



Eastern Area Planning Committee

Date: Wednesday, 30 October 2019

Time: 10.00 am

Venue: Quarterjack Room - The Allendale Centre, Wimborne

Membership: (Quorum 6)

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

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

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



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. **Please note** that if you attend a committee meeting and are invited to make oral representations 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 more information about speaking at meetings.

There is a Hearing Loop Induction System available for public use on request. Please speak to a Democratic Services Officer for assistance in using this facility.

Recording, photographing and using social media at meetings

Dorset Council is committed to being open and transparent in the way it carries out its business whenever possible. Anyone can film, audio-record, take photographs, and use social media such as tweeting and blogging to report the meeting when it is open to the public, so long as they conform to the Protocol for filming and audio recording of public council meetings.

A G E N D A

Page No.

1 APOLOGIES

To receive any apologies for absence

1 DECLARATIONS OF INTEREST

To receive any declarations of interest

1 MINUTES

5 - 18

To confirm the minutes of the meeting held on 25 September 2019.

1 PUBLIC PARTICIPATION

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](#).

1 6/2019/0401 - DEVELOPMENT AT 4 POOLE ROAD, UPTON, BH16 5JA

19 - 36

Outline application to demolish existing building and erect a detached apartment block comprising 9 flats with details of access (all other matters reserved).

1 3/19/1463/FUL - DEVELOPMENT AT WEST PARLEY FIRST SCHOOL, GLENMOOR ROAD, FERNDOWN, DORSET, BH22 8QE

37 - 46

Proposed construction of new detached single storey classroom with covered decking area.

1 PLANNING APPEAL DECISIONS

47 - 52

To consider the applications listed below for planning permission

1 URGENT ITEMS

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

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

This page is intentionally left blank



DORSET COUNCIL - EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 25 SEPTEMBER 2019

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

Apologies: Cllrs

Also present:

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

Philip Crowther (Senior Solicitor - Planning) and Kim Cowell (Development Management Team Leader)

27. Apologies

No apologies for absence were received at the meeting.

28. Declarations of Interest

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

29. Minutes

The minutes of the meeting held on 31 July 2019 were confirmed and signed.

30. Public Participation

There were no statements or questions from Town and Parish Councils, nor public statements or questions at the meeting.

31. 3/18/3305/OUT - Development of land South of Leigh Road, Wimborne

The Committee considered an application - 3/18/3305/OUT - to vary the provisions of planning application 3/18/3305/FUL: this having been granted planning permission for the development of land south of Leigh Road, Wimborne by East Dorset District Council's (EDDC) Planning Committee at its meeting on 20 March 2019.

This permission provided for:-

- an outline application for the erection of 174 dwellings, with all matters reserved, save for means of access.
- a full planning application for the erection of a community sports facility comprising club house, playing pitches, parking and landscaping together with the change of use of the land to leisure.

This grant of permission was subject to the applicants' firstly entering into a S106 Legal Agreement, within an agreed timeframe, to secure a range of infrastructure provisions necessary to enable the development to progress successfully, and a number of conditions to guide the final form of the development. In the event that the S106 legal agreement was not secured within the agreed timeframe, the Committee had resolved to refuse the application. The basis for those planning obligations was that they met the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

With the aid of a visual presentation and taking into consideration the provisions of the Update Sheet appended to these minutes, officers put into context what the main proposals and planning issues of the development were; how these were to be progressed; how the development would contribute to meeting housing needs; what was being proposed to complement the development; and particularly, the reasoning for the variations which were now being proposed as a means of benefitting the development and what this entailed.

Plans and photographs provided an illustration of the location, dimensions and design of the development, with the presentation also confirming what the highways, traffic management, parking and access arrangements being proposed would be; how the enhancements would look and their setting; showed the development's relationship with the characteristics of the surrounding town development and landscape, the local highway network; other residential development and civic amenities in Wimborne and Colehill and its setting within the town. It was confirmed that this development was on land which had been allocated in the adopted Christchurch and East Dorset Local Plan for development, with this planning application needing to be considered on its individual merit.

Originally, following a viability assessment, a contribution of £943,938 was available to fund both off-site highway works and a proportion towards educational provision. This comprised £443,938 towards educational needs and £500,000, attributed for off-site works to be carried out by the developer, to mitigate the perceived traffic generated by this scheme - at the junction of Wimborne Road West (B3073) and the Canford Bottom Roundabout. However, the education element had only been partially funded due to the costs of the highway works, with the full education contribution of £899,694 which had been sought being based on an agreed methodology which calculated a proportionate, fair and reasonable contribution towards education from each new eligible dwelling, had only been partially funded due to viability constraints.

Subsequently however, from further transport assessments made by the applicants, it had been established that those proposed highway improvements were seen to be unnecessary in mitigating the impact of the development on the local highway network, given that it since had been determined that the volume of vehicles generated by the site would only make a marginal difference to the overall movements at that junction.

On that basis it was considered that given there was now no requirement for this funding to be used for that purpose, that contribution – the principle of which had been agreed – could now more readily benefit the educational needs which would arise from the scheme, so as to fully satisfy what had originally been assessed as being necessary.

Consequently, the applicant now proposed to reappropriate the funds to education and therefore to meet in full the requested contribution of £899,694. This still left some £44,000 from what had been previously viability tested, that was unallocated and unapportioned from the total amount, which was still available for necessary infrastructure.

The percentage of affordable housing that would be delivered by this site was determined to be 28%, which was below the policy requirement of 50%. This was justified through a Viability Assessment and had been supported by EDDC, due to the cost of combined infrastructure contributions including the direct delivery of the new on-site sports village. The proposed change in contributions had now led to a slight increase in the viability of the site. The National Planning Policy Guidance (NPPG) made allowances for the review of viability where circumstances changed, as it did here.

Given the circumstances and the advanced stage that this site had reached in the planning process, it was recommended that the £44,000 could be secured as a contribution towards the shortfall in affordable housing, in being secured as a financial contribution towards the delivery of affordable housing off-site in the parishes of Wimborne Minster or Colehill.

Officers considered that this off-site affordable housing contribution, in combination with the on-site affordable housing previously agreed, was proportionate, fair and reasonable and met the statutory tests of the NPPG.

Given that the impact of the development on the highway network would not be significant, and would be below the level of impact previously considered acceptable by Dorset Highways, officer's concluded that the Grampian style planning condition and the obligation for a £500,000 contribution towards off-site highway works was not now necessary to make this development acceptable in planning terms and this formed the basis of their recommendation. It was clarified that members' focus should solely be on what was being recommended - the s106 aspect of the application - rather the merits of the development itself or what it had to offer, as this was not part of their consideration.

The Committee were informed of what consultation had taken place and what measures to actively manage the process had been put in place as a result of the responses received to this.

Public Participation

Denis Verguson made the point, on behalf of other residents of Leigh Road, that this application conflicted with the core strategy and that what had been decided upon by the District Council should not be varied as proposed as this would set a precedent for other variations down the line. He considered that the development was too exclusive and extensive and would adversely affect local resources, services and quality of life and should, if anything, include more affordable housing. He was reminded by the Chairman that this was not

an opportunity to revisit the grant of permission, but only to be concerned with what was being recommended.

Katherine Miles for the applicant - Gleasons Strategic Land Ltd - wholly supported what was being proposed, for the reasons given, which was designed to deliver socio economic enhancements that would complement the development and those who benefitted from it. On that basis, she asked the Committee to endorse the recommendation.

