



## Northern Area Planning Committee

**Date:** Tuesday, 21 January 2020  
**Time:** 2.00 pm  
**Venue:** Stour Hall - The Exchange, Old Market Hill,  
Sturminster Newton, DT10 1FH

**Membership: (Quorum 6)**

Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Tim Cook, Les Fry, Matthew Hall, Carole Jones, Robin Legg, Bill Pipe, Val Potheary, Belinda Ridout and David Taylor

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

**For more information about this agenda please telephone Fiona King 01305 224186**  
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Members of the public are welcome to attend this meeting with the exception of any items listed in the exempt part of this agenda. **Please note** that if you attend a committee meeting and are invited to make oral representations your name, together with a summary of your comments will be recorded in the minutes of the meeting. Please refer to the guide to public participation at committee meetings for more information about speaking at meetings.

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# A G E N D A

Page No.

## 1 APOLOGIES

To receive any apologies for absence

## 2 DECLARATIONS OF INTEREST

To receive any declarations of interest

## 3 MINUTES

5 - 32

To confirm the minutes of the meeting held on 19 December 2019.

## 4 PUBLIC PARTICIPATION

There will be no opportunity for Members of the public to speak on a planning application unless proper notification is given to Democratic Services no later than two clear working days before the meeting in accordance with the [Guide to Public Speaking at Planning Committee](#).

## 5 PLANNING APPLICATIONS

To consider the applications listed below for planning permission

### a **WD/D/19/000872, Barton Farm Development Site, Yeovil Road, Sherborne**

33 - 48

Erection of 66 dwellings and associated works.

### b **WD/D/19/001069 Land at Shakes Hole, Southover Farm Access Road, Tolpuddle**

49 - 66

Variation of conditions 2 & 3 of reference APP/F1230/C/07/2056624 to allow activities (excluding clay pigeon shooting) to take place on four days per week (excluding Sundays) plus a variation of hours of operation to 8am - 18.30pm between 1st April - 30th September in any calendar year.

### c **2/2019/1223/FUL, Land at, 9-10 Pigeon Close, Blandford St Mary, Dorset**

67 - 78

Erect 4No. dwellings and create new vehicular and pedestrian access (demolish existing garages).

**6 URGENT ITEMS**

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

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

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

### **MINUTES OF MEETING HELD ON THURSDAY 19 DECEMBER 2019**

**Present:** Cllrs Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Les Fry, Matthew Hall, Carole Jones, Robin Legg, Val Potheary and Belinda Ridout

**Apologies:** Cllrs Tim Cook, Bill Pipe and David Taylor

**Also present:** Cllr David Walsh

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

Philip Crowther (Senior Solicitor - Planning), James Lytton-Trevers (Senior Planning Officer), Steve Savage (Transport Development Manager), Hannah Smith (Planning Area Manager) and Elaine Tibble (Democratic Services Officer)

**65. Declarations of Interest**

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

**66. Minutes**

The minutes of the meeting held on 19 November 2019 were confirmed and signed.

**67. 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.

**68. Planning Applications**

Members considered written reports submitted on planning applications as set out below.

**69. Application no. WD/D/19/002136 - Rose Cottage, Stone Barn House, Yetminster Road, Chetnole, Sherborne**

This application had been the subject of a site visit on the morning of the committee meeting. Cllr Potheary was not at the site visit and did not take part in the debate and vote.

The report which sought conversion of agricultural building to 1 No dwelling with associated internal and external alterations was introduced by the Senior Planning Officer.

The agricultural building was a disused and II\* listed barn.

The application complied with Policy SUS3 as a designated heritage asset suitable for conversion subject to site specific requirements.

The application which followed a recent refusal for the conversion of four barns and outbuildings was recommended with the application of a number of draconian conditions to include restrictions on the erection of fences, walls and sheds in order to maintain the openness of the space.

The Senior Planning Officer was confident that with those conditions imposed, the historic interest of the site could be maintained whilst conserving original features and making good use of the building.

The Transport Development Manager addressed the points raised in the report by the Parish Council. He felt that there was enough parking allocated for a dwelling of this size and as the vehicular access to the site was used for large agricultural vehicles the visibility splay on exiting the site was acceptable. Any parked cars on the C class road would also help to reduce the speed limit in the area, he therefore advised he could not sustain a refusal on Highways grounds.

Oral representation in objection to the proposal was received from Mrs J Read and Mrs J Witherden (on behalf of Yetminster Parish Council)

Their objections related to Highways safety issues in terms of the visibility splay for vehicles exiting the site onto the road where young children often rode ponies and bikes. The access track was not considered suitable for lorries or a fire engine to manoeuvre. The site was in a flood plain area which raised doubts to the suitability for residential accommodation and severing the buildings from the others on the site could fracture the historic element.

Mr R Anstis the agent for the applicant addressed the committee in support of the application

In response to member questions the Traffic Development Manager advised that in a residential property the number of vehicle movements would be approximately 6 to 8 a day between the hours of 7.00hrs to 19.00hrs, less than would be predicted for agricultural traffic (probably 2 movements a day).

Members were advised that conditions could be implemented to ensure that parking spaces were used and maintained. Conditions prohibiting domestic paraphernalia could be imposed to include caravans, mobile homes etc in order to maintain the open green swath.

The Senior Solicitor (Planning) suggested that it was within the gift of the committee to agree conditions that would restrict chattels etc, as long as it didn't take away what the permission was granting, ie residential use.

In respect of condition 11 it was suggested that the word "within" was amended to "on" to ensure that boundaries were not put on a boundary and a condition added to include the management of surface water.

It was proposed by Cllr Penfold, seconded by Cllr Hall

That the application be deferred in order to obtain further details of the windows and doors as this was a sensitive site. There were also concerns about access and road safety.

On being put to the vote the proposal was **LOST**

It was proposed by Cllr Fry, seconded by Cllr Penfold

**Decision: that the application be refused due to the over development of the site, loss of a heritage asset and open space together with the reasons outlined in the appendix to these minutes.**

**Application No. WD/D/19/002137 - Rose Cottage, Stone Barn House, Yetminster Road, Chetnole, Sherborne**

- a) The committee members felt that the setting would be compromised and that to convert the agricultural building to a dwelling house would be harmful.

The Senior Solicitor (Planning) advised that should members be minded to, they could refuse an application on planning grounds but have a different decision on the Listed Building Consent.

It was proposed by Cllr Hall, seconded by Cllr Andrews.

**Decision: that the application be refused due to the reasons outlined in the appendix to these minutes.**

Cllr Potheary did not take part in the vote.

- 70. **Application No. WD/D/19/002127 - Stone Barn, Stone Barn House, Yetminster Road, Chetnole, Sherborne**

This application had been the subject of a site visit on the morning of the committee meeting. Cllr Potheary was not at the site visit and did not take part in the debate and vote.

The report which sought change of use and conversion of agricultural building to 1 No dwelling with associated internal and external alterations was introduced by the Senior Planning Officer.

He advised that this was a grade II listed building and the proposed conversion was addressed by policy SUS3, it was planned to re-use the existing external openings, the internal changes were also within reason.

He addressed the main issue of the setting, the sub-division and the suggested implementation of draconian conditions. Although within a flood zone 2 area, conversion was supported subject to resilience measures, however new builds would not be permitted.

The revised conditions circulated at the meeting referred to the original doors and shutters which could be maintained and pinned back to retain the historic fabric of the building

There were no objections from Highways.

Oral representation in objection to the application was received from Mr S Cox and Mrs J Witherden (on behalf of Yetminster Parish Council). Their concerns included the importance of a historic site, boundary lines drawn across open farmyard and a piecemeal application. Traffic issues were also sited together with flooding and flood risk issues.

Mr R Anstis the agent for the application addressed the committee again with additional supporting points.

In response to a member question regarding the access to the coach house being through the site, the Development Manager advised that access details had not been provided.

It was proposed by Cllr Ridout and seconded by Cllr Jones that the application be approved as this was the only way to preserve the buildings and bring them back to life.

Committee members were concerned about the heritage of the buildings and their duty to conserve them.

On being put to the vote the proposal was **LOST**

It was proposed by Cllr Fry, seconded by Cllr Andrews.

**Decision: that the application be refused due to breaking up of the site, destruction of heritage asset and the reasons outlined in the appendix to these minutes.**



71. **Application No. WD/D/19/002128 - Stone Barn, Stone Barn House, Yetminster Road, Chetnole, Sherborne**

It was proposed by Cllr Penfold, seconded by Cllr Fry.

**Decision: that the application be refused due to insufficient information about the mezzanine floor, windows and the lack of methodology (Policy 4 NPPF) and the reasons outlined in the appendix to these minutes.**

**15.40 - 15.45 comfort break**

72. **Application No. 2/2019/0151/TECHD - Land West Of Luton Mews, Shorts Lane, Blandford Forum**

The Planning Area Manager presented the application for Technical Details Consent on a site that had been granted Permission in Principle. The application was to erect 9 No. flats, retain 6 No. parking spaces, create 9 No. cycle spaces and carry out ancillary works in association.

The application site was within the settlement boundary of Blandford Forum on the edge of the Town Centre where there was already a pattern of development with quite a high density mix of houses and flats. The site was outside of the flood zone with no risk of flooding.

There was proposed cycle storage for each unit, although there were only 6 car parking spaces this complied with policy, being in the Town Centre. The materials proposed were of a high quality and reflected the character of Blandford. The proposal would not result in any overshadowing issues and climbers on the boundary wall would soften the appearance.

The Planning Area Manager highlighted the need for smaller units of accommodation across the whole of Dorset and the fact that the Council was below it's 5 year housing land supply.

There were no objections from the Transport Development Manager.

Oral representation in objection was received from the Local Ward Member, Cllr Lacey-Clarke. His concerns focussed on the lack of parking available and the inability of a fire engine to access the site when cars were parked on the side of the access road. He urged the committee to defer the application for a site visit.

Mr R Davis, the agent and architect, together with the director of the applicant Mr B Plisken both addressed the committee in support of the application.

The Planning Area Manager responded to questions regarding parking and post build horticultural maintenance. She was confident that the Tree Officers

would ensure that planning was correctly maintained and re-assured members that the Tree Officer had already been in detailed correspondence with the Applicant.

The Committee appreciated the need for open market private rental accommodation, especially for those in the bronze housing band. Although the accommodation was slightly below government space standards, it was comparable enough to make it acceptable.

Although there were concerns over the limited parking in the area, it was accepted that the location was sustainable, on a brownfield site and would create affordable homes to rent which would override those parking issues.

**It was proposed by Cllr Ridout, seconded by Cllr Potheary**

**Decision: that the application be granted subject to the conditions outlined in the appendix to these minutes.**

**73. Application No. 2/2019/0613/HOUSE - Wyke Cottage, Wyke Road, Gillingham**

The Planning Area Manager presented the application for the demolition of an existing conservatory and the erection of a two storey extension. The building had already been characterised through some extensions which would be replaced and enhanced with a dining area and bedroom on the first floor. The extension was designed to be in keeping with the main house in terms of materials, pitch and design. The building would be greater than previous but not considered harmful to the conservation area.

Mr G Adlam the agent for the Applicant addressed the committee in support of the application.

It was proposed by Cllr Andrews, seconded by Cllr Ridout.

**Decision: that the application be granted subject to a condition on materials and the conditions outlined in the appendix to these minutes.**

**74. Urgent items**

There were no urgent items.

**75. Exempt Business**

There was no exempt business.

**Updates  
Appendix**

**Duration of meeting:** 2.00 - 4.35 pm

**Chairman**

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## Planning Committee – Update Sheet

### Planning Applications

Application Ref.	Address	Agenda ref.	Page no.
<b>1.</b> WD/D/19/002136 WD/D/19/002137 WD/D/19/002127 WD/D/19/002128	Rose Cottage and Stone Barn	5a, 5b, 5c, 5d	13 - 58
Update: An additional representation has been received from the occupier of Hamlet Farm House. The representation raises no new planning issues.			
<b>2.</b> WD/D/19/002136	Rose Cottage, Stone Barn House, Yetminster Road, Chetnole, Sherborne	5a	13 - 26
Please note the amendments to the planning conditions 8 and 9. The amendments are attached as a separate document to this email. The amendments incorporate more detail in relation to the requirement for a method statement for the conversion of the listed building.  The conditions have also been amended to add a requirement that the development must be carried out in accordance with the approved details.			
<b>3.</b> WD/D/19/002137	Rose Cottage, Stone Barn House, Yetminster Road, Chetnole, Sherborne	5b	27 - 36
Please note the amendments to the planning conditions 8 and 9. The amendments are attached as a separate document to this email. The amendments incorporate more detail in relation to the requirement for a method statement for the conversion of the listed building.  The conditions have also been amended to add a requirement that the development must be carried out in accordance with the approved details.			
<b>4.</b> WD/D/19/002127	Stone Barn, Stone Barn House, Yetminster Road, Chetnole, Sherborne	5c	37 - 50
Please note the amendments to the planning conditions 8 and 9. The amendments are attached as a separate document to this email. The amendments incorporate more detail in relation to the requirement for a method statement for the conversion of the listed building.			

