

## REPORT SUMMARY

<b>REFERENCE NO.</b>	3/19/0826/FUL
<b>APPLICATION PROPOSAL</b>	Demolish existing outbuildings and erect three single storey dwellings, convert existing offices to three flats and improve vehicular access junction with the highway
<b>ADDRESS</b>	Frampton's Yard, Holt, Wimborne, Dorset, BH21 7DX
<b>RECOMMENDATION</b>	Grant, subject to conditions (or refuse if unilateral undertaking not received by 31 <sup>st</sup> July 2019) (see Section 9 of the report for the full recommendation)
<b>REASON FOR REFERRAL TO COMMITTEE</b>	<ul style="list-style-type: none"><li>At the agreement of the Chair, following the objection by the Parish Council, as the site lies within the Green Belt.</li></ul>
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>	<ul style="list-style-type: none"><li>The application will contribute to housing supply which is currently below the 5-year housing land supply levels.</li><li>The proposed redevelopment of the site can take place without a greater impact on the openness of the Green Belt than the existing use and is therefore appropriate development in the Green Belt.</li><li>The number of residential units and the mix of unit sizes are considered to be appropriate for this site and the scale, layout and design would respect the context of the site and preserve visual amenities of the locality.</li><li>There is not considered to be any significant harm to neighbouring residential amenity.</li><li>The traffic movements generated by the development can be accommodated without detriment to highway safety</li><li>Other issues raised by consultees have been assessed and there are not any which would warrant refusal of the application.</li></ul>
<b>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</b>	<p><u>The following are considered to be material to the application:</u></p> <p>Contributions to be secured through Section 106 legal agreement: £1326 for Dorset Heathland Strategic Access Management and Monitoring (SAMM) Contributions to be secured through CIL: approx. £63,000</p> <p><u>The following are not considered to be material to the application:</u></p> <p>Estimated annual council tax benefit total: approx. £10,500 Estimated annual new homes bonus per residential unit, per year (for first 4 years): £1,200 approx. (NB. based on current payment scheme, the assumption that the 0.4% housing growth baseline is exceeded and assuming this baseline is reached through the delivery of other new homes)</p>

<b>APPLICANT</b>	Mr Andrew Etchingham	<b>AGENT</b>	Mr Paul Harrington
<b>WARD</b>	West Moors and Holt	<b>PARISH/ TOWN COUNCIL</b>	Holt
<b>PUBLICITY EXPIRY DATE</b>	23 May 2019	<b>OFFICER SITE VISIT DATE</b>	29 April 2019
<b>DECISION DUE DATE</b>	27 May 2019	<b>EXT. OF TIME</b>	4 July 2019

#### RELEVANT PLANNING HISTORY

App No	Proposal	Decision	Date
3/13/0358/FUL	Conversion of existing warehouse building to office use and rationalisation of existing office and storage buildings on site with erection of new B1/B8 Unit.	Granted	25/6/13
3/12/0197/CLU	The use of the land edged in red on the attached plan for the mixed purposes of...Open Storage, Vehicle and Plant parking and manoeuvring, and as an HGV operating centre; and the use of the buildings on the land for B1, B2 and B8 purposes, as annotated on the attached plan, other than in compliance with Planning Conditions and/or without the benefit of planning permission.	Granted	04/12
3/90/0485/FUL	Extension To Store Building, As amended by plans received 6 June 1990	Granted [building now offices]	15/6/1990
3/77/1239	Erect builders office, workshop and store	Granted	24/02/1978

## 1.0 DESCRIPTION OF SITE AND SURROUNDINGS

- 1.01 The application site lies in the hamlet of Holt Wood within the area designated as South East Dorset Green Belt. The site lies to the east of the highway behind three detached dwellings that face onto the highway. It is accessed via a driveway south of a chalet bungalow called 'Everdene'. Agricultural fields lie to the east and south. To the north is a riding stables. Trees lie along the northern boundary.
- 1.02 The application site is relatively level. It currently has a mixed use. There is a two storey modern office block in the southeast corner and extant consent for

a new B1/B8 building along the eastern boundary. An older building with a lawful B2 use lies adjacent to the vehicular access. Former B1 offices have been demolished but the open store structure remains on the eastern boundary and the yard continues to be used for outdoor storage. There were no HGVs on site at the time of the officer visit but the site has a lawful use as a HGV operating centre.

