



## Eastern Area Planning Committee

**Date:** Wednesday, 29 July 2020

**Time:** 10.00 am

**Venue:** MS Team Live Event/Virtual

**Membership: (Quorum 6)**

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

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

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

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**Link for the meeting:-**

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_MTgyMjc4ZDEtMTNjYS00ZjcxLTgxZjUtOWFiZjZjMml1Njg1%40thread.v2/0?context=%7b%22id%22%3a%220a4edf35-f0d2-4e23-98f6-b0900b4ea1e6%22%2c%22Oid%22%3a%22e945dac7-c7f0-449d-b9aa-53ead0dfb0e6%22%2c%22IsBroadcastMeeting%22%3atrue%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MTgyMjc4ZDEtMTNjYS00ZjcxLTgxZjUtOWFiZjZjMml1Njg1%40thread.v2/0?context=%7b%22id%22%3a%220a4edf35-f0d2-4e23-98f6-b0900b4ea1e6%22%2c%22Oid%22%3a%22e945dac7-c7f0-449d-b9aa-53ead0dfb0e6%22%2c%22IsBroadcastMeeting%22%3atrue%7d)

Members of the public are invited to make written representations provided that they are submitted to the Democratic Services Officer no later than **8.30am on Monday 27 July 2020**. This must include your name, together with a summary of your comments and contain no more than 450 words.

If a Councillor who is not on the Planning Committee wishes to address the Committee, they will be allowed 3 minutes to do so and will be invited to speak before the applicant or their representative provided that they have notified the Democratic Services Officer by **8.30am on Monday 27 July 2020**.

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**Please note** that if you submit a representation to be read out on your behalf at the committee meeting, 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 general information about speaking at meetings [Guidance to Public Speaking at a Planning Committee](#) and specifically the "**Covid-19 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings**" included as part of this agenda (see agenda item 4 - Public Participation).

**Using social media at virtual meetings**

Anyone can use social media such as tweeting and blogging to report the meeting when it is open to the public.

# 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 - 84

To confirm the minutes of the meeting held on 1 July 2020.

## 4 PUBLIC PARTICIPATION

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Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the [Guide to Public Speaking at Planning Committee](#).

## 5 6/2020/0161 - REPLACEMENT OF EXISTING DWELLING WITH A DETACHED DWELLING AND TO ERECT AN ADDITIONAL DETACHED DWELLING ADJACENT AT 1A BATTLEMEAD, SWANAGE

87 - 108

## 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 - EASTERN AREA PLANNING COMMITTEE**

### **MINUTES OF MEETING HELD ON WEDNESDAY 1 JULY 2020**

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

#### **Ward Members present:**

Minute 109

Cllrs Bill Pipe and Andrew Starr

Minute 111

Cllr Simon Gibson

**Officers present:** Kim Cowell (Team Leader –Development Management), Andrew Collins (Principal Planning Officer), Liz Adams (Principal Planning Officer), Naomi Shinkins (Planning Officer), Colin Graham (Engineer), Chelsey Golledge (Technical Support Officer), Steve Savage (Transport Development Liaison Manager), ( Phil Crowther (Senior Solicitor) Lindsey Watson (Senior Democratic Services Officer) and David Northover (Democratic Services Officer).

#### **Representations/Statements**

Minute 109

John Stagg, Barrie Robinson, Adrienne King, Pauline Turner, John Westacott, Craig Parsons, Peter Smith, Julie O'Donnell, Alan Meggs, Adrian Hearn, Stephen Cope, James Boyt, Tina Buchanan, Helen Tucker, Neil Legg, Sheelagh Birks, Gillian Haberfield, Gill Diaper, Shirley Nebel, Tom Pickford, Jane Chadwick, Trudy Hicken, Paul Thompson, Michael Colegate, Ian Swinden, Bob Sprack, Bill Saxby, Malcolm Bradshaw, Barbara England, Marcelle King, Julie Almond, Liz Vigor, Leah Harley, Darren King, Alan Williams – Planning Potential (for applicant).

Minute 111

Martin Summers, Daryl Howells – Pure Town Planning

#### **104. Introduction by the Chairman**

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

She also took the opportunity to inform the meeting about the sad news of the loss of planning officer Tony Bird since the last meeting, and on behalf of the Committee asked that condolences be passed on to his family and colleagues.

105. **Apologies**

No apologies for absence were received at the meeting.

106. **Declarations of Interest**

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

107. **Minutes**

The minutes of the meeting held on 3 June 2020 were confirmed and would be signed when the opportunity arose.

108. **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.

109. **6/2019/0443 - Demolition of existing buildings, and the erection of a Class A1 discount foodstore with associated works at site of Upton Oil Co Ltd, Blandford Road North, Upton**

The Committee considered an application - 6/2019/0443 – by ALDI Stores Ltd, for a proposal to erect a discount supermarket (A1 use class), with 1802 square metres of gross floor space, of which 1315 square metres would be used as the retail area and the rest of the space used for storage and staff facilities, with a bay for unloading deliveries being constructed on the north eastern elevation, recessed into the ground, with the lowest point being situated approximately 1.2m below the finished floor level of the rest of the store.

The proposal included the formation of a new car park, which would provide for 132 car parking spaces, two of which would provide an electrical charging point, with 8 being designated as parking spaces for parents with young children. The car park would also provide 4 parking spaces for disabled users and 10 spaces for bicycles. The proposal also included a planting and landscaping scheme for the car park.

A new access was also proposed as part of the development. A totem sign was to be the subject of the advertisement of a separate advertisement consent should the application be approved.

To complement the development, an agreement would need to be met to monitor the use of the uncontrolled pedestrian crossing adjacent to the store on Blandford Road North (B3068). If it was established over a five-year period that there was sufficient pedestrian use of the crossing, an agreement would be put in place for the applicant to upgrade the crossing to a traffic light controlled crossing. This would be achieved by means of a Section 106 agreement.

As to the relevant planning history of the site, the land had been used as an oil depot and garage for a number of years, but had been derelict for some time over the recent past, so the development was seen to be a means of making use of this brownfield site and going some way to providing for the retail need in Upton which had been identified.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; how this were to be progressed; how the development would address retail need in that part of the county; and what this entailed. The presentation focused on not only what the development entailed and its detailed design, but what effect it would have on residential amenity, Upton town centre and the character the area. Officers were obliged to consider whether there were any alternative, suitable sites and whether the development would be harmful to the viability of Upton town centre. Analysis of evidence had indicated that, in both cases, it was their view that this would not be the case. If the proposal had been considered to be harmful to the viability and vitality of Upton, the generation of 30 full time jobs would not be considered to carry significant weight to overcome the harm that would be caused. As the proposal was considered not to be harmful to the viability and vitality of Upton town centre, this was one of the reasons for what was being recommended. Overall, the modest economic benefits were seen to be acceptable and should be seen to be beneficial in contributing to economic growth in that part of Dorset in particular and the county in general. Moreover, this was the only discount store that was planned to serve the Purbeck area as, currently, the nearest such alternative was to be found in Poole.

Plans and photographs provided an illustration of the location, orientation, dimensions – form, bulk, size and mass - and appearance of the development; how it would look – with contextual elevations / visualisation and floorplans being provided for this purpose; the materials to be used; the layout of the car park and where trolley parks would be located; access and highway considerations; the means of landscaping; where any pedestrian access would be situated; where the road crossing point would be located; and its setting within the Upton and the characteristics of that part of the town. Deliveries would be unloaded below ground level, in a recessed bay, to ensure that any external noise would be limited.

There was seen to be some scope for a pedestrian link from the east, direct from the housing estate on the northern side of Blandford Road North to the

store, rather than it being necessary to circumnavigate the perimeter, but no progress had been made on any solution to this with the Town Council - as third party owners of the land - and whilst it might well be seen as a desired line, it was not critical to the merits of the application, given that there were acceptable alternative means of access.

Officers showed the development's relationship with the neighbouring residential estates and how that access to the store might be achieved. Views into the site and around it were shown, which provided a satisfactory understanding of all that was necessary.

Officers considered that the proposed development would provide a clear economic benefit to Upton and surrounding areas. The development would generate 30 full time equivalent jobs in the store. This was considered to be a positive benefit to the area.

Given all this, officers considered that all material planning considerations had been addressed and were acceptable, with the development making best use of previously developed land and would result in a positive contribution to townscape. As such, members were now being asked to agree to what was being recommended.

Formal consultation had resulted in Lytchett Minster and Upton Town Council not objecting to, and accepting, the principle of the development but, amongst some other practical suggestions, asked that vegetation be managed to improve sightlines so as to improve what was being proposed. Similarly, Natural England and the Environment Agency both raised no objection, in principle.

Dorset Council Highways Team had no objections, subject to the provision of an uncontrolled pedestrian crossing and bus shelters, a layby and a right turn lane being required. There were 372 third party representations received, with 24 objecting to the proposal - including one representing Lidl – and 310 in support.

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

The Committee were joined by local Ward Councillors Bill Pipe and Andrew Starr. Councillor Pipe welcomed what he considered to be a much needed development to serve the needs of the local population with any effect on local established convenience stores being minimal. This store would offer the opportunity for residents to be able to do a weekly sized shop in close proximity to their homes. He was also supportive of the benefits for employment and the economy.

Councillor Andrew Starr similarly supported this development for the same reasons but asked that the vegetation be managed to improve sight lines, the



pedestrian access be made more user friendly and felt that it was necessary to have a fully functioning light controlled crossing available from the outset given the demographic profile of those shoppers anticipated and their need for this facility.

The opportunity was given for members to ask questions of the presentation and what they had heard, in seeking clarification of aspects so as to have a better understanding in coming to a decision. Particular reference was made to the appearance of the store; access arrangements; traffic management and speed limit provision; how parking spaces were to be determined and their layout; and what the requirement there was for the introduction of a controlled pedestrian crossing. They asked officers to consider the application of a barrier at the entrance to the car park to restrict use of the site outside store operating hours and so as to deter such use.

Officers addressed the questions raised providing what they considered to be satisfactory answers. As well as clarifying aspects of the development of the store itself, in particular the Highways Advisor explained how the access arrangements were designed to operate and the safety issues that had been addressed in doing this. He was of the view that the quality of the proposed pedestrian access around the perimeter of the site could be improved so that it was of a suitable standard to all users. Any direct access - as had been suggested from the north eastern direction - was not able to be addressed by this application given the current ownership issues, but could be addressed - should any future negotiations be necessary - through a separate application.

Moreover, in particular, officers clarified that there was a need for evidence of use to be gathered and analysed before consideration could be given and it determined to whether a light controlled crossing was justified or whether the pedestrian refuge which currently existed would suffice and that this evidence could only come after the store had opened and was being used. Members were assured that the s106 agreement provided for a commitment from Aldi to apply those enhanced measures if necessary.

Officers considered that the request for a barrier was acceptable and could be accommodated – by condition - to address any potential unauthorised activity in addressing those concerns Members raised.

Whilst some members maintained their reservations at what access arrangements were being proposed and how, seemingly, these could not necessarily be enhanced as they would have liked, the general view was that the development was acceptable and would contribute quite significantly to both employment opportunities and economic growth in the area and would be an asset in meeting local retail needs.

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

that basis - and being proposed by Councillor Robin Cook and seconded by Councillor Shane Bartlett - on being put to the vote, the Committee unanimously agreed that the application should be approved, subject to the conditions set out

in paragraph 17 of the report; and taking into account the addition of a condition to provide for a vehicle height barrier upon entry to the site; and the application of a s106 agreement for the provision of a controlled pedestrian crossing, as necessary.

### **Resolved**

That the **grant** of planning permission, in respect of application 6/2019/0443, **be delegated to the Head of Planning**, subject to 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 by the Legal Services Manager to secure the following:-

- a monitoring agreement requiring at least annual surveys for the first five years after the store has opened to establish whether the pedestrian crossing will need to be upgraded to a signal controlled crossing.

and subject to the conditions contained in paragraph 17 of the report with **an additional condition** in respect of:-

- details of a vehicle barrier to be installed at the entrance must be submitted to the Local Planning Authority prior to the store opening to the public. The barrier must be installed before the store is opened to the public and permanently retained in accordance with the details. The barrier must be closed when the store is not open to members of the public.

Reason: In the interests of security and anti-social behaviour.

and the inclusion of the **Informative Note** - The applicant should carefully consider the management of deliveries on the site.

### **Reasons for Decision**

Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise

- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application
- The proposal is not considered to harm the viability or vitality of either Upton or Poole Town Centres.

**110. 6/2020/0167 - Alterations to field gate and creation of pedestrian gate at St Georges Primary School, 76 High Street, Langton Matravers**

The Committee considered an application - 6/2020/0167 - for the alterations to field gate and creation of pedestrian gate at St Georges Primary School, 76 High Street, Langton Matravers so as to improve the safety of access to the playing field by providing a separate pedestrian access from the vehicular one, being recognised as an asset of community value. The application was being considered by the Committee as it was a Dorset Council application.

With the aid of a visual presentation, officers explained what the reason for the alteration was; how it would look and what this entailed. Plans and photographs provided an illustration of the location and appearance of what was being proposed and why it was necessary on safety grounds. As the site was in the Langton Matravers Conservation Area the preservation of its significance was essential and the proposal would provide for this by the means and materials to be used, without harm to the surrounding wider landscape or residential amenity. As such, officers were recommending approval.

The local Ward member, Councillor Cherry Brooks, was supportive of the application, considering it to be necessary on safety grounds and would enhance the accessibility of the school. Langton Matravers Parish Council and Dorset Highways supported the application too.

The opportunity was given for members to ask questions of the presentation and what they had heard, in seeking clarification of aspects so as to have a better understanding in coming to a decision. Officers addressed the questions raised providing what they considered to be satisfactory answers.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation; and what they had heard at the meeting, and having received satisfactory answers to questions raised, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this and, on that basis - and being proposed by Councillor Shane Bartlett and seconded by Councillor Toni Coombs - on being put to the vote, the Committee unanimously agreed that the application should be approved, subject to the conditions set out in paragraph 17 of the report.

### **Resolved**

That planning permission be granted subject to the conditions in paragraph 17 of the officer's report.

### **Reasons for Decision**

The principle of the development was acceptable and it will improve and allow safe access between the school and the playing field and for the whole community.

- The proposal is acceptable in its layout, appearance and general visual impact.
- The character and appearance of the Langton Matravers Conservation Area will be preserved.
- The natural beauty of the Dorset Area of Outstanding Natural Beauty and the special character of the Purbeck Heritage Coast will not be harmed.
- 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

**111. 3/19/2271 - Demolish the existing buildings and erect a dementia care home with new vehicular access and parking provision at 5 - 7A Edmondsham Road, Verwood**

The Committee considered application 3/19/2271 to demolish the existing buildings and erect a dementia care home with new vehicular access and parking provision at 5 - 7A Edmondsham Road, Verwood. The Committee were informed that two previous applications had been refused and modifications had been made to address the reasons for refusal in this application.

With the aid of a visual presentation, officers explained what the main proposals, principles and planning issues of the development were; how these were to be progressed; how the development would contribute to meeting care needs; and what this entailed.

Plans and photographs provided an illustration of the location, dimensions – form, bulk, size and mass - and appearance of the development, along with its ground floor plans and internal design; how it would look; the materials to be used; what landscaping there would be; its relationship with the highway network; the characteristics of the site; access arrangements and its relationship with the local highway network; its relationship with other adjacent residential development and the variety of dwellings therein; what local amenity there was and; its setting within Verwood. The comparative distance to Verwood Heath – some 400 metres - was mentioned. Views into the site and around it were shown, which provided a satisfactory understanding of what the application entailed. The security of the site and how this could be assured was explained to Members.

The Committee's attention was drawn in particular to the staff car parking stacking system that was to be implemented and how this would operate in

practice; its appearance; what safety measures it had; and why it was necessary. Officers took the opportunity to describe this feature in some considerable detail as it might well be unfamiliar to some members and so that they had a clear understanding of what this entitled and why it was necessary. The safety features associated with the system and the limited times when it would be necessary to be operated were also described, only being installed to manufacturer's specification and being fob operated.

Other material considerations of merit were the contributions to be secured through Community Infrastructure Levy of some £74605 (approx.) and the opportunity for employment gains with the creation of 20 jobs.

The officer's recommendation was for permission to be granted on the basis that the modifications made in this application to address the reasons for previous refusals were considered to now be satisfactory and acceptable, in that:-

- the proposed basement amenity space had been removed
- the bedrooms in the basement had been removed and the number of bedrooms reduced from 38 to 29
- hard landscaping had been reduced
- parking had been reconfigured as per the amended hard landscaping
- the two storey element to the north had been further set back away from the neighbouring property
- flood and drainage information had been revised
- a signed Biodiversity Mitigation and Enhancement Plan (BMEP) had been updated

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

Condition 1 - added as underlined:

*(a) Before any development is commenced details of all 'Reserved Matters', that is the following matters in respect of which details have not been given in the application and which relate to the landscaping (including boundary treatment details) shall be submitted to and approved in writing by the Local Planning Authority.*

*(b) An application for approval of any 'Reserved Matters' must be made not later than the expiration of three years beginning with the date of this permission.*

*(c) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.*

*Reason: (a) This condition is required to be imposed by the provisions of Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015: (1) of the (b) and (c) These conditions are required to be imposed by Section 92 of the Town and Country Planning Act 1990.*

Condition 2 – amended as underlined:

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

*J18067 001 Rev F Proposed Basement Floor Plan  
J18067 002 Rev N Proposed Ground Floor Plan  
J18067 003 Rev M Proposed First Floor Plan  
J18067 004 Rev L Proposed Second Floor Plan  
J18067 005 Rev G Proposed Front Elevation  
J18067 006 Rev F Proposed Rear Elevation  
J18067 007 Rev F Proposed Side Elevation  
J18067 008 Rev F Proposed Side Elevation  
J18067 009 Rev G Proposed Street Elevation  
J18067 010 Rev G Section AA  
J18067 011 Rev E Section BB  
J18067 012 Rev L Block and Location Plan  
J18067 013 Rev E Bin Store Details*

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

Condition 16 – added as underlined:

*Prior to the commencement of the development of the care home, hereby permitted, a noise assessment for any external plant/condensers shall be conducted in accordance with BS4142:2014 for all plant including fans associated with the extract system, refrigeration condensers, air conditioning units, 9 car stacking system and any other plant likely to be audible at neighbouring premises from the care home. The assessment shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme (together with any required measures) shall be installed to the agreed specification prior to the first use, and maintained and operated in that condition thereafter.*

*Reason: to protect neighbouring amenity of adjoining neighbouring properties*

Condition 18 – duplicated materials condition deleted and replaced with:

*The 9 car stacking system here by approved as identified on drawing J18067-012 L shall only be used by staff employed on the premises and remain in the closed position at all times except for the purpose of loading and unloading vehicles.*

*Reason: to protect the amenity of future occupants.*

On the basis of these modifications – particularly that its mass had been sympathetically modified, so that its roofline was now tiered, rising gradually, from 1 storey to 3, away from the nearest property - and taking into account

the merits of the application, officers were now recommending approval of the application.

Formal consultation had generated an objection from Verwood Town Council on the grounds of form; appearance and traffic generation, with 66 representations being received objecting to the proposal on the grounds of incongruous design; the impact on the character of neighbouring amenity; adverse effect on trees, Verwood Heath and the highway network and; the disruption from its construction.

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

One of the three local ward members - Councillor Simon Gibson - was given the opportunity to speak, in considering that the development still did not adequately or fundamentally address the reasons for previous refusals and concerns remained, as they did for the Town Council. The scale of the development was inappropriate for such a constrained site and how the staff parking was to be accommodated was unacceptable on local amenity. Among his other concerns was the internal layout, that the staff rest room was now proposed for the basement and that residential amenity would be compromised by the activities proposed externally. In supporting those neighbours who had objected, he asked the Committee to refuse the application.

The opportunity was given for members, to ask questions of the presentation and what they had heard, in seeking clarification of room sizes, design and the internal arrangements and layout; the need for the facility; the security of the site and the necessity for the car stacking system.

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

Officers reiterated that to accommodate staff parking on the site the car stacking system was a tried and tested means of doing this successfully and in a managed way. Whilst this system might well be unfamiliar in parts of rural Dorset, such parking was commonplace in more urban areas throughout the country as a satisfactory solution in meeting a typical challenge.

Much was made of what evidence there was for the need for the facility and its proposed internal layout with officers confirming that whilst the Dorset Social Care Team had some reservations that the internal design and arrangements did not appear to have regard to modern Dementia friendly design standard or that consideration did not appear to have been given to smaller household units within the home, this was not necessarily critical, given that the proposed design was of a satisfactory care standard and would

meet the needs of its residents quite acceptably. Despite some representations questioning the need for another care home, the Social Care team had identified there being a need in East Dorset for acute levels of dementia care to be met together with the principle for a contribution to be made to deliver such accommodation in urban areas in the local Plan to relieve such pressures on more environmentally sensitive areas.

As to the impact on the character of the area, officers considered this to be acceptable in that the design, appearance and bulk was acceptable and in keeping with the blend of styles in the area and that proximity to neighbouring properties had now been mitigated by the redesign to a tiered structure and in now being located some further distance away.

