



Eastern Area Planning Committee

Date: Wednesday, 10 February 2021

Time: 10.00 am

Venue: Virtual/ MS Teams Live Event

Membership: (Quorum 6)

Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Alex Brenton, Robin Cook, Mike Dyer, Barry Goringe, Brian Heatley, David Morgan, Julie Robinson, David Tooke, Bill Trite and John Worth

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

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



For easy access to the Council agendas and minutes download the free public app Mod.gov for use on your iPad, Android and Windows tablet. Once downloaded select Dorset Council.

Members of the public are welcome to view the proceedings of this meeting, with the exception of any items listed in the exempt part of this agenda. MS Team Live Event/Virtual (please see link below)

Link for the meeting:-

https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZmUwZGM0MzYtOWY2YS00YjBILTgyYTAAtMTc4ZjFkYjYxNWNh%40thread.v2/0?context=%7b%22Tid%22%3a%220a4edf35-f0d2-4e23-98f6-b0900b4ea1e6%22%2c%22Oid%22%3a%226b0f9558-2fa4-49d1-82dc-5ad39a1bb4c7%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 8 February 2021**. 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 8 February 2021.**

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

Dorset Council is committed to being open and transparent in the way it carries out its business whenever possible. 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 pecuniary interest from Members.

3 MINUTES

5 - 24

To confirm the minutes of the meeting held on 6 January 2021.

4 PUBLIC PARTICIPATION

25 - 26

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 6/2019/0656 - OUTLINE APPLICATION ON A RURAL EXCEPTION SITE FOR A DEVELOPMENT OF 8 DWELLINGS (6 AFFORDABLE & 2 OPEN MARKET) WITH DETAILS OF ACCESS (ALL OTHER MATTERS RESERVED) AT CRACK LANE, LANGTON MATRAVERS

27 - 50

To consider a report by the Head of Planning.

6 6/2020/0292 - TO ERECT A TEMPORARY AGRICULTURAL WORKERS DWELLING AT NEW PARK FARM, LYTCHETT MATRAVERS

51 - 68

To consider a report by the Head of Planning.

7 6/2020/0281 - TO ERECT SINGLE STOREY EXTENSIONS WITH PITCHED ROOFS AND INSERT THREE ROOFLIGHTS WITHIN THE NORTH EAST ELEVATION AND INSTALL A RAINWATER HARVEST TANK AT 5 BALLARD ESTATE, SWANAGE

69 - 84

To consider a report by the Head of Planning.

8 PLANNING APPEALS

85 - 90

To consider the outcomes of recent planning appeals.

9 URGENT ITEMS

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

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



DORSET COUNCIL - EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 6 JANUARY 2021

Present: Cllrs Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Alex Brenton, Robin Cook, Mike Dyer, Barry Goringe, Brian Heatley, David Morgan, Julie Robinson, David Tooke, Bill Trite and John Worth

Also present: Councillors Ray Bryan (min 162) and Andrew Starr (min 163).

Officers present (for all or part of the meeting): Kim Cowell (Development Management Area Manager East), Elizabeth Adams (Development Management Team Leader), Naomi Shinkins (Lead Project Officer), Neil Turner (Development Team Leader), Steve Savage (Transport Development Liaison Manager), Lara Altree (Legal Services Manager) and David Northover (Democratic Services Officer).

Public Participation

Written submissions

Minute 161

Bob Mizon

Simon Ible, Bloor Homes Ltd

Minute 162

Stephan Graham

Mario Massimino (Governor) - on behalf of St Ives Full Governing Body

Martin Kimberley - Chief Executive of Active Dorset

Dan Wilden - Director of Pure Town Planning

Minute 163

Simon Morgan, Managing Director, Morgan Design Studio Ltd

157. **Apologies**

No apologies for absence were received at the meeting.

158. **Declarations of Interest**

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

159. **Minutes**

The minutes of the meeting held on 2 December 2020 were confirmed and would be signed at the first opportunity.

160. **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.

161. **3/19/2437/RM - Reserved matters details for 312 dwellings, public open space, vehicular, cycle and pedestrian access, connections to the SANG, landscape planting and surface water attenuation features at land West of Cranborne Road Wimborne Minster**

The Committee considered application 3/19/2437/RM on a proposal for a development comprising 312 dwellings, public open space, vehicular, cycle and pedestrian access, connections to the SANG, landscape planting and surface water attenuation features at land west of Cranborne Road, Wimborne Minster.

The application had previously been considered at the meeting in October 2020, but determination of the application had been deferred so that certain issues could be satisfactorily addressed before further consideration of any approval could be made.

Officers had since negotiated further with the applicant on those outstanding issues to see what could be achieved and how they might be resolved. The applicant had now responded with what officers considered to be satisfactory and acceptable revisions, based on positively accommodating those issues raised; namely:-

- **Approach to renewable energy** - photovoltaic panels now to be provided, instead of the WWHR option
- **Use of chimneys / detailing** – a further 27 chimneys to be added
- **Design of the Amherst Block in the south eastern corner** - the Amherst block had now been relocated to the nearer the centre of the development, amongst other dwellings of a similar height and, where this had been proposed to be sited, a two storey terrace block would replace it
- **Design / use / function of the Urban Square** - further design detail had been provided
- **Private refuse collection concerns** – the issues had now been resolved, with the layout now conforming to Dorset Waste Partnership guidance
- **Control of lighting on private dwellings** - condition 7 applied regarding external lighting on private dwellings
- **Road construction for private roads** – the road construction would conform to the Highways Authority adoptable standards, as necessary
- **Landscaping on the western boundary** - some improvements had been made, with additional landscaping to be made where possible
- **Connectivity** - pedestrian, cycle and vehicular connections had been identified

- **Water quality impacts** – a statement from the Environment Agency confirmed that there were no concerns arising, particularly which would compromise the quality of the water in the River Allen.

On balance, following receipt of amendments made to the scheme, officers now considered the proposal accorded sufficiently with the approved Design Code and outline parameters to be deemed acceptable, with any harm caused being outweighed by much needed housing supply secured on this strategic allocated site.

Clarification was provided by the Chairman that whilst the officers' report and presentation would serve to contextualise the application, the Committee's focus should be on those issues that were the basis of the deferment and that any debate and questioning should relate solely to that.

So, with the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; how these were to be progressed; how the development would contribute to meeting housing needs; and what this entailed. What the outline planning permission entailed and the planning history were also detailed. The presentation focused on not only what the development entailed and its detailed design, but what benefits it would bring and the effect it would have on residential amenity and the character the area. The officer's presentation also provided updates, since the report had been published, summarising further discussions and consultations and the responses and clarifications received.

Plans and photographs provided an illustration of the location, orientation, dimensions – form, bulk, size and mass - and appearance of the development and of the individual properties, with examples being given of how typical detached, semi-detached, terraced and apartment block properties were designed, along with their ground floor plans; how it would look; proposed street scenes; the materials to be used; how utility services would be provided and accommodated and by whom; access and highway considerations; environmental considerations; the means of landscaping, screening and tree cover, and its setting within that part of Wimborne and the wider landscape – particularly within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB).

Officers showed the development's relationship with other adjacent residential development and how the buildings were designed to be in keeping with the characteristics of the established local environment. The characteristics and topography of the site was shown and its relationship with the highway network and to properties in the adjoining roads in particular. Views into the site and around it were shown, which provided a satisfactory understanding of all that was necessary.

Focus throughout the presentation – and in the officers' report - was on the deferred issues: approach to renewable energy; use of chimneys / detailing; design of the Amherst Block in the south eastern corner; design / use / function of the Urban Square; private refuse collection concerns; control of

lighting on private dwellings; road construction for private roads; landscaping on the western boundary; connectivity and water quality impacts and what was now being proposed to address those issues in a satisfactory and acceptable way.

In summary, officers planning assessment adjudged that the overall design of the development was now considered to be largely acceptable, with all, significant, planning matters having been appropriately, or adequately, addressed. Having assessed the material considerations, overall, the reserved matters now submitted were deemed to have satisfactorily addressed the outstanding issues and, on balance, were seen to be acceptable and sufficiently compliant with national and local planning policies and the recommendation made by officers to approve the application was based on this.

The Committee were notified of the written submissions received and officers read these direct to the Committee – it 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.

Formal consultation on the revisions had seen no objection from Wimborne Minster Town Council and no comment from Colehill Parish Council. The Environment Agency had now confirmed their satisfaction with the water and drainage issues. Natural England, the County Archaeologist, Wessex Water and Sembcorp Bournemouth Water Ltd had made no comment on this application.

Whilst some issues were considered to remain for other consultees: Cranborne and West Wiltshire AONB; East Dorset Environmental Partnership and, initially, by the Dorset Council's Landscape, Urban Design and Conservation Teams, officers were confident that these could be satisfactorily addressed by the conditions to be imposed and by what revisions had been made. Indeed, officers confirmed that the Dorset Natural Environment Team now were satisfied with the proposed planting scheme and that the Dorset Council's Urban Design, Landscape and Conservation Officers were now satisfied with the proposed design of the proposed block in the south-eastern corner and with the design and detail of the Urban Square.

Accordingly, on the basis of the revisions, Conditions 7 and 8, previously proposed, had now been removed and a new Condition 7, relating to private lighting, added.

The Vice-Chairman, being one of the two local Ward members - who had proposed the matter be deferred at the October meeting - was now largely satisfied that the issues raised had been satisfactorily addressed and welcomed the positivity of the applicant in accommodating these changes.

The Committee were then notified of those written submissions received and officers read these direct to the Committee. Having heard what was said, officers responded to some of the pertinent issues raised, being confident that

each one could be addressed by the provisions of the application.

The Vice-Chairman - who was also one of the two local ward members for Wimborne Minster – now considered the application to be more acceptable and the deferred issues largely having now been satisfactorily addressed. On that basis he was minded supporting approval. The other Ward member – Councillor David Morgan, was of a similar view.

The opportunity was then 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, which the Committee saw as generally acceptable

Some points were still raised though in that whilst it was good to see photovoltaic solar panels now being provided, the WWHR scheme should still be able to play some part, if at all possible. Officers confirmed that there was no reason that the WWHR could not still be provided for, if at all practicable, but did not now form part of the formal application. Members sought clarification on connectivity issues with Wimborne town itself, these being considered by officers to be quite adequate. Moreover, the Highways Officer had raised no issue with access, road safety or traffic management but there would still be scope for accessibility measures likely to complement the scheme in this regard, if and as necessary.

The Committee were largely satisfied that the issues raised for deferment at their meeting in October 2020 had now been addressed satisfactorily and the application was considered to now be more acceptable. They considered that it was to the credit of the applicant to have been able to positively accommodate those issues in the application so that a successful outcome could now be achieved. Members considered that this development would significantly contribute to the housing supply in Dorset and was seen to be an asset.

Having had the opportunity to discuss the merits of the application; having taken into account the officer's report and presentation, the written representations; and what they had heard at the meeting - particularly in taking account of the views of the two Ward members - and in recognising that the issues which had been deferred had now been satisfactorily addressed, in being proposed by Councillor Robin Cook and seconded by Councillor Shane Bartlett, on being put to the vote, the Committee agreed unanimously to grant permission subject to the conditions set out in paragraph 14 of the officer's report and clarified in the presentation.

Resolved

That planning permission for application 3/19/2437/RM be granted, subject to the conditions set out in the officer's report and clarified in the presentation.

