

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

### **MINUTES OF MEETING HELD ON WEDNESDAY 3 JUNE 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 and John Worth

**Apologies:** Cllrs Bill Trite

**Officers present (for all or part of the meeting):** Kim Cowell (Team Leader – Development Management), Andrew Collins (Principal Planning Officer), Tony Bird (Planning Officer), Kevin Riley (Senior Planning Officer), Ellie Lee (Planning Officer), Liz Adams (Principal Planning Officer), Peter Walters (Senior Planning Officer), Colin Graham (Engineer), Clare Marshall (Engineer), Chelsey Golledge (Technical Support Officer), Phil Crowther (Senior Solicitor) and David Northover (Democratic Services Officer).

#### **Representations/Statements**

##### Minute 96

Mike and Janet Robinson, Barrie Mayes, Roy Kendall, Collette Drayson, Judith and Dave Priddle, Elizabeth Earl, Kate & Pearce Mutendera, Richard Earl, Duncan Hedges, Peter Bowyer - Chair Dorset CPRE, David Senior, Zoey Ingarfield, Sarah Bibra, Bridget Mayes, Nigel Jarvis for Aster Homes, Dr Sparks - Clerk to Langton Matravers Parish Council

##### Minute 97

Allan and Jo Wilding, Sam Croft – Willis and Co, David Packer – Colehill Parish Council

##### Minute 99

Debra Senior, Martin Hanham, John Andrews – on behalf of Dawn Groom,, the applicant

##### Minute 100

Robert and Gail Irwin, Tim Hoskinson, Planning Manager, Wyatt Homes

##### Minute 101

Mary Court - British Horse Society (and on behalf of a number of fellow horse riders), Caroline Stagg, Tim Harris, Deborah Ray, Tony and Vicky Philips, June Stagg, Hazell Johnson, Jon Coombes

91. **Apologies**

An apology for absence was received from Councillor Bill Trite.

92. **Introduction by Chairman**

Given that the meeting was being held as a virtual meeting - in being delivered as a MS Team Live Event – owing to the need to do so during the coronavirus/Covid -19 pandemic, the Chairman took the opportunity to explain how the meeting would take place, the way this would be done and the reason for this. She explained the protocols and processes to be followed and that doing so give gave the Council the ability to continue to fulfil its obligation of delivering the planning function and determining applications.

93. **Declarations of Interest**

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

Councillors Cherry Brooks and Beryl Ezzard having both served previously on Purbeck District Council, mentioned that the Outline Planning Permission for application 6/2018/0606 - minute 96 - had been discussed and debated within that Council, and had made their views known, but as this application dealt solely with Reserved Matters, neither had come to a view on this aspect that would constitute their predetermination of the application, so felt able to participate fully in the meeting.

94. **Minutes**

The minutes of the meeting held on 11 March 2020 were confirmed and would be signed when the opportunity arose.

95. **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.

96. **6/2018/0606 - Rural exception site for a development of 28 dwellings - Reserved Matters - at Spyway Orchard, Durnford Drove, Langton Matravers**

The Committee considered application 6/2018/0606 on a proposal for a development comprising 28 dwellings, of which 22 were affordable housing units and 6 open market housing units. Following the grant of Outline Planning Permission (OPP) under application 6/2015/0687, this application now sought approval for all of the Reserved Matters for the development;

pertaining to access, layout, scale, appearance and landscaping – as defined and identified in the national planning practice guidance - at Spyway Orchard, Durnford Drove, Langton Matravers.

Officers drew the attention of the Committee to the planning history of the site, in that OPP was allowed by the Planning Inspectorate in March 2017, on appeal. Accordingly, it was confirmed, and emphasised, that this application sought approval for the Reserved Matters pursuant to the OPP permission and should be the focus of the Committee's considerations.

For the Committee's understanding the Outline Planning Permission established the principle of development at this location; setting out the density and type of dwellings; conditioned surface water management, foul drainage, a biodiversity mitigation plan and an arboricultural method statement, as well as a S106 Planning Obligation securing the affordable housing to meet the identified local need. The Committee were informed that in light of the Planning Inspectorate's judgement that the principle of the development was acceptable, it was solely now the Reserved Matters that were for consideration.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; how these were to be progressed; how the development would contribute to meeting housing needs; and what this entailed. The presentation focused on not only what the development entailed and its detailed design, but what effect it would have on residential amenity and the character the area, including the AONB and protected trees.

Plans and photographs provided an illustration of the location, orientation, dimensions – form, bulk, size and mass - and appearance of the development and of the individual properties, with examples being given of how typical semi-detached, terraced and apartment block properties were designed, along with their ground floor plans; how it would look; proposed street scenes; the materials to be used; how footpaths would be reconfigured and accommodated; access and highway considerations; the means of landscaping, screening and tree cover, explaining which trees were to be felled and which would be retained; and its setting within the village and wider landscape - which was incorporated within the Dorset Area of Outstanding Natural Beauty. A biodiversity obligation was being fulfilled at the easternmost point of the site by way of an environmental protection zone, with ecological provision being part of the application.

Officers showed the development's relationship with other adjacent residential development in Durnford Drove and Gypshayes - as well as Langton House, swimming pool, farm and The Hyde - and how the buildings were designed to be in keeping with the environment. The characteristics and topography of the site was shown and its relationship with the highway network and to properties in the adjoining roads in particular. Views into the site and around it were shown, which provided a satisfactory understanding of all that was necessary.

Officers explained that, should it be necessary, there could be provision made for a Construction Management Plan (CMP) to govern the management of the development works, to complement any grant of permission.

In summary, officers planning assessment adjudged that the overall design of the development was considered to be of a sufficiently high quality and, whilst planning conditions would be necessary to properly control details of the development, particularly within the Dorset AONB – it being necessary that the detail of some of these conditions – 3,4,5,6 and 7 – be submitted to and approved in writing by the Council - as was the usual practice - the development was considered to be acceptable. They were satisfied that the detailed design and impact on character and appearance of the area, including the AONB and protected trees; highway safety, access and parking; impact on residential amenity; ecology/biodiversity; and housing type were all acceptable, with all significant planning matters having been appropriately, or adequately, addressed.

As there were no material considerations that warranted refusal of the application; that the development had Outline Planning Permission; that approval of the Reserved Matters would accord with the Development Plan and the objectives of the NPPF and would help deliver affordable housing in an acceptable location for a rural exception site; that the detailed design proposals were acceptable in terms of impact on the character and appearance of the area; that there were no objections on highway safety or traffic grounds and; that there would not be demonstrable harm to neighbouring residential amenity, this formed the basis of the officer's recommendation in seeking approval of the application.

Prior to consideration of the merits of the application in its own right, Councillor Alex Brenton requested a site visit be held on the grounds that the Committee should see at first hand how the layout of the site would look, how land might be used more effectively and what tree cover there was, so as to have a better understanding in coming to their decision. Calls for a site visit were supported by Councillor Beryl Ezzard to look at the access arrangements and safety aspects of this, given how little scope there was for improvements to be made given the constraints of the highway at that point, as this was part of Reserved Matters. Utility issues and land ownership were highlighted too. These were the grounds on which a site visit was being proposed. The Council for the protection of Rural England had also asked that a visit be held in their submission.

Officers referred to the view of the Inspector that access arrangements were satisfactory, with visibility being acceptable and no concerns being raised by the Highways Officer and no reported accidents or conflicts being evident. Moreover, issues of land ownership were not for consideration either

Having heard the arguments made for a site visit, the Chairman's view was that focus should be on the application at hand and only if there were material considerations pertaining to that which would justify a site visit, could one be held. She had not heard sufficient reasons, in respect of the issues to be considered for this application from members, to agree to a site visit.

Formal consultation had generated an objection from Langton Matravers Parish Council, concerned at the development's scale and layout; access; landscape; drainage; the need for a CMP and the need for enhanced environmental considerations. Mention was made of a booklet covering the history of the Spyway Orchard application site, which had been sent to members prior to the meeting by the Parish Council.

The Committee were notified of those written submissions received and officers read these direct to the Committee - being appended to these minutes. Having heard what was said, officers responded to some of the pertinent issues raised, being confident that each one could be addressed by the provisions of the application.

It was recognised that this application had become notably contentious over a number of years, with the views of the Parish Council being similar to those who had formally objected to the application - and contained in the submitted statements - and were drawn to the attention of Members on the grounds that the development would :-

- be unacceptable outside of the village and would have an adverse AONB and Heritage Coast impact
- be of excessive scale/density, being out of character with the area and would generate tree loss and light pollution
- be non-compliant with policy RES and its provisions
- compromise privacy, having an adverse impact on the amenity of neighbouring properties
- generate excessive traffic and highway safety problems.
- cause/exacerbate surface water and foul water flooding problems.
- have an adverse impact on protected species/wildlife.

The Campaign to Protect Rural England (CPRE) supported the local community concerns too.

Another response accepted the development in itself, but raised concerns about highway safety and surface water drainage. Alternatively, support was received from a neighbouring resident, whilst the Governors of St George Primary School supported the development in principle as it was likely to contribute towards generating additional pupil numbers by attracting families with children. Moreover, Dorset AONB Landscape Planning Officer, the Senior Tree and Landscape Officer, Highways Management, Rights of Way, and Natural England all either supported the application or raised no objection to it.

The opportunity was given for members to ask questions of the presentation and what they had heard, in seeking clarification of aspects so as to have a better understanding in coming to a decision. One member considered that the Committee should be given the opportunity to consider, in detail, conditions 3,4,5,6 and 7 given that it related to the fundamental principles of reserved matters, rather than this being delegated to officers. In response officers emphasised that this was the usual standard practice adopted in

dealing with this and provided a flexible means of achieving this within agreed standards, guidelines and regulations.

It was confirmed that the Inspector was satisfied with the impact the development would have on the Dorset AONB, taking into account the issues raised previously by Purbeck District Council.

Officers confirmed that in allowing the appeal, the Inspector had emphasised that this was not considered to be a major development in the Dorset AONB, pertaining to the provisions of the National Planning Policy Framework. To emphasise the importance of this, officers took the opportunity to clarify what the criteria for major development was.

Officers confirmed that much of the context of the objections raised related to aspects of the OPP – the opportunity for which to consider had since passed – and reiterated that, in light of the Planning Inspectorate’s judgement that the principle of the development was acceptable, Reserved Matters issues should be the sole focus for Committee.

Nevertheless, concern was raised that the application did not require the need for sustainable environmental measures to be included in the development. Once again this was a consideration of the OPP. Moreover, whilst it was indeed recognised that the Council had declared a climate emergency, as it stood, there were no policies that existed to compel the need for such measures. As some members were minded to refuse the application, it was confirmed that it was necessary for them to identify sound material planning reasons for doing this. Upon reflection, such reasons could not be identified.

It was clarified that the dimensions of the rooms in the dwellings and their design were acceptable in meeting the necessary the national standards for affordable housing. Consideration of the provision of external lighting was to be controlled by condition.

Given all this one member asked for further consideration of the application to be deferred until more detail was available and the matters raised looked into. However, the Chairman reminded the committee that regardless of what members might wish to see, they were only being asked to consider the application as it stood.

Officers confirmed that the Inspector was content with the illustrative layout and design of the development although, subsequently, modifications had been made to improve this, to address certain aspects. Whilst it was claimed that no other flats existed in Langton Matravers, officers were content that the design proposed was still in keeping with the character of the village and proportionate.

Officers also confirmed that the affordable housing provision was designed to meet local need and were not on the open market. It was confirmed that, as it stood, there was no second home restrictions on those houses on the open market.

Other members acknowledged that how detailed aspects of some conditions would be dealt with accorded with what was the usual standard practice for the Council and was both acceptable and practical. They were satisfied that the development met the provisions of the NPPF and that the standards of design were acceptable and realised the optimum density for the site, it was acknowledged that there was an identifiable need for housing to meet local need and this development would go some considerable way to achieving that. Moreover, the families that it would undoubtedly attract would ensure that the local school remained viable. They were content with how the development would be screened and the landscaping proposed and based on the evidence provided there would be no adverse access or highway issues. Overall, they considered that the development made the best use of the land it could and would be an asset to the village.

As an aside, one member mentioned the benefit of having an Architect's Panel to scrutinise design and appearance of development prior to Planning committee consideration and commended this to the Council.