Traffic and highways issues were clarified by the Transport Liaison Development Manager including what traffic movements there currently were and what was anticipated to be generated by the home. How this would translate in additional traffic generation on the network was seen to be minimal and would have little effect on peak periods, as traffic flows were relatively low on Edmondsham Road. He was also confident that there would be no conflict with the finishing times of the nearby Trinity First School. However members were not convinced this would be the case as in their view, the peak times for both the home and the school appeared to coincide.

In response to what effect on the development could have on Verwood heath the limitations on any additional residential properties being built within 400 metres of the heath did not apply to a care home such as this given the nature of the activities taking place and what limited opportunities there might be in it being readily accessible to residents. Natural England had acknowledged as much and it was acceptable within the provisions of the Dorset Heathland Planning Framework.

One member mentioned what archaeological surveys had been done as part of the application with officers clarifying that what was necessary had been complied with in this regard; it being anticipated that there was no reason to believe that there was anything of significance on site which would constitute a material consideration.

However whilst accepting the clarifications made, Members remained somewhat unconvinced that what was being proposed would meet the need for which it was designed and were concerned that the site was too constrained to accommodate a development of the scale, bulk and form proposed and that the stacking parking system being proposed was testament to this and should not be necessary if the size of the site was adequate and fit for purpose. Although the case for the car stacking system had been adequately explained in detail by officers, Members still considered it to be undesirable – if not unacceptable – for this site and considered there to be a need to provide adequate, traditional on-site parking to ensure a satisfactory standard of residential amenity for residents. The density of the development was considered to be too restrictive and compromised what a care home should have to offer. It was acknowledged that the design of a development had an effect on well-being and it was their opinion that this proposal did



nothing to enhance that. Moreover, there was a need to accommodate the needs of those most vulnerable in society but felt that this would not be achieved by what was being proposed.

Furthermore, whilst a bedroom was no longer proposed for the basement, members felt that this was still not the place to site a staff rest room and what this had to offer. Other reservations members had were not necessarily material considerations and, therefore, a case could not be made to justify refusal on their basis.

As the Planning Authority, members said that the Council had an obligation to ensure development achieved good planning standards and design and met what was necessary and expected, in being wholly satisfied that those standards had been met. They considered that this was not the case for this development.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation; the written representations; and what they had heard at the meeting; and the views of Councillor Simon Gibson, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this. The Committee considered that, notwithstanding the assessments made by officers that the proposal should be granted permission, they could not agree to what was being recommended on the basis that the site was too constrained, with the internal arrangements not being of a satisfactory standard to meet the need of a modern care home and the parking proposed inadequate.

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

### **Resolved**

That planning application 3/19/2271 be refused.

### **Reason for Decision**

The site is too constrained to accommodate development of the scale, bulk and form proposed together with the need to provide adequate on-site parking and a satisfactory standard of residential amenity for residents. For these reasons the development is considered to constitute overdevelopment of the site contrary to Policy HE2 of Christchurch and East Dorset Core Strategy and paragraphs 122 (e) and 127 (f) of the NPPF 2019 that require a good standard of amenity for existing and future occupants.

**112. Urgent items**

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

**113. Summary of Statements of Representation**

**Application 6/2019/0443**

Objection - John Stagg

Support - Barrie Robinson, Adrienne King, Pauline Turner, John Westacott, Craig Parsons, Peter Smith, Julie O'Donnell, Alan Meggs, Adrian Hearn, Stephen Cope, James Boyt, Tina Buchanan, Helen Tucker, Neil Legg, Sheelagh Birks, Gillian Haberfield, Gill Diaper, Shirley Nebel, Tom Pickford, Jane Chadwick, Trudy Hicken, Paul Thompson, Michael Colegate, Ian Swinden, Bob Sprack, Bill Saxby, Malcolm Bradshaw, Barbara England, Marcelle King, Julie Almond, Liz Vigor, Leah Harley, Darren King, Alan Williams – Planning Potential (for applicant).

**Application 3/19/2271**

Objection – Martin Summers

Support – Daryl Howells – Pure Town Planning

**104. Introduction by the Chairman**

Given that the meeting was being held as a MS Team Live Event virtual meeting owing to the need to do so during the coronavirus/Covid -19 pandemic, the Chairman took the opportunity to explain how the meeting would take place, the way this would be done and the reason for this. She explained the protocols and processes to be followed and that doing so give

gave the Council the ability to continue to fulfil its obligation of delivering the planning function and determining applications.

She also took the opportunity to inform the meeting about the sad news of the loss of planning officer Tony Bird since the last meeting, and on behalf of the Committee asked that condolences be passed on to his family and colleagues.

105. **Apologies**

No apologies for absence were received at the meeting.

106. **Declarations of Interest**

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

107. **Minutes**

The minutes of the meeting held on 3 June 2020 were confirmed and would be signed when the opportunity arose.

108. **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.

109. **6/2019/0443 - Demolition of existing buildings, and the erection of a Class A1 discount foodstore with associated works at site of Upton Oil Co Ltd, Blandford Road North, Upton**

The Committee considered an application - 6/2019/0443 – by ALDI Stores Ltd, for a proposal to erect a discount supermarket (A1 use class), with 1802 square metres of gross floor space, of which 1315 square metres would be used as the retail area and the rest of the space used for storage and staff facilities, with a bay for unloading deliveries being constructed on the north eastern elevation, recessed into the ground, with the lowest point being situated approximately 1.2m below the finished floor level of the rest of the store.

The proposal included the formation of a new car park, which would provide for 132 car parking spaces, two of which would provide an electrical charging point, with 8 being designated as parking spaces for parents with young children. The car park would also provide 4 parking spaces for disabled users and 10 spaces for bicycles. The proposal also included a planting and landscaping scheme for the car park.

A new access was also proposed as part of the development. A totem sign was to be the subject of the advertisement of a separate advertisement consent should the application be approved.

To complement the development, an agreement would need to be met to monitor the use of the uncontrolled pedestrian crossing adjacent to the store on Blandford Road North (B3068). If it was established over a five-year period that there was sufficient pedestrian use of the crossing, an agreement would be put in place for the applicant to upgrade the crossing to a traffic light controlled crossing. This would be achieved by means of a Section 106 agreement.

As to the relevant planning history of the site, the land had been used as an oil depot and garage for a number of years, but had been derelict for some time over the recent past, so the development was seen to be a means of making use of this brownfield site and going some way to providing for the retail need in Upton which had been identified.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; how this were to be progressed; how the development would address retail need in that part of the county; and what this entailed. The presentation focused on not only what the development entailed and its detailed design, but what effect it would have on residential amenity, Upton town centre and the character the area. Officers were obliged to consider whether there were any alternative, suitable sites and whether the development would be harmful to the viability of Upton town centre. Analysis of evidence had indicated that, in both cases, it was their view that this would not be the case. If the proposal had been considered to be harmful to the viability and vitality of Upton, the generation of 30 full time jobs would not be considered to carry significant weight to overcome the harm that would be caused. As the proposal was considered not to be harmful to the viability and vitality of Upton town centre, this was one of the reasons for what was being recommended. Overall, the modest economic benefits were seen to be acceptable and should be seen to be beneficial in contributing to economic growth in that part of Dorset in particular and the county in general. Moreover, this was the only discount store that was planned to serve the Purbeck area as, currently, the nearest such alternative was to be found in Poole.

Plans and photographs provided an illustration of the location, orientation, dimensions – form, bulk, size and mass - and appearance of the development; how it would look – with contextual elevations / visualisation and floorplans being provided for this purpose; the materials to be used; the layout of the car park and where trolley parks would be located; access and highway considerations; the means of landscaping; where any pedestrian access would be situated; where the road crossing point would be located; and its setting within the Upton and the characteristics of that part of the town. Deliveries would be unloaded below ground level, in a recessed bay, to ensure that any external noise would be limited.

There was seen to be some scope for a pedestrian link from the east, direct from the housing estate on the northern side of Blandford Road North to the store, rather than it being necessary to circumnavigate the perimeter, but no progress had been made on any solution to this with the Town Council - as third party owners of the land - and whilst it might well be seen as a desired line, it was not critical to the merits of the application, given that there were acceptable alternative means of access.

Officers showed the development's relationship with the neighbouring residential estates and how that access to the store might be achieved. Views into the site and around it were shown, which provided a satisfactory understanding of all that was necessary.

Officers considered that the proposed development would provide a clear economic benefit to Upton and surrounding areas. The development would generate 30 full time equivalent jobs in the store. This was considered to be a positive benefit to the area.

Given all this, officers considered that all material planning considerations had been addressed and were acceptable, with the development making best use of previously developed land and would result in a positive contribution to townscape. As such, members were now being asked to agree to what was being recommended.

Formal consultation had resulted in Lytchett Minster and Upton Town Council not objecting to, and accepting, the principle of the development but, amongst some other practical suggestions, asked that vegetation be managed to improve sightlines so as to improve what was being proposed. Similarly, Natural England and the Environment Agency both raised no objection, in principle.

Dorset Council Highways Team had no objections, subject to the provision of an uncontrolled pedestrian crossing and bus shelters, a layby and a right turn lane being required. There were 372 third party representations received, with 24 objecting to the proposal - including one representing Lidl – and 310 in support.

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

The Committee were joined by local Ward Councillors Bill Pipe and Andrew Starr. Councillor Pipe welcomed what he considered to be a much needed development to serve the needs of the local population with any effect on local established convenience stores being minimal. This store would offer the opportunity for residents to be able to do a weekly sized shop in close proximity to their homes. He was also supportive of the benefits for employment and the economy.

Councillor Andrew Starr similarly supported this development for the same reasons but asked that the vegetation be managed to improve sight lines, the pedestrian access be made more user friendly and felt that it was necessary to have a fully functioning light controlled crossing available from the outset given the demographic profile of those shoppers anticipated and their need for this facility.

The opportunity was given for members to ask questions of the presentation and what they had heard, in seeking clarification of aspects so as to have a better understanding in coming to a decision. Particular reference was made to the appearance of the store; access arrangements; traffic management and speed limit provision; how parking spaces were to be determined and their layout; and what the requirement there was for the introduction of a controlled pedestrian crossing. They asked officers to consider the application of a barrier at the entrance to the car park to restrict use of the site outside store operating hours and so as to deter such use.

Officers addressed the questions raised providing what they considered to be satisfactory answers. As well as clarifying aspects of the development of the store itself, in particular the Highways Advisor explained how the access arrangements were designed to operate and the safety issues that had been addressed in doing this. He was of the view that the quality of the proposed pedestrian access around the perimeter of the site could be improved so that it was of a suitable standard to all users. Any direct access - as had been suggested from the north eastern direction - was not able to be addressed by this application given the current ownership issues, but could be addressed - should any future negotiations be necessary - through a separate application.

Moreover, in particular, officers clarified that there was a need for evidence of use to be gathered and analysed before consideration could be given and it determined to whether a light controlled crossing was justified or whether the pedestrian refuge which currently existed would suffice and that this evidence could only come after the store had opened and was being used. Members were assured that the s106 agreement provided for a commitment from Aldi to apply those enhanced measures if necessary.

Officers considered that the request for a barrier was acceptable and could be accommodated – by condition - to address any potential unauthorised activity in addressing those concerns Members raised.

Whilst some members maintained their reservations at what access arrangements were being proposed and how, seemingly, these could not necessarily be enhanced as they would have liked, the general view was that the development was acceptable and would contribute quite significantly to both employment opportunities and economic growth in the area and would be an asset in meeting local retail needs.

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

answers to questions raised, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this and, on that basis - and being proposed by Councillor Robin Cook and seconded by Councillor Shane Bartlett - on being put to the vote, the Committee unanimously agreed that the application should be approved, subject to the conditions set out in paragraph 17 of the report; and taking into account the addition of a condition to provide for a vehicle height barrier upon entry to the site; and the application of a s106 agreement for the provision of a controlled pedestrian crossing, as necessary.

### **Resolved**

That the **grant** of planning permission, in respect of application 6/2019/0443, **be delegated to the Head of Planning**, subject to 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 by the Legal Services Manager to secure the following:-

- a monitoring agreement requiring at least annual surveys for the first five years after the store has opened to establish whether the pedestrian crossing will need to be upgraded to a signal controlled crossing.

and subject to the conditions contained in paragraph 17 of the report with **an additional condition** in respect of:-

- details of a vehicle barrier to be installed at the entrance must be submitted to the Local Planning Authority prior to the store opening to the public. The barrier must be installed before the store is opened to the public and permanently retained in accordance with the details. The barrier must be closed when the store is not open to members of the public.

Reason: In the interests of security and anti-social behaviour.

and the inclusion of the **Informative Note** - The applicant should carefully consider the management of deliveries on the site.

### **Reasons for Decision**

Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise

- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application
- The proposal is not considered to harm the viability or vitality of either Upton or Poole Town Centres.

**110. 6/2020/0167 - Alterations to field gate and creation of pedestrian gate at St Georges Primary School, 76 High Street, Langton Matravers**

The Committee considered an application - 6/2020/0167 - for the alterations to field gate and creation of pedestrian gate at St Georges Primary School, 76 High Street, Langton Matravers so as to improve the safety of access to the playing field by providing a separate pedestrian access from the vehicular one, being recognised as an asset of community value. The application was being considered by the Committee as it was a Dorset Council application.

With the aid of a visual presentation, officers explained what the reason for the alteration was; how it would look and what this entailed. Plans and photographs provided an illustration of the location and appearance of what was being proposed and why it was necessary on safety grounds. As the site was in the Langton Matravers Conservation Area the preservation of its significance was essential and the proposal would provide for this by the means and materials to be used, without harm to the surrounding wider landscape or residential amenity. As such, officers were recommending approval.

The local Ward member, Councillor Cherry Brooks, was supportive of the application, considering it to be necessary on safety grounds and would enhance the accessibility of the school. Langton Matravers Parish Council and Dorset Highways supported the application too.

The opportunity was given for members to ask questions of the presentation and what they had heard, in seeking clarification of aspects so as to have a better understanding in coming to a decision. Officers addressed the questions raised providing what they considered to be satisfactory answers.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation; and what they had heard at the meeting, and having received satisfactory answers to questions raised, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this and, on that basis - and being proposed by Councillor Shane Bartlett and seconded by Councillor Toni Coombs - on being put to the vote, the Committee unanimously agreed that the application



should be approved, subject to the conditions set out in paragraph 17 of the report.

### **Resolved**

That planning permission be granted subject to the conditions in paragraph 17 of the officer's report.

### **Reasons for Decision**

The principle of the development was acceptable and it will improve and allow safe access between the school and the playing field and for the whole community.

- The proposal is acceptable in its layout, appearance and general visual impact.
- The character and appearance of the Langton Matravers Conservation Area will be preserved.
- The natural beauty of the Dorset Area of Outstanding Natural Beauty and the special character of the Purbeck Heritage Coast will not be harmed.
- 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

#### **111. 3/19/2271 - Demolish the existing buildings and erect a dementia care home with new vehicular access and parking provision at 5 - 7A Edmondsham Road, Verwood**

The Committee considered application 3/19/2271 to demolish the existing buildings and erect a dementia care home with new vehicular access and parking provision at 5 - 7A Edmondsham Road, Verwood. The Committee were informed that two previous applications had been refused and modifications had been made to address the reasons for refusal in this application.

With the aid of a visual presentation, officers explained what the main proposals, principles and planning issues of the development were; how these were to be progressed; how the development would contribute to meeting care needs; and what this entailed.

Plans and photographs provided an illustration of the location, dimensions – form, bulk, size and mass - and appearance of the development, along with its ground floor plans and internal design; how it would look; the materials to be used; what landscaping there would be; its relationship with the highway network; the characteristics of the site; access arrangements and its relationship with the local highway network; its relationship with other adjacent residential development and the variety of dwellings therein; what local amenity there was and; its setting within Verwood. The comparative distance to Verwood Heath – some 400 metres - was mentioned. Views into the site and around it were shown, which provided a satisfactory understanding of what the application entailed. The security of the site and how this could be assured was explained to Members.

The Committee's attention was drawn in particular to the staff car parking stacking system that was to be implemented and how this would operate in practice; its appearance; what safety measures it had; and why it was necessary. Officers took the opportunity to describe this feature in some considerable detail as it might well be unfamiliar to some members and so that they had a clear understanding of what this entailed and why it was necessary. The safety features associated with the system and the limited times when it would be necessary to be operated were also described, only being installed to manufacturer's specification and being fob operated.

Other material considerations of merit were the contributions to be secured through Community Infrastructure Levy of some £74605 (approx.) and the opportunity for employment gains with the creation of 20 jobs.

The officer's recommendation was for permission to be granted on the basis that the modifications made in this application to address the reasons for previous refusals were considered to now be satisfactory and acceptable, in that:-

- the proposed basement amenity space had been removed
- the bedrooms in the basement had been removed and the number of bedrooms reduced from 38 to 29
- hard landscaping had been reduced
- parking had been reconfigured as per the amended hard landscaping
- the two storey element to the north had been further set back away from the neighbouring property
- flood and drainage information had been revised
- a signed Biodiversity Mitigation and Enhancement Plan (BMEP) had been updated

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

Condition 1 - added as underlined:

*(a) Before any development is commenced details of all 'Reserved Matters', that is the following matters in respect of which details have not been given in the application and which relate to the landscaping (including boundary treatment details) shall be submitted to and approved in writing by the Local Planning Authority.*

*(b) An application for approval of any 'Reserved Matters' must be made not later than the expiration of three years beginning with the date of this permission.*

*(c) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.*

*Reason: (a) This condition is required to be imposed by the provisions of Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015: (1) of the (b) and (c) These*

*conditions are required to be imposed by Section 92 of the Town and Country Planning Act 1990.*

Condition 2 – amended as underlined:

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

*J18067 001 Rev F Proposed Basement Floor Plan  
J18067 002 Rev N Proposed Ground Floor Plan  
J18067 003 Rev M Proposed First Floor Plan  
J18067 004 Rev L Proposed Second Floor Plan  
J18067 005 Rev G Proposed Front Elevation  
J18067 006 Rev F Proposed Rear Elevation  
J18067 007 Rev F Proposed Side Elevation  
J18067 008 Rev F Proposed Side Elevation  
J18067 009 Rev G Proposed Street Elevation  
J18067 010 Rev G Section AA  
J18067 011 Rev E Section BB  
J18067 012 Rev L Block and Location Plan  
J18067 013 Rev E Bin Store Details*

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

Condition 16 – added as underlined:

*Prior to the commencement of the development of the care home, hereby permitted, a noise assessment for any external plant/condensers shall be conducted in accordance with BS4142:2014 for all plant including fans associated with the extract system, refrigeration condensers, air conditioning units, 9 car stacking system and any other plant likely to be audible at neighbouring premises from the care home. The assessment shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme (together with any required measures) shall be installed to the agreed specification prior to the first use, and maintained and operated in that condition thereafter.*

*Reason: to protect neighbouring amenity of adjoining neighbouring properties*

Condition 18 – duplicated materials condition deleted and replaced with:

*The 9 car stacking system here by approved as identified on drawing J18067-012 L shall only be used by staff employed on the premises and remain in the closed position at all times except for the purpose of loading and unloading vehicles.*

*Reason: to protect the amenity of future occupants.*

On the basis of these modifications – particularly that its mass had been sympathetically modified, so that its roofline was now tiered, rising gradually, from 1 storey to 3, away from the nearest property - and taking into account the merits of the application, officers were now recommending approval of the application.

Formal consultation had generated an objection from Verwood Town Council on the grounds of form; appearance and traffic generation, with 66 representations being received objecting to the proposal on the grounds of incongruous design; the impact on the character of neighbouring amenity; adverse effect on trees, Verwood Heath and the highway network and; the disruption from its construction.

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

One of the three local ward members - Councillor Simon Gibson - was given the opportunity to speak, in considering that the development still did not adequately or fundamentally address the reasons for previous refusals and concerns remained, as they did for the Town Council. The scale of the development was inappropriate for such a constrained site and how the staff parking was to be accommodated was unacceptable on local amenity. Among his other concerns was the internal layout, that the staff rest room was now proposed for the basement and that residential amenity would be compromised by the activities proposed externally. In supporting those neighbours who had objected, he asked the Committee to refuse the application.

The opportunity was given for members, to ask questions of the presentation and what they had heard, in seeking clarification of room sizes, design and the internal arrangements and layout; the need for the facility; the security of the site and the necessity for the car stacking system.

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

Officers reiterated that to accommodate staff parking on the site the car stacking system was a tried and tested means of doing this successfully and in a managed way. Whilst this system might well be unfamiliar in parts of rural Dorset, such parking was commonplace in more urban areas throughout the country as a satisfactory solution in meeting a typical challenge.

Much was made of what evidence there was for the need for the facility and its proposed internal layout with officers confirming that whilst the Dorset Social Care Team had some reservations that the internal design and arrangements did not appear to have regard to modern Dementia friendly

design standard or that consideration did not appear to have been given to smaller household units within the home, this was not necessarily critical, given that the proposed design was of a satisfactory care standard and would meet the needs of its residents quite acceptably. Despite some representations questioning the need for another care home, the Social Care team had identified there being a need in East Dorset for acute levels of dementia care to be met together with the principle for a contribution to be made to deliver such accommodation in urban areas in the local Plan to relieve such pressures on more environmentally sensitive areas.

