



## Eastern Area Planning Committee

**Date:** Wednesday, 11 March 2020

**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

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**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](mailto:david.northover@dorsetcouncil.gov.uk)**

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# **A G E N D A**

**Page No.**

**1 APOLOGIES**

To receive any apologies for absence

**2 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](#).

**3 MINUTES**

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To confirm the minutes of the meeting held on 5 February 2020.

**4 DECLARATIONS OF INTEREST**

To receive any declarations of interest

**5 6/2019/0585 - ERECTION OF 9 DWELLINGS AND ASSOCIATED WORKS AT THE FORMER ROYAL BRITISH LEGION CLUB, WIMBORNE ROAD, LYTCHELT MATRAVERS**

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To consider a report by the Head of Planning.

**6 3/18/2612 - PROVISION OF CAR PARK AND ASSOCIATED WORKS AT THE SHEILING COMMUNITY, HORTON ROAD, ASHLEY HEATH**

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To consider a report by the Head of Planning.

**7 3/19/2441 - DEVELOPMENT AT 74 AMEYSFORD ROAD, FERNDOWN**

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To consider a report by the Head of Planning.

**8 3/19/1365 - DEVELOPMENT ON LAND NORTH OF CASA VEHLA, RINGWOOD ROAD, THREE LEGGED CROSS**

67 - 98

To consider a report by the Head of Planning.

## **9 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.

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

### **MINUTES OF MEETING HELD ON WEDNESDAY 5 FEBRUARY 2020**

**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

**Officers present:**

Andrew Bradley (Project Engineer), Phil Crowther (Legal Business Partner – Regulatory) and David Northover (Democratic Services Officer).

Speaker

Councillor Bill Trite – Swanage Town Councillor and local resident, minute 70.

**66. Apologies**

No apologies for absence were received at the meeting.

**67. Declarations of Interest**

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

Councillor Bill Trite having considered that, by virtue of his involvement as an elected member in the process for the development of the scheme, could be seen to have predetermined what was being proposed. On that basis he had decided not to play any part in the Committee debate or vote on the item, but to speak only as a local Member and as a local Swanage resident.

**68. Minutes**

The minutes of the meeting held on 8 January 2020 were confirmed and signed subject to an amendment - for clarification purposes - being:-

- That reference be made in the penultimate paragraph of the body of the minute 61 text to the National Planning Policy Framework (NPPF) provisions at Paragraph 12 stating “*Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted*”.

**69. Public Participation**

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

**70. Footway improvements - Institute Road, Swanage**

The Committee were being asked to consider proposed changes to Traffic Regulation Orders (TRO's) governing the use and positioning of loading bays on Institute Road, Swanage to complement and ensure that a footway improvement scheme could be readily accommodated. Institute Road was a one-way road bisecting the south eastern part of the town and formed part of its main retail and commercial centre, being the only vehicular access to the southern half of the town, serving the harbour, quay and Durlston Country Park, as well as residential areas. The proposals for the changes to be made to the TROs had received the full support of the Swanage Town Council and both Dorset Council ward Councillors. The principle of the footway improvement scheme had been agreed and approved by both Dorset Council and Swanage Town Council, with funding being readily available, with contributions being allocated to this between the two councils and from the Local Transport Plan and from local development.

With the aid of a visual presentation, officers explained the reasoning behind the need for the TRO modifications to be made and the basis of the objections received. Photographs and plans were shown to the Committee by way of illustration. This showed what the changes would be; how they would affect the traffic management of the road; what alternative arrangements were being proposed; and how the general situation currently looked. The characteristics, configuration and topography of the road and its setting within the townscape were drawn to the attention of the Committee, giving an idea of the relationship between the traffic using the road, pedestrians using the footways and the proximity of the commercial and retail properties.

As the road was relatively narrow - at 5m wide – this being further exacerbated by a loading bay running its entire eastern length, access along the road was only some 2.5m in width, which was evidently too narrow for larger vehicles trying to pass vehicles parked in the loading bay, as had proven to be the case on numerous occasions. This had habitually resulted in vehicles having to mount the footway to pass - made easier to do given their height was little more than the road surface - which invariably conflicted with pedestrian movements. There had been evidence of incidents occurring which significantly compromised road safety. Moreover, parts of the available footways were privately owned by shops and used by them for displaying merchandise, further limiting the available space for pedestrians.

So as to improve the safety of pedestrians, it was now being proposed to widen the footways on both sides of the road, allowing satisfactory access for them. In order to facilitate and complement this however, it was necessary for the loading bay traversing the length of the road to be removed and repositioned, requiring changes to the Traffic Regulation Orders (TROs) governing its use. What other traffic management measures were to be

implemented to complement the scheme was described by officers, including the upgrading of a puffin crossing.

Following the advertisement of the proposals, objections had been received on the basis that the loss of the extent of the loading bay would adversely affect the ability for retailers to readily load and unload goods efficiently and conveniently and would affect their trade and the viability of their businesses. However, officers considered that adequate, reasonable and proportionate alternative arrangements had been made for there to still be adequate and satisfactory provision for this activity in the near vicinity.

Consequently, the Committee was now being asked to consider the objections received and whether the proposal should be recommended for endorsement by the Portfolio Holder for implementation, as advertised.

The Committee heard from one of the two local ward Members, Councillor Bill Trite, speaking on behalf of both of them - as well as Councillor Avril Harris of the Town Council - who considered that given the necessity for the implementation of the footway improvements and given that the changes to the TRO's was a necessary consequence of this, the proposals should be supported, as they stood. The Town Council would be making a significant contribution to the works' costs, showing the importance of the scheme to the town. Much consultation on this had taken place in the recent past with the scheme design addressing the majority of concerns raised and, whilst he understood the reasons for those concerns, this length of road remained one of the busiest in Swanage, especially during the summer months, and the widening of the footways would give pedestrians much safer access to shops and along the road, whilst still providing for the necessary access by vehicles along its length. He considered the proposals to be integral to the benefits to be gained from the improvement scheme and would improve the retail experience.

So as to inform their decision making, the Committee took the opportunity to gain a better understanding of what the proposals entailed, how concerns had been addressed and what alternative arrangements for loading had been made. Officers confirmed that the new scheme would ensure the kerbs were raised so there was a clear distinction between the footways and the road. They also confirmed that the repositioned loading bays would still prove sufficient opportunity for this activity to take place and were being located as close as practicable to those commercial businesses for their convenience.

Whilst there would undoubtedly need to be some degree of negotiations between shopkeepers and their suppliers over when deliveries would take place and how this would be done, the Committee considered that what was being proposed was, in the circumstances, reasonable and a suitable alternative in meeting retailer's needs. The need to ensure improved pedestrian access on road safety grounds on Institute Road, on balance, outweighed any inconvenience which might be expected by businesses and could well encourage an increase in trade by having this enhanced environment. Members emphasised though that there would be a need for

stringent enforcement of the TROs for them to be as effective and successful as they could be.

Having considered the objections received, and understood what was being proposed and the reasoning for this and having heard from officers at the meeting and what they had read in the report, the Committee considered that the proposed changes to the TROs governing the location of the loading bays were necessary both on safety grounds and on practicability and to complement and accommodate the benefits to pedestrian safety the footway widening scheme would bring, being both reasonable and proportionate in achieving this. Given this, and taking into account the support of the local Ward Councillors, Swanage Town Council and other primary consultees, on being put to the vote, the Committee considered that the proposals should be implemented as advertised.

### **Recommended**

That having considered the representations received, in response to public advertisement, the Cabinet Portfolio Holder for Highways, Travel and Environment be asked to support the proposed changes to the Traffic Regulation Orders, as advertised.

### **Reason for Recommendation**

To enable and complement the footway widening improvement scheme in Institute Road in providing a safer environment for pedestrian, in considering that the benefits of the scheme outweighed the potential impacts on local businesses, from reduced loading provision and on-street parking.

## **71. Urgent items**

There were no urgent items for consideration at the meeting.

**Duration of meeting:** 10.45 am - 12.20 pm

**Chairman**

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**1.0 Application Number:** 6/2019/0585

**Webpage:** <https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2019/0585>

**Site address:** Former Royal British Legion Club, Wimborne Road, Lytchett Matravers, Poole, BH16 6HQ

**Proposal:** Erection of 9 dwellings with car parking and landscaping.

**Applicant name:** Bracken Developments Limited

**Case Officer:** Andrew Collins

**Ward Member(s):** Cllr Alex Brenton, Cllr Bill Pipe, Cllr Andrew Starr

This application was referred through the Council's scheme of delegation and the nominated officer considered that that the planning application should be referred to the planning committee to allow consideration of the concerns raised by the local ward member and the Parish Council about potential impacts on the openness of the Green Belt.

**2.0 Summary of recommendation:**

GRANT subject to conditions

**3.0 Reason for the recommendation:** as set out in paras 15 and 16 at the end.

- Retain 5 year land supply
- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application

**4,0 Key planning issues**

Issue	Conclusion
Principle of development	Acceptable as the majority of the site is within the settlement boundary.
Impact upon the openness of the Green Belt	Acceptable. The application results in limited infilling in Lytchett Matravers
Scale, design, impact on character and appearance	Acceptable – in making best use of land.

Impact on amenity	Acceptable – no demonstrable harm on neighbouring properties subject to conditions.
Flooding / Drainage	Acceptable subject to a condition.
Access and Parking	Acceptable subject to conditions.
Ecology / Biodiversity	No issues subject to the implementation of the Biodiversity Mitigation Plan.
Trees / Hedges	Acceptable subject to the imposition of a condition.

## 5.0 Description of Site

The site is located on southern side of Wimborne Road in the north-east of Lytchett Matravers. To the west of the site is the Lions Court development of 2 dwellings and further residential properties. To the north across the road is Sunnyside Barn and Farm, whilst to the east and south is open countryside. The site is approximately 0.20 hectares and comprises a former, vacant Royal British Legion Club and its parking area. The Royal British Legion Club was listed as an Asset of Community Value (ACV) meaning that an extended time of marketing was undertaken to allow the local community time to develop a bid for the site. No bid came forward. This designation was removed when the site was sold. An existing vehicular access is located in the north-western corner and this is to be retained as access to the site. The whole site is considered to be brownfield land. The building itself and parking area is located in the settlement boundary.

Since the determination of outline and reserved matter permissions (6/018/0645 and 6/2019/0318), the building on the site has been demolished and the site has been cleared. In addition units 1-4 are currently under construction as this layout is the same as applications 6/2018/0645 and 6/2019/0318.

## 6.0 Description of Development

Full planning permission is sought to demolish the building and erect 9, two storey houses. Utilising the existing access, an access road is proposed along the western boundary adjacent to Lions Court. The overall development is proposed along the eastern and southern part of the site within the site of the building and parking area to the south. Along the eastern boundary are proposed to be 5 dwellings. Of these, 2 are detached and 3 are in a small terrace. A detached 4 bed property (Plot 1) is located on the northern boundary. Plots 2, 3 and 4 are the terrace, and comprise 3 bed properties. Plot 5 is a detached 3 bed property. To the east of the dwellings are a minimum 9m depth gardens. Plots 2-5 have separate bike/bin stores to the rear. Along the eastern elevation of the site is a 1m high landscaped bund.

Along the existing hardstanding parking area to the south are 4 detached dwellings (plots 6-9). Plot 6 is a 4 bed property, Plot 7 a 4 bed property, Plot 8 a

3 bed property and Plot 9 a 4 bed property. The rear gardens of plots 6-9 are located to the south, outside the defined settlement boundary and within the designated Green Belt.

## **7.0 Relevant Planning History**

6/1978/0672 – Outline application – Erect new Legion Club premises – Approved.

6/1979/1092 – Erect club premises, form parking area and access – Reserved Matters – Approved.

6/1983/0814 - Outline application – Erect hut for social / recreational purposes Circular 7/77 – Approved.

Application 6/2018/0022 for a full application for the demolition of the existing building and the erection of 9 dwellings was refused at Planning Committee on 30 May 2018. The application was refused due to concerns over the number of dwellings, scale and arrangement on the site resulting in an over-development of the site which was considered to be harmful to the character and appearance of the area at this edge of settlement low density location. Concern was also expressed over the design that failed to take the opportunity available for improving the character and quality of this sensitive edge of settlement location and the way in which this previously developed site functions.

The actual wording of the reason for refusal is detailed below;

“1.The proposal, due to the number of dwellings, scale and arrangement on the site, amounts to over development of the site which is harmful to the character and appearance of the area. The proposals are contrary to the advice contained in the NPPF Para 64 in that the scheme is of poor design that fails to take the opportunity available for improving the character and quality of this sensitive edge of settlement location and the way in which this previously developed site functions. The scheme is also contrary to the Lytchett Matravers Neighbourhood Plan Policy 2 in that it fails to take into account the position of the site within the village, its integration with the village and is not landscape led design. The proposals are also contrary to the Purbeck Local Plan Policy D - Design - in that they fail to positively integrate with their surroundings, and fail to reflect upon good practice advice, including appropriate densities, as outlined in the Purbeck District Townscape Character Appraisal for Lytchett Matravers, which describes the site as being in a ribbon development area, characterised by low density housing.”

The application was appealed to The Planning Inspectorate and the appeal was dismissed (ref number APP/B1225/W/18/3206919). The appeal however was only dismissed on the impact the proposal would have upon the part of the site that was in the Green Belt.

Under application 6/2018/0645, outline planning permission for layout and access was granted at the March 2019 Planning Committee of Purbeck District Council. Reserved matters was granted under application 6/2019/0318.

## **8.0 List of Constraints**

This property is in the parish of Lytchett Matravers

Part of this site is within a Settlement Boundary - Lytchett Matravers

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

Part of this site is in the Statutory Green Belt

This property is in a River Catchment - Poole Harbour

This property is within a water source protection zone.

This site falls within the Nitrate SPD Catchment Area.

## **9.0 Consultations**

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

### **Consultees**

#### **Wessex Water**

Guidance provided

#### **Dorset Council – Highways Management**

No objection subject to the imposition of conditions.

#### **Dorset Council – Drainage Engineer**

No objection made to application 6/2018/0022, subject to the imposition of a condition. Nothing has materially changed in relation to surface water drainage.

#### **Dorset Council – Landscape Officer**

Reiterates previous concerns, regarding housing density. Notwithstanding this conditions are proposed regarding landscaping.

#### **Dorset Council - Planning Policy**

Has no objection in principle and guidance given on Green Belt considerations.

#### **Dorset Council - Tree Officer**

No objection subject to a condition regarding the tree protection plan

#### **Dorset Council – Design and Conservation Officer**

Raises concerns over density.

#### **Lytchett Matravers Parish Council**

OBJECTION on the following grounds:

(a) over-development in terms of inappropriately high housing density on the site which is not in keeping with the surrounding street scene and adjacent properties,

(b) insufficient provision of off-road parking in relation to the proposed number of bedrooms. This is a particular concern because there is also no opportunity for on-street parking immediately nearby since the adjacent section of Wimborne Road is a dangerous bend over the brow of a hill.

(c) The Parish Council notes that the proposal crosses the greenbelt boundary (and marked on the plans as such). This is inappropriate in that it compromises the “openness of the greenbelt”.

### **Representations received**

The Council received 4 comments from neighbours and residents about this planning application. The representations are all available in full on the Council’s website and this report addresses the key planning points that they raised.

Highway safety in relation to on street parking and its potential increase in Wimborne Road.

This is exactly the same as application 6/2018/0022 which was dismissed by the Planning Inspectorate due to harm to the openness of the Green Belt.

## **10.0**

### **Relevant Policies**

#### **Purbeck Local Plan Part 1:**

Policy SD: Presumption in favour of sustainable development,

Policy LD: General location of development,

Policy NE: North East Purbeck,

Policy D: Design,

Policy LHH: Landscape,

Policy FR: Flood Risk,

Policy IAT: Improving Accessibility and Transport,

Policy BIO: Biodiversity and Geodiversity,

Policy DH: Dorset Heaths International Designations.

#### **Purbeck Local Plan 2018-2034.**

Regard has been had to the policies of the emerging Local Plan but none are considered to be material to the determination of this application.

#### **Lytchett Matravers Neighbourhood Plan adopted 2017**

Policy 1 – Good Design.

Policy 2 - Local Design Principles.

Policy 3 - Home Zones

Policy 4 - Protecting the Environment.

#### **National Planning Policy Framework:**

*Chapter 2: Achieving sustainable development*

*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 13 - Protecting Green Belt Land.*

- Paragraphs 133, 134, 143, 144 and 145 – Protecting Green Belt Land

*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**

National planning practice guidance

Purbeck District design guide supplementary planning document adopted January 2014.

Purbeck townscape character appraisal supplementary planning document adopted August 2012.

The Dorset heathlands planning framework 2015-2020 supplementary planning document adopted 19 January 2016.

Purbeck townscape character appraisal supplementary planning document adopted September 2012.

Landscape Character Assessment (Non AONB).

National Design Guide

Strategic Flood Risk Assessment 2018.

Development contributions toward transport infrastructure in Purbeck guidance February 2013.

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

Dorset biodiversity appraisal and mitigation plan.

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

## 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.

- Access; arrangements made to ensure people with disabilities or mobility impairments or pushing buggies have been accommodated with the off road footpath links.

## 13.0 Financial benefits

### Non material considerations

CIL contributions

Business rates

NHB

What	Amount / value
Non Material Considerations	

CIL Contributions	£133,807
Business Rates	Reduction of £5,300
NHB	£15,030

## 14.0 Climate Implications

The site is located within the settlement boundary as defined by the Purbeck Local Plan. As such this is a sustainable location with easy access to facilities and services including primary school, church, doctors, shops and pub resulting in less need to travel. The new dwellings will be built in accordance with the relevant Building Regulations. For these reasons the proposal is not considered to have a significant impact on climate change.

## 15.0 Planning Assessment

### Principle of development

The application site is located within the defined development boundary of Lytchett Matravers as set out in the Purbeck Local Plan Part 1 (PLP1) Policies SD: Presumption in favour of sustainable development and LD: General location of development of PLP1 support development that is directed to sustainable locations. In addition, this site is considered to be previously developed land. Lytchett Matravers is a key service village in accordance with Policy LD and the proposed development is therefore considered to be acceptable in principle, unless other material considerations indicate otherwise. The additional dwellings would also make a contribution towards new housing in the District, in particular windfall provision in the north east spatial area.

### Green Belt

Part of the site is situated within the South East Dorset Green Belt. As such, development is significantly restricted.