The local Ward member, Councillor Cherry Brooks, took the opportunity to speak, being minded to support the application, subject to receiving satisfactory answers to a series of questions asked relating to:-

- adequate bedroom size
- houses ridge prominent above tree line
- how water run off would be managed
- provision of bin stores
- what tree replacement scheme there would be for the access/works compound
- retaining accessibility along the bordering northern footpath and was this actually bridleway
- what provision was there for renewable energy, as set out in the emerging Purbeck Local plan
- could any lighting provision be mitigated by condition, so as to avoid unnecessary light pollution

Officers addressed the questions raised providing what they considered to be satisfactory answers. In particular, they agreed that there could be scope for the provision of bin stores, replacement planting of the compound and lighting controls, all by condition. The Solicitor confirmed that the footpath referred to was a right of way.

The local member thanked officers for their clarification but remained disappointed that there was no insistence in the application of provision of renewable energy measures. Nevertheless, given the answers received, she considered these to be satisfactory in her better understanding of the application and considered the development would complement the amenities of the village i.e. shops, post office and school.

The Solicitor advised that any conditions requiring renewable energy measures required a policy basis and that it was a matter for members to determine the weight to be given to the Council's emerging policy on this. Finally, officers confirmed that the development was contained wholly within

the red line drawing accompanying the application, with anything outside that being of no consequence to the Committee's considerations.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation, the written representations; and what they had heard at the meeting, and having received satisfactory answers to questions raised, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this and, on that basis - and being proposed by Councillor Shane Bartlett and seconded by Councillor John Worth - on being put to the vote, the Committee agreed - by 7:3 - that the application should be approved, subject to the conditions set out in the paragraph of the report relating to this and taking into account the variations to conditions asked for.

*During the course of the debate on the application, members voted to exceed the 3 hours limit for continuous debate so as to be able to come to their decision.*

### **Resolved**

That planning permission for application 6/2018/0606 be granted, subject to the conditions, and Informative Notes, set out in the paragraph of the report relating to this, this being:-

1. The development permitted must be carried out in accordance with the following approved plans drawing numbers:

7502-L01, 7502-SK01, 7502-D02RevB, 7502-D03RevB, 7502-D04, 7502-D05, 7502-D06RevA, 7502-D07RevA, 7502-D08, 7502-D09, 7502-D10RevB, 7502-D11RevB, 7502-D12, 7502-D13, 7502-D14RevA, 7502-D15, 7502-D16, 7502-D17, 7502-D18, 7502-D19, 7502-D20RevA, 7502-D21RevA, 7502-D22RevA, 7502-D23, 7502-D24RevA, 7502-D25RevA, 7502-D26RevB, 7502-D27, 7502-D28, 7502-D29, LA01-D-Landscape Strategy, 18027-0202-P07 and 18027-WFB-00-ZZ-DR-C-0202.

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

2. Despite the information submitted with the application no trees shall be felled other than the following trees identified on the Soundwood Tree Consultancy drawing SW1a 'Tree Constraints Management Works' Tree numbers:- 288 sycamore, 301 sycamore, 302 ash, 307 ash, 308 hawthorn, Part G1 - 9 sycamore, G3 - 9 sycamore, G4 - 5 ash and 9 sycamore (total 37 trees).

Reason: To prevent the unnecessary removal of existing trees to ensure that the development does not have a detrimental impact upon the character and appearance of the Dorset AONB.

3. Despite the information submitted with the application this approval does not relate to any details of surface water drainage, foul water drainage, water supply or other utilities infrastructure shown on any approved drawing. Before any ground works start details of surface water management and foul water drainage disposal are required to be submitted to and approved in



writing by the Council under the terms of condition numbers 4 and 5 of the outline planning reference 6/2015/0687.

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

4. Despite the information submitted with the application this approval does not relate to any boundary walls or fencing or altered grounds levels shown on any approved drawing. Before any above ground work takes place details of these matters must be submitted to and approved in writing by the Council. The development must then be implemented in accordance with the approved details.

Reason: To ensure proper control is exercised on these details so that the development does not have a detrimental impact upon the character and appearance of the Dorset AONB.

5. Despite the information submitted with the application, before any above ground work takes place precise details of new tree and shrub and other planting shall be submitted to and approved in writing by the Council. These details shall include replacement tree planting in the location of tree numbers 307, 308, G3 and G4 identified in condition number 2. The development must then be implemented in accordance with the approved details. All planting must take place within the first full planting season following the substantial completion of the development or the first occupation of the dwellings, whichever is the sooner.

Reason: To ensure proper control is exercised on these details so that the development is enhanced and does not have a detrimental impact upon the character of the Dorset AONB.

6. Before any above ground work takes place a maintenance schedule and management plan in respect of the planting required under condition 5 shall be submitted to and approved in writing by the Council. The planting must then be maintained in accordance with the approved maintenance schedule and management plan. Any trees or plants of the agreed landscape scheme which within a period of five years from the completion of development die, are removed or become seriously damaged or diseased, must be replaced in the next planting season with others of similar size and species, unless local planning authority gives written permission to any variation.

Reason: To ensure the landscaping of the site establishes successfully.

7. The manufacturers name, product name and colour of: all external facing and roofing materials for the buildings; all surfacing materials of footpaths; accesses; driveways and; parking areas, must be submitted to and approved in writing by the Council before they are used on the proposal. The development must then be implemented using the approved materials.

Reason: To ensure satisfactory appearance of the development and in order to ensure that the materials used do not have a detrimental impact upon the Dorset AONB.

8. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Numbers 18027-0202-P07 and 7502-01-D02RevB must be constructed,

unless otherwise agreed in writing by the Council. 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. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number 18027-WFB-00-ZZ-DR-C-0202 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.

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

10. Before the development hereby approved is occupied or utilised provision must be made to ensure that no surface water drains directly from the site onto the adjacent public highway.

Reason: To ensure that the site is properly drained and that surface water does not flow onto the highway.

11. No street lamps or other external lighting fixtures must be installed in the development unless in accordance with details submitted to and approved in writing by the Council.

Reason: To enable the Council to retain control over external lighting to prevent it from having a detrimental impact upon the character of the Dorset AONB.

12. Before any of the dwellings comprising plots 11 to 16 are first occupied, facilities for the storage of household waste and recyclable materials to serve those dwellings must be provided on the site in accordance with a detailed scheme submitted to and approved in writing by the Council. The facilities must thereafter be retained and maintained at all times.

Reason: To ensure appropriate provision is made for the storage of household waste and recyclable materials to serve plots 11 to 16 in the interests of the amenity of the locality.

13. Informative Note - Community Infrastructure Levy. This approval 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 approval that requires a financial payment. Full details are explained in the notice.

14. Informative Note - Matching Plans. Please check that any plans approved under the building regulations match the plans approved in this planning approval. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission.

15. Informative Note - Privately managed estate roads. 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.

16. Informative Note - Advance Payments Code. 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.

17. Informative Note - Fire safety. 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.

18. Informative Note - Superfast broadband. Please give some thought to how your new development will be ready to connect to superfast broadband for use by the occupants. Find out more about BT Openreach and the Home Builders Federation cost sharing approach via this website link <http://www.newdevelopmentsopenreach.co.uk/> BT Openreach and Virgin Media also have the following guides: <http://www.newdevelopments-openreach.co.uk/developers-andarchitects/developershandbook.aspx> Page 25  
[https://keepup.virginmedia.com/Content/networkExpansion/doc/New\\_Build\\_Developers\\_Guide.pdf](https://keepup.virginmedia.com/Content/networkExpansion/doc/New_Build_Developers_Guide.pdf) Dorset Council has also produced information for developers about providing fibre broadband in new housing developments at: <https://www.dorsetcouncil.gov.uk/business-consumers-licences/superfastdorset/about-superfastdorset/guidance-for-property-developers.aspx>.

19. 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.

#### Reasons for Decision

As set out in paragraphs 15 and 16 of the officer's report:-

- The National Planning Policy Framework (NPPF) says that approval should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.

- Approval would help deliver affordable housing in an acceptable location in accordance with an outline planning permission.
- The detailed design proposals are acceptable in terms of impact on the character and appearance of the area.
- There are no objections on highway safety or traffic grounds.
- There will not be demonstrable harm to neighbouring residential amenity.
- There are no material considerations that warrant refusal of the application.

## **AFTERNOON SESSION**

Owing to other commitments, Councillors Goringe and Worth presented their apologies for the afternoon session.

97. **3/19/1504/FUL - Erection of a pair of 3 bedroom, semi-detached, two storey houses, with associated parking and the demolition of existing garages at Garage Court, New Merrifield Colehill Wimborne**

The Committee considered application 3/19/1504/FUL for the erection of a pair of 3 bedroom semi-detached two storey houses, with associated parking, and ancillary works at Garage Court, New Merrifield, Colehill, Wimborne.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; how these were to be progressed; how the development would contribute to meeting housing needs; and what this entailed. The presentation focused on not only what the development entailed and its detailed design, but what effect it would have on residential amenity and the character the area, including the AONB and protected trees.

Plans and photographs provided an illustration of the location, dimensions – form, bulk, size and mass - and appearance of the development and of the individual properties, along with their ground floor plans; how it would look; proposed street scenes; the materials to be used; the need for the existing garages to be demolished to accommodate the development; what landscaping there would be; its relationship with the highway network; the characteristics of the site; its relationship with other adjacent residential development and its setting within Colehill. Views into the site and around it were shown, which provided a satisfactory understanding of what the application entailed.

The officer's recommendation was for permission to be granted on the basis that:-

- the proposal comprised new residential development within the urban area which would contribute to housing provision.
- paragraph 11 of the National Planning Policy Framework (NPPF) set out that permission should be granted for sustainable development unless specific policies in the NPPF indicated otherwise;
- the location was considered to be sustainable and the proposal acceptable in its design and general visual impact.
- there was not considered to be any significant harm to neighbouring residential amenity.
- the number of residential units (2) and the mix of unit sizes (3 bedroom dwellings) were considered to be appropriate for this site.
- the traffic movements generated by the development could be accommodated without detriment to highway safety and adequate parking would be provided to serve the dwellings
- adequate mitigation could be secured through planning conditions to offset any harm to the ecological and biodiversity value of the site.
- the development would not be significantly harmful to the residential amenities of nearby dwellings by reason of loss of privacy, overshadowing, dominance or noise; and an acceptable level of residential amenity was capable of being provided for occupiers of the proposed dwellings.
- adequate parking provision would be provided to serve the proposed dwellings
- the scale, layout, design and landscaping of the development would respect the context of the site and preserve the visual amenities of the locality.
- other environmental impacts had been assessed and there were not any which were potentially significant, and which could not be controlled by conditions.
- other issues raised by consultees have been assessed and addressed, as necessary.

The officer provided the following updates to the published report in her presentation:

- The application did not include the demolition of garages as these lie outside of the application site
- In 8.03 the GIFA has been calculated as 67sqm which accords with the SPD requirement for a four bed space dwelling as proposed.
- In 8.09 the reference to 'Treetops' should read 'Snowdrops' as this is the name of the new build.

Whilst officers accepted that the houses were somewhat small in size, it was considered that the development made the best use of the available land. The orientation of the houses would not compromise privacy of neighbouring residents, with obscured glazing of bedroom windows, as necessary, to achieve this, with there being considered to be adequate distance maintained between them. Whilst it was acknowledged that some parking currently available would be displaced with the need to find alternative parking on adjacent roads, the submitted parking survey indicated that sufficient spaces were available in the vicinity.

Formal consultation had generated an objection from Colehill Parish Council in that the removal of the garage forecourt would have a profound adverse effect on the many residents of New Merrifield where parking on the narrow roadways/tracks was extremely difficult. Furthermore, whilst it was accepted that the proposed dwellings had sizes of accommodation to national standards, the design of the bathrooms and the third bedroom were considered awkward and impractical.

The Committee were then notified of those written submissions received and officers read these direct to the Committee - being appended to these minutes. Having heard what was said, officers responded to some of the pertinent issues raised, being confident that each one could be addressed by the provisions of the application and the assessments made.

The opportunity was given for members, to ask questions of the presentation and what they had heard, in seeking clarification of room sizes, design and the arrangements being made to identify alternative parking for those displaced by the loss of their garages and parking spaces.

Officers addressed the questions raised, providing what they considered to be satisfactory answers based on the assessments made, the material planning considerations applicable and for the reasons set out in their report and presentation.

Members were concerned that the development would compromise the privacy of neighbouring properties, particularly the property 'Snowdrops'. Given that the secondary bedroom windows to the side elevations would have obscured glazing to help achieve this indicated that there certainly was an issue with this. They were concerned that the loss of the garages and the forecourt would be detrimental to those existing residents who would be disadvantaged by not having the convenience of being able to access secured and assured parking provision close to their residences and having to identify alternative parking, some distance from their properties, which would not always be readily available, to any same extent. Access too was seen to be compromised and, with access to public transport being limited, would invariably have an adverse effect on those currently living there.