As to the impact on the character of the area, officers considered this to be acceptable in that the design, appearance and bulk was acceptable and in keeping with the blend of styles in the area and that proximity to neighbouring properties had now been mitigated by the redesign to a tiered structure and in now being located some further distance away.

Traffic and highways issues were clarified by the Transport Liaison Development Manager including what traffic movements there currently were and what was anticipated to be generated by the home. How this would translate in additional traffic generation on the network was seen to be minimal and would have little effect on peak periods, as traffic flows were relatively low on Edmondsham Road. He was also confident that there would be no conflict with the finishing times of the nearby Trinity First School. However members were not convinced this would be the case as in their view, the peak times for both the home and the school appeared to coincide.

In response to what effect on the development could have on Verwood heath the limitations on any additional residential properties being built within 400 metres of the heath did not apply to a care home such as this given the nature of the activities taking place and what limited opportunities there might be in it being readily accessible to residents. Natural England had acknowledged as much and it was acceptable within the provisions of the Dorset Heathland Planning Framework.

One member mentioned what archaeological surveys had been done as part of the application with officers clarifying that what was necessary had been complied with in this regard; it being anticipated that there was no reason to believe that there was anything of significance on site which would constitute a material consideration.

However whilst accepting the clarifications made, Members remained somewhat unconvinced that what was being proposed would meet the need for which it was designed and were concerned that the site was too constrained to accommodate a development of the scale, bulk and form proposed and that the stacking parking system being proposed was testament to this and should not be necessary if the size of the site was adequate and fit for purpose. Although the case for the car stacking system had been adequately explained in detail by officers, Members still considered it to be undesirable – if not unacceptable – for this site and considered there to be a need to provide adequate, traditional on-site parking to ensure a satisfactory standard of residential amenity for residents. The density of the development

was considered to be too restrictive and compromised what a care home should have to offer. It was acknowledged that the design of a development had an effect on well-being and it was their opinion that this proposal did nothing to enhance that. Moreover, there was a need to accommodate the needs of those most vulnerable in society but felt that this would not be achieved by what was being proposed.

Furthermore, whilst a bedroom was no longer proposed for the basement, members felt that this was still not the place to site a staff rest room and what this had to offer. Other reservations members had were not necessarily material considerations and, therefore, a case could not be made to justify refusal on their basis.

As the Planning Authority, members said that the Council had an obligation to ensure development achieved good planning standards and design and met what was necessary and expected, in being wholly satisfied that those standards had been met. They considered that this was not the case for this development.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation; the written representations; and what they had heard at the meeting; and the views of Councillor Simon Gibson, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this. The Committee considered that, notwithstanding the assessments made by officers that the proposal should be granted permission, they could not agree to what was being recommended on the basis that the site was too constrained, with the internal arrangements not being of a satisfactory standard to meet the need of a modern care home and the parking proposed inadequate.

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

### **Resolved**

That planning application 3/19/2271 be refused.

### **Reason for Decision**

The site is too constrained to accommodate development of the scale, bulk and form proposed together with the need to provide adequate on-site parking and a satisfactory standard of residential amenity for residents. For these reasons the development is considered to constitute overdevelopment of the site contrary to Policy HE2 of Christchurch and East Dorset Core Strategy and paragraphs 122 (e) and 127 (f) of the NPPF 2019 that require a good standard of amenity for existing and future occupants.

**112. Urgent items**

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

**113. Summary of Statements of Representation**

**Application 6/2019/0443**

Objection - John Stagg

Support - Barrie Robinson, Adrienne King, Pauline Turner, John Westacott, Craig Parsons, Peter Smith, Julie O'Donnell, Alan Meggs, Adrian Hearn, Stephen Cope, James Boyt, Tina Buchanan, Helen Tucker, Neil Legg, Sheelagh Birks, Gillian Haberfield, Gill Diaper, Shirley Nebel, Tom Pickford, Jane Chadwick, Trudy Hicken, Paul Thompson, Michael Colegate, Ian Swinden, Bob Sprack, Bill Saxby, Malcolm Bradshaw, Barbara England, Marcelle King, Julie Almond, Liz Vigor, Leah Harley, Darren King, Alan Williams – Planning Potential (for applicant).

**Application 3/19/2271**

Objection – Martin Summers

Support – Daryl Howells – Pure Town Planning

**104. Introduction by the Chairman**

Given that the meeting was being held as a MS Team Live Event virtual meeting owing to the need to do so during the coronavirus/Covid -19

pandemic, the Chairman took the opportunity to explain how the meeting would take place, the way this would be done and the reason for this. She explained the protocols and processes to be followed and that doing so gave the Council the ability to continue to fulfil its obligation of delivering the planning function and determining applications.

She also took the opportunity to inform the meeting about the sad news of the loss of planning officer Tony Bird since the last meeting, and on behalf of the Committee asked that condolences be passed on to his family and colleagues.

105. **Apologies**

No apologies for absence were received at the meeting.

106. **Declarations of Interest**

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

107. **Minutes**

The minutes of the meeting held on 3 June 2020 were confirmed and would be signed when the opportunity arose.

108. **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.

109. **6/2019/0443 - Demolition of existing buildings, and the erection of a Class A1 discount foodstore with associated works at site of Upton Oil Co Ltd, Blandford Road North, Upton**

The Committee considered an application - 6/2019/0443 – by ALDI Stores Ltd, for a proposal to erect a discount supermarket (A1 use class), with 1802 square metres of gross floor space, of which 1315 square metres would be used as the retail area and the rest of the space used for storage and staff facilities, with a bay for unloading deliveries being constructed on the north eastern elevation, recessed into the ground, with the lowest point being situated approximately 1.2m below the finished floor level of the rest of the store.

The proposal included the formation of a new car park, which would provide for 132 car parking spaces, two of which would provide an electrical charging point, with 8 being designated as parking spaces for parents with young



children. The car park would also provide 4 parking spaces for disabled users and 10 spaces for bicycles. The proposal also included a planting and landscaping scheme for the car park.

A new access was also proposed as part of the development. A totem sign was to be the subject of the advertisement of a separate advertisement consent should the application be approved.

To complement the development, an agreement would need to be met to monitor the use of the uncontrolled pedestrian crossing adjacent to the store on Blandford Road North (B3068). If it was established over a five-year period that there was sufficient pedestrian use of the crossing, an agreement would be put in place for the applicant to upgrade the crossing to a traffic light controlled crossing. This would be achieved by means of a Section 106 agreement.

As to the relevant planning history of the site, the land had been used as an oil depot and garage for a number of years, but had been derelict for some time over the recent past, so the development was seen to be a means of making use of this brownfield site and going some way to providing for the retail need in Upton which had been identified.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; how this were to be progressed; how the development would address retail need in that part of the county; and what this entailed. The presentation focused on not only what the development entailed and its detailed design, but what effect it would have on residential amenity, Upton town centre and the character the area. Officers were obliged to consider whether there were any alternative, suitable sites and whether the development would be harmful to the viability of Upton town centre. Analysis of evidence had indicated that, in both cases, it was their view that this would not be the case. If the proposal had been considered to be harmful to the viability and vitality of Upton, the generation of 30 full time jobs would not be considered to carry significant weight to overcome the harm that would be caused. As the proposal was considered not to be harmful to the viability and vitality of Upton town centre, this was one of the reasons for what was being recommended. Overall, the modest economic benefits were seen to be acceptable and should be seen to be beneficial in contributing to economic growth in that part of Dorset in particular and the county in general. Moreover, this was the only discount store that was planned to serve the Purbeck area as, currently, the nearest such alternative was to be found in Poole.

Plans and photographs provided an illustration of the location, orientation, dimensions – form, bulk, size and mass - and appearance of the development; how it would look – with contextual elevations / visualisation and floorplans being provided for this purpose; the materials to be used; the layout of the car park and where trolley parks would be located; access and highway considerations; the means of landscaping; where any pedestrian access would be situated; where the road crossing point would be located; and its setting within the Upton and the characteristics of that part of the town.

Deliveries would be unloaded below ground level, in a recessed bay, to ensure that any external noise would be limited.

There was seen to be some scope for a pedestrian link from the east, direct from the housing estate on the northern side of Blandford Road North to the store, rather than it being necessary to circumnavigate the perimeter, but no progress had been made on any solution to this with the Town Council - as third party owners of the land - and whilst it might well be seen as a desired line, it was not critical to the merits of the application, given that there were acceptable alternative means of access.

Officers showed the development's relationship with the neighbouring residential estates and how that access to the store might be achieved. Views into the site and around it were shown, which provided a satisfactory understanding of all that was necessary.

Officers considered that the proposed development would provide a clear economic benefit to Upton and surrounding areas. The development would generate 30 full time equivalent jobs in the store. This was considered to be a positive benefit to the area.

Given all this, officers considered that all material planning considerations had been addressed and were acceptable, with the development making best use of previously developed land and would result in a positive contribution to townscape. As such, members were now being asked to agree to what was being recommended.

Formal consultation had resulted in Lytchett Minster and Upton Town Council not objecting to, and accepting, the principle of the development but, amongst some other practical suggestions, asked that vegetation be managed to improve sightlines so as to improve what was being proposed. Similarly, Natural England and the Environment Agency both raised no objection, in principle.

Dorset Council Highways Team had no objections, subject to the provision of an uncontrolled pedestrian crossing and bus shelters, a layby and a right turn lane being required. There were 372 third party representations received, with 24 objecting to the proposal - including one representing Lidl – and 310 in support.

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

The Committee were joined by local Ward Councillors Bill Pipe and Andrew Starr. Councillor Pipe welcomed what he considered to be a much needed development to serve the needs of the local population with any effect on local established convenience stores being minimal. This store would offer the opportunity for residents to be able to do a weekly sized shop in close

proximity to their homes. He was also supportive of the benefits for employment and the economy.

Councillor Andrew Starr similarly supported this development for the same reasons but asked that the vegetation be managed to improve sight lines, the pedestrian access be made more user friendly and felt that it was necessary to have a fully functioning light controlled crossing available from the outset given the demographic profile of those shoppers anticipated and their need for this facility.

The opportunity was given for members to ask questions of the presentation and what they had heard, in seeking clarification of aspects so as to have a better understanding in coming to a decision. Particular reference was made to the appearance of the store; access arrangements; traffic management and speed limit provision; how parking spaces were to be determined and their layout; and what the requirement there was for the introduction of a controlled pedestrian crossing. They asked officers to consider the application of a barrier at the entrance to the car park to restrict use of the site outside store operating hours and so as to deter such use.

Officers addressed the questions raised providing what they considered to be satisfactory answers. As well as clarifying aspects of the development of the store itself, in particular the Highways Advisor explained how the access arrangements were designed to operate and the safety issues that had been addressed in doing this. He was of the view that the quality of the proposed pedestrian access around the perimeter of the site could be improved so that it was of a suitable standard to all users. Any direct access - as had been suggested from the north eastern direction - was not able to be addressed by this application given the current ownership issues, but could be addressed - should any future negotiations be necessary - through a separate application.

Moreover, in particular, officers clarified that there was a need for evidence of use to be gathered and analysed before consideration could be given and it determined to whether a light controlled crossing was justified or whether the pedestrian refuge which currently existed would suffice and that this evidence could only come after the store had opened and was being used. Members were assured that the s106 agreement provided for a commitment from Aldi to apply those enhanced measures if necessary.

Officers considered that the request for a barrier was acceptable and could be accommodated – by condition - to address any potential unauthorised activity in addressing those concerns Members raised.

Whilst some members maintained their reservations at what access arrangements were being proposed and how, seemingly, these could not necessarily be enhanced as they would have liked, the general view was that the development was acceptable and would contribute quite significantly to both employment opportunities and economic growth in the area and would be an asset in meeting local retail needs.

Having had the opportunity to discuss the merits of the application, having

understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation, the written representations; and what they had heard at the meeting, and having received satisfactory answers to questions raised, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this and, on that basis - and being proposed by Councillor Robin Cook and seconded by Councillor Shane Bartlett - on being put to the vote, the Committee unanimously agreed that the application should be approved, subject to the conditions set out in paragraph 17 of the report; and taking into account the addition of a condition to provide for a vehicle height barrier upon entry to the site; and the application of a s106 agreement for the provision of a controlled pedestrian crossing, as necessary.

### **Resolved**

That the **grant** of planning permission, in respect of application 6/2019/0443, **be delegated to the Head of Planning**, subject to 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 by the Legal Services Manager to secure the following:-

- a monitoring agreement requiring at least annual surveys for the first five years after the store has opened to establish whether the pedestrian crossing will need to be upgraded to a signal controlled crossing.

and subject to the conditions contained in paragraph 17 of the report with **an additional condition** in respect of:-

- details of a vehicle barrier to be installed at the entrance must be submitted to the Local Planning Authority prior to the store opening to the public. The barrier must be installed before the store is opened to the public and permanently retained in accordance with the details. The barrier must be closed when the store is not open to members of the public.

Reason: In the interests of security and anti-social behaviour.

and the inclusion of the **Informative Note** - The applicant should carefully consider the management of deliveries on the site.

### **Reasons for Decision**

Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise

- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application
- The proposal is not considered to harm the viability or vitality of either

110. **6/2020/0167 - Alterations to field gate and creation of pedestrian gate at St Georges Primary School, 76 High Street, Langton Matravers**

The Committee considered an application - 6/2020/0167 - for the alterations to field gate and creation of pedestrian gate at St Georges Primary School, 76 High Street, Langton Matravers so as to improve the safety of access to the playing field by providing a separate pedestrian access from the vehicular one, being recognised as an asset of community value. The application was being considered by the Committee as it was a Dorset Council application.

With the aid of a visual presentation, officers explained what the reason for the alteration was; how it would look and what this entailed. Plans and photographs provided an illustration of the location and appearance of what was being proposed and why it was necessary on safety grounds. As the site was in the Langton Matravers Conservation Area the preservation of its significance was essential and the proposal would provide for this by the means and materials to be used, without harm to the surrounding wider landscape or residential amenity. As such, officers were recommending approval.

The local Ward member, Councillor Cherry Brooks, was supportive of the application, considering it to be necessary on safety grounds and would enhance the accessibility of the school. Langton Matravers Parish Council and Dorset Highways supported the application too.

The opportunity was given for members to ask questions of the presentation and what they had heard, in seeking clarification of aspects so as to have a better understanding in coming to a decision. Officers addressed the questions raised providing what they considered to be satisfactory answers.

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

Councillor Shane Bartlett and seconded by Councillor Toni Coombs - on being put to the vote, the Committee unanimously agreed that the application should be approved, subject to the conditions set out in paragraph 17 of the report.

### **Resolved**

That planning permission be granted subject to the conditions in paragraph 17 of the officer's report.

### **Reasons for Decision**

The principle of the development was acceptable and it will improve and allow safe access between the school and the playing field and for the whole community.

- The proposal is acceptable in its layout, appearance and general visual impact.
- The character and appearance of the Langton Matravers Conservation Area will be preserved.
- The natural beauty of the Dorset Area of Outstanding Natural Beauty and the special character of the Purbeck Heritage Coast will not be harmed.
- 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

**111. 3/19/2271 - Demolish the existing buildings and erect a dementia care home with new vehicular access and parking provision at 5 - 7A Edmondsham Road, Verwood**

The Committee considered application 3/19/2271 to demolish the existing buildings and erect a dementia care home with new vehicular access and parking provision at 5 - 7A Edmondsham Road, Verwood. The Committee were informed that two previous applications had been refused and modifications had been made to address the reasons for refusal in this application.

With the aid of a visual presentation, officers explained what the main proposals, principles and planning issues of the development were; how these were to be progressed; how the development would contribute to meeting care needs; and what this entailed.

Plans and photographs provided an illustration of the location, dimensions – form, bulk, size and mass - and appearance of the development, along with its ground floor plans and internal design; how it would look; the materials to be used; what landscaping there would be; its relationship with the highway network; the characteristics of the site; access arrangements and its relationship with the local highway network; its relationship with other adjacent residential development and the variety of dwellings therein; what local amenity there was and; its setting within Verwood. The comparative distance to Verwood Heath – some 400 metres - was mentioned. Views into the site and around it were shown, which provided a satisfactory understanding of

what the application entailed. The security of the site and how this could be assured was explained to Members.

The Committee's attention was drawn in particular to the staff car parking stacking system that was to be implemented and how this would operate in practice; its appearance; what safety measures it had; and why it was necessary. Officers took the opportunity to describe this feature in some considerable detail as it might well be unfamiliar to some members and so that they had a clear understanding of what this entitled and why it was necessary. The safety features associated with the system and the limited times when it would be necessary to be operated were also described, only being installed to manufacturer's specification and being fob operated.

Other material considerations of merit were the contributions to be secured through Community Infrastructure Levy of some £74605 (approx.) and the opportunity for employment gains with the creation of 20 jobs.

The officer's recommendation was for permission to be granted on the basis that the modifications made in this application to address the reasons for previous refusals were considered to now be satisfactory and acceptable, in that:-

- the proposed basement amenity space had been removed
- the bedrooms in the basement had been removed and the number of bedrooms reduced from 38 to 29
- hard landscaping had been reduced
- parking had been reconfigured as per the amended hard landscaping
- the two storey element to the north had been further set back away from the neighbouring property
- flood and drainage information had been revised
- a signed Biodiversity Mitigation and Enhancement Plan (BMEP) had been updated

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

Condition 1 - added as underlined:

*(a) Before any development is commenced details of all 'Reserved Matters', that is the following matters in respect of which details have not been given in the application and which relate to the landscaping (including boundary treatment details) shall be submitted to and approved in writing by the Local Planning Authority.*

*(b) An application for approval of any 'Reserved Matters' must be made not later than the expiration of three years beginning with the date of this permission.*

*(c) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.*

*Reason: (a) This condition is required to be imposed by the provisions of Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015: (1) of the (b) and (c) These conditions are required to be imposed by Section 92 of the Town and Country Planning Act 1990.*

Condition 2 – amended as underlined:

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

*J18067 001 Rev F Proposed Basement Floor Plan  
J18067 002 Rev N Proposed Ground Floor Plan  
J18067 003 Rev M Proposed First Floor Plan  
J18067 004 Rev L Proposed Second Floor Plan  
J18067 005 Rev G Proposed Front Elevation  
J18067 006 Rev F Proposed Rear Elevation  
J18067 007 Rev F Proposed Side Elevation  
J18067 008 Rev F Proposed Side Elevation  
J18067 009 Rev G Proposed Street Elevation  
J18067 010 Rev G Section AA  
J18067 011 Rev E Section BB  
J18067 012 Rev L Block and Location Plan  
J18067 013 Rev E Bin Store Details*

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

Condition 16 – added as underlined:

*Prior to the commencement of the development of the care home, hereby permitted, a noise assessment for any external plant/condensers shall be conducted in accordance with BS4142:2014 for all plant including fans associated with the extract system, refrigeration condensers, air conditioning units, 9 car stacking system and any other plant likely to be audible at neighbouring premises from the care home. The assessment shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme (together with any required measures) shall be installed to the agreed specification prior to the first use, and maintained and operated in that condition thereafter.*

*Reason: to protect neighbouring amenity of adjoining neighbouring properties*

Condition 18 – duplicated materials condition deleted and replaced with:

*The 9 car stacking system here by approved as identified on drawing J18067-012 L shall only be used by staff employed on the premises and remain in the closed position at all times except for the purpose of loading and unloading vehicles.*



*Reason: to protect the amenity of future occupants.*

On the basis of these modifications – particularly that its mass had been sympathetically modified, so that its roofline was now tiered, rising gradually, from 1 storey to 3, away from the nearest property - and taking into account the merits of the application, officers were now recommending approval of the application.

Formal consultation had generated an objection from Verwood Town Council on the grounds of form; appearance and traffic generation, with 66 representations being received objecting to the proposal on the grounds of incongruous design; the impact on the character of neighbouring amenity; adverse effect on trees, Verwood Heath and the highway network and; the disruption from its construction.

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

One of the three local ward members - Councillor Simon Gibson - was given the opportunity to speak, in considering that the development still did not adequately or fundamentally address the reasons for previous refusals and concerns remained, as they did for the Town Council. The scale of the development was inappropriate for such a constrained site and how the staff parking was to be accommodated was unacceptable on local amenity. Among his other concerns was the internal layout, that the staff rest room was now proposed for the basement and that residential amenity would be compromised by the activities proposed externally. In supporting those neighbours who had objected, he asked the Committee to refuse the application.

The opportunity was given for members, to ask questions of the presentation and what they had heard, in seeking clarification of room sizes, design and the internal arrangements and layout; the need for the facility; the security of the site and the necessity for the car stacking system.

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

Officers reiterated that to accommodate staff parking on the site the car stacking system was a tried and tested means of doing this successfully and in a managed way. Whilst this system might well be unfamiliar in parts of rural Dorset, such parking was commonplace in more urban areas throughout the country as a satisfactory solution in meeting a typical challenge.