Paragraph 133 of the National Planning Framework (NPPF) states that; *“The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”*

Paragraph 134 of the NPPF continues by stating that;

*“Green Belt serves five purposes:*

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*



*e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*

Most development is considered to be inappropriate in the Green Belt. Paragraph 143 of the (NPPF) states that:

*“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

Paragraph 144 details the requirements for considering a planning application. This states;

*“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

Paragraph 145 details that the construction of new buildings as inappropriate in the Green Belt. Exceptions to this however include;

*“e) limited infilling in villages;*

*g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

*– not have a greater impact on the openness of the Green Belt than the existing development.”*

In this case, whilst the majority of the site is within the settlement boundary, the rear part of the site is located outside the defined settlement boundary and within the designated Green Belt. It is understood that this area was formerly amenity land for use associated with the Royal British Legion Club.

The area within the Green Belt is proposed to be used for amenity space for dwellings 6 – 9 which is the same layout as the appeal dismissed under application 6/2018/0022.

The Inspector concluded that on the basis of impact on the Green Belt that;

*“ 8. It is not disputed that the proposed garden areas form part of the curtilage of the former RBL site and therefore constitutes previously developed land (PDL). This is confirmed in case law which the LPA has cited. As such the appellant contends that the proposed development would be compliant with Framework Paragraph 145 g). This permits, exceptionally, the construction of buildings in the Green Belt for the partial or complete redevelopment of PDL which would not have a greater impact on the openness of the Green Belt than the existing development. In this regard, it is suggested that the openness of that part of the appeal site would remain unchanged from its historical use as open amenity space.*

*9. However, I must nevertheless assess any effects on the openness of the SEDGB relative to the site as it currently exists. Irrespective of any historical use*

*or structures which may have been on this part of the site, it is currently open and laid to rough grass and other vegetation. The construction of any garden curtilage buildings associated with the new dwellings would therefore inevitably have a greater impact on the openness of the SEDGB.*

*10. I note that the LPA concluded that the removal of domestic curtilage permitted development rights would be sufficient to safeguard against harm to the openness of the Green Belt described above. However, paragraph 146 e) of the Framework establishes that material changes in the use of land (in this case to garden land) are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.*

*11. In this regard, the submitted plans show that the garden land would be subdivided with individual plots being demarcated by 1.8m high close-boarded fencing. Furthermore, I consider it highly likely that the occupiers of the dwellings would seek to install washing lines, play equipment, garden storage and/or other forms of domestic paraphernalia. Consequently, even if domestic permitted development rights were to be removed, the openness of the Green Belt would not be preserved. Overall, the proposal would also not assist with safeguarding the countryside from encroachment which is one of the five purposes of including land within the Green Belt.*

*12. In this regard, I am also mindful that “openness” in this context has both a spatial and a visual dimension. Even in the event that public views of the garden land were reduced or obscured through the configuration of the development, the proposal would, for the reasons given above, have a greater impact on the openness of the Green Belt in spatial terms than its current, vacant, state.*

*13. In conclusion on this main issue, the change in the use of the land to domestic gardens would not preserve the openness of the Green Belt. Moreover, the proposed development would conflict with the purposes of including land within the SEDGB.*

*14. The proposed development would conflict with paragraphs 145 g) and 146 e) of the Framework and would therefore be inappropriate development in the Green Belt which is, by definition, harmful, and should not be approved except in very special circumstances.”*

This appeal was dismissed on 13 February 2019, so was before the revised NPPF published on 19 February 2019. Also the Planning Practice Guidance was reviewed on 22 July 2019 and includes further information in assessing the openness of a Green Belt.

Previous inspector decisions can often contain material relevant to a planning proposal albeit circumstances may mean that there can be good planning reasons to depart from them.

In order to make an assessment of this application and the impact upon a Green Belt it is necessary to undertake a clear consideration of the issues, as laid out in the NPPF. Firstly is the development defined as inappropriate, secondly does it

meet any exception and thirdly does the proposal preserve the openness of the Green Belt?

Is the proposal inappropriate development within the Green Belt?

While the footprints of the proposed homes in plots 6 to 9 are located outside the Green Belt, the planning policy officer accepts the applicants argument that the exception described in paragraph 145 e) of the NPPF should be interpreted as relating to both the building and its curtilage. As the use of the garden areas are incidentally related to the proposed dwelling, which constitute the primary use, officers do not consider that it would not be appropriate to separately assess different elements of the same development using different sections of national policy i.e. paragraph 146 e) of the NPPF which relates to material changes in use. In this instance the gardens for the proposed homes in plots 6 to 9 straddle, and extend into the Green Belt.

Given this reasoning Officers do not agree with the applicant that the proposed garden areas are 'appropriate development' in the Green Belt. The garden areas are intrinsically related to the primary use, and the proposed buildings. For these reasons Officers consider that the proposed development is inappropriate.

Does the proposal meet an exception?

Paragraph 145 details that the construction of new buildings as inappropriate in the Green Belt. Exceptions to this however include;

e) limited infilling in villages;

Whilst the development within the Green Belt does not constitute new buildings, it is intrinsically linked to the dwellings and therefore this land should not be considered separately from the main use of the site. Therefore in relation to the above, an exception that could be considered is limited infilling.

There was no definition of "infilling" or "limited infilling" in the NPPF, nor any guidance there, to assist that exercise of planning judgment.

In order to benefit from the exception described at paragraph 145 e), there needs to be a conclusion on whether the proposed development constitutes:

- i) limited;
- ii) infilling,
- iii) 'in' Lytchett Matravers.

The following considerations are likely to be relevant to this assessment:

- the size of the site, and the land designated as part of the South East Dorset Green Belt;
- the sites context and relationship with those existing homes to the west which front onto Wimborne Road;
- its boundaries; and

- the existing characteristics of the site and its relationship with the Royal British Legion building.

The whole site is approximately 0.37 hectares whilst the area forming the part of the South East Dorset Green Belt is approximately 0.12 hectares. Therefore less than one third of the site is within the Green Belt.

The proposed development is closely related to the Lions Court development to the west of the application site. This development is orientated north – south as is the proposed development on this site which fronts onto Wimborne Road and the area to the rear is closely related to the built form.

The area within the Green Belt site is currently boarded by a hedge but there is no boundary separation between the former area outside or within the Green Belt.

The former Royal British Legion building has now been demolished and works are currently being undertaken in constructing plots 1 to 4. Historically the whole of the site was used by the club and the inspector previously referred to this part of the site as amenity land to the club.

At this moment in time, the emerging Purbeck Local Plan can be given only limited weight. However the site immediately to the South of the application site and Southwest round to Wimborne Road, is proposed to be allocated for 25 homes under Policy H6 land at Blaneys's Corner.

In assessing all the above, the site is considered to be infill development within the village of Lytchett Matravers.

#### Does the proposed development preserve openness?

Case law indicates that matters relevant to openness in any particular case are a matter of planning judgement, not law.

The Planning Practice Guidance on openness is detailed. It states;

“What factors can be taken into account when considering the potential impact of development on the openness of the Green Belt?

Assessing the impact of a proposal on the openness of the Green Belt (<https://www.gov.uk/guidance/national-planning-policy-framework/13-protecting-green-belt-land>), where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

Paragraph: 001 Reference ID: 64-001-20190722"

It is been detailed that there is also a need to be consistent with the contrast drawn by the NPPF between openness and "urban sprawl", and with the distinction between buildings, on the one hand, which are "inappropriate" subject only to certain closely defined exceptions, and other categories of development which are potentially appropriate.

The area of land within the Green Belt is currently a former amenity area for the club on the site. An area of landscaping is proposed to be retained and no buildings are proposed to be built on the site.

The Planning Inspector raised concerns over the erection of boundary fences at 1.8m high within the area of the Green Belt. It has to be noted that under the General Permitted Development Order 2015 there is perversely no restriction in green belts for boundary treatment (or buildings) and planning permission would not be required to erect boundary treatments up to 2m in height that would subdivide this area. As a worse-case scenario the existing hedgerows could be removed and a 2m close boarded fence erected around the area of the proposed gardens. This would have a significantly greater impact upon openness than the proposed scheme. Also as such the current land could be subdivided without any control from the planning authority and this would severely harm openness. The proposals include planting of the boundaries of the site and this is seen as positive to effectively mitigate the loss of openness.

The various items and domestic paraphernalia that the Inspector was concerned, about could have been sited on the land when operating a members club. Indeed, the fact that the site would be used communally would make it more likely that persons would group together to provide play equipment, outdoor seating and so forth. Therefore the proposed use as domestic garden does not have a greater impact on openness.

The proposed use of the land as amenity space for the dwellings is a permanent use of the land. However, in considering how close the proposed dwellings (6-9) are from the Green Belt, it is however considered necessary to remove permitted development rights for extensions to these plots in order to maintain the openness of the Green Belt. Conditions are imposed to remove permitted development rights for outbuildings and extensions to plots 6-9. This would result in an equivalent state of openness.

As the land located within the Green Belt is associated with the dwellings no significant degree of activity is proposed. Traffic generation in this area would be non-existent as no vehicular access is proposed.

After considering the case law and details in the NPPF, officers consider the use of this land for residential purposes is acceptable and retains the openness of the part of the site within the Green Belt.

#### Fall back

In this case, there is also a fall back position. Outline and reserved matters permission exists for the erection of 7 dwellings on the site. Also the former

building on site has been demolished and conditions have been discharged. Works have commenced on implementing the smaller 7 dwelling scheme with plots 1-4 currently under construction. Under these applications the land to the rear, would effectively be left (as the application had a smaller redline). No development was therefore proposed for this area. The inspector refers to this land as 'open amenity space' and the proposed use would be ancillary amenity space.

#### Impact upon Green Belt conclusion

Substantial weight has been given to any harm to the Green Belt as outlined in Paragraph 144 of the NPPF.

The proposal helps facilitate limited infilling in a village and has no greater impact on openness in the Green Belt.

#### **Scale, Design and Impact on the Character and Appearance of the Area**

The principle of developing the site for residential purposes is acceptable. Utilising the existing access and developing along the eastern boundary of the site reflects the current built form on the site. Developing on other existing hardstanding areas makes effective use of the land.

The site is located on the periphery of the key service village along Wimborne Road. The site is seen as the eastern entrance to Lytchett Matravers from the Wimborne Road. This is emphasised by the reduction in speed limit to 30mph. However the former (now demolished) building on the site had a solid built form of 26m and has a clear visual impact from the East due to the massing and its height with its monopitch roof.

The submitted layout plans are exactly the same as the plans submitted under application 6/2018/0022, which was dismissed at appeal. Landscape impact was previously a reason for refusal. Under the layout the inspector considered that;

*"25. I appreciate the importance of maintaining patterns of development which reinforce a gradual transition at the edges of the village. However, in this case, the formal built elements of the scheme would be contained within the existing developed envelope of the site and would not extend the pre-existing pattern of ribbon development. Furthermore, this would be a relatively modest residential scheme proposed on a site which currently presents a prominent and poor quality gateway from the east. Contrary to the LPA's assertion, I also find that the proposed landscaping bund would be an appropriate treatment for the eastern boundary and is not merely a means of avoiding integrated planting within the site. Furthermore, the adjoining Lions Court development already presents a fairly conspicuous 'in depth' development on approaching the village."*

On this basis there is no argument from accepting the Planning Inspector's opinion.

The layout of the site reflects Home Zone principles as advocated in the Lytchett Matravers Neighbourhood Plan utilising a shared surface and no street lighting and landscaping.

The design of the properties is 2 storey, and this reflects the design of neighbouring properties. The use of different materials and individual dwelling designs through the development will add rather than detract from the character of this part of the key service village. Whilst reservations have been made over the amount of development proposed on the site, there are overall benefits of redeveloping the site which currently detracts from its context and setting. Government policy encourages the reuse of previously developed land, and making the most efficient use of the land. Therefore, bringing forward a redevelopment of the site at a relatively high density is considered to be acceptable. A neighbour has referred to an appeal decision from 2000 from land to the rear of 2 Lions Gate. Officers have had regard to the Inspectors decision but given this was for a development in a different context, officers do not believe the current proposals are contrary to this appeal. The bringing forward of 9 well designed family houses in a sustainable location is acceptable.

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

This is a previously developed site. As such there is the existing access and former social club located on the site. This is in addition to the large parking area for patrons / customers.

The existing dwellings at Lions Court have windows located on their eastern elevation facing towards the application site. Concern has previously been expressed over direct window to window overlooking from Plot 1. This property has been redesigned to remove any first floor windows on the western elevation. The distance (8m) between Plot 1 and no 1 Lions Court, would not result in an unacceptable overbearing impact. Neighbours have raised concerns over the loss of a boundary hedge on this boundary and state that this is their hedge. This is a civil matter over which the Council has no control.

The neighbours at No 2 Lions Court have raised concerns about overlooking of their property from a first floor window in Plot 9. The dwellings are off set from each other and 15m between the 2 properties. Due to the off-set nature of the relationship between the two properties, a reduced distance between properties can be appropriate in individual cases. In this specific relationship officers consider the degree of overlooking would not be demonstrably harmful to be justify a reason for refusal. A first floor bathroom window is located on the western side of Plot 9 and this is within 3m of the boundary. If this window was clear glazed and capable of being opened this would result in unacceptable overlooking of the rear private garden of No 2 Lions Court. Therefore a condition is imposed to ensure it is obscure glazed and fixed shut. As a side elevation to the building, any additional first floor windows in this elevation will need to be above 1.7m at their lowest point or obscurely glazed, or they will require express planning permission. This gives the Council control over any future windows at first floor level on this side elevation.

### **Flooding / Drainage**

The flood risk map shows this site to be in flood risk zone1 and in this respect the development would be acceptable. However, this site is in an area where the surface water mapping shows that there are flooding problems in extreme events in the adjacent road and further down in the catchment. It is therefore important that the surface water drainage scheme is designed such that it does not exacerbate the flooding problems elsewhere.

The application form indicates that surface water will be dealt with using a Sustainable Drainage System (SuDS), and a conceptual Drainage Strategy, has been submitted as part of the application. The drainage strategy sets out a preliminary design of the surface water drainage scheme for the development in accordance with the SuDS hierarchy.

These details have previously been assessed by the Council's Engineer. It was considered that a SuDS scheme should be possible on the site, subject to detailed information being provided. On this basis a planning condition is suggested.

### **Highway Safety**

There is a current vehicular access which serves the former Royal British Legion Club. This is located in the north-western corner of the site. The new development will utilise the existing access into the site. Visibility splays are sufficient for the speed of the road.

The road has been designed with no kerbs, just gutters forming the visual and physical barriers between access and parking bays. Gutter areas are to be formed from granite setts, and the access road will be constructed from tarmac, finished with surface dressing to give an attractive appearance. All hard surfaces will be permeable. There will be landscape planting to break up the parking areas. In addition, no street lighting is proposed.

This arrangement reflects the requirements of the Neighbourhood Plan with the form of a Home Zone with the introduction of shared spaces and incorporating local design principles.

Parking has been detailed to meet the Bournemouth, Poole and Dorset car parking study. 2 parking spaces per dwelling are proposed in addition to 2 visitor spaces.

The Council's Highways Authority have no objection to the amended plans subject to the imposition of conditions. Therefore whilst noting the Parish's comments, officers believe that parking levels are acceptable.

### **Ecology / Biodiversity**

Submitted with the application is a biodiversity plan and a signed certificate from Dorset Council Natural Environment Team. This was signed within the 3 years to still be relevant. This confirms that they have assessed the submitted information and confirm that Biodiversity Mitigation Plan avoids the likelihood of deliberate



disturbance, and provides reasonable ecological mitigation and enhancement measures.

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.

### **Trees / Hedges**

Submitted with the application is an arboricultural method statement and tree protection plan. This details that trees located to the north-east, south-west and south-east will be retained and protected during construction. In addition new trees and hedges are proposed to be planted across the site in order to integrate the development. This information has been assessed by the Council's Tree Officer and he raises no objections subject to the imposition of conditions.

## **16.0 Conclusion**

The principle of development is acceptable as the majority of the site is within the settlement boundary. The area outside of the settlement boundary is located within the Green Belt and a key consideration is the impact upon the openness of the Green Belt. The proposals are considered to result in limited infilling within Lytchett Matravers in accordance with the NPPF and the Planning Practice Guidance.

The scale, design, impact on character and appearance is appropriate as makes best use of land. The previous inspector considered that the proposed landscape impact was acceptable and the proposed bund a suitable boundary treatment at the edge of settlement location. The proposal therefore complies with the NPPF and Policies LHH and D of the Purbeck Local Plan.

The impact on amenity is acceptable as there is no demonstrable harm on neighbouring properties subject to conditions. In accordance with Policy D of the Purbeck Local Plan and the Design Guide SPD.

Flooding / Drainage is acceptable subject to a condition regarding full details of the scheme in accordance with the NPPF and Policy FR of the Purbeck Local Plan.

Access and Parking are acceptable subject to detailed conditions and is in accordance with Policy IAT of the Purbeck Local Plan.

In relation to Ecology / Biodiversity a Biodiversity Mitigation Plan has been agreed with the Council's Natural Environment Team. In addition an Appropriate Assessment has been undertaken under the Habitat Regulations and no impact would result on the impact of nature importance. As such the proposals comply with the NPPF and Policies BIO and DH of the Purbeck Local Plan.

There are trees / hedges on the site. The impact upon them is acceptable subject to the imposition of a condition in accordance with Policies LHH and BIO of the Purbeck Local Plan.

## **17.0 Recommendation**

Grant planning permission

And the following conditions (and their reasons).

1. The development must start within three years of the date of this permission.  
Reason: This is a mandatory condition imposed by Section 91 of the Town and Country Planning Act 1990 to encourage development to take place at an early stage.

2. The development permitted must be carried out in accordance with the following approved plans: 1718001/001/B, 1718001/002/K, 1718001/03/B, 1718001/04/C, 1718001/05/C, 1718001/06/B, 1718001/07/C, 1718001/08/B, 1718001/09/C, 1718001/10/D, 1718001/011C and 1718001/012A.  
Reason: For the avoidance of doubt and in the interests of proper planning.

3. The manufacturers name, product name and colour of all external facing and roofing materials for the 2 extra dwellings (plots 7 and 8) must be submitted to and approved in writing by the Council before they are used on the proposal. All other materials shall be constructed of materials agreed under discharge of conditions to application 6/2019/0318 in letter dated 16 January 2020. The development must then be implemented using the approved materials.  
Reason: To ensure satisfactory appearance of the development.

4. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Council. An investigation and risk assessment must be undertaken in accordance with the requirements of the Council and where remediation is necessary a remediation scheme must be prepared which is subject to the approval of the Council. The remediation must be implemented in accordance with the agreed remediation scheme before occupation of any of the dwellings  
Reason: In case of any unexpected contaminated land found on the site given the previous use and in order to mitigate such harm.

5. Before any groundworks start, a scheme for dealing with surface water drainage from the development must be submitted to and approved in writing by the planning department of 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. This requirement is above and completely separate to any building regulations standards. 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 any of the dwellings. 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.

6. All works impacting on the retained trees during the demolition/development must be carried out as specified in the approved Arboricultural Method Statement Barrell Tree Consultancy Arboricultural Method Statement reference, 17390-AA-AS dated 16 January 2018, and the associated Tree Protection Plan, reference 17390-BT2.

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

7. No trees or hedgerows within the site, except those shown on the approved plan(s) or clearly indicated as being removed, will be felled or pruned; no roots will be severed, pruned or removed, without permission from the Council, during development, and for a period of five years after completion of the development.

Reason: To protect the hedgerow / retained trees on the site in the interests of the visual amenity of the area

8. The soft landscaping works detailed in the landscape proposals agreed by the Council must be carried out during the first planting season (October to March) following the occupation of any of the dwellings. The planted scheme must be maintained in accordance with the agreed details.

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

9. The development must be carried out and maintained in accordance with the approved biodiversity mitigation plan dated 16 January 2018 agreed by Dorset County Council on 24 January 2018 unless subsequent variation is agreed in writing with the Council.

Reason: To ensure the adequate protection of a species and its habitat protected by law that exists on the site.

10. No outbuildings or extensions shall be erected or hardstanding installed on Plots 6-9 despite the powers in the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 1, Class A, B, E and F (or any Order revoking and re-enacting that Order).

Reason: To safeguard the visual amenities and character of the Green Belt.

11. Before the house on Plot 9 is occupied, the first floor window in the western elevation must be glazed with obscure glass to a minimum Pilkington privacy 3 or equivalent as agreed in writing with the Council. It must be maintained in that condition.

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

12. Before the development is occupied the access, geometric highway layout, turning and parking areas shown on Drawing Number 002 K must be constructed, unless otherwise agreed in writing by the Council. Thereafter, these areas must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site in the interests of highway safety.

13. Before any of the houses are occupied the turning and parking shown on Drawing Number 002 K must have been constructed. Thereafter, this area, must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

14. Informative Note - Community Infrastructure Levy. This permission is subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice has been issued with this planning permission that requires a financial payment. Full details are explained in the notice.

15. 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.

16. Informative Note - Dorset Council Highways.

The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at Dorset Direct (01305 221000), by email at [dorsetdirect@dorsetcouncil.gov.uk](mailto:dorsetdirect@dorsetcouncil.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

17. Informative Note - As the new road layout does not meet with the County Highway Authority's road adoption standards or is not offered for public adoption under Section 38 of the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.

18. Informative Note - The applicant should be advised that the Advance Payments Code under Sections 219-225 of the Highways Act 1980 may apply in this instance. The Code secures payment towards the future making-up of a private street prior to the commencement of any building works associated with residential, commercial and industrial development. The intention of the Code is to reduce the liability of potential road charges on any future purchasers which may arise if the private street is not made-up to a suitable standard and adopted as publicly maintained highway. Further information is available from Dorset County Council's Development team. They can be reached by telephone at 01305 225401, by email at [dli@dorsetcc.gov.uk](mailto:dli@dorsetcc.gov.uk), or in writing at Development team, Dorset Highways, Environment and the Economy, Dorset County Council, County Hall, Dorchester, DT1 1XJ.

19. Informative Note - To fight fires effectively the Fire and Rescue Service needs to be able to manoeuvre its equipment and appliances to suitable positions adjacent to any premises. Therefore, the applicant is advised that they should consult with Building Control and Dorset Fire and Rescue Service to ensure that Fire Safety - Approved Document B Volume 1 Dwelling houses B5 of The Building Regulations 2006 can be fully complied with.

20. 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 applicant/agent was updated of any issues after the initial site visit; the opportunity to submit additional information to the

scheme/address issues was given which were found to be acceptable; the application was approved without delay.

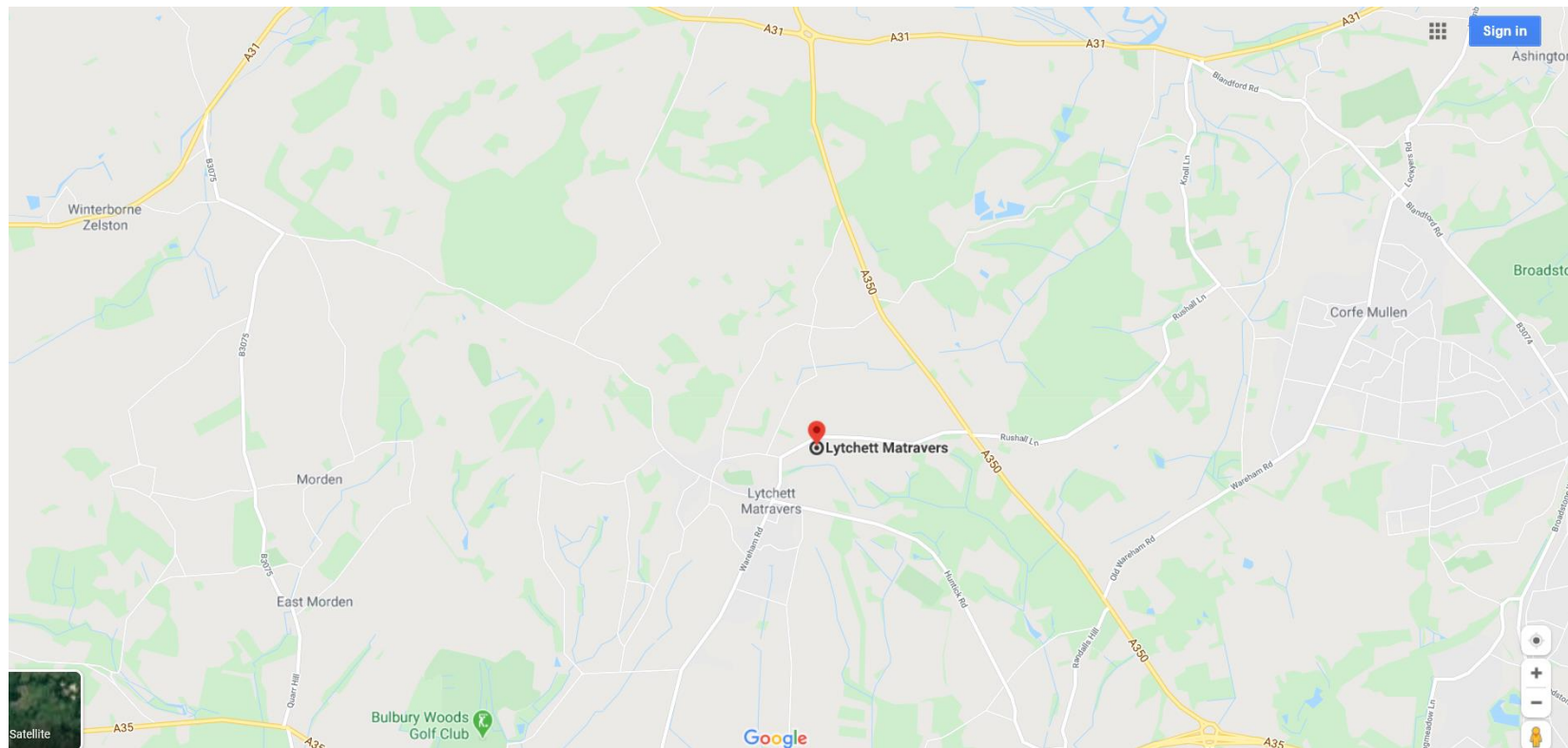
Approximate location of site on map



**Application Reference:** 6/2019/0585

**Address:** Former Royal British Legion Club, Wimborne Road Lytchett Matravers, BH16 6HQ

**Application:** Erection of 9 dwellings with car parking and landscaping



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## REPORT SUMMARY

REFERENCE NO.	3/18/2612/FUL		
APPLICATION PROPOSAL	Provision of car park to provide 56 designated spaces in place of existing informal parking area. Removal of trees and associated replacement tree planting and landscaping. As amended by plans rec'd 25/10/19 (which reduced the original parking provision from 68 spaces with the formalisation of 12 spaces to the south of the car park and formation of 7 new spaces to the south of Sheiling House)		
ADDRESS	The Sheiling Community, Horton Road, Ashley Heath, Ringwood, BH24 2EB		
RECOMMENDATION - Grant, subject to conditions: (see Section 9 of the report for the full recommendation)			
REASON FOR REFERRAL TO COMMITTEE The nominated officer has requested that the application be determined by committee in light of the impact on protected trees and the planning history of the site.			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"><li>The benefits to the wellbeing of the pupils of the facility from reducing the number of vehicles moving within the main campus; the national significance of the Sheiling Community's Special Educational Needs work, together with the planting of additional trees on the application site and campus represent the very special circumstances that would outweigh the harm to the Green Belt arising from the inappropriateness of the development, loss of Green Belt openness in the vicinity of the current car park and the loss of trees protected by a Tree Preservation Order.</li></ul>			
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL Not applicable			
APPLICANT	The Sheiling Special Educational Trust	AGENT	Bell Cornwell LLP
WARD	St Leonards	PARISH/TOWN COUNCIL	St. Leonards and St. Ives
PUBLICITY EXPIRY DATE	7 December 2018	OFFICER SITE VISIT DATE	14 November 2018
DECISION DUE DATE	24 December 2018	EXT. OF TIME	31 December 2019
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
3/11/0942/FUL	Car park	Refused	8/11/11

Reasons for refusal;			
<ol style="list-style-type: none"> <li>1. The site lies in the Green Belt and no very special circumstances have been set out to justify a use of land which would result in inappropriate development causing detriment to the openness of the Green Belt in conflict with the advice set out by the Government in Planning Policy Guidance Note 2 "Green Belts".</li> <li>2. The proposed car park would damage the generally rural character of this countryside area in conflict with policy CSIDE1 of the East Dorset Local Plan and policy DES8 of the local plan which refers to the need for developments in the countryside to be easily assimilated into the landscape.</li> </ol>			
Appeal decision details: No appeal submitted			
App No	Proposal	Decision	Date
3/11/0520/FUL	Car park	Refused	27/6/11
Reasons for refusal:			
<ol style="list-style-type: none"> <li>1. The site lies in the Green Belt and no very special circumstances have been set out to justify a use of land which would result in inappropriate development causing detriment to the openness of the Green Belt in conflict with the advice set out by the Government in Planning Policy Guidance Note 2 "Green Belts".</li> <li>2. On this site are many protected trees which make a positive contribution to the sylvan characteristics of the locality. These trees are the subject of The East Dorset District Council, The Sheiling, St. Leonards and St. Ives, Tree Preservation Order 2011. The applicant has failed to take into account the constraints placed on this site by these trees. If the car park were to be constructed as proposed it would result in an unacceptable level of damage occurring to the rooting environments of the adjacent protected trees, thereby jeopardising both their health and safe future retention. The loss of, or damage to, these trees would be to the detriment of the locality and as such is contrary to policy DES8 of the East Dorset Local Plan.</li> <li>3. The proposed car park would damage the generally rural character of this countryside area in conflict with policy CSIDE1 of the East Dorset Local Plan and policy DES8 of the local plan which refers to the need for developments in the countryside to be easily assimilated into the landscape.</li> </ol>			
Appeal decision details: No appeal submitted.			

## 1.0 DESCRIPTION OF SITE AND SURROUNDINGS

- 1.1 The application site is in the Green Belt and outside any of the settlements set out in Core Strategy Policy KS2 which defines the settlement hierarchy.

- 1.2 The site is in the south west of the Sheiling Community campus and comprises an informal car parking area (with space for 18 cars as stated in 4.1 of the Planning Statement) which is surfaced with stone chippings. The car park is within a small clearing amongst numerous trees that are protected by a Tree Preservation Order (TPO) and is served by an unsurfaced track that joins another internal track that leads to the visitor car park to the south of the Community's school reception and the Horton Road to the south.
- 1.3 The access track to the car park also runs to the south and north west of the car park leading to the Community's cottage garden and houses. This track passes a private dwelling at 'The Studio' to the west.
- 1.4 The site is relatively level and the parked cars are not readily seen from the Horton road to the south on account of the trees and vegetation on the campus's south boundary with this road.
- 1.5 The Sheiling Community campus extends to some 16 hectares and the application site is 0.35 hectares. The area for the car park is near the campus's southern boundary with the Horton Rd.
- 1.6 Throughout the campus there are numerous buildings used primarily for teaching, care and residential accommodation which are within a grassed woodland setting.
- 1.7 To the north east of the campus is the Ringwood Wardorf School and The Lantern Shop and café. There are residential properties to the north, east and south of the site, and to the west is Ringwood Forest (Ashley Heath).
- 1.8 Information submitted with the application in respect of current car parking provision on the campus reveals that a survey taken on a typical day (Drawing No. 170349 SK03 C) reported a total of 188 spaces of which 95 were in unmarked bays, on verges, grass or under trees, and 93 were in marked parking bays or areas of suitable hard standing. This figure excludes the 7 on-street parking spaces outside the campus along the Horton Rd.
- 1.9 The Sheiling Community provides specialist care for children and adults with care needs including autism, communication difficulties and complex learning disabilities. 265 staff and 74 pupils are currently situated at the site.

## **2.0 PROPOSAL**

### *Amended Plans*

- 2.1 The proposal has been amended since originally submitted and it is now for the provision of a formal parking area for the Sheiling Community with 56 designated spaces on the site of the current informal car park. These spaces would be sited within the trees to the south west of Sheiling House, and the car park entrance would be from the south and its exit from the east.

- 2.2 The new car park would replace the existing informal parking area that provides 18 spaces (net increase of 38 spaces), and its construction would require the loss of 39 trees, of which 3 would be Category U trees (poor condition that have less than 10 years useful value in the current landscape).

*Original plans*

- 2.3 Within the red edged application site, the originally submitted plans proposed 68 spaces in the current car park area, in addition to the formalisation of 12 spaces to the south of the car park (immediately adj. to the site boundary with Horton Rd), and formation of 7 new spaces to the south of Sheiling House (and east of the proposed new car park). This resulted in a total of 87 spaces on the application site.
- 2.4 The blocks of 12 and 7 spaces were described in the originally submitted details as '19 designated parking bays' and have now been omitted from the proposal. The application is therefore for 56 spaces only within the application site.
- 2.5 As part of the amended scheme, the Community is also proposing to remove 39 parking spaces on the campus and reseed them to put them out of parking use (27 of which exist outside the red edged application site but within the campus). These are shown on Cambian Drawing No. 1309-03 Sept 2019: Site Wide Tree Planting proposals.
- 2.6 The amended proposal seeks to retain 121 spaces on the campus, giving a total of 177 spaces (56 + 121) for the Sheiling Community.
- 2.7 It is also proposed to plant 62 new trees throughout the campus to compensate for the 36 trees to be removed in forming the new car park. 24 new trees would be planted within the new car park area. This would be a significant net gain of tree planting across the campus, and can be required by planning condition, being on land within the applicant's ownership.
- 2.8 The supporting Planning Statement (PS) advises there is a significant car parking issue across the site, and cars are being parked by members of staff throughout the campus primarily on grassed areas, verges and under tree canopies.
- 2.9 The PS states that the Sheiling Community would like to move as many staff cars as possible away from the informal parking areas and out of the student accessible areas to prevent conflicts between car users and students. This would return the landscape of the school site to the rural and tranquil environment it was always meant to be, thereby ensuring that the positive ambience of the location and the protection of the rural landscape.
- 2.10 A Parking Management Plan has been submitted to investigate the need for additional parking and uses parking surveys and photographic evidence.

- 2.11 The Planning Statement advises that all the trees between Horton Road and the existing internal drive are to be retained, and the parking areas to be constructed will be grasscrete and/or surface details to be confirmed with council and constructed using 'no dig' permeable paved construction methods to ensure that tree root protection areas are safeguarded.
- 2.12 Low level lighting posts are proposed within the car park, which will ensure appropriate lighting for staff when arriving and departing outside of daylight hours.

### **3.0 SUMMARY OF INFORMATION**

- 56 designated parking spaces are proposed for the new car park
- 39 existing parking spaces throughout the campus are to be removed and reseeded with no future parking on them
- Existing parking area can accommodate 18 cars
- Submitted parking survey shows 188 cars were parked on the campus (to include existing car park that is on the application site) with an additional 7 spaces along the Horton Rd (outside the Sheiling Community campus)
- 36 trees to be removed to provide new car park
- 24 new trees to be planted in the new car park within the red edged application site
- 62 new trees to be planted outside the red edged application site and throughout the campus (in addition to the 24 new trees on the new car park)
- Total of 86 new trees to be planted on the whole campus

### **4.0 RELEVANT PLANNING CONSTRAINTS**

SSSI Impact Risk Zone  
Green Belt  
Tree Preservation Order

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

KS1 Presumption in favour of sustainable development  
KS11 Transport and Development  
KS3 Green Belt  
KS12 Parking Provision  
HE2 Design of new development  
ME1 Safeguarding biodiversity & geodiversity  
LN7 Community facilities & services  
DES7 Criteria controlling loss of trees  
DES1 Criteria for ensuring developments respect or enhance their settings

### **6.0 LOCAL REPRESENTATIONS**

- 6.1 1 representation of support has been received following neighbour notification and site notice and the comments raised are that the Sheiling Community provides jobs for the local community and needs more professional parking arrangements. The design is well thought through, and the planting of

additional trees and bushes along the boundary will provide improved screening.

## **7.0 CONSULTATIONS**

### **7.1 County Highways**

NO OBJECTION, subject to a condition to require the parking and turning area shown on the submitted plan to be permanently maintained, kept free from obstruction and available for parking.

### **7.2 St Leonards & St Ives Parish Council**

It is clear that currently the onsite parking is insufficient and in disarray a more formalised arrangement would, if in line with the agreed Statement of Development Intent and satisfactory with the Tree Officer be an advantage to nearby residents. We would raise no objection if this is the case.