Members also expressed concern at the size, design and appearance of the dwellings and the limitations of the third bedroom which they considered to be wholly inadequate. The density of the development was too cramped and compromised what the development had to offer. It was acknowledged that the design of a development had an effect on well-being and it was their opinion that this proposal did nothing to enhance that. Moreover, there was a need to accommodate the needs of those most vulnerable in society with an equality impact assessment being able to determine that, but felt that this would not be achieved by what was being proposed.

As the Planning Authority, members said that the Council had an obligation to ensure development achieved good planning standards and design and met what was necessary and expected, in being wholly satisfied that those

standards had been met. They considered that this was not the case for this development.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation, the written representations; and what they had heard at the meeting, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this.

The Committee considered that, notwithstanding the assessments made by Officers, the proposal should be granted permission, they could not agree to what was being recommended on the basis that there would be an unacceptable loss of amenity, having an adverse effect on those current residents; the site constituted overdevelopment; its design was not to an acceptable standard and the unacceptable impact on resident's parking.

On that basis – and being proposed by Councillor David Tooke and seconded by Councillor Shane Bartlett, on being put to the vote, the Committee agreed unanimously that the application should be refused.

### **Resolved**

That planning application 3/19/1504/FUL be refused.

### **Reasons for Decision**

The proposal represents overdevelopment of the site which would result in cramped and contrived development and an adverse impact on local amenity as it would displace off-street parking provision traditionally associated with adjacent dwellings which lack opportunities for alternative parking provision. On-street parking opportunities are sufficiently distant that the displacement of parking would result in an unacceptable loss of residential amenity and fails to add to the overall quality of the area contrary to Policy HE2 of the Christchurch and East Dorset Local Plan (2014), and also contrary to paragraphs 122 e), 124 and 127 of the NPPF (2019) that require a good standard of amenity for existing and future occupants.

### **98. 6/2019/0443 - Demolition of existing buildings, and the erection of a Class A1 discount foodstore with associated works at Upton Oil Co Ltd, Blandford Road North, Upton**

The Committee were informed that application 6/2019/0443 for the demolition of existing buildings and the erection of a Class A1 Aldi discount foodstore with associated works at Upton Oil Co Ltd, Blandford Road North, Upton was being recommended to be deferred on the grounds that:-

- During the current Covid-19 restrictions in relation to public meetings, members of the public wishing to address the Committee were invited to submit up to 450 words by 8.30 am on Monday 1 June.

This application generated a significant number of third party representations, with no email address supplied. 346 letters were sent

out first class on Wednesday 27 May, inviting written submissions. It had however been drawn to officers attention that a reduced postal service was operating in the Upton area, with no Saturday deliveries. The Council's letters were therefore not delivered until after the cut off period. Members of the public were consequently unable to register their written comments on this application within the prescribed timeframe.

For these very particular reasons, it was the officer's view that application 6/2019/043 should be deferred from consideration at this meeting in order to allow written representations to be read at Committee.

In understanding and acknowledging the reasons given, the Committee agreed that application 6/2019/043 should be deferred, to be considered at the earliest opportunity.

**Resolved**

That application 6/2019/043 be deferred.

Reason for decision

On the grounds stated above.

99. **3/20/0269 - Erection of five cabins with associated 'open' enclosures, each to be occupied by a private collection of pet animals at Slough House, Slough Lane, Horton**

The Committee considered application 3/20/0269/FUL for the erection of five cabins with associated 'open' enclosures each to be occupied by a private collection of pet animals kept incidental to the enjoyment of Slough House (a dwelling-house) as such at Slough House, Slough Lane, Horton, Wimborne, the site being located within the Green Belt.

Officers explained that it was proposed to erect five wooden cabins, with adjoining enclosures, on land to the east of Slough House for use by the applicant's pet animals, understood to be a collection of primates. The cabins and mesh enclosures varied in footprint. Whilst the cabins and outdoor enclosures conformed to the dimensions controlling permitted development, in the interests of the character of the area, it was proposed to site the structures in front of the dwelling house - where permitted development rights did not apply - in an area which was well screened by a mature hedge. Given the circumstances for having to find alternative and suitable accommodation for their family and pets in a relatively short space of time, due to the compulsory purchase of their current property and the necessity to do so, the applicant had chosen this property on the basis that it would be able to meet their particular practical and business needs and offered them an assured location to achieve this. This was the basis for their justification that very special circumstances existed.



With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; why it was necessary and what it was designed to achieve – in providing a practical means of meeting their need to rehome their pets; what benefits it would bring to the applicant; how it was to be managed; how it would look; and what this entailed. Plans and photographs provided an illustration of the location; what works were necessary to provide for the enclosures; their size, design and appearance; access arrangements; and its setting within the village of Horton and wider landscape - which was incorporated within the Green Belt. The characteristics and topography of the site was shown and its relationship with residential properties; amenities and the highway network. Views into the site and around it were shown, which provided a satisfactory understanding of what the application entailed.

The planning history of the site was explained in that a series of applications had been made previously on the basis of similar proposals, all of which had been refused as being inappropriate development in Green Belt. An appeal made to the Planning Inspectorate had also subsequently failed. This application was designed to be more modest and compatible with the provisions necessary for Green Belt development and was accompanied by supporting documentation which sought to confirm that very special circumstances existed.

The officer's recommendation was for refusal of the application on the grounds that the proposed development lay within the South East Dorset Green Belt and, as such, only particular types of development, set out in the National Planning Policy Framework, could be permitted. The proposed outbuildings represented inappropriate development which would result in harm to the openness of the Green Belt contrary to the provisions of the National Planning Policy Framework - paragraphs 133-134 and 143-146. Moreover, it was the officer's assessment that no very special circumstances had been demonstrated which would outweigh the potential harm to the Green Belt by reasons of inappropriateness and impact on the openness of the Green Belt. Overall, it was considered that the loss of openness, although reduced from that previously refused, would remain moderate. This held substantial weight against the proposal.

As the proposal was inappropriate development, it was then necessary to consider whether there was any other harm arising prior to considering whether very special circumstances existed. Although this application for 5 cabins and enclosures had, modestly, reduced the harm to the openness of the Green Belt since previous refusals, the proposal still remained inappropriate development in the Green Belt. The circumstances of the application had not demonstrably altered since the previous appeal was dismissed; additional information submitted in relation to the extensive nature of the search for an appropriate dwelling and a pending s192 lawful development certificate application were insufficient to demonstrably alter the weight that could be given in favour of the proposal. Without very special circumstances that would clearly outweigh the harm to Green Belt, the application failed to accord with national Green Belt policy. On that basis, officers were recommending refusal of the application.

Formal consultation had generated no objections, Knowlton Parish Council included. However, several third-party objections had been received on the grounds that the proposals would have an adverse impact on Green Belt, given that a very similar to previous application had been dismissed at appeal and there were no very special circumstances; there would be an adverse impact on neighbouring amenity and footpath users from disturbance, hygiene and pollution; the principle of the proposal and the welfare of the animals were of concern given the design, size and number of cabins proposed; and that there remained concern about security.

The Committee were then notified of those written submissions received and officers read these direct to the Committee - being appended to these minutes. Having heard what was said, officers responded to some of the pertinent issues raised, being confident that each one could be addressed by the provisions of the application and the assessments made.

The opportunity was given for members, and particularly the local Ward member – Councillor David Tooke - to ask questions of the presentation and what they had heard, so as to have a better understanding of what the application entailed.

Officers addressed the questions raised, providing what they considered to be satisfactory answers based on the assessments made, the material planning considerations applicable and for the reasons set out in their report and presentation.

Some members had reservations at what was being proposed, on the basis of the reasoning and recommendation made by officers in their report and in being reinforced by the presentation. Moreover, the Inspector's judgement had not necessarily been made on the size of the development but on the principle of the development.

Other members – including the local ward Member - were of the opinion that the applicant had demonstrated very special circumstances in that given the necessity for them to identify a suitable, appropriate and practical site to be able to accommodate their pets and still be accessible to run their business successfully in a very short time scale, there appeared to be no practical alternative that could meet their needs or address their circumstances adequately. Moreover, in a practical sense, the materials to construct the cabins were in keeping and would not be permanent, their siting would not be intrusive or conspicuous, being modest in their dimensions and; demonstrable harm could not be afforded to the usage of the footpath on the perimeter of the site, with the cabins being well screen from view. Overall those members considered that the application could not be considered detrimental to the impact on the Green Belt and were necessary to meet the very particular needs of the applicant and the circumstances in which they found themselves.

However the Solicitor reminded members that the basis of the officer's recommendation was that, after very careful assessment and thorough investigation of the evidence, it was established that the application did not

meet any of the categories in the NPPF which could be considered very special circumstances in the Green Belt. The Planning Officer confirmed that the Inspector's decision was also integral to the recommendation being made, and this application was of similar nature so it was essential to ask what was new that justified coming to a different view.

The local Ward Member attested that that decision and previous refusals had been made on a wholly different application in terms of numbers of cabins, their location and how they would be viewed. This more modest application addressed those issues and therefore overcame those concerns. A judgement was now being made on these circumstances.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation, the written representations; and what they had heard at the meeting, particularly the views local ward Member, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this.

The Committee considered that, notwithstanding the assessments made by officers that the proposal represented inappropriate development in the Green Belt and that no very special circumstances had been demonstrated which outweighed the harm to the Green Belt, they could not agree to what was being recommended on the basis that, compared to the previous scheme that was dismissed at appeal, the impact on openness had been reduced following the removal of one of the proposed cabins/enclosures from the proposal and their rearrangement on the site and, given this, considered that the very special circumstances put forward by the applicant did now outweigh the harm to the openness of the Green Belt.

On that basis – and being proposed by Councillor David Tooke and seconded by Councillor Shane Bartlett, on being put to the vote, the Committee agreed by 5:4 that the application should be approved, subject to the following conditions:-

Commencement

- Approved plans
- Materials
- Species of animal to be restricted to existing animals owned
- No private viewings
- No more than 5 enclosures for pets on the site

with Delegated Authority being given to officers to issue the decision following agreement on the final wording of the conditions with the Chairman, Vice-Chairman and the relevant legal representative, prior to issue.

### **Resolved**

That planning permission be granted for application 3/20/0269/FUL, subject to conditions to control:-

- Commencement
- Approved plans
- Materials

- Species of animal to be restricted to existing animals owned
- No private viewings
- No more than 5 enclosures for pets on the site

Officers had Delegated Authority to issue the decision notice following agreement on the final wording of the conditions with the Chairman, Vice-Chairman and the legal representatives, prior to issue.

Reasons for Decision

That the very special circumstances put forward by the applicant did now outweigh the harm to the openness of the Green Belt.

100. **6/2019/0530 - Change of use of land to Suitable Alternative Natural Greenspace (SANG) & associated car park at land off Flowers Drove, Lytchett Matravers**

The Committee considered application 6/2019/0530 for a Change of use of land to Suitable Alternative Natural Greenspace (SANG) & associated car park at land off Flowers Drove, Lytchett Matravers, the site being located within the Green belt. Permission was being sought to change the use of agricultural land to a SANG and a car park for 8 cars, proposing for there to be management of the site by way of mown paths, benches, signage, a new pond and hedgerow and planting enhancements. Existing ponds will be fenced and retained and mature trees on the site would be retained. The intention was that the SANG would provide mitigation for future residential development elsewhere within Lytchett Matravers – with a future proposed development of some 150 houses in the near vicinity being identified in the emerging Purbeck Local Plan.

This proposed SANG would provide the capacity to mitigate the impact of the net increase in residential units on the heathlands from these developments. A S106 obligation would be required as part of this application which would ensure the management details of the SANG and its provisions were associated with the allocated housing development.

The provision of the SANG was considered vital for the strategic allocation within Lytchett Matravers of the 150 dwellings proposed to be allocated under the emerging Purbeck Local Plan, under Policy H6, and would enable this contribution to housing to be made, which would significantly add to the Council's housing land supply.

Natural England considered that the effect of this increase in housing provision a relatively short distance from protected heathland would have a significant effect on Dorset's lowland heathlands from the activities of its residents. Management and mitigation of this was considered necessary to divert recreational activity away from heathland, with the Provision of SANGs being one of the key tools in mitigating the adverse impacts on Dorset heathland. The proposed SANG would also provide access to a new public open space to residents and visitors.