## 2.0 PROPOSAL

- 2.01 It is proposed to convert the existing two storey office building to three flats and erect three single storey dwellings following the demolition of the workshop and remaining storage building. The existing storage use will cease. The proposed residential accommodation will be served by a revised access.

## 3.0 SUMMARY OF INFORMATION

All measurements approximate	Existing	Extant scheme (3/13/0358/FUL)	Proposed	Change/net gain: From Previous scheme
Site Area (ha)	0.28ha	0.28ha	0.44ha	+0.16ha
Use	Business	Business	Residential	
More detailed use	1 x B1 Office block 1 x B2 workshop Open sided storage building External storage and containers Potential HGVs	1 x B1 Office block, 1 x B2 workshop 1 x B1/B8 storage building External storage Retained HGV Centre	1 existing 1 x 3 flats 3 x dwellings	
Ridge Height (m)	Offices = 6.5m B2 workshop = 4m Open sided storage building = unknown	Offices = 6.5m B2 workshop = 4m B1/B8 building = 4.5m	Offices = 6.5m Dwellings= 3.8m	0 -0.2-0.5m
Eaves Height	Offices=	Offices =	Offices =	0

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3<sup>rd</sup> July 2019

(m)	5.3/3.3m B2 workshop = 2.8m Open sided storage building = unknown	5.3/3.3m B2 workshop = 2.8m B1/B8 building = 2.4m	5.3/3.3m Dwellings = 2.2m	-0.2-0.4m
Depth (m)	Offices =14.5m B2 workshop= 9m Open sided storage building = 5.5m	Offices =14.5m B2 workshop= 9m B1/B8 building = 7m	Offices = 14.5m Dwellings = 14.5m	0 +7.5/5.5m
Width (m)	Offices = 14.3m B2 workshop= 17m Open sided storage building = 17.5m	Offices = 14.3m B2 workshop= 17m B1/B8 building = 36.6m	Offices = 14.3m Dwellings A&B = 28.8m Dwelling C = 14.5	0 -2.5m/-7.8m
Distance from west site boundary	B2 workshop= 0m Open sided storage building = 17.5m	B2 workshop= 0m B1/B8 building = 25.5m	Dwelling A 1m Dwelling C 1.5m	+1.5m -24.5m
Distance from east site boundary	Open sided storage building = 1.7m	B1/B8 building = 1m	Dwelling B 3.2m	+2.2m
No. of Storeys	1 except offices	1 except offices	Dwellings 1 Apartments 2	
Parking Spaces	unallocated	unallocated	Dwellings 3, Visitors 1, Apartments 7	
No. of Residential Units	0	0	7	+7

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

SSSI Impact Risk Zone  
Green Belt  
Heathland 5km Consultation Area  
Contaminated Land - Medium Risk

#### **5.0 POLICY AND OTHER CONSIDERATIONS**

##### **Development Plan:**

##### **Christchurch and East Dorset Core Strategy 2014**

- KS1: Presumption in favour of sustainable development
- KS2: Settlement hierarchy
- KS4: Housing Provision in Christchurch and East Dorset
- KS11: Transport and development
- KS12: Parking provision
- LN1: The size and type of new dwellings
- LN2: Design, layout and density of new housing development
- HE2: Design of new development
- HE3: Landscape Quality
- ME1: Safeguarding biodiversity and geodiversity
- ME2: Protection of the Dorset Heathlands
- ME6: Flood Management, Mitigation and Defence

##### **Supplementary Planning Documents:**

- Dorset Heathlands Planning Framework SPD 2015

##### **The National Planning Policy Framework (2019)**

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

- Section 12 Achieving well-designed places
- Section 13 Protecting Green Belt land

#### **6.0 LOCAL REPRESENTATIONS**

- 6.01 In addition to letters to neighbouring properties, a site notice was posted on the site on 29 April 2019 with an expiry date for consultation of 23 May 2019.