### **7.3 Trees and Landscape**

#### Comments re: Amended Plans rec'd 25/10/19

The tree section is still opposed to the tree loss are reasons previously stated however should it be that a consent is given, conditions should be applied to require confirmation of tree protection methods on site; samples of the cellular confinement system to be submitted and the planting shown on the submitted planting plan to be completed before the end of the planting season following completion of the development.

#### Comments re: originally rec'd plans

The application seeks consent to provide 68 car parking spaces and 19 allocated parking bays. Removal of tree, tree planting and landscaping.

It is understood the need for addition/formalised parking on the site. However, the submitted information falls short of what is expected to progress the application in tree terms.

## **8.0 APPRAISAL**

### Background to the application

8.1 The planning Statement advises the following;

- The Sheiling Special Education Trust (SSET) is the legal name for what was previously referred to as 'Sheiling School'. SSET is a registered charity (No.1149264) and a non-profit making limited company (No.8116370) encompassing Sheiling School and Sheiling College. Both school and college offer education (including recognised accredited qualifications) via a

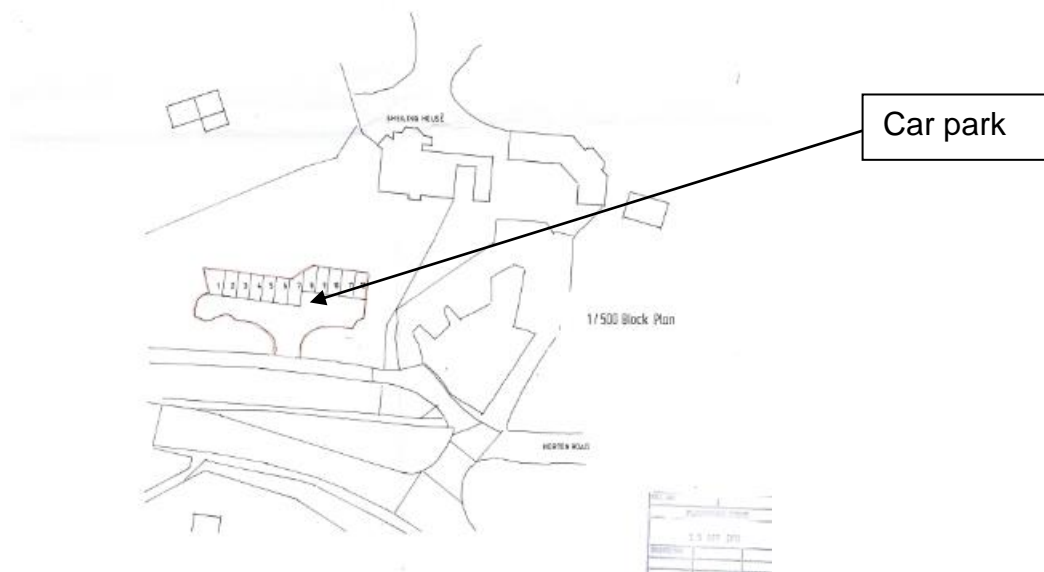
combination of day and residential placements to children and young adults who have special educational needs, including severe and complex learning disabilities, complex needs, ASD, challenging behaviour and communication difficulties.

- SSET is a professionally run business with between 70 and 80 students on roll each year ranging in age from 6 to 25 and employing in the region of 265 staff. All students are placed and funded via local authorities including Dorset. Its annual turnover is around £8m. It is a very different entity from that created at its inception back in 1951 and yet manages to combine modern SEN teaching practices and qualifications with its original ethos and values.
- SSET is a Camphill Community being part of the original Camphill Movement, formed in Scotland in 1939, with a commitment to create a new form of social life, namely a therapeutic community in which to care for and share life with children, young people and adults with complex needs. Education within the Camphill Movement is based on the works of Rudolf Steiner who promoted a therapeutic and creative approach to learning as well as developing physical, social and mental well-being. These new 'communities' were created and built by volunteers and the original Sheiling School was opened on 20 September 1951 after Sheiling House was made available to the Camphill Movement by a parent whose son was studying at another Camphill school in the country.
- Sheiling House started with just 7 children. Gradually, surrounding land and properties were purchase all becoming part of 'Sheiling School'. This development of the school was therefore done on a 'patchwork' basis within a community setting. There was little need for car parking and this was not taken into consideration during the evolving development of the site.
- Originally most people working at Sheiling School were volunteers living on site and were not employed – it was more a way of life than a place of work. It wasn't until 1992 that the school 'employed' its first teacher and 1993 for its first house coordinator. In 2012 the last 'live-in' house coordinator moved out of the school premises.
- In September 2012 Sheiling College was opened and this provision has led to a significant growth in overall staff and student numbers. Development and expansion of the college provision was encouraged and endorsed by Dorset Special Educational Needs (SEN) (along with other Local Authorities) in order to provide local provision for Dorset (and other) children aged 19 – 25.
- In 2017/18 SSET had on roll 73 students with 36 in School and 37 in College. Due to the individual needs of each student 1:1 and in some cases 2:1 support/care is common. All of these placements were funded by the 26 Local Authorities we currently work alongside, with Dorset placing 9 students with us in 2017/18 equating to 12% of our total student numbers.

- 8.2 The supporting documents advise that parking issues at the school are a longstanding concern, with ad-hoc parking occurring outside of allocated bays where there is not sufficient allocated parking within the site. Due to the school's specific needs, the parking issues have a detrimental effect on both pupil and staff experience, which is exacerbated during peak times and events.
- 8.3 The car parking will be managed and monitored by the school's facilities manager, whose responsibility it is to find alternative or additional parking at times when demand is high. The facilities manager will also be responsible for keeping up-to-date with staff views via regular surveys.
- 8.4 The application aims to improve the rural feel within the site by moving 'ad-hoc' parking which is damaging both staff and pupil experience and the existing landscaping, including grassed areas and ecologically valuable trees.
- 8.5 The former East Dorset District Council and the Sheiling Community have agreed to a 'Statement of Development Intentions' (SoDI) in 2008 and this was amended in 2012. The need for a SoDI stemmed from the location of the Sheiling Estate within the Green Belt and the nature of the work carried out by The Sheiling Trust within the Sheiling School and the Lantern Community which is of national significance and, thus was considered by officers to justify an exception to national and local Green Belt considerations.
- 8.6 In respect of car parking at the Sheiling Community, the SoDI put forward by the Sheiling Community in 2012 proposed to create a new car park capable of accommodating 25 to 27 cars to enable cars to be removed from within the Community site. However, this element of the proposals was not accepted by officers and the council's committee agreed the SoDI without it.
- 8.7 The reason for officers not accepting the new car park was that a 12 space car park was the subject of a refusal of planning permission (3/11/0942) on 8 November 2011, where no proven need for the car park was demonstrated which would overcome the impact on the openness of the Green Belt. This parking area was proposed in the same place as the 56 space car park now proposed under the current application. This decision was not appealed.



Refused plan for 3/11/0942



Principle of the development

- 8.8 The application site is in the Green Belt (GB) and outside any settlement identified in Core Strategy (CS) Policy KS2 (Settlement Hierarchy). The Sheiling Community has operated on the site for numerous years and is well-established, with staff and visitor parking occurring as an ancillary activity associated with the operation of the Community. Therefore, the principle of the proposal is acceptable in relation to this policy.

Accessibility in respect of the site's location

- 8.9 Public transport serving the site is limited due to the rural location, but there is a bus service from Horton Road running between Ringwood and Ferndown and there are links to the cycle network. Car sharing and cycle to work schemes are promoted by the Community, but the PS advises that single occupancy car travel is the only option for the majority of staff. As the proposal does not seek to expand staffing levels at the site or increase pupil numbers, the issue of accessibility is not afforded weight in the assessment of the proposal.

Impact on the Green Belt (GB)

- 8.10 Core Strategy (CS) Policy KS3 addresses proposals in the GB. The proposal does not conflict with this policy as it would not conflict with the 2 most important purposes of the GB, namely to protect the separate identity of individual settlements in the area by maintaining wedges and corridors of open land between them and to maintain an area of open land around the conurbation.

- 8.11 As the CS has no specific detailed policy to consider new car parking areas in the GB, it is necessary to assess the proposal in respect of the GB policy contained in the National Planning Policy Framework (NPPF).
- 8.12 The relevant sections of the NPPF to assess the proposal against in respect of its impact on the GB are paragraphs 143, 144 and 146. The proposal is considered to be an 'engineering operation' for the purposes of paragraph 146 b) and is viewed as inappropriate development in the GB as it would result in some loss of GB openness in the area of the existing informal car park.
- 8.13 The loss of openness would arise from the additional 38 parked cars proposed on the site of the existing car park. Some compensation for this loss of openness in the immediate vicinity of the application site would be achieved by the removal of the 12 parking spaces to the south of the new parking area.
- 8.14 Further compensation for the loss of openness that would occur would be provided by the removal of 39 informal parking spaces over the extent of the whole campus. This would enhance openness in the remaining campus and improve the semi-rural character of the site.
- 8.15 In terms of the whole campus, the proposal would result in a net loss of 11 parking spaces (188 spaces at present and 177 spaces proposed), and this benefit is to be considered in the assessment of the proposal's impact on GB openness and is afforded weight.
- 8.16 The need for the car park arises as the Sheiling Community now employs significantly more staff than it did when the Community was first established, and this has arisen from an increase in student numbers and changing special educational needs requirements.
- 8.17 The work carried out by the Sheiling Community is of national significance and considerable weight is afforded to it. The proposal would benefit the safety and wellbeing of students on the campus and provide a formalised parking arrangement at the campus which would benefit all users of the campus.
- 8.18 The planting of additional trees on the application site and across the campus is a benefit of the proposal that is afforded weight. However, the loss of a significant number of trees to make way for the new car parking spaces is also afforded weight especially as the trees are protected by a Tree Preservation Order.
- 8.19 The NPPF advises that inappropriate development is by definition harmful to the GB and should not be approved except in very special circumstances. It is considered that the benefits to the pupils of the proposal from reducing the number of vehicles moving within main campus, the national significance of the Sheiling Community's Special Educational Needs work together with the planting of additional trees on the campus represent the very special circumstances that would outweigh the harm to the GB arising from the

inappropriateness of the development and the loss of openness in the vicinity of the current car park.

Impact on trees

- 8.20 The application site is covered by a group Tree Preservation Order (TPO) ref: SL/241.
- 8.21 When the application was first submitted to provide 68 car parking spaces and 19 allocated parking bays, with removal of trees and some new tree planting and landscaping, the Tree Officer (TO) was opposed to the proposal given the number of trees to be lost to provide the extended car park. However, the TO advised on the proposal should planning permission be granted.
- 8.22 The Tree Officer understood the need for addition/formalised parking on the site but considered if it was minded to approved the application, the submitted information was inadequate to progress the application in tree terms, as the Arboricultural Impact Assessment (AIA) fails to understand the implications of the proposal.
- 8.23 The TO advised that too much emphasis has been made of the trees along the frontage with Horton Road providing screening and considers there are more suitable areas at the site to provide the parking which will not impact on the protected trees to the level currently proposed.
- 8.24 In this respect, the Cottage Garden was suggested to the applicants with the garden being relocated elsewhere inside the site. However, the applicant's agent advised that this was not a suitable proposal for the following reasons;

*The Cottage Garden has been an integral part of The Sheiling community for over 50 years having been created from sandy heathland into a working garden which provides an invaluable teaching resource to all its students.*

*Due to the nature of its students outdoor learning areas which provide skills for life in a practical environment are essential to the development of the student. Gardening is known to have significant health benefits both physical and mental. Students of the School use this area to learn about the growing of plants and vegetables whilst also gaining the physical and mental benefits of gardening. This links back to the ethos of the School. The produce grown is taken back to the classrooms or sold/given to staff and visitors. Loss of this important area within the School would have educational, physical and mental implications, none of which would benefit the students. Change to this area would be disruptive to the students who struggle to cope with change. Furthermore, siting the car park in this location would mean significant links back to the Schools main entrance would have to be made to ensure the safeguarding controls are not compromised; the operational area of the School would need to be significantly altered.*

- 8.25 For the above reasoning, the use of the Cottage Garden was not pursued by the applicant and they wished for the existing site to be considered.
- 8.26 The plans were then amended (rec'd 25/10/19) to respond to the TO's concerns and minimise the impact on the trees.
- 8.27 The TO remains opposed to the tree loss. However, he advises that if planning permission is granted conditions should be applied to require a pre-commencement site meeting to agree the tree protection; require samples of the cellular confinement system to be used; and require completion of the planting set out in the submitted plan.
- 8.28 Given the tree loss proposed, the proposal conflicts with Core Strategy Policy HE2 as it would be incompatible with mature trees. This conflict is given weight in the planning balancing exercise undertaken later in this report.

Impact on the landscape

- 8.29 The Sheiling is not in any protected landscape and the proposed car park would be screened by the existing trees along the site's southern boundary and also the existing campus buildings to the NE and NW of the proposed car park.
- 8.30 Although the loss of trees would have some initial impact on the landscape at the site, this would be mitigated in the long term when the proposed trees on the application site and throughout the campus establish themselves and the impact would not be significant accordingly.
- 8.31 Given the significant proposed new tree planting at the application site and throughout the campus, the proposal would protect and in time enhance the landscape character of the area and CS Policy HE3 would be complied with.

Impact on road safety

- 8.32 The proposal is to rationalise the parking at the site to reduce the potential for collision between vehicles and students and enhance the environment of the campus in the interests of the wellbeing of the pupils. There are no additional staff to be employed or students to attend the site and therefore there would be no additional impact on road safety for the adjacent public roads as no alterations to the site access with the Horton Road are proposed.
- 8.33 Dorset Highways has raised no objection to the proposal and the application is considered to be compliant with Policy KS11 of the CS.

Impact on biodiversity

- 8.34 The proposal involves the loss of a significant number of trees and clearing of undergrowth to make way for the additional parking spaces, and there would be an inevitable impact on biodiversity as habitat would be lost.

8.35 The submitted Preliminary Ecological Appraisal (PEA) has been prepared by a qualified ecologist and advises;

- The biodiversity of the site is low, with habitats predominantly consisting of bare ground currently used as a car parking, surrounded by stands of scots pine with an understory of *Rhododendron ponticum*.
- There are some native species, including many birch and holly, but overall the diversity is poor and typical of secondary woodland communities that develop on former heathland sites. Given the poor quality of habitat present, no significant conservation impacts are considered likely from habitat loss as a result of the proposals.
- The potential for protected notable species is limited and, subject to careful vegetation clearance, including avoidance of tree felling during the nesting season (unless unavoidable and subject to checks by a suitably experienced wildlife advisor), no significant effects on species conservation are considered likely.

*Mitigation & enhancement*

- There is the potential to offset the loss of nesting sites for birds as a result of tree loss by installing bird boxes on remaining trees.
- The installation of bat boxes would offer an enhancement, with potential use by relatively common species such as pipistrelle bats.
- The use of appropriate native species within a landscaping scheme would improve habitat value generally, providing resources for invertebrates and, as a consequence, improving the food source for other species. Removal / control of non-native species is also recommended to improve habitat value of the remaining areas around the car park.

8.36 The application also includes a Biodiversity Mitigation & Enhancement Plan (BMEP) and the mitigation and enhancement set out in this document and the PEA would ensure that the initial impact on biodiversity was mitigated and the application site's biodiversity enhanced. There is no conflict with CS Policy ME1 accordingly.

Impact on the amenities of occupants of adjacent properties

8.37 There is only a single adjacent residential property that would be affected by the proposed enlargement of the car park and this is 'The Studio' which is sited to the west of the site for the car park. The new car park may result in some additional disturbance to the occupants of this property from the use of the increased number of spaces proposed. However, the formal laying out of spaces is likely to reduce the disturbance from car manoeuvring as spaces are easier to access.

- 8.38 The entrance and exit to the car park are an appropriate distance from 'The Studio' and the occupants of 'The Studio' have written in support of the proposal. There is considered to be no adverse impact on the occupants of 'The Studio' and no conflict with CS policy HE2 accordingly as the proposal would be compatible with its surroundings in respect of its relationship with neighbouring dwellings.

Planning balancing assessment

- 8.39 The proposal represents inappropriate development in the green belt and is harmful to the green belt by definition and would result in loss of openness of the green belt by allowing a greater number of parked cars in the area of the current car park. In accordance with NPPF paragraph 144, these factors are afforded substantial weight.
- 8.40 The loss of trees protected by a Tree Preservation Order (TPO) would be significant and have an impact on the landscape. However, the proposed new tree planting at the application site and throughout the campus would mitigate this impact in the long term and this mitigation limits the weight to be apportioned to the loss of TPO trees.
- 8.41 It is considered that the benefits of the proposal from the benefit to the pupils from reducing the number of vehicles moving within the main campus which will improve pupil well-being which is of great importance to the functioning of the Sheiling Community's Special Educational Needs work as a valuable contribution to the care and education of children and young adults with special educational needs; the provision of a substantial amount of new tree planting throughout the Community campus and also on the application site (landscape and ecological benefits); and the removal of existing parking spaces on the campus (landscape and ecological benefits) outweighs the harm arising from the inappropriateness of the development in the green belt and the loss of green belt openness and the loss of TPO trees.

Conclusion

- 8.42 For the above reasoning the application is 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

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

## **10.0 PUBLIC SECTOR EQUALITIES DUTY**

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

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

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

## **11.0 CLIMATE IMPLICATIONS**

11.1 The proposal would not increase the number of vehicle trips to the campus when the car park is completed, as it is to rationalise the existing parking at the campus. The proposal may reduce vehicle emissions by reducing the distance staff vehicles travel on the campus as there would be a reduction of vehicles travelling into the campus beyond the existing car park.

11.2 There would be some impact from the loss of the trees and vegetation needed to be removed to make way for the parking spaces, and an increase in vehicle trips during the construction phase. As such the development will have some modest climate implications.

11.3 The proposed tree planting would provide some compensation for the loss of the trees and help mitigate against the impact from the loss of the trees.