The conditions have also been amended to add a requirement that the development must be carried out in accordance with the approved details.			
<b>5.</b> WD/D/19/002128	Stone Barn, Stone Barn House, Yetminster Road, Chetnole, Sherborne	5d	51 - 58
<p>Please note the amendments to the planning conditions 8 and 9. The amendments are attached as a separate document to this email. The amendments incorporate more detail in relation to the requirement for a method statement for the conversion of the listed building.</p> <p>The conditions have also been amended to add a requirement that the development must be carried out in accordance with the approved details.</p>			
<b>6.</b> 2/2019/0151/TECHD	Land West Of Luton Mews Shorts Lane Blandford Forum Dorset DT11 7GE	5e	59 - 76
<p>Update:</p> <p>Additional objection has been received from the occupier of Old Garden Cottage. Concern was raised about the timing of the committee and the notice that was given to register to speak.</p> <p>NOTE: Notification was sent in accordance with the normal timeframes and adequate opportunity has been given to register to speak.</p> <p>The other points that have been raised in the representation are contained within the committee report (concern over scale and character, impact on neighbours, parking, and access).</p>			

Application No: **WD/D/19/002127**

Proposal: **Change of use and conversion of agricultural buildings to 1 No. dwelling with associated internal and external alterations**  
Location: **STONE BARN HOUSE, YETMINSTER ROAD, CHETNOLE, SHERBORNE, DT9 6NY**

- 1      PLAN      The development hereby permitted shall be carried out in accordance with the following approved plans:

Location & Block Plan - Drawing Number PL-1302-200B received on 29/08/2019  
Existing Elevations - Drawing Number S -1302-05C received on 29/08/2019  
Floor plans & Elevations - Drawing Number PL-1302-201B received on 29/08/2019  
Floor Level - Drawing Number PL-1302-202A received on 29/08/2019  
Garden Office Floor plans & Elevations - Drawing Number PL-1302-203A received on 29/08/2019

REASON: For the avoidance of doubt and in the interests of proper planning.
- 2      K10A      The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).
- 3      H020      No development above ground level shall be commenced until details and samples of all new external facing materials for the walls and roof shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the Local Planning Authority the development shall proceed in strict accordance with such materials as have been agreed.

REASON: To safeguard the setting of the heritage asset.
- 4      H051      No development for the insertion of new doors and windows shall commence until a schedule and detailed sections (scale 1:10) of all new windows in the development has been submitted to and approved in writing by the Local Planning Authority. All windows shall be constructed of timber and shall be painted, but the schedule shall include additional

information relating to (i) the method of opening, (ii) the depth of the reveal from the face of the wall and (iii) the product number where the window is supplied from a manufacturers standard range (copy of catalogue to be included). Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the development shall proceed in strict accordance with such details as have been agreed.

REASON: To safeguard the setting of the heritage asset.

- 5      NS      No development above ground level shall commence until a scheme showing precise details of all vents, flues, meter boxes and letter boxes shall be submitted to and approved in writing by the Local planning Authority. The approved scheme shall be implemented before the development is occupied and shall be permanently maintained thereafter.

REASON: To safeguard the setting of the heritage asset.

- 6      L042      No development shall be occupied until full details of hard landscape proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include: proposed finished levels or contours, means of enclosure, car parking layout, other vehicular and pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures (eg; furniture, play equipment, signs, lighting, refuse or other storage units), proposed and existing functional services above and below ground (eg; drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc), retained historic landscape features and proposals for their restoration where relevant. Thereafter, unless otherwise agreed in writing by the Local Planning Authority the development shall proceed in strict accordance with such details as have been agreed.

REASON: To ensure the provision of amenity afforded by appropriate landscape design and maintenance of existing and/or new landscape features.

- 7      NS      Before occupation of the dwelling details of flood resilience and proofing measures to be undertaken to the fabric of the building shall be submitted to and approved by the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the Local Planning Authority the development shall proceed in strict accordance with such details as have been agreed.

REASON: To ensure measures to incorporate flood resilience do not detract from the setting of the heritage asset.



- 8 NS Before occupation of the dwelling, details of an emergency access shall be submitted to and approved by the Local Planning Authority and shall be completed. This access shall only be used if the existing access becomes unusable due to flooding. This access shall be permanently retained and maintained and kept clear of any obstruction.
- REASON: To provide emergency access and/or egress if the existing access becomes flooded and in the interests of highway safety.
- 9 H122 In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175.
- Should any contamination be found requiring remediation, a remediation scheme shall be submitted to and approved by the Local Planning Authority. The approved remediation scheme shall be carried out to a timescale to be first agreed with the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted which is subject to the approval in writing of the Local Planning Authority.
- REASON: To ensure risks from contamination are minimised.
- 10 NS Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargements, improvements, or other alterations of the dwellinghouse; no buildings etc incidental to the enjoyment of the dwellinghouse; no hard surfaces (other than those agreed under condition 6) and no chimneys permitted by Classes A, B, C, D E, F and G of Schedule 2 Part 1 of the 2015 Order shall be laid within the land shown edged red on the approved plan.
- REASON: To safeguard the setting of heritage assets.
- 11 NS Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no gates, fences, walls etc (other than those agreed under condition 6) permitted by Class A of Schedule 2 Part 2 of the 2015 Order shall be erected within the land shown edged red on the approved plan.
- REASON: To safeguard the setting of heritage assets.
- 12 T010 The existing private drainage sewers re-used for redevelopment must be tested prior to site construction to ensure that groundwater is not able to

enter the system. Results of the testing and any remedial work should be submitted to and approved by the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the Local Planning Authority the development shall proceed in strict accordance with such details as have been agreed.

REASON: To ensure no groundwater enters the foul water drainage system within the site.

- 13      NS      The protected species mitigation proposals set out in the approved KP Ecology Protected Species Survey and Mitigation Report dated 17 June 2019 shall be undertaken in full before the development hereby approved is first brought into use and shall be maintained in the approved condition permanently thereafter.

REASON: To ensure adequate habitat is provided and protected to accommodate protected species.

Application No: **WD/D/19/002128**

Proposal:      **Conversion of agricultural buildings to 1 No. dwelling with associated internal and external alterations**

Location:      **STONE BARN HOUSE, YETMINSTER ROAD, CHETNOLE, SHERBORNE, DT9 6NY**

- 1      PLAN      The development hereby permitted shall be carried out in accordance with the following approved plans:

Location & Block Plan - Drawing Number PL-1302-200B received on 29/08/2019

Existing Elevations - Drawing Number S-1302-05C received on 29/08/2019

Floor plans & Elevations - Drawing Number PL-1302-201B received on 29/08/2019

Floor Level - Drawing Number PL-1302-202A received on 29/08/2019

Garden Office Proposed Floor plans & Elevations - Drawing Number PL-1302-203A received on 29/08/2019

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

- 2      K40A      The work to which it relates must be begun no later than the expiration of three years beginning with the date on which the consent is granted.
- REASON: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 3      H051      No development for the insertion of new doors and windows shall commence until a schedule and detailed sections (scale 1:10) of all new windows in the development has been submitted to and approved in writing by the Local Planning Authority. All windows shall be constructed of timber and shall be painted, but the schedule shall include additional information relating to (i) the method of opening, (ii) the depth of the reveal from the face of the wall and (iii) the product number where the window is supplied from a manufacturers standard range (copy of catalogue to be included). Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the development shall proceed in strict accordance with such details as have been agreed.
- REASON: To safeguard the special interest of the heritage asset.
- 5      NS      No development above ground level shall commence until a scheme showing precise details of all vents, flues, meter boxes and letter boxes shall be submitted to and approved in writing by the Local planning Authority. The approved scheme shall be implemented before the development is occupied and shall be permanently maintained thereafter.
- REASON: To safeguard the special interest of the heritage asset.
- 6      NS      No development for the conversion internally shall commence until precise details of the steps to be taken and works to be carried out to secure the safety and stability of that part of the building to be retained, shall be submitted to, and agreed in writing by the Local Planning Authority. The approved steps shall remain in place for the full duration until completion of the works hereby approved.
- REASON: To protect and safeguard the fabric of the building.
- 7      NS      All new and replacement rainwater goods shall be painted cast metal of half round profile of a form to be agreed in writing by the Local Planning Authority before installation.
- REASON: To safeguard the significance of the heritage asset.

- 8      NS      All existing historic fabric (beams, roof structure, doors to become shutters, windows, and flagstones) shall be retained in-situ.
- REASON: To safeguard historic fabric and the significance of the heritage asset.
- 9      NS      Before works for the conversion above ground level commence, a methodology relating to the careful restoration and sympathetic repair of the fabric of the building shall be submitted to and approved by the Local Planning Authority. The methodology shall state the method, materials and measures for restoration and repair including any repointing, insertion of the mezzanine with floor boards not plywood, retention of roof structure, stairs, floors to be limecrete, screens construction, breaking through and making good and internal walls including insulation, wall boarding and wall treatments and damp proofing. The conversion shall be carried out in accordance with the approved methodology.
- REASON: To safeguard historic fabric.

Application No: **WD/D/19/002136**

Proposal:      **Change of use and conversion of agricultural building to 1No. dwelling with associated internal and external alterations.**

Location:      **ROSE COTTAGE, YETMINSTER ROAD, CHETNOLE, SHERBORNE, DT9 6NY**

- 1      PLAN      The development hereby permitted shall be carried out in accordance with the following approved plans:
- Location & Site Plan - Drawing Number PL-1302-100B received on 22/08/2019
- Floor plans & Elevations - Drawing Number S-1302-02C received on 22/08/2019
- Floor plans & Elevations - Drawing Number received on 22/09/2019
- REASON: For the avoidance of doubt and in the interests of proper planning.

- 2      K10A      The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.
- REASON: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).
- 3      H020      No development above ground level shall be commenced until details and samples of all new external facing materials for the walls and roof shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the Local Planning Authority the development shall proceed in strict accordance with such materials as have been agreed.
- REASON: To safeguard the setting of the heritage asset.
- 4      H051      No development for the insertion of new doors and windows shall commence until a schedule and detailed sections (scale 1:10) of all new windows in the development has been submitted to and approved in writing by the Local Planning Authority. All windows shall be constructed of timber and shall be painted, but the schedule shall include additional information relating to (i) the method of opening, (ii) the depth of the reveal from the face of the wall and (iii) the product number where the window is supplied from a manufacturers standard range (copy of catalogue to be included). Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the development shall proceed in strict accordance with such details as have been agreed.
- REASON: To safeguard the setting of the heritage asset.
- 5      NS      No development above ground level shall commence until a scheme showing precise details of all vents, flues, meter boxes and letter boxes shall be submitted to and approved in writing by the Local planning Authority. The approved scheme shall be implemented before the development is occupied and shall be permanently maintained thereafter.
- REASON: To safeguard the setting of the heritage asset.
- 6      L042      No development shall be occupied until full details of hard landscape proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include: proposed finished levels or contours, means of enclosure, car parking layout, other vehicular and pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures (eg; furniture, play equipment, signs, lighting, refuse or other storage units), proposed and existing functional services

above and below ground (eg; drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc), retained historic landscape features and proposals for their restoration where relevant. Thereafter, unless otherwise agreed in writing by the Local Planning Authority the development shall proceed in strict accordance with such details as have been agreed.

REASON: To ensure the provision of amenity afforded by appropriate landscape design and maintenance of existing and/or new landscape features.

- 7      NS      Before occupation of the dwelling details of flood resilience and proofing measures to be undertaken to the fabric of the building shall be submitted to and approved by the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the Local Planning Authority the development shall proceed in strict accordance with such details as have been agreed.

REASON: To ensure measures to incorporate flood resilience do not detract from the setting of the heritage asset.

- 8      NS      Before occupation of the dwelling, details of an emergency access shall be submitted to and approved by the Local Planning Authority and shall be completed. This access shall only be used if the existing access becomes unusable due to flooding. This access shall be permanently retained and maintained and kept clear of any obstruction.

REASON: To provide emergency access and/or egress if the existing access becomes flooded and in the interests of highway safety.

- 9      H122      In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175.

Should any contamination be found requiring remediation, a remediation scheme shall be submitted to and approved by the Local Planning Authority. The approved remediation scheme shall be carried out to a timescale to be first agreed with the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted which is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure risks from contamination are minimised.

- 10      NS      Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking

and re-enacting that Order) (with or without modification) no enlargements, improvements, or other alterations of the dwellinghouse; no buildings etc incidental to the enjoyment of the dwellinghouse; no hard surfaces (other than those agreed under condition 6) and no chimneys permitted by Classes A, B, C, D E, F and G of Schedule 2 Part 1 of the 2015 Order shall be laid within the land shown edged red on the approved plan.

REASON: To safeguard the setting of heritage assets.

- 11      NS      Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no gates, fences, walls etc (other than those agreed under condition 6) permitted by Class A of Schedule 2 Part 2 of the 2015 Order shall be erected within the land shown edged red on the approved plan.

REASON: To safeguard the setting of heritage assets.

- 12      T010      The existing private drainage sewers re-used for redevelopment must be tested prior to site construction to ensure that groundwater is not able to enter the system. Results of the testing and any remedial work should be submitted to and approved by the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the Local Planning Authority the development shall proceed in strict accordance with such details as have been agreed.

REASON: To ensure no groundwater enters the foul water drainage system within the site.

Application No: **WD/D/19/002137**

Proposal:      **Conversion of agricultural building to 1No. dwelling with associated internal and external alterations**

Location:      **ROSE COTTAGE, YETMINSTER ROAD, CHETNOLE, SHERBORNE, DT9 6NY**

- 1      PLAN      The development hereby permitted shall be carried out in accordance with the following approved plans:

Location & Site Plan - Drawing Number PL-1302-100B received on 22/08/2019  
Floor plans & Elevations - Drawing Number S-1302-02C received on 22/08/2019  
Floor plans & Elevations - Drawing Number PL-1302-101A received on 22/08/2019

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

- 2      K40A      The work to which it relates must be begun no later than the expiration of three years beginning with the date on which the consent is granted.

REASON: This condition is required to be imposed by reason of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 3      H051      No development for the insertion of new doors and windows shall commence until a schedule and detailed sections (scale 1:10) of all new windows in the development has been submitted to and approved in writing by the Local Planning Authority. All windows shall be constructed of timber and shall be painted, but the schedule shall include additional information relating to (i) the method of opening, (ii) the depth of the reveal from the face of the wall and (iii) the product number where the window is supplied from a manufacturers standard range (copy of catalogue to be included). Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the development shall proceed in strict accordance with such details as have been agreed.

REASON: To safeguard the special interest of the heritage asset.

- 4      H020      No development above ground level shall be commenced until details and samples of all new external facing materials for the walls and roof shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the Local Planning Authority the development shall proceed in strict accordance with such materials as have been agreed.

REASON: To safeguard the special interest of the heritage asset.