One of the Ward members for Colehill and Wimborne Minster East, Councillor Janet Dover, asked the Committee to reconsider the investment in the highways network as had been originally proposed as she considered this would be necessary given her perception of the traffic which would be generated from this scheme. As Canford Bottom roundabout was busy as it was, greater traffic volumes would only exacerbate this considerably. If these highway improvements were not to take place, she questioned what would happen if it were necessary for future works to address matters and who would be responsible for doing this. On that basis she considered the variations should not be proceeded with.

The other Ward member, Councillor Maria Roe, had been given the opportunity to speak, but did not feel it necessary to do this.

The Committee were then provided with the opportunity to ask questions of the

officer's presentation and from invited speakers, with officer's providing clarification in respect of the points raised. Officers explained that the revised traffic impact assessment had been scrutinised by highways officers and Highways England and concluded that the assessment was robust in concluding that the level of traffic from the development was insufficient to justify the previously required highway scheme. It was considered that the full education contribution and affordable housing contribution were more beneficial to mitigate the impact of the development than those which might be achieved from any enhancement to the highway infrastructure. Of importance was the need for any enhancement to directly complement the development and its effect, so there was no scope for highways improvements not associated with that, however desirable this might seem.

As a means of allaying the concerns of some that the planning obligations might not necessarily be fulfilled by the developer, the Senior Solicitor confirmed that the s106 Agreement was a binding obligation between the developer and had to be in place before planning permission would be granted.

Officers considered that given all of this, together with those changes made to the proposals in response to the representations received to the formal consultation process, now satisfactorily addressed what concerns there had been so, on that basis, officers were recommending that permission be granted for the approval of the application. Having heard what officers had to say about this, members were largely satisfied with the responses received in their more meaningful understanding of what the variations entailed.

Nevertheless, some members remained concerned that the highways were not now to receive the funding that might be necessary for them to function as effectively as they might. They felt that a development of this size would have some considerable effect on increasing the traffic movements to the south of Wimborne and Colehill, despite the engineering predictions. Given this, they felt there should be some means by which that infrastructure commitment could be maintained. However, they accepted that the basis of assessments made were on tried and tested modelling used elsewhere for such purpose, in being fundamental to the Council's highways strategy.

However other Councillors expressed the view in that what was being proposed went

some considerable way to achieving all that was necessary in satisfactorily complementing the development, in ensuring that the funding available for the facilities now to be provided brought the greatest benefits that were possible and practicable. They accepted the technical assessment made by officers and traffic engineers about what traffic volume and movements would arise from the new estate - in that there would be no significant additional detriment to traffic congestion or generation. Moreover, they were confident in their understanding that Highways England had made a commitment to address any necessary improvements to optimise the capacity of the roundabout in the near to medium term. They considered this would adequately manage all that was needed at that junction and accepted the assessment made.

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, what they had heard at the meeting from the case officer, legal advisor and those invited speakers, the Committee were satisfied in their

understanding of what the variations were designed to do and why they were seen to now be necessary in addressing the educational and affordable housing needs of

the development. On that basis – and on being put to the vote – the Committee considered that the variation to the planning application should be approved and permission granted on that basis, subject to the conditions set out in the officer's report, and having regard to the provisions of the Update Sheet.

Resolved

That planning permission of application 3/18/3305/FUL be varied by 3/18/3305/OUT for the Development of land South of Leigh Road, Wimborne by reason of/ in that :-

- Condition 15 of application 3/18/3305/FUL being removed,
- The requirement for £500,000 contribution to the Canford Bottom Roundabout /Wimborne Road West junction improvement being no longer required in the Heads of Terms for the S106 Agreement, and
- The full education contribution of £899,694 be required as part of the Heads of Terms of the S016 Agreement.
- That the residue of the collective S106 sum be allocated towards an off-site Affordable Housing contribution of

£44,000 be required towards the delivery of affordable housing in the parishes of Wimborne Minster or Colehill so as this might increase that proportion from the current 28%

- That the period for the preparation of the Agreement be extended to 31 October 2019

subject to the conditions set out in the officer's report and having regard to the provisions of the Update Sheet.

32. Appeals summary

The Committee received a summary of appeals decisions made, the reasoning for this and what the outcomes were, with officers providing some relevant background detail to each.

Members considered this to be most informative in assisting their better understanding of this process and its practicalities.

Noted

33. Urgent items

There were no urgent items for consideration.

34. Update Sheet

Planning Applications

Application Ref.	Address	Agenda ref.	Page no.
3/18/3305/FUL	Land South of Leigh Road	5	19
<p>Update(s): Replacement of the first two paragraphs on page 20 with the following:</p> <p><i>In part the legal agreement sought to secure the following contribution:</i></p> <ul style="list-style-type: none">• £443,938 as a proportionate contribution towards education. <p><i>In addition to the legal agreement, a Grampian style pre-occupation condition (no. 15) was proposed to secure off-site works (estimated to cost £500,000) at the junction of Wimborne Road West (B3073) and the Canford Bottom Roundabout as follows:</i></p> <p>Update to second paragraph of section entitled <u>Conclusion</u></p> <p><i>Given that the impact of the development on the highway network will not be significant, and will be below the level of impact previously considered acceptable by Dorset Highways, it is concluded that the Grampian style planning condition and the obligation for a £500,000 contribution towards to deliver off-site highway works is not necessary to make this development acceptable in planning terms.</i></p> <p>Update to second bullet point in section entitled <u>Recommendation</u></p> <ul style="list-style-type: none">• <i>The requirement for £500,000 contribution of works to the Canford Bottom Roundabout /Wimborne Road West junction improvement no longer be required in the Heads of Terms for the S106 Agreement, and</i>			

New section to be added after section entitled Education Contribution on page 21

Affordable housing

A contribution of £1.0m was agreed with the developer (paragraph 8.234 of the 20 March 2019 report) following viability assessment. The total financial cost of the contributions sought towards Education and Canford Bottom Roundabout works through the resolved Heads of Terms and conditions was estimated at £943,938, with contributions towards SAMM and local surgeries making the total to £1.0m. The total contribution now sought towards Education alone is £899,694. This is a reduction in total infrastructure contribution of approximately £44,000.

The percentage of affordable housing that will be delivered by this site was set in the previous resolution at 28%, which is below the policy requirement of 50%. This was justified through a Viability Assessment and supported by EDDC due to the cost of combined infrastructure contributions including the direct delivery of the new on site sports village. The proposed change in contributions leads to a slight increase in the viability of the site. The NPPG (ref ID 10-009-20190509) provides support for the review of viability where circumstances change.

Given the circumstances, the scale of the change in viability, and the advanced stage that this site has reached in the planning process, it is recommended that the £44,000 be secured as a financial contribution towards the delivery of affordable housing off-site in the parishes of Wimborne Minster or Colehill.

New paragraph to be added at the end of the Conclusion section on page 22

The affordable housing contribution sought is based on assigning residual viability within the site as an off-site affordable housing contribution, given that the proposal has become slightly more viable as a result of the change proposed to other contributions. This ensure that the opportunity is taken to review and make the site more policy compliant in light of changing circumstances, as recommended in the NPPG. The off-site affordable housing contribution, in combination with the on-site affordable housing previously agreed, is proportionate, fair and reasonable and meets the tests of Regulation 122 (2).