## **12.0 RECOMMENDATION - Grant, subject to the following conditions:**

### **Conditions:**

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

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

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

Kendall Kingscott Project No.170349 Drawing No.L(0)01B: Location Plan

Cambium Drawing No.1309-1 Rev E: Landscape Proposals

Cambium Drawing No.1309-2 Rev B: Tree Removal Plan

Cambium Drawing No.1309-3 Rev O: Site Wide Tree Planting Proposals

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

3. Other than for the erection of tree protection, before any equipment, materials or machinery are brought onto the site for the purposes of demolition or construction, a pre-commencement site meeting between the Tree Officer, Arboricultural Consultant and Site Manager shall take place to confirm the methods of protecting trees on and adjacent to the site during development in accordance with the Arboricultural Impact Appraisal and Method Statement prepared by Calyx Environmental Ltd ref: KKS18001 dated May 2018. The tree protection shall be positioned as shown on the Tree Protection Plan, ref: Cabium 1309-04 dated Jan 2020 before any equipment, materials or machinery are brought onto the site for the purposes of the development. The tree protection shall be retained until the development is completed and nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made without the written consent of the Local Planning Authority.

Reason: This meeting is required prior to commencement of development in the interests of tree protection.

4. Prior to commencement of works samples of the cellular confinement system to be used, including the samples of the cell infill aggregate, (which shall not be of a calcareous nature and shall be a 4-20mm clean angular granite or flint) shall be submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out using the approved cellular confinement system.

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

5. Before the car park area is surfaced, details of the surfacing materials to be used shall be submitted to and approved by the Local Planning Authority (LPA). The car park shall then be surfaced using the agreed materials prior to use for parking.

Reason: To ensure a suitable semi-rural appearance for the surface of the car park given its location in a wooded setting

6. Prior to the first use of the car park hereby approved, the parking spaces identified to be removed (shown in dark green) on Cambium Drawing No.1309-03: Site wide tree planting proposals shall be removed and seeded for grass or planted and thereafter no longer used for parking.

Reason: To minimise the impact of surface parking at the campus on the Green Belt



7. Prior to the first use of the car park hereby approved, or in accordance with a timetable to be agreed by the Local Planning Authority (LPA), the new trees to be planted as identified on Cambium Drawing No.1309-03: Site wide tree planting proposals shall be planted in accordance with the specifications set out in this drawing and thereafter retained for a period of 5 years during which if any trees are found to be dying or are damaged, they shall be replaced on a like for like basis, unless agreed in writing by the LPA.

Reason: To compensate for the loss of trees arising from the proposal and to enhance biodiversity at the site and campus in general.

8. All planting on the application site as detailed on Cambium Drawing No.1309-01 rev E shall be completed before the end of the planting season following completion of the development. Any such trees 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 by the replacement of trees lost to the development

9. Prior to the installation of the external lighting for the proposed car park, details of its specification shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall be installed and maintained in accordance with the approved details unless agreed in writing by the Local Planning Authority.

Reason: To protect the Dark Skies characterising the AONB.

10. The development hereby permitted shall be carried out in accordance with the requirements of the Biodiversity Mitigation & Enhancement Plan dated 25/10/19, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance biodiversity at the site.

**Informatives:**

None.

**Background Documents:**

Case Officer: James Brightman

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

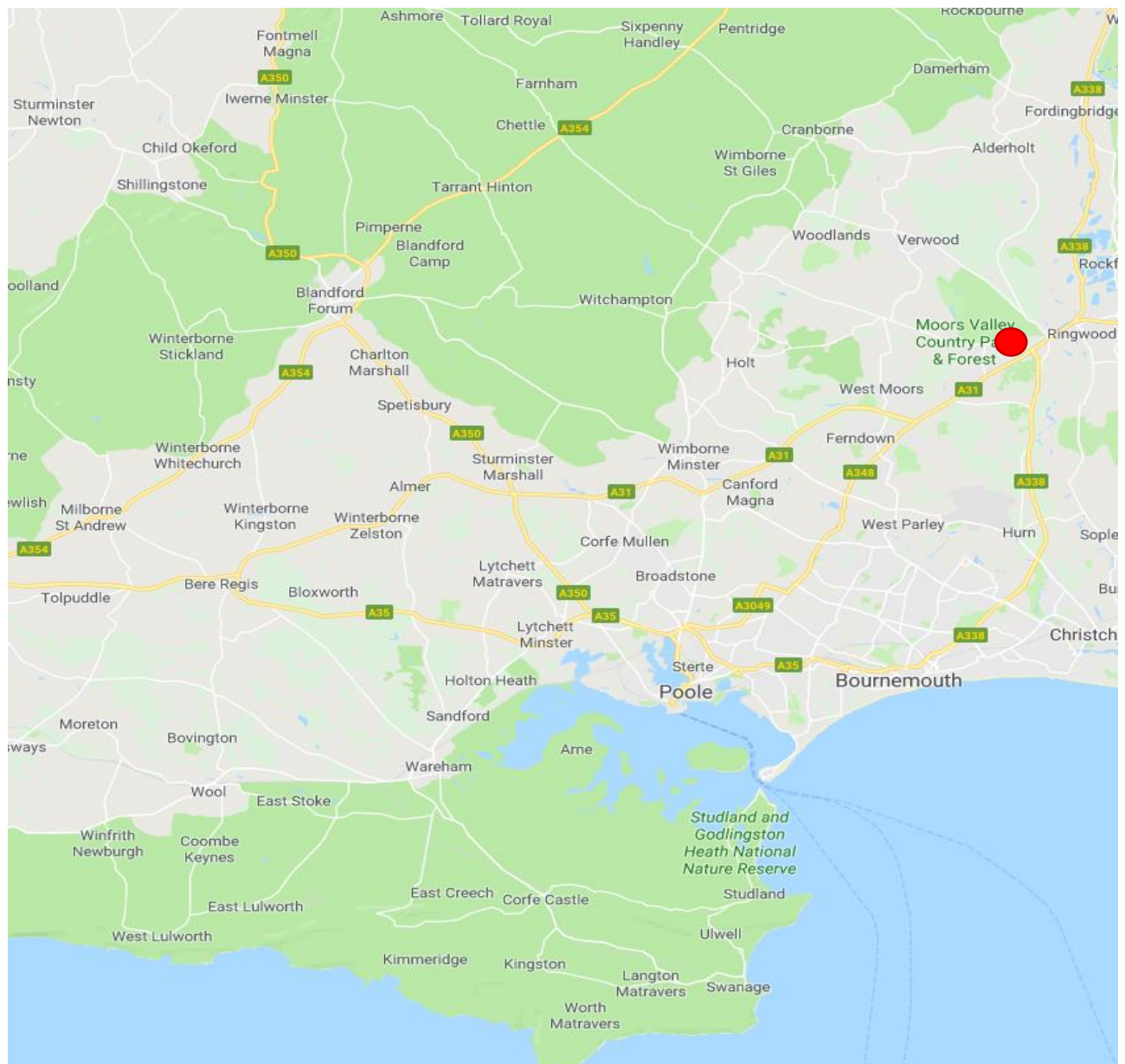
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



Approximate Site Location ●

3/19/2612/FUL – Sheiling Community, Horton Rd, Ashley Heath, Ringwood, BH24 2EB

Proposal: Provision of car park to provide 56 designated spaces in place of existing informal parking area. Removal of trees and associated replacement tree planting and landscaping. As amended by plans rec'd 25/10/19 (which reduced the original parking provision from 68 spaces with the formalisation of 12 spaces to the south of the car park and formation of 7 new spaces to the south of Sheiling House)



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## REPORT SUMMARY

<b>REFERENCE NO.</b>	3/19/2441/HOU		
<b>APPLICATION PROPOSAL</b>	Raise roof and ridge height to create first floor habitable accommodation with dormer to south elevation and 3no roof lights to south and north elevations		
<b>ADDRESS</b>	74 Ameysford Road, Ferndown, Dorset, BH22 9QB		
<b>RECOMMENDATION</b> - Grant, subject to conditions: (see Section 12 of the report for the full recommendation)			
<b>REASON FOR REFERRAL TO COMMITTEE</b> <b>COMMITTEE</b>  The Nominated Officer has requested that the application be determined by committee to allow consideration of the impact of the proposals on the character of the area and neighbouring amenity.			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"> <li>The property is located within the urban area of Ferndown, where extensions to the dwellings are supported in principle, subject to other material planning considerations being complied with.</li> <li>there are not considered to be any matters which would warrant a refusal of planning permission in this case.</li> <li>Approval subject to conditions is recommended.</li> </ul>			
<b>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</b> Not applicable			
<b>APPLICANT</b>	Mr & Mrs Meech	<b>AGENT</b>	WB Planning
<b>WARD</b>	Ferndown North	<b>PARISH/ TOWN COUNCIL</b>	Ferndown Town Council
<b>PUBLICITY EXPIRY DATE</b>	13 January 2020	<b>OFFICER SITE VISIT DATE</b>	20 December 2019
<b>DECISION DUE DATE</b>	10 February 2020	<b>EXT. OF TIME</b>	12 March 2020
<b>RELEVANT PLANNING HISTORY</b>			
App No	Proposal	Decision	Date
3/18/2397/HOU	Raise roof to form first floor accommodation	Refused	13.12.2018

Summary of Reason for refusal;

- increase in height, bulk, design and scale considered excessive and overbearing in this elevated corner location and in close proximity to the side wall of the dwelling at No. 30 Maple Drive.
- scale, design and visual impact would be out of keeping with the character and spatial quality of surrounding properties when viewed from the public domain contrary to paragraphs 124-127, 130 of the NPPF and Policy HE2 of the (CED) Local Plan in terms of siting, scale, bulk, height, visual impact, design and poor relationship to adjoining properties.

Appeal decision: APP/U1240/D/19/3223434 dismissed by decision letter dated 26.06.2019.

The Inspector considered the main issues as:

*'The main issue is the effect of the proposal on the character and appearance of the area.'*

The appeal was dismissed primarily on the impact of the replacement roof, in summary:

- impact on the character and appearance of the property and the area
- new roof considered to be overly dominant and complex, with an asymmetrical gable in conflict with the well defined gables prevalent on the estate
- three outward facing dormers would be prominent
- complex roof extension design over the garage, being close to the neighbouring property (30 Maple Drive), would impact on the spacious character of the area

## 1.0 DESCRIPTION OF SITE AND SURROUNDINGS

- 1.01 The application site is located in the urban area of Ferndown within an established residential area. The existing single storey bungalow has a simple low-pitched roof over the main area of living accommodation, with a gable facing front and rear. The property extends towards its southern boundary, with a flat roof garage.
- 1.02 The application site accessed via shared private track off Ameysford Road and it is not visible from Ameysford Road. To the north and east is Maple Drive which is set at a lower level. The application site occupies a prominent elevated corner location on Maple Drive where development is characterised predominantly by bungalows and almost exclusively single storey except the chalet style bungalow and two storey dwelling located opposite no's. 30 Maple Drive and 72 Ameysford Road. The properties are set back from the road behind open front gardens.
- 1.03 The existing dwelling extends up to the boundary with no: 30 Maple Drive. The application seeks to reduce the footprint of the garage and to increase the

separation distance by moving the side wall by 600mm further away from the boundary with number 30.

- 1.04 There is one small oak tree within east corner of the rear garden facing Maple Drive which is not affected by the proposal. Site is predominantly open on its north and east boundary sitting on approx. 1.5m elevated grass verge with low wall on a part of the north boundary and to the east. To the front of the property there is part concrete part soft surface parking area with close board fencing all around.
- 1.05 The site is located on a relatively steep corner with ground levels raising up from north to south. Number 74 is elevated in relation to the Maple Drive road frontage adding to its visual prominence within the street scene.






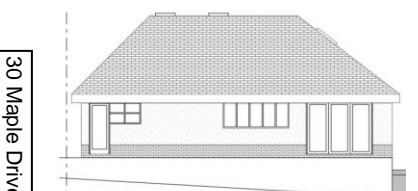
## 2.0 PROPOSAL

- 2.01 The application seeks to raise the ridge of the existing bungalow from 6.5m to approx. 7.7m, to create habitable accommodation within the roof area incorporating dormer to south elevation and 3 high level roof lights to the north and south elevations. The existing garage to be extended by approx. 3m at the front (west) with a hipped roof over.
- 2.02 This application follows refusal of a previous application 3/18/2397/HOU which was dismissed at appeal. Prior to submission the applicants sought pre-application advice from officers.

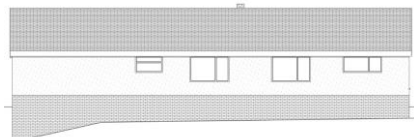
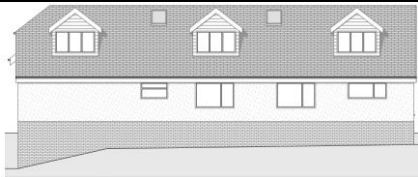
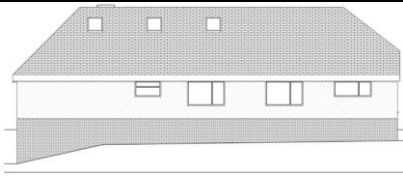
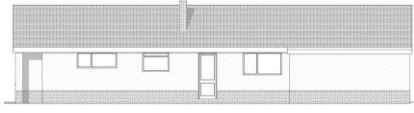
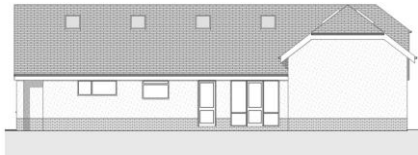
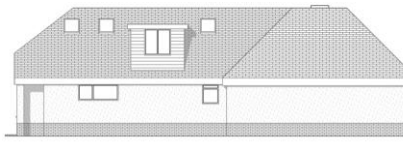
## 3.0 SUMMARY OF INFORMATION

Details of Proposed Development:				
L shape dwelling	Existing	Refused	Proposed	Difference from existing
Width (min/max approx. metres)	7.7-13.2	7.7-12.9	7.7 - 12.6	-0.6
Length (min/max approx. meters)	5.5 - 18	5.5 - 18	8.5 - 18	+3
Height to ridge (max, approx. metres)	6.5	7.7	7.7	+1.2
Height to eaves (max, approx. metres)	4.7	4.7	3 – 4.3	-1.7 – 0.4

<b>Ridge length along Maple Drive to the east</b>	18.2	16.7	12.4	-5.8
<b>Distance from boundaries (minimum in metres)</b>				
South with no: 30 Maple Drive	0	0.3	0.6 (boundary) 1.6 (elevation/elevation)	+0.6 +0.6
East with Maple Drive	10.3	10.3		/
North with Maple Drive	4.4	4.4	10.3	/
West with no: 26 Maple Drive	9	9	4.4 9	/

<b>Details of proposed development – Illustrations ( not to scale)</b>		
<b>Existing</b>	<b>Refused/Dismissed 3/18/2397/HOU</b>	<b>Current Proposal</b>
<p>West (front)</p> 	<p>West (front)</p> 	<p>West (front)</p> 
<p>East (rear)</p>  <p>Maple Drive</p>	<p>East (rear)</p>  <p>Maple Drive</p>	<p>East (rear)</p>  <p>Maple Drive</p>
<p>North (side)</p>	<p>North (side)</p>	<p>North (side)</p>



 Maple Drive	 Maple Drive	 Maple Drive
South (side) 	South (side) 	South (side) 

#### 4.0 RELEVANT PLANNING CONSTRAINTS

Main Urban Area

Tree Preservation Order – no protected trees on site

#### 5.0 POLICY AND OTHER CONSIDERATIONS

KS1 Presumption in favour of sustainable development

KS12 Parking Provision

HE2 Design of new development

ME1 Safeguarding biodiversity and geodiversity

#### 6.0 LOCAL REPRESENTATIONS

6.01 16 letters of objection have been received from 12 neighbouring properties. A further two objections have been received from one neighbouring property however no attachment letter was submitted via the online consultation.

Issues Raised	Condition/ Reason & no.
<ul style="list-style-type: none"> <li>Dwelling already overpowering in its elevated position and the proposed dwelling would be too high</li> <li>Proposed would appear three storeys due to site levels</li> <li>Visual impact</li> <li>Out of keeping with surrounding area</li> <li>Overbearing, loss of light</li> <li>Overlooking from dormer window</li> <li>Too close to no. 30 Maple Close – issues not resolved from previously dismissed proposal</li> <li>If approved, it will set a precedent</li> </ul>	

<ul style="list-style-type: none"> <li>Dormer windows or roof lights not characteristic for the area</li> </ul>	
<ul style="list-style-type: none"> <li>Overhang to neighbouring site</li> </ul>	correct plans have been received and no overhang/encroachment will occur
<ul style="list-style-type: none"> <li>Garage conversion will reduce parking</li> </ul>	no garage conversion is proposed
<ul style="list-style-type: none"> <li>The proposal will cause traffic/parking/access problems during construction on Maple Drive</li> </ul>	Condition (5) Construction Method Statement - pre commencement condition

## 7.0 CONSULTATIONS

### 7.01. **Ferndown Town Council** (08.01.2020) - Objection

Members were concerned about the resultant height, bulk and mass of the proposed alterations. In addition, it was considered that there would be an effect on neighbour amenity due to potential overlooking and loss of privacy. Members felt that the current application does not overcome objections to the previous application. Members request that, if the application is approved, there should be a construction works plan to take into account the access arrangements required by a family in the locality with a disabled person.

### 7.02. **Natural England** (06.01.2020) – No Objection

### 7.03. **Dorset Council Highways** (19.12.2019) – No objection

### 7.04. **DC Trees & Landscape** (23.12.2019) - Young oak on site. Refer to comments related to past appeal - dismissed. Trees/veg not a material consideration.

**No objection** but if minded to grant consider desirable for protective fencing on oak during construction. ( Condition 4)

## 8.0 APPRAISAL

### 8.01 The main planning considerations for this application are:

- The principle of development
- Impacts on the character of the area
- Impacts on neighbouring amenity

### 8.02 These points and other material considerations are discussed under the headings below.

Principle of development

- 8.03 The guidance contained in the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance is material considerations in the determination of this application.
- 8.04 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area; except, where material considerations indicate otherwise.
- 8.05 The site is within the urban area where extensions to the dwellings are supported in principle. There is no objection to the principle of the proposed development subject to all other matters being acceptable and compliance with other CS policies.

