Plan, 4306-2 Block Plan, 4306-4 Elevations

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

3. The MUGA surface shall be dark green and the boundary fencing shall be ball-stop netting which shall be dark grey or black in colour, unless alternative colours are first agreed in writing with the Local Planning Authority.

Reason: In the interest of the visual and auditory amenities of the area.

4. The lighting of the MUGA must at all times accord with the submitted lighting details by Thorn Lighting Limited and light spill plan 4306-3.

Reason: In the interests of the character of the area, neighbouring amenity and protected species.

5. The mitigation measures identified in the approved Biodiversity Plan dated 12 March 2020 shall be adhered to during the carrying out of the development.

The development hereby approved shall not be first brought into use unless and until the protected species enhancement measures as detailed in the approved Biodiversity Plan have been installed.

Thereafter the approved enhancement 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 biodiversity

6. The Multi Use Games Area hereby approved shall not be used, nor shall the lighting be on, between the hours of 20:30-9:00 Monday to Sunday.

Reason: In the interests of the character of the area and to protect neighbouring amenity

7. The use of the Multi Use Games Area (MUGA) by third parties, other than St Ives Primary and Nursery School, shall be strictly in accordance with the 'Third Party Hire Management Plan' produced by Pure Town Planning and any subsequent amended management plan agreed by the Local Planning Authority in writing.

Reason: To ensure that the MUGA functions well in the interests of the amenity of neighbouring residents and highway safety.

8. On-site car parking spaces shall be made available to third party users of the MUGA during their hire period in sufficient number to accommodate the needs of each user.

Reason: In the interests of highway safety and neighbouring amenity

9. There shall be no backboards fitted or used within the MUGA unless first agreed by the Local Planning Authority in writing.

Reason: In the interest of neighbouring amenity due to the noise levels associated with backboards.

**Informatives:**

1. The applicant is advised if substantiated noise complaints from nearby residents in the future are received the Council has a duty to investigate and take action to abate any statutory nuisance identified within the remit of part III of the Environmental Protection Act 1990.

**Background Documents:**

Case Officer: Elizabeth Adams

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

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

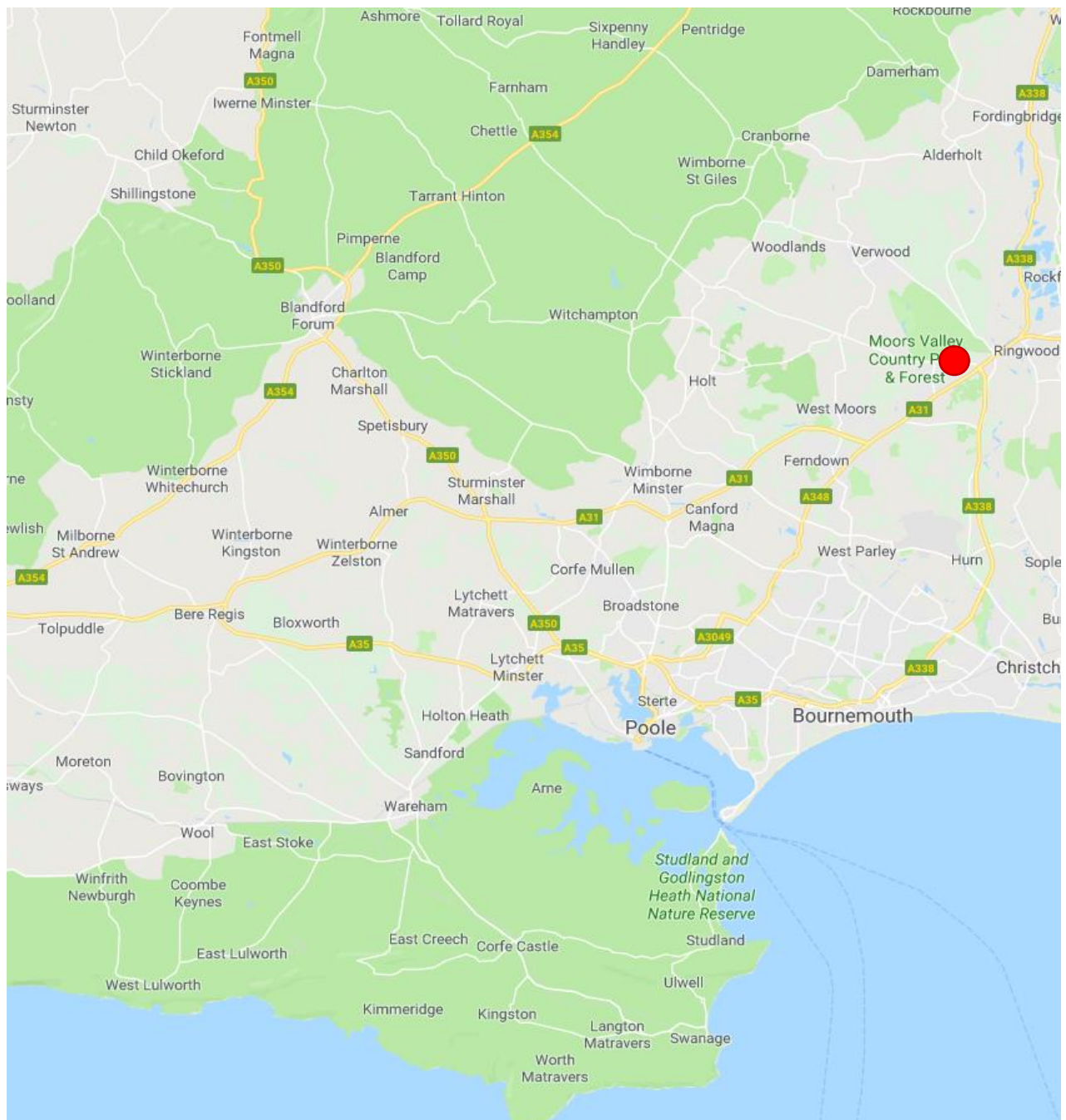
This page is intentionally left blank

Approximate Site Location 

Application reference: 3/20/0499/FUL

Site address: St Ives Primary and Nursery School, Sandy Lane, St Leonards and St Ives, BH24 2LE

Proposal: Erection of a multi-use games area (MUGA) comprising synthetic surface, 3m high perimeter ball stop netting and 8 x 8m lighting columns (additional and amended documents rec'd 6/7/20)



This page is intentionally left blank



<b>APPLICATION PROPOSAL</b>		Demolish existing dwellings and erect a food store with associated access, parking and landscaping.	
<b>ADDRESS</b>		76-78 Ringwood Road, Verwood, BH31 7AJ	
<b>RECOMMENDATION</b> – Grant, subject to condition (see Section 9 of the report for the full recommendation)			
<b>REASON FOR REFERRAL TO COMMITTEE</b> The nominated officer has requested that the application be determined by committee due to the public interest in the application and the potential impact on neighbouring amenity			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"><li>• 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</li><li>• The proposal is not considered to harm the viability or vitality of Verwood Town Centre</li><li>• The location is considered acceptable and the proposal is considered acceptable in its design and general visual impact.</li><li>• There is not considered to be detrimental harm to neighbouring residential amenity that would warrant refusal</li><li>• There are no other material considerations which would warrant refusal of this application</li></ul>			
<b>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</b>  <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: £166,480.30 (approx. calculation only, final amount TBC). Net increase in numbers of jobs: approximately 40 employees in a combination of both part and full-time positions Estimated increase/ reduction in average annual workplace salary spend in District through net increase/decrease in numbers of jobs: N/A			
<b>APPLICANT</b>	Lidl	<b>AGENT</b>	Mr Chris Tookey
<b>WARD</b>	Verwood	<b>PARISH/ TOWN COUNCIL</b>	Verwood
<b>PUBLICITY EXPIRY DATE</b>	12 <sup>th</sup> August 2020	<b>OFFICER SITE VISIT DATE</b>	January 2020

<b>DECISION DUE DATE</b>	20 <sup>th</sup> Nov 2019	<b>EXT. OF TIME</b>	7 <sup>th</sup> October 2020
------------------------------	---------------------------	-------------------------	------------------------------

<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
03/436986/HIST	Use Land For Displays And Sale Of Caravans	Approved	15 April 1971
Reasons for refusal: N/A			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
3/13/0464/FUL	Erection of 64 bedroom care home (Use Class C2), with associated access, parking and landscaping as amended by plans received 25th July 2013	Refused	12 Nov 2013
<p>Reasons for refusal (in summary):</p> <ul style="list-style-type: none"> <li><i>Building - unsympathetic and inappropriate in style, scale and bulk, cramped and incongruous in appearance. Hardstanding - visually prominent combined with loss of oak tree and limited landscaping opportunities. Contrary to Policies DES8 and HODEV3 of the East Dorset Local Plan (EDLP) and para 64 of the National Planning Policy Framework(NPPF)</i></li> <li><i>Bulk, scale, mass and design, would have an overbearing relationship to adjacent residential properties, with overlooking/perceived overlooking and loss of privacy. Contrary to Policy DES8 of the EDLP and NPPF.</i></li> <li><i>Removal of Oak Tree (T12) would adversely impact visual amenities of the locality, mitigation planting would not sufficiently replace the amenity lost. Contrary to Policies DES5 and DES7 of the EDLP and policy HE3 of the emerging Christchurch and East Dorset Core Strategy (CS).</i></li> <li><i>Inadequate justification provided to justify the loss of such an important tree and benefits of development do not outweigh the tree's loss. Contrary to Paragraph 118 of the NPPF.</i></li> <li><i>No commitment to provide a SE Dorset Transport contribution through a Planning Obligation. No evidence to demonstrate that the development would not exacerbate transport problems in South East Dorset. Contrary to the NPPF, CIL Regulation 122, Policy Trans14 of the EDLP and Policy KS11 of the emerging CS.</i></li> </ul>			

## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE AND SURROUNDINGS**

- 1.01 The application site is a 0.64ha area of land, mainly hardstanding, which is in use as a caravan storage area (accommodating over 125 caravans), but also includes two residential properties, Nos. 76 and 78 Ringwood Road.
- 1.02 The site is located between Ringwood Road and Crescent Road in Verwood. Its northern, and part of its southern, boundaries respectively adjoin those two parts of the public highway. Its western, eastern, and part of its southern, boundaries run alongside residential properties, which are themselves variously located at Ringwood Road, Heathlands Close, Crescent Road, Shard Close and Newtown Road. Access to the site is from Ringwood Road only.
- 1.03 The site is located within the main urban area of Verwood and within 400m of the internationally protected heathland, Verwood Heath. Verwood Town Centre is located approximately 650m to the west, along Ringwood Road.
- 1.04 The site is largely flat and contains no features apart from a number of mature trees which are located on the peripheries of the site and within adjacent properties. At the southern end of the site are several trees the subject of Tree Preservation Orders. There are no other structures on the site other than the fore mentioned dwellings at numbers 76 and 78.
- 1.05 The site does not include any statutory or non-statutory nature conservation or archaeological designations, nor is it located within the floodplain.
- 1.06 The character of the area to Ringwood Road is mixed with both residential development and commercial, including a petrol station and car dealership opposite. The area comprises both single and two storey structures and a three storey mixed-use development located at the junction of Ringwood Road and Black Hill to the south east of the application site.
- 1.07 The character of the area to Crescent Road is residential and comprises mostly single storey dwellings with well vegetated frontages close to the application site and some two storey dwellings in the wider area.
- 1.08 The character of the area to Heathlands Road is also residential and comprises single storey red brick dwellings with open frontages.
- 1.09 Shard Close is an unmade road which provides access to the rear of properties fronting Crescent Road and front access to properties backing on to Ringwood Road. Dwellings here are single storey.