The proposed SANG would be located on land designated as Green Belt, with the National Planning Policy Framework (NPPF) advising that local authorities should plan positively to enhance the beneficial use of the Green Belt this proposal would go some considerable way to doing that, in providing opportunities for further access into the Green Belt and opportunities for outdoor recreation, encouraging activities that were consistent, and beneficial, to its purpose - safeguarding the countryside from encroachment - and essential characteristics - its openness.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; why it was necessary and what it was designed to achieve – in providing an attractive, accessible alternative to protected heathland; what benefits it would bring; how it was to be managed; how it would look; and what this entailed. Plans and photographs provided an illustration of the location; what works were necessary to provide the car park; access arrangements; and its setting within the village and wider landscape - which was incorporated within the Green Belt. The characteristics and topography of the site was shown and its relationship with residential properties; amenities and the highway network. Views into the site and around it were shown, which provided a satisfactory understanding of what the application entailed.

Officers confirmed that there would be limited impact on the Green Belt from this modest car park, but was nevertheless necessary to accommodate parking needs that would arise when the SANG was established. It was noted that the only physical works are paths and the car park area. The latter will facilitate the parking of vehicles which will have some impact on openness but it was argued that these would be limited by the modest size of the car park, the transitory nature of the parking and surfacing. Any impact is outweighed by the public benefits of securing the land as public open space and, in the future facilitating allocated housing development by mitigating impact on the heathland.

Formal consultation had generated an objection from Lytchett Matravers Parish Council on the grounds that the SANG would be too distant from the new development to be effective and serve the purpose for which it was designed; was not large enough to be an attractive alternative to current practice, with the route around it being of insufficient length to be of benefit to a SANG. They also raised concern at the need for a car park given that it was designed for local use and with their needs in mind. It was suggested that those requiring a car to access the site already had plenty of alternative, spacious and popular locations available to visit should they so wish, with this site seemingly being of little attraction to them. In any event, additional car use should be discouraged.

Much of the third party objections received echoed these sentiments, adding that establishing a SANG would go a long way to justifying development and the additional need for amenities this would bring; the fundamental characteristics of the green belt would be compromised/adversely affected; there were already popular, alternative and more attractive open spaces to use; and that the site was too remote from the village to be of benefit and,

even if it were used, would generate additional unnecessary traffic movements.

The Committee were then notified of those written submissions received and officers read these direct to the Committee - being appended to these minutes. Having heard what was said, officers responded to some of the pertinent issues raised, being confident that each one could be addressed by the provisions of the application.

The opportunity was given for members and particularly one of the 3 local ward members – Councillor Alex Brenton - to ask questions of the report, presentation and what they had heard, in seeking clarification of the adequacy and suitability of the SANG – and its relative distance - to meet the needs of the proposed development; how it would be used; the need for a car park and how this was to be maintained and managed, excess traffic generation and its associated speeds, provision for cycling and of dog bins.

Officers addressed the questions raised providing what they considered to be satisfactory answers. Natural England considered the size of the SANG to be acceptable and suitable for the needs to be met, with the applicant allowing the whole site to be used as well as the formal paths; the size of the SANG and its characteristics was considered relative to the size of the development and the activity it was likely to generate; the S106 would govern how the site and the car park were managed and maintained and would be the developers responsibility; the SANG would only be necessary at the advent of the development being put forward; the car park would alleviate the need for unregulated parking and turning; cycling was provided for by conditions with bike parking provision, as necessary; dog waste bins could well be included , by condition; a high barrier was proposed to discourage inappropriate use; traffic management and excessive speeds was not considered to be an issue, but collaboration with Dorset Police would manage this.

Members, including the local ward member, considered these to be satisfactory in their better understanding of the application and considered the SANG would complement the upcoming development in providing a necessary open space for activities to take place and serve to act as an acceptable and attractive alternative in relieving any unnecessary pressure from the nearby Dorset heathland.

The benefits of a SANG were acknowledged by members in that they were an established way to mitigate the impact of new residential development upon protected areas and would increase connectivity of green infrastructure and natural habitats within Purbeck, expanding the Council's Green Infrastructure by accessing areas of land which were previously restricted by agricultural use.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation, the written representations; and what they had heard at the meeting, and having received satisfactory answers to questions raised, the Committee were satisfied in their

understanding of what the proposal entailed and the reasoning for this and, on that basis – and being proposed by Councillor Shane Bartlett and seconded by Councillor Brenton, on being put to the vote, the Committee agreed unanimously that the application should be approved, subject to the conditions set out in the relevant paragraph of the report.

### **Resolved**

That planning permission be granted for application 6/2019/0530, subject to conditions and completion of Section 106 Agreement.

### **Reasons for Decision**

- Para 11 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 provision of the SANG is vital for the strategic allocation within Lytchett Matravers of the 150 dwellings proposed to be allocated under the emerging Purbeck Local Plan under Policy H6 and would enable the contribution of housing which would significantly add to the Council's housing land supply.
- The use is appropriate in the Green Belt.
- The proposals could effectively address recreational impact upon the nearby heathlands.
- The location is considered to be sustainable and the proposal is acceptable in its layout 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.

101. **3/19/1435/COU - Change of use of buildings to commercial uses under B2 General Industrial and B8 Storage & Distribution - Retrospective application - at Clayford Farm, Uddens Drive, Colehill**

The Committee considered application 3/19/1435/COU – being a Retrospective Application - for the change of use of buildings to commercial uses under B2 General Industrial and B8 Storage and Distribution at Clayford Farm, Uddens Drive, Colehill, Wimborne, which was located within the Green Belt.

The proposal sought retrospective planning permission to change the use of the former agricultural buildings along the north, east and western sides of the quadrangle to B2 and B8 uses, creating 17 business units. The application, as originally submitted, was for B1 and B8 uses. However, the development description was later amended to reflect the Use Classes of the existing businesses at the site.

The application site was located within the Green Belt in a remote countryside Location, characterised by a mixed landscape of woodland, heathland and small field enclosures. The site is accessed via a compacted hard-core track,

which formed part of the Bridleway network. The site comprised a quadrangle of hardstanding enclosed on four sides by portal frame buildings, some of which were formally agricultural buildings associated with Clayford Farm.

Officers provided details of the employment history of the site and what it had previously been used for – as working farm buildings, housing agricultural needs and machinery, being currently occupied by businesses categorised with B2 and B 8 usage classes. The application was designed to regularise the activities already taking place there, this being the case over several years, without there being any significantly adverse affect on the character of the location.

The businesses residing there were principally vehicle repair and storage, but also include a sausage factory and a hydro clean business. The terms of the arrangements for production at the sausage factory was highlighted in that its operations were limited by a condition of its planning permission that production shall solely involve the production of sausages/burgers from cockerels which were reared at Clayford Farm; which was no longer the case.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; why it was necessary; how it was to be applied and managed; and what this all entailed. Plans and photographs provided an illustration of the location showing views into the site and around it; access arrangements; the use of the access track/ bridleway and its setting within the Parish and wider landscape – being incorporated within the Green Belt and adjacent to an SSSI and Holt Heath. The characteristics and topography of the site was shown - being of a very rural, isolated setting - and its relationship with other units in the vicinity on the commercial estate and where it was located in relation to West Moors, the nearest urban area; what impact the proposals would have on the amenity of neighbouring properties; what flooding risk there was and how the highway network would be impacted, all of which provided a satisfactory understanding of what the application entailed.

Officer confirmed that the re-use of buildings, as was being prosed, was not inappropriate in the Green Belt provided that the buildings were of permanent and substantial construction, preserved its openness and did not conflict with the purposes of including land within it. The buildings in the application met this requirement.

In two previous applications being refused - these being of a similar nature to this one - officers explained that the reasons had now been satisfactorily addressed by this application or were not applicable. National policy changes, in supporting rural business, now meant the activities being proposed were acceptable and the condition of the access track was regularly maintained by the applicant, as it was in his own interests to do so. Accordingly, this application did not present any other issues which would necessitate a new reason for refusal and as such, taking into account the considerations set out in the report officers considered that this application was in accordance with the development plan and national planning policy and guidance and was therefore being recommended for approval.



Formal consultation had generated an objection from Holt Parish Council on the basis that the B2 category - of general industrial usage - was inappropriate at this location given the proximity of the SSSI and Holt Heath; given the environmental impact of heavy industry being unsuitable to the terrain, the inadequate arrangements for the usage of the bridleway for access and associated safety issues; and that there appeared to be inadequate parking available.

Officers stated the proposals were designed to regularise and address what was now taking place at the site. The site had been used in a similar way for years, traffic usage was low; parking was adequate; B2 industrial use was already established so the impact would have little difference. The condition of the road, which could become rutted and liable to puddling in extreme weather, was regularly maintained to an acceptable standard which was in the interests of the applicant. There was to be no new development, merely a conversion of what was already there to meet the needs of the business, with right of access being a civil matter and not for the consideration of the Committee.

It was felt that the proposals would contribute towards the continued support of the local and rural economy and provided employment opportunities. Controls in place to regulate time of use for deliveries and operations would benefit the overall management of the business.

The Committee were then notified of those written submissions received and officers read these direct to the Committee - being appended to these minutes. Having heard what was said, officers responded to some of the pertinent issues raised, being confident that each one could be addressed by the provisions of the application especially relating to the condition of the access road and how this was to be maintained and the that the activities taking place there had taken place over a long time. The status of the access road was clarified with four individuals being in ownership throughout its length, but it was the applicant who regularly maintained it. Concern that there could be a conflict with the volume of vehicles using it and speed with which they drove, officers were of the view that this had not been an issue previously but confirmed that signage to this effect could be considered, if necessary, by way on an Informative Note to any grant of permission.

The opportunity was given for members and particularly the local ward member – Councillor Robin Cook - to ask questions of the presentation and what they had heard, in seeking clarification about the management of the access road and what activities would take place and how this would be monitored and managed.

Officers addressed the questions raised providing what they considered to be satisfactory answers.

Some members were concerned at how the access road was to be managed and what conflict there might be with those users of the bridleway. Additional

concern was raised that whilst the business of storage and distribution was acceptable, light industrial usage might not necessary be appropriate for, or conducive with, the characteristics of the site or be in keeping with the surroundings.

However other members - including the local ward Member - saw the economic and employment benefits of what was being proposed and were conscious that should the proposals not go ahead, there could well be the possibility that the much needed rural employment and economy benefits could be adversely affected. The diversification of agricultural business was a well accepted practice, with how this was to be done being governed by condition. It was also accepted that, whilst problems could arise during extreme weather events, the condition of the track was regularly monitored and maintained by the applicant as it was in their interests to do so for the effectiveness of their business. Signage, as necessary, could be considered on the access track so as to avoid any unnecessary conflict between deliveries to the site and those using the bridleway. Moreover, given the environmental sensitivities of applications within the Green Belt, Members were reassured by what they had heard from officers on this and satisfied with the position.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation, the written representations; and what they had heard at the meeting, and having received satisfactory answers to questions raised, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this and, on that basis – and being proposed by Councillor Shane Bartlett and seconded by Councillor David Tooke - on being put to the vote, the Committee agreed – by 6:2 - that the application should be approved, subject to the conditions set out in the relevant paragraph of the report.

### **Resolved**

That planning permission be granted for application 6/2019/0530, subject to conditions set out in paragraph 12 to the report.

### **Reasons for Decision**

- No new buildings are proposed and therefore the development is appropriate within the Green Belt and its impact on the landscape and biodiversity is not significant.
- The proposed change of use will support the diversification of a former agricultural business, promote enterprise in a rural area, provide local employment and find a new use for substantial agricultural buildings that could otherwise lie empty.
- The former agricultural buildings are already occupied by 17 businesses that would either have to close or relocate if the proposal is refused. This is an important consideration for the local economy.

- The proposed use has been established at the site for several years without any identified harm.
- The traffic movements generated by the development have been accommodated without detriment to highway safety for several years. The Highways Authority have no objection.
- There is not considered to be any significant harm to neighbouring residential amenity by reason of noise or disturbance.
- This application is found to accord with the development plan and national planning policy and guidance and is therefore recommended for approval.

## 102. Urgent items

There were no urgent items of business for consideration at the meeting.

## 103. Schedule of Statements

### **Representations/Submissions/Statements made on Applications at the Eastern Area Planning Committee meeting 3 June 2020**

A schedule of the statements read direct to Committee is available as a pdf document, and is accessible here :-

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#### **6/2018/0606 - Spyway Orchard**

##### Roy Kendell

The reasons to grant approval of some of the Reserved Matters need to take careful heed of recent events:

Climate Implications: There are now regular massive flooding problems which are occurring year on year. 2020 has again shown the climate is changing very quickly and current surface water drainage is inadequate in all areas of the country.

