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EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 24 APRIL 2024

Present: Cllrs Shane Bartlett (Vice-Chairman), Mike Barron, Alex Brenton, Robin Cook, Mike Dyer, Barry Goringe, David Morgan and David Tooke

Apologies: Cllrs Toni Coombs, Julie Robinson, Bill Trite and John Worth

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

Elizabeth Adams (Development Management Team Leader), Philip Crowther (Legal Business Partner - Regulatory), Robert Hanson (Engineer), Joshua Kennedy (Democratic Services Officer), Anna Lee (Service Manager for Development Management and Enforcement), John Miles (Democratic Services Officer), Megan Rochester (Democratic Services Officer), Steve Savage (Transport Development Liaison Manager), Naomi Shinkins (Lead Project Officer), Jane Vlach (Senior Planning Officer), Lisa Watt (Associate Acoustic Consultant) and Sam Williams (Lead Senior Engineer).

76. Declarations of Interest

Cllr Mike Barron declared an interest to agenda item 6, in which he had undertaken a separate site visit with one of the Local Ward Members. Therefore, it was agreed that we would not take part in the debate or vote.

77. Minutes

The minutes of the meeting held on Wednesday 13th March 2024 were confirmed and signed.

78. Registration for public speaking

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.

79. Planning Applications

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

80. **P/OUT/2022/04113 - Land off Blackfield Lane, West Moors, Ferndown, BH22 0NH**

The Case Officer reminded members of the application before them and noted some of the key information which was shown in the officer's presentation at the previous committee. This included details such as the application site in relation to the settlement boundary as well as highlighting the Local Plan Policy. All matters were reserved except for access and scale. The Case Officer also provided the following updates since the committee report on Wednesday 13th March 2024:

- Update to the housing land supply.
- Extension of time agreed to 1st May 2024 which was required due to the committee's decision of deferral.
- References to use class D1 had changed to refer to F1, in connection with public work or religious instruction as set out on March 13th Committee report.
- References to close care had been changed to nursing care.
- References to church/community hall had been changed to church in response to public representations.
- Comments received from Adult Social Care Team added to section 9.7 of the report.
- Reference to the Dorset Council Strategic Flood Risk Assessment which had been added to section 15.6 of the report.
- Summary of comments received from Dorset and Wiltshire Fire Service were added to section 9.7 of the report.
- Summary of local representatives received prior to the previous committee meeting by Monday 15th April 2024 had been added to section 9.4 of the report.
- Origin Transport Consultant post committee added to the list of local resident reports submitted under section 9.5 of the report.

The following conditions had also been added as set out below.

- Renewable energy and water efficiency condition added.
- The number of bedrooms conditioned to 60 and the number of storeys limited to 2 stories high. The reason for this was to protect the character of the area and prevent over development of the site.
- Grampian condition was required for the removal of the utility pole at Station Road junction.
- Removal of permitted development rights for F1 use class added.
- Condition 15 LEMP – had been amended with the addition required in relation to Dorset Heathland fires.

The Case Officer discussed the site visit which had been carried out on Wednesday 17th April between 2:30-4pm. Highlighting that member had now viewed the site and the junction and had looked at alternative routes. The officer also discussed the comments which had been received post committee in relation

to development from local residents, the summary of these comments could be found in section 9.5 of the report and full comments were available online. In summary, the officer's recommendation had not changed, therefore, the recommendation was to grant permission subject to conditions listed in the officer's report and the updated conditions.

Public Participation

Representations made by the public for this item were heard at the previous committee meeting which was held on Wednesday 13th March 2024.

Members questions and comments

- Clarification on the differences between a care home and a nursing home as well as clarity on the intended use of the proposed church.
- Entitlement to approve part of the proposal and assess them as separate applications.
- Members referred to the site visit which was undertaken on Wednesday 17th April 2024 and raised concerns regarding visibility splays on the junction. Cllr Bartlett asked the Highways Officer to confirm the timeframe of the data.
- Possibility for the implementation of pedestrian crossings.
- Confirmation on traffic flow of the proposal, the traffic analysis, and the collision data.
- Members felt that the site visit undertaken was useful and very informative.
- Concerns were raised regarding the roads surrounding the site and referred to collision explorer.
- Members referred to slide 21 of the officer's presentation and requested further confirmation regarding heathland fires, evacuation plans and the ecological management plan of the site.
- Unsatisfactory junctions and road width.
- Clarification provided in relation to the history of flooding on the proposed site.
- Clarification of the maintenance of the ditches on site and the history of flooding in relation to slide 37 of the officer's presentation.
- Members were not convinced that the church was the best use of land and did not feel as though the speakers from the previous committee highlighted need for the church use.
- Concerns regarding the type of care to be provided.
- Clarification sought regarding noise impact.
- Clarification sought regarding heathland mitigation.
- A motion to split the decision and approve the care home in line with the officer's recommendation and refuse the officer's recommendation to grant the Church, was proposed by Cllr Shane Bartlett, and seconded by Cllr Robin Cook, subject to conditions set out in the officer's report and updated conditions set out by the planning officer. The proposal fell at the vote and was therefore not carried.
- A motion to approve the officer's recommendation to grant planning permission as recommended, was proposed by Cllr Toni Coombs, and

seconded by Cllr Shane Bartlett. The proposal fell at the vote and was therefore not carried.