### **2.0 PROPOSAL**

2.01 This is a full planning application to:

*‘Demolish existing dwellings and erect a food store with associated access, parking and landscaping’*

2.02 This planning application proposes the demolition of the existing two dwellings and the redevelopment of the site through the construction of a supermarket and associated development, including parking, manoeuvring, and loading areas, plant, boundary treatment, lighting, and landscaping.

2.03 The proposed retail building would be a detached structure occupying the southern half of the site and the parking area would be located at the northern end. Access is proposed from Ringwood Road through the existing site entrance, which would be modified to make it suitable to serve the proposal. The building would have a gross internal area of 1700sqm in area, of which 1172sqm would be given over to sales space. The remaining internal area would be given over to, amongst other things, storage, staff facilities, a chiller and freezer areas.

2.04 Externally, the building would have a flat and mono-pitched roof rising to a maximum height of around 6.8m towards the eastern side of the building. The lower, length of flat roof would run from the northern to the southern end of the building on its eastern side, adjacent to the boundary with 19 Crescent Road.

2.05 The proposed cladding materials would comprise glazing (including full height curtain wall glazing), red brick, timber cladding and silver metal cladding.

2.06 An external plant area would be located alongside the building’s eastern elevation (adjacent to 19 Crescent Road), whilst a covered trolley area would be located at the northern end of the eastern elevation (also adjacent to 19 Crescent Road). A loading bay and associated access ramp would be located at the northern end of the building’s western elevation (adjacent to 3 Heathlands Close). The parking area would include 79 parking spaces, including 6 disabled spaces and 6 parent/child spaces. 14 cycle parking stands are also proposed.

2.07 The application is supported by the following technical documents:

- Design, and Access Statement
- Retail Impact Assessment
- Ecological Appraisal
- Tree Survey
- Landscaping Details
- Lighting Assessment
- Energy Report
- Drainage Documentation
- Noise Impact Assessment

- Transport Assessment

### 3.0 SUMMARY OF INFORMATION

- 3.01 A number of revised designs have been submitted throughout the planning process comprising changes in response to consultee comments. The following is a summary of the proposed scheme as amended which has been assessed.

	Initial Design	Proposed
<b>Site Area (ha)</b>	0.64 ha	0.64 ha
<b>Use</b>	A1 (shops)*	A1 (shops)*
<b>Floor Area</b>	Total GIA – 1800m <sup>2</sup> Sales area – 1172m <sup>2</sup>	Total GIA – 1700m <sup>2</sup> Sales area – 1172m <sup>2</sup>
<b>Length</b>	69.5m	67m
<b>Width</b>	33m	32.5m
<b>Approximate Ridge Height (m)</b>	From FFL – 5-7m From GFL - 5-7m	From FFL – 5-6.8m From GFL – 4-5.8m
<b>Materials</b>	render, metal cladding, glazing	Brick, timber cladding, metal cladding, glazing
<b>Parking Spaces</b>	87 vehicle parking 12 cycle parking	79 vehicle parking 12 cycle parking
<b>No. of Storeys</b>	Single storey	Single storey
<b>Distance from neighbouring boundaries</b>	West – 3-6m East – 1m-6m South – 2-6m	West – 4.2-7m East – 1m-6m South – 8-23m

\*[Officer note: While the A1 shops is now class E (commercial business and service) As amended 1<sup>st</sup> September 2020 under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, there is a material transitional period until 31<sup>st</sup> July 2021 where the former use class is still referred to].

- 3.02 It is noted the proposed design has not reduced the floor area significantly, however the following changes have been made to improve the relationship of the proposed with the surrounding context:

- Main building repositioned to avoid impact on the protected oak tree
- Protected oak tree retained
- Car parking area reduced (as a result of repositioning)

- Materials changed to include brick and timber cladding and render removed
- Separation distances to neighbouring boundaries improved to the south and west
- Overall height reduced by approx. 1m with the a change to floor levels

#### **4.0 RELEVANT PLANNING CONSTRAINTS**

- Ringwood Road - B road  
Heathland 400m consultation zone and 400m-5km Consultation Area
- SSSI Impact Risk Zone
- Main Urban Area - Verwood
- Contaminated Land - Clay brick & tiles [manufacture]
- Tree Preservation Orders on and near the site - TPO Ref: VE/272, Group Ref: T3 , TPO Ref: VE/74, Group Ref: G1 , TPO Ref: VE/272, Group Ref: T2 , Tree Preservation Order - TPO Ref: VE/287, Group Ref: T1 , TPO Ref: VE/272, Group Ref: T1

#### **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 relevance in this case:

The Christchurch and East Dorset Core Strategy (2014) ("the Core Strategy")

Policy HE2 - Design of New Development  
Policy HE3 – Landscape Quality  
Policy HE4 – Open Space Provision  
Policy KS1 - Presumption in Favour of Sustainable Development  
Policy KS6 – Town Centre Hierarchy  
Policy KS7 – Role of Town and District Centres  
Policy KS8 – Future Retail Provision  
Policy KS11 - Transport and Development  
Policy KS12 - Parking Provision  
Policy ME1 – Safeguarding Biodiversity and Geodiversity  
Policy ME2 - Protection of the Dorset Heathland  
Policy ME4 – Renewable Energy Provision  
Policy ME6 – Flood Management, Mitigation, and Defence

The East Dorset Local Plan (2002) ("the Local Plan")

Policy DES2 - Pollution  
Policy DES11 - Enhancing the Environment  
Policy LTDEV1 – External Lighting  
Policy WENV4 – Development in Relation to Rivers and their Tributaries

## 5.02 Supplementary Planning Guidance

Dorset Heathlands Planning Framework SPD 2020-2025

## 5.03 Government Guidance

The National Planning Policy Framework (NPPF) 2019  
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 25 September 2019 with an expiry date for consultation 24 days after from the date of the notice. Neighbours were also reconsulted by letter for the revised design on 4 April and 11 June 2020. Minor amendments relating to tree and landscape matters only were submitted in August 2020. These changes did not necessitate a full reconsultation where the south east corner of the proposed building was reduced to avoid impact on the protected oak tree, tree species were revised and additional trees were added to the car park area. Therefore impacts did not extend beyond the site and improved landscaping for the proposed.

6.02 In total, 49 letters of objection from 43 addresses were received raising the following issues:

	<b>INITIAL DESIGN (September 2019)</b>	<b>REVISED DESIGN (April 2020)</b>	<b>REVISED DESIGN (June 2020)</b>
<b>Location/ Principle</b>	There are more suitable sites, such as Ebblake Industrial Estate and the proposal would be harmful to existing retail outlets.	There are more suitable sites, such as Ebblake Industrial Estate and the proposal would be harmful to existing retail outlets.  Site is not suitable.  There are already Lidl storeys in Ferndown and Ringwood, so one is not needed in Verwood.  Site is not in a 'business park' setting so is not suitable for the use and is only suitable for an	There are more suitable sites, such as Ebblake Industrial Estate and the proposal would be harmful to existing retail outlets.  Change of use is inconsistent with the adopted Local Plan and core strategy.  No other suitable sites have been offered up.  Too close to a school Site is not suitable. Site is not in a 'business park' setting so is not suitable for the use and is only suitable for an

		<p>industrial estate.</p> <p>Site is set away from main local shopping areas.</p> <p>Site is just over 800m from edge of town centre and it is unlikely that the proposal will generate any linked trips to Verwood town centre.</p> <p>There are already supermarkets in Verwood, so another is not needed.</p>	<p>industrial estate.</p> <p>Site is set away from main local shopping areas.</p> <p>There are already supermarkets in Verwood, so another is not needed.</p> <p>.</p>
<b>Design</b>	<p>The site is too small to accommodate the proposed supermarket</p> <p>The height of the proposal in relation to surrounding properties</p>	<p>The site is too small to accommodate the proposed supermarket</p> <p>Form of the proposal in terms of its layout and siting within the site is not suitable.</p> <p>Footprint of building is not set back enough from boundaries.</p> <p>Proposal does not meet policy HE2.</p>	<p>The height of the proposal in relation to surrounding properties.</p> <p>The site is too small to accommodate the proposed supermarket</p> <p>Form of the proposal in terms of its layout and siting within the site is not suitable.</p> <p>Footprint of building is not set back enough from boundaries.</p> <p>Proposal does not meet policy HE2.</p>
<b>Impact on character of the area</b>	<p>The design of the building would not be in keeping with the character of the area</p> <p>Harmful effects of signage</p>	<p>The design of the building would not be in keeping with the character of the area.</p> <p>Harmful effects of signage and illuminated signage.</p> <p>Proposal is less invasive and more suitable than previous</p>	<p>2m high fence enclosing the site will further degrade the local residential environment with the site appearing to be a stockade.</p> <p>Development would be an 'eyesore'.</p> <p>The design of the building would not be in</p>