Reasons for Decision

The site is allocated for residential development in the Christchurch and East Dorset Local Plan Part 1 - Core Strategy 2014 through Policy WMC7 (North

Wimborne New Neighbourhood).

- The principle of residential development for up to 630 dwellings on the wider Wimborne New Neighbourhood site was agreed under outline planning application 3/14/0016/OUT.

- Adequate biodiversity mitigation was secured at outline planning stage through

planning conditions and a Section 106 Agreement. A Suitable Alternative Natural

Greenspace (SANG) will be provided to the north and east of the site. This meets the requirements of the Habitat Regulations.

- The number of residential units and mix of unit sizes are considered to be appropriate for the site.

- The legal agreement secures 32% affordable housing with 70% for affordable

rent proposal and 30% as shared ownership. 10% of the affordable housing is provided to 'M4(2) Cat 2 Accessible and Adaptable Standard', providing accommodation for people with disabilities. In combination with the affordable housing proposed in the earlier approved phase 1, the proposal aligns with the

legal agreement requirements.

- The proposed highway layout is acceptable and sufficient parking is proposed

for the dwellings.

- The proposal is considered to be acceptable in its design and general visual impact to an extent that would not warrant refusal.

- The proposed landscaping of the site is considered to be acceptable in its design

and general visual impact to an extent that would not warrant refusal.

- The proposed is considered acceptable and there are no material circumstances which would warrant refusal of this application.

162. **3/20/0499/FUL - Erection of a multi-use games area (MUGA) comprising synthetic surface, 3m high perimeter ball stop netting and 8 x 8m lighting columns (additional and amended documents rec'd 6/7/20) at St Ives Primary and Nursery School, Sandy Lane, St Leonards and St Ives,**

The Committee considered application 3/20/0499/FUL for the erection of a multi-use games area (MUGA) comprising synthetic surface, 3m high

perimeter ball stop netting and 8 x 8m lighting columns (additional and amended documents rec'd 6/7/20) at St Ives Primary and Nursery School, Sandy Lane, St Leonards and St Ives,

Since the application was deferred from consideration at the September Committee meeting, amended plans had been submitted which had repositioned the proposed MUGA 3m east of its original proposed location.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; how these were to be progressed; how providing such a facility would benefit the school and the community as an option for exercise, health and well being; and what this entailed - the pitch providing the means and flexibility for the community to benefit from it throughout the year, in all conditions.

Plans and photographs provided an illustration of the location and appearance of the MUGA; its design and what sports it could be used for; landscaping, access and parking arrangements; its relationship with the school, local amenity and neighbouring residencies and its setting within St Leonards and St Ives and the wider landscape. It was proposed to be available for use between 9:00am and 8:30pm, Monday to Sunday. During school hours it was anticipated that the MUGA would be used by the school but, outside of those hours, it would be made available for hire by third parties, with conditions applying to ensure that use was reasonable and acceptable.

In accordance with the Council's responsibility for promoting health and wellbeing and the reduction of health inequalities across the county, the potential impact of the proposal on general health and wellbeing was seen to make a positive contribution by facilitating outdoor sport and increasing opportunities for physical activity which was important for the health and well-being of communities and in providing a community asset. As the site was located within a residential area, the amenity of neighbours and third party representations had been taken into account as part of the planning appraisal, which had adjudged that the development was acceptable in planning terms, subject to conditions.

In summary, officers planning assessment adjudged that the merits of the application were that it was an acceptable facility within an urban area; being able to facilitate sport throughout the year and improving sport facility provision and opportunities. Whilst the increased intensity of use of the school field and the introduction of lighting would alter the character of the area, it was considered that the harm would be limited. Only a minor change to noise levels was anticipated and the design of the MUGA would limit light spill and noise levels to appropriate levels within the residential area. The proposed management plan to be implemented by the school in relation to third party users of the MUGA would regulate what could be done and when. All this formed the basis of the officer's recommendation in seeking approval of the application.

Formal consultation had seen St Leonards & St Ives Parish Council object to the application on the grounds that the impact on local residencies caused by

nuisance and disturbance from noise and lighting was unacceptable, particularly in relation to the hours of opening and number of days of use. A number of objections had been received from local residents too, citing concern at nuisance and disturbance from activities associated with use of the MUGA, as well as the loss of open space.

Sport England supported the application on the basis that it would bring benefits to school pupils, staff and the local community. As there was a shortage of this type of MUGA in Dorset, it would enable the delivery of central government objectives of schools being central to local communities and in providing opportunities for facilitating healthy active lifestyles for local communities.

The Committee were notified of written submissions received and officers read these direct to the Committee – it 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.

Both local Ward Members - Councillors Barry Goringe and Ray Bryan - considered the application to be unacceptable in terms of the nuisance and disturbance that would be caused to local residents. Intermittent and irregular noise was a particular concern, as well as the extensive hours of operation proposed. On that basis, and the number of local objections generated, they considered the application should be refused.

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 issues were raised about the potential for nuisance and disturbance to the amenity of local residencies arising from the noise associated with certain ball sports i.e. hockey and basketball. Intermittent and irregular noise from whistles and cheering was of obvious concern too. How the site was to be screened whilst maintaining an open aspect was also considered an issue.

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. Given what was proposed, there would not be provision for basketball to be played. Noise assessments made adjudged that other proposed sports would be permissible and acceptable, especially as it was located with a school setting, whereby a certain level of noise would be generally expected in any event.

Arrangements would be made so that timings suited certain sports and that late afternoon and early evening sessions by third parties would be encouraged wherever practicable. However, reservations remained amongst members at the hours of operation and especially its use on Sundays. Whilst it was recognised that for the MUGA to be effectively used by third parties and remain viable it would need to be available for the optimum period of time, - in being proposed by Councillor David Tooke - members agreed that times of activity should be modified and limited on Sundays, between 10.00 am and

6.00 pm. Officers saw this to be an acceptable modification and could be conditioned in any grant of permission.

The proposal was designed to encourage more local people to take the opportunity to have a more active lifestyle and the convenience of having this facility at hand meant there would be little need for travel to facilities elsewhere. It was considered that participation in use of the facility would benefit all in society, not necessarily just the young, being seen as a community asset that was likely to prove very popular.

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, 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 - in being proposed by Councillor Shane Bartlett and seconded by Councillor John Worth - on being put to the vote, the Committee agreed - by 8:2:1 - that the application should be approved, subject to the conditions set out in the paragraph of the report relating to this and to the hours of operation being limited on Sundays between 10.00 am and 6.00 pm.

Resolved

That planning permission for application 3/20/0499/FUL permission subject to the conditions set out in the officer's report and with the amendment to Condition 7 so that the hours of operation be limited on Sundays between 10.00 am and 6.00 pm.

Reasons for Decision

- The development of a new sports facility will enhance opportunities for sport on the school site within the urban area where the principle of development is acceptable
- The limited harm arising from the changed character of the school site will be outweighed by the benefits
- Conditions can be imposed to mitigate the impacts arising in relation to noise and lighting to acceptable levels and assessments demonstrate that the proposal will not result in harm to neighbouring amenity
- Adequate parking provision is available for users of the facility outside school hours

163. **6/2020/0297/FUL - Alterations to existing building to form additional ground floor 1 bedroom flat and reduce size of shop unit and installation of rooflights to South elevation to serve shop at 86 Wareham Road, Lytchett Matravers,**

The Committee considered an application - 6/2020/0297/FUL - proposing alterations to an existing building to form an additional ground floor, one bedroomed flat and a reduction in the size of the shop unit and installation of rooflights to its south elevation to serve the shop at 86 Wareham Road, Lytchett Matravers.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development were; how these were to be progressed; what the proposal was designed to do; and what this entailed. The planning history of the site was described too.

Plans and photographs provided an illustration of the location and appearance of the development; its internal configuration and the modifications to be made to meet the needs of the development; what other alternative retail there was in the village; access, parking and highway considerations; its relationship with local amenity and neighbouring residencies and its setting within Lytchett Matravers. The arrangements for the residential habitation of the development and its relationship with the retail space and how this could be managed was described.

In summary, officers planning assessment adjudged that the merits of the application was that it was an acceptable development, of an appropriate scale, size and design and acceptable in terms of impact on the character and appearance of the local area. The impact on neighbouring amenity, highway safety, biodiversity and drainage were also considered to be acceptable. It was considered that the dwelling would make a positive contribution towards the local housing supply, with the retail area still maintaining the scope for such an asset to benefit the community, so this formed the basis of the officer's recommendation in seeking approval of the application.

The Committee were notified of a written submission received and officers read this direct to the Committee – it 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.

Lytchett Matravers Parish Council had objected to the application considering that with the reduction of the available retail area, this would be insufficient for viability as a shop. The occupant of the adjacent property to north had objected on the grounds of loss of privacy to their residence by what was being proposed and the need for obscure glazing to mitigate this. Officers confirmed that the objector's concerns would be duly mitigated.

One of the three local Ward members, Councillor Andrew Starr, was of a similar view to the Parish Council that what was being proposed would be insufficient to meet the need of the community. One of the other local members, Councillor Alex Brenton, agreed that the site was seemingly being overdeveloped and, whilst the flat was acceptable, the size of the shop would be inadequate for any meaningful business to prosper. She considered there was still a need for a convenience store, as before, in that part of the village and one should be retained. What was being proposed would not be able to meet that need.

However other members pointed out that a larger retail unit had attracted little interest since it was on the market, so that was why this smaller shop was being proposed and, together with the flat, would make the best use of the

land available, whilst giving the opportunity for retail of some sort to still be available to the community.

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 what questions were 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, what they had heard at the meeting, the views of the local ward Members 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 - in being proposed by Councillor Shane Bartlett and seconded by Councillor Robin Cook - on being put to the vote, the Committee agreed 8:3 that the application should be approved, subject to the conditions set out in paragraph 18 of the report.

Resolved

That planning permission for application 6/2020/0297/FUL be granted subject to the conditions in paragraph 18 of the report.

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, general visual impact and impact on the surrounding area.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no objections on highway safety, traffic or parking grounds.
- There are no material considerations which would warrant refusal of this application.

164. Appeal Summaries

For its information, the Committee received a summary of recent appeals – and their outcomes - to planning decisions made by the Council.

165. Urgent items

There were no urgent items for consideration at the meeting.

166. Statements and Written Representations

Statements and written representations

3/19/2437/RM - Reserved matters details for 312 dwellings, public open space, vehicular, cycle and pedestrian access, connections to the SANG, landscape planting and surface water attenuation features at land West of Cranborne Road Wimborne Minster

Bob Mizon

I am in receipt of the e-mail from Development Management about the development of land west of the Cranborne Road, north of Wimborne. As I have stated in previous communications, I am in favour of such developments on the condition that their street lighting and exterior light fittings conform to a standard that will not impinge through direct and reflected light upon the dark night skies of the Cranborne Chase AONB and International Dark Sky Reserve immediately to the north.

All such lights on this development should be of the minimum brightness for the lighting task, to rule out excessive ground reflection, not exceed a Correlated Colour Temperature (CCT) of 3000K in the interests of the well-being of both humans and local biodiversity, and be directed exactly where needed.

May I assume that, as happens with the vast majority of street lighting in Dorset, street lights will be switched off between midnight and 5 a.m., a measure that has proved itself nationally as a great money-and energy-saving and crime reduction strategy?