Much was made of what evidence there was for the need for the facility and its proposed internal layout with officers confirming that whilst the Dorset

Social Care Team had some reservations that the internal design and arrangements did not appear to have regard to modern Dementia friendly design standard or that consideration did not appear to have been given to smaller household units within the home, this was not necessarily critical, given that the proposed design was of a satisfactory care standard and would meet the needs of its residents quite acceptably. Despite some representations questioning the need for another care home, the Social Care team had identified there being a need in East Dorset for acute levels of dementia care to be met together with the principle for a contribution to be made to deliver such accommodation in urban areas in the local Plan to relieve such pressures on more environmentally sensitive areas.

As to the impact on the character of the area, officers considered this to be acceptable in that the design, appearance and bulk was acceptable and in keeping with the blend of styles in the area and that proximity to neighbouring properties had now been mitigated by the redesign to a tiered structure and in now being located some further distance away.

Traffic and highways issues were clarified by the Transport Liaison Development Manager including what traffic movements there currently were and what was anticipated to be generated by the home. How this would translate in additional traffic generation on the network was seen to be minimal and would have little effect on peak periods, as traffic flows were relatively low on Edmondsham Road. He was also confident that there would be no conflict with the finishing times of the nearby Trinity First School. However members were not convinced this would be the case as in their view, the peak times for both the home and the school appeared to coincide.

In response to what effect on the development could have on Verwood heath the limitations on any additional residential properties being built within 400 metres of the heath did not apply to a care home such as this given the nature of the activities taking place and what limited opportunities there might be in it being readily accessible to residents. Natural England had acknowledged as much and it was acceptable within the provisions of the Dorset Heathland Planning Framework.

One member mentioned what archaeological surveys had been done as part of the application with officers clarifying that what was necessary had been complied with in this regard; it being anticipated that there was no reason to believe that there was anything of significance on site which would constitute a material consideration.

However whilst accepting the clarifications made, Members remained somewhat unconvinced that what was being proposed would meet the need for which it was designed and were concerned that the site was too constrained to accommodate a development of the scale, bulk and form proposed and that the stacking parking system being proposed was testament to this and should not be necessary if the size of the site was adequate and fit for purpose. Although the case for the car stacking system had been adequately explained in detail by officers, Members still considered it to be undesirable – if not unacceptable – for this site and considered there to be a

need to provide adequate, traditional on-site parking to ensure a satisfactory standard of residential amenity for residents. The density of the development was considered to be too restrictive and compromised what a care home should have to offer. It was acknowledged that the design of a development had an effect on well-being and it was their opinion that this proposal did nothing to enhance that. Moreover, there was a need to accommodate the needs of those most vulnerable in society but felt that this would not be achieved by what was being proposed.

Furthermore, whilst a bedroom was now proposed for the basement, members felt that this was still not the place to site a staff rest room and what this had to offer. Other reservations members had were not necessarily material considerations and, therefore, a case could not be made to justify refusal on their basis.

As the Planning Authority, members said that the Council had an obligation to ensure development achieved good planning standards and design and met what was necessary and expected, in being wholly satisfied that those standards had been met. They considered that this was not the case for this development.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation; the written representations; and what they had heard at the meeting; and the views of Councillor Simon Gibson, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this. The Committee considered that, notwithstanding the assessments made by officers that the proposal should be granted permission, they could not agree to what was being recommended on the basis that the site was too constrained, with the internal arrangements not being of a satisfactory standard to meet the need of a modern care home and the parking proposed inadequate.

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

### **Resolved**

That planning application 3/19/2271 be refused.

### **Reason for Decision**

The site is too constrained to accommodate development of the scale, bulk and form proposed together with the need to provide adequate on-site parking and a satisfactory standard of residential amenity for residents. For these reasons the development is considered to constitute overdevelopment of the site contrary to Policy HE2 of Christchurch and East Dorset Core Strategy and paragraphs 122 (e) and 127 (f) of the NPPF 2019 that require a good standard of amenity for existing and future occupants.

**112. Urgent items**

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

**113. Summary of Statements of Representation**

**Application 6/2019/0443**

Objection - John Stagg

Support - Barrie Robinson, Adrienne King, Pauline Turner, John Westacott, Craig Parsons, Peter Smith, Julie O'Donnell, Alan Meggs, Adrian Hearn, Stephen Cope, James Boyt, Tina Buchanan, Helen Tucker, Neil Legg, Sheelagh Birks, Gillian Haberfield, Gill Diaper, Shirley Nebel, Tom Pickford, Jane Chadwick, Trudy Hicken, Paul Thompson, Michael Colegate, Ian Swinden, Bob Sprack, Bill Saxby, Malcolm Bradshaw, Barbara England, Marcelle King, Julie Almond, Liz Vigor, Leah Harley, Darren King, Alan Williams – Planning Potential (for applicant).

**Application 3/19/2271**

Objection – Martin Summers

Support – Daryl Howells – Pure Town Planning

**104. Introduction by the Chairman**

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

She also took the opportunity to inform the meeting about the sad news of the loss of planning officer Tony Bird since the last meeting, and on behalf of the Committee asked that condolences be passed on to his family and colleagues.

**105. Apologies**

No apologies for absence were received at the meeting.

**106. Declarations of Interest**

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

**107. Minutes**

The minutes of the meeting held on 3 June 2020 were confirmed and would be signed when the opportunity arose.

**108. 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.

**109. 6/2019/0443 - Demolition of existing buildings, and the erection of a Class A1 discount foodstore with associated works at site of Upton Oil Co Ltd, Blandford Road North, Upton**

The Committee considered an application - 6/2019/0443 – by ALDI Stores Ltd, for a proposal to erect a discount supermarket (A1 use class), with 1802 square metres of gross floor space, of which 1315 square metres would be used as the retail area and the rest of the space used for storage and staff facilities, with a bay for unloading deliveries being constructed on the north eastern elevation, recessed into the ground, with the lowest point being situated approximately 1.2m below the finished floor level of the rest of the store.

The proposal included the formation of a new car park, which would provide for 132 car parking spaces, two of which would provide an electrical charging point, with 8 being designated as parking spaces for parents with young children. The car park would also provide 4 parking spaces for disabled users and 10 spaces for bicycles. The proposal also included a planting and landscaping scheme for the car park.

A new access was also proposed as part of the development. A totem sign was to be the subject of the advertisement of a separate advertisement consent should the application be approved.

To complement the development, an agreement would need to be met to monitor the use of the uncontrolled pedestrian crossing adjacent to the store on Blandford Road North (B3068). If it was established over a five-year period that there was sufficient pedestrian use of the crossing, an agreement would be put in place for the applicant to upgrade the crossing to a traffic light controlled crossing. This would be achieved by means of a Section 106 agreement.

As to the relevant planning history of the site, the land had been used as an oil depot and garage for a number of years, but had been derelict for some time over the recent past, so the development was seen to be a means of making use of this brownfield site and going some way to providing for the retail need in Upton which had been identified.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; how this were to be progressed; how the development would address retail need in that part of the county; and what this entailed. The presentation focused on not only what the development entailed and its detailed design, but what effect it would have on residential amenity, Upton town centre and the character the area. Officers were obliged to consider whether there were any alternative, suitable sites and whether the development would be harmful to the viability of Upton town centre. Analysis of evidence had indicated that, in both cases, it was their view that this would not be the case. If the proposal had been considered to be harmful to the viability and vitality of Upton, the generation of 30 full time jobs would not be considered to carry significant weight to overcome the harm that would be caused. As the proposal was considered not to be harmful to the viability and vitality of Upton town centre, this was one of the reasons for what was being recommended. Overall, the modest economic benefits were seen to be acceptable and should be seen to be beneficial in contributing to economic growth in that part of Dorset in particular and the county in general. Moreover, this was the only discount store that was planned to serve the Purbeck area as, currently, the nearest such alternative was to be found in Poole.

Plans and photographs provided an illustration of the location, orientation, dimensions – form, bulk, size and mass - and appearance of the development; how it would look – with contextual elevations / visualisation and floorplans being provided for this purpose; the materials to be used; the layout of the car park and where trolley parks would be located; access and highway considerations; the means of landscaping; where any pedestrian

access would be situated; where the road crossing point would be located; and its setting within the Upton and the characteristics of that part of the town. Deliveries would be unloaded below ground level, in a recessed bay, to ensure that any external noise would be limited.

There was seen to be some scope for a pedestrian link from the east, direct from the housing estate on the northern side of Blandford Road North to the store, rather than it being necessary to circumnavigate the perimeter, but no progress had been made on any solution to this with the Town Council - as third party owners of the land - and whilst it might well be seen as a desired line, it was not critical to the merits of the application, given that there were acceptable alternative means of access.

Officers showed the development's relationship with the neighbouring residential estates and how that access to the store might be achieved. Views into the site and around it were shown, which provided a satisfactory understanding of all that was necessary.

Officers considered that the proposed development would provide a clear economic benefit to Upton and surrounding areas. The development would generate 30 full time equivalent jobs in the store. This was considered to be a positive benefit to the area.

Given all this, officers considered that all material planning considerations had been addressed and were acceptable, with the development making best use of previously developed land and would result in a positive contribution to townscape. As such, members were now being asked to agree to what was being recommended.

Formal consultation had resulted in Lytchett Minster and Upton Town Council not objecting to, and accepting, the principle of the development but, amongst some other practical suggestions, asked that vegetation be managed to improve sightlines so as to improve what was being proposed. Similarly, Natural England and the Environment Agency both raised no objection, in principle.

Dorset Council Highways Team had no objections, subject to the provision of an uncontrolled pedestrian crossing and bus shelters, a layby and a right turn lane being required. There were 372 third party representations received, with 24 objecting to the proposal - including one representing Lidl – and 310 in support.

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

The Committee were joined by local Ward Councillors Bill Pipe and Andrew Starr. Councillor Pipe welcomed what he considered to be a much needed development to serve the needs of the local population with any effect on

local established convenience stores being minimal. This store would offer the opportunity for residents to be able to do a weekly sized shop in close proximity to their homes. He was also supportive of the benefits for employment and the economy.

Councillor Andrew Starr similarly supported this development for the same reasons but asked that the vegetation be managed to improve sight lines, the pedestrian access be made more user friendly and felt that it was necessary to have a fully functioning light controlled crossing available from the outset given the demographic profile of those shoppers anticipated and their need for this facility.

The opportunity was given for members to ask questions of the presentation and what they had heard, in seeking clarification of aspects so as to have a better understanding in coming to a decision. Particular reference was made to the appearance of the store; access arrangements; traffic management and speed limit provision; how parking spaces were to be determined and their layout; and what the requirement there was for the introduction of a controlled pedestrian crossing. They asked officers to consider the application of a barrier at the entrance to the car park to restrict use of the site outside store operating hours and so as to deter such use.

Officers addressed the questions raised providing what they considered to be satisfactory answers. As well as clarifying aspects of the development of the store itself, in particular the Highways Advisor explained how the access arrangements were designed to operate and the safety issues that had been addressed in doing this. He was of the view that the quality of the proposed pedestrian access around the perimeter of the site could be improved so that it was of a suitable standard to all users. Any direct access - as had been suggested from the north eastern direction - was not able to be addressed by this application given the current ownership issues, but could be addressed - should any future negotiations be necessary - through a separate application.

Moreover, in particular, officers clarified that there was a need for evidence of use to be gathered and analysed before consideration could be given and it determined to whether a light controlled crossing was justified or whether the pedestrian refuge which currently existed would suffice and that this evidence could only come after the store had opened and was being used. Members were assured that the s106 agreement provided for a commitment from Aldi to apply those enhanced measures if necessary.

Officers considered that the request for a barrier was acceptable and could be accommodated – by condition - to address any potential unauthorised activity in addressing those concerns Members raised.

Whilst some members maintained their reservations at what access arrangements were being proposed and how, seemingly, these could not necessarily be enhanced as they would have liked, the general view was that the development was acceptable and would contribute quite significantly to both employment opportunities and economic growth in the area and would be an asset in meeting local retail needs.



Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation, the written representations; and what they had heard at the meeting, and having received satisfactory answers to questions raised, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this and, on that basis - and being proposed by Councillor Robin Cook and seconded by Councillor Shane Bartlett - on being put to the vote, the Committee unanimously agreed that the application should be approved, subject to the conditions set out in paragraph 17 of the report; and taking into account the addition of a condition to provide for a vehicle height barrier upon entry to the site; and the application of a s106 agreement for the provision of a controlled pedestrian crossing, as necessary.

### **Resolved**

That the **grant** of planning permission, in respect of application 6/2019/0443, **be delegated to the Head of Planning**, subject to 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 by the Legal Services Manager to secure the following:-

- a monitoring agreement requiring at least annual surveys for the first five years after the store has opened to establish whether the pedestrian crossing will need to be upgraded to a signal controlled crossing.

and subject to the conditions contained in paragraph 17 of the report with **an additional condition** in respect of:-

- details of a vehicle barrier to be installed at the entrance must be submitted to the Local Planning Authority prior to the store opening to the public. The barrier must be installed before the store is opened to the public and permanently retained in accordance with the details. The barrier must be closed when the store is not open to members of the public.

Reason: In the interests of security and anti-social behaviour.

and the inclusion of the **Informative Note** - The applicant should carefully consider the management of deliveries on the site.

### **Reasons for Decision**

Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise

- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this

application

- The proposal is not considered to harm the viability or vitality of either Upton or Poole Town Centres.

**110. 6/2020/0167 - Alterations to field gate and creation of pedestrian gate at St Georges Primary School, 76 High Street, Langton Matravers**

The Committee considered an application - 6/2020/0167 - for the alterations to field gate and creation of pedestrian gate at St Georges Primary School, 76 High Street, Langton Matravers so as to improve the safety of access to the playing field by providing a separate pedestrian access from the vehicular one, being recognised as an asset of community value. The application was being considered by the Committee as it was a Dorset Council application.

With the aid of a visual presentation, officers explained what the reason for the alteration was; how it would look and what this entailed. Plans and photographs provided an illustration of the location and appearance of what was being proposed and why it was necessary on safety grounds. As the site was in the Langton Matravers Conservation Area the preservation of its significance was essential and the proposal would provide for this by the means and materials to be used, without harm to the surrounding wider landscape or residential amenity. As such, officers were recommending approval.

The local Ward member, Councillor Cherry Brooks, was supportive of the application, considering it to be necessary on safety grounds and would enhance the accessibility of the school. Langton Matravers Parish Council and Dorset Highways supported the application too.

The opportunity was given for members to ask questions of the presentation and what they had heard, in seeking clarification of aspects so as to have a better understanding in coming to a decision. Officers addressed the questions raised providing what they considered to be satisfactory answers.

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

the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this and, on that basis - and being proposed by Councillor Shane Bartlett and seconded by Councillor Toni Coombs - on being put to the vote, the Committee unanimously agreed that the application should be approved, subject to the conditions set out in paragraph 17 of the report.

### **Resolved**

That planning permission be granted subject to the conditions in paragraph 17 of the officer's report.

### **Reasons for Decision**

The principle of the development was acceptable and it will improve and allow safe access between the school and the playing field and for the whole community.

- The proposal is acceptable in its layout, appearance and general visual impact.
- The character and appearance of the Langton Matravers Conservation Area will be preserved.
- The natural beauty of the Dorset Area of Outstanding Natural Beauty and the special character of the Purbeck Heritage Coast will not be harmed.
- 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

**111. 3/19/2271 - Demolish the existing buildings and erect a dementia care home with new vehicular access and parking provision at 5 - 7A Edmondsham Road, Verwood**

The Committee considered application 3/19/2271 to demolish the existing buildings and erect a dementia care home with new vehicular access and parking provision at 5 - 7A Edmondsham Road, Verwood. The Committee were informed that two previous applications had been refused and modifications had been made to address the reasons for refusal in this application.

With the aid of a visual presentation, officers explained what the main proposals, principles and planning issues of the development were; how these were to be progressed; how the development would contribute to meeting care needs; and what this entailed.

Plans and photographs provided an illustration of the location, dimensions – form, bulk, size and mass - and appearance of the development, along with its ground floor plans and internal design; how it would look; the materials to be used; what landscaping there would be; its relationship with the highway network; the characteristics of the site; access arrangements and its relationship with the local highway network; its relationship with other adjacent residential development and the variety of dwellings therein; what local amenity there was and; its setting within Verwood. The comparative distance

to Verwood Heath – some 400 metres - was mentioned. Views into the site and around it were shown, which provided a satisfactory understanding of what the application entailed. The security of the site and how this could be assured was explained to Members.

The Committee's attention was drawn in particular to the staff car parking stacking system that was to be implemented and how this would operate in practice; its appearance; what safety measures it had; and why it was necessary. Officers took the opportunity to describe this feature in some considerable detail as it might well be unfamiliar to some members and so that they had a clear understanding of what this entailed and why it was necessary. The safety features associated with the system and the limited times when it would be necessary to be operated were also described, only being installed to manufacturer's specification and being fob operated.

Other material considerations of merit were the contributions to be secured through Community Infrastructure Levy of some £74605 (approx.) and the opportunity for employment gains with the creation of 20 jobs.

The officer's recommendation was for permission to be granted on the basis that the modifications made in this application to address the reasons for previous refusals were considered to now be satisfactory and acceptable, in that:-

- the proposed basement amenity space had been removed
- the bedrooms in the basement had been removed and the number of bedrooms reduced from 38 to 29
- hard landscaping had been reduced
- parking had been reconfigured as per the amended hard landscaping
- the two storey element to the north had been further set back away from the neighbouring property
- flood and drainage information had been revised
- a signed Biodiversity Mitigation and Enhancement Plan (BMEP) had been updated

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

Condition 1 - added as underlined:

*(a) Before any development is commenced details of all 'Reserved Matters', that is the following matters in respect of which details have not been given in the application and which relate to the landscaping (including boundary treatment details) shall be submitted to and approved in writing by the Local Planning Authority.*

*(b) An application for approval of any 'Reserved Matters' must be made not later than the expiration of three years beginning with the date of this permission.*

*(c) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.*

*Reason: (a) This condition is required to be imposed by the provisions of Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015: (1) of the (b) and (c) These conditions are required to be imposed by Section 92 of the Town and Country Planning Act 1990.*

Condition 2 – amended as underlined:

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

*J18067 001 Rev F Proposed Basement Floor Plan  
J18067 002 Rev N Proposed Ground Floor Plan  
J18067 003 Rev M Proposed First Floor Plan  
J18067 004 Rev L Proposed Second Floor Plan  
J18067 005 Rev G Proposed Front Elevation  
J18067 006 Rev F Proposed Rear Elevation  
J18067 007 Rev F Proposed Side Elevation  
J18067 008 Rev F Proposed Side Elevation  
J18067 009 Rev G Proposed Street Elevation  
J18067 010 Rev G Section AA  
J18067 011 Rev E Section BB  
J18067 012 Rev L Block and Location Plan  
J18067 013 Rev E Bin Store Details*

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

Condition 16 – added as underlined:

*Prior to the commencement of the development of the care home, hereby permitted, a noise assessment for any external plant/condensers shall be conducted in accordance with BS4142:2014 for all plant including fans associated with the extract system, refrigeration condensers, air conditioning units, 9 car stacking system and any other plant likely to be audible at neighbouring premises from the care home. The assessment shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme (together with any required measures) shall be installed to the agreed specification prior to the first use, and maintained and operated in that condition thereafter.*

*Reason: to protect neighbouring amenity of adjoining neighbouring properties*

Condition 18 – duplicated materials condition deleted and replaced with:

*The 9 car stacking system here by approved as identified on drawing J18067-012 L shall only be used by staff employed on the premises and remain in the closed position at all times except for the purpose of loading and unloading vehicles.*

*Reason: to protect the amenity of future occupants.*

On the basis of these modifications – particularly that its mass had been sympathetically modified, so that its roofline was now tiered, rising gradually, from 1 storey to 3, away from the nearest property - and taking into account the merits of the application, officers were now recommending approval of the application.

Formal consultation had generated an objection from Verwood Town Council on the grounds of form; appearance and traffic generation, with 66 representations being received objecting to the proposal on the grounds of incongruous design; the impact on the character of neighbouring amenity; adverse effect on trees, Verwood Heath and the highway network and; the disruption from its construction.

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

One of the three local ward members - Councillor Simon Gibson - was given the opportunity to speak, in considering that the development still did not adequately or fundamentally address the reasons for previous refusals and concerns remained, as they did for the Town Council. The scale of the development was inappropriate for such a constrained site and how the staff parking was to be accommodated was unacceptable on local amenity. Among his other concerns was the internal layout, that the staff rest room was now proposed for the basement and that residential amenity would be compromised by the activities proposed externally. In supporting those neighbours who had objected, he asked the Committee to refuse the application.

The opportunity was given for members, to ask questions of the presentation and what they had heard, in seeking clarification of room sizes, design and the internal arrangements and layout; the need for the facility; the security of the site and the necessity for the car stacking system.

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

Officers reiterated that to accommodate staff parking on the site the car stacking system was a tried and tested means of doing this successfully and in a managed way. Whilst this system might well be unfamiliar in parts of rural Dorset, such parking was commonplace in more urban areas throughout the country as a satisfactory solution in meeting a typical challenge.