New bullet point to be added to Recommendation A)

- *An off-site Affordable Housing contribution of £44,000 be required towards the delivery of affordable housing in the parishes of Wimborne Minster or Colehill*

Duration of meeting: 10.00 - 11.15 am

Chairman

This page is intentionally left blank

1.0 Application Number: 6/2019/0401

Webpage:

<https://planningsearch.purbeckdc.gov.uk/Planning/Display/6/2019/0401>

Site address: 4 Poole Road, Upton, BH16 5JA

Proposal: Outline application to demolish existing building and erect a detached apartment block comprising 9 no. flats with details of access (all other matters reserved)

Applicant name: Mr Martin Woodhall

Case Officer: Alexandra Dones (Senior Planning Officer)

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

Comments received from the Town Council are contrary to officer recommendation and Dorset Councillors have requested that the application is referred to planning committee. The nominated officer has given careful consideration to all representations received and the planning merits of the application concluding that the application should be presented to the planning committee.

2.0 Summary of recommendation:

Officers are recommending approval subject to conditions set out in the report.

3.0 Reason for the recommendation:

- The location is considered to be sustainable as it is within the designated settlement boundary.
- The preliminary/ indicative plans and drawings are acceptable in terms of design and scale.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The site is in a sustainable location within the settlement boundary of Upton where residential redevelopment is acceptable in principle.
Loss of Retail Provision	The site lies adjacent to but outside the safeguarded area as defined in Policy RP. Policy CF requires marketing of

	premises for 9 months. Marketing been undertaken without any interest and is therefore acceptable.
Layout, scale, design and impact on the character and appearance of the area	This application only seeks to obtain approval for the principle of development and access. Based on the illustrative and indicative plans it is not considered the proposal would adversely impact on the character and appearance of the area. All detailed scale and design matters will need to be the subject of reserved matters application. This provides the opportunity to ensure that as far as practicable the impact of the development is minimised.
Impact on the living conditions of the occupants of neighbouring properties	Based on the illustrative and indicative plans it is not considered the proposal would adversely impact the living conditions of the occupants of neighbouring properties. As part of the reserved matters application it will be possible to ensure the development is designed to minimise impacts on neighbouring amenity.
Access, parking and highway safety	Officers consider the proposed access, parking and highway safety to be acceptable and in accordance with both national and local planning policies. The Highways Officer has raised no objections to the proposals.
Flood risk and drainage issues	There is no identified flood risk issue for the site. A suitable method of disposal of surface water from the development will be agreed by planning condition.
Impact on trees/ hedgerows	The application is supported by a tree survey. Landscaping would be assessed in full as part of the reserved matters application.
Biodiversity	An Appropriate Assessment has been undertaken as part of this planning

	application which shows that there is no unmitigated harm generated by the proposals.
--	---

5.0 Description of Site

The site is located on the south side of Poole Road within the settlement boundary of Upton. Currently the site is occupied by a two storey building with a single storey element adjacent to the highway, formerly used as a shop. The building is constructed of red brick with prominent bay windows and chimney stacks. The building is currently unused and the site is therefore vacant. To the rear of the site is St Dunstons Church and to the east of the site is the Co-operative convenience store.

The surrounding area is an established residential area comprising dwellings which vary in their style, age and size.

6.0 Description of Development

The applicant seeks outline planning permission to demolish the existing building and erect a detached apartment block comprising of 9 flats with details of access (all other matters are reserved). An ‘illustrative/ indicative plan’ has been submitted to show a suggested positioning for the new building and the general layout of the site. The indicative plans are not formally part of the application but they give some indication of how the proposals could be accommodated within the application site. The indicative layout plans include details of a shared rear garden, bin storage and a bike shed. The application is also supported by a transport assessment and a tree survey.

If outline permission is granted, details of layout, scale, appearance, and landscaping will be submitted for consideration under a separate reserved matters planning application.

7.0 Relevant Planning History

6/1989/0752 – The application proposed the erection of a pair of semi-detached bungalows and block of two garages together with new vehicular access onto Poole Road. The proposals were refused on 10 October 1989 as the existing building was to be retained and the proposal represented backland development of the site.

6/2015/0366 - planning permission was granted at 6 Poole Road, located next door for the demolition of the car repair workshop to rear and conversion and extension of car showroom to form Class A1 convenience store with two bedroomed flat above and new access and car park. This was approved on 3 September 2015. The previous Co-operative convenience store moved to this property from the application site.

8.0 List of Constraints

This site is in the parish of Lytchett Minster and Upton.

This site is within a Settlement Boundary – Upton.

This site is within 5km of a European Habitat (SSSI). Natural England standing advice.

This site is in the Bournemouth Airport Building Restriction Area

This site is in the Bournemouth Airport Windfarm Safeguarding Area

This site is in a River Catchment - Poole Harbour

This site has a TPO Order - T1 - Monterey Pine.

This site falls within the Nitrate SPD Catchment Area.

9.0 Consultations

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

- **Highways Team**

No objection (received 19/08/19).

The Dorset Highway Authority notes that due to the applicant considering the area to be sustainable and suited to car free development no parking is proposed in support of the redevelopment of the site. The Bournemouth, Poole and Dorset Residential Parking Guidance suggests that some onsite parking provision is required but the Highway Authority also considers that the location for reasons given in the supporting transport statement could be regarded as "sustainable". There are parking restrictions implemented at various locations in the vicinity of the site and these could be legally amended, if required (using legislation outside of the Planning process). The Authority is of the opinion that the residual cumulative impact of the development cannot be thought to be "severe", when consideration is given to paragraphs 109 of the National Planning Policy Framework (NPPF 2018) and therefore, has no objection.

- **Drainage Engineer**

No objection (received 21/08/19).

Subject to conditions.

- **Planning Policy Team**

No objection (received 16/09/19).

With regards to the loss of retail use - the current building is a mix of C and A use classes. The proposal is solely C3 (residential) so the area would lose some retail provision. Policy RP: Retail Provision of the Purbeck Local Plan Part 1 stipulates how to safeguard against the loss of retail provision but the policy only applies to town and local centres and this application is located adjacent to a local centre. With regards to car

parking - the outline application proposes no car parking spaces, relying on the use of public transport, cycling and walking routes and on-street parking which is discordant with policy guidance. The Purbeck Local Plan Part 1 expects reasonable car parking arrangements as set out in paragraph 8.15.6, 'in assessing the sustainability and design quality of applications for development and other works, the Council will expect conformity to be shown with...Dorset County Council's Residential Car Parking Strategy'. This theme is reiterated in Policy IAT: Improving Accessibility and Transport that stipulates development should provide for adequate parking levels in line with the Bournemouth, Poole and Dorset Residential Car Parking Strategy. The Council fully supports the ambition to use local cycling and walking routes and encouraging people to use public transport, however, the scheme could be improved if it was less reliant on on-street parking for those who own a car.

- **Environmental Health**

No objection (received 08/08/19).

Subject to conditions regarding noise and contamination.

- **Lytchett Minster and Upton Town Council**

Objection (received 15/08/2019).

Object regarding the failure to provide any onsite parking in view of the extant local parking problems in the immediate area and town centre generally.

Representations received

Eleven objections received from neighbours. Nine of the eleven objections raised concerns regarding the lack of parking provision.

Issues
Nine of the eleven neighbour representations raised concerns regarding the lack of parking proposed as part of the proposals.
Neighbours, the Church and Church goers raised concerns regarding the occupiers of the flats parking in the church/ community centre car park which is not for public use.
The Church expressed how enforcing the removal of cars from their car park isn't feasible.
Concerns raised regarding the amount of existing pressure already on the on-road parking by the users of nearby, shops, pharmacies and surgeries.
Neighbours raised concerns regarding where delivery vans/ lorries will park when delivering to the flats.
Neighbours raised concerns regarding the parking study's conclusion that additional cars could park in Heights Approach. Occupiers of Heights Approach commented that their driveways are regularly blocked by cars.
Neighbours raised concerns regarding additional traffic generation and the impact on highway safety.
Neighbours commented that car free properties are unrealistic and also unenforceable.
Neighbours to the rear of the site raised concerns regarding the overall size of the building and how far it extends at the rear. This is close to their property, trees and retaining walls.
Neighbours to the rear of the site raised concerns regarding noise levels due to the communal garden and location of the bike shed.