		<p>nursing home proposal.</p> <p>Proposal does not meet policy HE2.</p>	<p>keeping with the character of the area.</p> <p>Harmful effects of signage and illuminated signage.</p> <p>Proposal is less invasive and more suitable than previous nursing home proposal.</p> <p>Proposal does not meet policy HE2.</p>
<b>Neighbouring amenity</b>	<p>Noise disturbance to neighbours, in relation to garden and internal living areas, from the general use of the site, slamming car doors, deliveries, vehicle engines, and plant.</p> <p>Air pollution from fumes.</p> <p>Light pollution.</p> <p>Anti-social behaviour within the car park area outside opening hours</p> <p>Overbearing effects and loss of outlook in relation to neighbouring properties located alongside the proposed development</p> <p>Loss of privacy for neighbours</p> <p>Inadequate</p>	<p>Acoustic Assessment only considers the impact of the mechanical plant, and there is no assessment of other potential noise disturbance from vehicles and deliveries, which needs to be assessed.</p> <p>Close proximity of service yard, car park, plant area and building to existing residential properties.</p> <p>Concerns that some construction and /or ongoing maintenance work will take place at night resulting in harmful noise disturbance to neighbouring amenity.</p> <p>No start/end times available with regards to construction works.</p> <p>Health concerns over waste disposal.</p> <p>Loss of acceptable normal living</p>	<p>Acoustic Assessment fails to provide an acoustic assessment of the proposal with survey information (including existing and proposed, and current background noise levels).</p> <p>Concerns that the means of escape gate in Crescent Road would result in staff and customers parking in the road</p> <p>No evidence that a 2m high fence enclosing the site will reduce noise impact upon neighbouring amenity.</p> <p>Concerns over safety measures due to COVID-19.</p> <p>Acoustic Assessment only considers the impact of the mechanical plant, and there is no assessment of other potential noise disturbance from vehicles and deliveries, which needs to be</p>

	landscaping and noise screening proposed	<p>conditions for neighbours.</p> <p>Concerns that the works could result in flooding of nearby properties with lower ground levels, affecting neighbouring amenity.</p> <p>Noise disturbance to neighbours, in relation to garden and internal living areas, from the general use of the site, slamming car doors, deliveries, vehicle engines and plant.</p> <p>Air pollution from fumes and from plant and impacts to school children waiting for transportation.</p> <p>Light pollution.</p> <p>Anti-social behaviour within car park area outside opening hours, and by non-shoppers.</p> <p>Overbearing effects and loss of outlook in relation to neighbouring properties located alongside proposed development.</p> <p>Loss of privacy for neighbours, including concerns over whether some windows are obscure glazed.</p> <p>Inadequate landscaping &amp; noise screening of proposed.</p>	<p>assessed.</p> <p>Close proximity of service yard, car park, plant area and building to existing residential properties.</p> <p>Concerns that some construction and /or ongoing maintenance work will take place at night resulting in harmful noise disturbance to neighbouring amenity.</p> <p>No start/end times available with regards to construction works.</p> <p>Health concerns over waste disposal.</p> <p>Loss of acceptable normal living conditions for neighbours.</p> <p>Loss of natural daylight for neighbours from building and boundary treatment (fence height).</p> <p>Concerns that the works could result in flooding of nearby properties with lower ground levels, affecting neighbouring amenity.</p> <p>Noise disturbance to neighbours, in relation to garden and internal living areas, from the general use of the site, slamming car doors, deliveries, vehicle engines and plant.</p> <p>Air pollution from fumes</p>
--	--	---	---

			<p>and from plant and impacts to school children waiting for transportation.</p> <p>Light pollution.</p> <p>Anti-social behaviour within car park area outside opening hours, and by non-shoppers.</p> <p>Overbearing effects and loss of outlook in relation to neighbouring properties located alongside proposed development.</p> <p>Loss of privacy for neighbours, including concerns over whether some windows are obscure glazed.</p> <p>Inadequate landscaping &amp; noise screening of proposed.</p>
<p><b>Access, Traffic and Parking</b></p>	<p>Harmful traffic impacts and highway safety issues, including in relation to cyclists and pedestrians.</p> <p>Conflict in relation to traffic between the proposal and the neighbouring petrol station, garage, and shops.</p> <p>The proposal would not include sufficient parking capacity or adequate junction design to serve the development.</p>	<p>Ref to Exigo letter - which has identified significant flaws in the assessment and demonstrates that the application significantly underestimates the effect of the proposed development on the highway network.</p> <p>Request that DC Highways reconsider their recommendation of 'no objection.'</p> <p>Harmful traffic impacts (including increase in traffic in nearby and surrounding areas) and highway safety</p>	<p>Ringwood Road is the busiest road in Verwood.</p> <p>The entrance to the site would cause problems with oncoming vehicles from both directions, as well as pedestrians.</p> <p>Reference to more harmful traffic impacts outside food stores elsewhere in Dorset.</p> <p>Harmful traffic impacts (including increase in traffic in nearby and surrounding areas) and highway safety issues, including in relation to</p>

		<p>issues, including in relation to cyclists and pedestrians (including from the school).</p> <p>Conflict in relation to traffic between the proposal and neighbouring petrol station, garage, shops and traffic lights.</p> <p>The proposal would not include sufficient parking capacity or adequate junction design to serve development.</p>	<p>cyclists and pedestrians (including from the school).</p> <p>Conflict in relation to traffic between the proposal and neighbouring petrol station, garage, shops and traffic lights.</p> <p>The proposal would not include sufficient parking capacity or adequate junction design to serve development.</p>
<b>Drainage</b>	There may be surface water drainage issues	<p>Concerns that the works could result in flooding of nearby properties with lower ground levels.</p> <p>Drainage concerns with regards to neighbouring properties.</p>	<p>Concerns that the works could result in flooding of nearby properties with lower ground levels.</p> <p>Drainage concerns with regards to neighbouring properties.</p>
<b>Trees</b>	Negative impact on protected trees	<p>Negative impact on protected and mature trees (including a 200-year old oak tree).</p> <p>Loss of mature trees.</p>	<p>Would like Lidl to agree to the safe retention of the oak in the south corner of the site?</p> <p>Negative impact upon TPO. Proposal is too close to the root system and will eventually destroy the tree.</p> <p>Loss of dense group of trees to the rear of 78 Ringwood Road, and directly behind 21 Crescent Road.</p> <p>Negative impact on protected and mature trees (including a 200-year old oak tree).</p>

			Loss of mature trees.
<b>Ecology/ Climate Change</b>		Concerns over impact to bats using the area as a bat fly route.	
<b>Setting of nearby historic buildings, Listed Buildings &amp; Scheduled Monuments</b>		<p>Harm to existing remaining cob and thatched cottages in Verwood.</p> <p>Harmful impact on setting of listed building</p>	<p>Harm to Stephen's Castle which is an ancient monument</p> <p>Harm to existing remaining cob and thatched cottages in Verwood.</p> <p>Harmful impact on setting of listed building</p>
<b>Construction</b>		Concerns that the works and machinery would damage neighbouring properties, including vibration damage.	<p>Comment that the infrastructure might not be in place to support future development e.g. housing.</p> <p>Concerns that the works and machinery would damage neighbouring properties, including vibration damage.</p>
<b>Retail Impact</b>		<p>Concerns that the assumptions in the retail impact assessment are unsubstantiated, and that the impact on existing retail businesses in the area has been significantly underestimated and will be adverse.</p> <p>Unsubstantiated assumptions about where the new Lidl store would divert trade from. The figure is too high. Question whether there is any significant leakage of expenditure from</p>	<p>Concerns that the assumptions in the retail impact assessment are unsubstantiated, and that the impact on existing retail businesses in the area has been significantly underestimated and will be adverse.</p> <p>Footfall would be too low and therefore not sustainable.</p> <p>Would have a negative impact upon the High Street.</p> <p>Click and collect, home deliveries mean that</p>

		<p>Verwood to Ferndown or Ringwood.</p> <p>The new Lidl will divert the majority of its trade from existing food stores in Verwood, including those located in the town centre.</p> <p>There is potential for Lidl to reduce the turnover of the town centre by 22.6%, which we consider to be significantly adverse and this alone justifies refusal.</p> <p>Contrary to Policy KS7 of Core Strategy, and contrary to para 90 of the NPPF</p> <p>Would provide competitive pressure on existing food stores and provide choice.</p>	store is not needed.
<b>Employment</b>			The net gain for the community will not be job creation.
<b>Legal</b>			Proposal risks a legal challenge if planning permission is granted.
<b>Other considerations</b>			Loss of market value to surrounding homes.

6.03 In response to a support campaign carried out by the applicants in May 2020, 427 letters of support were received noting the following comments below. From this total, 332 letters of support were received from 310 addresses. 95 letters of support gave no address.

- General comments of support for proposal.
- Would mean that local residents could walk instead of drive to the supermarket.
- Location would greatly benefit those who cannot drive.
- Good location for store which would benefit local residents in Verwood, as well as West Moors and nearby villages such as Whitmore.

- Existing supermarkets are not sufficient for local population.
- No other suitable sites have been offered up.
- Proposal is less invasive and more suitable than previous nursing home proposal.
- Reference to more harmful traffic impacts outside other food stores in Dorset.
- Would reduce carbon footprint of local residents.
- Support for the charging point as Morrison's charging point does not work
- The proposal demonstrates Lidl's commitment to serve the local community. Would provide an essential amenity in Verwood.
- Would provide competitive pressure on existing food stores and provide choice.
- Additional business of this nature will provide a boost to local employment.
- If it is not possible to locate the store on this site, could it instead be located on Ebblake Industrial Estate?