Impact on Residential Amenity: Until and unless a full-proof and sustainable surface water drainage scheme exists that will, without fail, deal with current and future rainfall, the statement that "Acceptable. No demonstrable harm on existing neighbouring properties." must be false. When our house is flooded (see below) the impact on us will be very considerable.

From Christmas 2019 until early February 2020 the southern part of The Hyde had a small brook running through it. The water was surface water run off from what is now the wooded grassed site of Spyway Orchard and from a spring, fed by the soaked ground of Spyway Orchard. When built over the problem will be multiplied many times over.

Once reaching our house (Mistral) the surface water runs into a culvert then a deep gully bordering our house. This culvert and gully deals with a huge amount of surface water at all times of bad weather and it does not appear on

any map, nor is it maintained by Wessex Water or other agency. I do not believe the situation is known or has been investigated by the applicant or its agents.

Recommendation: Item 3 relating to the surface water drainage is a vital and essential precondition. Until and unless the applicant has a robust and proper answer to this very important pre-condition why are they proceeding with other much less important matters. Are they, and Dorset Council, going to quietly slip this through at a stage when it is too late to stop the development with Dorset Council eager to get its hands on the CIL money?

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### Barrie Mayes

I write concerning application 6/2018/0606. I confirm my continuing objection to this proposed development, and am aware that the planning process has reached the stage of considering certain reserved matters and their effects on the certainty that certain key Conditions can be met. I am addressing two issues.

Effect on Surface Water Management: The meeting will discuss and agree certain Reserved Matters without any knowledge of whether the Developer's proposed Surface Water Management Plan will be found to work prior to building commencing. There is major concern in the community, highlighted by Dorset's Lead Flood Authority, that this plan will not work in the specific geological environment of Spyway Orchard. This would require a major redesign of the system at the building stage which will radically effect certain key Reserved Matters, apparently already agreed (eg Layout, Landscape and Access). This is a feedback loop which makes a nonsense of the planning process. The Planning Committee must consider this real danger.

AONB: Every aspect of the Reserved Matters discussion will impact on whether the Inspector's requirement that damage to the AONB be minimised is met. The issue is complex and requires expert knowledge of AONB practice. The committee will not have available to it on June 3rd any expert advice on the intricacies of planning within the AONB since access to any AONB expertise at the meeting is not considered necessary by the Planning Officer and has specifically been denied. I have great concern that the difference in significance between different parts of the AONB will regrettably not therefore receive the attention it requires, despite the diligence of the Committee. The immediate environs of Spyway Orchard are not just any old AONB - they are the Gateway to a unique part of this Country and of national importance.

Key Government guidelines on different sensitivities apply which I have seen nowhere discussed in any of the Planning Documentation for this Development going back over time. Indeed, the Inspector himself regrettably failed to note these guidelines, which in my view should have given grounds for complaint. Spyway Orchard should be the national test case for the principle which these guidelines encapsulate.

It is critical therefore that these guidelines, addressing Visual Receptor Sensitivity, be now addressed by the Committee. They can be found in National Standard Guidelines for Landscape and Visual Impact Assessment (GLVIA3).

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Mike and Janet Robinson

I write concerning application 6/2018/0606. I confirm my continuing objection to this proposed development, and am aware that the planning process has reached the stage of considering certain reserved matters and their effects on the certainty that certain key Conditions can be met. I am addressing two issues.

**Effect on Surface Water Management:** The meeting will discuss and agree certain Reserved Matters without any knowledge of whether the Developer's proposed Surface Water Management Plan will be found to work prior to building commencing. There is major concern in the community, highlighted by Dorset's Lead Flood Authority, that this plan will not work in the specific geological environment of Spyway Orchard. This would require a major redesign of the system at the building stage which will radically effect certain key Reserved Matters, apparently already agreed (eg Layout, Landscape and Access). This is a feedback loop which makes a nonsense of the planning process. The Planning Committee must consider this real danger.

**AONB:** Every aspect of the Reserved Matters discussion will impact on whether the Inspector's requirement that damage to the AONB be minimised is met. The issue is complex and requires expert knowledge of AONB practice. The committee will not have available to it on June 3rd any expert advice on the intricacies of planning within the AONB since access to any AONB expertise at the meeting is not considered necessary by the Planning Officer and has specifically been denied. I have great concern that the difference in significance between different parts of the AONB will regrettably not therefore receive the attention it requires, despite the diligence of the Committee. The immediate environs of Spyway Orchard are not just any old AONB - they are the Gateway to a unique part of this Country and of national importance.

Key Government guidelines on different sensitivities apply which I have seen nowhere discussed in any of the Planning Documentation for this Development going back over time. Indeed, the Inspector himself regrettably failed to note these guidelines, which in my view should have given grounds for complaint. Spyway Orchard should be the national test case for the principle which these guidelines encapsulate.

It is critical therefore that these guidelines, addressing Visual Receptor Sensitivity, be now addressed by the Committee. They can be found in National Standard Guidelines for Landscape and Visual Impact Assessment (GLVIA3).

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Mrs Sparks, Clerk to Langton Matravers Parish Council

On 12<sup>th</sup> December 2019 Langton Matravers Parish Council resolved that it objects to the Reserved Matters application on the following grounds:

1. Access. There will be problems with the impact of increased traffic on
  - i) the narrow lane to Spyway Car Park and ditch/drainage there;
  - ii) possible blocking of Emergency vehicles;
  - iii) Vehicle movement within Durnford Drove and at its junction with the High Street (B3069).
2. Landscaping. The proposed number and maturity of trees to be planted is totally insufficient to replace the unjustifiably large number of trees to be felled, some with TPOs. Dorset Council's Biodiversity protocol must be followed.
3. Layout. The mix of housing type is not appropriate for local need, which is mainly for the smaller dwellings.
4. Scale. The Scale of the development is not appropriate within the AONB: the development is too large in this context.

Existing and New Conditions.

a) Drainage. The Council is concerned about drainage/sewerage and surface water management; they are not happy that existing plans will meet the conditions imposed. Ineffective drainage/sewerage systems may result in flooding and damage in other parts of the village, and this is unacceptable.

b) Construction and Vehicle Impact Management Statement.

The Council asks that before any development goes ahead, the developers provide a full and robust Construction Management Statement indicating how noise, pollution, vehicle movements and other matters will be managed and mitigated during the construction phase and addresses how vehicle movements will be co-ordinated with contemporaneous developments. This should include a timetable of proposed activities and agreement to minimise effect on neighbours and traffic in the village.

c) Climate Emergency.

The Council asks that, in line with Dorset Council's Climate Emergency statement, the plans are altered to include solar panels, ground/air source heat pumps or other types of carbon neutral design throughout. [end]

The Council would like to draw the Committee's attention to correspondence from Mr Graham Cox, DC Tree Officer, to Mr Bird on 11<sup>th</sup> February 2020: this followed a site meeting between Mr Cox and members of the Council:

'My one significant reservation about the arboricultural report is the inclusion of a substantial amount of management work – including a great deal of felling – that's not directly related to the development. I note you're looking at a condition that would specifically exclude this work to trees in the TPZ.'

The Council agrees with Mr Cox's view and asks that his comments be especially noted.

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I understand that 'every planning application MUST be assessed and determined on its own merits with an open mind, weighing up all the relevant and genuine material issues.

Spyway Orchard is outside the formally agreed rural settlement boundary for Langton Matravers. Reason: To avoid further encroachment into the countryside/ AONB and into the setting of the World Heritage UNESCO site.

Purbeck District Council: Have objected to every development on this site

The inspectors report states that though outline planning, to build housing on this site is possible, ALL other matters are reserved. This is key to the application going forward or not.

Serious concerns raised by residents and consultees.

- RES site: The Parish Council have not supported this site as an RES. Community not consulted.
- Major Development: Major development for Langton.
- Settlement Boundary: The development is outside the rural settlement boundary, adjacent to a narrow lane within the UNESCO setting, in the AONB to the area of Dancing Ledge.
- Affordable Housing: Is of the 80% type. The Purbeck Plan, the Emerging Dorset Plan, Shelter and housing provision bodies agree this type to be unaffordable in high market value areas such as Purbeck and other areas of Dorset. This is also recognised by government.
- Market Housing: The 6 properties do not have a policy to protect them from becoming second homes or holiday lets. The district valuer originally advised that the development be based on 2 market houses. There are now 6.
- Access: Serious issues. Challenged, impinges on adjacent land owners land. A ditch to the west.
- Density: The AONB , World Heritage gateway, should not be impacted by a major dense development.
- AONB: Serious concerns . The Protection of the spectacular AONB at this point, the peace and tranquillity of the visitor experience within the setting of the World Heritage Site sustains this area are paramount. This should be protected.
- Footpaths and Rights of Way: Residents and consultee have raised serious concern
- Flooding/Surface Water Engineer: Residents and PDC and DC engineers have raised serious concerns.
- Habitats Report: Residents and consultee raise serious concerns regarding loss of habit, foraging land, loss of wildlife corridor for protected species ie Bats, badgers, owls, great crested newts , wide range of birds, deer, and other wildlife.
- Trees: Residents and tree officers have raised concerns about loss of trees.
- Wessex Water: Residents and Wessex Water have both raised serious concerns.

This application on balance, does not genuinely meet the aims and objectives of sustainable development. There are too many valid and serious material concerns raised, by both residents and consultees that outweigh any development on this site.

Consultee responses may amount to an objection. Councillors, Please question.

Thank you

Colette Drayson

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We wish to reiterate our objection to this large development. We support the need for truly affordable housing in Langton Matravers but it needs to be commensurate with the local need and interspersed throughout the village.

Whilst there are no objections from the statutory bodies and consultees there are serious concerns raised by most of them which have not yet been addressed relating to this application, so it is difficult to comment fully. The recommendation from the Planning Officer would imply that the application can be approved piecemeal without full recourse to local residents.

Our objection comments are as follows:

#### Access

The lane to the site is extremely narrow with an open ditch on the west side and is already used by a large amount of traffic (both motorised and pedestrian) to access Langton House, Spyway carpark and Spyway Farm. Footpaths emerge at the junction with Durnford Drove where this new access road is proposed, presenting an additional hazard which has not been addressed properly. There are no passing places and limited visibility. The proposal to resurface part of the road with red tarmac to highlight the access to the site does not fit with the AONB requirements for limited visual impact.

#### Layout

Commenting on the layout at this stage seems arbitrary because Wessex Water will require a change to the layout in order to accommodate the requirements for avoiding or relaying the large water main which traverses the site. However, the proposed layout does not take into consideration the requirement for adequate surface water management or sewage management with suitable connection to the existing system.

#### Scale

This is a large development which will have a significant impact on the south side of the village. Some of the proposed houses appear tiny with little or no room for the normal requirements for everyday living. Limited storage space and no garages.

#### Landscaping

Spyway Orchard is currently an open field surrounded by trees, the proposed landscaping includes retaining walls, six foot fences and the removal of a significant number of mature trees. We note the planning officers recommendation is to limit this to 37 trees but who will monitor this and what happens when the developer "damages" trees during building works. We also



note that there is a concurrent amendment to the AMS and BMP – will there be an opportunity for further comment on these amendments?

#### Appearance

Again from the Planning Officers recommendations details appear likely to change. We note that there is a recommendation for no street lighting and no external lights on the properties – how will this be enforced?

Thank you for the opportunity to comment on this application.

Dave and Judith Priddle

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I am writing to highlight the worries that I have with regard to the planning application for Spyway Orchard.

We have been living in Langton Matravers since 1974.

The orchard was thus named because it was full of trees large and small, fruit and other.

Many larger trees enjoyed a TPO but were felled nevertheless, due to Mr Turner's longterm view for development of the site.

Every tree is precious at this time of climate change and every tree still standing on this site should be preserved into the future.

No newly planted one can perform the vital CO2 absorption in the way that a mature tree can.

Protection of these magnificent trees MUST surely be a priority in planning decisions for this site.

The orchard is not massive and the prospect of 28 dwellings there is certainly going to look and feel cramped and cramped !

This will be an infill out of all proportion to the village as a whole and will cause endless problems with access on to the lane leading up to Langton House and Spyway Farm, and, of course, the ever increasing carpark facilities belonging to the National Trust, situated at the top of the lane.

Each dwelling is likely to own two cars or more, adding to the chaos of visitor traffic associated with our very popular Jurassic coastline.

There are also delivery vans constantly serving Langton House, the most popular "Holiday Property Bond" in the country.

I do not think that the traffic problem has been adequately addressed, and I am not convinced that there is an answer if these 28 dwellings are to be built.