Three responses were received which raised the following issues:

- Overdevelopment of the site
- Compatibility with oak trees in northern boundary hedge- shading and detritus
- Impact on highway safety from access visibility and additional vehicle movements, incompatible with use by horses from adjacent stables
- Impact on neighbouring amenity- overlooking of adjoining dwellings
- Impact on surface water drainage

## **7.0 CONSULTATIONS**

- 7.01 Holt Parish Council (10 May 2019)

OBJECTION: whilst it is a good scheme and well considered, the majority view of the council is the proposal involves too many dwellings and is an over development of the site particularly in reference to the nearby SSSI.

- 7.02 DC Environmental Health (8 May 2019)

The applicants' comments and Sitecheck report are noted but as the site has had unspecified uses over the years, a condition is found necessary to protect future occupants (Condition 3).

- 7.03 Dorset Council Highways (29 April 2019)

No objection subject to conditions to secure vehicle access construction to appropriate specification and turning and parking in perpetuity (conditions 10 & 11).

- 7.04 Natural England (8 May 2019)

Mitigation measures in line with Dorset Heathlands SPD would be necessary to positively conclude an appropriate assessment. Implementation of Biodiversity Mitigation and Enhancement Plan to be secured by condition (condition 12).

- 7.05 Lead Flood Authority (16 May 2019)

Minor development so no comment. Refer to engineers.

## **8.0 APPRAISAL**

- 8.01 The main planning considerations are:

- The impact on the Green Belt
- The impact on the character of the area including trees
- The impact on neighbouring amenity
- The impact on highway safety
- The impact on Dorset Heathland and biodiversity
- The impact on occupants health

These and other considerations are set out below

The impact on the Green Belt

8.02 Inappropriate development?

The NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open (para 133-134). Local Plan policy KS3 provides the Council's overall approach to Green Belt, including maintaining open land around the conurbation.

8.03 The construction of new buildings is inappropriate in the Green Belt but there are exceptions set out in NPPF para 145 and other forms of development that are not harmful are listed in para 146. Those relevant to this application are para 145 criteria (d) and (g) and para 146 criterion (d).

8.04 In respect of the proposed change of use of the office building to three flats, the modern building is of permanent and substantial construction and could accommodate the proposed level of development. It is proposed that the land immediately adjacent to the building would provide a garden for the two ground floor flats, which is shown to be enclosed by fencing. The fencing would not project forward of the building and the land to the east (rear) and south is already in effect enclosed by the boundary hedging.

8.05 The use of the buildings for residential purposes is associated with domestic paraphernalia but in this case the impact would be limited by the modest size of the gardens and no permitted development rights would exist. Existing informal parking would be formalised such that re-use of the building would not significantly impact on openness or conflict with the purposes of including land within it. It is proposed to infill the existing void on the front elevation at first floor level with a balcony. This would modestly increase the bulk of the building, albeit beneath the existing roof, but benefits from NPPF para 145 criterion (c) as it is a proportionate extension.

8.06 In respect of the remainder of the site, as it is proposed to replace existing and already demolished industrial buildings with residential units it is necessary to consider whether the proposed limited infilling is acceptable under criterion (g) which states that the proposal is only appropriate if it would not have a greater impact on the openness of the Green Belt than the existing development. In this respect it is necessary to consider both the spatial and visual aspects.