Proposed by Cllr Shane Bartlett, seconded by Cllr Robin Cook.

Decision: That in accordance with procedural rule 19.5 a recorded vote was taken.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the representatives; and what they had heard at the meeting, a motion to overturn and **REFUSE** the officer's recommendation to **GRANT** planning permission as recommended, was proposed by Cllr David Tooke, and seconded by Cllr Mike Dyer.

Those in favour of the proposal: Cllrs David Tooke, Mike Dyer, and David Morgan.

Those against the proposal: Cllrs Shane Bartlett and Robin Cook

Those who abstained: Cllr Barry Goringe, Cllr Alex Brenton

Decision: To overturn and REFUSE the officer's recommendation for APPROVAL for the following reasons:

- **Highways** - The increased use of the existing junction of The Avenue with Station Road by traffic movements associated with the proposed development would, by virtue of the limited visibility to the north for vehicles using the junction, would have been likely to prejudice the free flow of traffic and conditions of general safety and was considered to have an unacceptable impact on highway safety, contrary to paragraph 115 of the National Planning Policy Framework (NPPF) 2023.
- **Traffic Noise** - The proposed development would have detracted from the living conditions of those nearby with specific reference to noise and disturbance, particularly in relation to Sunday early morning services at the proposed church. As such there would have been conflict with Policy HE2 of the East Dorset Core Strategy and paragraph 191 (a) of the NPPF 2023 in so far that it seeks to prevent development that would have an undesirable impact through noise and disturbance.
- **Heathlands** - Whilst mitigation is proposed on site, based on the information that was provided, it could not have been safely concluded that the scheme with the proposed mitigation measures secured would have avoided an adverse effect on the adjoining internationally designated sites. As such, the proposal was contrary to policy ME1 of the East Dorset Core Strategy and paragraphs 186 to 188 of the NPPF 2023.
- **Efficient use of land** - In the absence of evidence of need for the church, the proposed development did not make efficient use of land, contrary to paragraph 128 of the NPPF 2023.

81. **P/FUL/2023/06130 - 1 Christchurch Road Longham Ferndown BH22 8TD**

The applicant had withdrawn their application for development at 1 Christchurch Road Longham Ferndown BH22 8TD application reference P/FUL/2023/06130 so there was no application for the Committee to consider.

82. **P/VOC/2023/07382 - The Barn, Gods Blessing Lane, Holt, BH21 7DE**

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning constraints and policies to members. Photographs of the proposed elevations, an indicative 3D design, and images from September 2019, March 2021 and September 2023 were shown. Members were informed of an updated site plan which identified the proposed residential curtilage. The Case Officer briefly outlined the history of the barn which benefitted from prior approval for residential use. The differences between the previous proposal and that before Members was explained including the proposed materials. The recommendation was to grant subject to conditions set out in the officer's report.

Public Participation

The applicant addressed the committee and explained his intentions for the barn. Mr Freemantle highlighted the amount of time and work undertaken with their architect to ensure that the correct layout to meet his family needs and suit the location. The applicant asked the committee to note that the bedroom windows had decreased in size and would have been screened by a mature hedge. Mr Freemantle recognised that local residents would notice the barn but reported local support. He expressed his hope that the committee would support the officer's recommendation to approve.

Members questions and comments

- The Local Ward member explained that he was familiar with the structure and was pleased by the proposed conversion. It was noted that the dwelling is visually dominant in the area in which it was situated, however, he considered it was a good proposal and supported it.
- Clarification regarding the curtilage.
- Members felt as though the proposal was an improvement.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to **APPROVE** the officer's recommendation to **GRANT** planning permission as recommended, was proposed by Cllr Robin Cook, and seconded by Cllr Mike Dyer.

Decision: To GRANT the officer's recommendation for APPROVAL.

83. Urgent items

There were no urgent items.

84. Exempt Business

There was no exempt business.

Decision Sheet

Duration of meeting: 10.15 am - 12.38 pm

Chairman

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Eastern Area Planning Committee
Wednesday 24th April 2024
Decision List

Application Reference: P/OUT/2022/04113

Application Site: Land off Blackfield Lane, West Moors, Ferndown, BH22 0NH

Proposal: Outline application for erection of a church / community hall & care home with associated parking & an area for biodiversity enhancement (all matters reserved except access and scale).

Recommendation: Delegate authority to the Head of Planning and the Service Manager for Development Management and Enforcement to:

- A) Grant permission subject to the following conditions and completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the legal services manager to include planning obligations as follows: - Secure Biodiversity requirements including biodiversity management plan and step-in rights. - Secure Dorset Heathland restrictions required by Habitats Regulation Assessment (HRA). - Secure surface water drainage connection outside of the site boundary (or provide proof of ownership, where surface water drainage obligations would no longer be required).