Simon Ible - Statement on behalf of Bloor Homes Limited

As Members may recall, a decision on this planning application was deferred at the

Planning Committee on 28th October for a number of reasons. Bloor Homes wishes to thank

Members for the opportunity to further improve the proposal before Committee today.

Bloor Homes has sought to positively engage with your officers and has responded

positively to all of the suggestions and requests made. We trust you will agree that the

amendments made have considerably improved the development and will further assist to

secure a high quality form of development for Wimborne.

In particular, we would highlight the following changes:

- Provision of photovoltaic panels to 82 homes, supplying 10% of energy from this

renewable source in accordance with outline requirements

- Additional chimneys have been added, to provide a further positive contribution to

the street scene

- Relocation of the Amherst apartment block away from Cranborne Road , with an

enhanced, architectural led design.

- A terrace of four homes, of a bespoke design, is now proposed on the frontage of Cranborne Road
 - The design of the urban square has been improved to create an attractive and flexible space
 - The internal road layout has been amended such that no private waste collection is now needed
 - The tree belt on the western boundary is to be further reinforced, with additional tree planting proposed
 - A footpath has been added to the eastern edge of the site, improving connectivity for pedestrians.
- Furthermore:
- The Environment Agency has confirmed that the SuDS strategy is acceptable, and will have no potential impacts on water quality in the River Allen.
 - Private roads, will be constructed to adoptable standards, as agreed with highways officers
 - Bloors will accept the removal of permitted development rights regarding further lighting on the site.
- Bloor would again wish to emphasise the significance of the timing of this application and the importance of securing approval at this critical stage, highlighting that:
- Phase 1 is due to complete in June 2021.
 - To secure the continuity of local construction jobs, site preparation works do need to begin imminently to ensure continuity of housing delivery, including much needed affordable homes
 - The proposals will deliver the balance of infrastructure and S106 contributions committed under the outline permission.

Bloor Homes would like to thank Members and officers for their continued advice and feedback throughout the process. We trust that the amendments made address all the points that have been raised and demonstrate Bloor's commitment to delivering a high quality neighbourhood for Wimborne and that Members will be in a position to fully endorse the application for approval based on the extensive suite of amendments made.

3/20/0499/FUL - Erection of a multi-use games area (MUGA) comprising synthetic surface, 3m high perimeter ball stop netting and 8 x 8m

lighting columns (additional and amended documents rec'd 6/7/20) at St Ives Primary and Nursery School, Sandy Lane, St Leonards and St Ives,

Stephen Graham

I and other residents object in the strongest possible terms to this proposal. This will have serious implications to the area and the residents who have already had to endure the expansion of the school increasing traffic noise and pollution levels. The volume of traffic and noise will increase, up to at least 9.00pm. There are limited parking spaces in the school and the remainder will park in the street.

This is completely the wrong location for this type of facility and should be situated away from residential areas, usually in Secondary schools where older pupils can take more advantage of the facility.

This has been applied for on several occasions and rejected each time by local Councillors.

This is a commercial venture from which the school want to make money. This is against the terms of the loan they are to receive.

The Noise Impact Report gave the impression the school field was currently hired out and used on an evening. This is not true. The gates are locked on an evening and the field is not used and never has been.

The predicted noise levels from groups of adults shouting in the report states that this will be greater than the current background noise and states this should be "avoided".

There are bats in the area which are protected and will be affected by the light and noise pollution. Also lights will be shining directly into houses which is unacceptable.

A Letter from Dan Wilden of Pure Town Planning to Elizabeth Adams. It states that "MUGA is a facility for the benefit of the education and wellbeing of its pupils. This is not the case. The facility is a commercial venture operating outside school hours for the hiring by adults etc.

Also "This will be a small village facility and will not involve "pay and play" type hire. This facility is not conducive to a "small village" and will be a pay and play facility.

The Third Party Hire Management Plan document is a work of fiction added to the planning application after it had initially been declined. The school cannot even manage a parking policy on a daily basis. There is a complete disregard for the residents by this school. There is no confidence that the content of this document will be put into practice and is purely for this application.

It appears that the adults will now be using the children's toilets and changing facilities. Does this not raise safeguarding issues?

This proposed facility will be in an inappropriate location and will result in a detriment to the residents and the neighbourhood. This should be located elsewhere without the resulting impact on residents and the community.

Dan Wilden Director of Pure Town Planning

We are delighted to finally bring this application before planning committee with an officer recommendation to grant planning permission.

Members will be aware from the committee papers that the school has worked hard to deal with the various issues arising in the process of the application.

The principle of the proposed development has the support of planning policy. The main question comes down to whether the proposal would have an acceptable impact on the local environment and the nearby residents.

Some local residents have been concerned that the proposed pitch would become a major commercial enterprise. This is not the case. The proposed pitch is predominantly for the school to use during school hours. But it would also complement existing extra-curricular sporting activities and be made available on a carefully managed basis to the wider community. This would be to vetted and established sports providers and clubs only.

To give confidence that the pitch will be well managed by the school we have drawn up a detailed management plan which your officer has proposed to be a condition of planning permission. This deals with matters such as vetting potential hirers, parking, noise and lighting.

The most frequent concern raised locally has been about parking. We understand that, as with most schools these days, there are tensions around parking, particularly parents dropping off and picking up. But the pitch will not add capacity to the school and so will not alter the numbers arriving or departing at the start or end of the school day. After school hours, as set out in the management plan, the on-site parking will be available to users. Notably the Highways Authority has raised no objection to the proposal.

The other key local concerns were around noise and lighting and the school has worked with your authority's Environmental Health team to ensure that the impacts are acceptable and manageable. The original hours of use have been cut back to 8.30pm.

The school commissioned a noise study, the recommendations of which have been included in the management plan. To reduce noise the perimeter fencing is to be soft ball-stop netting rather than a chain link fence and there are to be no hard back boards. The latest directional lighting is to be used and a detailed light-spill plan was produced which has satisfied your Environmental Health officer that the lighting, when in use, would not have a disturbing impact on nearby residents.

I trust members will recognise the lengths which the school has gone to ensure that the impacts of the proposed pitch would be acceptable in order that the very great benefits to the health of the children and the wider community can be realised.

Martin Kimberley Chief Executive of Active Dorset

The Dorset Playing Pitch Strategy (which was adopted by Dorset Council in 2019) assessed the two mini pitches at St Ives Primary School as being “poor quality mini 5v5 pitches that are not available for community use”. The action plan sought to “Improve pitch quality as required for curricular and extra-curricular demand”. The current plans thus accord with this Council adopted strategy.

The MUGA will bring benefits to both the school pupils and staff as well as the local community. There is a shortage of this type of MUGA in Dorset which help deliver government objectives of schools being central to local communities and the creation of healthy active lifestyles for local communities.

The sports lighting is a crucial element to this development allowing small games to be played during winter afternoons as well as being able to be used by the local community from later September to late March in the evenings.

I am delighted that the school has been able to progress and secure funding to deliver the very much needed improvements that will allow curricular, extra-curricular and community use.

Active Dorset work to increase participation in sport and physical activity across the County, working closely with Local Government, health sector, education sector and the 3rd sector to achieve that aim. We have seen that where high quality surfaces can be accessed without the vagaries of weather and daylight disrupting their use, the overall impact on the wellbeing of the users is a marked improvement.

Other similar sites to this have benefitted from the very directional sports lighting now used and so the light spillage which used to trouble neighbours has gone away. The school has the benefit of on-site parking which looks to be sufficient for any evening community use and this coupled with an early “lights off” time of 20.30 suggest they have gone to great lengths to consider how to minimise the impact on the local residents while still offering their community the undoubted benefit the MUGA will bring.

At this time where acute hospital trusts are reporting significant increases in child deconditioning leading to more admissions for conditions relating to sedentary behaviour, growing waiting lists for muscular-skeletal conditions in adults, low level mental health conditions rising sharply and a desire to reduce travel by car, the need for good quality very local facilities that services the casual participant is ever growing. I hope that the committee support the great benefits of this project which will improve the wellbeing of both the school pupils and the local community.

Mario Massimino (Governor) on behalf of St Ives Full Governing Body

The Governing Body enthusiastically supports this application for many reasons but the most pressing and important is the contribution to the health of our young people and the local community that this facility will provide. Access to a wider range of sporting activities and with fewer disruptions due to weather will improve the physical, mental and social well-being and is vital at this current time.

The Governing Body wish to take advantage of the funding offered by Sport England who have assessed our school and believe St Ives will provide an outstanding sports facility to both children of our school and nursery, as well as the wider community. We are proud that, over the last forty years, our swimming pool has allowed additional sport and health benefits to so many children across Dorset and the wider community; the MUGA will offer the same opportunities.

The MUGA has received overwhelming support from children and parents, most of whom live within a two mile radius of the school. It is well known that the school has always placed sport and physical activity as an integral part of its curriculum and pupils are given the opportunity to take part in a wide range of activities both in school time and as extra-curricular clubs. Unfortunately, their ability to do this all year round is somewhat hampered by a school field that can often become waterlogged and means that the offer to students becomes limited. This facility will allow children to access these activities all year round and be able to take part in further extra-curricular clubs and new activities that cannot be delivered with the current facilities. Introduction to these new sports at a younger age may set up a spark that remains for life and encourages lifelong participation and the health and mental wellbeing benefits that it brings, something that is particularly prevalent in today's climate with so many physical restrictions being placed on our young people and local community. As part of our due diligence process, we have spoken with a number of small, trusted, local sports clubs and trainers, all of whom already work with the school; they have expressed interest in utilising the MUGA therefore bringing further benefit to our young people and community.

The Governing Body are aware of the concerns of local residents and are committed to being a school at the heart of the community that works with those around us. We have listened to the concerns raised and we will continue to work with all stake holders to ensure that the facility is well managed and brings benefits for all.

6/2020/0297/FUL - Alterations to existing building to form additional ground floor 1 bedroom flat and reduce size of shop unit and installation of rooflights to South elevation to serve shop at 86 Wareham Road, Lytchett Matravers,

Simon Morgan - Architectural Consultant and Planning Agent

It is important to note that this application is recommended for approval, with conditions, and that all planning policy requirements and Officer comments addressed, and their support given.

The history of the development on this site is well documented, and the build is now complete. The flats have been occupied for some time now, and the whole site is now settling into the local character setting well.

The reason for the change to the shop layout is simple. When the original site was purchased in 2016, there was a butcher's shop in converted premises. The business had fallen on difficult times and as such had closed, all as was documented in the original approval. However, to retain some form of employment, the scheme developed retained a shop frontage, in the hope that a business would move in. But now some 4 years later, requirements for shops are in the decline, and no suitable interested parties have come forward, despite marketing by one of the leading Agents in Dorset. Even as potential office space there has been no interest.

The houses to the rear are now occupied, and the sales of the flats has proved popular with all of them occupied too. However, the sale of the shop unit has not been successful. With the pandemic and lockdown restrictions, and with the restrictions on retail units and social distancing, many shops and businesses are reassessing their position, in semi-rural areas like this. Two letters from Austin & Wyatt and Tony Newman, (Estate Agents), are attached for reference.

But the reduced retail unit as indicated in this application has generated much better interest and the applicant is in advanced legal discussions with a suitable party and it is hoped that occupation will take place during early 2021.