8.07 The site is previously developed land in continuing use for open storage and as a HGV operating centre. There are two existing buildings on the site in addition to the offices; a pitched roof building in B2 use with a northern extension located immediately to the rear of Everdene Cottage and an open sided wooden storage building along the eastern boundary. Two other buildings shown in pink on the location plan have already been demolished as required by extant consent 3/13/0358/FUL, which allows the erection of a larger replacement building for B1/B8 purposes. As there does not appear to

be anything to prevent the replacement building from being constructed, it can be considered to represent the legitimate fall back position from which to assess impacts on openness.

- 8.08 It is proposed that the two buildings and other uses of the site would be replaced with three single storey dwellings, their associated access and turning area and curtilages.

	Extant	Proposed	Difference
Floor Area (m <sup>2</sup> )	Offices = 460sqm B1/B8 = 254sqm B2 = 170sqm Total = 884sqm	Offices = 460sqm Dwellings A&B = 283sqm Dwelling C = 141sqm Total = 1025sqm	+16%
Volume (m <sup>3</sup> )	Offices = 1068 B1/B8 = 871(inc overhang) B2 = 480 Total = 2419m <sup>3</sup>	Offices = 1068 Dwellings A&B = 900 Dwelling C = 452 Total = 2420m <sup>3</sup>	+0%

- 8.09 When considering volumetric calculations the extant buildings have a footprint of approx. 884m<sup>2</sup> and a volume of approx. 2419m<sup>3</sup>. The proposal would represent a modest spatial increase in floor area of 16% but the volume of built form would remain constant avoiding a reduction in the openness of the GB.
- 8.10 When considering the visual or perceived impact on openness, the site is set back from the highway behind existing residential units and also benefits from screening from hedgerows which include mature trees.
- 8.11 The two storey office block has a visual presence from the adjacent properties and highway but longer distance views, from Public Footpath E45/47 280m to the east, would be limited by intervening planting and the form of the building which has a lower eastern eaves height. As the extant B1/B8 building is to lie in close proximity to the office building along the eastern boundary, the existing development would be perceived as three buildings along the south and east of the site, enclosing a yard.
- 8.12 The B1/B8 building has an apex form with a long range (36.6m) but a 2.4m eaves and 4.5m ridge height has previously been judged to restrict its visual prominence. The yard area bound by the buildings is hard surfaced and used for the siting of storage containers and open storage as well as parking of vehicles including HGVs. This visually distinguishes the site from the agricultural land to the east and south in close range views.
- 8.13 The proposed bungalows have ridge heights of 3.8m which is lower than the existing B2 building and the extant B1/B8 building. Units A and B would face south, so the built form on the eastern boundary would be reduced to the offices and their modest gable end together with the rear gable projection which is set a further 3m into the site. The proposal would improve site

permeability by opening up views into the site from the adjoining agricultural land and although the area in front of the properties would provide open parking, the size of the vehicles and the balance of hardstanding and garden would represent an improved level of visual openness compared to the existing yard use.

- 8.14 Overall it is judged that the proposal meets the criteria (g) of NPPF paragraph 145 such that the development is not inappropriate.

Impact on the character of the area including trees

- 8.15 Policy HE3 requires that development protects and seeks to enhance the landscape character of the area. The site lies within an Area of Great Landscape Value (AGLV) so the siting, design, materials, scale and landscaping should be sympathetic to the particular landscape quality.
- 8.16 The Local Planning Authority previously determined (app 3/13/0358/FUL) that replacement of several storage buildings and a porta cabin office with a single building, wooden clad and with a traditional apex form, together with the opportunity to secure hedging along the eastern boundary, represented an improvement on the lawful status quo.
- 8.17 The current proposal would completely replace the existing mixed commercial use of the site, including the unrestricted and often unsightly open storage and an industrial (B2 use) building, with a low density residential use. As the site adjoins existing residential development the change of use would represent a planning gain.
- 8.18 There are several large oak trees bordering the site which contribute to the character of the area. As the site has been hard surfaced for many years, the re-greening of the northern part of the site as gardens would benefit the northern trees although they will need to be protected during the development.
- 8.19 Concerns have been raised about the incompatibility of the proposed dwellings with the trees' retention. Units A and B would lie 9 and 10m respectively from the boundary and the tree canopies would overhang their rear gardens but the trees lie to the north thereby limiting overshadowing potential such that any future pressures to have them reduced or removed could be resisted. Trees along the southern boundary lie adjacent to the access which is to be re-surfaced but the Council's tree officer is satisfied that these can also be protected by condition during the construction phase (condition 4).
- 8.20 Policy HE2 requires that the design of development should be high quality and compatible with or improving its surroundings in relation to 11 criteria including layout, scale, architectural style, materials, landscaping and visual impact.