Much was made of what evidence there was for the need for the facility and its proposed internal layout with officers confirming that whilst the Dorset Social Care Team had some reservations that the internal design and arrangements did not appear to have regard to modern Dementia friendly design standard or that consideration did not appear to have been given to smaller household units within the home, this was not necessarily critical, given that the proposed design was of a satisfactory care standard and would meet the needs of its residents quite acceptably. Despite some representations questioning the need for another care home, the Social Care team had identified there being a need in East Dorset for acute levels of dementia care to be met together with the principle for a contribution to be made to deliver such accommodation in urban areas in the local Plan to relieve such pressures on more environmentally sensitive areas.

As to the impact on the character of the area, officers considered this to be acceptable in that the design, appearance and bulk was acceptable and in keeping with the blend of styles in the area and that proximity to neighbouring properties had now been mitigated by the redesign to a tiered structure and in now being located some further distance away.

Traffic and highways issues were clarified by the Transport Liaison Development Manager including what traffic movements there currently were and what was anticipated to be generated by the home. How this would translate in additional traffic generation on the network was seen to be minimal and would have little effect on peak periods, as traffic flows were relatively low on Edmondsham Road. He was also confident that there would be no conflict with the finishing times of the nearby Trinity First School. However members were not convinced this would be the case as in their view, the peak times for both the home and the school appeared to coincide.

In response to what effect on the development could have on Verwood heath the limitations on any additional residential properties being built within 400 metres of the heath did not apply to a care home such as this given the nature of the activities taking place and what limited opportunities there might be in it being readily accessible to residents. Natural England had acknowledged as much and it was acceptable within the provisions of the Dorset Heathland Planning Framework.

One member mentioned what archaeological surveys had been done as part of the application with officers clarifying that what was necessary had been complied with in this regard; it being anticipated that there was no reason to believe that there was anything of significance on site which would constitute a material consideration.

However whilst accepting the clarifications made, Members remained somewhat unconvinced that what was being proposed would meet the need for which it was designed and were concerned that the site was too constrained to accommodate a development of the scale, bulk and form proposed and that the stacking parking system being proposed was testament to this and should not be necessary if the size of the site was adequate and fit for purpose. Although the case for the car stacking system had been

adequately explained in detail by officers, Members still considered it to be undesirable – if not unacceptable – for this site and considered there to be a need to provide adequate, traditional on-site parking to ensure a satisfactory standard of residential amenity for residents. The density of the development was considered to be too restrictive and compromised what a care home should have to offer. It was acknowledged that the design of a development had an effect on well-being and it was their opinion that this proposal did nothing to enhance that. Moreover, there was a need to accommodate the needs of those most vulnerable in society but felt that this would not be achieved by what was being proposed.

Furthermore, whilst a bedroom was now proposed for the basement, members felt that this was still not the place to site a staff rest room and what this had to offer. Other reservations members had were not necessarily material considerations and, therefore, a case could not be made to justify refusal on their basis.

As the Planning Authority, members said that the Council had an obligation to ensure development achieved good planning standards and design and met what was necessary and expected, in being wholly satisfied that those standards had been met. They considered that this was not the case for this development.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation; the written representations; and what they had heard at the meeting; and the views of Councillor Simon Gibson, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this. The Committee considered that, notwithstanding the assessments made by officers that the proposal should be granted permission, they could not agree to what was being recommended on the basis that the site was too constrained, with the internal arrangements not being of a satisfactory standard to meet the need of a modern care home and the parking proposed inadequate.

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

### **Resolved**

That planning application 3/19/2271 be refused.

### **Reason for Decision**

The site is too constrained to accommodate development of the scale, bulk and form proposed together with the need to provide adequate on-site parking and a satisfactory standard of residential amenity for residents. For these reasons the development is considered to constitute overdevelopment of the site contrary to Policy HE2 of Christchurch and East Dorset Core Strategy and paragraphs 122 (e) and 127 (f) of the NPPF 2019 that require a good standard of amenity for existing and future occupants.



**112. Urgent items**

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

**113. Summary of Statements of Representation**

**Application 6/2019/0443**

Objection - John Stagg

Support - Barrie Robinson, Adrienne King, Pauline Turner, John Westacott, Craig Parsons, Peter Smith, Julie O'Donnell, Alan Meggs, Adrian Hearn, Stephen Cope, James Boyt, Tina Buchanan, Helen Tucker, Neil Legg, Sheelagh Birks, Gillian Haberfield, Gill Diaper, Shirley Nebel, Tom Pickford, Jane Chadwick, Trudy Hicken, Paul Thompson, Michael Colegate, Ian Swinden, Bob Sprack, Bill Saxby, Malcolm Bradshaw, Barbara England, Marcelle King, Julie Almond, Liz Vigor, Leah Harley, Darren King, Alan Williams – Planning Potential (for applicant).

**Application 3/19/2271**

Objection – Martin Summers

Support – Daryl Howells – Pure Town Planning

**104. Introduction by the Chairman**

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

She also took the opportunity to inform the meeting about the sad news of the loss of planning officer Tony Bird since the last meeting, and on behalf of the Committee asked that condolences be passed on to his family and colleagues.

**105. Apologies**

No apologies for absence were received at the meeting.

**106. Declarations of Interest**

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

**107. Minutes**

The minutes of the meeting held on 3 June 2020 were confirmed and would be signed when the opportunity arose.

**108. 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.

**109. 6/2019/0443 - Demolition of existing buildings, and the erection of a Class A1 discount foodstore with associated works at site of Upton Oil Co Ltd, Blandford Road North, Upton**

The Committee considered an application - 6/2019/0443 – by ALDI Stores Ltd, for a proposal to erect a discount supermarket (A1 use class), with 1802 square metres of gross floor space, of which 1315 square metres would be used as the retail area and the rest of the space used for storage and staff facilities, with a bay for unloading deliveries being constructed on the north eastern elevation, recessed into the ground, with the lowest point being situated approximately 1.2m below the finished floor level of the rest of the store.

The proposal included the formation of a new car park, which would provide for 132 car parking spaces, two of which would provide an electrical charging point, with 8 being designated as parking spaces for parents with young children. The car park would also provide 4 parking spaces for disabled users and 10 spaces for bicycles. The proposal also included a planting and landscaping scheme for the car park.

A new access was also proposed as part of the development. A totem sign was to be the subject of the advertisement of a separate advertisement consent should the application be approved.

To complement the development, an agreement would need to be met to monitor the use of the uncontrolled pedestrian crossing adjacent to the store on Blandford Road North (B3068). If it was established over a five-year period that there was sufficient pedestrian use of the crossing, an agreement would be put in place for the applicant to upgrade the crossing to a traffic light controlled crossing. This would be achieved by means of a Section 106 agreement.

As to the relevant planning history of the site, the land had been used as an oil depot and garage for a number of years, but had been derelict for some time over the recent past, so the development was seen to be a means of making use of this brownfield site and going some way to providing for the retail need in Upton which had been identified.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; how this were to be progressed; how the development would address retail need in that part of the county; and what this entailed. The presentation focused on not only what the development entailed and its detailed design, but what effect it would have on residential amenity, Upton town centre and the character the area. Officers were obliged to consider whether there were any alternative, suitable sites and whether the development would be harmful to the viability of Upton town centre. Analysis of evidence had indicated that, in both cases, it was their view that this would not be the case. If the proposal had been considered to be harmful to the viability and vitality of Upton, the generation of 30 full time jobs would not be considered to carry significant weight to overcome the harm that would be caused. As the proposal was considered not to be harmful to the viability and vitality of Upton town centre, this was one of the reasons for what was being recommended. Overall, the modest economic benefits were seen to be acceptable and should be seen to be beneficial in contributing to economic growth in that part of Dorset in particular and the county in general. Moreover, this was the only discount store that was planned to serve the Purbeck area as, currently, the nearest such alternative was to be found in Poole.

Plans and photographs provided an illustration of the location, orientation, dimensions – form, bulk, size and mass - and appearance of the development; how it would look – with contextual elevations / visualisation and floorplans being provided for this purpose; the materials to be used; the layout of the car park and where trolley parks would be located; access and

highway considerations; the means of landscaping; where any pedestrian access would be situated; where the road crossing point would be located; and its setting within the Upton and the characteristics of that part of the town. Deliveries would be unloaded below ground level, in a recessed bay, to ensure that any external noise would be limited.

There was seen to be some scope for a pedestrian link from the east, direct from the housing estate on the northern side of Blandford Road North to the store, rather than it being necessary to circumnavigate the perimeter, but no progress had been made on any solution to this with the Town Council - as third party owners of the land - and whilst it might well be seen as a desired line, it was not critical to the merits of the application, given that there were acceptable alternative means of access.

Officers showed the development's relationship with the neighbouring residential estates and how that access to the store might be achieved. Views into the site and around it were shown, which provided a satisfactory understanding of all that was necessary.

Officers considered that the proposed development would provide a clear economic benefit to Upton and surrounding areas. The development would generate 30 full time equivalent jobs in the store. This was considered to be a positive benefit to the area.

Given all this, officers considered that all material planning considerations had been addressed and were acceptable, with the development making best use of previously developed land and would result in a positive contribution to townscape. As such, members were now being asked to agree to what was being recommended.

Formal consultation had resulted in Lytchett Minster and Upton Town Council not objecting to, and accepting, the principle of the development but, amongst some other practical suggestions, asked that vegetation be managed to improve sightlines so as to improve what was being proposed. Similarly, Natural England and the Environment Agency both raised no objection, in principle.

Dorset Council Highways Team had no objections, subject to the provision of an uncontrolled pedestrian crossing and bus shelters, a layby and a right turn lane being required. There were 372 third party representations received, with 24 objecting to the proposal - including one representing Lidl – and 310 in support.

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

The Committee were joined by local Ward Councillors Bill Pipe and Andrew Starr. Councillor Pipe welcomed what he considered to be a much needed

development to serve the needs of the local population with any effect on local established convenience stores being minimal. This store would offer the opportunity for residents to be able to do a weekly sized shop in close proximity to their homes. He was also supportive of the benefits for employment and the economy.

Councillor Andrew Starr similarly supported this development for the same reasons but asked that the vegetation be managed to improve sight lines, the pedestrian access be made more user friendly and felt that it was necessary to have a fully functioning light controlled crossing available from the outset given the demographic profile of those shoppers anticipated and their need for this facility.

The opportunity was given for members to ask questions of the presentation and what they had heard, in seeking clarification of aspects so as to have a better understanding in coming to a decision. Particular reference was made to the appearance of the store; access arrangements; traffic management and speed limit provision; how parking spaces were to be determined and their layout; and what the requirement there was for the introduction of a controlled pedestrian crossing. They asked officers to consider the application of a barrier at the entrance to the car park to restrict use of the site outside store operating hours and so as to deter such use.

Officers addressed the questions raised providing what they considered to be satisfactory answers. As well as clarifying aspects of the development of the store itself, in particular the Highways Advisor explained how the access arrangements were designed to operate and the safety issues that had been addressed in doing this. He was of the view that the quality of the proposed pedestrian access around the perimeter of the site could be improved so that it was of a suitable standard to all users. Any direct access - as had been suggested from the north eastern direction - was not able to be addressed by this application given the current ownership issues, but could be addressed - should any future negotiations be necessary - through a separate application.

Moreover, in particular, officers clarified that there was a need for evidence of use to be gathered and analysed before consideration could be given and it determined to whether a light controlled crossing was justified or whether the pedestrian refuge which currently existed would suffice and that this evidence could only come after the store had opened and was being used. Members were assured that the s106 agreement provided for a commitment from Aldi to apply those enhanced measures if necessary.

Officers considered that the request for a barrier was acceptable and could be accommodated – by condition - to address any potential unauthorised activity in addressing those concerns Members raised.

Whilst some members maintained their reservations at what access arrangements were being proposed and how, seemingly, these could not necessarily be enhanced as they would have liked, the general view was that the development was acceptable and would contribute quite significantly to

both employment opportunities and economic growth in the area and would be an asset in meeting local retail needs.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation, the written representations; and what they had heard at the meeting, and having received satisfactory answers to questions raised, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this and, on that basis - and being proposed by Councillor Robin Cook and seconded by Councillor Shane Bartlett - on being put to the vote, the Committee unanimously agreed that the application should be approved, subject to the conditions set out in paragraph 17 of the report; and taking into account the addition of a condition to provide for a vehicle height barrier upon entry to the site; and the application of a s106 agreement for the provision of a controlled pedestrian crossing, as necessary.

### **Resolved**

That the **grant** of planning permission, in respect of application 6/2019/0443, **be delegated to the Head of Planning**, subject to 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 by the Legal Services Manager to secure the following:-

- a monitoring agreement requiring at least annual surveys for the first five years after the store has opened to establish whether the pedestrian crossing will need to be upgraded to a signal controlled crossing.

and subject to the conditions contained in paragraph 17 of the report with **an additional condition** in respect of:-

- details of a vehicle barrier to be installed at the entrance must be submitted to the Local Planning Authority prior to the store opening to the public. The barrier must be installed before the store is opened to the public and permanently retained in accordance with the details. The barrier must be closed when the store is not open to members of the public.

Reason: In the interests of security and anti-social behaviour.

and the inclusion of the **Informative Note** - The applicant should carefully consider the management of deliveries on the site.

### **Reasons for Decision**

Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise

- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring

residential amenity.

- There are no material considerations which would warrant refusal of this application
- The proposal is not considered to harm the viability or vitality of either Upton or Poole Town Centres.

**110. 6/2020/0167 - Alterations to field gate and creation of pedestrian gate at St Georges Primary School, 76 High Street, Langton Matravers**

The Committee considered an application - 6/2020/0167 - for the alterations to field gate and creation of pedestrian gate at St Georges Primary School, 76 High Street, Langton Matravers so as to improve the safety of access to the playing field by providing a separate pedestrian access from the vehicular one, being recognised as an asset of community value. The application was being considered by the Committee as it was a Dorset Council application.

With the aid of a visual presentation, officers explained what the reason for the alteration was; how it would look and what this entailed. Plans and photographs provided an illustration of the location and appearance of what was being proposed and why it was necessary on safety grounds. As the site was in the Langton Matravers Conservation Area the preservation of its significance was essential and the proposal would provide for this by the means and materials to be used, without harm to the surrounding wider landscape or residential amenity. As such, officers were recommending approval.

The local Ward member, Councillor Cherry Brooks, was supportive of the application, considering it to be necessary on safety grounds and would enhance the accessibility of the school. Langton Matravers Parish Council and Dorset Highways supported the application too.

The opportunity was given for members to ask questions of the presentation and what they had heard, in seeking clarification of aspects so as to have a better understanding in coming to a decision. Officers addressed the questions raised providing what they considered to be satisfactory answers.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken

into account the officer's report and presentation; and what they had heard at the meeting, and having received satisfactory answers to questions raised, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this and, on that basis - and being proposed by Councillor Shane Bartlett and seconded by Councillor Toni Coombs - on being put to the vote, the Committee unanimously agreed that the application should be approved, subject to the conditions set out in paragraph 17 of the report.

### **Resolved**

That planning permission be granted subject to the conditions in paragraph 17 of the officer's report.

### **Reasons for Decision**

The principle of the development was acceptable and it will improve and allow safe access between the school and the playing field and for the whole community.

- The proposal is acceptable in its layout, appearance and general visual impact.
- The character and appearance of the Langton Matravers Conservation Area will be preserved.
- The natural beauty of the Dorset Area of Outstanding Natural Beauty and the special character of the Purbeck Heritage Coast will not be harmed.
- 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

111. **3/19/2271 - Demolish the existing buildings and erect a dementia care home with new vehicular access and parking provision at 5 - 7A Edmondsham Road, Verwood**

The Committee considered application 3/19/2271 to demolish the existing buildings and erect a dementia care home with new vehicular access and parking provision at 5 - 7A Edmondsham Road, Verwood. The Committee were informed that two previous applications had been refused and modifications had been made to address the reasons for refusal in this application.

With the aid of a visual presentation, officers explained what the main proposals, principles and planning issues of the development were; how these were to be progressed; how the development would contribute to meeting care needs; and what this entailed.

Plans and photographs provided an illustration of the location, dimensions – form, bulk, size and mass - and appearance of the development, along with its ground floor plans and internal design; how it would look; the materials to be used; what landscaping there would be; its relationship with the highway network; the characteristics of the site; access arrangements and its relationship with the local highway network; its relationship with other adjacent



residential development and the variety of dwellings therein; what local amenity there was and; its setting within Verwood. The comparative distance to Verwood Heath – some 400 metres - was mentioned. Views into the site and around it were shown, which provided a satisfactory understanding of what the application entailed. The security of the site and how this could be assured was explained to Members.

The Committee's attention was drawn in particular to the staff car parking stacking system that was to be implemented and how this would operate in practice; its appearance; what safety measures it had; and why it was necessary. Officers took the opportunity to describe this feature in some considerable detail as it might well be unfamiliar to some members and so that they had a clear understanding of what this entailed and why it was necessary. The safety features associated with the system and the limited times when it would be necessary to be operated were also described, only being installed to manufacturer's specification and being fob operated.

Other material considerations of merit were the contributions to be secured through Community Infrastructure Levy of some £74605 (approx.) and the opportunity for employment gains with the creation of 20 jobs.

The officer's recommendation was for permission to be granted on the basis that the modifications made in this application to address the reasons for previous refusals were considered to now be satisfactory and acceptable, in that:-

- the proposed basement amenity space had been removed
- the bedrooms in the basement had been removed and the number of bedrooms reduced from 38 to 29
- hard landscaping had been reduced
- parking had been reconfigured as per the amended hard landscaping
- the two storey element to the north had been further set back away from the neighbouring property
- flood and drainage information had been revised
- a signed Biodiversity Mitigation and Enhancement Plan (BMEP) had been updated

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

Condition 1 - added as underlined:

*(a) Before any development is commenced details of all 'Reserved Matters', that is the following matters in respect of which details have not been given in the application and which relate to the landscaping (including boundary treatment details) shall be submitted to and approved in writing by the Local Planning Authority.*

*(b) An application for approval of any 'Reserved Matters' must be made not later than the expiration of three years beginning with the date of this permission.*

*(c) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the*

*Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.*

*Reason: (a) This condition is required to be imposed by the provisions of Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015: (1) of the (b) and (c) These conditions are required to be imposed by Section 92 of the Town and Country Planning Act 1990.*

Condition 2 – amended as underlined:

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

*J18067 001 Rev F Proposed Basement Floor Plan  
J18067 002 Rev N Proposed Ground Floor Plan  
J18067 003 Rev M Proposed First Floor Plan  
J18067 004 Rev L Proposed Second Floor Plan  
J18067 005 Rev G Proposed Front Elevation  
J18067 006 Rev F Proposed Rear Elevation  
J18067 007 Rev F Proposed Side Elevation  
J18067 008 Rev F Proposed Side Elevation  
J18067 009 Rev G Proposed Street Elevation  
J18067 010 Rev G Section AA  
J18067 011 Rev E Section BB  
J18067 012 Rev L Block and Location Plan  
J18067 013 Rev E Bin Store Details*

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

Condition 16 – added as underlined:

*Prior to the commencement of the development of the care home, hereby permitted, a noise assessment for any external plant/condensers shall be conducted in accordance with BS4142:2014 for all plant including fans associated with the extract system, refrigeration condensers, air conditioning units, 9 car stacking system and any other plant likely to be audible at neighbouring premises from the care home. The assessment shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme (together with any required measures) shall be installed to the agreed specification prior to the first use, and maintained and operated in that condition thereafter.*

*Reason: to protect neighbouring amenity of adjoining neighbouring properties*

Condition 18 – duplicated materials condition deleted and replaced with:

*The 9 car stacking system here by approved as identified on drawing J18067-012 L shall only be used by staff employed on the premises*

*and remain in the closed position at all times except for the purpose of loading and unloading vehicles.*

*Reason: to protect the amenity of future occupants.*

On the basis of these modifications – particularly that its mass had been sympathetically modified, so that its roofline was now tiered, rising gradually, from 1 storey to 3, away from the nearest property - and taking into account the merits of the application, officers were now recommending approval of the application.

Formal consultation had generated an objection from Verwood Town Council on the grounds of form; appearance and traffic generation, with 66 representations being received objecting to the proposal on the grounds of incongruous design; the impact on the character of neighbouring amenity; adverse effect on trees, Verwood Heath and the highway network and; the disruption from its construction.

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

One of the three local ward members - Councillor Simon Gibson - was given the opportunity to speak, in considering that the development still did not adequately or fundamentally address the reasons for previous refusals and concerns remained, as they did for the Town Council. The scale of the development was inappropriate for such a constrained site and how the staff parking was to be accommodated was unacceptable on local amenity. Among his other concerns was the internal layout, that the staff rest room was now proposed for the basement and that residential amenity would be compromised by the activities proposed externally. In supporting those neighbours who had objected, he asked the Committee to refuse the application.

The opportunity was given for members, to ask questions of the presentation and what they had heard, in seeking clarification of room sizes, design and the internal arrangements and layout; the need for the facility; the security of the site and the necessity for the car stacking system.