## 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 (Sept 2019)	<p><b>No objection, subject to condition</b></p> <p>The Highway Authority considers that the submitted Transport Assessment is satisfactory and robust. Whilst it is accepted that the proposal will obviously increase traffic flows on the immediate highway network the residual cumulative impact of the development cannot be thought to be "severe", when consideration is given to paragraph 109 of the National Planning Policy Framework (NPPF) - February 2019.</p>
Revised Design (April 2020)	<p><b>No objection, subject to condition</b></p> <p>I can confirm that the information contained within the submitted Transport Addendum is acceptable. The loss of on-site car parking spaces is noted but as the evidence suggests that the reduced number is still sufficient to cover the Saturday peak, the operational needs of the new store are catered for.</p> <p>Hence, the Highway Authority has nothing further to add to its previous observation dated 6 November 2019.</p>
Revised Design	<p><b>17 June 2020, Defer</b></p> <p>I note that the car parking layout has been reduced in size from 87 spaces to 79 spaces. Of these spaces, on both layouts, 6 have been</p>

(June 2020)	<p>specifically allocated for staff. The sales area for the store remains effectively the same. Paragraph 3.25 of the Transport Assessment states - "<i>In relation to the proposed development this equates a maximum demand of 75 spaces on a Friday and 82 spaces on a Saturday, equivalent to 86% and 94% of the proposed parking capacity respectively.</i>"</p> <p>So I would have to question whether 73 customer parking spaces are now sufficient to cater for the maximum demand on either a weekday or a Saturday?</p> <p>Appendix E of the Transport Assessment provided a swept path analysis for the largest expected delivery/service vehicle ( a 16.5m articulated vehicle) that will service the site. A similar swept path analysis now needs to be submitted demonstrating an articulated delivery vehicle can safely access the site, deliver to the loading bay and leave the site in a forward gear. Also, I request clarification regarding the revised parking situation.</p> <p><b>19 June 2020, No objection subject to condition</b></p> <p>Having liaised with the applicant's highway consultant and bearing in mind the submitted Transport Addendum, I can confirm that I have nothing further to add to my previous observation, recommending a conditional approval, dated 24 April 2020.</p>
-------------	--

## 7.02 - Verwood Town Council

Initial Design (Sept 2019)	<p><b>Objection</b></p> <p>Contrary to Policy HE2, relationship to nearby properties including minimise general disturbance to amenity, architectural style, scale unsuitable for location, bulk, landscaping and relationship to mature trees – we strongly object to the removal of the 200 year old oak tree, visual impact detrimental to street scene, concerns regarding heavy traffic. We support the representation made by East Dorset Environment Partnership.</p>
Revised Design (April 2020)	None received.
Revised Design (June 2020)	<b>No objection</b>



### 7.03 - CED Trees and Landscape

Initial Design (Sept 2019)	<b>Object</b>  Removal of the protected oak tree is unacceptable
Revised Design (April 2020)	<b>Object</b>  Whilst the tree is retained the construction exclusion zone for the root protection area is insufficient
Revised Design (June 2020)	<b>26 June 2020, Object</b>  The construction exclusion zone for the root protection area is still insufficient  <b>14 Sept 2020, no objection subject to condition</b>  No objection subject to condition

### 7.04 - Lead Flood Authority

Initial Design (Sept 2019)	<b>Holding objection</b>  We note that the current application is supported by a site-specific Technical Note / Drainage Strategy (TN/DS) compiled by Mayer Brown and dated 12/08/2019, which outlines a preliminary drainage strategy based upon the use of infiltration. However, this preliminary strategy is not substantiated by appropriate investigation or discussion of anticipated ground conditions.  On the basis of the information submitted in respect of these proposals, we (DC/FRM) recommend that a (HOLDING) OBJECTION be applied pending the submission & acceptance of further supporting information.
Revised Design (April 2020)	<b>Holding objection</b>  Revised information submitted does not include drainage information requested
Revised Design (June 220)	<b>No objection subject to condition</b>  The applicant's correspondence of 05/06/2020 fails to offer the necessary assessment of prevailing ground conditions or in-principle agreement from Wessex Water. It does however argue that recent

	<p>restrictions regarding site work have prevented further ground investigation being undertaken and states that existing surface water connections to the adjacent sewer network have been identified. Clearly, we (DC/FRM) are obliged to acknowledge recent difficulties with undertaking ground investigations, with which to inform the (conceptual) drainage strategy but would highlight that such assessment work could / should have been conducted in support of the original submission, prior to any restrictions having been imposed. With regard to the potential contingency arrangement, the applicant would be at liberty to exercise a right to connect to the adjacent surface water sewer, should infiltration not prove viable. However, the rate of discharge and any necessary mitigation works have not been agreed with Wessex Water, as suggested. Therefore, whilst we (DC/FRM) accept that the proposed scheme does have a viable contingency arrangement in the event that soakaways are deemed inappropriate, the applicant should be aware that an equivalent Greenfield runoff rate may be imposed, and that associated improvement works may be required to the receiving system.</p>
--	--

#### 7.05 - East Dorset Environment Partnership

Initial Design	<p><b>Objection</b></p> <p>Loss of protected oak tree and use of non-native plants</p>
Revised Design (April 2020)	<p><b>Objection</b></p> <p>Root protection area insufficient for the protected oak tree and use of non-native plants is unacceptable.</p> <p>BMEP is not Dorset NET approved.</p> <p>Landscaping scheme needs to be clarified</p>
Revised Design (June 2020)	<p>Root protection area insufficient for the protected oak tree.</p> <p>BMEP is not Dorset NET approved.</p> <p>Concerns regarding tree planting and the lack of a maintenance schedule</p> <p>[Officer note : a Dorset NET approved BMEP was submitted in September 2020]</p>

#### 7.06 – Dorset Council Public Health

Initial	<b>No objection subject to condition</b>
---------	--

Design	Conditions required for noise, light, contaminated land and construction management.
Revised Design (April 2020)	No response
Revised Design (June 2020)	<b>No objection subject to condition</b>  Conditions required for to restrict deliveries and plant information required.

#### 7.07 – Dorset Council Conservation

Initial Design	<b>No objection</b>
Revised Design (April 2020)	<b>No objection</b>
Revised Design (June 2020)	N/A – further consultation not required

#### 7.07 – Dorset NET

Initial Design	None received
Revised Design (April 2020)	Amendments required to submitted BMEP (comments sent direct to
Revised Design (June 2020)	<b>No objection</b>  BMEP agreed and approved [Officer note : a Dorset NET approved BMEP was submitted in September 2020]

**7.08 – Dorset Waste Partnership** - None received

**7.09 – Dorset Fire & Rescue Service** - None received

**7.10 – Dorset Police Crime Prevention** - None received

## **8.0 APPRAISAL**

8.01 The main planning considerations for this application are:

- The principle development
- Impact on the viability of the Town Centre
- Impact on the character of the area
- Impact of the proposal on the amenity of neighbouring properties
- 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 is situated within the main urban area of Verwood. Policy KS2 of the Christchurch and east Dorset Core Strategy 2014 (CS) states that the location, scale and distribution of development should conform with the settlement hierarchy, which will also help to inform service providers about the provision of infrastructure, services and facilities.

8.04 Policy KS2 of the CS identifies Verwood as a main settlement and notes main settlements are:

*The settlements which will provide the major focus for community, cultural, leisure, retail, utility, employment and residential development. This will include infill development as well as options for some greenfield development.*

8.05 Policy KS6 of the CS identifies Verwood as a top-tier Town Centre where the supporting text says that enhancements to accessibility and retail provision will be sought over the plan period.

8.06 Development guidance on new retail development in Verwood is set out in Chapter 11 of the CS. Policy VTSW1 sets out the Council's vision for Verwood Town Centre, as a key town centre for East Dorset and is recognised as a busy centre to the local community and visitors. The vision

recognises that uses including employment, retail, leisure, and entertainment, arts, culture and tourism development will be focused within the town centre.

- 8.07 The NPPF 2019, paragraph 80 says that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt, and that significant weight should be placed on the need to support economic growth and productivity. Paragraph 81 goes on to say that planning policies should, inter alia, be flexible enough to accommodate needs not anticipated in the plan, to enable a rapid response to changes in economic circumstances. Paragraph 82 says that planning policies and decisions should recognise and address the specific locational requirements of different sectors.
- 8.08 Policy KS8 of the CS recognises that it is important that provision is made for additional retail floorspace to meet the needs of a growing population with associated increasing levels of available spending, and that the existing retail centres maintain and be provided an opportunity to increase their market share of available expenditure within the sub-region. Across East Dorset the projected requirement for additional convenience goods floorspace is 4,000sqm net by 2031, which is to be focussed on Ferndown and West Parley, with, inter alia, Verwood also having potential to deliver smaller scale provision to contribute to the overall district figure.
- 8.09 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.”*
- 8.10 Policy KS7 of the CS notes that the defined town and district centres are to be the focus for town centre uses, including employment, retail, leisure and entertainment, arts, culture, religion, health, tourism, places of assembly, community facilities and higher density housing. The policy requires a sequential assessment for planning applications for main town centre uses that are not in an existing centre, to ensure that all in-centre options have been thoroughly assessed before less central sites are considered. An impact assessment is also be required to assess the impact on town centre vitality and viability, town centre investment plans, and the impact on allocated sites outside town centres. Impact assessments are also required for applications for retail developments over 1,000 square metres gross floorspace within Christchurch, Ferndown or Wimborne and over 500 sqm gross elsewhere (which includes Verwood).
- 8.11 In terms of the sequential test the revised NPPF (paragraph 86) states that applications for main town centre uses should be located in town centres first:

*“...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”.*

Paragraph 87 states that *“when considering edge and out of centre proposals preference should be given to accessible sites which are well connected to the town centre, and applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored”.*

The application site is approximately 650m to the east of the Town Centre boundary (as defined in Map 11.1 ‘Verwood Town Centre Boundary’ of the CS) and is therefore considered to be an ‘out of centre’ site. It is well connected to the Town Centre where it is located on Ringwood Road.

- 8.12 In this instance, the applicant has provided a Planning and Retail Statement (PRS) which sets out a sequential test for the site. It stated that only two potential sites within the town centre could be possible locations, however these have been dismissed by the applicant as they are considered either not suitable to accommodate the proposed development nor available in one instance.
- 8.13 The Council has sought independent advice from Lambert Smith Hampton Consultancy (LSH) regarding the proposed development, specifically the sequential testing and its impact upon the vitality and viability of the town centre of Verwood.
- 8.14 The submitted PRS concluded that as there are no suitable or available town centre sites, or alternative edge of centre sites, therefore the sequential test is passed. LSH, through their own research of available sites within Verwood Town Centre and in light of review of the current evidence, concur with this conclusion. LSH also confirm that they are not aware of other out-of-centre sites that could be considered sequentially preferable to the application site. Officers concur with the findings of LSH.
- 8.15 This being the case, as the site is considered to be an out of centre site, on balance it is the officer’s opinion that the site is acceptable for retail development as the proposed satisfies the sequential test in line with paragraph 86 of the NPPF and Policy KS7 of the CS.