10.0 Relevant Policies

Purbeck Local Plan Part 1:

Policy LD: General Location of Development

Policy SD: Presumption in favour of Sustainable Development

Policy D: Design

Policy IAT: Improving Infrastructure and Transport

Policy BIO: Biodiversity and Geodiversity

Policy FR: Flood Risk

Policy RP – Retail provision

Policy CF – community facilities and services

Emerging Purbeck Local Plan

No relevant policies.

NPPF

Chapter 4: Decision-making

- Paragraphs 47 & 48 – Determining applications
- Paragraphs 54 & 55 – Planning conditions and obligations

Chapter 9: Promoting sustainable transport

- Paragraphs 108, 109 & 110 – Considering development proposals

Chapter 12: Achieving well-designed places

- Paragraphs 124, 127 & 130 - Achieving well-designed places

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

- Paragraphs 155 & 163 – Planning and Flood Risk

Chapter 15: Conserving and enhancing the natural environment

- Paragraphs 170, 172 & 173 - Conserving and enhancing the natural environment
- Paragraph 175 – Habitats and biodiversity

Other material considerations

Purbeck District Design Guide Supplementary Planning Document

The Bournemouth, Poole and Dorset Residential Parking Guidance

Strategic Flood Risk Assessment 2018

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

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

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

The site is relatively level and detailed considerations can be made at reserved matters stage.

13.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
CIL Contributions	Assessed at reserved matters stage.
Business Rates	Loss of £13,000.00
Council Tax	A reduction in 1 x Band B (£1576.68) and an extra 6 x Band A (£8108.58) and 3 x Band B (£4730.04) based on the indicative plans in relation to 1 and 2 bed flats.
New Homes Bonus	£13,360.00

14.0 Climate Implications

The proposed development is for a residential scheme in a sustainable location within the town of Upton which is designed to encourage the use of public transport instead of private car ownership. The proposal is not considered to have a significant impact upon climate implications.

15.0 Planning Assessment

Principle of development

The proposals are to erect a building comprising of 9 flats within the settlement boundary of Upton. Policy LD of the Purbeck Local Plan Part 1 states that development should be focussed within settlement boundaries. The policy also includes a hierarchy of settlements, with the towns being placed at the top of the hierarchy. Both National and Local planning policies set out the presumption in favour of sustainable development where land within defined settlement boundaries is considered to be a sustainable location for development. The principle of development is therefore considered to be acceptable subject to other material planning considerations.

Loss of retail provision

The site is located outside of boundaries of the town centre and local centre area as defined by Policy RP of the Purbeck Local Plan Part 1. Policy CF requires that village / local shops should be safeguarded and only permitted to be replaced if it can be demonstrated that there is no longer a need for the community facility through sufficient and realistic marketing of the current use over a period of at least 9 months that the use is unviable. Marketing details have been provided to demonstrate this and no interest was shown in the property. This was detailed as being predominately in a residential area, the unit has the burden of a flat above and the location is too far away from the town / local centre. Upton is already well served with community uses with 4 convenience shops, 2 coffee shops / cafes, 3 hairdressers, 3 estate agents, 2 chemists, 3 schools, 2 places of worship, a children's nursery and a library. On this basis the loss of the community facility is justified. Therefore there is no policy objection to the loss of the retail facility.

Layout, scale, design and impact on the character and appearance of the area

This application is for outline permission with only, principle and access being considered at this time. However an indicative layout plan has been submitted and this details a three storey building comprising a mix of 1 and 2 bed flats.

No specific details of design and materials have been provided. The Design and Access Statement states that the building will have a roof ridge no higher than the existing building. It is intended that the building will be located further back into the site than the existing building to reduce the bulk when viewed from the highway and to separate the flats from the commercial buildings located on the highway.

In assessing all the above, Officers do not consider that the proposal has the potential to be visually harmful subject to detailed design and landscaping proposals being submitted and conditioned.

Impact on the living conditions of the occupants of neighbouring properties

It is shown on the indicative/ illustrative plans that it should be possible to design a building that maintains privacy, outlook, and minimises impact on the living conditions of the occupants of the nearby residential dwellings. These issues will be considered in full as part of the reserved matters application.

Access, parking and highway safety

Access is submitted for consideration as part of this outline planning application. Access is defined in the Planning Practice Guidance as; 'the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network'. Submitted with the application is a transport assessment/ statement.

The proposals are for a building comprising of 9 flats with no onsite parking provision. A number of objections have been received from neighbours and the Town Council regarding the lack of proposed parking. Neighbours and the Town Council have commented that parking is a known issue in Upton and has been for a number of years. The design and access statement, and transport survey conclude that occupiers could reside in the flats, without needing to own a car. Both the transport survey and the design and access statement place emphasis on the use of public transport, walking and cycling. There are shops, pharmacies and other amenities within a short walking distance of the site and regular public transport options into nearby towns. The nearest bus stop is located on Poole Road approximately 25m opposite the site and this has regular services heading east bound towards the centre of Poole. The bus stop for east bound journeys is located approximately 250m away to the east of the Factory Road junction. The proposals include the erection of a secure bike shed for the occupiers and the transport survey sets out the suitability of the nearby cycle routes which include designated cycle ways and bridleways.

Neighbours raised concerns that it is unenforceable to have a car free development as stated in the supporting documents. Although the design and access statement and transport survey encourage and support occupiers who do not own cars, the development will not 'ban' occupiers who do own cars. The transport survey refers to nearby available on- street parking on Poole Road, however, the on street parking is limited to 30 minutes. Parking on nearby Heights Approach is unrestricted and the transport survey undertaken on a Monday and Sunday concludes Heights Approach could accommodate at least another 4 cars from the proposed development. Many occupiers of Heights Approach raised concerns regarding the potential for more cars parking on Heights Approach and commented that their driveways are often blocked and that there is no space for more cars. The Highways Officer commented that the

potential impact and additional demand for on street parking cannot be classed as 'severe' in accordance with paragraph 109 of the NPPF and therefore raised no objections to the proposals.

The Bournemouth, Poole and Dorset residential parking strategy advises adequate parking is required for residential development, however, as stated by the Highways Officer this document is for guidance purposes only and therefore proposing no parking would not warrant the refusal of the application.

The NPPF focuses heavily on encouraging sustainable methods of transport. It should also be noted that Dorset Council declared a climate emergency earlier in 2019 and Officers consider a shift towards developments that discourage car use and ownership support the general aims of the Council in relation to reducing the areas impact on climate change. The Planning Policy Officer also commented that the council supports developments that propose to use the local cycling and walking routes, however the scheme could be improved if it was less reliant on on - street parking for those who do own a car.

In line with the comments of the Town Council, Officers discussed with the Highways officer the potential for a re-design to allow for some parking spaces to be provided. Officers approached the agent regarding a potential re-design, however, the applicant/ agent did not wish to alter the scheme.

The church and other neighbours raised concerns regarding future occupiers parking in the church/ community centre car park which is not public. Officers understand the concerns and frustrations, however, this is a civil matter and Officers cannot refuse an application based on an assumption that the cars 'may' park there. Neither the transport assessment nor the design and access statement conclude that the occupiers could use the church car park.

