

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.