#### Impact on the viability of Verwood Town Centre

- 8.16 Paragraph 89 of the NPPF 2019 advises:

*When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m<sup>2</sup> of gross floorspace). This should include assessment of:*

*a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*

*b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).*

- 8.17 As noted previously, the CS has adopted a threshold of 500 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 Verwood Town Centre must be considered.
- 8.18 Third party concerns have been raised that there would be a significantly adverse impact on the town centre of Verwood which would justify a refusal of planning permission.
- 8.19 The proposed development would significantly increase the retail offer in Verwood. Lidl's business model is to provide limited food 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 in the area.
- 8.20 As noted above, the Council has sought independent advice from Lambert Smith Hampton Consultancy (LSH) regarding the proposed development, specifically its impact upon the vitality and viability of the town centre of Verwood.
- 8.21 The LHS appraisal focused on the applicant's assessment of the proposed scheme compliancy with the NPPF's sequential and impact tests. LSH have also had consideration of the planning representation made by Peacock & Smith (P&S) in respect of their client Morrisons, who operate an out-of-centre supermarket in Verwood.
- 8.22 In terms of the sequential test – As noted above, the submitted RPS concluded that as there are no suitable or available town centre sites, or alternative edge of centre sites, the sequential test is passed. LSH and Council Officers concur with this.

- 8.23 In terms of the retail impact assessment - The analysis of Verwood town centre vitality and viability both within the Bournemouth, Christchurch and East Dorset Joint Retail and Leisure Study (BCEDJRLS) and the Planning and Retail Statement Addendum (PRSA) show that Verwood is a vital and viable town centre with no long term vacancies, any vacancies are quickly reoccupied showing strong demand for space and enterprise. LSH contend that the impact on the overall vitality and viability will be minimal, particularly due to the limited convenience goods composition of the town centre. In this case (as identified in the full LHS appraisal), the majority of trade diversion will fall on out-of-centre stores, which are more comparable to the proposal and which will therefore experience the highest level of trade impact. Furthermore and as set out in paragraph 4.4.4 of the PRSA, only 5% of the town centre comprises of convenience goods retailing. The majority (51%) of the town centre uses comprise service facilities and the remaining 44% comprise comparison goods retailing. Therefore a significant part of the town centre is unlikely to be affected by the proposed development at all, on the like for like basis.
- 8.24 LHS noted the representation on behalf of Morrisons has raised questions on the robustness of the submitted PRSA trade diversion assumptions. LSH have reviewed the assumptions by the applicant and the objector and believe that the approach in the submitted PRSA is more credible and reflects the existing trade draw of existing stores in the Study Area. The applicant's approach seeks to claw back trade from existing over-trading Lidl stores in Ringwood and Ferndown and the assumptions are realistic against existing over trading and movement of expenditure between different study zones. The results show that the impact on the convenience goods turnover of Verwood Town Centre, would not be significant adverse and the overall impact on the town centre will be nominal given the limited role and offer of the convenience goods retailing. The main impact would fall on out-of-centre facilities that are not protected by retail planning policy. Again, LHS conclude the impact will not represent an adverse impact on the town centre's overall vitality and viability, as defined in paragraph 89b of the NPPF and Policy KS7 of the local plan and therefore the proposal is considered acceptable.
- 8.25 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 (condition 3).
- 8.26 Whilst third party concerns regarding the robustness of trade diversion assumptions are noted these have been considered on balance and taking into account the above factors, it is the officer's opinion that the proposal will not have a harmful impact on the vitality and viability of Verwood Town Centre and accords with policy KS7 of the CS.

Scale, design, impact on character and appearance



- 8.27 The character of the area to Ringwood Road is mixed with both residential development and commercial, including a petrol station and car dealership opposite. The area comprises both single and two storey structures and a three storey mixed-use development located at the junction of Ringwood Road and Black Hill to the south east of the application site.
- 8.28 The character of the area to the other surrounding roads of Crescent Road, Heathlands Road and Shard Close is residential. Dwellings are mainly single storey with the exception of some two storey dwellings on Crescent Road.
- 8.29 A number of third party concerns have been received throughout the application process where it is considered the proposed would impact negatively on the character of the area. Concerns were also initially raised by the planning officer and a revised design was submitted in May 2020 as a result of this. Changes included:
- Main building repositioned to avoid impact on the protected oak tree
  - Protected oak tree retained
  - Car parking area reduced (as a result of repositioning)
  - Materials changed to include brick and timber cladding and render removed
  - Separation distances to neighbouring boundaries improved to the south and west
  - Overall height reduced by approx. 1m with a change to floor levels where the finished floor level (FFL) has been is now 1m below ground floor level (GFL).
- 8.30 The proposed store utilises a standardised design for discount retailers. Externally, the building would have a flat and mono-pitched roof rising to a maximum height of around 5.8m above ground floor level (GFL) towards the eastern side of the building. The lower, length of flat roof would run from the northern to the southern end of the building on its eastern side, adjacent to the boundary with 19 Crescent Road. The proposed cladding materials would comprise glazing (including full height curtain wall glazing), red brick, timber cladding and silver metal cladding. An external plant area would be located alongside the building's eastern elevation (adjacent to 19 Crescent Road), whilst a covered trolley area would be located at the northern end of the eastern elevation (also adjacent to 19 Crescent Road). A loading bay and associated access ramp would be located at the northern end of the building's western elevation (adjacent to 3 Heathlands Close). The parking area would include 79 parking spaces and 12 cycle parking stands are also proposed.
- 8.31 The design is considered to be relatively functional. Glazing is primarily limited to the front (north east) elevation of the store, which faces the proposed car park. There is a degree of glazing on the south east elevation, which identifies the entrance to the building. There are 2 modest high-level windows to the north west. The proposed design is considered to be generally acceptable.

- 8.32 While the footprint would be noticeably larger than the adjacent residential dwellings the main view of the proposed will be from Ringwood Road and the proposed is set back some 45m from the road frontage. Notwithstanding this, the existing garage opposite has a foot print of approximately 25x45m, which is more in keeping with the proposed.
- 8.33 Further to this the proposed is single storey only and finished floor levels have been reduced by 1m so the building sits lower in the site, which results in a building height that is more in keeping with the adjacent dwellings at 4-5.8m above GFL and adjacent dwellings are 5-5.5m in height. Whilst the scale of the building is larger than the surrounding area, the height is of a domestic scale comparable to existing residential development fronting Ringwood Road. It is considered necessary to condition finished floor levels to ensure the appropriate height is secured (condition 24).
- 8.34 It is acknowledged the proposed will also be visible from Crescent Road but will be somewhat screened by protected trees, existing substantial hedging to be retained (approx. 2.5m high) and proposed boundary fencing. The main building will be 9m from the public highway and will be 4-5.8m high. Plant proposed to the south east corner will be enclosed by 2.5m high acoustic fencing, which will not be very visible with 2.1m acoustic fencing surrounding the application site.
- 8.35 In terms of materials for the store, in addition to the glazing, the applicant is proposing that the walls are mostly brick with timber and metal cladding at higher levels. Given the mixed character of the area and use of mixed materials such as brick, render and metal cladding, the proposed materials are considered to be generally acceptable subject a condition for samples of the materials to be agreed (condition 30).
- 8.36 The proposed is currently in use as caravan storage site with an open frontage. Therefore the current outlook from Ringwood Road is of parked caravans. The car park will cover the majority of the site to the north providing 79 vehicle spaces and 12 cycle parking spaces. The majority of the existing site is also hard surfaced. Existing protected trees and hedging will be retained. As such, the character of the area is not considered to be harmfully impacted and landscape additions to the car park area is likely to be an improvement to the current application site.
- 8.37 Taking the above matters into account, it is the officer's opinion that the proposal would not have a detrimental impact upon the character of the area and accord with policies HE2 of the CS.

Impact on Trees and Proposed Landscaping

- 8.38 Initial designs proposed to remove an existing protected oak tree to the south east, which raised a number of third party concerns and an objection from the Dorset Council Tree Officer (DCTO).
- 8.39 Initial revisions to the scheme were rejected by officers due to impact on the root protection area (RPA) of the tree and therefore the its long term health
- 8.40 At a subsequent site meeting between officers, the applicant, their Arboriculturist the following revisions were agreed in principle:
- The corner closest to tree in question to be reduced by removing the corner at a 45 degree angle.
  - Further tree planting to be provided in the car park area to be agreed by the DCTO.
- 8.41 Revised tree and landscape information was submitted in August 2020. As changes relate to specific agreed tree and landscaping issues internal to the site, only the Tree Officer was consulted on these amendments.
- 8.42 Landscape proposals include the retention of 7 of the 14 existing trees including the protected oak tree; an additional 9 trees added; retention of existing hedging to the boundaries; additional native hedging added to boundaries; some soft landscaping to the edges in the form of shrub planting, wildflower, wood mulch (around the protected oak tree). Additional trees to be planted will include 3 semi-mature trees in the proximity of the disabled parking spaces to the front of the proposed building. In addition to boundary hedging a 2.1m high acoustic fence with surround the perimeter (except the frontage to Ringwood Road). Proposed landscaping and boundary treatments are generally considered acceptable.
- 8.43 The DCTO has raised no objection to the revised design subject to conditions in relation to tree protection and details of the 3 trees in the car parking area (conditions 27-29).
- 8.44 It is also noted third party concerns were raised regarding non-native plant species proposed. The DCTO has considered the proposed species and confirms they are acceptable.
- 8.45 Taking the above matters into account, it is the officer's opinion that the proposal is acceptable in terms of tree and landscaping matters and accords with policies HE2 of the CS.

Impact on amenity

- 8.46 As previously mentioned, the area is largely residential and third party concerns have been raised that the proposed would impact negatively on

neighbouring amenity in terms of noise disturbance from intensified use, plant, traffic movements and hours of operation; loss of light; loss of privacy; air pollution and light pollution.

- 8.47 The current use of the majority of the application site is for caravan storage, which has been in place since 1971. It is acknowledged the change of use of the site will lead to an intensification of the use of the land compared to the current use.
- 8.48 Proximity of the proposed buildings to neighbouring boundaries are as follows:

<b>Orientation and Address</b>	<b>Proposed Proximity</b>
<b>West</b> <b>3 Heathland Close</b>	Delivery area – 6m Staff parking – 4.5m
<b>West</b> <b>21a Newton Road</b>	Main building – 3 – 7m
<b>North and west</b> <b>72 Ringwood Road</b>	Staff parking – 2m Customer parking – 1.5m
<b>East</b> <b>1 Shard Close</b>	Customer parking – 2.7m
<b>South and east</b> <b>21 Crescent Road</b>	Customer parking – 1.5m
<b>South and east</b> <b>19 Crescent Road</b>	Plant area – 1.5m Main building – 6m
<b>South</b> <b>9 Crescent Road</b>	Main building – 9-23m

#### Noise and disturbance

- 8.49 In terms of noise disturbance – A Noise Impact Assessment (NIA) has been submitted in support of the application and the DC Environmental Health Officer (DCEHO) has been consulted. Areas of concern are to the north west where the delivery area is located and to the south east where the plant room

is located, which are in close proximity to neighbouring boundaries as identified in the table above.