The proposed indicative layout shows a vehicular access to the site and a small area where delivery vans/lorries could pull up. The Highways Officer raised no objections to the proposed access or the potential impact of the proposals on highway safety.

In summary, Officers have carefully assessed the absence of parking provision and it is considered that the proposals are in accordance with both national and local planning policies. Any potential harm is not considered sufficient enough to warrant refusal of the application and the Highways Officer confirmed that the potential impact of the proposals could not be classed as 'severe' as set out in the NPPF. Officers consider the proposed access, parking and highway safety are acceptable.

Flood risk and drainage

The District Engineer has no objection to the proposal but notes that to alleviate the possible risk of flooding to this site and adjoining catchment land, an appropriate sustainable drainage system must be agreed by a planning condition.

Biodiversity

An Appropriate Assessment has been undertaken in accordance with requirements of the Conservation of Habitats and Species Regulation 2017, Article 6 (3) of the Habitats Directive having due regard to Section 40(1) of the NERC Act 2006 and the NPPF, which shows that there is no unmitigated harm generated by the proposals to interests of nature importance.

16.0 Conclusion

All significant planning matters have been adequately and appropriately addressed. Officers are recommending approval of this outline planning application.

17.0 Recommendation

Grant outline planning permission subject to the conditions as set out below.

1. Before any development starts details of 'reserved matters' (that is any matters which concern the layout, scale or appearance of the building(s) to which this permission and the application relates, or the landscaping of the site) must be submitted to the Council for subsequent approval. Application for approval of any 'reserved matter' must be made within three years of the date of this permission.

Reason: This is a mandatory condition imposed by the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to encourage development to take place at an early stage.

2. The development must start within two years from the final approval of the reserved matters.

Reason: This is a mandatory condition imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to encourage development to take place at an early stage.

3. The development permitted must be carried out in accordance with the following approved plans: 50193/PO-01A

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

4. Before any groundworks start a scheme for dealing with surface water drainage from both the existing and proposed developments must be submitted to and approved in writing by the Council. This must include details of the on-going management and maintenance of the scheme. The appropriate design standard for the drainage system must be the 1 in 100 year event plus an allowance for the predicted increase in rainfall due to climate change. Prior to the submission of those details, an assessment must be carried out into the potential for disposing of surface water by means of a sustainable drainage system (SuDs). The results of the assessment must be provided to the Council. The approved drainage scheme must be implemented before the first occupation of the building/any of the buildings. It must be maintained and managed in accordance with the agreed details.

Reason: These details are required to be agreed before ground works start in order to ensure that consideration is given to installing an appropriate drainage scheme to alleviate the possible risk of flooding to this site and adjoining catchment land.

5. A noise assessment must be submitted with the reserved matters application to demonstrate that the living rooms and bedrooms of the proposed flats will meet the internal noise levels (35LAeq 0700-2300 hours and 30LAeq 2300-0700 hours respectively) in accordance with BS8233:2014.

Reason: In the interest of neighbour amenity in addressing noise concerns from the nearby retail use.

6. A contamination assessment must be submitted with the reserved matters application. This must be a desk study with an appropriate risk assessment which will determine whether a site investigation is necessary in accordance with CLR11 Model Procedures.

Reason: The change of use of the site involves increasing the sites sensitivity and it would be particularly vulnerable to the presence of contamination. This is due to the previous commercial use of the site adjacent to a car repair work shop.

7. Before work starts on site, an Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted to, and approved in writing by the Council. All

works must be carried out in accordance with the approved details. In particular, the method statement must provide the following: (delete where not appropriate)

- a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing;
- b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012);
- c) a schedule of tree work conforming to BS3998;
- d) details of the area for storage of materials, concrete mixing and any bonfires;
- e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility;
- f) details of any no-dig specification for all works within the root protection area for retained trees;
- g) details of the supervision to be carried out by the developers tree specialist;

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.

8. 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.

9. Informative Note - Community Infrastructure Levy. This outline planning permission is not subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008, but any reserved matters application will be.

10. Statement of positive and proactive working: In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and creative approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, and as appropriate updating applicants/agents of

any issues that may arise in the processing of their application and where possible suggesting solutions.

For this application: the application was acceptable as submitted and no further assistance was required. The application was approved without delay.

This page is intentionally left blank

Approximate location of site on map



Application Reference: 6/2019/0401

Address: 4 Poole Road, Upton, BH16 5JA

Application: Outline application to demolish existing building and erect a detached apartment block comprising 9 no. flats with details of access (all other matters reserved).



This page is intentionally left blank

REPORT SUMMARY

REFERENCE NO.	3/19/1463/FUL		
Webpage:	http://eastdorsetplanning.gov.uk/disclaimer.aspx?returnURL		
APPLICATION PROPOSAL	Proposed new detached single storey classroom with covered decking area		
ADDRESS	West Parley First School, Glenmoor Road, Ferndown, Dorset, BH22 8QE		
RECOMMENDATION - GRANT subject to conditions (see Section 12 of the report for the full recommendation)			
REASON FOR REFERRAL TO COMMITTEE			
<ul style="list-style-type: none"> Dorset Council is the landowner 			
SUMMARY OF REASONS FOR RECOMMENDATION			
<ul style="list-style-type: none"> The proposal will be of public benefit by creating an additional classroom at the school. There is not considered to be any significant harm to neighbouring residential amenity. There are no adverse landscape impacts. There will be no additional traffic movements generated by the development. There are no material considerations which would warrant refusal of this application. 			
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL			
Not applicable			
APPLICANT	Parley First School	AGENT	Mr Andrew Mooney
WARD	Parley	PARISH/TOWN COUNCIL	West Parley
PUBLICITY EXPIRY DATE	8 September 2019	OFFICER SITE VISIT DATE	15 August 2019
DECISION DUE DATE	2 September 2019	EXT. OF TIME	1 November 2019
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
3/18/0471/DCC	Erect a modular classroom	No objection raised	19.03.2018

3/09/0573/FUL	Continue temporary siting of mobile classroom building for nursery school	Granted	24.08.2009
3/05/0148/FUL	Renewal of temporary permission (3/95/0310) for unit as Montessori Nursery School	Granted	19.05.3200 5
03/02/1541/FUL	Installation of covered area to rear of existing classroom	Granted	28.01.2003
03/02/0164/FUL	Extension of pre-fabricated building to provide additional nursery school place	Granted	25.04.2002
03/95/0310/FUL	Temporary unit for use as Montessori Nursery School	Granted	28.06.1995

1.0 DESCRIPTION OF SITE AND SURROUNDINGS

- 1.01 West Parley First School comprises a collection of single storey buildings; constructed of brick and timber, located in a residential area. Access to the site is from Glenmoor Road with on-site parking provided both along the access route and to the north of the main school buildings.
- 1.02 To the north of the application site, separated by a high hedge and footpath is a nursery and pre-school. To the north of the pre-school is the parking and service area to a small parade of shops in Glenmoor Road with residential flats. To the west and east of the site are the rear gardens to residential properties in Wollaton Road and Ellesfield Drive.
- 1.03 To the south of the main building range are grassed and hard surfaced playing areas. The proposed single storey classroom building would be located to the north of the main school building; on part of a grassed area in use as a playground, and adjacent to a footpath providing access through a pedestrian gate to a Wollaton Road.