- 5      NS      No development above ground level shall commence until a scheme showing precise details of all vents, flues, meter boxes and letter boxes shall be submitted to and approved in writing by the Local planning Authority. The approved scheme shall be implemented before the



development is occupied and shall be permanently maintained thereafter.

REASON: To safeguard the special interest of the heritage asset.

- 6      NS      No development for the removal of the front wall shall commence until precise details of the steps to be taken and works to be carried out to secure the safety and stability of that part of the building to be retained, shall be submitted to, and agreed in writing by the Local Planning Authority. The approved steps shall remain in place for the full duration until completion of the works hereby approved.

REASON: To protect and safeguard the fabric of the building.

- 7      NS      All new and replacement rainwater goods shall be painted cast metal of half round profile of a form to be agreed in writing by the Local Planning Authority before installation.

REASON: To safeguard the significance of the heritage asset.

- 8      NS      All existing historic fabric (lath or reed and plaster ceilings, lime wall plasters, beams, joists, floor boards, roof structure, staircases, doors to become shutters, windows, panelling, mouldings, fireplaces and flagstones) shall be retained in-situ.

REASON: To safeguard historic fabric and the significance of the heritage asset.

- 9      NS      Before works for the conversion above ground level commence, a methodology relating to the careful restoration and sympathetic repair of the fabric of the building shall be submitted to and approved by the Local Planning Authority. The methodology shall state the method, materials and measures for restoration and repair including any repointing, retention of roof structure, floors to be limecrete, screens construction, breaking through and making good and internal walls including insulation, wall boarding and wall treatments and damp proofing. The conversion shall be carried out in accordance with the approved methodology.

REASON: To safeguard historic fabric.

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19 December 2019

Appendix

**Application Number** – WD/D/19/002136

**Site address:** ROSE COTTAGE, YETMINSTER ROAD, CHETNOLE, SHERBORNE, DT9 6NY

**Proposal:** Conversion of agricultural building to 1No. dwelling with associated internal and external alterations

**Decision:** That the application be refused for the following reasons:

1. The proposal, by reason of the intensification and subdivision of the site as a whole to create a dwelling, would give rise to less than substantial harm to the significance of the heritage assets through intervening development within the sensitive setting of the heritage assets, which would degrade the open swathe of grass, which is integral to the significance of the highly graded assets. In the absence of sufficient public benefit, the proposal is contrary to Local Plan policy ENV.4 and the National Planning Policy Framework.

**Application Number** – [WD/D/19/002137](#)

**Site address:** ROSE COTTAGE, YETMINSTER ROAD, CHETNOLE, SHERBORNE, DT9 6NY

**Proposal:** Conversion of agricultural building to 1No. dwelling with associated internal and external alterations

**Decision:** That the application be refused for the following reasons:

1. The proposal, by reason of the lack of a methodology and lack of details of the conversion would harm the special interest and lead to loss of historic fabric contrary to West Dorset, Weymouth & Portland Local Plan Policy ENV4 and the National Planning Policy Framework.

**Application Number** – [WD/D/19/002127](#)

**Site address:** STONE BARN HOUSE, YETMINSTER ROAD, CHETNOLE, SHERBORNE, DT9 6NY

**Proposal:** Change of use and conversion of agricultural buildings to 1 No. dwelling with associated internal and external alterations

**Decision:** that the application be refused for the following reasons:

- 1                   The proposal, by reason of the intensification and subdivision of the site as a whole to create a dwelling, would give rise to less than substantial harm to the significance of the heritage assets through intervening development within the sensitive setting of the heritage assets, which would degrade the open swathe of grass, which is integral to the significance of the highly graded assets. In the absence of sufficient public benefit, the proposal is contrary to Local Plan policy ENV.4 and the National Planning Policy Framework.

**Application Number** – WD/D/19/002128

**Site address:** STONE BARN HOUSE, YETMINSTER ROAD, CHETNOLE, SHERBORNE, DT9 6NY

**Proposal:** Conversion of agricultural buildings to 1 No. dwelling with associated internal and external alterations

**Decision;** that the application be refused for the following reasons:

- 1                   The proposal, by reason of the lack of a methodology, including how the mezzanine floor would be inserted, and lack of details of the conversion would harm the special interest and lead to loss of historic fabric contrary to West Dorset, Weymouth & Portland Local Plan Policy ENV4 and the National Planning Policy Framework.:

**Application Number** – 2/2019/0151/TECHD

**Site address:** Land West Of Luton Mews, Shorts Lane, Blandford Forum, Dorset, DT11 7GE

**Proposal:** Technical Details Consent on a site that has been granted Permission in Principle 2/2018/0889, to erect 9 No. flats, retain 6 No. parking spaces and create 9 No. cycle spaces. Carry out ancillary works in association with this.

**Decision:** that the application be granted subject to the conditions outlined below:

1. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details:  
PA00, PA01, PA02A, PA03B, PA04A, PA05, PA06C, PA07, PA08, PA09, PA18C, forming the approved application.  
Reason: For the avoidance of doubt and to clarify the permission.
2. No development above foundation level of the flats hereby approved shall commence until samples of materials to be used in the construction and finish of the block of flats; shall be made available on site and retained in that location thereafter for the inspection and approval of the Local Planning Authority. Any such samples shall require approval to be obtained in writing from the Local Planning Authority and the development shall thereafter accord with the approved materials.  
Reason: To safeguard the character of the locality.
3. Prior to the commencement of construction of any external wall of the development hereby permitted, a sample panel measuring at least 1 metre by 2 metres, using the approved brick to include blue headers and demonstrating the proposed coursing, mortar mix and pointing detail, shall be constructed on site. Construction of the development hereby permitted shall not commence until the sample panel has been approved in writing by the Local Planning Authority, thereafter, the panel shall remain on site until the external walls of the flats have been constructed to eaves height and the development shall be carried out in full accordance with the approved panel  
Reason: To safeguard the character of the locality.
4. No development above foundation level of the flats hereby approved shall commence until large scale details of the eaves, verges, lintels, windows, doors, and cladding shall be submitted to the local planning authority for approval in writing. The development shall thereafter accord with the approved details.  
Reason: To safeguard the character of the locality.

5. Prior to the erection of any new boundary, precise details of the boundary treatment shall be submitted to the local planning authority for approval in writing. The details shall include brick walls and include details of the materials, bond, coursing and mortar. The development shall be carried out in accordance with the agreed details and there shall be no further enclosures erected other than those approved.  
Reason: To safeguard the character of the locality.
6. Before the development is occupied or utilised the turning and parking shown on Drawing Number 12-173 PA06 Rev C must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.  
Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.
7. Before the development is occupied or utilised the cycle parking facilities shown on Drawing Number 12-173 PA18 must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.  
Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.
8. No development above foundation level shall take place until a landscaping scheme for a climbing plant border to the western elevation of the site has been submitted to and approved in writing by the Local Planning Authority. This specification should include detail of the proposed framework to support the plants, planting methodology, and post planting maintenance. Thereafter this screen planting shall be implemented in full in the first planting season following commencement of development and before the first occupation, or within such other time as may be approved with the Local Planning Authority in writing beforehand. The screen planting shall be maintained in accordance with a maintenance schedule which shall first be approved in writing by the Local Planning Authority and any trees or shrubs which are removed or found to be dead, dying or diseased shall be replaced with similar species during a period of five years following the completion of the screen planting scheme.  
Reason: In the interests of the amenities of the area.
9. All rainwater goods shall be constructed of metal, with a black painted finish.  
Reason: To safeguard the character of the locality.
10. No development above foundation level of the flats hereby approved shall commence until details of all external flues and vents shall be submitted to the local planning authority for approval in writing. The development shall be carried out in accordance with the approved details and there shall be no further vents or flues installed on the building. There shall be pipe work installed on the exterior of the building.  
Reason: To safeguard the character of the locality.

11. No development above foundation level of the flats hereby approved shall commence until precise details of the lantern light shall be submitted to the local planning authority for approval in writing. The development shall be carried out in accordance with the approved details.  
Reason: To safeguard the character of the locality.
12. No development shall take place until the applicant or their successors in title have made arrangements for archaeological observation and recording to take place during any period of demolition and/or development. Details of those arrangements shall be submitted to and approved in writing by the Local Planning Authority, at least one month before any work commences on the development site. The observations and recording shall be carried out as approved.  
Reason: To safeguard and/or record the archaeological interest on and around the site.
13. The Biodiversity mitigation measures set out in the approved Report approved January 2019 shall be implemented in full in accordance with the timetable set out in the report, or in the absence of a specific timetable, prior to the development hereby approved being first brought into use and the site shall thereafter be maintained in accordance with the approved mitigation proposals.  
Reason: To ensure adequate habitat is provided and subsequently protected to ensure adequate protection for important habitats and species is secured.
14. The window openings in the side elevation to the Crown car park and the side elevation to Luton Mews shall be obscured glazed prior to first use of the building hereby permitted and shall be subsequently permanently retained in that condition.  
Reason: To safeguard residential amenity.
15. No occupation of the development shall commence until precise details of all tree, shrub and hedge planting (including positions and/or density, species and planting size) shall be submitted to and approved in writing by the Local Planning Authority. Planting shall be carried out before the end of the first available planting season following substantial completion of the development. In the five year period following the substantial completion of the development any trees that are removed without the written consent of the Local Planning Authority or which die or become (in the opinion of the Local Planning Authority) seriously diseased or damaged, shall be replaced as soon as reasonably practical and not later than the end of the first available planting season, with specimens of such size and species and in such positions as may be agreed with the Local Planning Authority. In the event of any disagreement the Local Planning Authority shall conclusively determine when the development has been completed, when site conditions permit, when planting shall be carried out and what specimens, size and species are appropriate for replacement purposes.  
Reason: In the interests of continued visual public amenity.

**Application Number – 2/2019/0613/HOUSE**

**Site address: Wyke Cottage , Wyke Road, Gillingham, SP8 4NH**

**Proposal: Erect two storey extension (demolish existing conservatory).**

**Decision:** that the application be approved subject to the conditions outlined below:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details: GMA-155-03, GMA-155-02A forming the approved application.  
Reason: For the avoidance of doubt and to clarify the permission.
3. No development hereby approved shall commence until samples of materials to be used in the construction and finish of extension hereby approved; shall be made available on site and retained in that location thereafter for the inspection and approval of the Local Planning Authority. Any such samples shall require approval to be obtained in writing from the Local Planning Authority and the development shall thereafter accord with the approved materials.  
Reason: To safeguard the character of the locality.



1.0

**APPLICATION NUMBER:** WD/D/19/000872

**SITE ADDRESS:** Barton Farm Development Site, Yeovil Road, Sherborne

**PROPOSAL:** Erection of 66 dwellings and associated works

**APPLICANT:** Persimmon Homes

**CASE OFFICER:** Robert Lennis

**WARD MEMBER(s):** Cllr M Hall, Cllr J Andrews

2.0

## **Summary of Recommendation:**

Recommendation A: Delegate authority to the Head of Planning to grant subject to the completion, including sealing and signatures, of a Section 106 agreement and conditions set out in this report CIL charges.

Recommendation B: Refuse planning permission six months from the date of this Committee, 19 December 2019, if the Section 106 has not been completed.

3.0

## **Reason for the recommendation:**

- This site is allocated of residential development;
- The proposal would contribute towards the Council's 5 year land supply;
- Paragraph 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. None have been identified.
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact;
- There is not considered to be any significant harm to neighbouring residential amenity;
- There are no material considerations which would warrant refusal of this application.

4.0

## **Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	The principle of residential development has been agreed at outline stage.
Scale, design, impact on character and appearance	The scale of individual dwellings and block of flats is what was envisaged; 2, 2.5, and 3 storey.

Impact on amenity	There would be no serious impact on neighbouring amenities.
Impact on landscape or heritage assets	The proposal would result in less than substantial harm to the nearby grade II listed barn.
Economic benefits	Benefits would come from the provision of jobs during construction, and future residential expenditure.

## 5.0 Description of Site

The application site consists of land at Barton Farm. This represents a fourth phase of residential development being constructed by Persimmon Homes on the local plan allocation of Barton Farm.

Site access would link with road network built as part of the earlier phases of development.

It is bound by phases 1, 2, and 3 to the west-northwest, and by existing residential development to the north-northeast along Marston Road, to the south are the existing buildings of Barton Farm (as was).

The land slopes gently from northwest at its highest down to southwest.

## 6.0 Description of Development

The application proposes to erect 66 dwellings. These would be provided through a mix of dwelling types (detached, semi-detached, and terraced) and a block of flats, providing a range between 1-3 bedrooms. The scale of dwellings would be 2-2.5 storey, and the block of flats 3 storey.

External materials are proposed to be a mix of brick, stone, and render under roof tiles of either slate or pantile red.

## 7.0 Relevant Planning History

- WD/D/18/000005 – Approval of reserved matters application pursuant to Condition 2 of Outline Planning Permission 1/D/11/001658 in respect of Layout, Scale and Appearance of 108 dwellings, together with a means of access from the current phase, all drainage and affiliated earthworks, together with landscaping of the site, and amended phasing plan.