- 8.50 The DCEHO has noted the applicant has demonstrated through assessment and modelling that noise associated with the development, including deliveries, will have a low impact on the nearest sensitive receptors during the day and fall below the Low Observed Adverse Effect Level (LOAEL) with mitigation measures proposed such as acoustic fencing. They have shown that such deliveries at night will have an adverse effect. DCEHO has raised no objection to the proposed subject to noise conditions (conditions 6-8) and that hours of deliveries are restricted as proposed by the applicant and has been conditioned as such (07:00-22:00, condition 5).
- 8.51 The applicant has proposed opening hours of 07:00 – 22:00 Monday – Saturday and 10:00 – 17:00 on Sundays and Bank Holidays (subject to Sunday trading laws). A Delivery management Plan was also submitted and the applicant has proposed to restrict delivery hours where there will be no deliveries between 22:00 and 07:00. The officer notes standard hours of operation imposed on retail units in the Dorset Council are 08:00 – 22:00 Monday – Saturday and 10:00 – 17:00 on Sundays and Bank Holidays (subject to Sunday trading laws). The DCEHO is satisfied with these proposed hours of operation including deliveries. Given the proximity to neighbouring dwellings, in particular the delivery area to the west and parking areas to the east and west, it is considered necessary to impose standard hours of operation and not to extend these. Conditions will be imposed as such (condition 4).
- 8.52 It is noted the delivery area is within close proximity of the neighbouring property to the west. However, again the noise assessment has demonstrated deliveries will have a LOAEL on neighbouring properties with the use of acoustic fencing on the western boundary with additional 2.1m high fencing proposed around the delivery area. Again, hours of deliveries have been restricted as proposed by the applicant and agreed by the DCEHO (07:00-22:00, condition 5).
- 8.53 Some of the car parking spaces are situated in close proximity to the residential properties, notably those to the east and west. A 2.1m close boarded acoustic fence is proposed around the entire site except the frontage to Ringwood Road and existing hedging is retained to the west, south and south east. This will serve to reduce the impact of the car park on neighbouring properties. Hours of use have also been conditioned as noted above (condition 4).

Loss of light

- 8.54 In terms of loss of light – A Daylight Assessment has been submitted in support of the application. This provided an overshadowing assessment for the initial design which was higher. It concluded that the overshadowing analysis for the surrounding gardens to the north and west 72 Ringwood Road, 3 Heathland Close, 21a Newtown Road; to the southwest the gardens at 7&9 Crescent Road; and to the southeast the gardens at Pottery Lodge, 19, 21 and 24 Crescent Road; has shown that more than half of the individual gardens will continue to be adequately sunlit on the 21st March, thus satisfying the BRE guidelines.
- 8.55 Notwithstanding this the proposed finished floor level will be 1m below ground level, which is lower than assessed in the overshadowing analysis and brings the proposed height in line with neighbouring properties. As highlighted in the table above, the proposed main building is situated 3-23m from neighbouring boundaries and the plant area within 1.5m. The highest point of the roof is situated to the east, which is approx. 5.8m high above GFL. At the highest point it will be 11.5m from the neighbouring boundary. Officers are therefore satisfied that the scale of the building would not have an overbearing effect on the nearest residential properties nor will there be a loss of light as a result of the proposed.

#### Loss of privacy

- 8.56 In terms of privacy to adjacent properties – only 2 very modest high level windows are proposed to western elevation to serve staff areas and while they directly face the boundary of 3 Heathlands Close, they are 18m away and are screened by 2.1m acoustic fencing. Only a ground floor level 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 2.1m acoustic fence to surround the site and retained hedging will also provide sufficient screening for all boundaries.

#### Light pollution

- 8.57 In terms of light pollution - the proposed development will require relatively significant levels of external lighting and a Lighting Assessment has been submitted in support of the application. The DCEHO has been consulted and has raised no objection to the proposed lighting but does note:

*The light spill from the site must be in accordance with the light spill charts within the Light Assessment Report by Signify dated 04/07/19 and not cause an adverse impact to any neighbouring residential property. As detailed in the design and access statement I would recommend a condition to ensure the car park lighting is switched off overnight and when there are no customers in the store lights are powered down.*

However it is noted, members of staff will only leave the store when customers have left 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 (conditions 9 and 10).

#### Air pollution

- 8.58 In terms of air pollution – while there may be some impact in relation to air pollution as a result of increased traffic movements it is noted Ringwood Road is already a busy road with significant amounts of traffic. Car parking is located to the north of the site with access off Ringwood Road, which contains the site traffic movements within the proximity of Ringwood Road. It is therefore not anticipated that air pollution would increase as a result of the proposed to an extent that would warrant refusal.
- 8.59 The DCEHO also requested a condition to require a construction management plan to be written and agreed before development commences. The plan should include details of how nearby residents will not be caused disturbance or nuisance during construction and a suitable condition will be imposed (condition 14).
- 8.60 Taking the above factors into account, while the case officer initially had concerns regarding impact on neighbouring amenity, it is now considered these concerns have now been overcome in planning terms with design amendments and mitigation measures. While there will be some impact on neighbouring amenity as a result of the change and intensification of use, it is the officer's opinion that the proposal would not result in an unduly harmful impact on the amenity of the neighbouring residents that would warrant refusal. The proposed is therefore considered to accord with policy HE2 of the CS.

#### Impact on Heritage Assets

- 8.61 There are some listed buildings in the wider area of the application site located on Black Hill Road and Newtown Road. Third party concerns have been raised that the proposed would impact negatively on these and the ancient monument of Stephen's Castle, located some 850m from the application site.
- 8.62 Paragraph 193 of the NPPF requires 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 8.63 The closest listed buildings are some 40-50m from the application site. Given the single storey nature of the proposed it is not anticipated that it would be noticeably visible within the context of these listed buildings and therefore no harm is anticipated. Given the distance of 850m to Stephens Castle, the proposed is not considered to cause harm to the ancient monument.
- 8.64 The Dorset Council Conservation Officer (DCCO) has been consulted and raised no conservation concerns or objection to the proposed.
- 8.65 It is the officer's opinion that the proposed will not affect the setting of the listed buildings given the distance to these buildings and so will not impact negatively on heritage assets in the surrounding area and it is considered to be in accordance with policies HE1 of the CS.

#### Highway Safety and Parking

- 8.66 The proposed store would provide a car park to the north of the site to accommodate 79 vehicle parking spaces (including 6 for disabled users and 6 parent/toddler spaces) and 12 cycle parking stands. A delivery area with associated ramp to the store is located to the west of the site (adjacent to the boundary with 3 Heathlands Close). Access is proposed from Ringwood Road through the existing site entrance, which would be modified to make it suitable to serve the proposal. A Transport Assessment (TA) has been submitted in the support of the proposed application.
- 8.67 Third party concerns have been raised that the proposed would create highways safety issues, it was too close to the First School and that the parking and access is insufficient.
- 8.68 Dorset Council parking guidelines suggest the following parking provision for a retail development of this size (greater than 500m<sup>2</sup>):
- 1 vehicle parking space per 14m<sup>2</sup>
  - 1 vehicle parking space per 2 full-time staff
  - 1 cycle parking space per 350m<sup>2</sup>
- 8.69 The submitted TA notes the gross internal area (GIA) of 1,698sqm and retail floor area (RFA) of 1,172sqm is proposed. It also notes employee numbers will remain consistent with approximately 40 employees in a combination of both part and full-time positions, with the number of store staff onsite ranging from 3 to 10 at any one-time depending on the day/time of the week.
- 8.70 Based on Dorset Council parking guidance the following parking provision is required:



Staff parking – 1 per 2 full time staff = 5

Customer parking – 1 per 14m<sup>2</sup> = 84

Total required = 89

Total provided = 79

Cycle parking – 1 per 350m<sup>2</sup> = 3

Total provided = 12

- 8.71 It is noted that there is an under provision of parking of 10 spaces as required by Dorset Council guidance, however it is noted this is guidance only. The TA provides a detailed assessment on parking provision with a summary of the resulting predicted maximum parking demand on both a weekday and Saturday for the various assessments undertaken, outlined as follows:

Day	Expected Maximum Parking Demand	
	Hourly Assessment	30-minute dwell time
Weekday	38 spaces @ 12:00 – 13:00	49 spaces @ 14:15 – 15:00
Saturday	50 spaces @ 11:00 – 12:00	71 spaces @ 11:15 – 12:00

- 8.72 DC Highways has been consulted on the proposal. In response to the initial design it was considered that the submitted TA is satisfactory and robust. The DC Highways Officer (DCHO) noted whilst it is accepted that the proposal will obviously increase traffic flows on the immediate highway network the residual cumulative impact of the development cannot be thought to be "severe", when consideration is given to paragraph 109 of the NPPF 2019.
- 8.73 It is noted that DC Highways did raise concerns initially regarding parking provision in the subsequent revised design and amended TA and sought further clarification. The DC Highways Officer noted:

*Having liaised with the applicant's highway consultant and bearing in mind the submitted Transport Addendum, I can confirm that I have nothing further to add to my previous observation, recommending a conditional approval, dated 24 April 2020.*

- 8.74 Concerns raised in relation to the proximity of the First School are noted. However, the application site is approximately a 1 mile walk from the site to the north west and again no highways safety concerns have been raised.
- 8.75 With the above in mind it is the officer's opinion that, on balance, the proposed parking provision is considered sufficient. With no highway safety considerations the proposed is considered to be in accordance with policies KS11 and KS12 of the core strategy.