2.0 PROPOSAL

- 2.01 This application seeks approval for a detached, prefabricated, single storey timber classroom building with a covered, external decking area. The timber building would have a natural stain finish with a felt shingle roof finish. Internally the building provides an entrance lobby, a classroom, two offices a kitchen area and two toilets of which one is for disabled users. The proposal also incorporates an access ramp. The raised, covered deck will provide an outside learning space.

3.0 SUMMARY OF INFORMATION

Details of Proposed Development:	
Width (approx. metres)	7m
Length (approx.. meters)	14m (building) 5.9m (access ramp)
Height to ridge (min/max, approx. metres)	4m
Height to eaves (min/max, approx. metres)	3.1m
Distance from boundaries (minimum in m)	West with residential properties – 30m
Materials	Natural stain finish timber with felt shingles roof

4.0 RELEVANT PLANNING CONSTRAINTS

Open Space/Recreation
Main Urban Area

5.0 POLICY AND OTHER CONSIDERATIONS

Development Plan:

Christchurch and East Dorset Core Strategy 2014

KS1: Presumption in favour of sustainable development
HE2 Design of new development
HE3 Landscape Quality
LN7 Community Facilities and Services
HE4 Open Space Provision
ENV 3 Pollution and Existing Development

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

The requirement for good design set out in section 12; paragraph 127 requires that development should add to the overall quality of the area. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions (para 130).

National Design Guide (2019)

Part 2 – The ten characteristics (A well-designed place)

6.0 LOCAL REPRESENTATIONS

6.01 In addition to letters to neighbouring properties, a site notice was posted on the site on 15 August 2019 with an expiry date for consultation of 8 September 2019.

No letters of representation have been received.

7.0 CONSULTATIONS

7.01 **West Parley Parish Council** - No objection

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

8.0 APPRAISAL

8.01 The main planning considerations are:

- The principle of development
- impact upon the character of the area
- impact on neighbouring amenity
- impact on open space
- Hedge retention

These and other considerations are set out below

Principle of Development

8.02 Both paragraph 14 of the NPPF, and KS1 of the Local Plan place a presumption in favour of sustainable development. This site falls within the urban area of West Parley, identified as a main settlement in Policy KS2 of the Local Plan, being a sustainable location where development is supported. The site is therefore a suitable location for development

Impact on character and appearance

- 8.03 The proposed classroom and covered decking will not be readily visible from the public realm and will have negligible impact on the appearance of the site or locality.
- 8.04 The building will be appropriate in scale in relation to the existing buildings. Although its form and materials differs to the main school building, there is another timber building within the school range. Given its unobtrusive siting and form the proposed building will not detract form or have an adverse impact on the character and appearance of the site or the wider area.

Impact on amenities

- 8.05 No letters or representations have been received from third parties and West Parley Parish Council has raised no objection to this proposal.
- 8.06 The siting, scale and form of the proposed building and deck will ensure that the occupants of the neighbouring residential properties will not experience a loss of light or privacy and the proposal will not appear visually intrusive.
- 8.07 The existing use of the site will not be changed and on account of the separation distances and intervening uses, the proposal is unlikely to result in an increase in noise and disturbance that would harm neighbouring amenity.
- 8.08 To the north of the application site is 'Rainbow's End' a Montessori pre-school facility which has its main building, external play spaces and parking directly adjoining residential gardens. The nursery operates daily from 8am-6pm providing for children below school age.
- 8.09 The proposed decking area would only be used as an outside learning space between 9.00am and 3.00pm, Monday – Friday within term time only. Its use is also weather dependant. Use of the external space will be supervised the intention being to provide a calm environment suitable for learning.
- 8.10 For these reasons the proposal is considered to be acceptable and unlikely to result in an increase in noise and disturbance to occupants of neighbouring residential properties.

Open Space

- 8.11 The proposed classroom will be sited to the far north of the existing school buildings on part of a grassed area and hardstanding currently in use as a playground.
- 8.12 A small section of the grassed area which has several items of external gym equipment located on it would be lost by the proposal, however this is not an area that is encouraged to be used due to the proximity to the boundary of the school grounds. The agent has confirmed that *'the school had already considered the relocation of the gym equipment so that it can be utilised in a*

more convenient position, and be used more widely by pupils during free play times.....

Additionally, the repurposing of this area of land will not restrict the opportunities for pupils to play freely, as it is not utilised unless under supervision due to the proximity to the fence line is generally used as a play space during wet periods where pupils are not permitted on the softer landscaped areas. When the weather is dry and fine the pupils are encouraged to utilise the ground to the rear of the school building which offers over 10,000 sq m of field space’.

Hedge retention

- 8.14 The site plan 1076/701D shows the retention of the existing hedge adjacent to footpath to the north. Nevertheless, it is recommended that condition securing hedge retention be included with this approval in the interests of the amenity and the appearance of the locality.
- 8.15 Whilst the proposed building is indicated to be of a modular design, it is not clear from the submitted details how the building will be supported, however it does appear to be outside the root protection area of the tree on the west boundary.

CONCLUSION

- 8.16 Taking into account the considerations set out above, the application is found to accord with the development plan and national planning policy and guidance. There are not considered to be any matters which would warrant a refusal of planning permission in this case and the application is therefore recommended for approval.

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

11 CLIMATE IMPLICATIONS

11.01 The proposed additional classroom will help to future proof the school in terms of facilities/capacity it provides for families in the local area, maintaining it as a viable and accessible educational facility to serve the local community. The proposal is small scale, and sustainable in terms of both its construction and location. For these reasons the proposal it is not considered to have a significant impact on climate change.

12.0 RECOMMENDATION

12.1 **Grant** subject to the conditions set out below

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:

1076-700 Location plan
1076-701 D Plans and Elevations

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

3. The development hereby permitted shall be constructed entirely of the materials details of which are listed within application form 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

4. The boundary hedge adjacent to footpath to the north shall be retained and any plants which are found to be dead, damaged or dying during the first five years shall be duly replaced and the hedge thereafter retained.

Reason: In the interests of the amenity and the appearance of the locality.

Background Documents:

Case Officer: Diana Mezzogori - Curran

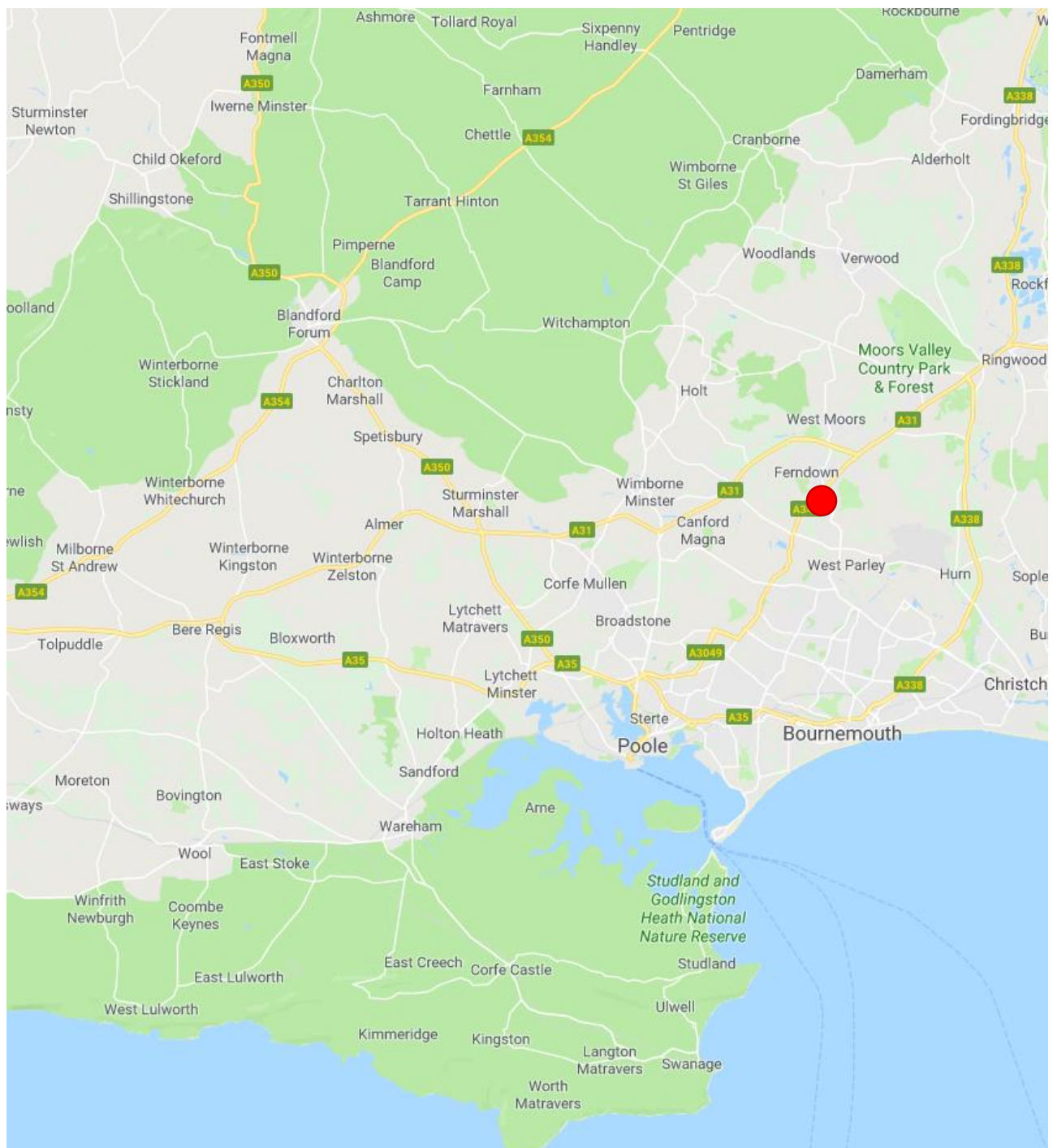
NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website below:
<http://eastdorsetplanning.gov.uk/disclaimer.aspx?returnURL>

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

Approximate Site Location 

3/19/1463/FUL – Parley First School, Glenmoor Road, Ferndown, Dorset, BH22 8QE

Proposed new detached single storey classroom with covered decking area.



This page is intentionally left blank

EASTERN PLANNING COMMITTEE

Appeal Decisions

1. PURPOSE AND RECOMMENDATIONS

Purpose of Report: 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.

Recommendations: It is **RECOMMENDED** that:
(This report is for Information)

Wards: Council-wide

3.0 APPEAL DECISIONS

3.1 Appeal Reference: APP/U1240/W/17/3171902 & 07

Planning Reference: 3/16/2300/FUL & 3/16/2301/LB

Proposal: Change of use of existing single storey agricultural building and conversion to 1no. holiday let. Erection of stable block and covered parking.

Address: New Barn Farm, Cranborne Road, Knowlton, BH21 5AE

Linked appeals at the same address:

Appeal Reference: APP/U1240/W/17/3171910

Planning Reference: 3/16/2302/FUL

Proposal: Demolition of 2 existing agricultural barns and the erection of 1 new agricultural barn

Appeal Reference: APP/U1240/W/17/3171914

Planning Reference: 3/16/2304/FUL

Proposal: Construction of New Farm Shop Building to End of Existing Agricultural Building (single storey with mezzanine)

Decision: Planning Application Appeals Dismissed
Listed Building Consent allowed

New Barn Farm lies west of the B3078 in a rural area which forms part of the Cranborne Chase and West Wiltshire Downs AONB, immediately adjacent to (and in the centre of) Knowlton Circles Complex Scheduled Ancient Monument. A number of planning permissions have been approved in recent years for alterations and extensions to the grade II listed Farmhouse and conversion of the grade II listed barns immediately to the south.

The appeals were lodged on the grounds of non-determination. Subsequently the Planning Inspectorate screened the applications as requiring an Environmental Assessment which resulted in significant delays to the appeal process.

In respect of the landscape, the Inspector judged that the proposals for the holiday let and stabling and farm shop would not result in harm to the open character of the AONB but that the proposed barn, due to its size and solid appearance would result in harm for which there was insufficient agricultural justification.

Taking account of the historical sensitivities of the site, the Inspector judged that the proposed holiday let and stables would not result in harm to the listed buildings on the site so listed building consent could be granted. He similarly assessed the barn and shop proposals as avoiding harm to the significance or setting of the listed buildings. However, the Inspector placed significant weight on the direct negative effect on buried remains of the Scheduled Monument from ground works for the proposed buildings as well as the effect of the proposed barn and, to a lesser extent, the shop on the Monument's setting. He judged that the less than substantial harm to the significance of the Scheduled Monument weighed heavily against approval and there was no public benefit which would outweigh the harm.

The Inspector judged that the farm shop would accord with planning policies for the countryside which aim to secure economic growth, but the harm to the AONB resulting from the barn and the harm to the Scheduled Monument from all three proposals led to the planning appeals being dismissed.

3.2 Appeal Reference: APP/U1240/W/18/3223134

Planning Reference: 3/18/1633/OUT

Proposal: Demolish existing bungalow and detached garage and erect a 2 storey, 30no. bedspace dementia care home (Use Class C2) with new vehicular access and parking provision.

Address: 180 Ringwood Road, Ferndown, BH22 9AP

Decision: Appeal Dismissed

Members refused the application in accordance with the officer recommendation on the grounds that the proposed Care Home development, within but on the edge of Ferndown, was incompatible with protected trees and the proximity to the adjoining Public House, the layout failed to provide functionality and a legal undertaking was required to ensure compliance with the Habitats Regulations.

The Planning Inspector determined that there was insufficient evidence that the trees would be harmed and judged that the site layout was appropriate for the lifetime of the development. He also determined that there was no 'robust evidence' in respect of likely noise disturbance on future residents, while the

proposed layout, although likely to be amended internally, demonstrated that the building could be laid out in such a way as to avoid any harmful noise impacts that might arise. Ultimately, however, he found that without a planning obligation to avoid potential significant likely effects on European Sites, the application conflicted with NPPF paragraph 175 so could not be approved.

3.3 Appeal Reference: APP/U1240/W/18/3217713

Planning Reference: 3/18/1633/OUT

Proposal: Sever Land and Erect 4 x 3 Bedroom Detached Family Houses with Car Parking and Form New Drive

Address: 58 Ringwood Road, Alderholt, SP6 3DF

Decision: Appeal Dismissed

Outline permission (with landscaping a reserved matter) was refused at Committee on the basis that the site lay in countryside beyond the Alderholt village envelope, the layout was cramped and overbearing, the access would lead to highway danger and Dorset Heathland mitigation had not been secured.

The Inspector found in favour of the Council's concerns in relation to highway danger; the junction radii was too small and insufficient visibility splays were available and on this basis the appeal was dismissed.

However, in relation to character and appearance the Inspector judged that, notwithstanding the varying land levels, the houses would not appear intrusive, overbearing nor did he consider the layout to be cramped. He did not identify harm to the character and appearance of the area or neighbouring amenity.