OR

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

Decision: To overturn and REFUSE the officer's recommendation for APPROVAL for the following reasons:

- **Highways** - The increased use of the existing junction of The Avenue with Station Road by traffic movements associated with the proposed development would, by virtue of the limited visibility to the north for vehicles using the junction, would have been likely to prejudice the free flow of traffic and conditions of general safety and was considered to have an unacceptable impact on highway safety, contrary to paragraph 115 of the National Planning Policy Framework (NPPF) 2023.
- **Traffic Noise** - The proposed development would have detracted from the living conditions of those nearby with specific reference to noise and disturbance, particularly in relation to Sunday early morning

services at the proposed church. As such there would have been conflict with Policy HE2 of the East Dorset Core Strategy and paragraph 191 (a) of the NPPF 2023 in so far that it seeks to prevent development that would have an undesirable impact through noise and disturbance.

- **Heathlands** - Whilst mitigation is proposed on site, based on the information that was provided, it could not have been safely concluded that the scheme with the proposed mitigation measures secured would have avoided an adverse effect on the adjoining internationally designated sites. As such, the proposal was contrary to policy ME1 of the East Dorset Core Strategy and paragraphs 186 to 188 of the NPPF 2023.
- **Efficient use of land** - In the absence of evidence of need for the church, the proposed development did not make efficient use of land, contrary to paragraph 128 of the NPPF 2023.

Application Reference: P/FUL/2023/06130

Application Site: 1 Christchurch Road Longham Ferndown BH22 8TD

Proposal: Change of use and conversion of outbuilding to form new dwelling.

Recommendation: GRANT subject to conditions

Decision: The applicant had withdrawn their application for development at 1 Christchurch Road Longham Ferndown BH22 8TD application reference P/FUL/2023/06130 so there was no application for the Committee to consider.

Application Reference: P/VOC/2023/07382

Application Site: The Barn, God's Blessing Lane, Holt, BH21 7DE

Proposal: Variation of Condition 4 to application P/PAAC/2023/04935 (Conversion of agricultural barn to a single dwelling, with alterations to provide windows to all habitable rooms including 3 bedrooms and 2 reception rooms.) (Approved Condition 4 was added under a Non-Material Amendment (P/NMA/2023/06875) to list the approved plans).

Recommendation: Grant subject to conditions

Decision: Approve subject to the following conditions:

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

202 Location Plan

002 Site Plan

201 Block Plan

206 Elevations

203 Floor Plans

204 Roof Plan

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

2. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. The approved remediation scheme shall be carried out and on completion a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

3. Works to convert the barn must take place fully in accordance with the mitigation measures set out in the conclusion and appendices of the Preliminary Roost Appraisal (PRA) & Barn Owl report.

Prior to first occupation of the dwelling details of a Barn Owl Box, as specified in the ABR Ecology Completion Statement dated 17/2/22, shall be submitted to and agreed in writing by the Local Planning Authority. The Barn Owl Box shall be erected as agreed prior to first occupation or use of the dwelling hereby approved.

Reason: In the interests of biodiversity

4. Prior to the first occupation of the dwelling, details of the boundary demarcation for the residential curtilage identified on the Block Plan, drawing 002, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary demarcation shall be installed prior to first occupation and thereafter retained.

Reason: In the interests of the character and appearance of the area and openness of the Green Belt as the location plan indicates a larger area.

Informative Notes:

1. The application site is in close proximity of a European protected heathland (Dorset Heathland) and given the proposed residential use, the development is likely to result in a significant impact unless mitigation is secured.

The matter of appropriate assessment under the Habitats Regulations is a condition of the permitted development legislation that must be resolved prior to commencement; the developer should obtain a Habitats Regulations Approval via an application to the Council as the Local Planning Authority.

2. The developer is reminded that permitted development under Class Q of the GDPO only allows for the conversion of a building and does not allow for the new build or fresh build of an agricultural building. The developer should satisfy themselves that all of the Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) are met prior to commencing work.
3. The applicant is reminded that Class Q only grants the change of use of the building and its curtilage the size of which is defined in legislation. Planning permission would be required to use any other land within the red line for purposes other than agriculture e.g. as garden.

4. Informative: National Planning Policy Framework Statement

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

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

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

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
- 5. Informative: This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development, and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties, it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.
- 6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. The Natural Environment Team, Dorset Council recommends that vegetation, hedge, shrubs and tree removal; translocation or cutting back avoids the bird nesting season which runs from mid-February to 31st August. This is to avoid impacts to nesting birds and infringement of the legislation.

Vegetation or site clearance as a result of this development should be undertaken outside of the nesting season specified above. In some seasons the nesting period may start before or extend beyond these dates, so the applicant should be aware that the dates are a guide only. If clearance work has to be undertaken during the nesting season, a breeding bird survey needs to be carried out by a suitably qualified person no more than 48 hours before clearance /cutting works commence. Any active nests identified should be protected by a 5m exclusion zone until the young have left the nest.

As a general rule, it should be assumed that birds will be nesting in trees, scrub, reeds or substantial ditch side vegetation during the core breeding period, unless a survey had shown this not to be the case. In addition, some species are ground nesting, such as the skylark and lapwing, both of which can occur on grassland areas and cleared sites where there is a time lapse between demolition and development.

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