### Flooding and Drainage

- 8.76 The site falls within Flood Zone 1 (low risk of fluvial flooding) in accordance with the Environment Agency's (EA) indicative modelling, but is thought to be at some theoretical risk of surface water flooding & ponding, principally adjacent to Ringwood Road and proposed site entrance, during severe rainfall events (1:100/1000yr).
- 8.77 Third party concerns have been raised that the proposed would cause a flood risk and would impact negatively on neighbouring properties as a result.
- 8.78 The Lead Local Flood Authority (LFA) has been consulted on the proposals. They initially requested a holding objection to the proposal due to the lack of site investigation information provided.
- 8.79 After further direct correspondence with the applicant, the LFA noted the applicant provided information that argues that recent restrictions regarding site work have prevented further ground investigation being undertaken and states that existing surface water connections to the adjacent sewer network have been identified.
- 8.80 The LFA are obliged to acknowledge recent difficulties with undertaking ground investigations, with which to inform the (conceptual) drainage strategy but would highlight that such assessment work could / should have been conducted in support of the original submission, prior to any restrictions having been imposed.
- 8.81 With regard to the potential contingency arrangement, the applicant would be at liberty to exercise a right to connect to the adjacent surface water sewer, should infiltration not prove viable. However, the rate of discharge and any necessary mitigation works have not been agreed with Wessex Water, as suggested. Therefore, the LFA accept that the proposed scheme does have a viable contingency arrangement in the event that soakaways are deemed inappropriate, the applicant should be aware that an equivalent Greenfield runoff rate may be imposed, and that associated improvement works may be required to the receiving system.
- 8.82 The LFA removed their holding objection and confirmed they have no objection subject to drainage and surface water conditions (conditions 22 and 23).
- 8.83 Therefore it is the officer's opinion that the proposed is considered to be in accordance with policies ME6 of the CS.

### Contaminated land

- 8.84 The site has been identified as medium risk contaminated land as the site was historically used as a road haulage yard and adjacent land as brickworks.

- 8.85 Dorset Council Environmental Health has been consulted and has raised no objection to the proposed in relation to contaminated land subject to a condition requiring a desktop assessment to be undertaken to establish the potential risk of contamination (conditions 11-13).
- 8.86 Therefore it is the officer's opinion that the proposed is considered to be in accordance with Dorset Council protocol in relation to contaminated land.

#### Biodiversity

- 8.87 Given the size of the site a biodiversity survey has been undertaken and a Biodiversity Mitigation Enhancement Plan (BMEP) submitted in support of the application. A revised BMEP which includes the most up to date plan was submitted in September 2020 and includes bird boxes, bat boxes, shrub and tree planting, woodland wildflower mix to be planted.
- 8.88 A BMEP was submitted to Dorset NET and NET requested amendments. A revised BMEP was submitted to NET in September 2020 and was approved on 15.09.2020. A condition will be applied requiring the implementation of the enhancement scheme (condition 25).
- 8.89 The proposal is therefore considered to be acceptable in terms of biodiversity interests and accords with policies ME4 of the CS.

#### Proximity to SSSI heathland

- 8.90 The site is situated approximately 400m from the Verwood Heath SSSI. The Dorset Heathlands Planning Framework 2020-2025 main concern is the increase in residential development up to 5km within the proximity of protected sites and paragraph 3.1 notes:

*Natural England has advised the authorities of concerns arising from the increase in residential development across South East Dorset and the resultant pressures placed upon protected heathland by new occupants of these developments living in close proximity to the heathlands.*

- 8.91 Appendix B of the SPD also offers advice for different uses and possible impacts, all of which have a residential related use type such as C1, C2, C3, C4, houses of multiple occupancy, touring/caravan sites, gypsy/traveller sites and student accommodation.
- 8.92 Whilst the proposed is within 400m of Verwood Heath SSSI it is for non-residential use only, class A1 (shops) and has been conditioned as such (condition 3). Therefore there was no trigger for consultation with Natural England.

- 8.93 The proposed is not considered to have an impact on the nearby SSSI heathland. Therefore it is the officer's opinion that the proposed is considered to be in accordance with policies ME2 of the CS.

#### Economic Benefit

- 8.94 The proposed development would provide a clear economic benefit to Verwood and surrounding areas. The development would employ approximately 40 employees in a combination of both part and full-time positions time equivalent jobs in the store. This is considered to be a positive benefit to the area.
- 8.95 The application is CIL liable and monies will be secured via the Dorset Council CIL process for the Eastern area. An informative has been added to notify the applicant of this (informative 4).

#### Waste

- 8.96 The applicant has confirmed by email that all waste is managed, sorted and stored within the onsite warehouse. It is then collected by a private third party haulier and taken to the regional distribution centre where it is responsibly processed.
- 8.97 It is noted no comments were received from the Dorset Waste Partnership (DWP), however, as waste is managed privately, comments from DWP are not required.

### **9.0 HUMAN RIGHTS**

- 9.01 Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

### **10.0 PUBLIC SECTOR EQUALITIES DUTY**

- 10.1 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.

10.2 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.

## **11.0 CLIMATE IMPLICATIONS**

11.1 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 existing public transport links and 14 cycle parking stands will be provided.

11.2 Existing protected trees are retained on site. In addition to this, while 7 trees will be lost, 9 will be planted resulting in 2 additional trees being added to the site.

11.3 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.

## **12. CONCLUSION**

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

12.02 The application is therefore recommended for approval.

**Recommendation:** Approve, subject to the following conditions:

**Conditions/Reasons:**

[All pre-commencement conditions have been agreed by the agent by email on 16.09.2020 2020]

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

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

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

- Proposed site layout ref. AD310 rev B
- Proposed building plan ref. AD311 rev A
- Proposed roof plan ref. AD312 rev A
- Proposed elevations ref. AD313 rev A
- Proposed boundary treatments ref. AD314 rev B
- Proposed site finishes ref. AD315 rev B
- Proposed site plan with topo overlay ref. AD318 rev B
- Proposed soft landscaping ref. 9001 rev P10
- Proposed levels ref SD 700
- Proposed sections SD 701
- Proposed sections SD 702
- Proposed lighting layout ref. D-371170 rev 4

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the Town and Country Planning (Use Classes) Order 1987, the development hereby approved shall be used as a discount food retailer only and for no other use whatsoever (including under classes A1 and Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended)) and in accordance with the following:

- 1) the sales area (convenience and comparison goods) shall not exceed 1172sqm;
- 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 (except bakery items baked on site)
  - 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 Local Planning Authority require control is retained over the use of the development for this purpose in the interests of the

vitality and viability of the existing town centre and for the protection of neighbouring amenity given the location of the application site and proximity to neighbouring boundaries.

4. The store must only open to customers between 08:00 and 22:00 on Mondays to Saturdays (including bank holidays) 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 07:00 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 noise levels from the site including plant shall not exceed the predicted noise levels modelled in the submitted report "Noise Impact Assessment by Acoustic Consultant Ltd. Proposed Lidl Food Store, Verwood, Reference: 7649/JA/BL. Dated 21 August 2020". Plant shall be installed as per the assessment and the mitigation measures listed must be implemented and maintained unless agreed in writing by the Local Planning Authority.

Reason: In order to protect neighbouring amenity.

7. The Delivery Management Plan must be fully implemented for the lifetime of the development. The boundary treatments and acoustic fencing around the loading bay and plant compound must be implemented and maintained as detailed in Appendix 1 drawing no. AD124 for the lifetime of the development.

Reason: In order to protect neighbouring amenity

8. The noise levels from deliveries shall not exceed the predicted noise levels modelled in the submitted report "Noise Impact Assessment" by Acoustic Consultant Ltd. Proposed Lidl Food Store, Verwood, Reference: 7649/BL. Dated 23<sup>rd</sup> July 2020". The mitigation measures set out in the Noise impact Assessment must be implemented and maintained for the lifetime of the development unless agreed in writing by the Local Planning Authority.

Reason: In order to protect neighbouring amenity.

9. The lighting scheme shall be implemented to accord with the light spill charts within the Light Assessment Report by Signify dated 21/09/20 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.

10. 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.

11. 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.

The development must be carried out in accordance with the approved remediation strategy and remediation measures.

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.

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. On completion of all the works detailed in the agreed Remediation Strategy, a Remediation Verification Report must then be completed by the environmental consultant(s) who carried out the remediation work confirming that they have supervised all the agreed remediation actions. This report must be submitted to the planning authority confirming that all works as specified and agreed have been carried out to the point of completion. The development must not be brought into use until the Planning Authority is in receipt of said Remediation Verification Report and has confirmed in writing that it is satisfied with the contents of the statement and the standard of work completed

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.

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

- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- details of how disturbance or nuisance during construction will be managed to reduce impact on neighbouring residents.

The development must be carried out in accordance with the approved remediation strategy and remediation measures.

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

15. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Local Planning Authority. The CTMP must include:

- construction vehicle details (number, size, type and frequency of movement)
- the parking of vehicles of site operatives and visitors
- a programme of construction works and anticipated deliveries
- timings of deliveries so as to avoid, where possible, peak traffic periods
- a framework for managing abnormal loads
- contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- wheel cleaning facilities

- vehicle cleaning facilities
  - a scheme of appropriate signing of vehicle route to the site
  - a route plan for all contractors and suppliers to be advised on
  - temporary traffic management measures where necessary
- The development must be carried out strictly in accordance with the approved Construction Traffic Management Plan.

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

16. Before the development is occupied or utilised the first 15.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing – see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the 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.

17. Before the development is occupied or utilised the redundant highway vehicular crossings must be expunged and reinstated to a specification which must first be submitted to and approved in writing by the Planning Authority.

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

18. Before the development is occupied or utilised the areas shown on Drawing Number AD310\_REV B for the access, 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.

19. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities has been submitted to and approved by 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.

20. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number B/LIDLVERWOOD.1/02 Rev D 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.

21. Before the development hereby approved is occupied or utilised, the submitted Travel Plan must be implemented and operational.

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

22. 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 providing clarification of how drainage 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 implemented in accordance with the submitted details before the development is completed.

Reason: To prevent the increased risk of flooding and to protect water quality.

23. No development shall take place until details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These must 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.

24. The finished floor level of the development hereby approved shall be constructed in accordance with the Proposed Levels drawing SD 700 dated May 2020 unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the character of the area and neighbouring amenity.

25. The development hereby approved shall not be first brought into use unless and until the mitigation measures as detailed in the approved biodiversity mitigation plan (Hannah Knight AICEEM dated 08.09.20 and approved by NET 15.09.2020) 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.

26. Landscape management works shall be carried out in accordance with the approved details as shown on the submitted document ref: 'AAJ-5172-RPS-XX-EX-DR-L-9002\_P01' and 'AD315 rev B'. Works shall be implemented in accordance with the submitted details before the development is completed and must be implemented and maintained for the lifetime of the development unless agreed in writing by the Local Planning Authority.