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

Officers reiterated that to accommodate staff parking on the site the car stacking system was a tried and tested means of doing this successfully and in a managed way. Whilst this system might well be unfamiliar in parts of rural Dorset, such parking was commonplace in more urban areas throughout the country as a satisfactory solution in meeting a typical challenge.

Much was made of what evidence there was for the need for the facility and its proposed internal layout with officers confirming that whilst the Dorset Social Care Team had some reservations that the internal design and arrangements did not appear to have regard to modern Dementia friendly design standard or that consideration did not appear to have been given to smaller household units within the home, this was not necessarily critical, given that the proposed design was of a satisfactory care standard and would meet the needs of its residents quite acceptably. Despite some representations questioning the need for another care home, the Social Care team had identified there being a need in East Dorset for acute levels of dementia care to be met together with the principle for a contribution to be made to deliver such accommodation in urban areas in the local Plan to relieve such pressures on more environmentally sensitive areas.

As to the impact on the character of the area, officers considered this to be acceptable in that the design, appearance and bulk was acceptable and in keeping with the blend of styles in the area and that proximity to neighbouring properties had now been mitigated by the redesign to a tiered structure and in now being located some further distance away.

Traffic and highways issues were clarified by the Transport Liaison Development Manager including what traffic movements there currently were and what was anticipated to be generated by the home. How this would translate in additional traffic generation on the network was seen to be minimal and would have little effect on peak periods, as traffic flows were relatively low on Edmondsham Road. He was also confident that there would be no conflict with the finishing times of the nearby Trinity First School. However members were not convinced this would be the case as in their view, the peak times for both the home and the school appeared to coincide.

In response to what effect on the development could have on Verwood heath the limitations on any additional residential properties being built within 400 metres of the heath did not apply to a care home such as this given the nature of the activities taking place and what limited opportunities there might be in it being readily accessible to residents. Natural England had acknowledged as much and it was acceptable within the provisions of the Dorset Heathland Planning Framework.

One member mentioned what archaeological surveys had been done as part of the application with officers clarifying that what was necessary had been complied with in this regard; it being anticipated that there was no reason to believe that there was anything of significance on site which would constitute a material consideration.

However whilst accepting the clarifications made, Members remained somewhat unconvinced that what was being proposed would meet the need for which it was designed and were concerned that the site was too constrained to accommodate a development of the scale, bulk and form proposed and that the stacking parking system being proposed was testament to this and should not be necessary if the size of the site was adequate and fit

for purpose. Although the case for the car stacking system had been adequately explained in detail by officers, Members still considered it to be undesirable – if not unacceptable – for this site and considered there to be a need to provide adequate, traditional on-site parking to ensure a satisfactory standard of residential amenity for residents. The density of the development was considered to be too restrictive and compromised what a care home should have to offer. It was acknowledged that the design of a development had an effect on well-being and it was their opinion that this proposal did nothing to enhance that. Moreover, there was a need to accommodate the needs of those most vulnerable in society but felt that this would not be achieved by what was being proposed.

Furthermore, whilst a bedroom was now proposed for the basement, members felt that this was still not the place to site a staff rest room and what this had to offer. Other reservations members had were not necessarily material considerations and, therefore, a case could not be made to justify refusal on their basis.

As the Planning Authority, members said that the Council had an obligation to ensure development achieved good planning standards and design and met what was necessary and expected, in being wholly satisfied that those standards had been met. They considered that this was not the case for this development.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation; the written representations; and what they had heard at the meeting; and the views of Councillor Simon Gibson, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this. The Committee considered that, notwithstanding the assessments made by officers that the proposal should be granted permission, they could not agree to what was being recommended on the basis that the site was too constrained, with the internal arrangements not being of a satisfactory standard to meet the need of a modern care home and the parking proposed inadequate.

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

### **Resolved**

That planning application 3/19/2271 be refused.

### **Reason for Decision**

The site is too constrained to accommodate development of the scale, bulk and form proposed together with the need to provide adequate on-site parking and a satisfactory standard of residential amenity for residents. For these reasons the development is considered to constitute overdevelopment of the site contrary to Policy HE2 of Christchurch and East Dorset Core Strategy and paragraphs 122 (e) and 127 (f) of the NPPF 2019 that require a good standard of amenity for existing and future occupants.

112. **Urgent items**

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

113. **Summary of Statements of Representation**

**Application 6/2019/0443**

Objection - John Stagg

Support - Barrie Robinson, Adrienne King, Pauline Turner, John Westacott, Craig Parsons, Peter Smith, Julie O'Donnell, Alan Meggs, Adrian Hearn, Stephen Cope, James Boyt, Tina Buchanan, Helen Tucker, Neil Legg, Sheelagh Birks, Gillian Haberfield, Gill Diaper, Shirley Nebel, Tom Pickford, Jane Chadwick, Trudy Hicken, Paul Thompson, Michael Colegate, Ian Swinden, Bob Sprack, Bill Saxby, Malcolm Bradshaw, Barbara England, Marcelle King, Julie Almond, Liz Vigor, Leah Harley, Darren King, Alan Williams – Planning Potential (for applicant).

**Application 3/19/2271**

Objection – Martin Summers

Support – Daryl Howells – Pure Town Planning

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

Statements from Third Parties

Minute 109

John Stagg, Barrie Robinson, Adrienne King, Pauline Turner, John Westacott, Craig Parsons, Peter Smith, Julie O'Donnell, Alan Meggs, Adrian Hearn, Stephen Cope, James Boyt, Tina Buchanan, Helen Tucker, Neil Legg, Sheelagh Birks, Gillian Haberfield, Gill Diaper, Shirley Nebel, Tom Pickford, Jane Chadwick, Trudy Hicken, Paul Thompson, Michael Colegate, Ian Swinden, Bob Sprack, Bill Saxby, Malcolm Bradshaw, Barbara England, Marcelle King, Julie Almond, Liz Vigor, Leah Harley, Darren King, Alan Williams – Planning Potential (for applicant).

Minute 111

Martin Summers, Daryl Howells – Pure Town Planning

**104. Introduction by the Chairman**

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

She also took the opportunity to inform the meeting about the sad news of the loss of planning officer Tony Bird since the last meeting, and on behalf of the Committee asked that condolences be passed on to his family and colleagues.

**105. Apologies**

No apologies for absence were received at the meeting.

**106. Declarations of Interest**

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

**107. Minutes**

The minutes of the meeting held on 3 June 2020 were confirmed and would be signed when the opportunity arose.

**108. 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.

109. **6/2019/0443 - Demolition of existing buildings, and the erection of a Class A1 discount foodstore with associated works at site of Upton Oil Co Ltd, Blandford Road North, Upton**

The Committee considered an application - 6/2019/0443 – by ALDI Stores Ltd, for a proposal to erect a discount supermarket (A1 use class), with 1802 square metres of gross floor space, of which 1315 square metres would be used as the retail area and the rest of the space used for storage and staff facilities, with a bay for unloading deliveries being constructed on the north eastern elevation, recessed into the ground, with the lowest point being situated approximately 1.2m below the finished floor level of the rest of the store.

The proposal included the formation of a new car park, which would provide for 132 car parking spaces, two of which would provide an electrical charging point, with 8 being designated as parking spaces for parents with young children. The car park would also provide 4 parking spaces for disabled users and 10 spaces for bicycles. The proposal also included a planting and landscaping scheme for the car park.

A new access was also proposed as part of the development. A totem sign was to be the subject of the advertisement of a separate advertisement consent should the application be approved.

To complement the development, an agreement would need to be met to monitor the use of the uncontrolled pedestrian crossing adjacent to the store on Blandford Road North (B3068). If it was established over a five-year period that there was sufficient pedestrian use of the crossing, an agreement would be put in place for the applicant to upgrade the crossing to a traffic light controlled crossing. This would be achieved by means of a Section 106 agreement.

As to the relevant planning history of the site, the land had been used as an oil depot and garage for a number of years, but had been derelict for some time over the recent past, so the development was seen to be a means of making use of this brownfield site and going some way to providing for the retail need in Upton which had been identified.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; how this were to be progressed; how the development would address retail need in that part of the county; and what this entailed. The presentation focused on not only what the development entailed and its detailed design, but what effect it would have on residential amenity, Upton town centre and the character the area. Officers were obliged to consider whether there were any alternative, suitable sites and whether the development would be harmful to the viability of Upton town centre. Analysis of evidence had indicated that, in



both cases, it was their view that this would not be the case. If the proposal had been considered to be harmful to the viability and vitality of Upton, the generation of 30 full time jobs would not be considered to carry significant weight to overcome the harm that would be caused. As the proposal was considered not to be harmful to the viability and vitality of Upton town centre, this was one of the reasons for what was being recommended. Overall, the modest economic benefits were seen to be acceptable and should be seen to be beneficial in contributing to economic growth in that part of Dorset in particular and the county in general. Moreover, this was the only discount store that was planned to serve the Purbeck area as, currently, the nearest such alternative was to be found in Poole.

Plans and photographs provided an illustration of the location, orientation, dimensions – form, bulk, size and mass - and appearance of the development; how it would look – with contextual elevations / visualisation and floorplans being provided for this purpose; the materials to be used; the layout of the car park and where trolley parks would be located; access and highway considerations; the means of landscaping; where any pedestrian access would be situated; where the road crossing point would be located; and its setting within the Upton and the characteristics of that part of the town. Deliveries would be unloaded below ground level, in a recessed bay, to ensure that any external noise would be limited.

There was seen to be some scope for a pedestrian link from the east, direct from the housing estate on the northern side of Blandford Road North to the store, rather than it being necessary to circumnavigate the perimeter, but no progress had been made on any solution to this with the Town Council - as third party owners of the land - and whilst it might well be seen as a desired line, it was not critical to the merits of the application, given that there were acceptable alternative means of access.

Officers showed the development's relationship with the neighbouring residential estates and how that access to the store might be achieved. Views into the site and around it were shown, which provided a satisfactory understanding of all that was necessary.

Officers considered that the proposed development would provide a clear economic benefit to Upton and surrounding areas. The development would generate 30 full time equivalent jobs in the store. This was considered to be a positive benefit to the area.

Given all this, officers considered that all material planning considerations had been addressed and were acceptable, with the development making best use of previously developed land and would result in a positive contribution to townscape. As such, members were now being asked to agree to what was being recommended.

Formal consultation had resulted in Lytchett Minster and Upton Town Council not objecting to, and accepting, the principle of the development but, amongst some other practical suggestions, asked that vegetation be managed to improve sightlines so as to improve what was being proposed. Similarly,

Natural England and the Environment Agency both raised no objection, in principle.

Dorset Council Highways Team had no objections, subject to the provision of an uncontrolled pedestrian crossing and bus shelters, a layby and a right turn lane being required. There were 372 third party representations received, with 24 objecting to the proposal - including one representing Lidl – and 310 in support.

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

The Committee were joined by local Ward Councillors Bill Pipe and Andrew Starr. Councillor Pipe welcomed what he considered to be a much needed development to serve the needs of the local population with any effect on local established convenience stores being minimal. This store would offer the opportunity for residents to be able to do a weekly sized shop in close proximity to their homes. He was also supportive of the benefits for employment and the economy.

Councillor Andrew Starr similarly supported this development for the same reasons but asked that the vegetation be managed to improve sight lines, the pedestrian access be made more user friendly and felt that it was necessary to have a fully functioning light controlled crossing available from the outset given the demographic profile of those shoppers anticipated and their need for this facility.

The opportunity was given for members to ask questions of the presentation and what they had heard, in seeking clarification of aspects so as to have a better understanding in coming to a decision. Particular reference was made to the appearance of the store; access arrangements; traffic management and speed limit provision; how parking spaces were to be determined and their layout; and what the requirement there was for the introduction of a controlled pedestrian crossing. They asked officers to consider the application of a barrier at the entrance to the car park to restrict use of the site outside store operating hours and so as to deter such use.

Officers addressed the questions raised providing what they considered to be satisfactory answers. As well as clarifying aspects of the development of the store itself, in particular the Highways Advisor explained how the access arrangements were designed to operate and the safety issues that had been addressed in doing this. He was of the view that the quality of the proposed pedestrian access around the perimeter of the site could be improved so that it was of a suitable standard to all users. Any direct access - as had been suggested from the north eastern direction - was not able to be addressed by this application given the current ownership issues, but could be addressed - should any future negotiations be necessary - through a separate application.

Moreover, in particular, officers clarified that there was a need for evidence of use to be gathered and analysed before consideration could be given and it determined to whether a light controlled crossing was justified or whether the pedestrian refuge which currently existed would suffice and that this evidence could only come after the store had opened and was being used. Members were assured that the s106 agreement provided for a commitment from Aldi to apply those enhanced measures if necessary.

Officers considered that the request for a barrier was acceptable and could be accommodated – by condition - to address any potential unauthorised activity in addressing those concerns Members raised.

Whilst some members maintained their reservations at what access arrangements were being proposed and how, seemingly, these could not necessarily be enhanced as they would have liked, the general view was that the development was acceptable and would contribute quite significantly to both employment opportunities and economic growth in the area and would be an asset in meeting local retail needs.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation, the written representations; and what they had heard at the meeting, and having received satisfactory answers to questions raised, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this and, on that basis - and being proposed by Councillor Robin Cook and seconded by Councillor Shane Bartlett - on being put to the vote, the Committee unanimously agreed that the application should be approved, subject to the conditions set out in paragraph 17 of the report; and taking into account the addition of a condition to provide for a vehicle height barrier upon entry to the site; and the application of a s106 agreement for the provision of a controlled pedestrian crossing, as necessary.

### **Resolved**

That the **grant** of planning permission, in respect of application 6/2019/0443, **be delegated to the Head of Planning**, subject to 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 by the Legal Services Manager to secure the following:-

- a monitoring agreement requiring at least annual surveys for the first five years after the store has opened to establish whether the pedestrian crossing will need to be upgraded to a signal controlled crossing.

and subject to the conditions contained in paragraph 17 of the report with **an additional condition** in respect of:-

- details of a vehicle barrier to be installed at the entrance must be submitted to the Local Planning Authority prior to the store opening to

the public. The barrier must be installed before the store is opened to the public and permanently retained in accordance with the details. The barrier must be closed when the store is not open to members of the public.

Reason: In the interests of security and anti-social behaviour.

and the inclusion of the **Informative Note** - The applicant should carefully consider the management of deliveries on the site.

#### Reasons for Decision

Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise

- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application
- The proposal is not considered to harm the viability or vitality of either Upton or Poole Town Centres.

#### 110. **6/2020/0167 - Alterations to field gate and creation of pedestrian gate at St Georges Primary School, 76 High Street, Langton Matravers**

The Committee considered an application - 6/2020/0167 - for the alterations to field gate and creation of pedestrian gate at St Georges Primary School, 76 High Street, Langton Matravers so as to improve the safety of access to the playing field by providing a separate pedestrian access from the vehicular one, being recognised as an asset of community value. The application was being considered by the Committee as it was a Dorset Council application.

With the aid of a visual presentation, officers explained what the reason for the alteration was; how it would look and what this entailed. Plans and photographs provided an illustration of the location and appearance of what was being proposed and why it was necessary on safety grounds. As the site was in the Langton Matravers Conservation Area the preservation of its significance was essential and the proposal would provide for this by the means and materials to be used, without harm to the surrounding wider

landscape or residential amenity. As such, officers were recommending approval.

The local Ward member, Councillor Cherry Brooks, was supportive of the application, considering it to be necessary on safety grounds and would enhance the accessibility of the school. Langton Matravers Parish Council and Dorset Highways supported the application too.

The opportunity was given for members to ask questions of the presentation and what they had heard, in seeking clarification of aspects so as to have a better understanding in coming to a decision. Officers addressed the questions raised providing what they considered to be satisfactory answers.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation; and what they had heard at the meeting, and having received satisfactory answers to questions raised, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this and, on that basis - and being proposed by Councillor Shane Bartlett and seconded by Councillor Toni Coombs - on being put to the vote, the Committee unanimously agreed that the application should be approved, subject to the conditions set out in paragraph 17 of the report.

### **Resolved**

That planning permission be granted subject to the conditions in paragraph 17 of the officer's report.

### **Reasons for Decision**

The principle of the development was acceptable and it will improve and allow safe access between the school and the playing field and for the whole community.

- The proposal is acceptable in its layout, appearance and general visual impact.
- The character and appearance of the Langton Matravers Conservation Area will be preserved.
- The natural beauty of the Dorset Area of Outstanding Natural Beauty and the special character of the Purbeck Heritage Coast will not be harmed.
- 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

**111. 3/19/2271 - Demolish the existing buildings and erect a dementia care home with new vehicular access and parking provision at 5 - 7A Edmondsham Road, Verwood**

The Committee considered application 3/19/2271 to demolish the existing buildings and erect a dementia care home with new vehicular access and parking provision at 5 - 7A Edmondsham Road, Verwood. The Committee were informed that two previous applications had been refused and

modifications had been made to address the reasons for refusal in this application.

With the aid of a visual presentation, officers explained what the main proposals, principles and planning issues of the development were; how these were to be progressed; how the development would contribute to meeting care needs; and what this entailed.

Plans and photographs provided an illustration of the location, dimensions – form, bulk, size and mass - and appearance of the development, along with its ground floor plans and internal design; how it would look; the materials to be used; what landscaping there would be; its relationship with the highway network; the characteristics of the site; access arrangements and its relationship with the local highway network; its relationship with other adjacent residential development and the variety of dwellings therein; what local amenity there was and; its setting within Verwood. The comparative distance to Verwood Heath – some 400 metres - was mentioned. Views into the site and around it were shown, which provided a satisfactory understanding of what the application entailed. The security of the site and how this could be assured was explained to Members.

The Committee's attention was drawn in particular to the staff car parking stacking system that was to be implemented and how this would operate in practice; its appearance; what safety measures it had; and why it was necessary. Officers took the opportunity to describe this feature in some considerable detail as it might well be unfamiliar to some members and so that they had a clear understanding of what this entailed and why it was necessary. The safety features associated with the system and the limited times when it would be necessary to be operated were also described, only being installed to manufacturer's specification and being fob operated.

Other material considerations of merit were the contributions to be secured through Community Infrastructure Levy of some £74605 (approx.) and the opportunity for employment gains with the creation of 20 jobs.

The officer's recommendation was for permission to be granted on the basis that the modifications made in this application to address the reasons for previous refusals were considered to now be satisfactory and acceptable, in that:-

- the proposed basement amenity space had been removed
- the bedrooms in the basement had been removed and the number of bedrooms reduced from 38 to 29
- hard landscaping had been reduced
- parking had been reconfigured as per the amended hard landscaping
- the two storey element to the north had been further set back away from the neighbouring property
- flood and drainage information had been revised
- a signed Biodiversity Mitigation and Enhancement Plan (BMEP) had been updated

The officer then provided the following updates to the published report in her

presentation:-

Condition 1 - added as underlined:

*(a) Before any development is commenced details of all 'Reserved Matters', that is the following matters in respect of which details have not been given in the application and which relate to the landscaping (including boundary treatment details) shall be submitted to and approved in writing by the Local Planning Authority.*

*(b) An application for approval of any 'Reserved Matters' must be made not later than the expiration of three years beginning with the date of this permission.*

*(c) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.*

*Reason: (a) This condition is required to be imposed by the provisions of Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015: (1) of the (b) and (c) These conditions are required to be imposed by Section 92 of the Town and Country Planning Act 1990.*

Condition 2 – amended as underlined:

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

*J18067 001 Rev F Proposed Basement Floor Plan*

*J18067 002 Rev N Proposed Ground Floor Plan*

*J18067 003 Rev M Proposed First Floor Plan*

*J18067 004 Rev L Proposed Second Floor Plan*

*J18067 005 Rev G Proposed Front Elevation*

*J18067 006 Rev F Proposed Rear Elevation*

*J18067 007 Rev F Proposed Side Elevation*

*J18067 008 Rev F Proposed Side Elevation*

*J18067 009 Rev G Proposed Street Elevation*

*J18067 010 Rev G Section AA*

*J18067 011 Rev E Section BB*

*J18067 012 Rev L Block and Location Plan*

*J18067 013 Rev E Bin Store Details*

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

Condition 16 – added as underlined:

*Prior to the commencement of the development of the care home, hereby permitted, a noise assessment for any external plant/condensers shall be conducted in accordance with BS4142:2014 for all plant including fans associated with the extract system, refrigeration*

*condensers, air conditioning units, 9 car stacking system and any other plant likely to be audible at neighbouring premises from the care home. The assessment shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme (together with any required measures) shall be installed to the agreed specification prior to the first use, and maintained and operated in that condition thereafter.*

*Reason: to protect neighbouring amenity of adjoining neighbouring properties*

Condition 18 – duplicated materials condition deleted and replaced with:

*The 9 car stacking system here by approved as identified on drawing J18067-012 L shall only be used by staff employed on the premises and remain in the closed position at all times except for the purpose of loading and unloading vehicles.*

*Reason: to protect the amenity of future occupants.*

On the basis of these modifications – particularly that its mass had been sympathetically modified, so that its roofline was now tiered, rising gradually, from 1 storey to 3, away from the nearest property - and taking into account the merits of the application, officers were now recommending approval of the application.