The new ground floor flat has been designed to avoid any direct overlooking, and during the application process, with some minor amendments, has received support from the neighbours and planning officers.

So, to conclude, this application meets all policy requirements, it is supported by the planning department and professional consultees, it follows the principals of the scheme approved by the previous approval, and will create a cohesive, comprehensive development that will preserve the character of the area. I trust therefore that following your debate, that the committee will make the correct decision and Grant Planning Approval.

Duration of meeting: 10.00 am - 1.10 pm

Chairman

.....

This page is intentionally left blank

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.

This page is intentionally left blank

Eastern Planning Committee
10 February 2021

1.0 Application Number: 6/2019/0656

Webpage: <https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2019/0656>

Site address: Crack Lane, Langton Matravers, BH19 3EF

Proposal: Outline application on a rural exception site for a development of 8 dwellings (6 affordable & 2 open market) with details of access (all other matters reserved)

Applicant name: Ms Sarah Foot

Case Officer: Mr J Lytton-Trevers

Ward Member: Cllr C Brooks

The application is reported to Committee as agreed by the Nominated Officer who considers it expedient for the purposes of transparency for this application to be considered in a public forum.

2.0 Summary of Recommendation: Refuse outline planning permission.

3.0 Reason for the recommendation:

- The proposal has the potential to deliver affordable dwellings in a sustainable rural location and where there is a demonstrated need, but the site lies outside of Langton Matravers settlement and the scheme includes market dwellings for which there is no justification.
- Limited weight can be given to the emerging Rural Exceptions Sites policy H12 which remains subject to potential modification.
- Purbeck Local Plan Rural Exceptions Site Policy RES remains relevant and would not support the inclusion of market housing where the scheme has been shown to be viable without it.
- The proposal would not bring with it harm to the character and appearance of the area and landscape and it would meet highway requirements.
- The proposal would result in less than substantial harm to designated heritage assets which is justified by the public benefit of affordable housing provision.
- Securing 6 affordable units on the site would not weigh favourably in the balance given the current local policy and lack of weight afforded to emerging policy.

4.0 Table of key planning issues

Issue	Conclusion
Principle	The development would not be permitted as an exceptional circumstance as set out in Purbeck Local Plan Policy CO.
Affordable housing provision	The proposal would not meet the requirements of Purbeck Local Plan Policy RES.
Affordable housing need	There is an identified need in this and surrounding parishes.
Character and appearance of the area	The proposal would be capable of being designed to be in keeping with the area.
The impact of the proposals on the significance of the heritage asset of Langton Matravers Conservation Area, its features of special architectural or historical interest, and its preservation.	The proposal would result in less than substantial harm to heritage assets which is outweighed by the public benefits of affordable housing provision.
Character and appearance of the AONB	The proposal would have acceptable landscape impact.
Amenity	The proposal would be capable of being designed to safeguard amenity.
Highway matters	The provision of an access would meet highway requirements subject to provision of a new footway.
Biodiversity	Acceptable biodiversity impacts in accordance with the Biodiversity Mitigation plan. Mitigation measures would form part of the detailed design. Acceptable impacts on Dorset Heath International Designations and Poole Harbour Recreation Pressures in accordance with adopted policy and SPD.
Trees and hedgerows	Recommendations made would form part of the detailed design.

Drainage	Drainage would need to incorporate SUDs. Acceptable subject to condition.
Other matters	There are no identified significant matters.

5.0 Description of Site

The site is part of a field currently used for keeping horses which is accessed through a field gate. The land slopes away from the Crack Lane boundary. It is separated from Crack Lane by mainly young sycamore trees with some hawthorn. Crack Lane is a narrow lane which connects High Street with the A351 Wareham to Swanage Road. It is lined on both sides with hedgerows and grass verges with occasional informal passing places where vehicles can pass owing to its narrowness. There are no footways.

The site has an area of 0.55 ha and is located outside but adjoining the settlement boundary. It is in the Dorset Area of Outstanding Natural Beauty, adjacent to the Conservation Area along most of the western boundary and several listed buildings of which the closest are 'Twolease Cottage' (Grade II) and 'Twoleas' (Grade II). The Conservation Area is identified as forming Zone 1 and is known as the 'historic hamlets of Coombe and Gully with Leeson House' which are characterised by small clusters of development. Footpath SE16/1 runs to the immediate west of the Lane and the existing Site access point.

6.0 Description of Development

The application is in outline with only means of access to be agreed. Permission for layout, appearance, scale and landscaping is not currently being sought. The proposal would be for a single access point from Crack Lane to serve an internal service road which would be shared by the dwellings. This would also involve provision of a kerbed footway along Crack Lane from the High Street to the entrance. The application includes an illustrative layout in which it is envisaged that the houses would form a self-contained group of houses, terraced and semi-detached, grouped around communal parking areas and of conventional design and appearance.

The application is made on the basis of it being an affordable housing rural exception site to accommodate six affordable homes and two market. This would consist of three 2 bedroom affordable homes (two social and one intermediate), three 3 bedroom affordable homes (two social and one intermediate) and, two semi-detached market homes.

7.0 Relevant Planning History

There have been no planning applications.

Pre-application enquiry – PAP/2018/0088 – Support in principle, but sensitive location in the AONB and adjacent Conservation Area. The advice was given in good faith under the policy of the time in the infancy of the Local Plan which was at Options consultation stage. Pre-application advice is confidential with the applicant and is neither binding nor public.

The current application was screened under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and was not found to be EIA development.

8.0 List of Constraints

The parish of Langton Matravers;
500m and 200m from ancient woodland
The Dorset Area of Outstanding Natural Beauty (AONB);
Adjacent to the Langton Matravers Conservation Area;
5km of a European Habitat (Site of special scientific interest (SSSI));
A River Catchment - Poole to Weymouth Coast; and,
Within 2km of Special Area of Conservation (SAC) and Environmental Impact Assessment Regulations (EIA) apply.
Environmental Impact Assessment Development - No

9.0 Consultations

Natural England – No objection, conditional of heathland mitigation

Wessex Water – No objection

Transport Development Management – No objection, subject to provision of a footway and conditional of turning and parking construction and a Grampian condition for the footway.

Senior Housing Officer – No objection - the proposal is capable of meeting an identified current, local need within the parish, or immediately adjoining rural parishes.

Tree Officer – No reply

Conservation Officer – No objection

Dorset AONB- Concerns relating to landscape impact.
Change to rural character;
Prominent from High Street near the public toilets;
Prominent from wider landscape;

A landscape and visual impact appraisal should be carried out.

Drainage engineer- No objection conditional of surface water drainage

Parish Council – No Objection, other than:

Access should be a Reserved Matter and not be approved as part of the Outline application.

The following Planning Conditions should apply:

1. Biodiversity and appropriate mitigation to minimise light pollution;
2. Trees removed should be replaced on a 3 for 1 basis, with British Native Species not less than 3.5m tall.
3. The development should be broadly carbon neutral using renewable energy;
4. The emerging PLP Second Homes policy should apply.

Request the Planning Committee to determine applications in Langton Matravers (6/2019/0656, Crack Lane; 6/2019/0604, Old Malthouse; 6/2018/0606, Spyway Orchard) together as related matters.

Request that Dorset Council assess the condition of Crack Lane.

Clarification was sought from the Parish Council if the lack of objection to the application was based on the provision of affordable housing. It was confirmed that this was not explicit and only implicit in the lack of objection raised. The Parish Council was not aware of the findings of the District Valuer when it made its decision.

10.0 Representations

In addition to letters to neighbouring properties, and a press advert a site notice was posted outside the site on 18.12.2019 with an expiry date for consultation of 11.01.2020

11 representations have been received, 9 raising objection; 2 in support. The issues raised comprise the following:

Support:

- Upgrading of the right of way potential
- Additional children would support the local school

Objections:

- Additional traffic
- Unsuitable for pedestrian access
- Damage to property from traffic
- Suitability of Crack Lane: i.e. it regularly is icy in winter
- Biodiversity impacts including woodland, buzzards and bats
- Overlooking
- Overshadowing

- Light pollution from houses and streetlights
- Potential tree loss
- Isolated from village
- Second homes
- Housing need not demonstrated

11.0 Policy and other Considerations

Development Plan

Purbeck Local Plan Part 1 (PLP 1)

SD: Presumption in favour of sustainable development;

LD: General location of development;

SE: South East Purbeck;

CO: Countryside;

HS: Housing supply;

RES: Rural Exception Sites;

BIO: Biodiversity and geodiversity;

DH: Dorset Heaths International Designations;

PH: Poole Harbour;

FR: Flood Risk;

D: Design;

LHH: Landscape, Historic Environment and Heritage; and,

IAT: Improving accessibility and transport.

Material considerations – draft Purbeck Local Plan 2018-34 (Emerging PLP) and Inspector's report

The emerging Purbeck Local Plan is at an increasingly advanced stage and on 18 March 2020 the Planning Inspector for the Emerging Local Plan reported back. She considered 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 letter 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). The Inspector indicates that the strategy for meeting the area's needs is sound. An update will be required to both HRA and SA to take into account any changes made through the main modifications. Planning Policy colleagues are confident that these matters can be addressed and the plan be found sound

Relevant draft 'Emerging PLP' policies:

Policy H12 Rural exception sites

Policy H14: Second Homes

Supplementary Planning Documents

Purbeck District design guide supplementary planning document - adopted January 2014.
Development contributions toward transport infrastructure in Purbeck guidance February 2013.
Dorset heathlands planning framework 2015-2020 supplementary planning document implemented from 19 January 2016.
Affordable housing supplementary planning document 2012-2027 adopted April 2013.
Nitrogen reduction in Poole Harbour supplementary planning document April 2017.
Strategic Flood Risk Assessment 2018
Bournemouth, Poole and Dorset residential car parking study May 2011.
British Standard 5837:2012 Trees in relation to design, demolition and construction – recommendations.
Dorset biodiversity appraisal and mitigation plan.
Langton Matravers Conservation Area Appraisal.
Dorset AONB Management Plan 2019-2024
Dorset AONB Landscape Character Assessment & Management Guidance 2008

National Guidance

Planning Policy Guidance (PPG)
Planning Policy Framework (NPPF) (2019):

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development.
Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

Section 2: Achieving sustainable development;
Section 4: Decision-making;
Section 5: Delivering a sufficient supply of homes;
Section 8: Promoting healthy and safe communities;
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; and,
Section 16: Conserving and enhancing the historic environment.

172. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited.

12.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property

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

13.0 Public Sector Equalities Duty

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

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

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

Arrangements would be made to ensure people with disabilities or mobility impairments are accommodated in order to comply with Building Regulations. The provision of a footway in Crack lane would enhance access for pedestrians.

14.0 Financial benefits

- Jobs would be created during the construction stage.
- Jobs would be created for staff of the school with additional pupils.
- The dwellings would generate council tax.

15.0 Climate Implications

The dwellings would be designed to meet current building regulations which would help reduce the carbon footprint of the ongoing heating and running of the buildings. The dwellings would not be Nitrogen neutral.