- WD/D/17/000614 - Approval of all reserved matters in relation to Phase 2 pursuant to condition 2 of outline permission 1/D/11/001658 - Outline permission for the erection of up to 279 dwellings; up to 350m<sup>2</sup> of flexible space to provide any combination of B1, A1, A2, & A3 uses; up to 2,000m<sup>2</sup> of B2; up to 10,000m<sup>2</sup> of B1

employment floorspace; & a 3,500m<sup>2</sup> (60 bed) care home (C2 Use Class). Provision of public open space & cycle/footways; highway works including work (Reserved Matters)

- WD/D/15/001354 - Reserved Matters Application pursuant to condition 2 of Outline Planning Permission WD/D/14/000067 in respect of the layout, scale and appearance of the proposed dwellings, together with the means of access thereto (other than the main access to the A30), all drainage and affiliated earthworks together with the landscaping (including means of enclosure) of the site. (Reserved Matters)

- WD/D/14/000243 - Reserved Matters Application pursuant to Condition 2 of Outline Planning Permission, 1/D/11/001658 in respect of the layout, scale and appearance of the proposed dwellings, together with the means of access thereto (other than the main access to the A30), all drainage and affiliated earthworks together with the landscaping (including means of enclosure) of the site. (Reserved Matters)

- WD/D/14/000067 - Outline permission for the erection of up to 279 dwellings; up to 350m<sup>2</sup> of flexible space to provide any combination of B1, A1, A2, & A3 uses; up to 2,000m<sup>2</sup> of B2; up to 10,000m<sup>2</sup> of B1 employment floorspace; & a 3,500m<sup>2</sup> (60 bed) care home (C2 Use Class). Provision of public open space & cycle/footways; highway works including works to Yeovil Road, Sheeplands Lane, and Marston Road; a new access junction to the A30 & new pedestrian crossing (Variation of condition)

- WD/D/14/000029 - Revised junction arrangement and formation of surface water storage area (in substitution for vehicular access approved under planning approval 1/D/11/001658) (Full)

- 1/D/11/001659 - Demolition of existing modern agricultural and non-listed derelict buildings, detailed works to facilitate the change of use of the existing listed farm buildings to provide 225m<sup>2</sup> community use, 682m<sup>2</sup> of flexible B1/A2 space, 266m<sup>2</sup> of storage space and car parking. Works to subdivide the existing Barton Farmhouse into 3 no. dwellings and 122m<sup>2</sup> of office space. The erection of a terrace of 3 houses and the creation of a new footpath/cycle link (Full)

- 1/D/11/001658 – Outline permission for the erection of up to 279 dwellings; up to 350m<sup>2</sup> of flexible space to provide any combination of B1, A1, A2, & A3 uses; up to 2,000m<sup>2</sup> of B2; up to 10,000m<sup>2</sup> of B1 employment floorspace; & a 3,500m<sup>2</sup> (60 bed) care home (C2 Use Class). Provision of public open space & cycle/footways; highway works including works to Yeovil Road, Sheeplands Lane, and Marston Road; a new access junction to the A30 & new pedestrian crossing (Outline)

## **8.0 List of Constraints**

Grade II listed building – Barton Farmhouse, Dairy Cottage and Outbuildings

## 9.0

### Consultations

(Consultee responses can be viewed in full online at:  
<https://planning.dorset.gov.uk/online-applications/>)

**Natural England** – no objections subject to comments from Dorset Natural Environment Team

**Dorset Natural Environment Team** – awaiting response; to report orally

**Planning Obligations Manager** – no objection

**Environmental Health** – no comment/objection

**Local Highway Authority** – no objection subject to conditions

**Housing and Enabling Officer** – no objection

**Senior Archaeologist** – no objection

**Lead Local Flood Authority** – no objection subject to conditions

**Sherborne Town Council** – objections raised.

“The Town Council applaud the inclusion of an increased number of two bed properties but otherwise object to this application on the following grounds:

- The overall increase throughout all phases on the original proposition of 279;

- Concern that the amended plans involve development of a previously designated open space resulting in the obstruction to the view of houses built in earlier phases, resulting in a loss of light and amenity;

- The increase to the volume of traffic entering and leaving the site

- The increase in pressure on the existing sewage system, which is already at capacity.

- Concerns with regards to drainage and flooding and the adequacy of the existing system.

- Inadequate access to the development for wheelchairs and buggies.

- Concern at the proposed removal of ancient hedgerow, which had been assigned protection in previous applications.”

### Representations received

Concerns raised relating to planning matters are as follows:

- Overlooking/privacy
- Noise
- Layout
- Overshadowing
- Landscaping
- Loss of hedgerow
- Density
- Design, scale, and materials
- Character
- Heritage
- Highway safety and parking
- Lack of amenity/open space

## 10.0 Relevant Policies

### ***“Local Government Reorganisation: Implications for the Application of Local Plans and Five-Year Housing Land Supply***

*Various regulations including the Local Government (Structural Changes) (Transitional Arrangements) (No. 2) Regulations 2008 (as amended) make incidental, consequential, transitional and supplementary provision about the exercise of functions by local authorities created following re-organisation. In particular, they provide for continuity in the exercise of functions performed by both Dorset Council and its predecessors. In relation to all local plans adopted by the predecessor councils before the 1<sup>st</sup> April 2019 (including West Dorset, Weymouth and Portland), the effect of the regulations is that such plans will continue to apply to the same area to which they applied prior to re-organisation. The regulations also enable Dorset Council to progress and adopt local plans in the course of preparation by its predecessors. Pending the adoption of a new Dorset Council-wide Local Plan, any calculations relevant to Housing Land Supply etc. can continue to be based upon the area covered by those local plans.”*

### **Adopted West Dorset and Weymouth & Portland Local Plan (2015)**

INT1 Presumption in favour of sustainable development  
ENV1 Landscape, seascape and sites of geological interest  
ENV4 Heritage assets  
ENV10 The landscape and townscape setting  
ENV11 The pattern of streets and spaces  
ENV12 The design and positioning of buildings  
ENV16 Amenity  
COM4 New or improved local recreational facilities  
COM9 Parking standards in new development  
SHER1 Land at Barton Farm

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

As far as this application is concerned the following sections of the NPPF are considered to be most relevant:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places

15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

### **Other material considerations**

- Barton Farm Development Brief (2007) (BFDB)
- Design and Sustainable Planning Guidelines (2010)
- Landscape Character Areas (2009)
- Sherborne Conservation Area Appraisal (2008)

## **11.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

## **12.0 Public Sector Equalities Duty (standard text)**

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

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

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED. It is considered that through detailed design this proposal would be able to meet this duty, through the provision of dropped kerbs and level access as required to individual properties.

## **13.0 Financial benefits**

- The proposed development would be CIL liable and would therefore provide a contribution of approximately £400K-£500K.
- Affordable houses would be provided; 23no. units.
- Jobs would be created through construction.
- Additional spending by new residents.
- Council tax from new dwellings.

## 14.0 Planning Assessment

The main issues of this case are considered to relate to the following:

- Principle of development;
- Housing land supply;
- Affordable housing;
- Flood risk;
- Highway safety;
- Heritage Impact;
- Design, scale, and materials;
- Ecology.

### *Principle of development*

The site is allocated as part of the wider Barton Farm Urban Extension in the West Dorset, Weymouth & Portland LP, Policy SHER1. This site was given outline permission to build up to 279 dwellings of which permission is in place for 278 dwellings through three phases of development. This application would see another 66 dwellings created within the boundary of the outline application.

The Policy seeks to achieve a comprehensive mixed use scheme through phased development. While the site has attracted some degree of negative attention due to highway works being delayed, errors in material selection, and timely provision of community infrastructure, the developer has worked with the relevant Officers to remedy matters and deliver the homes needed. Be that what it may, the allocation is to be retained in the plan until such a time as the development is built out. Hence, the principle of development is considered to be acceptable.

The increase in the overall number of dwelling has caused some disquiet. It needs to be acknowledge that this site was allocated some time ago and policy position on density has change somewhat to meet the country's needs. The NPPF's (paragraphs 122 and 123) position is far more nuanced, but it is clear in stating "it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that development make optimal use of the potential of each site...." In this light, it is considered that the principle of additional dwellings on this site is acceptable in policy terms.

### *Housing land supply*

The Council's published five year housing land supply remains at 4.88yrs. Subject to the findings on heritage impact this would trigger the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. Accordingly, the provision of additional housing should be given additional weight in the decision-making process.

### *Affordable housing*

Your Housing and Enabling Team which monitors the provision of affordable housing in the area has commented that there is a significant need for affordable housing in the west area of Dorset. The provision of 23 affordable dwelling in this phase of development would be Policy compliant (35%) and would assist in meeting that need.

The Team had been noted that the development of the scheme offers two and three bedroom properties however the predominant need is for smaller properties; 1 and 2 bed units. The applicant has addressed this and would be providing: 6 x 1-bed, 10 x 2-bed, and 7 x 3-bed properties. The plans show affordable properties spread cross the development. Provided these can be secured by a S106 legal agreement, the provision of a policy compliant 23 units is considered to be a significant benefit of the scheme.

### *Flood risk*

The Lead Local Flood Authority has commented that "Following our initial response (ref: PLN19-027) and request that a (Holding) Objection be applied, the applicant has supplied additional information & clarification in the form of a revised Drainage Strategy Statement Addendum (DSSA) document (ref: Expedite – ES17.08 Rev 2, dated 9th July 2019). Section 3 of this DSSA document summarises how the total impermeable area has been revised and reduced from 5.88ha to 5.25ha, including allowance for Phase 4 (the current application). Appendix C of this document includes an Impermeable Area Plan / Overall Strategy Sketch (ref: ES17.08 – SK08.00 P1, dated 09/07/2019), whilst Appendix D retains the Drainage Plan / Phase 4 (ref: ES17.08 – SK403.00 P1, dated 15/03/2019) previously supplied." On the basis of this new information and confirmation of the revised surface water strategy for the wider development, no objections have been raised subject to conditions.

### *Highway safety*

It is noted that the Town Council has raised concern with an increase to the volume of traffic. These concerns would not find the support of the highway engineers as they have raised no objection to the proposal.



It is not clear how there would be inadequate access to the development for wheelchairs and buggies. This has been raised with the applicant and is now a matter of a bespoke condition.

### *Heritage Impact*

The correct approach to decision making here would be first to assess whether any harm would be caused to the significance of the designated heritage assets affected. If any is found, then the degree of that harm needs to be defined. Then, that harm needs to be balanced against the public benefits of the proposal. If the public benefits do not outweigh the harm then, following the Framework's path, planning permission should be refused.

In allocating this site, it was understood that there would be some degree of harm to the setting of the listed farm building through the change of use from agricultural to residential. In order to mitigate that impact successive indicative layouts for the site have shown public open space better the farm building and future development. The proposed development in this respect is no different.

Officers have worked with the applicant to address the design and materials of the buildings that would be facing onto this public open space as they will be seen in the same view plane as the heritage assets. It is considered that the proposed layout and appearance would be accept and that the public benefits of providing housing and future open space are significant public benefits that would outweigh the limited harm to the setting of these heritage assets.

### *Design, scale, and materials*

In terms of location this site, which is within the Barton Farm Urban Extension, is in the unique position of abutting each of the previous three phases. The site boundary also adjoins plot boundaries for dwellings pre-dating the Barton Farm development on Marston Road, Yeovil Road and Barton Gardens. It is also imperative that the character of the listed barn be reflected in this scheme.

Officers have worked with the applicant to address concerns with the original submission. The amended plans that have been submitted show a vast improvement in the quality of the design proposed for this application. Persimmon have worked constructively with Dorset Council over the past months in order to resolve several design issues identified with the original submission.

In terms of the density of the scheme, the majority of this site is located within the "higher scale and intensity" area in the Intensity Areas diagram within the Barton Farm Development Brief. At 43 dwellings per hectare (dph) the proposed density

in this application is consistent with the Intensity Area plan, given that the densities for phases 1, 2 and 3 are 43 dph, 46 dph, and 37 dph respectively.

The mix of units has been amended from the original submission to incorporate one bedroom apartments and to increase the number of three bedroom semi-detached and terraced units. Larger detached units have been removed from the proposed mix to create a better layout and allow for a more efficient arrangement of dwellings.

The amended plans show an increase in the quantum of Public Open Space (POS) proposed which is a positive feature of the revised layout. This would allow the density of development proposed to be absorbed while offering key areas of open space to both visually break up the built form and provide usable amenity space.

The introduction of the POS immediately north of plots 56-62 eradicates the front / rear orientation between terraced units displayed in the site layout from the original submission. In the revised submission, dwellings are proposed to bound the open space which would offer an attractive outlook for the dwellings whilst ensuring the open space receives good casual surveillance.

An increase in the number of street trees proposed from 27 (original submission) to 34 (revised layout) represents another enhancement to the scheme. These additional street trees would serve to soften hard surfacing associated with parking.

The introduction of the apartments (plots 18-23 and 47-52) has facilitated the creation of a number of positive features to the design of the scheme;

- Plots 18-23 allow 2.5-3 storey heights to be maintained to assist with the creation of a prominent streetscene adjacent to the listed barn.
- Plots 47-52 would provide a dual frontage to both areas of POS.
- Plots 47-52 enable the land constrained by a drainage easement to be utilised as additional POS for the site.

The awkward relationships proposed between dwellings in the original layout have been addressed with strong building lines presented throughout in the revised plans. The introduction of housetypes that turn the corner well such as Greyfrairs Corner and the Corby apartments add 'interest' to the street on two elevations, avoiding blank elevations to the street. One minor error in the housetype drawings is the omission of plots 5 and 11 from the 'Clayton Corner Housetype Design Sheet 1 (OP plots) Elevations & Floor Plans'.

In terms of parking, the original plans showed large clusters of parking, particularly at the south of the site. These plans also incorporated a high volume

of rear parking with 20 of the 66 plots previously proposed to access allocated parking from the rear of the respective dwelling. Despite the introduction of the large rear parking courtyard at the centre of the site in the revised layout, the number of plots assigned allocated parking to the rear of the respective dwelling has been reduced to 13 plots. Therefore the proposed distribution of parking and the parking to dwelling relationship has improved through the revised layout. Where parking is proposed to be grouped together, street trees would provide relief to the hard surfacing.

The materials palette has been expanded to incorporate a buff colour brick, which will tie in with phase 1. The inclusion of this brick type would allow a visual break to successions of red brick, this would be offered by;

- Plots 6-10 - where this site adjoins phase 3 of the development
- Plots 26-30 – offers continuity to Harborough brick used in phase 1
- Plots 59-62 – would avoid a succession of 14 units with the same roof & brick materials.

The predominant roofing material is proposed to be low profile slate tiles, proposed for all plots fronting towards the listed barn, all feature plots and all plots south of Amors Drove (to reflect the listed buildings to the south of the site).