Impact of the proposal on the character of the area

- 8.06 Section 12 of the NPPF highlights the importance of good design which should contribute positively to making places better for people. Local Plan Policy HE2 requires that development should be compatible with or improve its surroundings in relation to 11 criteria which include layout, site coverage, architectural style, bulk, height, materials, landscaping and visual impact.
- 8.07 The amended scheme has now simplified and reduced the amount of additional roof extension so as to reduce the visual impact of the development on the character and appearance of the area and on neighbouring properties.
- 8.08 The new ridge has been reduced by 4.3m in length when compared to the refused scheme and does not form gables at both ends but hipped roof. This would reduce the visual impact of the roof when approached from the primary access route to the east in Maple Drive.
- 8.09 Although the ridge height remains the same as the previous refused scheme at 1.2m increase, however the changes to the roof design, especially above the garage, lowering of the eaves height towards no. 30 Maple Drive has introduced more simplified and symmetric roof form which allows for more acceptable gap between the site and no. 30 Maple Drive. Furthermore, the new roof over the garage is sloping away from the boundary to reduce any perceived impact on the dwelling at 30 Maple Drive. The small area of flat roof, also incorporating two roof lights serving dressing room and en-suite, will not be perceived as a flat roof from public views as it is at the top of the roof slopes.
- 8.10 The north facing dormer windows have been removed and replaced by three high level roof lights which has removed additional bulk and reduced the overall prominence of the roof form.
- 8.11 There is a dormer window to the side roof slope serving the stairway. There is one example of a large box dormer on the property opposite the site, although

this is isolated and the dormers are not a characteristic of the area, however, the proposed dormer is not readily visible from the street scene and as such would be acceptable.

- 8.12 The external materials are proposed to match the existing dwelling and are acceptable in this location.
- 8.13 Overall, the amended proposal has taken into consideration the planning inspector's comments in his decision letter for the previous scheme. The proposal has also been amended following pre-application correspondence with officers.
- 8.14 The amended design has considered the site location adjacent to other dwellings and to its position on a prominent corner in the street scene. The ridge length is reduced, and the gables removed to give a simple hipped roof slope to the eastern facing elevation. The outward facing elevations are now simple roof slopes with rooflights facing north and the roof over the garage simplified to retain the spaciousness between the site and number 30 Maple Drive.
- 8.15 For all the above reasons, it is considered that the proposed amendments have overcome the previous reasons for refusal. As such, it is considered that on balance, the proposal would be compatible with its surroundings in respect of its scale, height, design, materials and visual impact.

#### Impacts on Neighbouring Amenity

- 8.16 The roof lights on the side (N) roof slope are high level serving bedroom and would not introduce overlooking to the front of the properties at no's: 18 & 20 Maple Drive due to a separation distance of approx. 20m (elevation to elevation) which is acceptable in urban areas and does not warrant reason for refusal.
- 8.17 No adverse overlooking would occur to other nearby properties to the north given the high level rooflights and separation distances between the application property and these dwellings.
- 8.18 Three rooflights on south roof slope towards no: 30 Maple Drive are high level with restricted opening and no adverse overlooking would occur to this property. Dormer window to the south roof slope would look towards rear garden of neighbouring no. 30 Maple Drive. As this window will serve stairway, there is no need to impose condition for obscure glazed glass.
- 8.19 Due to the ground levels and the roof design that slopes away from the neighbouring dwelling, no adverse impact from overshadowing/loss of light would result from the proposal to the adjacent property at no: 30 Maple Drive.

#### Impact on ecology

- 8.20 The application includes a negative bat survey and thus complies with the Dorset Bat Protocol. Policy ME1 of the Core Strategy is adhered to.

Parking

- 8.21 The proposal does not include any changes to the means of access to the site. Parking provision is unchanged, and site has at least 2 parking spaces plus the existing garage is retained. The proposal is in accordance with Policy KS11 and KS12.

Conclusion

- 8.22 Taking into account the considerations set out above, the application is found to accord with the development plan and national planning policy and guidance. 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**

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

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

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

**11.0 CLIMATE IMPLICATIONS**

- 11.1 The proposal would be designed to meet current building regulations which would help reduce the carbon footprint of the ongoing heating and running of the building.

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

**Conditions:**

[Officer note: The pre-commencement condition agreed with the agent by email dated 27/02/2020]

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

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

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

J18032-001 A	Site and Location Plans
J18032-002 A	Block Plan
J18032-005 A	Proposed Plans
J18032-006 A	Proposed Elevations

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

3. The materials and finishes to be employed on the external faces of the development, hereby permitted, shall match those of the existing building unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure satisfactory visual relationship of the new development to the existing.

4. The fencing for the protection of young oak tree on eastern boundary shall be installed and kept during construction.

Reason: In order to prevent damage during construction to trees that are shown to be retained on the site

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding
- v. measures to control the emission of dust and dirt during construction

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

**Informatives:**

1. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.

**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.

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

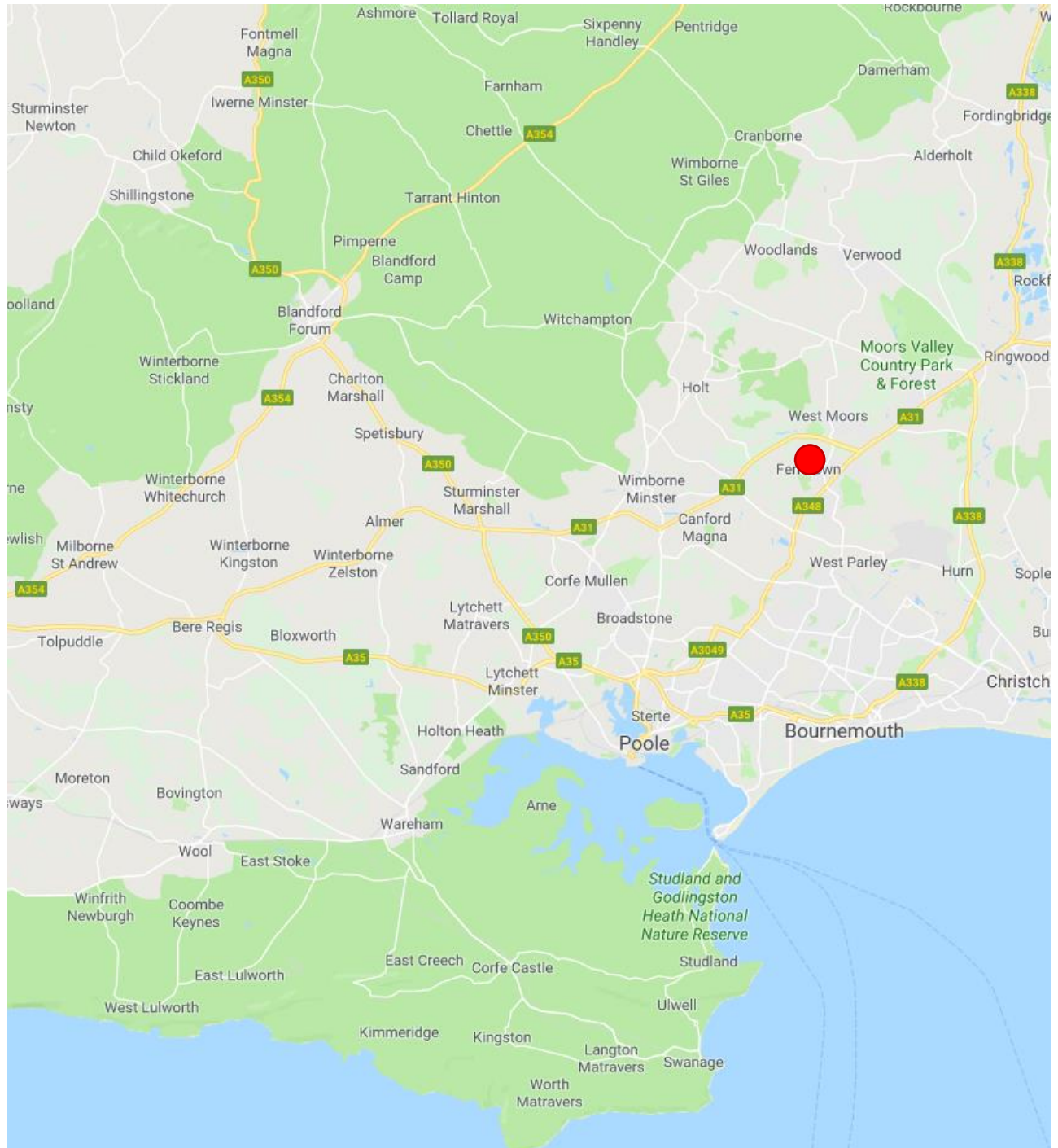
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Approximate Site Location 

3/19/2441/HOU 74 Ameysford Road, Ferndown BH22 9QB

Proposal: Raise roof and ridge height to create first floor habitable accommodation with dormer to South elevation and 3no roof lights to South and North elevations



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**REPORT SUMMARY**

REFERENCE NO.	3/19/1365/FUL		
APPLICATION PROPOSAL	Erection of 14 commercial units for B1(b), B1(c) and B8 use together with access and associated parking		
ADDRESS	Land North of Casa Velha, Ringwood Road, Three Legged Cross, Wimborne, Dorset, BH21 6RB		
RECOMMENDATION - Grant, subject to conditions: (see Section 12 of the report for the full recommendation)			
REASON FOR REFERRAL TO COMMITTEE The nominated officer has requested that the application be determined by committee due to impact on neighbouring amenity			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"><li>The proposed is located within the urban area of Three Legged Cross, where the principle of new employment development is generally acceptable</li><li>there are not considered to be any matters which would warrant a refusal of planning permission in this case.</li></ul>			
INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL Not applicable			
APPLICANT	Westcroft Construction Ltd	AGENT	Chapman Lily Planning Ltd
WARD	Verwood	PARISH/ TOWN COUNCIL	Verwood Town Council
PUBLICITY EXPIRY DATE	16 January 2020	OFFICER SITE VISIT DATE	10 October 2019
DECISION DUE DATE	18 December 2020	EXT. OF TIME	TBC
RELEVANT PLANNING HISTORY – Application Site			
App No	Proposal	Decision	Date
3/18/0921/PAM	9 no. detached dwellings on Land to the North of Casa Velha with new access onto West Moors Road. 3 no. commercial units with parking and new day nursery.	N/A	Written response 02/05/2018
RELEVANT PLANNING HISTORY – Adjacent Land			
3/18/3235/OUT	Outline application with access for consideration for the erection of 9, two storey, properties. (Outline: Approval sought for Access only)	Granted	12/04/2019

3/19/1699/RM	Erection of 9, two storey, properties. (Reserved Matters following PA 3/18/3235/OUT Appearance, Landscaping, Layout and Scale.)	TBC	TBC
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## MAIN REPORT

### 1.0 DESCRIPTION OF SITE AND SURROUNDINGS

- 1.01 The application site is open land situated to the south of Ringwood Road. It is located within the main urban area of Three Legged Cross and within 400m of Holt and West Moors Site of Specific Interest (SSSI). The site measures approximately 0.58ha.
- 1.02 The application site is bordered by Ringwood Road to the north; an access road to the east that services the Oakdene Nursing Home located to the east; the residential dwellings of Oakdene Orchard and Casa Vehla to the south (also serviced by the access road); and currently open land to the west that has an extant planning permission, PA 3/18/3235/OUT, for 9 dwellings.
- 1.03 The current access is from Ringwood Road which services Oakdene Nursing Home, Oakdene Orchard and Casa Vehla. It is proposed to use the same access and a Certificate B has been provided where notice has been served on Oakdene Orchard, Casa Vehla and Dorset Council.
- 1.04 The site has a well vegetated boundary to the north with closed board fencing adjacent to the public highway, which provides screening and adds to the semi-rural character to this part of Ringwood Road. There is also some vegetation to the southern boundary. The western boundary is currently open and the eastern boundary has approx. 2m high closed board fencing.
- 1.05 As noted previously there is an extant planning permission (PA 3/18/3235/OUT - *Outline application with access for consideration for the erection of 9, two storey, properties. (Outline: Approval sought for Access only)*) for 9 dwellings to the west by the same applicant and currently has a reserved matter application under consideration (3/19/1699/RM - *Erection of 9, two storey, properties. (Reserved Matters following PA 3/18/3235/OUT Appearance, Landscaping, Layout and Scale.)*)).
- 1.06 It is also noted a pre-application meeting and response was given, 3/18/0921/PAM, for the site as a whole for 9 dwellings, 3 commercial units and a day nursery. In some neighbour objections received it is noted pre-app advice is not made available publicly. It is not Council practice to consult on pre-application submissions of this nature, nor are responses publicised.
- 1.07 Pre application advice is given by officers without the involvement of external consultees, neighbours or other interested parties and generally without the

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benefit of a site visit. The views given are not a formal decision of, nor are they binding, on the local planning authority.

The Council is subject to requirements under the Freedom of Information Act 2000 and Environmental Information Regulations 2004. Where the Council receives a request to disclose any information in relation to a pre-application discussion, it will notify and consult with the 'applicant' concerning its possible release.

The Council reserves the right, to disclose any such information it deems appropriate and shall be responsible for determining at its absolute discretion whether the information is exempt from disclosure in accordance with the FOIA or EIR.

## **2.0 PROPOSAL**

2.01 This is a full planning application for:

*'Erection of 14 commercial units for B1(b), B1(c) and B8 use together with access and associated parking.'*

2.02 in response to consultee comments and officer concerns, revised plans were submitted in December 2019.

Changes include:

- Units moved further away from Ringwood Road to allow existing vegetation to be retained and additional landscaping added.
- Units moved away from the southern boundary with additional landscaping added
- Unit layout revised to allow for the above changes
- Units fronting Ringwood Road reduced from 5 to 4 units and divided into one separate larger unit and a block of 3
- Eaves height of units to the south reduced to the rear to reduce bulk and impact on neighbouring amenity
- Additional landscaping provided to the western boundary.

2.03 The 14 units proposed are arranged in three blocks of 4 to the north, 6 back to back to the centre and 4 to the south. The existing access from Ringwood Road is shown to be retained and will service the proposed units.

2.04 Proposed materials are typical of those provided for commercial units with profile cladding, glazing and standing seam roofs.

2.05 The existing trees along the Ringwood Road frontage are to be retained and additional planting provided. Additional planting and landscaping will also be provided to west and southern boundaries.

2.06 50 vehicle parking spaces are proposed and 20 cycle spaces.

### 3.0 SUMMARY OF INFORMATION

	<b>Proposed</b>
<b>Site Area (ha)</b>	0.58ha
<b>Floor Area</b>	Total - 1163.02 m2
<b>Use</b>	B1 Business (up to 1163.02m2) – Uses which can be carried out in a residential area without detriment to its amenity. Specifically: B1 (b) – Research and development B1 (c) – Light Industrial  B8 – Storage or distribution (up to 388m2 only)
<b>Approximate Ridge Height (m)</b>	All units - 7m
<b>Approximate Eaves Height (m)</b>	Units 1- 10 (north and centre) – 5.3m Units 11-14 (south) – 4.5 (rear), 5.3m (front)
<b>Approximate Depth &amp; width (m)</b>	Unit 1 (north) - 11 x 11.7m Units 2 - 4 (north) – 11x 7.5m Units 2 -10 (centre) – 10.5 x 8.2m Units 11-14 (south) – 13.5 x 7.3m
<b>Materials</b>	Profile cladding, glazing, standing seam roof
<b>Parking Spaces</b>	50 vehicle 20 cycle
<b>No. of Storeys</b>	Units 1 -10 have been designed to allow for possible future mezzanine levels internally. Units 11-14 will have no upper levels due to the restricted eaves height to the rear.

### 4.0 RELEVANT PLANNING CONSTRAINTS

Highways  
Heathland 400m Consultation Area / 400-5k Consultation area  
Main Urban Area

## **5.0 POLICY AND OTHER CONSIDERATIONS**

### **5.01 Development Plan:**

#### **Christchurch and East Dorset Core Strategy (Part 1) 2014 (CS)**

KS1	Presumption in favour of sustainable development
KS5	Provision of Employment Land
KS11	Transport and Development
KS12	Parking Provision
HE2	Design of new development
HE3	Landscape Quality
ME1	Safeguarding biodiversity and geodiversity
ME3	Sustainable development standards for new development
ME4	Renewable energy provision for residential and non-residential developments
ME6	Flood Management, Mitigation and Defence
ME2	Protection of the Dorset Heathlands
PC1	Christchurch and East Dorset Employment Land Hierarchy

#### **East Dorset Local Plan 2002 (EDLP) (saved policies)**

DES2	Criteria for development to avoid unacceptable impacts from types of pollution
DES6	Landscaping schemes in rural areas and on the edge of settlements should be of indigenous species.
DES7	Criteria controlling the loss of trees.
DES11	Criteria for ensuring developments respect or enhance their surroundings.

### **5.02 Government Guidance**

The National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)

## **6.0 LOCAL REPRESENTATIONS**

- 6.01 In addition to letters to neighbouring properties, a site notice was posted outside the site on the 10 October 2019 with an expiry date for consultation of the 03 November 2019. Neighbours were also reconsulted by letter for the revised design on 02 January 2020.
- 6.02 One letter of support was received from a neighbouring address noting they support the proposed use as housing cannot be provided given the proximity to the SSSI; it would support the local economy; and that the revised plans are preferred.

6.03 In total 20 letters of objection from 12 addresses were received raising the following issues:

	<b>Initial Consultation Response October 2019</b>	<b>Revised Design Consultation Response January 2020</b>
<b>Proposed Use</b>	There are enough industrial estates already provided in the area	There are enough industrial estates already provided in the area
<b>Impact on Character of the area</b>	Not in keeping with the residential character of the area  Proposed use will have a negative impact on the character of the area	Not in keeping with the residential character of the area  Proposed use will have a negative impact on the character of the area
<b>Neighbouring Amenity</b>	Proposed use will have a negative impact on neighbouring amenity through noise, disturbance, smells, vibration, loss of light, overshadowing and views  Vibrations from additional heavy vehicles will impact neighbouring properties	Proposed use will have a negative impact on neighbouring amenity through noise, disturbance, smells, vibration, loss of light, overshadowing and views
<b>Traffic/access/parking</b>	Increased traffic will impact negatively on the area  Surrounding road infrastructure will not cope with additional traffic, in particular lorries  Highway safety concerns in relation to increased	Increased traffic will impact negatively on the area  Surrounding road infrastructure will not cope with additional traffic, in particular lorries  Highway safety concerns in relation to increased traffic, in particular



	<p>traffic, in particular lorries, and the use of near-by bus stops by school children</p> <p>Highway safety concerns I relation to the near-by mini roundabout</p> <p>Will impact on access to the nursing home</p> <p>Insufficient parking provided</p>	<p>lorries, and the use of near-by bus stops by school children</p> <p>Highway safety concerns I relation to the near-by mini roundabout</p> <p>Will impact on access to the nursing home</p>
<b>Landscaping/trees</b>	<p>Insufficient landscaping provided</p> <p>Increased pollution will impact negatively on protected trees</p>	
<b>Other</b>	<p>Pre-application advice is not publicly available</p> <p>Cumulative impact of the proposed in relation to other industrial estates in the area needs to be considered</p> <p>Increased pollution will impact negatively on the near by SSSI</p> <p>Some of the information provided in the submitted PDA and Noise Impact Assessment is considered to be incorrect</p>	

## 7.0 CONSULTATIONS

The following responses were received from consultees in relation to the initially submitted and revised design.