16.0 Planning Assessment

16.1 The main considerations involved with this application are:

- **Principle of the development**
- **Affordable housing provision**
- **Affordable housing need**
- **Heritage assets**
 - **Character and appearance of the Langton Matravers Conservation Area**
 - **Setting of listed buildings**
- **Landscape of the Dorset Area of Outstanding Natural Beauty**
- **Amenity**
- **Highway matters**
- **Biodiversity**
- **Trees and hedgerows**
- **Drainage**
- **Other matters**

16.2 These points will be discussed as well as other material considerations under the headings below

Principle of proposed development

16.3 The site is located outside of the Langton Matravers settlement boundary as defined by Policy LD of the Purbeck Local Plan Part 1 (PLP1). The site area is therefore classed as 'countryside' where development is only permitted in exceptional circumstances as set out in Policy CO: Countryside of PLP1.

16.4 Paragraphs 77 and 78 of the NPPF set out the government's approach to rural housing provision in the form of rural exception sites. Paragraph 77 notes that: 'local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this'. Paragraph 78 notes that such rural housing should be located where it will enhance or maintain the vitality of rural communities.

16.5 Therefore, the principle of development may be acceptable subject to meeting affordable housing requirements and site specific criteria.

Affordable housing provision

- 16.6 Policy CO of Purbeck Local Plan part 1 permits rural exception sites providing affordable housing in accordance with Policy RES: Rural Exception Sites. Such development is acceptable where it would improve the sustainability of a rural settlement; make a positive contribution to landscape character; and, enhance biodiversity. It should not result in significant adverse impacts on the environment, visually, ecologically, or from traffic movements.
- 16.7 Policy RES of the PLP 1 requires that the proposal must meet an identified and current local need for affordable housing provision within the Parish, or immediately adjoining parishes, which cannot otherwise be met; must not be remote from existing buildings or comprise scattered, intrusive or isolated development; has access to sustainable transport; is for a number of dwellings commensurate with the settlement hierarchy; and has arrangements in place to secure affordability into the future.
- 16.8 As aforementioned the emerging plan is now at an increasingly advanced stage and on 18 March 2020 the Planning Inspector for the Emerging PLP reported back. She considered 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 Local Plan Inspector's letter 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). The Local Plan Inspector indicates that the strategy for meeting the area's needs is sound. An update will be required to both HRA and SA to take into account any changes made through the main modifications.
- 16.9 In a recent appeal (APP/D1265/W/20/3252152 decision date 11 September 2020) at the former West Lulworth C of E Primary school the Appeal Inspector did not attach weight to emerging policy in the Emerging PLP, in that case with respect to second homes policy.
- 16.10 The Appeal Inspector concluded that:
'Nonetheless, at this point in time, the Council is still in the process of the plan examination. It has not reached the stage of publishing intended modifications to the Plan and as such I cannot give Policy H14 the weight of an adopted development plan policy. I am mindful that at the time the condition was imposed on this site the examination was at a much earlier stage though stress that I have to address the situation as it applies now. I also note that the appellant acknowledges that the policy has been deemed capable of being found sound with changes. Consequently, whilst understanding the frustrations of both parties I cannot conclude that the emerging policy has sufficient weight to warrant the

retention of the condition though am fully aware that position may soon change.'
(Paragraph 10).

- 16.11 Therefore, the council has revised its position following this appeal decision and no longer considers that Emerging Policy, including H12 for the provision of affordable housing carries material weight as consideration when assessing applications at this time. The wider discussion about the effect of emerging policy H8 on delivery of affordable homes through rural exception sites was raised in responses to the new local plan and during the public examination hearing sessions held last year. As with H12 it does not have material weight in the determination of this application.
- 16.12 The applicant's viability report suggests that market housing is necessary in order to enable the development. In defining either 'small amount' or 'significant affordable housing' for the purposes of the policy and this application, the council will need to satisfy itself:
- that the total number of market homes constitutes a small proportion of the overall total (affordable + market); and
 - that the development will provide significant additional affordable housing.
- 16.13 As this planning application is for a rural exception site that includes an element of market housing it was accompanied by an economic viability assessment that demonstrates how the percentage split between the number of proposed market homes required to support the number of proposed affordable homes has been determined. The Council has submitted this to the District Valuation Service (DVS) for an independent review. The DVS disagrees that market housing is necessary:
- 16.14 *'In the (applicant's) report, (they) conclude that a scheme providing 100% affordable housing is not viable, neither is a scheme with one open market unit. The appraisals provided indicate that a scheme with two open market units, and therefore 75% affordable housing, is viable and would provide a small surplus.*
- 16.15 *I have, as requested, prepared a viability appraisal for the proposed scheme on the same basis. My resulting Residual Land Value (RLV) for a scheme on this basis... indicates that a 75% Affordable Housing scheme on this basis is not only financially viable but would also deliver a surplus...). This surplus could be made available for a S106 contribution.*
- 16.16 *However as I understand you are looking for the optimum number of Affordable Housing units while retaining a viable development I also looked at increasing the level of Affordable Housing, with CIL payable on the open market units where appropriate but no S106 contributions.*

- 16.17 *Carrying out further appraisals indicates that the optimum level of Affordable Housing is 100%. Changing the open market units to one Affordable Rented and one Shared Ownership unit ...suggests such a scheme is marginally viable.'*
- 16.18 In summary, the viability evidence suggests that no market housing is needed to enable delivery of affordable homes.
- 16.19 The applicants argue that the PLP 1 in respect to market housing on rural exception sites states:
- 'The NPPF suggests that Councils consider allowing the provision of a small amount of market housing outside settlement boundaries to enable the provision of significant additional affordable housing to meet local needs in rural areas. This proposal will be reviewed through the preparation of an Affordable Housing SPD.' (supporting text, Paragraph 8.5.8).
- 16.20 The last paragraph of Policy RES:
- 'On rural exception sites, a small amount of market housing may be permitted provided it enables the provision of significant additional affordable housing to meet local needs. Further detail will be set out in the Council's Affordable Housing SPD.' (Policy RES).
- 16.21 The policy gives discretion to the Council to give permission for a 'small amount of market housing' to enable the provision of 'significant additional affordable housing' on rural exceptions sites. Neither the policy nor supporting text defines 'small amount' (be that 25% or 30%).
- 16.22 Whether market homes can be permitted as matter of course by Policy RES and whether this assessment needs to be informed by viability evidence – The SPD clarifies that 'The market housing element of Policy RES is to increase the viability of exception sites' (paragraph 28) and that the Council will make a judgement on the proportion of affordable housing on each site using an open book approach (paragraph 27). This means that when the Council takes decisions as to whether to permit a small amount of affordable housing on a rural exceptions site (as outlined in Policy RES), it should be guided by viability evidence.
- 16.23 The District Valuer has indicated that no market homes are needed in order to deliver affordable homes on this site.
- 16.24 The applicants' interpretation of the policy/SPD gives the Council a wider discretion to reach judgements on the proportions of market/affordable homes on rural exceptions sites, provided the proportions of market homes are 'small' and 'significant' additional affordable housing is provided to meet local needs without necessarily referring to viability evidence.

- 16.25 Judgements relating to the interpretation of this policy will have more weight if they can be justified with a consideration of relevant evidence (i.e. the viability report). For these reasons it is relevant to refer to the viability report prepared by the applicant, and the District Valuer assessment of this report, when making a judgement against policy RES as to whether market homes need to be permitted.
- 16.26 The details of the viability report and the District Valuer response suggests that market homes are not required to make the development viable, and that therefore none need be permitted through the development. This would allow delivery of 2 additional affordable homes and make a greater contribution to meeting local housing needs for affordable housing in accordance with the policy objectives.
- 16.27 If the delivery of affordable housing is viable without the need for market housing, the incorporation of market dwellings would be contrary to Purbeck Local Plan Part 1 policy RES and the provisions of the National Planning Policy Framework.
- 16.28 The application is therefore recommended for refusal on that basis.

Affordable housing need

- 16.29 The Housing Need Survey for Langton Matravers was written in October 2018, the survey is valid for five years and shows an evidenced local need for affordable housing, the housing register also shows additional households that have a local connection to Langton Matravers and require affordable housing.
- 16.30 Twenty four households returned the survey to say they were in need of housing. There are an additional 8 households registered on the Council Housing Register that have a local connection to Langton Matravers. The actual breakdown is as follows:

Rented

12 x 1 Bedroom
2 x 2 bedrooms
2 x 3 bedrooms
1 x 4 bedrooms

Low Cost Home Ownership

7 x 1 bedroom
6 x 2 bedrooms
2 x 3 bedrooms

The current proposal is as follows:

Three x 2 bedroom affordable homes (two social and one intermediate);
Three x 3 bedroom affordable homes (two social and one intermediate); and,

Two semi-detached market homes.

- 16.31 There has been a recent planning application granted for a larger rural exception site in Langton Matravers 6/2018/0606 for the provision of 22 affordable homes. Even with this site the proposal is capable of meeting an identified current, local need within the parish, or immediately adjoining rural parishes. In summary, there is an identified need for the affordable provision.

Heritage Assets

- 16.32 The NPPF at paragraph 192 states *'In determining applications, local planning authorities should take account of:*
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) the desirability of new development making a positive contribution to local character and distinctiveness'.*
- 16.33 Considering potential impacts the NPPF at paragraph 193. States *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.*
- 16.34 *And paragraph 196 states: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.*

Character and appearance of the Langton Matravers Conservation Area

- 16.35 The application is in outline, with details of layout, scale, appearance and landscaping reserved. An illustrative scheme is provided which suggests a mix of terrace and semi-detached houses in conventional scale and appearance. Parking would be communal in courts between the houses. The whole is suggested as being accessed for a service road running parallel with Crack Lane from a single access point, but separated from the lane by existing trees and hedges. A Heritage Statement was supplied.
- 16.36 On the fringes of this village as well as in Crack Lane, development dates from 19th and 20th centuries and illustrates a looser knit pattern in stark comparison with nearby High Street where development is compact. The site is located just outside the eastern boundary of the western part of Langton Matravers Conservation Area.

- 16.37 The Conservation Area boundary includes the section of Crack Lane adjacent to the application site and the properties directly to the south along Crack Lane but hugs these property boundaries and follows Crack Lane to enclose the garden of Grade II listed Twolease and further away also on the opposite side of the lane, Leas Wood House.
- 16.38 The Conservation Area Appraisal identifies Crack Lane as a 'bookend' to development: *'The fields around Putlake Farm, a listed building, play a similar role in breaking the broader townscape though Crack Lane represents a logical place to draw the boundary'*. Crack Lane also borders Zone 1 of the Conservation Area where the Appraisal acknowledges that: *'The break in the broader settlement at Putlake plays an important role in the setting of Zone 1, while the undeveloped fringe at Coombe helps provide an important break between this and Herston. Much of the northern edge of Zone 1 retains a close historic proximity to the surrounding landscape.'*
- 16.39 While the site proposed falls just outside the Conservation Area and Zone 1, the development proposed would clearly have implications for its setting and that of the two listed buildings identified above which are considered separately below.
- 16.40 Taking the setting of the Conservation Area, the illustrative scheme would be of a loose knit nature reflecting the semi-rural location on the edge of the settlement. The site would mainly be viewed from Crack Lane where the lane passes in front of it, less so from the High Street in glimpses down Crack Lane, but in full view from the High Street adjacent to the Putlake Adventure Centre car park and toilets.
- 16.41 Viewed from Crack Lane, as well as the adjoining dwelling, White House, the proposal would appear as a natural continuation of the development along the lane, dropping down below the level of Crack lane on account of the slope and screened by vegetation.
- 16.42 The proposed parking court would not be unduly conspicuous and the service road could have a surface treatment more akin to a track to avoid undue prominence. Crack Lane is identified as a bookend to development with only 20C White House encroaching further. The limited amount of development proposed and close relationship with Crack Lane would not appear to breach this bookend label that was identified in the Appraisal.
- 16.43 When viewed from the High Street from the Putlake Adventure Centre the development would be seen in the foreground of the trees bordering Crack Lane and the wider countryside beyond, identified as Zone 1. Zone 1 is not actually seen from this distance as it disappears over the horizon but there would be an element of harm to the setting of the conservation area as key views into the Conservation Area would be altered by the extension of the linear development

north which would be more evident during the winter season when tree screening would be reduced.