Reason: In the interests of nature conservation and to ensure the scheme is maintained in accordance with the approved plans and to accord with Policies HE2 and HE3 of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

27. Before any equipment, materials or machinery are brought onto the site for the purposes of development, a pre-commencement site meeting between the Tree Officer, Arboricultural Consultant and Site Manager shall take place to confirm the protection of trees on and adjacent to the site in accordance with the Arboricultural Impact Appraisal and Method Statement prepared ref: JSL 3269 – 770D dated August 2020. The tree protection shall be positioned as shown on the Tree Protection Plan, ref: RPS 701F dated July 2020 before any equipment, materials or machinery are brought onto the site for the purposes of the development. The tree protection shall be retained until the development is completed and nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made without the written consent of the Local Planning Authority. This condition shall not be discharged until an arboricultural supervision statement, the contents of which are to be discussed and agreed at the pre-commencement meeting, is submitted to and approved in writing by the Local Planning Authority on completion of development.

In order for this condition to be discharged the local planning authority shall be notified for a site inspection at each of the following stages: completion of the specified tree protection; any alteration to the scheme of tree protection; before commencing excavations for drains and soakaways; removal of tree protection; and prior to the commencement of the landscaping phase.

Reason: This meeting 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.

28. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on submitted drawing ref: AAJ-5172-RPS-XX-EX-DR-L-9001\_P10 and . The works shall be carried out prior to the occupation of any part of the development and the planting carried out in the first planting

season following completion of the development. Any planting found damaged, dead or dying in the first five years following their planting are to be duly replaced with appropriate species.

Reason: This information is required prior to occupation of development in order to ensure the implementation of the scheme is carried out in accordance with the approved plans and to accord with Policies HE2 and HE3 of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

29. Notwithstanding details already submitted with the application, the planting of x3 extra heavy standard trees as shown on submitted drawing ref: AAJ-5172-RPS-XX-EX-DR-L-9901\_P10 shall be detailed. Such detail shall include the structural tree pit system to be used, specification of infill soil to be used and volume as well as means of permanent irrigation. Such detail shall be submitted to the LPA and approved in writing prior to the commencement of works.

Reason: This meeting 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.

30. 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:**

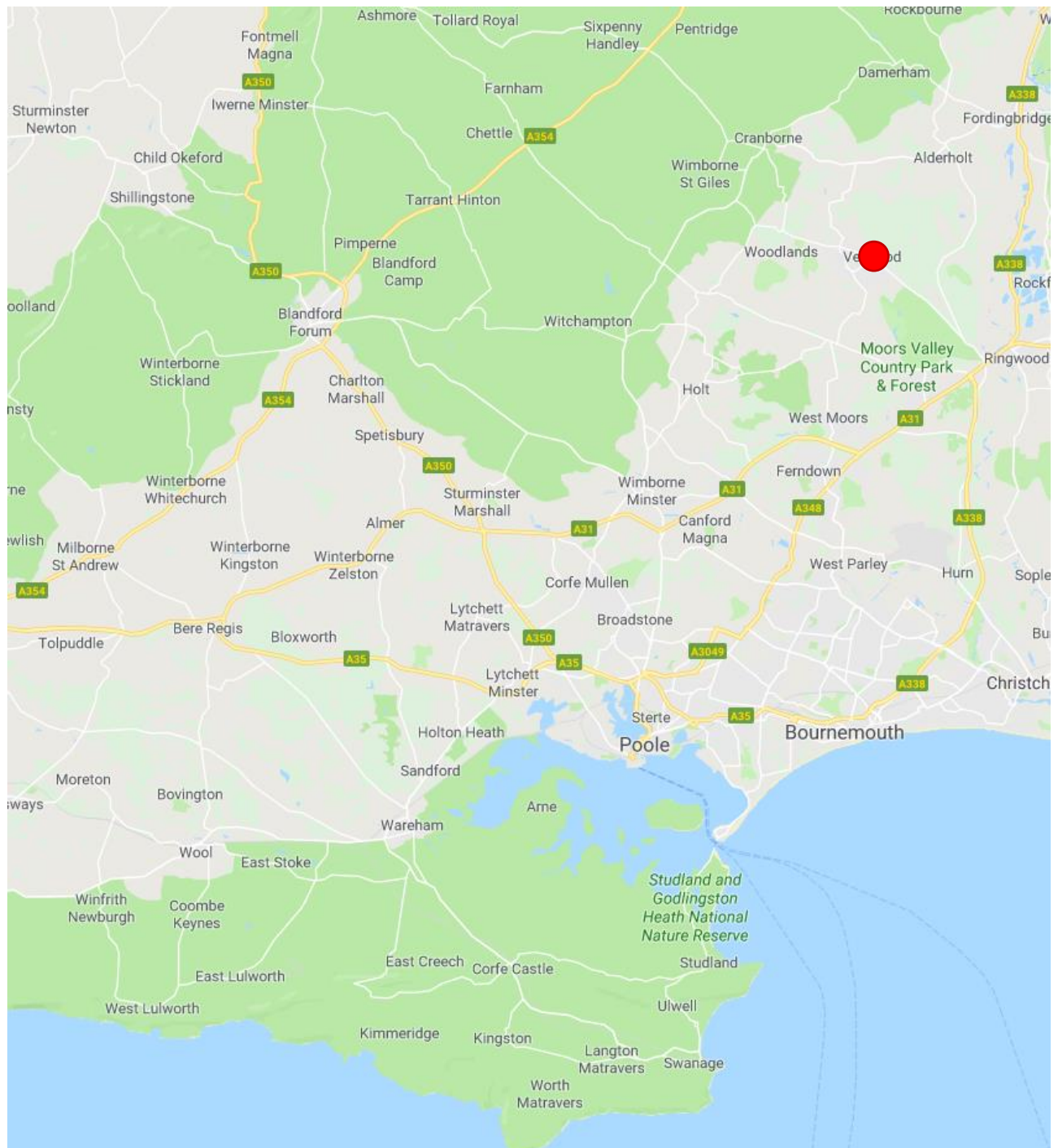
1. Dorset Council Highways - The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at Dorset Direct (01305 221000), by email at [dorsetdirect@dorsetcc.gov.uk](mailto: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.
2. 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.
3. Noise - The applicant is advised if substantiated noise complaints from nearby residents in the future are received the Council has a duty to investigate and take action to abate any statutory nuisance identified within the remit of part III of the Environmental Protection Act 1990.

4. The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to this development. The Council will shortly be issuing a CIL Liability Notice following the grant of this permission which will provide information on the applicant's obligations.

Approximate Site Location 

3/20/0657/CONDR – 76-78 Ringwood Road, Verwood, BH31 7AJ

Proposal: Demolish existing dwellings and erect a food store with associated access, parking and landscaping



This page is intentionally left blank



## PLANNING COMMITTEE

30 September 2020

### Appeal Decisions

#### 1. PURPOSE AND RECOMMENDATIONS

<b>Purpose of Report:</b>	To inform Members of notified appeals and appeal decisions and to take them into account as a material consideration in the Planning Committee's future decisions.
<b>Recommendations:</b>	<b>It is RECOMMENDED that:</b>
	<b>(This report is for Information)</b>
<b>Wards:</b>	Council-wide

#### 3.0 APPEAL DECISIONS

##### 3.1 Appeal Reference: APP/D1265/W/20/3252152

Planning Reference: 6/2019/0553

**Proposal: Removal of condition 13 of Planning permission 6/2018/0653 (Change of use of existing buildings, conversion of existing school building, demolition of extensions and erection of 1 1/2 storey extension to form 3 dwelling houses and erection of 6 dwelling houses with associated parking and landscaping) to allow unrestricted occupation of the dwellings.**

**Address: Former West Lulworth C Of E Primary School, School Lane, West Lulworth, BH20 5SA**

**Appeal Allowed and full costs awarded by decision letter dated 11<sup>th</sup> September 2020**

The proposal involved the removal of condition 13 of planning permission 6/2018/0653 (to erect six dwellings and convert the former school buildings into three houses) which restricted the occupancy of the new houses to being a person's principal or sole residence.

Planning Committee on 4<sup>th</sup> December 2019 resolved to refuse permission contrary to officer recommendation for the following reasons:

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

The Inspector considered that the main issue in the appeal was:

- Whether condition 13 is reasonable and necessary having regard to local and national planning policy.

The Appeal Inspector considered that Policy H14 of the emerging Purbeck Local Plan, from which the condition is derived, cannot be given weight in the decision making process at this time.

The Appeal Inspector noted that since the Planning Committee that took place, an Inspectors Post Hearings note, relating to the public examination of the Local Plan has been published. The appeal Inspector noted that the Inspector examining the Local Plan (Local Plan Inspector) had commented that she was not persuaded that Policy H14 of the Purbeck Local Plan should apply to replacement dwellings, but that in other respects, no changes to the policy were indicated as being required.

However, the Appeal Inspector determined that as the Council has not reached the stage of publishing modifications to the Local Plan or undergoing publicity for the modifications and their further examination, Policy H14 cannot be given the weight of an adopted development plan policy. This is because the Policy may yet be further modified as part of the process.

The Appeal Inspector accepted that this position may soon change, but at present, the emerging policy H14 does not have sufficient weight to warrant the retention of the condition.

The appeal was therefore allowed, and condition 13 deleted from the planning permission 6/2018/0653.

An application for costs was also submitted.

The Appeal Inspector states:

*"I quite understand the members concern in seeking to 'maintain the character and vitality of West Lulworth' and to resist the increase in second homes in the area in order to limit the potential for vacant properties. However, under the circumstances of this particular policy and the progression of the plan the basis for that position has not reached a definitive stage such that it could be fully relied upon for decision making. However well meaning, the overturning of the officers' recommendation was by members, the removal of the condition was unreasonable on the evidence before them and it was equally unreasonable for the Council not to inform members that it had, under other powers, separately approved applications in the AONB without the imposition of the same condition."*

The Appeal Inspector also concluded that the Council, in maintaining the case for the retention of the condition, amounted to unreasonable behaviour, as the Council cannot be certain of what modifications may be made to Policy H14, and whether the Purbeck Local Plan will be found sound and will be adopted.

The Council was also found to have acted unreasonably due to a delay in issuing the decision after the Planning Committee. Although the Council was going through the complaints procedure with the applicant, the Appeal Inspector determined that this should not have influenced the timing of the issuing of the decision notice.

For the reasons above, the costs appeal was allowed and an award of full costs is made against the Council.

This page is intentionally left blank