- 8.21 The proposal would retain the existing, somewhat uncharacteristic two storey built form of the former office/commercial building but alterations are minimal and would not result in harm; these comprise the formation of a front elevation, central first floor balcony replacing an existing lobby and ground floor, the replacement of a garage style door (serving the secure store) with windows, additional ground floor south facing windows and other minor fenestration adjustments.
- 8.22 The layout enables views into the site from the adjoining agricultural land to reduce the visual impact of the development. The proposed dwellings are single storey in form in keeping with dwellings in this part of Holtwood and their low ridge height appropriately limits their bulk. Integral garages avoid the need for outbuildings which would add clutter to the scheme.
- 8.23 A condition controlling permitted development rights for extensions and outbuildings would be reasonable and necessary to maintain control of the impact of the development within the Green Belt (condition 9).
- 8.24 The proposed materials are an acceptable mix of traditional and modern; Clay stock facing brick in Flemish bond and timber boarding (cedar or similar) with natural slate roofs but window frames in dark grey aluminium to match the office building.
- 8.25 The southern boundary of the site currently benefits from a hedge which lies beyond the applicant's ownership. The floor plans for the office-to-flats conversion appear to show fencing to demarcate the proposed gardens. Hedging would be more appropriate in this location but, within the confines of the site boundaries, a post and rail fence or other visually permeable boundary could be acceptable and should be secured by condition (condition 8). Further reinforcement of the existing hedgerow along the remainder of the eastern and the southern boundaries is proposed which this will assist with the visual assimilation of the scheme which borders open countryside and a commercial stables. The hedging species within the landscaping scheme accord with the ecological report and the other planting, including the proposed trees are appropriate and can be secured by condition (condition 7).
- 8.26 Overall it is judged that the proposal will not result in harm to the character of the area and the replacement of the lawful commercial uses with residential use represents a planning gain, subject to conditions.

Impact on neighbouring amenity

- 8.27 Policy HE2 requires that development should be compatible with neighbouring properties including minimising general disturbance to amenity. Although it is apparent that current operations are limited to office hours, there is currently no restriction on working hours or on the level of noise emanating from the site which includes a B2 industrial building and storage where delivery vehicles and HGVs have potential to produce significant noise and disturbance in close proximity to existing properties.

The proposed residential use for 6 units will be associated with vehicle movements but overall is associated with a reduced likelihood of harm to neighbouring amenity in terms of noise and disturbance than the unfettered lawful use.

- 8.28 Concerns have been raised about the potential for harmful levels of overlooking from the proposed first floor flat. There are no changes proposed to the first floor fenestration on the front (west) elevation which faces the rear elevations and gardens of 'Orchard Cottage', 'Ashlea' and 'Everdene Cottage'.
- 8.29 A balcony is to be created but this will not extend forward of the existing building line. The residential use as a flat has the potential to increase the intensity of use of the building, but the main living area is identified in the southern part of the building and the separation distances of approx. 38m building to building and 20m building to boundary are sufficient to avoid demonstrably harmful overlooking.
- 8.30 The single storey form of the dwellings will avoid any harmful overbearing or overshadowing of existing properties.
- 8.31 Overall, no harm to neighbouring amenity has been identified.