Yours sincerely

Sarah Bibra

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“I write in the capacity of the chair of the Dorset Campaign to Protect Rural England, the countryside charity.

There is widespread and growing recognition of the importance of designations in Dorset. This application is associated with the designations of the AONB, a Rural Exception Site, and the UNESCO World Heritage Site. The proposals at Langton will harm each of these designations.

The site is in a particularly sensitive location. It is not just another piece of the AONB. The South Dorset AONB is recognised as an important area for a range of species and habitats.

In view of the particular context of this site, may I request that the planning committee defers making any decisions on the matter of 6/2018/0606 until after a site visit. A site visit will confirm the special nature of the area, and how the area will be damaged by this proposal. I realise that the difficulties of the current CV19 pandemic do not lend themselves easily to a site visit, yet with a relaxation of the current lockdown a site visit should be possible.

The AONB and its protection is of paramount importance. This is widely recognised in Purbeck by the residents, local councils and tourists.

Public confidence in the exercise of the planning function by the Eastern Area Planning Committee can only be enhanced by a site visit. Please accede to this request.”

Peter Bowyer - Chair Dorset Campaign to Protect Rural England

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#### Reserved Matters of Appearance, Landscaping and Layout

The proposed Spyway Orchard development is a Major development by definition within the Town & Country Planning Order (2010) and, as such, according to the NPPF, is 'unlikely to be appropriate' within a Heritage Coast setting, and, in paragraph 172, 'should be refused in a designated AONB'. Nothing could be clearer and yet is ignored time again in the Inspector's and Case Officer's reports.

The overriding objection of residents and relevant consultees is that it will distract from the beauty of its unique setting. The Case Officer appears to officially, and on record, agree with these objections when he states in Section 9.0, 'The Inspector also acknowledges that the relatively high density of the proposal would, in visual terms, distract from that locally appreciated character'. There is therefore no case for the Committee to argue, as even the Inspector agrees with our concerns!

Any officer who has visited the site will appreciate the sensitive location, adjacent to a major access to the UNESCO World Heritage Jurassic Coast. The report (section 9.0) admits 'that the development is relatively dense compared to nearby village properties'. The suggestion that the dwellings would be softened and screened by trees assumes felling of mature, identified trees. The typical low quality growth that defines so much of rural England provides real screening. Much of this will be removed during construction.

The design is said to avoid 'unacceptable overlooking or any other matters' to existing neighbouring properties'. The site plan identifies a retaining wall between 0.5m and 1.6m in height along the northern edge. The new houses in Plots 1-6 will be even higher than the ground level of the site, directly overlooking the entire gardens of the lower six properties in Durnford Drive. Wessex Water's report (15/01/20) contains concerns and restrictions on the Water Main, Foul and Surface Water Sewerage. 'Plots 9, 10 & 11-16 conflict with the water main. Changes in ground levels to rear gardens of plots 1 -16 including embankments and any retaining structures must not be constructed within the statutory easement width and must be moved'. 'Ground levels above the main must not be adjusted'. 'No surface water must be discharged into the public sewer'. 'No building can come with 5m either side of the water main, 6m for trees'. All these must be resolved before construction, leaving a simple question for all those officers present today. How can officers take a vote on the Reserved Matters of Appearance, Landscaping and Layout when every site plan will have to be redrawn in order to comply? The development is, as yet, undefined, and a vote for approval of Reserved Matters should not be taken today.

Richard Earl

With similar sentiments from Elizabeth Earl

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I write to you, to lodge my objection to the Spyway Orchard development on the following grounds:

1. Access. Despite the number of years this has been going on and at least four different plans I have seen, the access to the site is still a cause for concern, in that there is still no clear and satisfactory solution. The numerous problems are well documented so not repeated here. It seems to me that the approach is to put in plans and words that look OK on the surface, but fall-down spectacularly when the detail is scrutinised. This must be done properly or not at all and it is certainly not going to be a case of just wearing people down.
2. Scale. The scale of this Major development is not in keeping with the AONB, is in a rural exception area and contravenes government statutes.
3. Appearance and Landscaping. Once again, the plans I have seen continue to change as attempts are made to push this through the planning process. The final appearance is highly likely to not be as pleasant as the drawings shown. Are the council able to ENSURE this development is in keeping with its surroundings? Who is accountable?
4. Layout. My concerns are as per appearance and landscaping above.

Your review of this case, ongoing for at least 5 years now, will have revealed that I am only one of hundreds of local residents who continue to object to this farcical sequence of events.

Duncan Hedges

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I am writing to register our objection to the above planning proposal. For a small(ish) orchard in a relatively inaccessible location, I cannot see how 28 dwellings and the increased traffic flow associated with these homes can be safely accommodated. Access to the site is limited and difficult, and the density of the dwellings is considerably higher than found in surrounding sites. It seems that there remain unresolved water drainage issues which mean that no final landscaping plans have been submitted either. Hard, therefore, to comment on landscaping and appearance. These plans should not be approved as they are. Thank you and kind regards,

Zoey Ingarfield

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I represent the applicant, Aster Homes.

I would like to begin by commending the report and thanking the officer for his consistent work assessing this application.

I regret I cannot present this in person, but I am grateful you will consider my statement.

Outline planning permission was allowed on appeal in March 2017 and the site was then sold. Fittingly for an affordable housing exceptions site, however, it was purchased by an affordable housing provider.

Aster is a charity whose mission is to provide affordable housing, and re-employs any profits back into meeting that goal.

Turning to this application:

Aster was aware the outline process had been controversial locally when submitting this reserved matters application but did not fully anticipate the level and range of concerns.

After the significant initial response, however, Aster chose to react positively. We carried out a full audit of the scheme, and significant improvements have been made to its layout, design quality, landscaping, and safety credentials.

Underpinning this was a contextual analysis of development in Langton Matravers, a thorough review of local objections, discussions with key consultees and an informal meeting with the Parish Council, all to ensure the revised scheme targeted local concerns so far as reasonably possible.

Aster took considerable time and care to revamp the scheme and maximise its quality, while also ensuring it remains viable.

Some objections to this application concern the principle. We recognise, with sympathy, the site will continue to be unpopular with some as a location for

housing, but it has outline permission, and my client has purchased it with the goal of delivering affordable homes.

The appeal Inspector clearly acknowledged there would be some adverse impact to the AONB, but gave “substantial weight” to delivering affordable housing. A handful of market homes were permitted. They are necessary to make 80% affordable housing viable.

Other reasons for objections concern matters beyond the scope of reserved matters that will be dealt in the later discharge of outline conditions.

Relevant criticisms have been taken seriously. Concerns about road safety led to the addition of a footpath, two separate accesses for pedestrians, and improvements to the interface with Durnford Drove.

Concerns about trees prompted a rethink of the woodland management goals set out by inherited outline stage reports. Aster took fresh advice, changed the strategy, and dramatically reduced proposed tree removals.

These proposals will not cause any significant adverse effects.

We therefore hope the committee endorse the recommendation and approves these reserved matters.

The site is sustainable, this scheme will deliver a significantly better development than was illustrated at the outline stage, and, most importantly affordable homes in Langton Matravers.

Thank you.

Nigel Jarvis MRTPI, Planning Director, Luken Beck MDP Ltd.

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I wish to object to this application at Spyway Orchard (SO). The Inspector approved this on the condition that all reserved matters needed to be satisfactory before this development could proceed.

My particular objections are re. Landscaping and Access.

1. LANDSCAPING These designs are not clear and until confirmed as compatible with all water utilities, sewerage and drainage requirements are not acceptable. Also:

SO is widely visible (see images attached) from many directions from campsites and footpaths and even from the popular open-topped double decker Purbeck Breezer bus Route 40, all used by thousands of visitors each year. SO is the village's southerly green frame and provides key shelter from winter storms and absorbs increasingly heavy annual rainfalls. Felling existing trees

- will create a widely visible gap of a suburban incompatible with SO's rural nature.
- risks reducing the village's appeal for the many visitors who contribute so much to the local economy.

2. ACCESS The proposed access is not the same as in the plans presented to the Inspector.

It is dangerous to vehicles and pedestrians as it exacerbates and adds to existing hazards in a road busy with year-round holiday traffic due to the Holiday Property Bond's Langton House (LH) apartments and the National Trust's Car Park (NTCP) beyond the SO site. (See images).

- Cars, work vehicles, delivery, service and utility vehicles generated by SO will lead to congestion and conflict with other vehicles at the turning circle and in the single track section of Durnford Drove (DD) in what is regularly as busy road.
- There have been incidents of visitors' cars falling into the ditch of this section, blocking access to and from LH and the NTCP.
- SO access's road is dangerously close to the house Arbutus.
- Drivers proceeding along DD (which has a blind summit midway) down the slope to the turning circle usually brake before accelerating to drive up the incline of the single track section. The SO access is a risk to vehicles and pedestrians and risk more bottle necks.
- If the NTCP is full or visitors don't want to pay to park, SO offers more free parking, creating further traffic loading. More pedestrians will use the single-track section. (They do not use the public footpath). Gating SO would create further safety issues.
- SO's traffic will interfere with access for emergency vehicles out to the cliffs, to LH and to Spyway Farm and indeed access to the site for the same vehicles is problematic.
- It endangers pedestrians from many directions inc. those crossing the turning circle to walk to Tom's Field Campsite or to the village allotments.

These plans are just dangerous. Please keep us safe.

Yours faithfully

Bridget Mayes (Mrs)

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Thank you for your letter informing us of the Virtual Planning Committee to discuss the above referenced planning application. We are writing to express our opposition to this planning permission based on the following issues we have found with the proposed plans.

#### Access & Highway safety

Looking at the access plans, it seems that to achieve the access to the estate, the developer will need to build the road across a piece of land on the south east edge of our property, along the footpath. This land leading to the proposed entrance of the development is actually part of our property as indicated on our title deeds and we have neither been consulted nor given our consent for the developer to build on it. We have erected a bollard where we intend to move the wall right up to the edge of our property boundary as at the moment, due to design considerations, the wall was not marking the actual edge. We hope you will be able to carry out a site visit before making your decision.

This means the actual width of the entrance to the development will be much narrower than what is indicated on the planning documents.

As there will be very little passing space between this wall and large vehicles such as refuse trucks, construction equipment and fire engines, this wall is liable to damage from passing vehicles should the proposed road be allowed. The road into the proposed development is so narrow that delivery

and service vehicles are not going to be able to turn and will have to either reverse in or out, greatly increasing the risk of accidents. In the case of damage, which we are sure will occur periodically, can the council please provide clarity on who will be liable for this damage if drivers do not voluntarily report the damage to us?

#### Drainage

We also take issue with the proposed drainage plans. As the council is aware, we suffer from flooding on Durnford Drove as do the residents of the Hyde. The previous application on this site set very stringent conditions due to the complexity of flooding issues. We are not sure if these are met by the design, but we hope the council will ensure they are. However, we have noted that the drainage design for the new scheme seems to introduce a new danger by diverting water from the south side of the site into the drain that runs underneath the turning circle. This water then runs in an open gully through properties on Durnford Drove and Gypshayes before joining the sewer. When we have high rainfall and the surface runoff increases, not only does it flood the properties through which the gully runs through, it also causes the flooding of sewage on The Hyde. Surely any scheme that increases the water flowing into the gully is a danger and cannot be permitted.

Other issues of concern to us are the removal of mature trees from the site and the impact this will have on this gateway to the world heritage coast and Area of Outstanding Natural Beauty, the scale of the development which is unprecedented in the village.

With this in mind, we are still opposed to the development and request that you reject this application forthwith.

Kate & Pearce Mutendera

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The width of the Access point is insufficient .The land to the East and West of the site is owned by two separate third parties. Both have objected to the application and both have stated clearly that the applicant must not use their land for any development i.e the applicant cannot widen the site access.

The Committee will know third party ownership is not a planning issue. In this case, it poses such a vital and significant factor for the applicant to overcome, that it is likely to cause the Committee serious concerns during their collective decision making process. The access point is so narrow it is passable by one single vehicle, thus HGV's face a unique problem which can cause considerable safety issues. HGV's presently reverse up the Drove to reach the Holiday Property Bond site, that or reverse back down it. All HGV's, such as refuge trucks, presently conduct a three point turn at the Junction of Durnford Drove and Gypshayes and then reverse a distance of 350 meters. Meeting a vehicle or a wheel chair bound disabled individual, a cyclist, or a mother and child at any point is a significant safety issue but through such a narrow access point is considerable worse and not acceptable. There is no



turning circle or passing place at any stage from the Turning Head to Spyway carpark, none are planned in the applicants submitted documents.