Plot boundaries have been adjusted to ensure that close boarded fencing is not visible to the street. Walled plot boundaries are proposed for plots 5, 11, 17, 18-23, 25, 33, 37, 53, 63 and 66. On the Materials Layout drawing these plot boundaries are labelled as '*extent of render finish*' which is not considered to be an appropriate material for the wall finish. It is considered that the street facing plot boundaries for these units should be conditioned to include red brick or natural stone walls to match that of the respective dwellings with natural stone to plots 5, 11, 17, 25, and brick red colour tiles to plots 18-23, 33, 37, 53, 63 and 66

In terms of architectural detailing and fenestration, the detailing has been significantly enhanced since the original submission, particularly for plots 11-25 that would sit adjacent to the listed barn to the south east of the site.

Examples of where detailing has been improved include;

- Banding on the coach house (plot 34)
- Quoins on all Greyfriars & Corby housetypes plus specific Souter and Clayton Corner housetypes (plots 5, 11-25, 47-52)
- The number of chimney stacks has drastically increased from three plots to 20 (plots 5, 11-15, 26, 30-33, 37, 53, 55-56, 58-59, 62-63 & 66).
- Stone fronted dwellings for units 5, 11-25 and 47-52

Fenestration has been amended on certain housetypes to aid the design quality of the scheme. The Clayton Corner and Greyfriars housetypes now include an

en-suite window in order to aid light and ventilation. The Corby apartments have incorporated side elevation windows in order to offer more 'interest' in the street facing elevation.

Another positive feature is the inclusion of garages for plots 12-16 and 24 to ensure a continuous line of built form. This is particularly important opposite the listed barn to avoid gaps in built form where close boarded fencing could otherwise prevail and detract from the sense of place. The positive attributes of this design technique are demonstrated both in the Street Scenes drawing in this application and at Kearvell Place within phase 2 of the development.

### *Ecology*

The applicant's biodiversity mitigation statement is still under review at the time of writing to reach agreement on mitigation rather than any in principle objections. Habitats within the majority of Phase 4 were considered to be unsuitable for protected species in that they were disturbed as a result of construction activities. A verbal update will be provided to the Planning Committee.

With regards to badgers, foraging evidence was noted outside of the site boundary along the eastern hedgerow, east of the large mound of spoil. No badger setts were recorded within Phase 4 land during the survey. It is noted that an artificial badger sett was constructed 90m south east of Phase 4 in June 2019 the applicant's ecologist (Clarkson and Woods), within the Secret Garden area designated for public open space. This sett was constructed to provide compensation for removal of an eight entrance main sett (six active entrances and two inactive entrances) in 2015 previously located 70m south east of Phase 4, and for the future loss of surrounding habitat. A further annex sett was historically present 60m east of Phase 4 in land also designated as public open space. This was scheduled for removal in 2017 however updated proposals have retained the sett in-situ. Site visits undertaken by Clarkson & Woods between 2015 and present have identified that the artificial sett shows signs of current use by badgers, with intermittent use of the nearby annex sett, with mitigation under licence having being successful (most recently on 08/11/19).

With regard to bats, because of the ongoing construction works within Phase 3 and the associated disturbance in Phase 4 it is considered that this site has negligible potential for use by foraging and commuting bats with the exception of the southwestern part of the site which has 'Low' potential. The site also has negligible potential for roosting bats however a common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus* and brown long-eared *Plecotus auritus* roost is known to be present (from surveys undertaken in 2014) in an agricultural barn approximately 60m south and immediately south of the area of public open space associated with the wider site.

Hedgerows at the south-western and northern boundaries of the site are proposed to be retained and protected from disturbance during construction activities using tree protection fencing. This would prevent accidental damage during construction and ensure materials are not stored at the base of trees, hedgerows and other habitat. The protection fencing would provide a buffer zone of at least 2m between hedgerows and the development, in order to provide root protection and allow appropriate access for future management.

## **16.0 Conclusion/Planning Balance**

As an allocated site for housing the principle of additionally housing is acceptable subject to design and impact considerations. This application has addressed the concerns raised through representations and demonstrates a good quality design can be achieved having regard to the BF Development Brief. Provided adequate biodiversity mitigation can be agreed, then subject to conditions and planning contributions to secure affordable housing the proposed development would be acceptable.

## **17.0 RECOMMENDATION**

Delegate authority to the Head of Planning to grant planning permission, subject to the following conditions and the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed.

### **1. Plans List**

- a. Phase 4 Location Plan Feb 2019 (received 11 October 2019)
- b. 2019-SHR4-121-P6 Site Layout
- c. 2019-SHR4-500-P4 Alnwick Housetype Design Sheet 1
- d. 2019-SHR4-501-P4 Hanbury Housetype Design Sheet 1
- e. 2019-SHR4-503-P5 Souter Housetype Affordable Design Sheet 1
- f. 2019-SHR4-505-1-P5 Clayton Corner Housetype Design Sheet 1
- g. 2019-SHR4-505-2-P5 Clayton Corner Housetype Design Sheet 2
- h. 2019-SHR4-506-P4 Greyfriars Housetype Design Sheet 1
- i. 2019-SHR4-509-P4 Hanbury Housetype Affordable Design Sheet 1
- j. 2019-SHR4-510-P3 Garages Design Sheet 1
- k. 2019-SHR4-511-P4 Greyfriars Corner Housetype Design Sheet 1
- l. 2019-SHR4-512-1-P4 Corby Apartments Design Sheet 1
- m. 2019-SHR4-512-2-P4 Corby Apartments Design Sheet 2
- n. 2019-SHR4-512-3-P4 Corby Apartments Design Sheet 3
- o. 2019-SHR4-512-4-P4 Corby Apartments Design Sheet 4
- p. 2019-SHR4-513-1-P4 Souter Housetype Design Sheet 1
- q. 2019-SHR4-513-2-P4 Souter Housetype Design Sheet 2
- r. 2019-SHR4-513-3-P4 Souter Housetype Design Sheet 3
- s. 2019-SHR4-513-4-P4 Souter Housetype Design Sheet 4

- t. 2019-SHR4-514-P3 CH2 (Coach House) Housetype Design Sheet 1
  - u. 2019-SHR4-122-P3 Materials Layout
  - v. SK402.00.P3 Highway & Site Levels Plan – Phase 4 Overall Strategy
  - w. SK420.01.P2 Highway Longitudinal Sections
  - x. SK420.02.P2 Highway Longitudinal Sections
  - y. SK420.03.P2 Highway Longitudinal Sections
  - z. 2019-SHR4-301-P4 Phase 4 Landscape
  - aa. D11 78 P3 Tree Protection Plan
2. Prior to occupation of any dwelling hereby approved, the development hereby approved shall not be occupied or utilised until the access, geometric highway layout, turning and parking areas shown on the relevant approved drawing(s) have been constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.  
Reason: To ensure the proper and appropriate development of the site.
  3. Prior to any development relating to the dwellings hereby approved, a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including confirmation of how the proposed scheme (phase) integrates with the wider development, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be implemented in accordance with the submitted details before the development is completed.  
Reason: To prevent the increased risk of flooding, and to improve water quality.
  4. Prior to any development relating to the dwellings hereby approved, details of maintenance and management of the surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.  
Reason: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk.
  5. Notwithstanding the details on the approved plans, samples of all wall type (i.e. house and garden) material, roofing material, and mortar mix for stone walls, shall be submitted to and agreed in writing by the Local Planning Authority. Additionally, 1m by 1m sample panels of stone wall(s) and brick boundary walls shall be constructed on site and agree prior to construction of those features.

Reason: To insure the character and appearance of the development accords with the aims and objectives of the Barton Farm Design Brief.

6. Notwithstanding the details shown on the approved plans, detailed specifications and drawings at a scale of 1:10 or 1:20 of all doors (including associated canopies and roofs) and windows (including cills and arches) shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be carried out in accordance these agreed details.

Reason: To insure the character and appearance of the development accords with the aims and objectives of the Barton Farm Design Brief.

7. Notwithstanding the details shown on the approved plans, all windows shall be timber and all dormer windows installed with lead cheeks.

Reason: To insure the character and appearance of the development accords with the aims and objectives of the Barton Farm Design Brief.

8. Notwithstanding the details on the submitted plans, chimney stack specifications and details at a scale of 1:10 or 1:20 shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be carried out in accordance these agreed details.

Reason: To insure the character and appearance of the development accords with the aims and objectives of the Barton Farm Design Brief.

9. The development hereby approved shall be carried out in accordance with the hard and soft landscaping proposals shown on the relevant approved drawings. Planting shall be carried out before the end of the first available planting season following completion of fifty percent of the dwellings unless otherwise agreed in writing by the Local Planning Authority. If within a five year period following this planting any tree(s) are removed without the written consent of the Local Planning Authority or which die or become (in the opinion of the Local Planning Authority) seriously diseased or damaged, then these shall be replaced as soon as reasonably practical and not later than the end of the first available planting season, with specimens of such size and species and in such positions as to be agreed with the Local Planning Authority. In the event of any disagreement the Local Planning Authority shall conclusively determine when the development has been completed, when site conditions permit, when planting shall be carried out and what specimens, size and species are appropriate for replacement purposes.

Reason: In the interests of continued visual public amenity.

10. Prior to the first occupation of any dwelling hereby approved, details of the long-term maintenance of the approved soft landscaping details shall be submitted to and approved in writing by the Local Planning Authority.

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

11. All existing trees and hedges shown on approved plan D11 78 P3 to be retained, shall be fully safeguarded during the course of site works and building operations. All trees to be protected on and immediately adjoining the site shall be protected from damage for the duration of works on the site to the satisfaction (to be confirmed in writing) of the Local Planning Authority in accordance with BS 5837:2012 (Trees in relation to construction - recommendations) or any new Standard that may be in force at the time that development commences. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s). Any trees or hedges removed without the written consent of the Local Planning Authority, or dying or being severely damaged or becoming seriously diseased before the completion of development or up to 12 months after occupation of the last dwelling shall be replaced with trees or hedging of such size, species in a timescale and in positions as may be approved in writing by the Local Planning Authority.  
Reason: To ensure that trees and hedges to be retained are adequately protected from damage to health and stability throughout the construction period and in the interests of amenity.
12. The Biodiversity Mitigation and Enhancement Plan (BMEP) signed and dated xxxxx shall be implemented in full in accordance with the specified timetables in the BMEP.  
Reason: To minimise impacts on the flora and fauna associated with the site.
13. Prior to occupation of any dwelling hereby approved, details of access for wheelchairs and buggies through the public spaces of this phase of development shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.  
Reason: To provide suitable access in accordance with the Equalities Act 2010.



## 1.0 Application Number – [WD/D/19/001069](#)

**Site address:** Land At Shakes Hole, Southover Farm Access Road, Tolpuddle

**Proposal:** Variation of conditions 2 & 3 of reference APP/F1230/C/07/2056624 to allow activities (excluding clay pigeon shooting) to take place on four days per week (excluding Sundays) plus a variation of hours of operation to 8am - 18.30pm between 1st April - 30th September in any calendar year.

**Applicant name:** Max Events Ltd.

**Case Officer:** Ms Charlotte Haines

**Ward Member:** Cllr. E Parker

**REASON APPLICATION IS GOING TO COMMITTEE:** At request of Head of Planning.

## 2.0 Summary of Recommendation: APPROVE subject to conditions

## 3.0 Reason for the recommendation:

- The noise assessment submitted with the application adequately demonstrates that the proposed use would not cause significant noise and disturbance to occupants of residential properties within the surrounding rural area.
- It is considered that the concerns of the previously refused application have been overcome.
- It is therefore considered that the use of the site for following activities:- archery, off-road buggy racing, 4x4 vehicle driving and blind driving on an additional two days of the week would not cause significant harm to neighbour's living conditions in terms of unreasonable noise or disturbance.
- The proposal would have an acceptable impact on highway safety.

## 4.0 Table of key planning issues

Issue	Conclusion
Impact of the noise from the extended hours of activities at the site on the amenity of surrounding neighbouring residential occupiers and the peace and tranquillity of the area.	The submitted noise assessment adequately demonstrates that the proposed use would not cause significant noise and disturbance to occupants of residential properties within the surrounding rural area.
Highway Safety	The proposed changes would not have a significant adverse impact on highway safety.

## **5.0 Description of Site**

The application site consists of an area of land uses for the following leisure purposes which involved the following activities: - archery, off-road buggy racing, clay pigeon shooting, 4x4 vehicle driving and blind driving. The use of the land for these leisure purposes was granted planning permission on appeal in 2008 (appeal reference: - APP/F12301C10712056624). The appeal decision also specifically excluded clay pigeon shooting, however a further planning permission was granted for that activity on 25 March 2009, Ref. 1/D/08/002220. That consent was subject to a condition limiting the activity to a period expiring on 19 March 2010. A further consent, Ref. 1/D/10/000305, dated 6 May 2011, was granted for clay pigeon shooting to take place permanently on one of the two days a week permitted for other leisure uses but not on a Sunday.

The application site is in a remote location within the open countryside to the south of the settlement of Tolpuddle. The site is access from the B3390 (Affpuddle to Moreton Road) via an unmade woodland track which gives vehicular access to the site. The site is sandwiched between woodland areas known locally as Sares Wood, Marl Pits Wood and Pallington Heath to the east and south east respectively; and Southover Heath to the west. The unmade woodland track giving vehicular access essentially runs along a ridgeline such that the land to the north falls gently away downwards to the villages/settlements of Affpuddle and Southover. Land to the south meanwhile falls gently downwards to the villages/settlements of Pallington and Tincleton. Although woodland areas contain the application site to the south, east and west there is no such containment north. The application site has an open aspect north/northeastwards towards the direction of the settlements at Affpuddle and Southover.

To the south west of the site at a lower level and separated by woodland are Clyffe House and a number of other dwellings adjoining. These are about 550m from the site and the village at Tincleton (also to the south west) is about 1.5km from the site. To the north of the site, approximately 1.2km away, is Southover and beyond that to the north is the village of Tolpuddle. To the north east of the site is Affpuddle which is approximately 1.4km away and to the south east is the hamlet of Pallington about 1km from the site.

The site is in close proximity to public footpaths and bridleways within the adjacent woodland areas and adjacent to the north.