### Dorset Council Planning Policy

Initial Design 10/12/2019	<ul style="list-style-type: none"> <li>- The application site is not allocated for employment development in the Christchurch and East Dorset Local Plan Part 1 – Core Strategy.</li> <li>- However, it is located within the urban area of Three Legged Cross. Within this area the principle of new</li> </ul>
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	<p>employment development is generally acceptable subject to consideration of matters such as character and appearance, highway safety, impact on the living conditions of the occupiers of neighbouring properties etc.</p> <ul style="list-style-type: none"> <li>- Consequently, subject to the proposal meeting policy requirements in respect of such matters, Planning Policy does not object to the proposed development.</li> </ul>
Revised Design	<ul style="list-style-type: none"> <li>- N/A reconsult not required</li> </ul>

### Natural England

Initial Design 15/11/2019	<ul style="list-style-type: none"> <li>- No objection subject to securing approved BMEP</li> </ul>
Revised Design	<ul style="list-style-type: none"> <li>- N/A reconsult not required</li> </ul>

### Verwood Town Council

Initial Design 4/10/2019	<ul style="list-style-type: none"> <li>- Contrary to Policy HE2, layout, site coverage would have a detrimental impact on the residents of the adjacent nursing home, architectural style, scale, bulk, materials, landscaping, visual impact and relationship to nearby properties including minimising general disturbance to amenity.</li> <li>- We fully support the representation made by East Dorset Environment Partnership</li> </ul>
Revised Design 09/01/2020	<ul style="list-style-type: none"> <li>- Contrary to Policy HE2, layout, site coverage would have a detrimental impact on the residents of the adjacent nursing home, architectural style, scale, bulk, materials, landscaping, visual impact and relationship to nearby properties including minimising general disturbance to amenity.</li> </ul>

### DC Highways

Initial Design 08/10/2019	<ul style="list-style-type: none"> <li>- For a development of this type and scale I would expect drawings to be submitted detailing the following: <ul style="list-style-type: none"> <li>• The proposed carriageway widths.</li> <li>• The location of pedestrian footpaths.</li> <li>• Service margins.</li> <li>• A swept path analysis proving that large service vehicles (both rigid and articulated) can drive freely around the site.</li> <li>• Speed reduction methods employed on the highway to</li> </ul> </li> </ul>
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	<p>restrict speeds to 20mph or less.</p> <ul style="list-style-type: none"> <li>• Junction markings and give way lines.</li> <li>• The exact dimensions of the visibility splays to be provided at the junction onto Ringwood Road.</li> </ul> <p>- Are the internal highways to be offered for adoption?</p>
Initial Design 13/11/2019	<p>- The agent has confirmed that it not their intention to offer the internal estate road layout for adoption under s38 of the Highways Act.</p> <p>- No objection subject to conditions in relation to access, visibility splays, cycle parking and gates</p>
Revised Design 20/01/2020	<p>- The Highway Authority has nothing further to add to its previous observation dated 13 November 2019</p>

## EDEP

Initial Design 30/04/2019	<p>Objection for the following reasons:</p> <ul style="list-style-type: none"> <li>- The application has provided no evidence of need. Policy PC1 does not include a requirement for windfall sites.</li> <li>- The total requirement for SE Dorset up to 2028 is 173ha. Thus the combined two Local Plans have identified a substantial overprovision (57ha) for the plan period.</li> <li>- The Local Plan Review for Dorset Council is underway and employment site allocation will be addressed strategically across the whole LPA area.</li> <li>- The policy requirement for flexibility (Policy PC2) to which the applicant refers (PDAS 5.22) relates to potentially using some employment land for non B1, B2 and B8 uses – eg housing and <u>not</u> flexibility in where employment sites are located. <i>Ad hoc</i> ribbon development of industrial sites along the widely acknowledged sub-standard heavily trafficked C2 is unacceptable and does not comply with fundamental planning principles or the Core Strategy.</li> <li>- It is difficult to see how B8 (warehousing) could not adversely impact on adjacent residential properties and their amenity. No evidence has been provided to the contrary. The PDAS appears to have assumed no residential use during daytime.</li> <li>- No evidence has been submitted to demonstrate that the development would not exacerbate transport problems in the immediate area or South East Dorset generally.</li> </ul>
Revised Design 15/01/2020	<p>- We maintain our objection to this application for the reasons given in our earlier response but note that a BMEP</p>

	<p>has now been submitted and approved.</p> <ul style="list-style-type: none"> <li>- We note and support the Tree Officer's advice that the units should be pulled back from the road to allow for meaningful long term planting.</li> <li>- The revised drawings show the units are still closer to Ringwood Road than the building line of the adjacent nursing home.</li> <li>- We recommend that if the LPA is minded to support this application, consideration should be given to using larger (rootballed) replacement trees and shrubs along the frontage to ensure that screening is achieved in a reasonable time.</li> <li>- In terms of species selection and provenance, any new additional planting should comply with the BMEP. The number of trees will need to be increased and a revised BMEP submitted for approval.</li> </ul>
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### CED Trees

Initial Design 22/11/2019	<ul style="list-style-type: none"> <li>- The report shows the retention of most of the important trees within the site, however unfortunately this includes the loss of the entire vegetative screen on the front boundary, coincidentally facilitating the positioning of the units closer to the front boundary.</li> <li>- The impact the x5 units will have on the semi-rural street scene. While it is, as so often the case, easy for an applicant to come up with a mitigating planting scheme. In this case the space is not there to plant anything meaningful for the long term benefit of the area.</li> <li>- Ideally the pulling back of the units away from the road to increase the buffer would be the ideal solution and putting forward with a properly thought out planting scheme which will add to both the street scene and act to hide/soften the development.</li> </ul>
Revised Design 20/01/2020	<ul style="list-style-type: none"> <li>- The site layout has now changed resulting in the front units being brought further back into the site, the result of which allows the vegetative screen fronting Ringwood road to be retained as is, which makes the scheme more acceptable. The submitted tree survey and protection plan however does not represent the updated scheme and needs to be updated to show the new layout and how that frontage screen is to be protected from the development and safely retained. However, this can be a condition.</li> <li>- No objection subject to tree protection condition</li> </ul>

Initial Design	- No response
Revised Design 20/10/2020	- Having to reverse more than 12m into Units 1 – 4. A dedicated bin collection point “BCP” closer to the main road for these units to deliver their bins to is required.

## DC Environmental Health

Initial Design 23/11/2019	- The applicant has submitted a noise assessment for the proposed site. We could potentially agree a suitable noise condition to protect the amenities of nearby residents however concerns that the monitoring locations used to determine the background noise levels are not representative. I note the recently secured residential permitted development on the west section of the land (3/18/3235/OUT) and feel the noise consultant should include a third monitoring location at the closest boundary between the new residential properties and the proposed industrial units. The background levels at that point are likely to be lower than those used in the model and the noise levels due to the proposed industrial units would be higher.
Initial Design 16/12/2019	<ul style="list-style-type: none"> <li>- Further clarification provided by the applicant in relation to the noise assessment has been provided.</li> <li>- Giving consideration to the comments made by the noise consultant the noise assessment is considered acceptable. However, conditions are required in relation to noise, light spill, external plant, to control times of both unit operations and deliveries to the site, construction management statement to be provided.</li> </ul>
Revised Design 03/01/2020	- No further comments

## Wessex Water

Initial Design 21/11/2019	<ul style="list-style-type: none"> <li>- Holding objection</li> <li>- Surface water drainage information is incorrect, to be revised</li> <li>- Foul water drainage information not provided</li> </ul>
Revised Design 21/01/2020	- Existing Sewer - Satisfied that the layout gives consideration to the surface water sewer and the

	<p>proposed buildings do not conflict with the sewer easement. This is a critical sewer and the developer will need to contact Wessex Water to agree protection arrangements and working method statements for construction in proximity of the sewer. Trees must not be planted within 6m of the sewer.</p> <ul style="list-style-type: none"> <li>- Surface Water - Separate systems of drainage are required. Surface water flows to be disposed of in accordance with Suds Hierarchy and NPPF Guidelines. The drainage strategy proposes to discharge via infiltration which will be subject to the approval of the Lead Local Flood authority with associated flood risk measures. The placing of soakaway crates or infiltration within the sewer easement will not be permitted. The developer has considered a contingency strategy should infiltration testing prove unsatisfactory. Wessex water will accept a connection to the 900mm public surface water sewer at a restricted rate, if other methods of drainage in the SUDS hierarchy have been proven not viable. Technical details to be agreed with the regional engineer at detailed design stage. Surface water connections to the public foul sewer network will not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system.</li> <li>- Foul Drainage - The drainage strategy proposes an off site foul sewer to the west connecting to the 150mm public foul sewer in West Moors Road. We are aware of granted development on the adjoining site to the west, and a strategic approach that caters for both developments should be applied when installing sewers, minimising disruption to the local community. A Section 98 sewer requisition may be required where crossing third party land. The 150mm public sewer in West Moor Road discharges to the Three Legged Cross pumping station. Cumulative development represents a 10% increase in the catchment of the pumping station and upon grant of planning a review of the capacity at Three Legged Cross pumping station is required to determine if any necessary improvement works are required. Developers may connect to the nearest public sewer on a size for size basis at their cost and Wessex Water will undertake</li> </ul>
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	<p>any necessary network improvements to accommodate permitted development funded by infrastructure charges. The nearest public foul sewer to this site is the 225mm to the north in Ringwood Road. In the first instance, if the development is able to achieve a gravity connection to the Ringwood Road sewer, that is our preferred point of connection. A connection north to this sewer would avoid increasing foul loading through the Three Legged Cross pumping station. We can agree in principle to accept development flows to the public foul network and will seek to work with the developer to achieve the most sustainable gravity foul sewer solution.</p>
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## LFA

Initial Design 21/11/2019	- Additional information required in relation to surface water and foul drainage
Revised Design	- With additional information provided we withdraw our previous recommendation of a (Holding) Objection and confirm that we have no 'In-Principle Objection' to the proposed development subject to attachment of conditions in relation to surface water drainage to any planning approval granted and compliance with the (conceptual) drainage strategy that has been outlined

## Environment Agency

Initial Response	- No response
Revised Design	- No response

## 8.0 APPRAISAL

8.01 The main planning considerations for this application are:

- The principle of development
- Impacts on the character of the area
- Impacts on neighbouring amenity
- Highway safety and parking
- Nature Conservation
- Trees and Landscaping
- Drainage

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- 8.02 These points and other material considerations are discussed under the headings below.

Principle of development

- 8.03 The guidance contained in the National Planning Policy Framework (NPPF) and the National Planning Policy Guidance is material considerations in the determination of this application.
- 8.04 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area; except, where material considerations indicate otherwise.

Principle of development

- 8.05 The application is a major planning application seeking full consent to create employment land to meet the current and projected need for such land as advocated in Policy KS5 (Provision of Employment Land) of the Christchurch and East Dorset Core Strategy (Part 1).
- 8.06 The Bournemouth and Poole Workspace Study 2012 forms this evidence base that informs the level of future employment land provision in the Bournemouth and Poole Strategically Significant City and Town (SSCT). This study identifies a requirement of 173ha of employment land for B1, B2 and B8 use classes to be delivered across the Bournemouth and Poole SSCT in the plan period (between 2011-2031). Currently there is a supply of 150ha of employment land that is capable of coming forward over this period.
- 8.07 The level of employment land provision identified in Policy KS5 is necessary to address the projected requirements across the Bournemouth and Poole SSCT and reflects the availability of employment land across the area and the shortages of supply. In these respects it is important for the economies of the districts and the wider sub region for sufficient employment land to come forward in Christchurch and East Dorset.
- 8.08 It is acknowledged that the application site is not allocated for employment development in the Christchurch and East Dorset Local Plan Part 1 – Core Strategy. However, it is located within the urban area of Three Legged Cross. Within this area the principle of new employment development is generally acceptable subject to consideration of matters such as character and appearance, highway safety, impact on neighbouring amenity etc.
- 8.09 It should also be noted the application site is within the zone of influence of Dorset Heathlands SPA/Ramsar and Dorset Heaths SAC. As the development is located within 400m of these statutory protected sites, no net increase in residential dwellings is permitted.



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- 8.10 Given the above there is no objection to the principle of the proposed development subject to all other matters being acceptable and compliance with other Core Strategy policies.

Impact of the proposal on the character of the area

- 8.11 Section 12 of the NPPF highlights the importance of good design which should contribute positively to making places better for people. Local Plan Policy HE2 requires that development should be compatible with or improve its surroundings in relation to 11 criteria which include layout, site coverage, architectural style, bulk, height, materials, landscaping and visual impact.
- 8.12 This part of Ringwood Road has a semi-rural character interspersed by residential development with commercial development in the proximity to the east.
- 8.13 A number of objections were received and the officer raised concerns that the initial proposed design, in particular the 5 units fronting Ringwood Road would impact negatively on the character of the area. A revised design was submitted in December 2019 to address issues raised.
- 8.14 The 14 units will be arranged in three blocks of 4 units to the north, 6 back to back to the centre and 4 to the south. The 6 units to the centre and the 4 to the south will be less visible from Ringwood Road and have less impact on the character of the area. As such it is the 4 units fronting Ringwood Road that will have the most impact.
- 8.15 In order to reduce the impact on the character of the area the previously proposed 5 units were reduced to 4 and the layout revised to a 'dog leg' format with one larger separate unit to the west and the 3 other units forming a block. This reduced the scale and massing of the proposal making it less dominating to the public highway. The proposed units were also set back from the road frontage by 8m to be more inline with the adjacent residential dwellings to the west and to provide more opportunity for landscaping to provide screening.
- 8.16 Details of landscaping have not been provided but the planning and tree officers are satisfied sufficient landscaping for screening can be provided in the areas identified in the site plan and a condition has been added for landscape details to be provided (conditions 5 & 6). A condition has also been added to preclude adverts along the Ringwood Road frontage so that the visual amenity of the area is not compromised by a plethora of advertising along the roadside boundary (condition 20).
- 8.17 The buildings themselves are typical industrial units although more consideration has been given to the articulation of the units fronting Ringwood Road. The height of the buildings (ridge- 7m, eaves 4.5-5.3m) is considered to be commensurate with two storey residential dwellings in the immediate surroundings.

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- 8.18 Materials typical of industrial units will be used including profile cladding, glazing and standing seam roof. The details of these materials have not been specified and given the location where units will front Ringwood Road it is considered necessary to condition that samples of materials be provided in order to protect the character of the area (condition 3).
- 8.19 Overall the design approach taken is considered acceptable and would not warrant refusal. The proposal meets policies HE2 and HE3 of the CS.

Impacts on Neighbouring Amenity

- 8.20 Adjacent and opposite the application site there a number of residential dwellings in the surrounding area. In particular Oakdene Nursing Home to the east on the other side of the access road and Casa Vehla and Oakdene Orchard to the south. There are also residential dwellings on the opposite side of Ringwood Road to the north and future occupants of the extant permission to the west need to be considered. A number of objections were received in relation to impact on neighbouring amenity including noise, disturbance, smells, vibration from traffic, loss of light, overshadowing and loss of views.
- 8.20 The proposed use for B1, is defined as *'uses which can be carried out in a residential area without detriment to its amenity'*. These include the proposed uses of B1 (b) (research and development), B1 (c) (light industrial). It is acknowledged B8 (storage and distribution) is also proposed but this is only for one third of the proposed units and has been conditioned as such. The closest dwellings are 13-14m from the proposed units and this is Casa Vehla to the south and Oakdene Nursing Home to the east. The rest of the units are 14-25m from surrounding residential dwellings. Also units are generally bordered by roads (on and off site) to the east, west and Ringwood Road to the north. The only exception to this is unit 11 to the south west, where it is adjacent to neighbouring amenity space and the garage of the extant planning permission to the west.
- 8.21 Noise – A noise assessment has been provided and DC Environmental Health (EH) has been consulted. The EH officer raised initial concerns in relation to the noise assessment and requested an additional monitor to be placed on site. The noise consultant provided further clarification and noted the additional monitor would not change the findings. With the justification provided the EH officer concluded this was acceptable subject to conditions in relation to noise, lighting and hours of operation in order to protect neighbouring amenity, which have been added (conditions 14,15, 17 & 18). An informative has also been added to note if substantiated noise complaints from nearby residents in the future are received, the Council has a duty to investigate and take action to abate any statutory nuisance identified (informative 4).

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- 8.22 Disturbance – Concerns have been raised that the proposed will disturb neighbouring dwellings with regards to noise, smells and vibration from traffic. As aforementioned, a Class B1 uses are uses that can be carried out in a residential area without detriment to its amenity and only up to 388m<sup>2</sup> will be used for B8. As such it is not considered the proposed will have an impact that would warrant refusal. Noise, external plant, hours of operation and lighting matters have been restricted by condition to protect neighbouring amenity (conditions 14,15, 17 & 18) and traffic matters are dealt with below.
- 8.23 Overlooking – overlooking of neighbouring amenity space is not anticipated from any of the proposed units where glazed areas are to the front and rear elevations only and the orientation of units are such that they do not directly overlook neighbouring properties. Also there is sufficient distance from neighbouring boundaries and units are generally bordered by roads (on and off site). No windows are proposed to the rear elevation of units 11-14 (to the south) to prevent overlooking. Landscaping has been proposed to the closest neighbouring boundaries (west and south) and a condition has been imposed for the details of this to be provided to ensure it is sufficient and another condition to ensure it is retained.
- 8.24 Loss of light – The proposed is not considered to cause demonstrable over massing or overshadowing of the adjoining site and would not lead to a loss of amenity as it is a sufficient distance from neighbouring dwellings (13-25m), is 7m at the ridge height only and 4.5-5.3m at eaves height. The only concerns regarding impact on amenity was raised in relation to unit 11 and Casa Vehla to the south and the dwelling to the west that forms part of the extant planning permission. Concerns raised have been addressed by moving these units forward and by reducing the eaves height to the rear to 4.5m. Landscaping has also been increased to these boundaries.