Impact on highway safety

- 8.32 Policy KS11 requires (inter alia) that development provides a safe access onto the existing transport network. Concerns have been raised about the safety of the site access and it is acknowledged that the access currently offers substandard visibility to the south.
- 8.33 The Council's highway engineers have confirmed that the removal of HGVs from the rural highway network as a result of the proposed change of use of the site is a highway benefit. They are satisfied that the existing access, which has current unrestricted lawful use by HGVs and other commercial vehicles, can be improved by the proposed slight realignment northwards (to be secured by condition) such that it is acceptable for vehicles associated with the proposed residential use (condition 10).
- 8.34 Concerns have also been raised by the potential for increased trip rates having implications for other road users including pedestrians and horses in this area where there are no pavements. Whilst it is reported that trip rates associated with the current use of the site are relatively low, the lawful uses could in the future be intensified without reference to the LPA. The residential proposal would not represent a significant increase in road use which would have any demonstrable harm to highway safety. The application site location means that future occupants will be reliant upon private vehicles but the more limited opportunities to maximise sustainable travel in rural areas compared to urban is recognised and accepted in the NPPF (para 103). Given the

existing use of the site, the limitations of the location in relation to this aspect of sustainability would not reasonably prevent redevelopment.

- 8.35 The proposal includes 14 parking spaces and 3 garages which represents sufficient parking provision to serve the needs of future occupants in line with policy KS12 requirements. (Condition 11)

Impact on Dorset Heathland and Biodiversity

- 8.36 The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site. The proposal for a net increase in residential units, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the site. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.
- 8.37 The appropriate assessment (separate document to this report) has concluded that the likely significant effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the supporting policy documents, and that the proposal is wholly compliant with the necessary measures to prevent adverse effects on site integrity detailed within the Dorset Heathlands Planning Framework SPD.
- 8.38 The mitigation measures set out in the Dorset Heathlands 2015-2020 SPD can prevent adverse impacts on the integrity of the site. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development the Council will fund HIP provision via the Community Infrastructure Levy but SAMM, which forms the second strand of the strategy, requires that contributions be secured via s106 from all development where there is a net increase in dwellings. The strategic approach to access management is necessary to ensure that displacement does not occur across boundaries.
- 8.39 The current application is accompanied by draft unilateral undertaking which is intended to secure the necessary contribution towards Strategic Access Management and Monitoring (SAMM) in accordance with the Dorset Heathlands SPD but is yet to be fully completed by mortgage companies. The SAMM contribution does not relate to the provision of infrastructure so it is not subject to pooling restrictions, is reasonable and necessary; the contribution complies with Regulations 122 and 123(3) of the Community Infrastructure Levy Regulations 2010 (as amended). With the mitigation secured, the development will not result in an adverse effect on the integrity of the designated site so in accordance with regulation 70 of the Habitats Regulations 2017 planning permission can be granted as the application accords with policy ME2. Without the completed unilateral the application

would fail an appropriate assessment. It is judged reasonable to provide the applicant with some additional time to secure the completion of the unilateral undertaking until 31<sup>st</sup> July following which it would be necessary to refuse the application.

- 8.40 Policy ME1 seeks to protect, maintain and enhance the condition of nature conservation sites, habits and species and secure net gains for nature where possible which accords with NPPF para 175. The application is accompanied by a biodiversity mitigation plan approved by Dorset Natural Environment Team. This proposes limits on lighting levels, the planting of new native hedgerow and the installation of two integral bat tubes on the dwellings and a bat box on a tree. Compliance with the BMP can be secured by condition to accord with policy ME1 (Condition 12).

#### The impact on occupants health

- 8.41 Due to the former mixed use of the application site, the Council's Public Health officers have recommended that a contamination investigation is undertaken and any necessary remediation secured as a precautionary measure to ensure that the health of future residents is protected. This can be secured by condition (condition 3).