## **6.0 Description of Development**

This application seeks the variation of 2 conditions attached to planning permission that was granted on appeal to allow the change the use of the agricultural land to use for leisure purposes which included the following activities:-

- Archery
- Off-road buggy racing
- 4x4 vehicle driving
- Blind driving

The clay pigeon shooting activity was dismissed and enforcement notice was upheld for this. A separate planning permission was subsequently granted for the clay pigeon shooting with a condition restricting this activity to take place on only one day of the two days. The application is not varying conditions of this permission but rather those of the appeal which did not allow for the clay pigeon shooting.

Those conditions (2 and 3) placed restrictions on the permitted use for these activities:-

*Condition 2: The leisure uses hereby permitted shall take place on no more than 2 days in any one week.*

*Condition 3: The leisure uses hereby permitted shall not take place between 1730 hrs and 0900 hrs.*

*The application is now seeking to vary the above conditions to extend the operation for 4 days a week excluding Sundays and extend the hours of operation to be between 9:00 and 18:30 between 1 April - 30 September in any calendar year.*

This application follows a previously refused application for the same proposed variation of conditions as set out above. The reason for refusal was:-

*Extending the days of operation beyond those times currently permitted would be prejudicial to the amenity of the occupants of the residences in this tranquil rural area and would impact negatively on the residential amenity of the nearby dwellings. Granting consent would be contrary to Criteria (i) Local Plan Policy ENV16 and paragraph 123 of the NPPF It is considered that limiting days of operation to those currently permitted would serve to preserve the general amenities of the area. The operation of the site for 4 days of the week would result in the amenities that are currently enjoyed by the dwellings of the area being adversely affected by potential noise and general disturbance beyond that which could normally be expected in a rural location.*

A noise assessment has been submitted with the current application in support of the proposals.

## 7.0

### Relevant Planning History

Application No.	Application Description	Address	Decision
1/D/07/001707	Change of use of land at Shakes Hole from agricultural to use in connection with crossbows/archery, quad biking, off road buggy racing, clay pigeon shooting, 4X4 driving and blind driving	Land at Shakes Hole, Southover Farm Access Road, Tolpuddle	Refused
1/D/08/002220	Use as clay pigeon shooting facility (retrospective application)	Land at Shakes Hole, Southover Farm Access Road, Tolpuddle	Approved
1/D/10/000305	Vary condition 1 of application no. 1/D/08/002220 to allow the site to be used permanently for clay pigeon shooting	Land at Shakes Hole, Southover Farm Access Road, Tolpuddle	Approved
WD/D/17/000210	Variation of conditions 2 & 3 of reference APP/F1230/C/07/2056624 to allow operation of the site on 4 days per week (excluding clay pigeon activities - to remain as 1 day per week) & to allow the hours of operation to be permitted up to 18.30 between 1 April - 30 September in any calendar year.	Land at Shakes Hole, Southover Farm Access Road, Tolpuddle	Refused

**APP/F1230/C/07/2056624** – Following the refusal of 1/D/07/001707, an appeal was lodged against Enforcement Notice (ENF/07/287). The breach of planning control alleged in the notice was the change of use of the land from agricultural to use for leisure purposes including archery, off road buggy racing, clay pigeon

shooting, 4x4 vehicle driving and blind driving with related equipment and structures without planning permission.

The appeal was allowed subject to conditions including the following conditions 2 & 3 which this current application seeks to vary.

Condition 2 – The leisure uses hereby permitted shall not take place on no more than 2 days in any one week.

Condition 3 – The leisure uses hereby permitted shall not take place between 1730 hrs and 0900hrs.

The appeal decision specifically excluded the clay pigeon shooting.

**1/D/08/002220** – Planning permission was granted for the use of the site as clay pigeon shooting facility (retrospective application) for a temporary period expiring on 19 March 2010 (as set out in condition 1 of the decision).

**1/D/10/000305** – Planning permission was granted for to vary condition 1 of application no. 1/D/08/002220 to allow the site to be used permanently for clay pigeon shooting.

Condition 2 of the decision:-

The clay pigeon shooting use hereby permitted at the application site shall not take place other than on one of the 2 days a week permitted for the other leisure uses permitted at Shakes Hole authorised by the planning permission granted on appeal (ref APP/F1230/C/07/2056624 dated 27th February 2008). At all times a register detailing the dates and times when the use hereby approved (clay pigeon shooting) takes place and incorporating details of each gun's serial number and details of the cleaning and maintenance of each gun shall be maintained for inspection during all reasonable hours at the request of a duly authorised officer of the Local Planning Authority.

**WD/D/17/000210** – Planning permission was refused for an application to vary conditions 2 & 3 of reference APP/F1230/C/07/2056624 to allow operation of the site on 4 days per week (excluding clay pigeon activities - to remain as 1 day per week) & to allow the hours of operation to be permitted up to 18.30 between 1 April - 30 September in any calendar year.

## 8.0

### List of Constraints

Outside a defined development boundary  
Contaminated Sites Buffer  
Historic Land Fill Sites Buffer (250m)

## Consultations

### **Puddletown Parish Council:** Objection

- The Parish Council supports the original rejection of this application by WDDC, who were very clear in their reasons for making that decision.
- There appear to be no significant changes in this amended application to justify over-riding that original rejection.

### **Knightsford Parish Group:** Objection

- The above application is remarkably similar to WD/D/17/000210 dated 12 April 2017 which requested an extension of operation from 1 to 4 days a week. That application was refused.
- The reasons for refusal still apply to this application. Here is an extract:
- 'Extending the days of operation ..... would be prejudicial to the amenity of the occupants of the residences in this tranquil rural area and would impact negatively on the residential amenity of the nearby dwellings ..... The operation of the site for 4 days a week would result in the amenities that are currently enjoyed by the dwellings being adversely affected by potential noise and general disturbance beyond that which could normally be expected in a rural location.'
- There are 23 houses and flats at Clyffe the nearest of which is 500m from Shakes Hole. The potential noise of revving engines for 4 days a week would be intolerable.
- The area is widely used by hikers and horse riders. The latter would be particularly affected by the increase in traffic along the by-ways which access the site.
- No material change to the application of 2017 and objects to this application.

### **Affpuddle Parish Council (adjoining parish):** Objection

- The intensification of operations at the site would result in a further loss of amenity of the surrounding countryside. The area is extensively used by walkers and horse riders and noise from the site impacts the enjoyment of these activities. Maintaining the days of operation to those currently permitted would preserve the remaining general amenity of the area. The application would therefore be contrary to the Policy ENV16 of the adopted Local Plan and the NPPF.
- Parish Councillors were concerned that the sound survey was limited in its scope. It was conducted over a limited time period of 72 hours which may not be representative of the noise created by activities during peak times of the year.
- It is well-known that extensive areas close to the site are being returned to heathland with large areas of forestry being cleared. It is likely that the effect of the noise emanating from the site will have a greater impact on the surrounding countryside with a further loss of amenity value to local residents and recreational users. Further evaluation is needed.

- Concerns were expressed about litter. Visitors of the site are directed from Rye Hill towards the site. Regular Parish Litter Picks reveal high levels of sandwich wrappers, crisp packs, beer and soft drinks cans etc which appear to have been thrown from vehicles. This profile of litter is totally different from anywhere else in the Parish and is considered to be as a result of visitors to the site. Any intensification of operations at the site is likely to increase the already unacceptable amounts of rubbish along this route.
- There was no certainty offered in the application about which days are proposed as an extension to existing operations. Maintaining this flexibility means that other users of the area for amenity purposes will not know when they can enjoy the surrounding countryside without noise coming from the site, with any degree of certainty (apart from Sunday).
- Councillors could not understand from the application how the proposed hours of operation compared with the existing.

**Natural England** – No objection

**Dorset Council Environmental Health** – No comment.

*Previous comments were made on the application on 16<sup>th</sup> July 2019 which was as follows:-*

I have re-read the noise assessment which forms part of this application and am of the opinion that it demonstrates that noise should not be an issue. Therefore, there is no reason for me to object to this application.

**Dorset Council Highways** – No comment.

**Mineral Planning Authority** – No comment to make on the current application.

## **10.0 Representations**

Letters of objection have been received from 12 individuals. The following main concerns are raised within these letters:-

- Increased hours and days would result in noise and disturbance in this quiet rural area.
- Noise and disturbance to residents in vicinity including Clyffe;
- Significantly reduces residents' normal enjoyment of their own private property and gardens and an increase in days when this noise occurs would be a horrible prospect;
- Application is not materially different to the application made in 2017 which both aim to extend the operating time and number of days each week for the shooting and driving activities;
- Consider previous reason for refusal still applies;

- Current conditions provide a fair compromise to allow the use to continue without harm to neighbouring amenity;
- New application has been justified solely on basis of new acoustic report but unclear what weight can be given to it;
- Acoustic report was carried out between 26 September and 16 October 2018 which is not the applicants' peak season and only covers a period of 3 weeks;
- Report should cover the peak season i.e. summer months;
- Acoustic report does not set out how many people were carrying out the activities on the site during the assessment – the noise will vary depending on numbers of people on site;
- Residential properties excluded from noise assessment;
- Clay pigeon shooting causes noise and query how much shooting during acoustic assessment;
- Incorrect description which states that application is seeking to vary start time to 9am from the current start time of 9am but this is not the applicants' intention from the submitted information;
- 8am is too early for the operations to start on any day.
- Increased hours and days of opening could attract an increase in visitors;
- Detrimental noise impact on wildlife and habitats in the immediate area;
- Resident herds of red deer and white tailed deer would be affected by increased traffic as well as safety of vehicle users;
- Quiet enjoyment of countryside of horse riders and walkers making use of the bridleways would be affected;
- Activities are not in keeping with rural pastime in the area including riding and walking and any increase would minimise enjoyment of the countryside for residents and visitors alike;
- No evidence to support the statement that there are 11,000 leisure users per annum as based on opening for two days a week, this would mean 106 visitors per day;
- No evidence to support the statement as to the number of full and part time jobs;
- The data submitted with this application has not been updated and is the same as the data submitted in support of the 2017 application;
- Access to Shakes Hole is off an unclassified road which leads off from B3390 – the road is very narrow and well used by walkers, cyclists and horse riders;
- Events cause traffic issues through visitors accessing the site through Affpuddle and Tolpuddle/Southover lane and the track leading south to the site;
- Number of traffic movements (at 13) is too high given the track is a public and used by riders and walkers;
- Access not suitable for the increased volume of traffic;
- No consultation with Historic England regarding impact on neighbouring significant tumuli;



- Dorset council has agreed an Environmental Emergency as set out in the draft Dorset Plan 2020-2024 which states as a high priority the need to protect and conserve Dorset's main asset – its countryside. Proposal would conflict with this by increasing pollution, adding to greenhouse gases and doing nothing to safeguard and enhance local ecology.

The following concerns were also raised but are not relevant to the consideration of this application:-

- Poor driver behaviour;
- Litter.

**Case officer comment:** *A number concerns have also been raised by residents regarding the impact of the existing use of the land as currently operating in accordance with planning permission as granted at appeal in 2008. A query has been made regarding the need to consult Historic England in respect of a nearby scheduled ancient monument. However, no development is proposed and this application solely relates to the variation of conditions of a planning permission for the use of the land.*

Letters of support have been received from 9 individuals. The main points raised in support within these letters are:-

- Occasionally hear the site but not to the extent that it means we do not enjoy sitting in our garden;
- No disturbance caused by the events to resident and do not hear any noise from the site;
- Noise is only evident on site and can rarely hear much from Southover Lane;
- Current location of site is appropriate due to it being surrounded by trees on three sides and no immediate residential properties;
- Site is sufficiently remote that the proposed use is well placed to cater the individuals attending without causing disruption to the wider area;
- Numerous other activities within the local area which generate noise;
- Use of the site brings in visitors and money into the area;
- Generates local employment and business to the area;
- Increase to 4 days would further create employment opportunities as already brings part time work to the area;
- Events tend to take place mostly on a Saturday which is a day most people are normally out and about;
- Additional days will be in weekdays when unlikely to attract stag parties and will be suited for small local groups including scouts;
- Proposed increase in days and hours of operation would allow the business to grow;

- Site is well maintained and there has been an increase in wildlife generated as a result of land management, bird feeders and professional deer and venison management;
- Would not affect cyclists, horse riders and walkers as use takes place within the site which is on private land;
- No traffic issues as access is well away from Tolpuddle.

The following points are also raised but are not relevant to the consideration of this application:-

- Personal character reference of the applicant/business (as planning permission is granted to the land and not the person) e.g. business supports local fund raising events.

## **11.0 Relevant Policies**

### **Adopted West Dorset and Weymouth & Portland Local Plan (2015)**

INT1- Presumption in favour of Sustainable Development

ENV 16 – Amenity

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

1. Introduction
2. Achieving sustainable development
4. Decision-making
12. Achieving well-designed places
15. Conserving and enhancing the natural environment

### **Supplementary Planning Guidance**

NPPG

Noise Policy Statement for England (NPSE) March 2010

Design and Sustainable Development Planning Guidelines (adopted 2009)

## **12.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

### **13.0 Public Sector Equalities Duty**

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

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

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

Arrangements would be made to ensure people with disabilities or mobility impairments are accommodated in order to comply with Building Regulations.

### **14.0 Financial benefits**

Increased employment would be generated from the increase in hours and days of operation. Greater economic benefit.

### **15.0 Climate Implications**

There are no climate implications.

### **16.0 Planning Assessment**

#### **Background**

The activities on site are currently restricted via planning condition for 2 days a week excluding Sundays and for hours between 9:00 and 17:30 on any given day (conditions 2 and 3 of APP/F1230/C/07/2056624). These were suggested by the council in their appeal statement with the reason for the imposition of the condition being 'in the interests of amenity'. The application is now seeking to vary the conditions to extend the operation for 4 days a week excluding Sundays and extend the hours of operation to be between 8:00 and 18:30 between 1 April - 30 September in any calendar year. This current application follows a previously refused variation of condition application. The refused application related to a proposal to vary condition 2 to increase the activities from 2 to 4 days in any given week and to vary condition 3 to extend the opening hours from 09:00-17:30 to 09:00 to 18:30 between 1 April - 30 September in any calendar year.