In the Inspectors decision document in para 22 it states: The illustrative site layout shows that there would be adequate space for sufficient on and off-street parking within the site and for an access road of suitable width to allow two way traffic flow.” It would only be possible to have two way traffic flow if the applicant added passing bays, or significantly increased the width of the access point. Which would be seriously difficult, due to 3rd Party issues (again).

The relevant submitted documents show no footpaths passing through the access. Dorset Footpath SE16/15 is affected by this plan. A recognised Right of Way which has considerable footfall all year round is reduced to zero as it passes through the pinch point. There are no planned footpaths passing through the proposed access pinch point. No street lamps or other external lighting fixtures may be installed in the development. The splay areas must be maintained and kept free from all obstructions for the lifetime of the development.

Not achievable: splay lines pass over 3rd party property and cannot be guaranteed. OBJECT

David Senior

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**3/19/1504/FUL - Erection of a pair of 3 bedroom, semi-detached, two storey houses, with associated parking and the demolition of existing garages at Garage Court, New Merrifield Colehill Wimborne**

Mr S Croft – Willis and Co

Please take this our written statement in support of the above application to be presented to Committee Members.

The site is located on the edge of, but within the Wimborne and Colehill urban area. The principle of development is acceptable subject to compliance with local and national planning policies. The proposal will make a modest contribution to housing supply and the size of the properties accords with local need for 2 and 3 bedroom houses identified by the Council's Strategic Housing Market Assessment (SHMA).

Furthermore the proposed do not conflict with the minimum standards required.

The proposed 2 no. semi-detached 2 storey dwellings are in keeping with the character of the surrounding area and will have a limited impact upon the street scene. Overall, the proposal is considered to be acceptable in its design and general visual impact and would be harmful to the residential amenities of nearby dwellings by reason of loss of privacy, overshadowing, dominance or noise; and an acceptable level of residential amenity is capable of being provided for occupiers of the proposed dwellings.

The traffic movements generated by the development can be accommodated without detriment to highway safety and adequate parking will be provided to serve the dwellings. A Transport Note was submitted in support of the application following officers and third party concerns regarding loss of parking. The assessment concludes that the parking court is currently under utilised and there is ample capacity for the nearby highways to accommodate parking for the displaced vehicles. Dorset Council Highways are satisfied that the findings of the Transport Note are acceptable and in the light of the evidence provided there is no contrary evidence to support refusal on the grounds of demonstrable harm arising as a result of parking displacement.

Adequate mitigation can be secured through planning conditions to offset any harm to the ecological and biodiversity value of the site. Other environmental impacts have been assessed and there are not any which are potentially significant and which cannot be controlled by conditions.

Other issues raised by consultees have been assessed by the Officer in their report and there are not any which would warrant refusal of the application. It is concluded that the proposed is acceptable and that conditions can reasonably be imposed to mitigate any impact upon neighbouring amenity, highway impact and ecology and that we have to these pre-commencement conditions.

For these reasons we hope that members will support the officer's recommendation and approve the application.

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Cllr. D G L Packer - Colehill Parish Council

1. Colehill Parish Council considered this application on 2<sup>nd</sup> September 2019 and strongly and unanimously objected to the proposal by Aster Housing Association. The Council is acutely aware of the need for affordable homes in Dorset and for Aster to maximise use of its resources. But this proposal substantially diminishes the amenities and standard of living of more than 34 adults (taken from the Electoral Roll) and children.
2. New Merriefield comprises two parts. The Officer's report describes the 12 terraced bungalows (typical old-folks accommodation) on a tarmacked cul-de-sac which does not have direct vehicular access to the garages. In parallel there are 10 semi-detached social houses on the narrow unsurfaced track of New Merriefield. None of these have garages and all can directly access the garage court, which many residents use for parking because of the difficulty of parking elsewhere. It also serves as a play area for the children.
3. This application implies the demolition of 8 garages in good repair but does not seek authority to do so. It is claimed that they are not suitable for modern cars, which must be questionable c.f. Nissan Micro. That apart, they have their uses and many are rented and used for storage i.e. as outhouses to the small dwellings.
4. Dealing with the proposal for two new 3-bedroom houses in the court, their proximity to existing houses will lead to overlooking and a sense of overbearing. They, no doubt, satisfy regulations for size but Bedroom 3 is an awkward shape; so too is the Bathroom. They are far from ideal accommodation and it is difficult to imagine families leading a contented and fulfilling life in this situation. Neither has New Merriefield been a good choice for social housing and supported living. It is on the northern edge of the village with the nearest shops, Colehill Post Office and Furzehill Post Office, some distance away along a busy main road. It is not on a bus route, meaning that a car is a necessity, especially for the elderly residents. And yet it is proposed to reduce the amount of available car parking.

5. In summary, the substantial harm that will be done to the residents in 22 existing homes far outweighs the doubtful benefit that may come from building two 3-bedroom house on the New Merrifield Garage Court. The East Planning Committee is asked respectfully to note the strong objection of the Colehill Parish Council and to refuse this planning application.

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Allan and Jo Wilding

Written Objection to 3/19/1504/FUL Garage Court, New Merrifield

The report contains a serious omission as it makes no reference to the new build cottage 'Snowdrops' which directly borders the site to the south. This home would be most severely impacted by the application with significant overlooking and loss of privacy. The development is shown just 35cm from the boundary and directly over-looking the principle living area. Building foundations will substantially damage the large hedge that provides screening between the two sites and render Snowdrops even more exposed. No screening hedge could grow high enough to prevent direct over-looking. The Planning Officer has failed to show the minimum separation distances to Snowdrops, which will be considerably less than to any of the other properties.

The report barely mentions the properties to the south of the site which are all of a considerably different nature to those on New Merrifield. David Gallagher, former EDDC Senior Planning Officer described the buildings along New Merrifield as 'not characteristic of the immediate area and are an anomaly. We removed the pd from the large chalet dwellings nearer the junction with Colehill Road to preserve the openness of this part of the settlement.' The properties to the south are chalets or bungalows. As the site sits between two differing development styles surely the needs and impact of all the adjoining properties should be taken into account. All this to squeeze in two properties with a tiny third bedroom. What is more important, developer profit or long-term quality of housing stock and local area amenity? I urge the Committee to visit the site in order to properly ascertain for themselves the nature of the area and the potential impact a development of this size would have. If permitted this two-storey development would boast the highest roof line in the area.

The Parish Council and all consulted neighbours have unanimously objected on grounds of loss of amenity and scale of development. Who would have thought replacing a few ugly, outdated garages would have provoked such a negative response? Had the developer taken a more considered approach to engage and consult with neighbours and utilise the principles of good design they could have achieved a design that enhanced the use of space, served the needs of all parties and provided a positive legacy for future generations. If this report proceeds despite its factual errors, I ask the Committee to reject the application under section 12 NPPF(2019) on the grounds of poor design, over-development and no improvement in character and quality of the area and will be detrimental to the way it functions.

I ask you to use the trust place in you by your constituents to preserve and enhance our unique environment and reject this application.

And

I write with regards to the above Planning Application due to be considered at the Planning Meeting on 3rd June.

There is a material inaccuracy in the report as it doesn't accurately reflect the neighbouring properties to the proposed development site. Construction of 'Snowdrops', a cottage in the gardens of Treetops, commenced in September 2019 and is nearing completion. The Planning Authority were notified of the start of construction. Snowdrops is now the closest property to the proposed development.

Failure of the officer to include the impact of the development on this property and failure of the Planning Committee to take the concerns of this property into account would render any decision made at the Committee Meeting as unsound. I have prepared a written statement which details the adverse impact on the amenity of the area and highlights the omissions and inaccuracies in the report if the Application does go committee, although I am concerned that it may not be read out if time does not allow. I therefore ask that the Application is withdrawn from the meeting in order to save any embarrassment to the Planning Authority and until the full impact of the proposed development on all the neighbouring properties has been fully taken into account.

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**3/20/0269 - Erection of five cabins with associated 'open' enclosures, each to be occupied by a private collection of pet animals at Slough House, Slough Lane, Horton**

Debra Senior

Reference the above planning application I would like the following points emphasised at the hearing dated 3<sup>rd</sup> June 2020.

Right of Way repeatedly redirected away from the proposed site of the planning application

Rights of Way Officers have reinstated and written to the owners stating the right of Way cannot be moved

Yellow Way markers have been destroyed and the Right of Way has now been altered again to a different route from the established Right of Way

Rights of way have been blocked, tied with string and obstructed with plastic fencing

The location of the application is virtually in the centre of 5 properties almost without obstruction to buffer any noise

The intention of the application was originally stated to house a private collection of monkeys although this has now been left off subsequent applications I believe the intention to house a private collection of monkeys remains the same

Some of breeds of monkeys referred to in the original application are nocturnal which is a concern for both their habit and noise levels

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John Andrews – on behalf of Dawn Groom

1. This unique case arises from Mr and Mrs Groom being forced to move from their home in the Green Belt as a result of impending works for a Government Project

of Nationally Significant importance. They are simply seeking to relocate their

horses and private collection of small pet primates from one home to another. After an extensive search, Slough House (also in the Green Belt) was

identified as being a comparable property with sufficient grounds.

2. The Applicants sought to work with the Council's Officers by seeking pre-application advice hence the proposed siting of the pet housing facilities.

3. At the forefront, the Applicants are seeking to achieve a development for the

housing of their pets in a location well away from public view and close to Slough House (which is essential to providing regular contact). In common with

the advice, they wish to avoid the absurdity of erecting the development in the

'open' rear garden as 'permitted development' rather than in the front garden

which is screened by mature evergreen hedging 5.2 m high where the openness of the Green Belt will not be harmed.

4. Counsel was instructed and positively advised as to the existence of “very special circumstances” and on the matter of permitted development.
  5. The Officer’s Report makes clear there are no objections on Environmental Health grounds, from the Rights of Way Officer or local residents relevant to material planning considerations other than reference to the Green Belt.
  6. The Report also states that the proposal would not result in significant harm to the amenities of neighbouring properties
  7. The “very special circumstances” fully supportive of this application arise from:
    - a) the Applicants being forced to move from their “home” by a nationally important Government project;
    - b) finding a “readily available” new “home” (not just another house) i.e. not in a chain that could fall apart, because of the given time by when their existing home has to be vacated otherwise homelessness would arise;
    - c) the need for the new “home” to provide reasonably comparable facilities to those that are soon to be lost;
    - d) the urgency to relocate the pets from their ‘temporary’ site to a ‘permanent’ new home under the day-to-day control of the Applicants. (The need for the pets’ ‘temporary’ site arose from certain of the government project immediately affecting their safety.)
  8. The ‘very special circumstances’ are weighty and considerably outweigh inappropriateness and the modest harm to the openness of the Green Belt. Being unique, no precedent will be set for future development in the Green Belt. For the reasons outlined above, the Planning Committee is respectfully requested to grant Planning Permission subject to appropriate conditions.
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Martin J Hanham - objection

**6/2019/0530 – Establishment of SANG at land off Flowers Drove, Lytchett Matravers**

Robert & Gail Irwin

We would like to add to our previous objection which I hope you will allow under the circumstances, which is as follows:

In the light of Covid-19, the residents of Lytchett Matravers have proved that there is no need for a SANG and also car park as they have most successfully used the existing right of way and foot path to explore the wonderful Green Belt around Lytchett, in order to exercise in a car free environment. We would add that there must be great doubt how a SANG and car park could be successfully managed in our ongoing Covid-19 emergency and economic climate.

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Tim Hoskinson, Planning Manager, Wyatt Homes

This application comes before you at a time when we have a heightened appreciation of the need for our communities to have good access to natural green space and the benefits that this brings for physical and mental wellbeing.

This application would allow 7.6 hectares (approximately 19 acres) of attractive countryside on the edge of Lytchett Matravers to be used for informal recreation. It is supported by a management plan that sets out access and maintenance arrangements along with biodiversity and landscape enhancements.

The proposed SANG is an important part of the Council's strategy for mitigating the effects of planned development on the Dorset Heathlands. It is identified in the recently adopted Dorset Heathlands SPD as well as in the emerging Purbeck Local Plan.

This site is exceptionally well suited to serve as a SANG. It is an attractive area of countryside in a tranquil setting with expansive views. Mature trees give a parkland character. The topography and landscape offer interest and variety that invites visitors to explore and enjoy the natural environment.

A management plan has been prepared to show how the SANG would be looked after. Existing trees and hedgerows would be retained and enhanced by new planting. Wildflower meadows would be planted and grassland managed to improve species diversity. A network of mown grass paths would be provided along with seating area, information board and bin located at convenient locations.