#### Other issues

- 8.42 Policy ME6 and NPPF para 163 requires that development should avoid increasing flood risk. The site lies within Flood Zone 1 and is less than 1ha in area. Details of surface water drainage have been provided which show that the proposal will increase permeability thereby reducing surface water flows generated from the site by 34% for 100yr, 6 hr event. The outfall for surface water is through the existing drainage field with an overflow to a blind ditch. It is important to ascertain how the ditch will be maintained so condition 13 requires maintenance details to be submitted.
- 8.43 It is proposed that the development is served by a sewage treatment works which will discharge into the watercourse to the west of the site. Details of maintenance and access rights are also required by condition. (Condition 14)
- 8.44 As the access to the proposed properties will not be adopted, the occupiers will need to place their bins close to the curbside for collection. A bin collection point has been provided on the pre-existing hardsurfacing which can be achieved without impacting on visibility splays.
- 8.45 The proposal will result in the loss of office and industrial accommodation, open storage and a HGV centre which has potential implications for the economy but the loss of such facilities in the countryside is not constrained by policy. The six proposed residential units will contribute to the housing

requirement set out at policy KS4 Housing. The proposal for three bedroom dwellings and two bedroom flats accords with the requirement for market housing identified in the Strategic Housing Market Assessment in accordance with policy LN1; this weighs in favour of the proposal.

## **Conclusion**

8.34 As the Council currently lacks a 5 year housing land supply, the provision of additional dwellings weighs in favour of the proposal. Having considered the policies in the NPPF that protect areas or assets of particular importance, there is no clear reason for refusing the proposed development. In accordance with NPPF paragraph 11 it is recommended that the development be granted.

## **9.0 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

9.01 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 RECOMMENDATION –**

11.1 Delegate to Development Management Manager to either:

- A) Grant**, subject to the conditions set out below and the successful completion of a S106 Legal Agreement to secure the necessary contribution towards Strategic Access Management and Monitoring in accordance with the Dorset Heathlands SPD.

**Conditions:** (the Pre-commencement conditions have been previously agreed with the applicant, as required)

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:

18141-11 D Location, Block and Site Plan  
18141-13 A Houses A & B Floor Plans  
18141-14 A Houses A & B Elevations  
18141-15 A Houses A & B Elevations  
18141-16 A House C Floor Plans  
18141-17 A Houses C Elevations  
18141-20 A Proposed Office Conversion Plans  
18141-21 A Proposed Office Conversion Elevations

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

3. Before the change of use is implemented a scheme shall be submitted to the Local Planning Authority to deal with potential contamination of the site. Such scheme shall include the following actions and reports, which must be carried out by appropriately qualified consultant(s):

(a) A Site History Report, which shall, by reference to site layout drawings of an appropriate scale, include a history of the site, past land uses, current and historical maps, site plans, locations of any known spillages or pollution incidents and the location and condition of old tanks, pits, fuel or chemical storage areas. (Please note it is the responsibility of the landowner, developer or consultant to provide and disclose all relevant information).

(b) A Site Investigation Report (based on the information contained in the site history report), will be required where the appointed consultant and/or the Local Planning Authority anticipate that contamination may be present in, on or near the proposed development area. The site investigation report must characterise and identify the extent of contamination, identify hazard sources, pathways and receptors and develop a conceptual model of the site for purposes of risk assessment.

(c) Before any works commence on site, should (in the opinion of the Local Planning Authority) remedial works be required, consultants appointed to carry out intrusive site investigation work must submit their sampling strategy to the Local Planning Authority for approval.

(d) Where contamination is found which (in the opinion of the Local Planning Authority) requires remediation, a detailed Remediation Statement, including effective measures to avoid risk to future and neighbouring occupiers, the water environment and any other sensitive receptors when the site is developed, shall be submitted to and approved in writing by the Local Planning Authority. Any remediation scheme(s), or part(s) thereof recommended in the remediation statement, shall require approval to be obtained in writing from the Local Planning Authority.