The application is seeking to vary conditions imposed on an appeal that was allowed for the change of use of the land for leisure purposes including archery, quad biking, off buggy racing, 4x4 vehicle driving. A number of concerns raised by neighbours also related to the clay pigeon shooting on the site and whether the above variation would apply to this. Furthermore, it is noted that the acoustic report includes an assessment of the shooting activities on the site. However, the clay pigeon shooting activity was dismissed and enforcement notice was upheld for this. A separate planning permission was subsequently granted for the clay pigeon shooting with a condition restricting this activity to take place on only one day of the two days. The application is not varying conditions of this permission but rather those of the appeal which did not allow for the clay pigeon shooting.

The key question therefore is whether the increase in the number of days when the activities at the site (excluding the clay pigeon shooting) and the extended hours of operation between 08:00 and 18:30 between 1 April - 30 September in any calendar year would have an acceptable impact upon residential amenity.

The NPPG sets out that decision taking should take account of the acoustic environment and in doing so should consider whether or not a significant adverse effect is occurring or likely to occur, whether or not an adverse effect is occurring or likely to occur and whether or not a good standard of amenity can be achieved. The NPPG advises that the factors that influence whether noise could be a concern include the non-continuous sources of noise, the number of noise events and the frequency and pattern of occurrence of the noise.

### **Variation of Condition 2: Impact on Residential Amenity as a result of the increase of activities for 4 days in any given week**

A noise assessment has been prepared and accompanied this application. No noise assessment was submitted with the previously refused application. It is therefore considered that the current application is materially different to the previously refused application as it presents new information. The noise impact assessment has been conducted following guidance approved by the councils environmental health officer and follows the British Standard 4142:2014 (BS 4142) guidance for assessing commercial operations. On this basis, it is considered that significant weight can be afforded to the noise impact assessment.

The noise assessment identified the rating level which is defined objectively as the specific source noise level as 26dB. The background sound level at Position 1 for Clyffe House as 28dB and at Position 2 for Southover Lane was 30dB. In applying the guidance, the background sound level is subtracted from the rating level to establish the excess rating over background. The assessment states that the following results following this subtraction would evaluate the likelihood of complaint:-

- Where there is a difference of around +10 dB, it is likely to be an indication of a significant adverse impact, depending on context;
- Where there is a difference of around +5 dB is likely to be an indication of an adverse impact, depending on context; and
- A difference of +0 dB or less is an indication of the specific sound source having a low impact, depending on the context.

In this case, the calculation found that there would be an excess of rating over background of -4 dB. Applying the above guidance, this falls into the latter category where the difference is less than +0 dB and as such indicates that the specific sound source would have a low impact. On this basis, the acoustic report concluded that the assessment indicates that the motorsport noise should not have an adverse impact on the receptor during the normal daytime operation periods. The noise assessment objectively demonstrates that there is no significant noise impact generated from the existing activities on the site that currently take place on two days of the week to the nearest residential properties. Furthermore, from observations made by the assessors at the receiver locations during the survey, they found that the Motorsport activities and Assault Rifle shootings were not audible or perceptible for all tested scenarios.

Environmental Health initially responded to the consultation of the application raising no comment. Further to this, the case officer sought further clarification of their comments having particular regard to the submitted noise assessment. Environmental health advised that “having re-read the noise assessment which forms part of this application and am of the opinion that it demonstrates that noise should not be an issue. Therefore, there is no reason for me to object to this application.”

It is noted that Puddletown parish council as well as the two adjoining parish councils (Knightsford including Tincleton and Affpuddle) have all objected to the application. Furthermore, a number of objections have also been received from the residents in the vicinity of the site. Whilst a number of concerns have been raised, the main concern relates to the potential noise and disturbance that would result from the additional days and hours of operation having particular regard to the previously refused application. In terms of the submitted acoustic report, Affpuddle parish councillors were concerned that it was limited in its scope as it was conducted over a limited time period of 72 hours which may not be representative of the noise created by activities during peak times of the year. Furthermore, objectors raised concerns regarding the accuracy of the submitted acoustic report. The key concerns in this respect related to the time period in which the assessment was carried out which was not in the applicants peak season and covered a period of 3 weeks; did not describe how many people carrying out the activities and residential properties were excluded from the assessment.

In respect of the above concerns, officers sought further advice and clarification from Environmental Health. In respect of the locations where the noise was measured from in relation to the residential properties, they advised that there would be an insignificant difference in noise levels between the measurement location (Positions 1 and 2) and the residential properties closest to the application site. In respect of the period in which the assessment was carried out, the specific noise levels for the motorsport activities have been predicted by the noise model and a worst-case scenario has been assumed. This worst case scenario is based on the maximum number of vehicles using the tracks and therefore, is an assessment of noise that would be generated during peak times of the year. Environmental Health have confirmed that the predicted assessment which is based on an accepted methodology is acceptable.

In terms of the length of time for the assessment of 72 hours, the noise levels generated are representative of the activities that would take place during daytime hours on any given day of the week and as stated above the assessment captures what the noise levels would be at peak times.

The noise assessment clearly demonstrates that the existing activities currently take place on the site during daytime hours for two days of the week without generating a significant noise impact. It is therefore reasonable to conclude that the same activities taking place during daytime hours for a further two days of the week would not impact negatively on the residential amenity of the nearby dwellings.

The use would still be restricted as it would only be able to operate for 4 days of the week and would not be able to operate on Sundays. Furthermore, the operations can take only place during sociable and daylight hours for the summer and winter months. The hours of operation when noise would be generated are within the daytime and therefore, at a less sensitive time of day when noise would better assimilate with the ambient noise levels.

**Variation of Condition 3: Impact on Residential Amenity as a result of extended opening hours to allow the use to operate between the hours of 08:00 and 18:30 between April and September in any calendar year**

It is considered that the additional hours of opening in the summer months would not result in unacceptable noise and disturbance to neighbours as this would operate during daylight hours during the summer months. This is because the harm caused by noise during the additional hour into the morning and additional hour into the evening is not considered to be significant.

**Impact on Highway Safety**

A number of concerns have been raised regarding the increase in traffic along the access track on two additional days of the week. However, the conclusion

reached by officers at the time of considering the change of use originally in 2007 (reference: - 1/D/20071707) remains relevant. This stated that:-

*The access track to the site from the B road is an adopted road and therefore any vehicle can use it anyway. The highways authority does not object to the proposal. With regards to Public Rights of Way there are very few in the vicinity of the site. Anyone can use the access track but other than that there is a bridleway to the south east of the site on the opposite side of the county road. There is also a bridleway in the woods to the north-east/east of the site but even at its nearest point to the site it is still some considerable distance away. A lot of the representations refer to paths in the area however these are permissive paths rather than public rights of way.*

In addition, the highway authority has raised no concerns in respect of the proposed changes to the conditions. It is therefore considered that the proposed changes would not have a significant adverse impact on highway safety; given the highway authority advice and that it would not adversely impact on public rights of way given their distance from the site.

### **s73 Variation of Conditions**

Where an application under section 73 is granted, the effect is the issue of a new permission, sitting alongside the original permission, which remains intact and unamended. The decision notice describing the new permission should set out all of the conditions related to it. To assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been satisfactorily discharged.

The following conditions on the previous approval would need to be added, repeated and/or amended.

1. Leisure uses hereby permitted shall not take place on Sunday – **Repeated as necessary to safeguard the living conditions of neighbouring residential properties.**
2. Leisure uses hereby permitted shall take place on no more than 2 days in any one week – **Amended to “leisure uses hereby permitted shall take place on no more than 4 days in any one week”.**
3. Leisure uses hereby permitted shall not take place between 1730hrs and 0900hrs – **Amended to “leisure uses hereby permitted shall not take place between 18.30 hours and 08.00 hours during the period 1 April to 30 September in any one calendar year and for the remainder of the year will not take place between 17.30 hours and 09.00 hours”.**

4. The catering van shall only be sited on the land when the land is in use for leisure purposes. When such use takes place the van shall only present on the land between the hours of 08.30 and 18.00 – **Amended to reflect the extended hours of operation as set out above for condition 3.**

5. Within 1 month of the date of this decision, a scheme setting out details for the painting of the catering van and portaloos shall be submitted to the local planning authority for their approval. The agreed painting scheme shall be implemented within 1 month of the date of the approval – **Not considered necessary to condition the painting/finish of the catering van and portaloos which are located within the site and not visible within the public realm.**

6. Within 2 months of the date of this decision, a land remediation scheme shall be submitted to the local planning authority for approval and associated implementation with a timetable to be agreed with the local planning authority - **Environmental Health have reviewed their contaminated land/historic land use records and confirm that there is no record that would indicate that the land had a potentially contaminative land use. On this basis, it is not considered to repeat this condition.**

### **Procedural Matters**

The original location plan submitted with the application showed a larger site area than the application site as marked by the red line on the location plan as approved at appeal. Any location plan accompanying an application to vary the condition of an original permission must have the exact same red line and thus, site as the approved location plan for that permission. In the absence of this, the application would be invalid.

Furthermore, the red line area covered additional land in the form of a track which was identified as a byway open to all traffic (BOAT) and as such is an adopted highway albeit an unclassified road (D21305). The applicant has submitted Certificate A which implies that they are sole owners of the application site. However, the unclassified road is in the ownership of the highway authority.

For the reasons above, the application was found to be invalid. In order to make the application valid, the red line was required reduced to reflect the site area as shown on the location plan approved at appeal. This clearly shows the area of land to which planning permission was granted for the change of use. A revised location plan was therefore submitted reflecting this change. Given that this reduced site area omitted the unclassified road (D21305), the land within the red line is now all within the applicants' ownership and as such the previously submitted certificate A relates to the revised location plan.



On this basis, the application was made valid. Once valid, it was necessary to undertake fresh consultation with necessary interested parties and the necessary publicity of the application via the erection of a site notice. These comments are summarised in the relevant sections above.

## **17.0 Conclusion**

Having regard to the above, it is considered that the noise assessment adequately demonstrates that the proposed use would not cause significant noise and disturbance to occupants of residential properties within the surrounding rural area. It is considered that the concerns of the previously refused application have been overcome. It is therefore considered that the use of the site for following activities:- archery, off-road buggy racing, 4x4 vehicle driving and blind driving on an additional two days of the week would not cause significant harm to neighbour's living conditions in terms of unreasonable noise or disturbance. Thus, the change of use accords with adopted policy ENV16 of the Adopted West Dorset and Weymouth & Portland Local Plan (2015). The proposal would have an acceptable impact on highway safety and would therefore accord with policy COM7 of the Adopted West Dorset and Weymouth & Portland Local Plan (2015).

## **18.0 RECOMMENDATION** Grant, subject to conditions.

### **CONDITIONS:**

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

Location Plan received on 21<sup>st</sup> November 2019

Block Plan received on 21<sup>st</sup> November 2019

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

2. The leisure uses hereby permitted on this land shall not take place on a Sunday.

REASON: In order to safeguard the living conditions of neighbouring residential properties.

3. The leisure uses hereby permitted shall take place on no more than 4 days in any one week.

REASON: In order to safeguard the living conditions of neighbouring residential properties.

4. The leisure uses hereby permitted shall not take place between 18.30 hours and 08.00 hours during the period 1 April to 30 September in any one calendar year and for the remainder of the year will not take place between 17.30 hours and 09.00 hours.

REASON: In order to safeguard the living conditions of neighbouring residential properties.

5. The catering van shall only be sited on the land when the land is in use for leisure purposes. When such use takes place the van shall only present on the land between the hours of 07.30 and 19.00 during the period 1 April to 30 September in any one calendar year and for the remainder of the year between the hours of 08.30 and 18.00 hours.

REASON: To accord with terms of application and in the interests of neighbouring amenity.

**1.0 APPLICATION NUMBER:** [2/2019/1223/FUL](#)

**SITE ADDRESS:** Land At 9 - 10 Pigeon Close Blandford St Mary Dorset

**PROPOSAL:** Erect 4 No. dwellings and create new vehicular and pedestrian access (demolish existing garage)

**APPLICANT:** Edgewater Developments

**CASE OFFICER:** Cass Worman

**WARD MEMBERS:** Cllr. Andrew Kirby

**REASON APPLICATION IS GOING TO COMMITTEE:** At request of Head of Planning, following Scheme of Delegation consultation

**2.0 Summary of Recommendation:** GRANT subject to conditions

**3.0 Reason for the Recommendation:**

- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact on the character of the site and locality.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There would be no harm to protected trees and appropriate landscaping would be secured by means of condition.
- There are no material considerations which would warrant refusal of this application.

**4.0 Table of key planning issues:**

Issue	Conclusion
Principle of development	The application site is within the settlement boundary for the town, identified in Policy 2 for further growth. The principle of development for the erection of 4 No. chalet style dwellings has been established following previous application 2/2019/0169/FUL having been granted
Economic benefits	The development would result in the erection of four dwellings within the settlement of Blandford St Mary
Scale, design, impact on character and appearance of Conservation Area	Introduction of 4 No. 2 storey dwellings, arranged in a semi-detached layout, would not be uncharacteristic of the area given the mix and

	density of housing within the locality. The layout and density of the dwellings reflects the local grain of development. The dwellings would be finished in materials that would be in-keeping with the local vernacular.
Access and Parking	The scheme provides five car parking spaces in an allocated parking area accessed from Knights Close
Amenity	The design of the dwellings has been considered to minimise the impact on neighbour amenity and to safeguard the amenity for future occupiers
Trees, Landscaping & Biodiversity	The site is currently amenity garden area with ornamental planting and poor quality garden hedgerow. An approved Biodiversity Mitigation and Enhancement Plan accompanies the application

## **5.0 Description of Site:**

The site lies within the settlement boundary of Blandford Forum, within a housing estate containing varying forms of development; the eastern side being post-war with relatively large plots with detached and semi-detached dwellings; development to the south and west being more modern and higher density.