#### Highway safety and parking

- 8.25 Vehicular access to the site will be via the existing access road which currently services the Oakdene Care Home, Oakdene Orchard and Casa Vehla.
- 8.26 There have been a number of objections in relation to impact on traffic, access and parking and that a transport statement has not been provided. The application has been assessed by Dorset Council Highways who have not requested a transport statement. A transport assessment covers major developments where the traffic or person trip impact is significant in both volume and area of impact. In this instance, DC Highways was satisfied that the likely impact is not significant and that the information submitted in support of the proposal was sufficient for the Highway Authority to make an informed and balanced recommendation. DC Highways has advised there is no objection subject to conditions in relation to parking, access, visibility splays, road construction and gates, these will be applied (conditions 8, 9, 10, 11, 12, 13). There is no conflict with Policy KS11 of the CS accordingly.

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- 8.27 The 14 units have associated parking located to the front with 50 dedicated car parking spaces and 20 cycle parking spaces.
- 8.28 The site is located within the urban area of Three Legged Cross with easy access to local public transport, including a bus stop right outside the application site on Ringwood Road.
- 8.29 The Dorset Non-Residential Parking Guidance sets out the parking and cycle parking requirements to serve a given use as detailed below:-

*B1 – 1 per 30m<sup>2</sup>*

*B8 – 1 per 200m<sup>2</sup>*

Based on the worst case scenario where all units are B1 at 1163.02m<sup>2</sup> the proposed requires 39 parking spaces. A total of 50 vehicle parking spaces and 20 cycle parking spaces have been provided.

- 8.30 DC Highways in conjunction with the case officer have assessed the number of parking spaces and conclude the proposal provides more than ample on-site spaces and complies with Policy KS12 of the Core Strategy (CS) as it would provide adequate vehicle parking facilities in accordance Dorset Council Standards.

#### Nature Conservation

- 8.31 The application site is located in close proximity a number of sites of nature conservation of various levels of significance. These include the Dorset Heaths Special Area of Conservation (SCA) and RAMSAR site and Holt And West Moors SSSI.
- 8.32 A Biodiversity Survey and Biodiversity Mitigation Plan and NET Certificate of Approval has been provided. Dorset NET has been consulted with no objections subject to a condition securing the BMP.
- 8.33 Natural England has been consulted and has no objection subject to a condition securing the BMP.
- 8.34 This Biodiversity Mitigation Plan seeks to provide for nesting birds, bees, and provide additional trees and landscaping and habitat. This will be secured by condition (condition 19).
- 8.35 The proposal accords with Policy ME1 of the Core Strategy.

#### Trees and Landscaping

- 8.36 The initial design was located in close proximity to Ringwood Road. The planning and tree officers raised concerns that this would impact negatively on existing vegetation and that insufficient space was provided for additional landscaping and screening to protect the semi-rural feel of the road frontage.

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- 8.37 A revised design was submitted where the proposed units are set back approx. 8m from the public highway, which is considered sufficient by the tree officer to allow for appropriate land scaping and screening.
- 8.38 The majority existing trees on site are to be retained, with only the loss of two trees. An additional 19 trees will be planted and areas of landscaping provided.
- 8.39 Details of hard/soft landscaping and boundary treatments have not been provided but the planning and tree officers are satisfied that sufficient landscaping and planting can be provided within the revised plan. A condition has been imposed for landscaping details to be submitted and agreed by the LPA in writing to ensure it is provided (conditions 5&6).
- 8.40 The Council's Tree Officer has assessed the proposal and has no objection subject to a condition to update the tree protection information with the revised plan and ensure protection is delivered (condition 7).
- 8.41 With the placing of conditions securing tree protection and landscape planting the proposal meets Policies HE2 and HE3 of the CS and Policies DES6 and DES11 of the EDLP.

#### Surface Water and Foul Drainage

- 8.42 The site is relatively flat and is shown to fall within Flood Zone 1 (low risk, fluvial) and is at no modelled risk of pluvial flooding (during the 1-in-30 and the 1-in-100 year events) according to the EA's Risk of Flooding from SW mapping. Although the site itself is at low risk of flooding the RoFfSW mapping shows a significant surface water flood risk to an area approximately 50m to the west of the site, just on the other side of West Moors Road. Pluvial flooding is shown to occur at this location at all modelled events above and including the 1-in-30 year event. The LFA also hold flood records relevant to a number of properties just north of the site.
- 8.43 All major development proposals are to be supported by a site-specific drainage strategy in accordance with the recommendations of the revised NPPF, relevant technical guidance and best practice. Accordingly, the management of surface water runoff must demonstrate that the proposed development is not to be placed at risk and that no off-site worsening is to result.
- 8.44 Dorset Council's (DC) Lead Local Flood Authority (LLFA) has been consulted regarding the surface water drainage proposals. DCC act as the relevant in this matter. The Environment Agency (EA) has also been consulted along with Wessex Water; no responses have been provided from the EA.
- 8.45 The issues for consideration is whether the proposed surface water and foul drainage strategies are acceptable.

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- 8.46 Surface water is proposed to be attenuated by permeable paving, soakaway systems and attenuated discharge to an existing surface water sewer.
- 8.47 Wessex Water has raised no objection to the proposed surface water proposals and advise technical details will need to be agreed with the Authorities engineers.
- 8.48 DC LLFA initially raised a holding objection as further information was required. Further information was submitted and DC LLFA now advises no objection subject to conditions of surface water drainage details being provided (conditions 21 & 22).
- 8.49 The foul drainage strategy proposes an off site foul sewer to the west connecting to the 150mm public foul sewer in West Moors Road. Wessex Water note they are aware of granted development on the adjoining site to the west, and a strategic approach that caters for both developments should be applied when installing sewers, minimising disruption to the local community. They also note they can agree in principle to accept development flows to the public foul network and will seek to work with the developer to achieve the most sustainable gravity foul sewer solution.

#### Waste Collection

- 8.50 Dorset Waste Partnership was consulted regarding waste collection and raised no objections but requested a bin collection point for units 1-4 to be provided.
- 8.51 A revised site plan was submitted on 31/01/2020 showing a waste collection point to the east of units 1-4 and the proposed layout is now considered acceptable for waste collection. This has been confirmed by email by DWP as acceptable on 03/02/2020.

#### Community Infrastructure Levy (CIL)

- 8.52 As new business premises the application is not liable for CIL.

#### Conclusion

- 8.53 It is acknowledged the application site is not allocated for employment development in the Christchurch and East Dorset Local Plan Part 1 – Core Strategy. However, it is located within the urban area of Three Legged Cross, where the principle of new employment development is generally acceptable subject to other material planning considerations being complied with.
- 8.54 Having assessed the material considerations as outlined within the report above, with the conditions set out in this report there are not considered to be any matters which would warrant a refusal of planning permission in this case. Approval subject to the following conditions is therefore recommended.

## **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

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

## **10.0 PUBLIC SECTOR EQUALITIES DUTY**

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

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

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

## **11.0 CLIMATE IMPLICATIONS**

- 11.1 The proposal would not increase the number of vehicle trips to the campus when the car park is completed, as it is to rationalise the existing parking at the campus. The proposal may reduce vehicle emissions by reducing the distance staff vehicles travel on the campus as there would be a reduction of vehicles travelling into the campus beyond the existing car park.
- 11.2 There would be some impact from the loss of the trees and vegetation needed to be removed to make way for the parking spaces, and an increase in vehicle trips during the construction phase. As such the development will have some modest climate implications.
- 11.3 The proposed tree planting would provide some compensation for the loss of the trees and help mitigate against the impact from the loss of the trees.

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

**Conditions**

[Officer note: All pre-commencement conditions agreed with the agent by email dated 03/02/2020]

1. (Standard Commencement)  
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. (Approved Plans)  
The development hereby permitted shall be carried out in accordance with the following approved plans:

- 19112.11 Rev H Proposed Site plan
- 19112.12 Rev B Proposed Elevations
- 19112.13 Rev B Proposed Elevations
- 19112.14 Rev B Proposed Elevations
- 19112.15 Rev C Proposed Elevations
- 19112.16 Rev D Proposed Street Elevations
- 19289-901 P3 Road Layout
- 19289-990 P3 Vehicle Tracking

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

3. (Materials)  
No development above DPC (damp proof course) shall take place until details and samples of all external facing and roofing materials have been provided on site, and approved in writing by the Local Planning Authority (LPA). All works shall be undertaken strictly in accordance with the details as approved, unless otherwise agreed in writing with the LPA.

Reason: This information is required prior to above ground work commencing to ensure satisfactory visual relationship of the new development to the existing.

4. (Use)  
The premises hereby approved shall be used only for B1 (b) – research and development B1 (c) – light industrial (up to 1163.02m<sup>2</sup>); and B8 – storage or distribution (up to 388m<sup>2</sup> only); and for no other purpose whatsoever, (including any other purpose in Parts A and B) of the schedule to the Town



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and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment).

Reason: To ensure that (i) adequate vehicle parking can be accommodated on site (ii) and to protect neighbouring amenity.

5. (Landscape Design)

No development above DCP (damp proof course) shall take place until full details of both hard and soft landscape works and boundary treatments have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include hard surfacing materials; means of enclosure; details of boundary planting, schedules of plants (noting species, plant sizes and proposed numbers/densities where appropriate).

Reason: This information is required prior to above ground work commencing as the long term establishment, maintenance and landscaping of the site is necessary to preserve the amenity of the locality. This decision has also had regard to Policies HE2 and HE3 of the Local Plan and Government Guidance contained in the National Planning Policy Framework.

6. (Landscaping - Implementation)

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development and the planting carried out in the first planting season following completion of the development. Any planting found damaged, dead or dying in the first five years following their planting are to be duly replaced with appropriate species.

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

7. (Tree Protection Plan)

Prior to any equipment, materials or machinery being brought onto the site for the purposes of development, an updated tree protection plan annotated with the updated site layout and location of soakaways and service routes shall be submitted to the LPA and approved in writing. Where and if these are located within the root protection areas of trees shown on the submitted Tree Protection Plan, a method statement shall be submitted to the Local Planning Authority for written approval prior to any development commencing on site. Their installation will then be in strict accordance with the approved plans and method statement.

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

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8. (Estate Road Construction (adopted or private))  
Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 19289-901 Rev P3 must be constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

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

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

10. (Cycle parking)  
Before the development is occupied or utilised the cycle parking facilities shown on Drawing Number 19289-901 Rev P3 must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

11. (Gates)

There must be no gates hung so as to form obstruction to the vehicular access serving the site.

Reason: To ensure the free and easy movement of vehicles through the access and to prevent any likely interruption to the free flow of traffic on the adjacent public highway.

12. (Visibility Splays)

Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number 19289-901 Rev P3 must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

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Reason: To ensure that a vehicle can see or be seen when exiting the access.

13. (Open Storage)

No goods, plant or material shall be deposited or stored in the open or displayed for sale in the open on the site without the prior consent in writing of the Local Planning Authority.

Reason: In order to protect the amenities of the area, and to maintain adequate parking areas.

14. (Noise)

The noise levels from the use and premises hereby permitted shall not exceed the predicted noise levels set out in the submitted Noise Impact Assessment by Acoustic Consultant Ltd ref: 7800/PR/BL Rev B, July 2019.

Reason: To protect the amenities of nearby residents.

15. (External Plant)

Details of any external plant to be installed shall be submitted to and approved in writing by the Local Planning Authority before any such installation is carried out. The installation shall then be implemented precisely in accordance with these agreed details which shall then not be varied without express written permission. Furthermore, no additional external plant shall be installed without the express written permission of the Local Planning Authority.

Reason: This information is required prior to occupation of the development hereby approved to safeguard the amenities of the area and to minimise the possibility of inconvenience to nearby residents and to accord with Policies HE2 of the Local Plan.

16. (CMS)

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

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) wheel washing facilities
- v) measures to control the emission of dust and dirt during construction

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- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interest of the living conditions of nearby residents and sustainable development.

17. (Lighting)

Details of any floodlighting to be installed shall be submitted to and approved in writing by the Local Planning Authority before any such installation is carried out. The installation shall then be implemented precisely in accordance with these agreed details which shall then not be varied without express written permission. Furthermore, no additional external lighting shall be installed without the express written permission of the Local Planning Authority.

Reason: This information is required prior to occupation of the development hereby approved to safeguard the amenities of the area and to minimise the possibility of inconvenience to nearby residents and to accord with Policies HE2 of the Local Plan.

- 18. The development hereby approved shall only be in operation during the hours 07:00 to 21:00 Mondays to Saturdays, and 09:00 to 18:00 Sundays including deliveries to site.

Reason: to protect the amenities of nearby residential properties.

19. (Biodiversity)

The development hereby approved shall not be first brought into use unless and until the mitigation measures as detailed in the approved mitigation plan ABR Ecology Ltd dated 08/09/2019 have been completed in full, unless any modifications to the agreed mitigation plan as a result of the requirements of a European Protected Species Licence, or the results of subsequent bat surveys have first been submitted to and agreed in writing by the local planning authority. Thereafter approved mitigations measures shall be permanently maintained and retained in accordance with the approved details, unless otherwise first agreed in writing by the local planning authority.

Reason: In the interests of nature conservation.

20. (Adverts)

There shall be no advertisements or other signage displayed on the north walls of units 1-4 that face onto Ringwood Road.

Reason: In order to protect the visual amenity.

21. (Surface water management)

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No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

22. (Surface water management)

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

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

**Informatives:**

1. The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at Dorset Direct (01305 221000), by email at [dorsetdirect@dorsetcc.gov.uk](mailto:dorsetdirect@dorsetcc.gov.uk), or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.
2. As the new road layout does not meet with the Highway Authority's road adoption standards or is not offered for public adoption under Section 38 of the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.
3. If the applicant wishes to offer for adoption any highways drainage to DC, they should contact DC Highway's Development team at

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[DLI@dorsetcouncil.gov.uk](mailto:DLI@dorsetcouncil.gov.uk) as soon as possible to ensure that any highways drainage proposals meet DCC's design requirements.

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

**Background Documents:**

Case Officer: Naomi Shinkins

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.



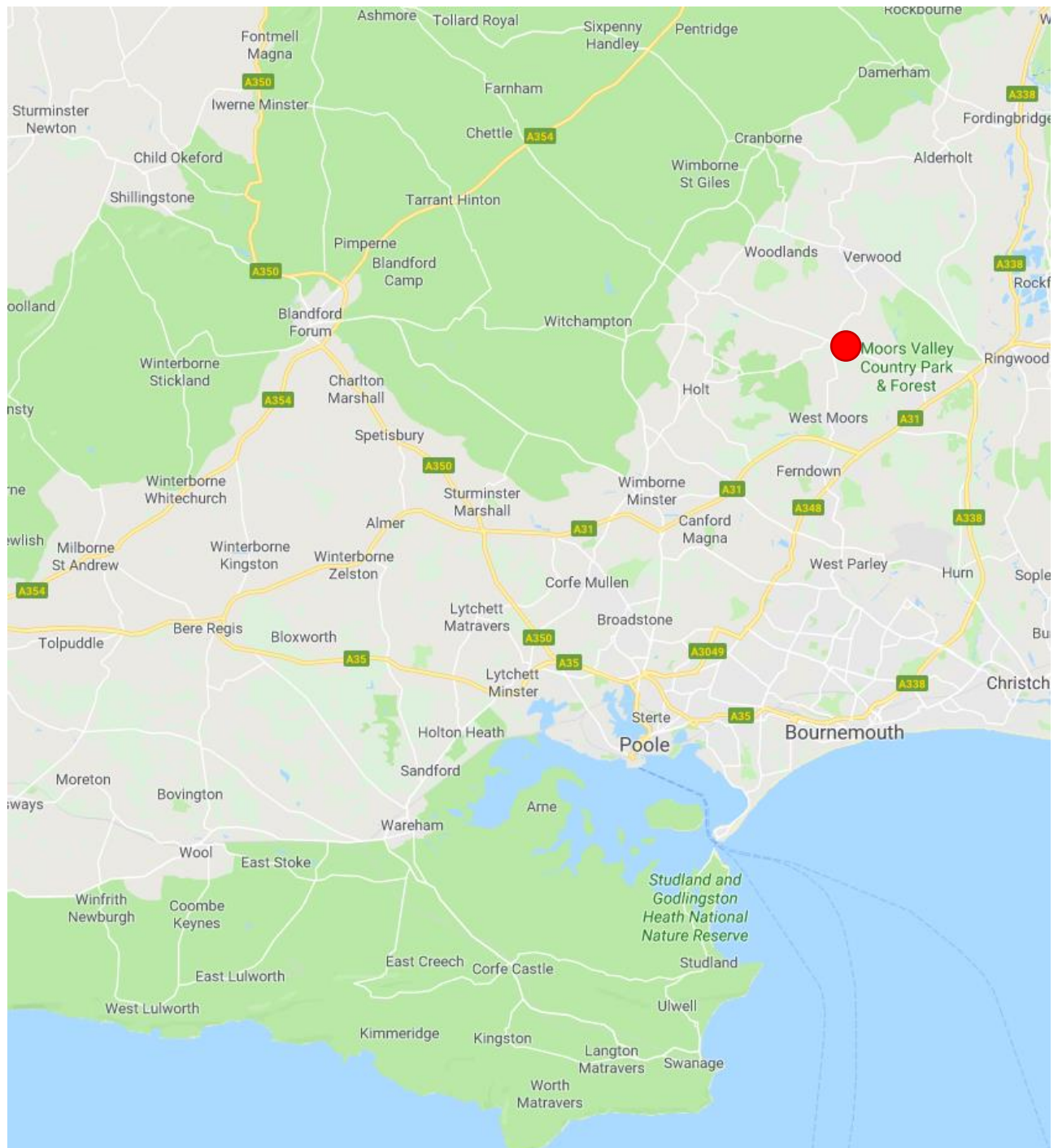
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Approximate Site Location ●

3/19/1365/FUL – Land North of Casa Velha, Ringwood Road, Three Legged Cross, Wimborne, Dorset, BH21 6RB

Proposal: Erection of 14 commercial units for B1(b), B1(c) and B8 use together with access and associated parking (description amended 30.01.2020)



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