With regards to the location of the development, the Inspector judged that the development would not result in substantive harm given its limited size and proximity to the village of Alderholt. Taking account of the lack of sufficient housing land supply, he judged that the proposal represented appropriate small scale residential development, but the harm to highway safety was a clear and demonstrable reason for the appeal to be dismissed.

3.4 Appeal Reference: APP/U1240/W/19/3229266

Planning Reference: 3/18/1708/HOU

Proposal: Erect a 3.000 high timber sound attenuation fence

Address: Misty Meadows, 147 Ringwood Road, Longham, Dorset BH22 9AB

Decision: Appeal Dismissed

Misty Meadows is a detached dwelling adjacent to the A348 (Ringwood Road) Longham. In 2010 a close boarded timber fence was erected along its roadside boundary, set back a little from the highway verge. The appeal proposed the retention of a further, 3m tall timber fence forward of the existing fence, closer to the highway.

Although the appellant claimed the fence to be a replacement, the original fence is still in situ in a different position and the new fence is materially larger. Fences are not in the list of exceptions set out in Paragraph 145 of the National Planning Policy Framework (NPPF) and as such represent inappropriate development in the Green Belt.

The NPPF states that the essential characteristics of Green Belts are their openness and their permanence. The previously erected fence is of comparatively modest scale and set back into the site, which, along with gaps through the existing boundary vegetation, ensure that a limited sense of openness is maintained. The proposed fence would be taller and closer to the public realm, and this increase in prominence and scale would reduce the openness of the boundary, albeit to a modest degree. The Inspector had regard to other fences in the vicinity but considered that the significant height of the proposal would lead it to maintain a dominant and particularly utilitarian presence, incongruous within the street scene.

For these reasons the inspector concluded that the proposal would give rise to a modest loss of openness to the Green Belt and harm to the character and appearance of the area. Contrary to Policies KS3 and HE2 of the Christchurch and East Dorset Core Strategy (CS) and the NPPF

To the south of the site, along Ringwood Road is a Grade II listed building (Longham House). The building is protected from the highway by a long and substantial red brick wall, which provides a degree of commonality with the listed building, marking its presence to the public realm and, contributes positively to its setting. The fence by contrast would be notably taller than the wall, causing it to have a dominating effect.

The Inspector considered that proposal would have a harmful effect on the setting of the Grade II listed building and conflict with the heritage aims of Policy HE1 of the CS and the NPPF.

Other arguments advanced by the appellant in connection with a reduction in noise and air pollution were not considered sufficient reason to outweigh harm to the Green Belt, by reason of inappropriateness and harm to openness, the character and appearance of the area and the setting of the listed building. Consequently, the very special circumstances necessary to justify the development do not exist and the appeal was dismissed.

Briefing Note

2nd Homes Policy H14 in Emerging Purbeck Local Plan

Background

On 24 January 2019, David Fairbairn, the former Purbeck District Council's Solicitor, gave a legal opinion on the weight that can be given to emerging Purbeck Local Plan policies. Of particular interest is Policy H14 which seeks to restrict new homes in the Area of Outstanding Natural Beauty (AONB) to someone's principal home in an attempt to restrict second homes in the AONB.

The emerging policy also would apply to homes allowed across the District granted under Policies relating to small sites (Policy H8) and rural exception sites (Policy H12). No applications have been granted under these emerging policies since January.

On 30 January 2019, members of the then Purbeck Planning Committee resolved in relation to various applications being considered on that date, to apply a condition, as drafted by David Fairbairn to restrict the homes. The agreed condition has also been attached to various delegated decisions for new homes within the AONB.

Appeal Decisions

The Planning Inspectorate (PINS) have recently determined 3 separate appeals in the AONB which have all been allowed. All of these have considered the emerging policy but have declined to put the condition on (6/2018/0459, 6/2019/0019 and 6/2018/0556). All the inspectors indicated some possible concerns over the precision and enforceability of the condition that has been suggested; albeit without identifying the basis for such a view. More specifically they also raised concerns over the current justification for the condition which is based on Policy H14 of the emerging Purbeck Local Plan. In general terms, all considered that whilst the emerging Purbeck Local Plan is a material consideration, there were issues relating to its present status and the weight that could therefore be attached to the emerging policy. On the back of their findings, none found themselves able to support the imposition of the condition at the present time.

Planning Application 6/2018/0459 (Planning Inspectorate Reference APP/B1225/W/19/3220929) was for the erection of 2 dwellings at land adjoining 11 Bell Street in Swanage. A summary of this appeal was given at the September Eastern Area Planning Committee.

Planning Application 6/2019/0019 (Planning Inspectorate Reference APP/B1225/W/19/3229294) was for the erection of 1 dwelling at 61 Rabbling Road, Swanage. This was part of a linked appeal for 2 refusals for this site. Both the appeals were for a single dwelling on the site. One was for a chalet bungalow and the other was for a bungalow. The applications were both refused due to an adverse impact upon the character of the area and the chalet bungalow on impact upon a neighbour's light, privacy, noise and outlook. The bungalow was allowed as the inspector did not consider that the proposals would be harmful to the character of the area.

Planning Application 6/2018/0556 (Planning Inspectorate Reference APP/B1225/W/19/3227558) was for the demolition of an existing dwelling and the construction of three flats at 251 High Street, Swanage. In this case planning permission

was granted, but a condition was imposed which restricted the occupation of the flats to an occupier's only or principal home.

Since January 2019 the condition restricting the use to an occupier's only or principal home was applied to delegated and committee decisions equating to 41 new homes. Recently, within the last two weeks, the Council have received applications to remove the condition on applications relating to 34 dwellings.

Current Legal Advice

Based on the recent appeal decisions, the Council's Solicitor, Rob Firth, has advised that, should the planning committee wish to continue to apply this condition, it would need to have clear reasons and justification for doing so. The appeals are now potential material considerations to which any decision maker (including the Council's Planning Committees and any PINs inspector) will need to have regard to the extent they are relevant to a determination. In light of those inspectors' findings, the view is that, at the present time, the Council is unlikely to be able to sustain an argument in favour of incorporating the condition unless clearer evidence and justification can be produced to better support its inclusion. This is likely to include further substantive information to seek to explain why it is appropriate / desirable to apply this emerging policy now, explanation to distinguish these appeal decisions from future determinations and providing clearer justification.

It is, of course, also the case that any party at an appeal might potentially be at risk of a claim for costs if it was considered that it had acted unreasonably.

It must also be understood that, even with such further work, it cannot be assumed that the imposition of a condition restricting a home to someone's principal residence will always be justifiable / supported. Each planning application is determined on its own merits and therefore whether such a condition is appropriate will ultimately be a matter for the decision maker having regard to all relevant planning considerations.

If the planning committee wished to continue to apply this condition in advance of the adoption of the Purbeck Local Plan, it would need clear evidence to justify this.

Consequences of current position

The Examination in Public into the emerging Purbeck Local Plan is ongoing. The Planning Inspector's response to the plan, including policy H14, has not yet been received.

As the Local Plan progresses toward adoption, its policies potentially attract greater weight and this will itself provide opportunity to further review the planning circumstances relating to the imposition of a principal residence condition. Having regard to this comparatively short timeframe, it is not considered a sensible use of limited available resource to undertake any substantive further work at this present time to seek to support the current imposition of such a primary residence condition.

Nevertheless, regard will, of course, continue to be had to all circumstances relevant to the determination of every application, including the imposition of a condition pursuant to emerging policy H14. However, for the time being, pending further developments with the emerging Purbeck Local Plan and in the light of the recent inspectors' decisions, it is probably less likely that the condition will be used / recommended for inclusion.