(e) No development shall occur until the measures in the approved remediation scheme have been implemented in accordance with the remediation statement to the satisfaction of the Local Planning Authority.

(f) If, during works on site, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority. Any such scheme shall require approval to be obtained in writing from the Local Planning Authority.

(g) On completion of all the works detailed in the agreed Remediation Statement, a Remediation Completion 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 to be submitted to the planning authority confirming that all works as specified and agreed have been carried out to the point of completion. Until the Planning Authority is in receipt of said Remediation Completion Report and has approved the contents of the statement and the standard of work completed in writing it will be viewed that the remediation of the site is incomplete.

Reason: To protect the health of future occupants.

4. 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 by Barrell Tree Consultancy, ref: 18338-AA-PB dated 18th December 2018. The tree protection shall be positioned as shown on the Tree Protection Plan, ref: 18338-BT1, 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.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

5. Prior to commencement of works (including site clearance and any other preparatory works) a plan showing service routes, including the position of any soakaways outside of the identified Root Protection Areas shall be submitted and agreed with the LPA.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

6. The development hereby permitted shall be constructed entirely of the materials details of which are shown on the approved plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: This is required to ensure the satisfactory visual relationship of the new development to the existing

7. All planting shown on the landscaping plan drawing no. 10151 shall be completed before the end of the planting season following completion of the development. Any such plants that are removed, die or become, in the opinion of the Local Planning Authority seriously damaged or defective, within five years of planting shall be replaced with specimens of similar size and species as originally planted.

Reason: To safeguard the amenities of the area and ensure the enhancement of the development.

8. Details of the proposed hard landscaping of the site including hard surfacing and boundary enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping relevant to each residential unit shall be implemented prior to the first occupation of that unit.

Reason: In the interests of neighbouring amenity, visual amenity and to control aspects which may impact on drainage.

9. Notwithstanding the provisions of Part 1 Classes A and E of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent re-enactment thereof, there shall be no extensions to the dwellings hereby approved nor shall any garage or car port be erected.

Reason: To control development which would impact on the openness of the Green Belt.

10. Before the development is occupied or utilised the access improvements and first 10.00 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 Local Planning Authority.

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

11. Before the development hereby approved is occupied or utilised, the turning and parking shown on Drawing Number 18141.11 C must have been constructed. Thereafter, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent re-enactment thereof, the garages shall be maintained for the parking of vehicles and the turning and parking areas must be permanently maintained and 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.

12. The development hereby approved shall not be first brought into use unless and until the protected species mitigation and enhancement measures as detailed in the approved mitigation plan KP Ecology Ecological Report (19 December 2018) 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 enhancement and mitigation measures shall be permanently adhered to, 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

13. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the surface water drainage system has been submitted to and approved by the Local Planning Authority (LPA). The approved drainage works shall be completed in accordance with the Surface Water Concept details submitted with the application and maintained in accordance with the details agreed with the LPA.

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

14. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the foul water drainage system has been submitted to and approved by the Local

Planning Authority (LPA). The approved drainage works shall be completed in accordance with the Foul Drainage Concept details submitted with the application and maintained in accordance with the additional details agreed with the LPA.

Reason: To prevent ensure that the development is properly serviced and does not increase the risk of flooding downstream

15. The development hereby approved shall be undertaken in accordance with the Construction Management Plan submitted with the application unless modifications are first approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and neighbouring amenity

**Informatives:**

1. Unilateral undertaking
2. Dorset highways vehicle crossing
3. CIL Liable

Or

If a Section 106 Legal agreement are not secured by 31th July 2019:

**B) Refuse** permission as the proposal would :

- Fail to provide avoidance measures identified as necessary to mitigate the impact of the development, in combination with other plans and projects, on the integrity of the designated site as set out in the Dorset Heathlands Planning Framework Supplementary Planning Document (SPD) 2015-2020.

**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.