- 16.44 The provision of a kerbed footway into Crack Lane, as highway requirement, could bring with it a sense of urbanising which could harm part of the intrinsic unspoilt character of Crack Lane. The section needed would be relatively short and could incorporate a resin bonded gravel finish to reduce its visual impact.
- 16.45 In view of the above, it is considered that the outline proposals to provide a mixture of affordable and private market housing on this site would result in less than substantial harm to the character and appearance of the area and the Conservation Area as a Heritage Asset and this should be given great weight. The degree of harm could be limited by careful design at reserved matters stage and it is judged on this basis that the significant public benefits of the provision of affordable housing would outweigh the harm identified. In determining the proposals, particular consideration has been given to the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), section 72 and paragraphs 189-197 of the NPPF.

Setting of listed buildings

- 16.46 The two closest listed buildings on the land on the opposite side of Crack Lane have settings with their own significance. 'Twolease Cottage' (which is also attached in a terrace to 'Moonrakers' Grade II and 'Hyde View Cottage' Grade II) owes its setting to the relationship it has primarily with High Street rather than Crack Lane. Its boundary wall follows the curve where High Street joins Crack Lane and provides enclosure and curtailment. The development proposed set on the opposite side of the lane and further along it would not affect this setting.
- 16.47 'Twoleas' is an imposing detached house set within large grounds. It does not have a direct relationship with Crack Lane. Its setting is derived from the views from the public right of way which follows part of its boundary and to a lesser extent that glimpsed through the trees from Crack Lane.
- 16.48 It is considered that the proposal on the opposite side of the lane, while slightly urbanising the approach to the footpath which is currently an entirely rural one, would result in no harm during the summer months and less than substantial harm to the distinct setting in winter months when the screening offered by trees is reduced.
- 16.49 In view of the above, it is considered that the outline proposals to provide a mixture of affordable and market housing on this site results in less than substantial harm to the setting of the listed buildings which, as with the conservation area, should be given great weight. It is considered that this harm is also outweighed by the significant public benefits of the proposal as set out in paragraph 16.45. In determining the proposals, particular consideration has

been given to the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), section 66 and paragraphs 189-197 of the NPPF.

Landscape of the Dorset Area of Outstanding Natural Beauty

- 16.50 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.
- 16.51 Langton Matravers is included within the Dorset AONB and the site location just outside the edge of the settlement is particularly sensitive in terms of visual impacts. The Dorset Council AONB Team have been consulted on the proposed development and object to the development.
- 16.52 A landscape and visual impact assessment was requested by officers at the pre application stage and during this application, but has not been provided by the applicant. The scheme is small in size and whilst a larger scheme for 19 dwellings in the same village was supported by a LVIA, it is not mandatory to provide one and needs to be proportionate to the scheme and the location of the development in the AONB.
- 16.53 Whilst the site borders Conservation Area Appraisal Zone 1, where the setting of the Conservation Area is an important consideration, consideration now is given to the wider landscape setting that is designated as the AONB.
- 16.54 The scheme is illustrative with only means of access to be agreed such that the definite position, size, level and so on of the final development are unknown. It is not possible at this stage to impose any restriction on detail such as these including levels when these details are not being sought and there would be adequate opportunity to address such matters as reserved matters of layout, scale and appearance.
- 16.55 The site's location, on a slope which is open on its eastern and northern boundaries would be visible in short and long range views. It is anticipated that a development would take advantage of the change in levels both along its length as well as its width, with building stepping down. It would be seen against a back drop of trees and additional landscaping could be introduced. It would be seen as an elongation of the existing development in Crack Lane consisting already of 3 units including White Cottage adjacent to it.
- 16.56 Such an intervention would neither appear stark as the AONB officer alludes, nor is it considered to be a significant green gap when seen from the High Street, but would blend in with its surroundings. The development would be small, be seen grouped with other buildings, would obey the contours in its location and orientation and be appear to be a natural progression of the built up area. The

landscape impact would be small given these attributes. As to long distance views from Nine Barrow Down and the Purbeck way, it is not considered that within such a broad landscape view that so small a development would be prominent.

- 16.57 Notwithstanding the absence of a LVIA, and in view of the above, the wider landscape impacts of the proposal (albeit in outline), wider are not so significant as to warrant a reason for refusal in this instance.

Amenity

- 16.58 The nearest existing neighbour would be White House which is located to the south. White House is two storey, elevated above the application site, such that it has aspect over and above it rather than through it. A number of the windows look toward the site as well as the intervening garden.

- 16.59 Although the scheme is illustrative, it is considered that subsequent details of layout, scale and appearance would be able to make provision for reasonable separation of at least 19m from White House, advantage taken of the levels to reduce the amount of overbearing for occupants of White House and any potential overlooking or overshadowing. With these measures taken at reserved matters the amenity of White House would be acceptable.

- 16.60 A degree of overlooking of the gardens of the proposal from White House would be inevitable, but limited and acceptable to subsequent occupants.

- 16.61 While there is no right to a view, the view from White House would be affected to a degree, although this would be limited in term of the final levels and position of dwellings and as such is currently unknown.

Highway safety and access

- 16.62 The proposal would have a new access onto Crack Lane to serve a shared service road. In assessing the highway impacts of the development, the Officer has liaised with Dorset Council Highways' officer concerning road safety.

- 16.63 Although near the High Street, it is likely that most residents and visitors would reasonably be expected to have a preference for using private transport or the bus stops on both High Street or Valley Road (all within 350m of the site) if going out of the village. There is a village shop and post office and permission has been granted for the re-location of these to Putlake Adventure Farm very near the site. There is a new school in Swanage near here and it is only 1.5 miles to the centre of Swanage.

- 16.64 As the name suggests, Crack Lane is mostly narrow and predominantly only one vehicle in width especially just to the north of its junction with the High Street.

The northern section is marked with a centreline (as it is at its junction with High Street, B3069) with there being a number of passing spaces formed along the way. Such an arrangement is frequently used as a form of traffic calming on rural roads. It is unsuitable for Heavy Goods Vehicles and signed at either end as such. The whole of Crack Lane acts as a shared surface as do many country lanes and serves as the main pedestrian route to the front door of at least one property (White House).

- 16.65 Visibility meets the requirements of Manual for Streets in both directions at either end of Crack Lane onto the main roads (A351 and B3069). Visibility turning into Crack Lane off the A351 from the east (Swanage) is acceptable and has the benefit of avoiding the narrow section of Crack Lane from High Street down to the proposed site access so could be used for waste collection. Visibility looking into Crack Lane itself when approaching from the west (Harman's Cross) is very good, but is restricted to 135 metres looking at approaching traffic coming from Swanage due to the bend. Manual for Streets 2 advises on this being acceptable for speeds up to and including 55mph. Observed speeds taken with a hand held speed radar gun (Bushnell Velocity) gave readings of 50mph at this distance from the bend and less than 40mph at the bend. There is only one recorded injury accident occurring at this junction in the last 10 years of one vehicle crashing into trees on Boxing Day that the police suspect the driver of being impaired by alcohol. Likewise there is only one recorded injury accident occurring within Crack Lane in the last 10 years where a motorcyclist had pulled into a layby to allow a larger vehicle past and then fell off when their wheel spun when pulling away.
- 16.66 An area has been shown as proposed parking on the site plan although there is nothing hardened off on site. There is evidence of vehicle overrun, nevertheless it is an informal arrangement and arguably as much for passing as anything else.
- 16.67 There is an existing highway verge fronting the site boundary which is all highway verge including in front of the existing fence of property of White House which is either already highway or in the applicant's ownership and this should be made up as footway for which a Grampian condition would be needed. The coloured surfacing comfort zone incorporated along the edge of the road is no longer deemed appropriate. Neither are steps for a pedestrian route into the development.
- 16.68 As this minor development will put an increase in traffic on Crack Lane, predominantly to the north to connect with the A351, it is most important that on-site parking provision is generous to avoid off-site parking obstructing the passing spaces along Crack Lane. The illustrative drawings indicate 17 parking spaces for the 8 units proposed with the potential for 3 more within the northern arm of the internal access road that have not been shown. This exceeds current guidance for a development on a public transport corridor (High Street) and Dorset Council Highway engineers recommend it is not reduced in this case.

- 16.69 The Highway Authority has made a balanced decision in respect of the likely traffic increase of 8 units (from 1 unit for both pedestrians and cars and 3 units for all vehicles) currently being served off Crack Lane; existing traffic flows and speeds; recorded collision statistics; Revised NPPF (February 2019); the submitted layout design; local opinions; Dorset Rural Roads Protocol and having had regard to the Planning Inspectorate Appeal Decisions that were issued in respect of nearby applications in order to reach this recommendation.
- 16.70 Importantly the National Planning Policy Framework published in February 2019 states at paragraph 109 that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe” and in this application the increase is from 1 unit to 9 units only.
- 16.71 Highway officers have been made aware of objections to this application. These and the officer recommendation have been reviewed by both the Transport Development Liaison Manager and his manager, the Highway Development Team Leader, and whilst understanding third party criticism of the Highway Authority’s approach, it remains the recommendation that no objection should be made to this application on highway grounds.
- 16.72 The Highway Authority is therefore of the view that the proposals do not present a material harm to the transport network or to highway safety.

Biodiversity

- 16.73 A biodiversity mitigation plan, approved by the Natural Environment Team dated 28/1/20, recommends measures for mitigation that would be secured by condition.
- 16.74 The application site lies within 5km but beyond 400m of Corfe Common SSSI which forms part of the Dorset Heathlands protected European wildlife sites. The proposal for a net increase in residential units, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the sites. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected sites, in view of the site’s conservation objectives.
- 16.75 The appropriate assessment (separate document to this report) has concluded that the likely significant effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the supporting policy documents, and that the proposal is wholly compliant with the necessary measures to prevent adverse effects on site integrity detailed within the Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (SPD).

16.76 The mitigation measures set out in the SPD can prevent adverse impacts on the integrity of the site. Whilst affordable housing is CIL exempt, the Council can secure mitigation for the scheme via the Community Infrastructure Levy.

16.77 With the mitigation secured the development will not result in an adverse effect on the integrity of the designated sites.

16.78 **Trees and hedgerows**

16.79 A mature but overgrown hedgerow forms part of the site boundary along the western side of the site with Crack Lane. An Arboricultural Survey, Impact Assessment and Method Statement have been provided and would inform the landscaping of the reserved matters application. The trees on the boundary would remain and there would be adequate space to accommodate the development without loss. A condition cannot be applied at outline as landscaping is reserved.

Drainage

16.80 Surface water would be dealt with by the provision of a pond and basin. The flood risk map shows this site to be in flood risk zone1 and in this respect the development would be acceptable.