Formal consultation had generated an objection from Verwood Town Council on the grounds of form; appearance and traffic generation, with 66 representations being received objecting to the proposal on the grounds of incongruous design; the impact on the character of neighbouring amenity; adverse effect on trees, Verwood Heath and the highway network and; the disruption from its construction.

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

One of the three local ward members - Councillor Simon Gibson - was given the opportunity to speak, in considering that the development still did not adequately or fundamentally address the reasons for previous refusals and concerns remained, as they did for the Town Council. The scale of the development was inappropriate for such a constrained site and how the staff parking was to be accommodated was unacceptable on local amenity. Among his other concerns was the internal layout, that the staff rest room was now proposed for the basement and that residential amenity would be compromised by the activities proposed externally. In supporting those neighbours who had objected, he asked the Committee to refuse the application.

The opportunity was given for members, to ask questions of the presentation



and what they had heard, in seeking clarification of room sizes, design and the internal arrangements and layout; the need for the facility; the security of the site and the necessity for the car stacking system.

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

Officers reiterated that to accommodate staff parking on the site the car stacking system was a tried and tested means of doing this successfully and in a managed way. Whilst this system might well be unfamiliar in parts of rural Dorset, such parking was commonplace in more urban areas throughout the country as a satisfactory solution in meeting a typical challenge.

Much was made of what evidence there was for the need for the facility and its proposed internal layout with officers confirming that whilst the Dorset Social Care Team had some reservations that the internal design and arrangements did not appear to have regard to modern Dementia friendly design standard or that consideration did not appear to have been given to smaller household units within the home, this was not necessarily critical, given that the proposed design was of a satisfactory care standard and would meet the needs of its residents quite acceptably. Despite some representations questioning the need for another care home, the Social Care team had identified there being a need in East Dorset for acute levels of dementia care to be met together with the principle for a contribution to be made to deliver such accommodation in urban areas in the local Plan to relieve such pressures on more environmentally sensitive areas.

As to the impact on the character of the area, officers considered this to be acceptable in that the design, appearance and bulk was acceptable and in keeping with the blend of styles in the area and that proximity to neighbouring properties had now been mitigated by the redesign to a tiered structure and in now being located some further distance away.

Traffic and highways issues were clarified by the Transport Liaison Development Manager including what traffic movements there currently were and what was anticipated to be generated by the home. How this would translate in additional traffic generation on the network was seen to be minimal and would have little effect on peak periods, as traffic flows were relatively low on Edmondsham Road. He was also confident that there would be no conflict with the finishing times of the nearby Trinity First School. However members were not convinced this would be the case as in their view, the peak times for both the home and the school appeared to coincide.

In response to what effect on the development could have on Verwood heath the limitations on any additional residential properties being built within 400 metres of the heath did not apply to a care home such as this given the nature of the activities taking place and what limited opportunities there might be in it being readily accessible to residents. Natural England had acknowledged as

much and it was acceptable within the provisions of the Dorset Heathland Planning Framework.

One member mentioned what archaeological surveys had been done as part of the application with officers clarifying that what was necessary had been complied with in this regard; it being anticipated that there was no reason to believe that there was anything of significance on site which would constitute a material consideration.

However whilst accepting the clarifications made, Members remained somewhat unconvinced that what was being proposed would meet the need for which it was designed and were concerned that the site was too constrained to accommodate a development of the scale, bulk and form proposed and that the stacking parking system being proposed was testament to this and should not be necessary if the size of the site was adequate and fit for purpose. Although the case for the car stacking system had been adequately explained in detail by officers, Members still considered it to be undesirable – if not unacceptable – for this site and considered there to be a need to provide adequate, traditional on-site parking to ensure a satisfactory standard of residential amenity for residents. The density of the development was considered to be too restrictive and compromised what a care home should have to offer. It was acknowledged that the design of a development had an effect on well-being and it was their opinion that this proposal did nothing to enhance that. Moreover, there was a need to accommodate the needs of those most vulnerable in society but felt that this would not be achieved by what was being proposed.

Furthermore, whilst a bedroom was now proposed for the basement, members felt that this was still not the place to site a staff rest room and what this had to offer. Other reservations members had were not necessarily material considerations and, therefore, a case could not be made to justify refusal on their basis.

As the Planning Authority, members said that the Council had an obligation to ensure development achieved good planning standards and design and met what was necessary and expected, in being wholly satisfied that those standards had been met. They considered that this was not the case for this development.

Having had the opportunity to discuss the merits of the application, having understood what was being proposed and the reasoning for this; having taken into account the officer's report and presentation; the written representations; and what they had heard at the meeting; and the views of Councillor Simon Gibson, the Committee were satisfied in their understanding of what the proposal entailed and the reasoning for this. The Committee considered that, notwithstanding the assessments made by officers that the proposal should be granted permission, they could not agree to what was being recommended on the basis that the site was too constrained, with the internal arrangements not being of a satisfactory standard to meet the need of a modern care home and the parking proposed inadequate.

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

**Resolved**

That planning application 3/19/2271 be refused.

**Reason for Decision**

The site is too constrained to accommodate development of the scale, bulk and form proposed together with the need to provide adequate on-site parking and a satisfactory standard of residential amenity for residents. For these reasons the development is considered to constitute overdevelopment of the site contrary to Policy HE2 of Christchurch and East Dorset Core Strategy and paragraphs 122 (e) and 127 (f) of the NPPF 2019 that require a good standard of amenity for existing and future occupants.

**112. Urgent items**

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

**113. Summary of Statements of Representation**

**Application 6/2019/0443**

**Duration of meeting:** 10.00 am - 4.30 pm

**Chairman**

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## Dorset Council

### **Covid-10 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings – effective from 29 July 2020**

Due to the Covid-19 pandemic the council has had to put in place measures to enable the council's decision making processes to continue whilst keeping safe members of the public, councillors and council staff in accordance with the Government's guidance on social distancing by applying new regulations for holding committee meetings from remote locations.

The following procedures will apply to planning committee meetings until further notice, replacing where appropriate the relevant sections of the Guide to Public Speaking at Planning Committees:

1. While planning committee meetings are held remotely during the Coronavirus outbreak public participation will take the form of written statements (and not public speaking) to the Committee.

2. If you wish to make a written statement it must be no more than 450 words with no attached documents and be sent to the Democratic Services Team by 8.30am, two working days prior to the date of the Committee – **i.e. for a committee meeting on a Wednesday, written statements must be received by 8.30am on the Monday**. The deadline date and the email contact details of the relevant democratic services officer can be found on the front page of the Committee agenda. The agendas for each meeting can be found on the Dorset Council website:-

<https://moderngov.dorsetcouncil.gov.uk/mgListCommittees.aspx?bcr=1>

3. During this period the council can only accept written statements via email and you should continue to bear in mind the guidance in the public speaking guide when preparing your representation.

4. The first three statements received from members of the public for and against the application (maximum six in total) will be read out together with any statement from the town and parish council, by an officer (but not the case officer), after the case officer has presented their report and before the application is debated by members of the Committee. It may be that not all of your statement will be read out if the same point has been made by another statement and already read to the Committee. This is to align with the pre-Covid-19 protocol which limited public speaking to 15 minutes per item, although the Chairman of the Committee will retain discretion over this time period as she/he sees fit. All statements received will be circulated to the Committee members before the meeting.

5. This addendum applies to members of public (whether objecting or supporting an application), town and parish councils, planning agents and applicants. **The first three statements received from members of the public, for and against the application, (maximum six in total) will be read out, together with any statement from the Town and Parish Council, in its own right.**

6. Councillors who are not on the Planning Committee may also address the Committee for up to 3 minutes by speaking to the Committee (rather than submitting a written statement). They need to inform Democratic Services of their wish to speak at the meeting two working days before the meeting – by the 8.30 am deadline above - so those arrangements can be put in place.

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Eastern Planning Committee  
29 July 2020

## 1.0 **Application Number:** 6/2020/0161

**Webpage:** <https://planningsearch.purbeck-dc.gov.uk/Disclaimer?returnUrl=%2F>

**Site address:** 1A Battlemead, Swanage BH19 1PH

**Proposal:** Replace existing dwelling with detached dwelling. Erect additional detached dwelling adjacent. Form access & parking.

**Applicant name:** Justin Streams

**Case Officer:** Cari Wooldridge (Planning Officer)

**Ward Member(s):** Councillor Trite and Councillor Suttle

The Nominated Officer has identified this application to come before the Planning Committee due to the finely balanced planning judgement in this case.

## 2.0 **Summary of recommendation:**

GRANT planning permission subject to conditions.

## 3.0 **Reason for the recommendation:**

- The location is considered to be sustainable and the proposal is acceptable in its size, scale, design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity or privacy.
- The proposal will contribute to local housing supply.
- There are no other material considerations which would warrant refusal of this application.

## 4.0 **Key planning issues**

Issue	Conclusion
Principle of development	Acceptable. Site is located within Swanage Settlement boundary.
Emerging Local Plan Policy H14 – Second Homes	Policy does not yet have significant weight to be applied to decisions relating to replacement dwellings.
Scale, design, impact on character and appearance	Acceptable subject to detail of materials condition.
Impact on amenity	Acceptable subject to conditions relating to obscure glazing.
Biodiversity impacts	Acceptable.
Flood risk and drainage	Acceptable subject to a SuDS condition.

Highway impacts and car parking	Acceptable subject to conditions and informative note.
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## 5.0 Description of Site

The application site consists of the dormer bungalow 1a Battlemead and its plot. 1a Battlemead was recently purchased by the applicant and has already been subdivided to provide an additional dwelling to the east. The current application proposes to demolish the dormer bungalow and attached garages to create a new plot on which two detached houses will be built. The site is slightly higher than land to the east but relatively level and is enclosed by a boundary fence to the rear and side (west) and a low wall along part of the front boundary. The site is surrounded by residential development and is within the Swanage settlement boundary. The site also lies within the Dorset AONB and is within 400m from the coast.

## 6.0 Description of Development

Replace existing dormer bungalow with detached house. Construct second detached house adjacent. Provide access and parking.

## 7.0 Relevant Planning History

6/2019/0492 - Sever plot, erect 2 storey dwelling with associated access & parking – Approved.

6/2019/0702 - Demolition of garages serving 1A Battlemead. Install dormer on front roof slope and clad exterior. Internal alterations. Sever plot and erect new dwelling with parking and new dropped kerb access. – Refused for the following reason:

*The proposed development would result in a new dwelling that would appear cramped and high density in its appearance on a small and constrained infill plot, to the detriment of the distinctive, regular, and low density pattern of townscape character in the area. The new dwelling by virtue of its positioning close to the road would not sensitively integrate with established building lines between 1a Battlemead to the east and 1 Battlemead to the west. In addition, the dwelling would not reflect the established features of townscape character along Battlemead including modest sized detached houses in relatively generous plots, modest front gardens, larger rear gardens, and strong separation gaps between plots that provide a relatively open but low density character of development. The development by virtue of its cramped layout on a narrow plot, provides minimal new landscaping which does not enable the proposal to contribute to the attractive mature green street scene that is exhibited along Battlemead. The proposal does not maintain the prevailing character and setting of the area, and is therefore contrary to the National Planning Policy Framework: Section 2: Achieving sustainable development, Section 4: Decision-making, Section 11: Making effective use of land (paragraphs 117 & 122), and Section 12: Achieving*



*well designed places (paragraph 127); the Purbeck Local Plan Part 1: Policy D:Design; Swanage Local Plan: Policy STCD: Swanage Townscape Character and Development; Purbeck District Design Guide Supplementary Planning Document adopted January 2014; and, Swanage Townscape Character Appraisal Supplementary Planning Document adopted August 2012.*

PAP/2019/0106 - Pre-application discussions took place in relation to two options for development on the plot.

The first option considered one large building to be subdivided into five flats. Various alterations to the size, height and design of the building were considered. However, none of the proposals were able to provide a building of an acceptable scale, height, design and layout that could be considered acceptable in terms of local character and impacts on neighbouring properties.

The second option considered two detached houses. Due to demolition of the existing dormer bungalow, it was considered that a more acceptable site layout could be achieved in terms of spacing between the properties, density and more spacious appearance within the street scene compared to the previously refused application. The layout also staggered the building line and retained front garden areas for each property. It was therefore considered to be much more acceptable within the street scene. Concerns were raised in relation to outlook and daylight to bedroom windows and the need to retain privacy in relation to 35 De Moulham Road.

## **8.0 List of Constraints**

Within Swanage Settlement Boundary.  
Within the Dorset AONB (Purbeck).  
Within 5km of a European Habitat (SSSI).  
In a River Catchment - Poole to Weymouth Coast.  
Within 2km of a SAC.  
Within 400m of the coast.

## **9.0 Consultations**

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

- **Dorset Council – Highways Management.**

No objection subject to conditions and informative note.

- **Dorset Council – Highway Engineer.**

No outstanding objection subject to standard surface water drainage condition.

- **Swanage Town Council**

Objections (received 19/05/2020 and 24/06/2020)

Strongly recommend refusal.

Disappointed that the developer has submitted yet another application for an additional property on the plot so soon after already obtaining approval for an additional dwelling on the plot under planning application No. 6/2019/0492, and further to refused application 6/2019/0702.

Reiterate previously submitted comments which remain relevant.

Proposal considered to be overdevelopment and detrimental to the important street scene and character of the area – contrary to Policy STCD and Swanage Townscape Character Appraisal.

Potential adverse impact on neighbour amenity, overlooking and loss of privacy being so close to boundaries.

Adverse impact on nature conservation - loss of a sizeable area of existing greenspace which could have an adverse impact on wildlife.

Purbeck Local Plan - Policy H14: Second homes – the Committee would wish to be reassured that any approved scheme would be subject crucially to Policy H14.

Minor revisions included in amended plans fail to address original concerns which remain relevant.

### **Representations received**

The Council received 9 comments from neighbours and residents about this planning application – the comments related to the original plans and amended plans. In addition, two letters were also received from Councillor Trite – one as a personal response to the proposal and the other on behalf of local residents. The representations are all available in full on the Council's website.

The following list sets out a summary of the key issues from the comments:

35 De Moulham Road is in areas 600mm below the level of 1A Battlemead. The proposed development will increase the height with overlooking of the garden and first floor bedroom window. This will not be prevented by obscure glazing and non-opening within 1700mm of the floor level. These windows may then also be changed for clear ones.

Will overlook and overshadow other neighbours. Breach of European law entitling residents to privacy.

The roof height of plot A and B will be oppressive to 35 De Moulham Road.

Loss of privacy and overlooking of 39 De Moulham Road and 1 & 2 Battlemead. Views into gardens and windows.

The first floor landings of each property will have no light and are a fire hazard as escape opportunities are limited by non-opening windows. Gardens are too small to provide shelter in event of fire.

Garden areas are minimal and will increase noise and be out of keeping with character of area. Loss of garden area means lack of biodiversity. Lack of front gardens means houses are too close to the road within negative impact on street scene.

Will increase light pollution.

Poor design.

Restricted covenants and conditions were placed on the estate. The records should be checked. Historic aerial photos and examples of covenants provided by one respondent. Character of de Moulham Estate will be undermined by cramped and intensive development.

Proposal is further subdivision of the plot and out of character with the area. Will appear cramped with excessive massing. High density will encourage anti-social behaviour.

If approved, the proposal will set a precedent. Developer has already purchased neighbouring plot and will do the same on it.

The number of vehicles entering and leaving the premises will be dangerous, especially during holiday season. Sight lines are poor. Driveway widths and visibility splays are not met.

Car parking provision is not in line with Dorset Parking Standards as no visitor parking is provided. New driveways are cramped, too close to the pavement and have poor visibility near blind corner junction.

Alternative options for the site should be considered.

## **10.0 Relevant Policies**

### Purbeck Local Plan Part 1:

Policy SD: Presumption in favour of sustainable development

Policy LD: General location of development

Policy HS: Housing Supply

Policy D: Design

Policy LHH: Landscape, historic environment and heritage

Policy BIO: Biodiversity and geodiversity.

Policy DH: Dorset Heaths International Designations

Policy FR: Flood risk

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Policy CE: Coastal erosion.

Policy IAT: Improving accessibility and transport.

Emerging Purbeck Local Plan 2018-2034:

Policy H14: Second Homes.

Swanage Local Plan – adopted July 2017:

Policy SS: Swanage Settlement

Policy STCD: Swanage townscape character and development

National Planning Policy Framework:

Section 2: Achieving sustainable development – paragraph 8(b)

Section 4: Decision making - paragraph 48

Section 5: Delivering a sufficient supply of homes

Section 9: Promoting sustainable transport.

Section 11: Making effective use of land;

Section 12: Achieving well-designed places;

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

Section 15: Conserving and enhancing the natural environment.

### **Other material considerations**

National planning practice guidance

Purbeck District design guide supplementary planning document adopted January 2014.

Swanage townscape character appraisal supplementary planning document adopted August 2012.

Dorset AONB Management Plan 2019-2024

Dorset AONB Landscape Character Assessment & Management Guidance 2008

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

Dorset biodiversity appraisal and mitigation plan.

Purbeck Strategic Flood Risk Assessment 2018

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

## **11.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

## 12.0 Public Sector Equalities Duty

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

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

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

## 13.0 Financial benefits

What	Amount / value
Material Considerations	
None	N/A
Non Material Considerations	
CIL contributions	£24,921
Council Tax	£3,128 (Band F)

## 14.0 Climate Implications

The proposal is for two new dwellings, both of which will be constructed to current building regulation requirements and which will be serviced by suitable drainage to prevent any additional impact in terms of coastal erosion that may be exacerbated by future climate change.

## 15.0 Planning Assessment

The main planning considerations in respect of this application are:

- The principle of development
- The emerging Local Plan policy H14- Second Homes
- Layout, scale, design and impact on the character of the area and the Dorset AONB
- Impact on the residential amenity

These and other considerations are set out below.

### **Principle of development**

- 15.01 The application site is located within the settlement boundary of Swanage and the proposed development is therefore considered to be acceptable in principle in accordance with policies SD: Presumption in favour of sustainable development and LD: General location of development of the Purbeck Local Plan Part 1, and Policy SS: Swanage Settlement of the Swanage Local Plan. The proposed dwellings will also provide towards the Purbeck area housing supply in accordance with policy HS: Housing Supply of PLP1. This is subject to the consideration of all other material planning issues as set out in more detail in the sections below.

### **Emerging Local Plan Policy H14 –Second Homes**

- 15.02 The emerging Purbeck Local Plan 2018-2034 includes policy H14: Second Homes. The policy includes a requirement to limit the occupation of new dwellings in the Dorset Area of Outstanding Natural Beauty, on small sites outside settlement boundaries and on rural exception sites. In support of this policy, a background evidence paper has been prepared. The evidence paper indicates that there is a significant number of unoccupied homes in the plan area, with a trend towards greater numbers of unoccupied homes in the southern part of the plan area. The Council's evidence suggests that where there is a significant proportion of dwellings are 'second homes', and there is a demand for 'second homes': house prices may be inflated and there may be shortages of dwellings for local people. Homes that are unoccupied for large periods can also have adverse impacts on local businesses and the functioning of local communities.
- 15.03 Paragraph 48 of the NPPF advises that;  
"Local planning authorities may give weight to relevant policies in emerging plans according to:  
a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);  
b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);  
and  
c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

- 15.04 The emerging Purbeck Local Plan is at an advanced stage and on 18 March 2020 the Planning Inspector reported back. She states in her Post Hearing Note that she was reasonably satisfied at this stage that with Main Modifications the Plan is 'likely to be capable of being found legally compliant and sound'. The Inspector's note explains that she will make a final decision on whether the plan is legally compliant and sound after she has considered: responses on Main Modifications following public consultation and an updated Sustainability Appraisal (SA) and Habitats Regulation Assessment (HRA).
- 15.05 The council is confident that as a whole the local plan is capable of being found sound subject to Main Modifications as the Inspector indicates that the strategy for meeting the area's needs is sound and because of the nature and extent of the proposed Main Modifications (having regard to the need for SA and HRA of Main Modifications).
- 15.06 The Planning Inspector Post Hearing Note specifically looked into and commented on the Second Homes Policy.  
She says:  
*"51. The submitted Plan proposes a policy (policy H14) to restrict new housing permitted in the Area of Outstanding Natural Beauty, on small sites (as set out in policy H8) and on rural exception sites (as set out in policy H12) to be occupied only as a principal residence. The policy is intended to manage the number of new homes which are built as, or become, second homes in order to ensure the housing needs of local people are met, create a good balance and mix of housing to allow people to live and work locally and strengthen the community and local economy.*  
  
*52. However, I am not persuaded that, in order to achieve the outcome sought, it is necessary, reasonable or proportionate to subject replacement dwellings to the restriction of the policy. The replacement of one unrestricted dwelling by another unrestricted dwelling would have no impact on the existing mix and balance of housing. Based on the evidence therefore, I am not sufficiently satisfied that including replacement homes in the policy is justified. Consequently, further amendment is necessary to the suggested Main Modification (MM101) to policy H14 in this respect."*
- 15.07 This application is to demolish an existing dwelling and erect two replacement dwellings, accordingly paragraph 52 of the Inspector's note is relevant. Taking account of the Inspector's note, the Council is satisfied that the thrust of Policy H14 is justified and consistent with national planning policy. As directed by the Inspector the Council will need to consider a further Main Modification to the emerging policy around the way it should be applied in respect to 'replacement dwellings'. For this reason there is still uncertainty in the application of the policy for sites where replacement dwellings are proposed. This uncertainty should be addressed through the process of agreeing the final text of Main Modifications for consultation with the Inspector, and could result in the potential for further

objections to the revised Main Modifications. In light of these circumstances, at this point in time, officers consider that Policy H14 does not carry sufficient weight to apply to this application as it relates to replacement dwellings.