A footpath already runs along the edge of the field, providing connections into the wider public rights of way network. This allows people to choose from a range of different lengths of walk. Walks through the meadow can be linked to longer routes of 2 to 5 kilometres using the network of footpaths, bridleways and country lanes that connect to the village and surrounding countryside.

The site is within easy walking distance of the housing allocation sites at Blaneys Corner and Flowers Drove. The provision of a small car park will improve accessibility for residents from the south of the village, including the housing allocation at Wareham Road. In combination with on-site green space this will provide the new developments with a variety of local areas for informal recreation, relieving pressure on the Dorset Heathlands.



The capacity of the proposed SANG is capable of providing mitigation for in excess of the 150 new homes allocated in the emerging Local Plan. This has been confirmed by Natural England.

In conclusion, the SANG would provide a substantial area of attractive natural green space accessible to existing and future residents of Lytchett Matravers. It will provide a valuable resource for informal recreation as an alternative to the use of Dorset Heathlands SPA.

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**3/19/1435/COU - Change of use of buildings to commercial uses under B2 General Industrial and B8 Storage & Distribution - Retrospective application - at Clayford Farm, Uddens Drive, Colehill**

Hazell Johnson

Safety of clayford lane if planning is accepted, road not suitable for h.g.v..where can the general public and other road uses pass safely..i.e carriage drivers, cyclists, ramblers..horse back riders, runners, if more traffic is introduced to the bridle way, how safe are these people, including the wild

life..my daughter and I often sit in the field with our horse and listen to the night jar bird..and we see lizards and other reptiles basking in the sun on the road..the hedges are covered with dust and dirt from the vehicles which use it now..may I say too.. they drive to fast down the lane..The owner of the field had to jump out of the way of a speeding land rover which came from one of the units there already at 70mph..he had to jump out of the way..they just laughter..it's not funny...my daughter out riding her horse had 2 cars up my horses behind..revering there engines..it made her so scared..I have seen other people having near misses for people speeding they do not respect the 15mh speed limit...the people that live down the lane can not put there washing out in there own garden..for the dust that is left behind from cars, vans, lorrys, speeding down the lane...and what if there is a fire like the wareham fire. How would the search and rescue fire, police, get to it fast if there was vehicles that cannot give way as the road/bridle way is not wide enough...it would be a disaster to the people that live in that land and to the wildlife..if the planning goes ahead..is the gentleman prepared to make the road safe for users to be able to be passed safely..bearing in mind..horses and cyclists you have to leave a 2meter safety cap when passing...also the road has dropped a tremendous amount over the last 5 years I have been there...I understand progress on units, so why don't they use the units built not to far way in west moors...thank you...

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Mary Court (Access and Bridleways Officer) - British Horse Society.

I am the local British Horse Society Access and Bridleways Officer for the area that this planning application for change of use is located and wish to OBJECT strongly on behalf of the many horse riders/owners who have been in contact with us over their concern to this application.

The bridleways that are being used to serve this industrial unit site are part of an extensive network of interlinking bridleways and footpaths that connect Holt Heath, Uddens Plantation, Cannon Hill, Whitesheet Plantation and Castleman Trailway and are used heavily and enjoyed by not only horse riders/owners but walkers, cyclists, joggers, pedestrians and those who own property adjacent to the bridleway that is being used by vehicles of all types and sizes to access this industrial unit/s.

The safety of those using these bridleways is being compromised by the sometimes reckless and dangerous driving of vehicles down these bridleways on their way to and from these units. There are very few passing areas where horse riders can pull off to avoid these vehicles some of which are commercial vehicles of varying sizes and are driven at speed at times.

There have been a number of incidents that have been reported to the Police this year alone where persons have had a close shave with vehicles speeding and they have not taken care and attention to other users on these bridleways.

With the already change of use has come an increase of noise , banging and crashing which as one of the bridleways is alongside these units causes horses to jump and spook which is also a safety concern.

There is an overspill of vehicles from the unit parking on the footpath that leads from Uddens Plantation to the corner where the industrial unit is which is narrowing the width that users have.

Due to increased traffic the surface of the bridleways is being severely compromised and although some work has been done by persons from Clayford Farm (we believe) the lack of proper maintenance (just scraping of mud up and down the bridleways and putting rubble and broken roof tiles with roof nails still in situ into the potholes) doesn't address the problem and I had a report of a pony stepping on a roof tile nail and becoming lame also punctures to vehicle tyres. Horse riders and their horses could further injure themselves due to the poor condition of the surface now of these bridleways.

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#### Caroline Stagg

Following my previous comments submitted with concerns over this planning application, I have a further statement to make.

On 18th May 2020 I had to officially complain to Jayar Auto Parts as their delivery driver en route to Clayford Farm was driving at excessive speed on the track to Clayford. His speed spooked my horse causing her to spin round. As he was driving so fast he skidded as he braked and the skid caused my horse to rear. The driver laughed.

I did complain direct to Jayar Auto Parts who handled the matter appropriately however this is further evidence of the dangers to the public using the track in it rightful state. If I had been a less competent rider or a child there would have been much more serious implications.

Such dangerous driving and increased traffic is seriously impacting the use of a very established bridlepath, and the environment.

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#### Jon Coombes

As residents of 3 Clayford Cottages we OBJECT to application 3/19/1435/COU Clayford Farm, BH21 7BJ.

1. No lawful B2/B8 use has ever existed at this site. The site is in an established residential area. It is contrary to Policy to allow a B2/B8 use in this location.
2. The LPA made significant allocation of B2/B8 land at Ferndown Industrial Estate which hasn't been developed. The Industrial Estate is highly sustainable and capable of accommodating any demand for B2/B8 use in the area.
3. The site requires right of way to access the Highway and is made over bridleway in private ownership of Mr Philips. Change of use requires permission from Mr Philips, this approval is not granted. S25 of the application form Certification and s8 Access is incorrect.

4. Bridleway access to the site is unmade. Use created by the application site produces significant dust and air pollution which is harmful to the amenity of neighbouring residents
5. The narrow bridleway cannot safely be used by large commercial vehicles and pedestrians at the same time and the use is a major highway safety issue having an impact on amenity of neighbouring residents.
6. Industrial processes occur regularly on the premises being in use at all hours of the day/night having an impact on the amenity of residents, contrary to s19/20 of the application.
7. Current use of the premises is unlawful in planning and been the subject of criminal use and antisocial behaviour. Police should be a consultee to this application so details can be provided.
8. The application states (s14) that no provision is made for the storage and collection of waste which is harmful to the amenity of residents.
9. The application states (s13) that sewerage will be discharged into a cesspit. This will create odour and pollution having an impact on the amenity of residents.
10. The site is adjacent to important and protected SSSI. The use of the site for B2/B8 operation will have an impact on the biodiversity contrary to s12 of the application.
11. The site is within 20m of a water course. The area has experienced flooding within the last 10years, our property being over 1foot underwater; contrary to s11 of the application.
12. The site doesn't make adequate provision for parking as any open land on the site is used for storage. The lack of parking is contrary to planning policy and to s9 of the application. This application runs contrary to significant Adopted Planning Policies and there is no conceivable way that it should be approved.

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The important point here is that this entire industrial development has been developed without planning consent.

The Planning Officer's whole approach to the application appears largely to be based on trying to give some "rubber stamp" to something that should never have been allowed to develop in the first place.

Clayford lies within the Green Belt, set in attractive woodland and near internationally designated Heathland within 400m of SSSI. The only access to the site is a long, narrow and poorly surfaced track of almost 1.1 mile in length before it reaches any road. Access to the main highway is a 2.9 miles along narrow roads south via the hamlet of Broom Hill. By any professional planning

assessment, this is not a location where commercial and industrial development would or should ever be permitted.

Over the last 20 years, there have been various applications to create commercial and industrial development at the site, all but one of which have been refused, with subsequent appeals dismissed. Refusal reasons included the unsustainable nature of the location, its impact on openness of Green Belt, inadequate access, and impact on local amenity. None of these reasons for refusal have changed.

Yet, despite this, the planning officer is now recommending (against the backdrop of many letters of objection and none in support) to approve the full extent of unauthorised uses on the site, now including B2 general industry and B8 storage and distribution.

It is clear that the whole assessment of the application is entirely lead by the applicant and based on what is there now. There is even reference to other buildings on the site (unauthorised) which the “applicant intends to apply for planning permission for”. The Council’s entire approach to this application has been to regularise and “rubber stamp” years of unauthorised development, all of which is unsuitable in this location.

The officer report attempts to “control” the future use of the site by reference to the existing uses in the various units on site. The applicant takes no notice of what the Council says. Uses have changed over time without planning consent this will continue to happen. Further development has taken place in the past two weeks. The Council has proved unwilling to enforce against these uses.

So, having only just considered the impact of this retrospective application, it is already clear that further intensification of the industrial use at Clayford is planned, once again through unauthorised development, this time of new buildings inappropriate in Green Belt. Applicants intention is quite clear, that industrial uses at Clayford will continue to the detriment of the Green Belt, the local environment, and residents. This application must be refused.

Tim Harris

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We OBJECT to the planning application 3/19/1435/COU at Clayford Farm, BH21 7BJ. We are the Freehold owners of the bridleway between Redbridge to Brick Hill Corner.

Your planning assessment makes the assumption that the proposed commercial premises at Clayford Farm will be over our land to Uddens Drive via Redbridge and the A31. Established rights of access over our land are for agricultural use only and we will not permit the use of our land to form vehicular or pedestrian use for any B2 or B8 use in Clayford.

Accordingly as this application site cannot satisfactorily access the public highway, this application must be refused.

#### Impact on openness of Green Belt & SSSI

The desire to regularise this unauthorised development means that the planning officer's assessment of the proposal is partial. The focus appears to be that recent changes to the NPPF which permit reuse of buildings in the Green Belt effectively permit the development, supported by other statements which encourage growth of the rural economy. The conclusion is that, because this development involves the re-use of existing buildings, that it will have no impact on openness of Green Belt.

However, impact on openness should not simply be measured in terms of buildings, but also in terms of activity. This area of Green Belt is characterised by forest and heath. Over time, these units have been annexed from Clayford Farm and changed from an agricultural holding to an industrial park, and a rural track into an access road for the industrial uses. This intensification of use of itself impacts on the openness of the Green Belt, and any permission for Class B2 General Industry will inevitably cause further harm to the Green Belt in terms of heavy vehicle movements and activity on the site. As well as the planning protections given by the Habitats Regulations Act to the Heathland SSSI site, there is a very specific species ecosystem directly impacted by the increased traffic caused by the Development. This would raise the impact threshold on the Habitats Regulations Assessment even further.

The Sallow Hedgeline immediately next to the main access track on the Whitesheets Boundary fenceline has been independently confirmed by a national wildlife charity to hold a BAP Listed Species, The Dingy Mocha Moth (*Cyclophora Pendularia*). The moth eats and breeds in the rare hedgeline environment, which is cut and managed in a very specific way to ensure the future of the moth.

#### Adequacy of site access

In respect of access, the report is also flawed. It is acknowledged that the access track is long, and poorly maintained, yet the lack of "accidents" appears to be used as a measure of its adequacy. With a poorly maintained, often muddy track, vehicle speeds are likely to be such that collisions are unlikely. This, however, is no proof of the adequacy of an access. Permission for B8 and B2 uses is likely to result in increased movements of larger vehicles. In particular, vehicle repair uses involve frequent car and lorry movements to and from the site.

I have submitted a series of photographs of commercial vehicles on the track showing its poor condition and narrowness. In summary, this track was never designed for such industrial activity and the Council should restrict uses to a level appropriate to the location and limited access.

I respectfully request that this application be refused.

Deborah Ray

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I have been connected with the area of Whitesheet , especially the main track. for over 30 years. It has always been an area of natural wood and heath, with a "bridleway" running through from the main road on Whitesheet Hill to Clayford Farm. This bridleway is used by walkers - with dogs and children, and epecially horse riders seeking a safer ride than the main roads. The speed limit is 15mph - standard for bridelways. Increasingly we have to put up with fast moving vehicles, large vehicles (including at one point Eddie Stobart lorries) that drive very fast not allowing for other track users. Last winter we had to endure frequent problems when cars and lorries were stuck where the track has collapsed. it has been useable during the dry weather but is unlikely to be 100% when we have a lot of rain. any increase in traffic will not be in keeping with the area - it is a rural area not an industrial area in any form. We need to preserve the natural habitat - many more people have discovered this wonderful area during the present crisis and hopefully they will be able to do so for many years

June Stagg

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**Duration of meeting:** 10.00 am - 4.50 pm

**Chairman**

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