16.81 The SuDs Drainage Report undertaken by Vectos (South) Ltd, indicates that surface water will be dealt with using a Sustainable Drainage System (SuDS) or soakaway. This site is in an area where the surface water mapping shows that there are flooding problems in extreme events in the adjacent road and further down in the catchment. It is therefore important that the surface water drainage scheme is designed such that it does not exacerbate the flooding problems elsewhere. As this is required at outline, but details of which are not secured, it should be included now as a condition.

Other matters

16.82 A number have raised damage to property (a bollard) from traffic using the junction of Crack lane with the High Street. Whilst this in itself is not normally a material consideration, it is more likely the bollard was upset by a lorry than a car.

16.83 There would be no additional street lighting in Crack Lane apart from the existing lamp standard on the junction with High Street. The subsequent design of the reserved matters for the dwellings would be able to design out excessive light pollution from windows.

- 16.84 The emerging Purbeck Local Plan 2018-2034 includes policy H14: Second Homes. In support of this policy, a background evidence paper has been prepared. The evidence paper indicated 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.
- 16.85 In the recent appeal (APP/D1265/W/20/3252152) for the former West Lulworth C of E Primary School described at para. 16.9 above, the Inspector did not attach weight to emerging policy and therefore a restriction on use of the properties as second homes cannot be secured with the present scheme.

17.0 **Conclusion**

The proposal has the potential to deliver a 6 affordable dwellings in a sustainable rural location where there is a demonstrated need but the application site lies outside of the settlement boundary and fails to accord with Rural Exception Site policy RES which does not support the inclusion of two market dwellings when the scheme is viable without these. The proposal would not bring with it harm to the character and appearance of the area, designated heritage assets and landscape and it would meet highway requirements. On balance, however, the securing of 6 affordable units on the site would not qualify as an exception site where the scheme is viable to deliver 100% affordable housing and no material considerations outweigh the conflict with Policy RES.

18.0 **RECOMMENDATION** Refuse permission for the reasons set out below.

Reasons for refusal:

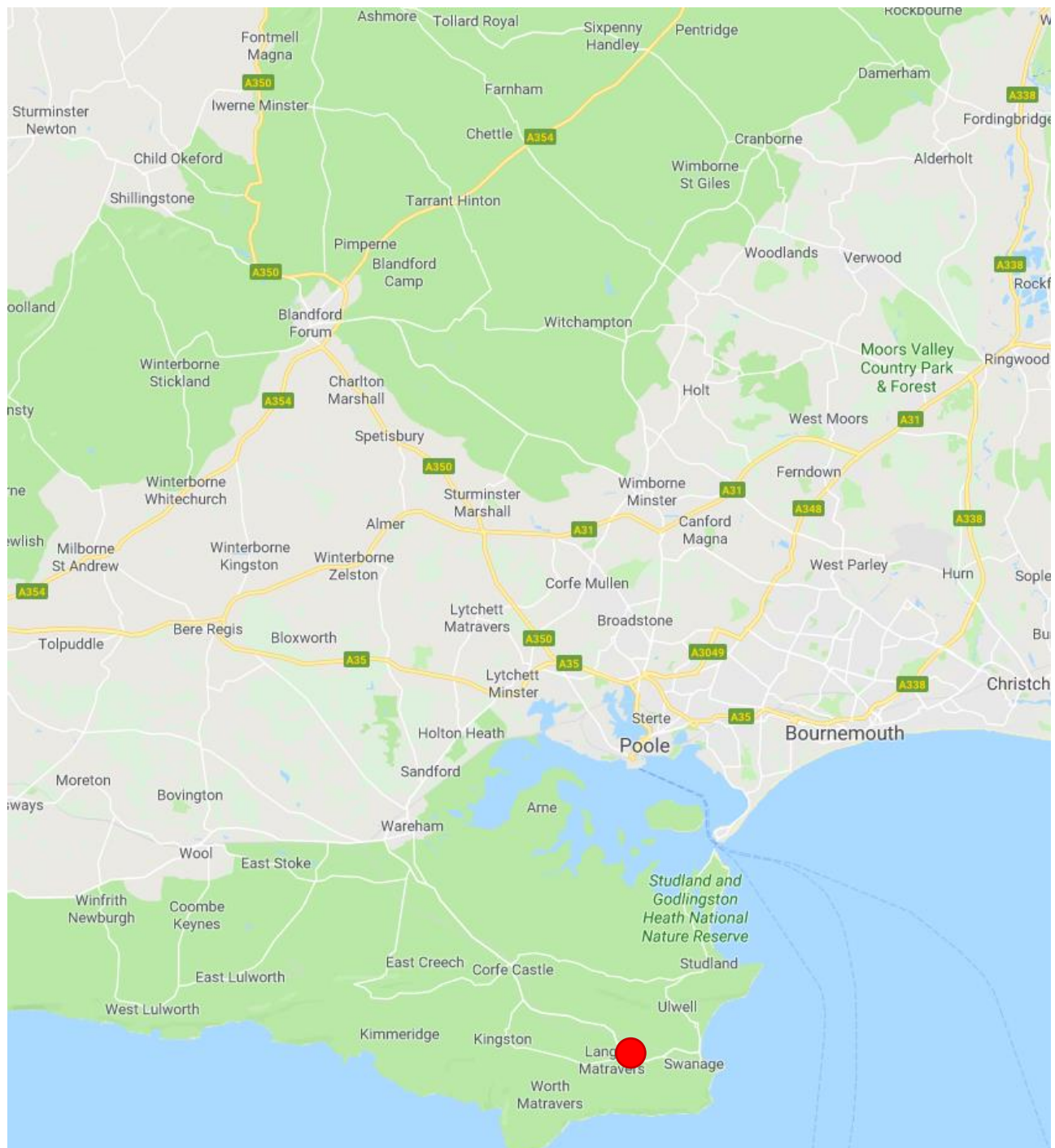
1. The proposal would be viable to make provision for 100% affordable housing provision where there is an identified need in the area. The incorporation of market dwellings would therefore be contrary to Purbeck Local Plan Part 1 policy RES and the provisions of the National Planning Policy Framework.

Approximate Site Location 

Application reference: 6/2019/0656

Site address: Crack Lane, Langton Matravers, BH19 3EF

Proposal: Outline application on a rural exception site for a development of 8 dwellings (6 affordable & 2 open market) with details of access (all other matters reserved)



This page is intentionally left blank

1.0 Application Number: 6/2020/0292

Webpage: <https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2020/0292>

Site address: Land at New Park Farm, Dolmans Hill, Lytchett Matravers, BH16 6HP

Proposal: Site a temporary agricultural workers caravan for residential use

Applicant name: Mr & Mrs Wonnacott

Case Officer: Alexandra Dones

Ward Member(s): Councillors A Brenton, B Pipe and A Starr

The Nominated Officer has identified this application to come before the Planning Committee in light of the concerns raised by the parish council in relation to the viability of the business and the potential for the setting of a precedent if the application were to be approved.

2.0 Summary of recommendation:

GRANT planning permission subject to conditions.

3.0 Reason for the recommendation:

- There is an essential need for a full-time worker to live on-site, as identified the Council's Agricultural Consultant
- The proposed scale, design of the unit will not significantly and demonstrably harm the character and appearance of the area.
- On the basis of the identified need, the principle of development within the Green Belt to support an agricultural business is accepted as a 'very special circumstance' subject to a condition ensuring the accommodation is temporary (3 years)
- There are no material considerations which would warrant refusal of this application and no objections have been raised from the Council's Highways and Drainage Departments.

4.0 Key planning issues

Issue	Conclusion
Principle of development within the Green Belt and the countryside	Acceptable, subject to a condition ensuring the accommodation is temporary for a period of 3 years.
Functional and financial tests for a rural workers dwelling	Submitted agricultural appraisal demonstrates a functional need for a full-time worker to live on-site and that the agricultural business has been planned on a sound financial basis over the temporary three year period.
Scale, design and impact on the character and appearance of the area	Acceptable, subject to a condition ensuring the accommodation is temporary for a period of 3 years.

Impact on the living conditions of the occupants of neighbouring properties	Acceptable.
Drainage issues	Acceptable, subject to conditions.
Highway safety	Acceptable.
Impact on ancient woodland	Acceptable.

5.0 Description of Site

New Park Farm is an agricultural holding that is located to the south-west of Lytchett Matravers with access through Old Park Farm, off Dolmans Hill lane. The holding consists of several fields of approx. 13.1 hectares in size that are used for livestock grazing and hay making, areas of woodland and several ponds. The land is a relatively recently formed holding as a result of a recent land sale. There are also a number of shipping storage containers within the site that currently provide secure storage for the holding.

The site is surrounded by other agricultural land and several residential dwellings along Dolmans Hill Lane. The entire holding is located within the South East Dorset Green Belt and the countryside, and the proposed location of the temporary dwelling is within close proximity of ancient woodland to the north and west.

6.0 Description of Development

The application proposes the siting of a temporary rural worker's dwelling in the form of a caravan at the land at New Park Farm, Dolmans Hill, Lytchett Matravers.

The proposed dwelling is described in the design and access statement as a mobile home and the plans show a unit with the appearance of a log cabin, having a pitched roof and decking along two sides. The approximate dimensions are length 19m, width 6.8m and height 3.4m which falls within the definition of a caravan set out in the Caravans Act, subject to the unit being composed of not more than two parts and being physically capable of movement by road. The caravan will be located at the end of an existing agricultural track, which also serves Old Park Farm, on the site of an old silage pit with a stone floor which is proposed to be utilised for the siting of the dwelling.

The Rural Workers Dwelling Appraisal submitted as part of the application and prepared by Reading Agricultural Consultants sets out the detailed background and appraisal of the proposals. The applicants are Mr and Mrs Wonnacott. Mr Wonnacott has many agricultural qualifications and has always worked in agriculture until he was recently made redundant from his position as Dairy Farm Manager. An opportunity arose to purchase a 13.1ha holding close to where they have lived for the past 22 years and create their own agricultural business. The intention is to develop a cattle breeding and rearing business (including calf-rearing) and establish a micro-dairy business. Mrs Wonnacott will be the principal worker, supported by her husband part time.

The Rural Workers Dwelling Appraisal states that the agricultural business that will be developed is centred on the breeding and rearing of cattle and will include (by Year 3):

- a micro-dairy with 10 cows, each producing an average 5,000 litres of milk per annum. The milk will be pasteurised on the farm and bottled and sold to the public; a vending machine may also be installed. Any surplus, unsold milk will be fed to bucket-reared calves. As this enterprise is developed in the future, and sales increase, more cows may be added to the dairy herd;
- a beef cattle breeding, rearing and showing enterprise. At present, the applicants own 4 suckler cows with 9 calves at foot and 13 heifers, some in calf. The cows from the best cow lineages will be bred using dairy sexed semen in order to produce high quality, higher value pedigree calves; these will either be retained for the micro dairy or sold. The beef calves will be reared to store cattle weights (at approximately 6 months of age);
- bucket-reared calves. These will be reared in batches of approximately 40, with three batches reared each year utilising the new barn approved on the site under ref 6/2020/0303.

The Rural Workers dwelling Appraisal notes that the applicants are seeking planning permission for temporary residential accommodation so that they can live close to - and monitor properly - the processes and livestock on the unit.