**Layout, scale, design and impact on the character of the area and the Dorset AONB**

- 15.08 The application site currently consists of an existing dormer bungalow with attached garages and its side and rear gardens. The dormer bungalow is to be demolished to provide a new plot on which the two detached houses are proposed. The previous application for this site which retained the dormer bungalow with the construction of a new dwelling to the side was refused for the following reasons:
- ‘The proposed development would result in a new dwelling that would appear cramped and high density in its appearance on a small and constrained infill plot, to the detriment of the distinctive, regular, and low density pattern of townscape character in the area. The new dwelling by virtue of its positioning close to the road would not sensitively integrate with established building lines between 1a Battlemead to the east and 1 Battlemead to the west. In addition, the dwelling would not reflect the established features of townscape character along Battlemead including modest sized detached houses in relatively generous plots, modest front gardens, larger rear gardens, and strong separation gaps between plots that provide a relatively open but low density character of development. The development by virtue of its cramped layout on a narrow plot, provides minimal new landscaping which does not enable the proposal to contribute to the attractive mature green street scene that is exhibited along Battlemead. The proposal does not maintain the prevailing character and setting of the area.’*
- 15.09 The current application has attempted to address the previous reasons for refusal as set out in more detail below.
- 15.10 The application site is located within an area of ‘constant’ townscape quality in the Swanage Townscape Character Appraisal (STCA). The appraisal identifies the townscape character type as being ‘mixed pre- and post-war housing’ with particular strengths being the consistent character, well defined edges to the street, buildings being set back along a common building line, modest gardens, and separation gaps. In terms of landscape characteristics of the area, the contribution that trees and shrubs make to the green character is important, particularly where sited behind stone or brick walls.
- 15.11 Policy STCD: Swanage Townscape Character and Development of the Swanage Local Plan identifies the site as falling within an ‘Area of Distinctive Local Character’. New development in this area is required to protect and enhance distinctive local characteristics. The application site is identified as falling in an area ‘to the north and south of Beach Gardens’ which is characterised by ‘predominantly detached properties, of modest size, individual design and usually



set within reasonably generous plots'. The area is noted in policy STCD for displaying a distinctive pattern of connecting roads or cul-de-sacs running back at right angles from De Moulham Road where new development should not reduce the spacious character.

- 15.12 Swanage Town Council has submitted an objection in relation to the proposal. This was received by the Case Officer outside the consultation period. Nevertheless, the comments are considered as part of the current assessment. The comments refer to Policy STCD of the Swanage Local Plan and the Swanage Townscape Character Appraisal, and note that the proposal would be overdevelopment and detrimental to the street scene and character of the area. The comments also note that local policies to protect and conserve the local character should be given any weight in the decision making process. Two letters raising similar objections to the proposal (one on behalf of local residents and the other on his own behalf) have also been received from Councillor Trite. Neighbours to the proposal have also submitted letters of objection in relation to impact on the local character. All of the comments received have been considered as part of the application assessment.
- 15.13 Officers consider that the demolition of the existing bungalow to form two new plots results in a more spacious layout within the street scene than the previously refused application. Each new house will have separation gaps to the side to provide for tandem parking and rear garden access. A distance of almost 3m will be retained between the two new dwellings, ensuring that the regular, lower density character of the area that is provided by separation gaps is retained in the street scene. The dwellings have also been set back from the street frontage with areas of garden retained to the front and a slightly staggered building line.
- 15.14 Whilst the building line does not align with that to the west, it is an improvement on the existing dormer bungalow that is currently on the plot which at its closest point is 3m from the back of the footpath. The closest point of dwelling A will be similarly positioned 3m back from the footpath but the closest point of dwelling B will be set back approx. 3.9m from the footpath. As the existing dwelling was already an anomaly compared to the prevailing building line, and the linear form of development will be retained, no significant harm to character has been identified. In terms of garden size, it is acknowledged that the new dwellings will not provide the generous plots that the Townscape Character Appraisal notes are 'usual' in the area but this will not be readily evident from within the street scene so the impact will be limited.
- 15.15 A recent appeal decision in relation to subdivision of a lengthy rear garden at 61 Rabling Road Swanage, a site that displayed similar characteristics and townscape qualities to the current site, was allowed (APP/B1225/W/19/3229294). In making the decision, the planning inspector noted the townscape quality identified in the Swanage Townscape Character Appraisal and Swanage Local Plan Policy STCD:

*'Rabling Road runs principally east to west, with linear rows of detached dwellings facing the highway on both sides, set behind attractive stone walling and small, softly landscaped front gardens. Despite the varietal design of its buildings, its reasonably narrow plots and discernible building lines provide a repetitive, suburban character. Although many properties have reasonably sized rear gardens, they are largely hidden from public view.'*

- 15.16 However, the Inspector continued to note that the appeal site and the immediate area were not considered to contribute to the defining townscape characteristics. The inspector also noted:  
*'The plot size and rear gardens would be small. However, the rear gardens would not be readily visible. The plot and building widths, and the resultant perceived building density along this section of the street, would be comparable to that elsewhere along Rabling Road, particularly the properties to the north. The replacement of existing fencing and hardstanding with a front lawn would offer a more attractive response, more in line with the small, landscaped gardens which characterise the area.'*

*'Given the established variety of buildings, the proposals would sit harmoniously within Rabling Road, maintaining the building line, with their principal elevations the prominent feature... the proposals would not appear cramped or incongruous, but would enhance and consolidate the street scene.'*

- 15.17 Whilst Officers were disappointed with the conclusions reached by the Inspector, the decision must nevertheless be taken into consideration in determining other applications within the townscape character area, including the current proposal. Officers consider that many of the points made by the Inspector are relevant to the current proposal, in particular the lack of visibility of the rear gardens, the perceived building density within the street scene, the small landscaped front gardens, the prominent front elevations which will consolidate the street scene, and the harmonious infill of the development within the existing established variety of buildings. In this case the building line does not match that which is established to the west but it follows that defined by the existing dormer bungalow, and the set back of the proposed front elevations provides a slight staggering and forms a slightly better relationship with the building line to the west than the existing property. It is therefore considered that the staggered building line would not result in a level of harm to the character of the area that would be sufficient to justify refusal of the proposal. Landscaping can be secured by condition (no. 4&5).

- 15.18 On balance, the proposed development is considered to have an acceptable impact on the character and appearance of the area. It will also make an effective use of land (section 11 of the NPPF) in providing much needed new dwellings within Swanage.

- 15.19 In terms of the design of the new dwellings, there is no objection to the scale and size of the detached houses as the majority of houses within the site locality are also detached and generally significantly larger in size and width within their plots. The height of the dwellings varies, with Plot A being taller (approx. 7.4m) and Plot B being lower (approx. 6.6m) to fit more comfortably in relation to the height of the adjacent dormer bungalow to the west. The existing dormer bungalow has a pitched roof with a ridge height of 6.3m and the maximum increase in height of 1m is not considered to be excessive. Both roof forms are hipped to reduce bulk so that they appear less imposing in the street scene and in terms of their impact on neighbouring properties. In terms of the general design, this reflects many of the other detached properties in the immediate area and is considered acceptable.
- 15.20 Proposed materials are similar to those used locally on older and recently renovated properties, including facing brickwork, a cream render painted finish, anthracite and dark red roof tiles, stone lintels, grey upvc windows and external doors. Specific details of finish and colour have not been provided however, this can be dealt with by way of a condition on the decision (condition. 3).
- 15.21 The application site is located within the Dorset AONB. Areas of Outstanding Natural Beauty have statutory protection in order to conserve and enhance the natural beauty of their landscapes under National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000. However, the new dwellings will be located within the settlement boundary and are surrounded by residential development. Objections have been raised in relation to light pollution, and whilst it is recognised that 'dark skies' are a key objective within the AONB, the location of the application site within the settlement boundary of a town, surrounded by other residential development and street lighting, means that any additional impacts will be minimal. As a result, there are not considered to be any harmful impacts on the landscape designation or in terms of light pollution.
- Impact on residential amenity**
- 15.22 The application site is located in a residential area where there is an existing mutual level of overlooking between properties on opposite sides of De Moulham Road and Battlemead.
- 15.23 The proposed dwellings are neighboured by a newly constructed house to the east and 1 Battlemead to the west. Neither of these properties have habitable side facing windows that would be impacted by the new house in terms of loss of light or overbearing development. No. 1 has a side facing bathroom window only. As the proposed new dwelling is set forward of no. 1, this could result in some loss of light and overbearing impact to closest windows on the front elevation. However, these windows appear to serve a bathroom at ground floor level and the stairs / landing at first floor level. As these are not habitable rooms, some loss of light and the relationship between the properties would be acceptable.

15.24 The proposed houses have been designed to avoid the loss of neighbouring privacy by reason of overlooking. It will be reasonable to require that a proposed side facing window serving an en-suite in both Units A and B is obscure glazed for privacy of future occupants and it is also necessary for a secondary bedroom window serving Unit B to be obscured to avoid overlooking of Unit A. Other side windows face the flank walls of 1 Battlemead and the extant new dwelling.

15.25 In terms of impacts to the neighbours at the rear, both new plots will adjoin the rear garden of 35 De Moulham Road. This property has a long generously sized garden, with the new houses being positioned to the north. The plot would also adjoin the side (eastern boundary) of 1 Battlemead to the west. The following table provides a summary of approximate distances between the existing bungalow and proposed dwellings and property boundaries:

All measurements in metres (approx.)	Existing 1A Battlemead	Previously refused scheme 6/2019/0702	Proposed scheme
Distance to southern boundary (shared with 53 De Moulham Road)	GF bedroom: 2.7m - 3.7m Rear elevation (main): 8.8m Rear elevation (garages): 6.9m	5.4m - 5.8m	Plot A: 6m - 6.4m Plot B: 4.7m - 5.2m
Distance to west boundary (shared with 1 Battlemead)	GF bedroom: 18m Side elevation (garages): 6m	1.8m	Plot A: 1.8m

15.26 The rear elevation of the new houses would be located between 4.7m away from the boundary at the nearest point (Plot B) and 6.4m at the furthest point (Plot A). Plot B is closest to the boundary but is located at the furthest end of the garden where impacts from overbearing development are least due to the openness of adjoining gardens to the south and west. Whilst it is accepted that the two dwellings will have a greater impact than the existing bungalow, it is not considered that they would be so significantly dominant, overbearing or oppressive to the occupiers of 35 De Moulham Road as to recommend refusal of the proposal.

15.27 Despite the new houses being taller than the existing dormer bungalow (Plot A – approximately 1.1m taller and Plot B – 0.3m taller), the hipped roof design together openness of no. 35s garden to the south and west means that the

proposal will not result in a significant harmful loss of light or daylight to the occupiers of no. 35 De Moulham Road. Similarly, whilst the outlook from the garden of that property would be altered as a result of the two new dwellings, the retention of separation gaps between each property, and the provision of rear amenity areas is considered acceptable in terms of mitigating the impact of their bulk. However, given the restricted size of the rear amenity areas, and the potential for future development to result in overbearing impacts, it is considered that a condition should be added onto the decision notice restricting permitted development rights for each new house for additional windows / roof alterations, extensions and outbuildings.

- 15.28 The existing property has a large bedroom window facing onto the immediate rear amenity area and conservatory of 35 De Moulham Road. The proposal seeks to avoid overlooking by limiting south facing first floor windows to those serving bathrooms and a single bedroom window to serve bedroom 3 of Unit B. The plans show this bedroom window as obscure glazed below 1.7m of floor level with a clear opening top hung fan light. Whilst it is recognised that the intention is to ameliorate neighbours' concerns about potential loss of privacy from overlooking, officers consider that a condition to require the retention of the obscure glazing would not meet the test of necessity, given that overlooking would be limited to the end of the garden of 35 De Moulham Road and oblique overlooking of the garden of 1 Battlemead and Unit A.
- 15.29 In terms of the amenity of future occupiers of Plot B, it is considered that any users of bedroom 3 would continue to receive sufficient daylight through the proposed obscure glazed window, together with some outlook of the skyline and distant views through the high level clear glazing. In addition, a smaller secondary side facing window will provide additional light to the room. Following the stance of the Inspector in a recent appeal decision APP/D1265/W/20/3246200 for 52-54 Station Road, Swanage, Officers consider that the overall space, outlook and daylight levels within the house would compensate for any deficiencies experienced in bedroom 3 which is a secondary bedroom in nature. It is therefore considered that the proposed windows would provide satisfactory living conditions for the future users of the room, and that this aspect is acceptable in accordance with Policy D: Design of PLP1, paragraph 127 of the NPPF and paragraph 126 of the National Design Guide.
- 15.30 It is reasonable to impose a condition that the south facing bathroom windows serving Units A and B are obscure glazed in the interests of the amenity of future occupants of those properties. With this condition (no. 10 & 11) and removal of permitted development rights for alterations including additional windows (condition 12), the proposal would reduce the degree of overlooking of neighbouring properties.
- 15.31 In terms of neighbours on the opposite side of Battlemead, the proposed houses would achieve distances of approximately 12m to the garden boundary of 39 De

Moulham Road on the opposite side of Battlemead. Given the distances involved, the suburban location and the road between the proposed dwellings and 39 De Moulham Road, the relationship is considered to be acceptable in terms of overlooking and unlikely to result in loss of privacy.

- 15.32 Neighbours have raised concerns in relation to noise pollution from residents of the new dwellings. With a net increase of only one dwelling, the additional noise pollution of a domestic level within a residential area is unlikely to result in significant harmful impacts and is considered to be acceptable.

**Biodiversity impacts**

- 15.33 The application site is located within the settlement boundary and is of a size that means it is not subject to the Dorset Biodiversity Protocol and a Biodiversity Mitigation and Enhancement Plan is not required. Neighbours to the proposed development have raised some concerns in relation to impact on wildlife. It is therefore considered that a wildlife informative note could be added to the decision, if approved, to highlight the need to avoid harmful impacts from the proposed development affecting any protected species.

- 15.34 As the proposal lies within 5km of designated Dorset Heathland and would result in a net increase of one additional dwelling, an Appropriate Assessment has been undertaken in accordance with requirements of the Conservation of Habitats and Species Regulation 2017, Article 6 (3) of the Habitats Directive having due regard to Section 40(1) of the NERC Act 2006 and the NPPF. This concludes that the mitigation measures set out in the Dorset Heathlands 2020-2025 SPD can prevent adverse impacts on the integrity of the site. The mitigation can be secured via the Community Infrastructure Levy such that the development will not result in adverse effects on the integrity of internationally designated sites.

**Flood risk and drainage**

- 15.35 The application site is not located within an area at risk of fluvial or surface water flooding. However, the site is located within 400m of the coast and is therefore subject to Policy CE: Coastal Erosion of PLP1. Policy CE requires new development within 400m of coastline, which falls into a 400m No-water Discharge Consultation Zone, and which has potential to impact on surface water and / or groundwater drainage to demonstrate how water can be discharged without having an adverse effect upon the stability of nearby cliffs.
- 15.36 The Council's Drainage Engineer has been consulted on the proposal and notes that the planning application form indicates that surface water will be discharged to the main sewer at an attenuated rate, however no further information is provided. The consent of Wessex Water will be required to connect to the public sewage system. In the absence Of Wessex Water's agreement to the proposal, the Drainage Engineer raised a holding objection.

- 15.37 This was resolved following confirmation from Wessex Water and the Drainage Engineer has no outstanding objection subject to the inclusion of a standard surface water drainage condition (no. 6) on the decision.

**Highway impacts and car parking**

- 15.38 The application proposes two new dropped kerbs and vehicular accesses off Battlemead to serve the proposed new dwellings. The Council Highway Authority has been consulted on this proposal and has raised no objection subject to conditions and an informative note on the decision notice (nos. 7-9).

- 15.39 In terms of car parking provision, the plans provide off-road parking space for two vehicles to serve both new dwellings. This is in-line with the Dorset parking guidance which advises 2 spaces for a 3 bedroom dwelling. The guidance also recommends 1 visitor space. Given the location of the site in an area of Swanage where there are defined on-road car parking bays which would be able to meet any additional car parking requirements for the proposed dwelling, for example, visitor parking, it is considered that the level of provision included in the site layout plan is sufficient for the proposed development in accordance with PLP1 Policy IAT.

**16.0 Conclusion**

The proposed development is considered to be acceptable in principle, of an acceptable scale and design and, on balance, it is considered to be acceptable in terms of the impact on the character and appearance of the area and the amenity of the occupiers of neighbouring properties. Impacts such as flood risk, highways and biodiversity are all considered to be acceptable subject to conditions set out below.

**17.0 Recommendation**

To **grant** planning permission subject to the following conditions:

1. The development must start within three years of the date of this permission.

Reason: This is a mandatory condition imposed by Section 91 of the Town and Country Planning Act 1990 to encourage development to take place at an early stage.

2. The development permitted must be carried out in accordance with the following approved plans: Proposed Plans 1510/2(A)(B), Plot A Proposed Plans 1510/3(A) Planning 14-5-20, Plot B Proposed Plans 1510/4(A)(B) Planning 4-6-20

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

3. The manufacturers name, product name and colour of all external facing and roofing materials must be submitted to and approved in writing by the Local Planning Authority before they are used on the proposal. The development must then be implemented using the approved materials.

Reason: To ensure satisfactory appearance of the development.

4. No development above damp proof course shall take place until the Local Planning Authority has approved in writing a scheme of landscaping. This must include a landscape proposals plan showing proposed details of hard landscaping (surfacing/paving, walls, fences and other structures) and soft landscaping (trees, shrubs, herbaceous plants and grassed areas). The approved landscaping scheme for each dwelling must be implemented in accordance with the approved details.

Reason: These details are required to be agreed to ensure the satisfactory landscaping of the site, and to enhance the biodiversity, visual amenity and character of the area.

5. The soft landscaping works detailed in the landscape proposals agreed by the Local Planning Authority pursuant to condition 6 must be carried out in full during the first planting season (November to March) following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The soft landscaping shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

6. A suitable method of dealing with surface water drainage from the development must be installed before the first occupation of the houses. Before any surface water drainage works start, the scheme must be submitted to and approved in writing by the Local Planning Authority. This must include details of the on-going management and maintenance of the scheme. The appropriate design standard for the drainage system must be the 1 in 100 year event plus an allowance for the predicted increase in rainfall due to climate change. This requirement is above and completely separate to any building regulations standards. Prior to the submission of those details, an assessment must be carried out into the potential for disposing of surface water by means of a sustainable drainage system (SUDs). The results of the assessment must be provided to the Local



Planning Authority. The approved drainage scheme must be implemented, maintained and managed in accordance with the agreed details.

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

7. Before the development is first occupied the existing access point shall be permanently closed by extending the adjoining highway boundary hedge/fence/wall and removing any gates. The existing highway vehicular crossing shall be expunged and reinstated to a specification which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid undue hindrance to people with protected characteristics as defined in the Equalities Act 2010.

8. Before the development hereby approved is first occupied the parking areas shown on the submitted plans 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.

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

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

10. Before Unit A is first occupied, the first floor rear facing (south elevation) bathroom window for that unit must be glazed with obscure glass to a minimum Pilkington privacy 3, or equivalent as agreed in writing with the Local Planning Authority and must thereafter be maintained in that condition.

Reason: To safeguard the amenity and privacy of the occupiers of the dwellings and adjoining occupants of 35 De Moulham Road.

11. Before Unit B is first occupied, the first floor rear facing (south elevation) bathroom window and the first floor side facing (east elevation) windows serving the en-suite and bedroom 1 for that unit must be glazed with obscure glass to a minimum Pilkington privacy 3, or equivalent as agreed in writing with the Local Planning Authority and must thereafter be maintained in that condition.

Reason: To safeguard the amenity and privacy of the occupiers of the dwellings and adjoining occupants of Unit A and 35 De Moulham Road.

12. Despite the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 1, Classes A, B, C and E and Schedule 2, Part 2, (or any order revoking and re-enacting that Order with or without modification), no further development, including the carrying out of building, engineering or other operations may be undertaken within the application site without first obtaining planning permission from the Local Planning Authority.

Reason: In the interest of neighbour amenity and to retain the visual amenity and townscape character of the area.

### **Informative Notes:**

1. Informative Note - 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 County Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.
2. Informative Note - Community Infrastructure Levy. This permission is subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice has been issued with this planning permission that requires a financial payment. Full details are explained in the notice.
3. Informative Note - Matching Plans. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.
4. Statement of positive and proactive working: In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and creative approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

For this application: pre-application advice was provided; the applicant/agent was updated of any issues after the initial site visit; the opportunity to submit amendments to the scheme/address issues was given which were found to be acceptable; the application was approved without delay.

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