The application site is the rear gardens of 9 and 10 Pigeon Close. These gardens back onto Birch Avenue behind; an area of grass verge and scrubby hedgerow lies between the rear of the gardens and Birch Avenue.

## **6.0 Description of Proposal:**

6.1 Erection of 4 No. 2 storey dwellings, in the form of 2 semi-detached units. The dwellings would be red brick, with hipped clay tiled roofs. Garden areas would lie to the rear of the dwellings, backing onto the back gardens of 9-10 Pigeon Close.

6.2 Each dwelling has an open front porch leading to the proposed pedestrian path which would link the properties with access onto the corner of Birch Avenue and Knights Close. The properties would be set just below existing ground level, and planting and a low level wall to the front the development is proposed.

6.3 New access and a new car parking area with spaces for 5 cars, is proposed off Knights Close. A communal bin storage area is also provided.

## **7.0 Relevant Planning History:**

Application: 2/2019/0169/FUL

Proposal: Erect 4no. chalet style dwellings with associated amenity space and car parking

Decision: Approve

Decision Date: 25.03.2019

## **8.0 Constraints:**

- Within Settlement Boundary: Blandford Forum
- WW Sewer Consultation - High Risk of Foul Sewer Inundation

## **9.0 Consultations:**

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

### **Winterborne North Ward**

Object - poor design and over-development (the density is too high)

### **Blandford St Mary Parish Council**

Object - Over development of the site and concerns over access for the proposed 5 dwellings.

*Officer Note - No response from the Parish Council was received when re-consulted when the scheme was amended to four dwellings.*

### **Transport Development Management**

No objection subject to conditions (vehicle access construction, access gradient 1 in

### **Wessex Water**

*The proposal is located in an area prone to sewer flooding caused by high levels of groundwater during prolonged periods of wet weather. WW recommend details of foul drainage system agreed via condition.*

### **Tree Officer South**

No objection subject to conditions (new planting and landscaping)

## **Representations:**

No representations were received at time of report preparation

## **10. Relevant Planning Policies:**

### **North Dorset Local Plan Part 1 2011-2031**

- Policy 1 – Sustainable Development
- Policy 2 – Core Spatial Strategy
- Policy 4 - The Natural Environment

- Policy 6 – Housing Distribution
- Policy 7 – Delivering Homes
- Policy 16 – Blandford
- Policy 23 – Parking
- Policy 24 – Design
- Policy 25 – Amenity

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

2. Achieving sustainable development

4. Decision-making

11. Making effective use of land

*- Achieving appropriate densities*

*122. Planning policies and decisions should support development that makes efficient use of land, taking into account:*

*...*

*d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change*

*e) the importance of securing well-designed, attractive and healthy places.*

12. Achieving well-designed places

*127. Planning policies and decisions should ensure that developments:*

- *a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- *c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- *d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- *e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and*

*other public space) and support local facilities and transport networks; and*

- *f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

### **Other material considerations**

The Blandford + Neighbourhood Plan 2011 - 2033 has been submitted to Dorset Council for examination. An independent examiner is currently examining the plan. A hearing relating to the plan took place on the 12 November 2019. The inspector's report has not yet been published. There is no specific conflict with the draft Neighbourhood Plan in relation to this current proposal.

#### **11. Human Rights:**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

#### **12. Public Sector Equalities Duty:**

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

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

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

This application is for four new dwellings, which would comply with current Building Regulations. The front of each dwelling is accessed via a level path from Birch Avenue/Knights Close.

### **13. Financial Benefits:**

Jobs would be created during the construction stage.

Occupants would make use of local services.

The dwellings would generate council tax.

The proposal would contribute to the rural economy in terms of increased support for local businesses.

### **14 Climate Implications:**

The proposed development would result in erection of 4 dwellings within the settlement boundary of Blandford, identified by Policy 2 of the North Dorset Local Plan as a sustainable location for further growth.

The dwellings would be designed to meet current building regulations which would help reduce the carbon footprint of the ongoing heating and running of the buildings

### **15 Planning Assessment:**

- Principle of development
- Design
- Amenity
- Access and parking
- Biodiversity & Landscaping
- Drainage
- Rights of Way

#### **15.1 Principle of development**

The proposal follows a previous approval of four chalet bungalows, in a terraced arrangement on the site, ref 2/2019/0169/FUL

The application site is located within the settlement boundary of the town of Blandford.

This application originally proposed a row of five terraced units which was considered to be overdevelopment of the site, sitting too close the boundary and resulting in a cramped form of development. Following discussion with officers, the applicant submitted new plans, and the application now seeks consent for four two storey dwellings, in the form of two semi-detached units.

Local plan policy 2 supports infill residential development within the established settlement boundaries. Blandford is one of the District's four main towns and the focus for development in the District. The NPPF supports development of new housing in sustainable locations.



The lack of a 5 year housing land supply adds additional weight to the proposal. The NPPF states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. No such harm has been identified in this instance. This is discussed in the following sections of the report.

## **15.2 Design**

The site plan shows a layout which with sufficient land available to accommodate the development of the row of two, two storey, semi-detached units. The properties would face onto Knights Close & Birch Close. The existing verge would be retained, so a soft buffer would be retained to the front of the development which is characteristic of the estate.

Adequate spacing would be retained to the neighbouring buildings behind, 9 and 10 Pigeon Street, retaining ample rear gardens 10-12 metres deep. Each of the new dwellings is provided with at least 8 metres of garden space to the rear. This layout results in plentiful space between the new dwelling and the existing dwellings behind, and ensures that the development would not appear cramped or congested in its appearance or siting.

Each dwelling would have an open porch leading to the pedestrian path which links the properties with access onto the corner of Birch Avenue and Knights Close. The properties would be set just below existing ground level and planting and a low level wall to the front the development is proposed.

The dwellings are 2 storeys in height, with hipped roofs. They are similar in size, design, and layout to other developments in the immediate setting and the development would not appear dominant or overbearing to the street scene. It is proposed to set the dwellings below street level which will further reinforce the recessive nature of the design.

The dwellings would be constructed of brick, red in colour with clay effect tiles to the roof – these materials are similar to, and would compliment those in the vicinity. These are simple and appropriate materials for the estate which features a mixture of post-war and more modern dwellings.

The proposals are considered to be in keeping with the character of the area with regards to scale, appearance and layout, and would not have an adverse impact on the visual amenities of the character of the site or locality.

The surrounding estate is a mixture of post-war housing which is a lesser density than the newer housing sited to the west of the site. The proposed dwellings are two-bedroomed units, of a good size, with adequate sized gardens, and one parking space.

Considering the discussion above, and taking into account the dwellings are a set of two, semi detached two storey dwellings, set back from the side boundary; the density of the proposed development is considered to be acceptable, and ample amenity space for each dwelling is provided to front and rear. It is officer opinion that the scheme does not represent a cramped or constrained form of development.

### **15.3 Amenity**

Policy 25 of the Local Plan and the NPPF seek to safeguard the amenity of existing and future occupiers of land and buildings.

The host dwellings to the rear at Pigeon Close would retain ample rear gardens of over 10 metres in depth. The new dwellings would have rear gardens of 8 metres. This ensures sufficient distance between the dwellings to prevent over and in-looking. The layout of the new dwellings is oblique, such that the rear windows of 9 and 10 Pigeon Close do not directly overlook the rear gardens of the proposed dwellings. Fenestration has been designed such that no overlooking would result from the development.

The new two storey dwellings are of a sufficient distance from neighbouring properties so as not to result in overshadowing or overbearing.

The proposed development would not have a significant adverse impact on the living conditions of occupiers of neighbouring residential properties.

### **15.4 Biodiversity & Landscaping**

The site is currently amenity garden area with ornamental planting and poor quality garden hedgerow. The previously approved application was accompanied by an approved Biodiversity Mitigation and Enhancement Plan (BMEP), and identical recommended measures are proposed for this scheme (BMEP certificate currently being acquired by the Dorset Natural Environment Team). With the implementation of the approved biodiversity mitigation and enhancement measures, the proposal would have no adverse impacts on biodiversity interests. The proposed measures would include tree planting, bee bricks, bat access tiles and the fencing at the northern boundary and any new fencing will have 20cm squared cuts in the base boards to allow mammals access to the gardens.

### **15.5 Drainage**

The proposal is located in an area prone to sewer flooding caused by high levels of groundwater during prolonged periods of wet weather. Therefore, a sealed system is required to ensure no groundwater enters the foul water drainage system. A condition seeking details of the proposed foul drainage system to be submitted to and agreed by the LPA is recommended.

Details of surface water drainage will follow the SuDS hierarchy and will be subject to building regulations.

### **15.6 Rights of Way**

The proposals would maintain the rights of way: the pavement along Birch Avenue would remain unaltered, as would the path to the west of the site linking Birch Avenue to Pigeon Close. Details of the proposed boundary treatment alongside the footpath linking Birch Avenue to Knights Close is not provided, details of which would be secured via condition to ensure the boundary treatment would not result in an overbearing enclosure to users of this linking section of footpath. It is deemed important to restrict permitted development rights with regards to alteration of the boundary treatment to protect the amenity of users of this path.

### **15.7 Access and parking**

A New access off Knights Close, and off-road car parking for five spaces would be provided. Dorset Council Highways have no objections to the proposals subject to conditions. The proposal would not compromise road safety and there is sufficient parking considering this sustainable location of the development within the Blandford settlement boundary. Pedestrian access to the front of the dwellings via new level path from the corner of Knights Close and Birch Avenue is proposed.

### **16.0 Conclusion**

- 16.1** The proposed development is considered to comply with the relevant policies of the Local Plan and sections of the National Planning Policy Framework as previously listed. Permission for four dwellings has been previously granted on this site.
- 16.2** The proposed development would not have an adverse impact on the amenity currently enjoyed by occupiers of neighbouring residential properties
- 16.3** The design of the scheme is acceptable, using simple materials characteristic of the surrounding development. The layout, of four, two bedroomed houses, laid out as a pair of semi-detached dwellings, off-set from the boundary, with adequate amenity space to front and rear, does not represent a cramped or constrained form of development.
- 16.4** An approved BMEP accompanies the application, and landscaping and new planting would be secured by means of a condition to both enhance biodiversity and visual amenity.
- 16.5** The proposed development would not have an adverse impact on highway safety and adequate parking is provided, which would be secured by condition.

**16.6** Weighing in favour of granting permission is the contribution to the housing supply of four much needed units of accommodation. No demonstrable harm has been identified and with this in mind, permission should be granted in line with the requirements of the NPPF.

#### **16.0 Recommendation**

GRANT subject to conditions

#### **CONDITIONS:**

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

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

2. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details:

9232/200; 9232/201; 9232/202; 9232/203;

forming the approved application.

Reason: For the avoidance of doubt and to clarify the permission.

3. Prior to development above damp proof course level, samples of materials to be used in the construction and finish of the walls and roof; shall be made available on site and retained in that location thereafter for the inspection and approval of the Local Planning Authority. Any such samples shall require approval to be obtained in writing from the Local Planning Authority and the development shall thereafter accord with the approved materials.

Reason: To safeguard the character of the locality and the appearance of the development.

4. Prior to works above damp proof course level, full details of both hard and soft landscape proposals shall, by reference to site layout drawings of an appropriate scale, be submitted to and approved in writing by the Local Planning Authority. The details shall include, the following information:

(a) Means of enclosure, including details of proposed height, materials and finish. Thereafter, no individual house shall be first occupied until the agreed means of enclosure for its plot boundaries have been completed.

(b) Planting plans, to include: Written specifications; schedule of plants, species, size, proposed numbers and densities; implementation & maintenance timetables. The development shall thereafter accord with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design

5. Before any foul drainage pipe work is installed, the details of that system and how it will be implemented to ensure it results in a sealed system, must be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter accord with the approved drainage scheme and shall be completed before first occupation or use of the development.

Reason: To avoid drainage problems as a result of the development to ensure that no groundwater enters the foul water drainage system within the site.

6. Before the development hereby approved is occupied or utilised the turning and parking shown on Drawing Number 9232/200 must have been constructed.

Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

7. Before the development is occupied or utilised the first 5.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

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

8. Before the development is occupied or utilised, the first 5.00 metres of any access, access crossing and drive must be constructed to a gradient not exceeding 1 in 12.

Reason: To ensure that the public highway can be entered safely.

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

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

10. Prior to occupation or use, the mitigation measures as detailed in the approved Biodiversity Mitigation Plan dated (tbc) XXXX shall be completed in full. Thereafter the scheme shall be maintained as detailed in the approved plan

Reason: To minimise impacts on biodiversity.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargements or alterations of the dwellinghouse hereby approved, permitted by Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect amenity and the character of the area.

12. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, walls, gates or other means of enclosure permitted by Class A of Schedule 2 Part 2 of the 2015 Order shall be erected around the curtilage of any dwellinghouse hereby permitted in a position forward of any wall of that dwelling house which fronts onto a road, private drive, footway, footpath or open space area.

Reason: To protect visual amenity and the character of the area.

13. Prior to the construction of any foundation, precise details of the finished floor level of the proposed dwellings shall be submitted to the local planning authority for approval in writing. The development shall be carried out strictly in accordance with the agreed details.

Reason: To ensure that the dwellings are set below street level which will further reinforce the recessive nature of the design and ensure that the dwellings relate properly to the surrounding development.

### **1. Informative - Dorset Highways:**

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

### **3. Informative – Wessex Water:**

According to WW records, there are no recorded public sewers or water mains within the red line boundary of the development site. Please refer to the notes and map submitted by WW for advice on what to do if an uncharted pipe is located.

The proposal is located in an area prone to sewer flooding caused by high levels of groundwater during prolonged periods of wet weather. Separate systems of drainage on site must be completely watertight and vent stacks rather than durgo valves must be used to prevent restricted toilet use during these prevailing conditions

The surface water strategy:

Surface water flows, generated by new impermeable areas, must not connected to the foul water network which will increase the risk of sewer flooding and pollution. The surface water strategy for the proposed site must follow the SuDS hierarchy, and will be subject to building regulations