7.0 Relevant Planning History

6/2020/0303 – Erect agricultural barn approved October 2020.

8.0 List of Constraints

The following constraints and designations are applicable to this application:

- The parish of Lytchett Matravers
- Outside of Lytchett Matravers Settlement Boundary
- South East Dorset Green Belt
- 100m southeast of 'Old Park Farm' Ancient Woodland

9.0 Consultations

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

Consultees

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

- **Natural England**
No objection on the condition that the Authority secure the appropriate level of mitigation contributions, as set out in the above SPDs, to ensure that the identified adverse effects on the protected sites are mitigated according to the measures agreed with Natural England in the documents.
- **Forestry Commission**
No comment due to the scale of the proposed development. As there is an

area of ASNW approximately 100m away from the proposed site, The Forestry Commission would like to refer you to the standing advice prepared by the Forestry Commission and Natural England.

- **Woodland Trust**

Woodland trust raised concerns regarding the new site location on account of potential disturbance to Old Park Farm Wood (grid reference: SY9271095299) which is designated as ancient woodland on Natural England's Ancient Woodland Inventory. The Woodland Trust would appreciate confirmation as to whether the new temporary dwelling will be sited at least 15m away from Old Park Farm Wood at all closest points.

The planning agent confirmed via email on 17th December 2020 that the proposed temporary dwelling is located more than 15m from Old Park Farm Wood.

- **Southern Gas Networks**

Standard advice and guidance issued

- **Dorset Council – Highways**

No Objection

- **Dorset Council – Drainage Engineer**

No Objection. Suggested condition not required for a caravan.

- **Lytchett Matravers Parish Council**

Objection

Concerns raised about the precedent which would be set by allowing open countryside to be broken into very small holdings each with "essential" dwellings, if this application were to be approved.

In view of the very small size of the proposed operation viability of the business needs to be assessed by a suitable expert.

The Parish Council accepts that the building is intended to be temporary, and if it were to be permitted then it would also expect an undertaking for it to be removed within a maximum period of four years.

The Parish Council also notes that there is a ready supply of existing accommodation locally.

Representations received

The application was advertised by means of a site notice displayed on 06/07/20 and by letter sent to neighbours. The Council received one letter of comment from neighbours about the application. The representation is available in full on the Council's website. The following list summarises the key issues raised:

- The application is a positive proposal and they have considered the community and the environment in their business plan.

10.0 POLICY AND OTHER CONSIDERATIONS

Development Plan

Purbeck Local Plan Part 1:

Policy LD – General Location of Development

Policy SD – Presumption in favour of sustainable development

Policy D – Design

Policy BIO – Biodiversity and Geodiversity

Policy CO – Countryside

Policy LHH: Landscape, historic environment and heritage;

Policy FR: Flood Risk;

Policy BIO: Biodiversity and Geodiversity;

Lytchett Matravers Neighbourhood Plan adopted 2017:

Policy 1: Development principles

Policy 2: Local Design principles

Emerging Purbeck Local Plan 2018-2034:

Regard has been had to the emerging Purbeck Local Plan 2018-2034. Following initial examination of the plan the Inspector has reported that she is reasonably satisfied that with Main Modifications the Plan is 'likely to be capable of being found legally compliant and sound'. A further consultation is currently underway and the Sustainability Appraisal and Habitats Regulation Assessment will be updated prior to a final decision on whether the plan is found legally compliant and sound.

The following policies of the emerging Local Plan are also considered relevant to the application but cannot be given any weight in the decision-making process because there remain unresolved objections and/or there is the potential for further objections through Main Modifications consultation. The weight that can be given to these policies will change as the local plan progresses to adoption:

Policy H13: Rural workers homes in the countryside.

Supplementary Planning Documents:

Purbeck District design guide supplementary planning document adopted January 2014.

Development contributions toward transport infrastructure in Purbeck guidance February 2013.

The Dorset heathlands planning framework 2020 - 2025 supplementary planning document adopted March 2020.

Strategic Flood Risk Assessment 2018

Poole Harbour Recreation 2019-2024– supplementary planning document April 2020.

Landscape Character Assessment (Non AONB)

Government Guidance

National planning practice guidance (PPG)
National Design Guidance (NDG)
National Planning Policy Guidance (NPPF)

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development.

Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

The following NPPF sections and paragraphs are also of relevance to this application:

Paragraph 48 “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).”

Section 2: Achieving sustainable development;

Section 4: Decision-making;

Section 5: Delivering a sufficient supply of homes – paragraph 79;

Section 6: Building a strong, competitive economy;

Section 13: Protecting Green Belt land;

Section 15: Conserving and enhancing the natural environment.

11.0

Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

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

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

The creation of an essential workers dwelling is not considered to result in any additional disadvantage to persons with protected characteristics.

14.0 Climate Implications

The property will be temporary in its nature and be constructed to current building regulation requirements and which will be serviced by suitable drainage to prevent any additional impact on terms of flood risk that may be exacerbated by future climate change.

15.0 Planning Assessment

15.1 The main planning considerations in respect of this application are:

- The principle of development
- The essential need for a rural workers’ dwelling
- Impact on the character and appearance of the area
- Impact on the living conditions of the occupants of neighbouring properties
- Drainage issues
- Highway safety
- Impact on ancient woodland
- Whether the harm is outweighed by very special circumstances

These points will be discussed as well as other material considerations under the headings below

Principle of development

Principle of development in the Green Belt

- 15.2 The site is located within the statutory Green Belt. One of the main purposes of the Green Belt as defined in the NPPF is ‘to assist in safeguarding the countryside from encroachment’ (paragraph 134(c)). Therefore, development in the Green Belt is considered inappropriate unless it meets of the exceptions set out in paragraphs 145 or 146 or ‘very special circumstances’ can be demonstrated.
- 15.3 Paragraph 144 of the NPPF states that ‘*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’.*
- 15.4 The proposed siting of a caravan as a temporary agricultural workers dwelling within the Green Belt is not considered to fall within the exceptions identified in paragraphs 145 or 146 of the NPPF because it is intended predominantly for residential purposes, albeit that it is proposed that at least one of the occupants will be residing there for the purposes of operating of the holding. As it is not a use that is strictly for ‘agricultural purposes’ it is therefore inappropriate development in the Green Belt and would result in harm to the Green Belt.

Impact on openness

- 15.5 The proposed temporary dwelling would comprise a caravan with a log cabin appearance that would be 19.6 metres in length and 7.1 metres in width. Its height is some 3.4 metres with a pitched roof. A small area of decking of some 2.4 metres in width is shown around the side and rear of the caravan on the submitted plans. External materials comprise a composite tiled roof and timber horizontally clad external walls.
- 15.6 It is judged that the visual impact of the proposed unit on openness will be limited by its single storey form and screening provided by the location of the proposed residential caravan on the site of a disused silage pit with timber sleeper walls. The proposal will result in harm to the spatial qualities of openness by the introduction of built form but this harm would be tempered by the limited period of time sought. Overall the proposed residential caravan would result in limited harm to the openness of the Green Belt.

Principle of the development in the countryside

- 15.7 National planning policy recognises that planning policies and decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply. One such circumstance is where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside (paragraph 79 (a) of the NPPF).
- 15.8 The national policy approach is reflected in Policies CO – Countryside and LD – general location of development of the adopted Purbeck Local Plan Part 1 (PLP1). Policy LD (general location of development) states that development in the countryside will only be permitted in exceptional circumstances as set out in Policy CO: Countryside of Purbeck Local Plan Part 1 (PLP1). Policy CO states that the Council seeks to protect the countryside from inappropriate development. Development outside of a settlement boundary will only be permitted where a

countryside location is essential, and where it would not have a significant adverse impact either individually, or cumulatively, on the environment, visually, ecologically or from traffic movements.

Essential need for a rural worker's dwelling

- 15.9 The application is accompanied by a supportive appraisal of the prospects and needs of the agricultural business for the proposed dwelling. To aid in assessing this application the Council has sought advice from an independent agricultural consultant.
- 15.10 The report prepared by the agricultural consultant refers to policy H13 of the emerging Local Plan as at the time the report was commissioned it was considered policy H13 could be afforded 'significant weight'. Since this instruction, the Council's position on which policies of the emerging local plan can be given weight has been revised in light of recent appeal decisions and it is now considered that policy H13 of the emerging local plan can be given no significant weight. Officers have therefore assessed the proposals against currently adopted policies which the independent agricultural consultant also referred to throughout the report.
- 15.11 The Purbeck Local Plan Part 1 does not include a specific policy relating to the assessment of whether a rural workers' dwelling, whether temporary or permanent, is acceptable. Annex A of PPS7, which made reference to rural workers' dwellings, was cancelled following the introduction of the NPPF. However, the tests outlined in the guidance are still an effective means of objectively assessing the essential need for rural workers' dwellings. The NPPF (paragraph 79) clearly retains the 'essential need' test. Although reference to viability testing is not explicitly stated in the NPPF, a functional and financial evaluation is still an appropriate source of evidence to objectively assess whether a proposed rural workers dwelling has been planned on a sound financial basis.
- 15.12 An agricultural appraisal been submitted with the application which details the need for on-site residential accommodation associated with the holding. The Council's Agricultural Consultant has considered the appraisal and a summary of their key findings are included under the headings of the tests below.
- Is there an essential 'functional' need arising from the business for a full-time worker to be housed on site?*
- 15.13 The appraisal submitted in support of the application identifies a functional need for someone to be on site due to the wellbeing of livestock in a bovine breeding unit. This relates particularly to the cows and calves. The appraisal states that a member of staff needs to be on site to deal with emergencies quickly; for medicinal requirements; work to be undertaken at unsociable hours; the need for someone to be with animals for security purposes; and the need to provide support during the breeding, birthing and rearing processes.
- 15.14 The Agricultural Appraisal has provided a labour assessment for the proposed business activity which suggests a requirement for a full time worker. The Council's Agricultural Consultant has reviewed this with reference to the Agricultural Budgeting and Costing Book (ABC) 90th Edition, standard man day data and labour survey and has concluded that whilst there is no standard data referred to in respect of pasteurisation in the ABC, the labour input equates to slightly less than a full time

worker, but not to the degree to question the requirement for a worker to be available at most times.

15.15 The essential need argument put forward by the applicant is based on the requirements to ensure the well-being of cattle and mitigate losses from death or illness/injury which would impact on the viability of the business and potentially continuity of production. As proposed cattle numbers are limited the anticipated frequency of incidents which may require intervention will not be high so the Council's Agricultural Consultant has commented that '*the essential need for a residential presence on site or in close proximity to the site to enable a worker to be readily available at most times is borderline but on balance may be justified if the business develops as proposed with the prospect of further expansion*'.

15.16 Officers are mindful that as the business is in its infancy with a small number of cattle, any losses have the potential to significantly impact viability. Permission for a temporary dwelling would provide the essential onsite presence to enable the business to develop which in turn accords with the focus of the NPPF on building and supporting prosperous rural economies by supporting sustainable growth and expansion of all types of businesses in rural areas (Chapter 6). It is concluded that there is an adequate business case for an essential need for a rural worker on the site.

Could the functional need be fulfilled by other accommodation?

15.17 The Council's Agricultural Consultant has conducted their own search of available property to buy and to rent in the immediate vicinity of the site. They have concluded there are no existing dwellings on site or buildings capable of conversion and whilst there are properties available to buy in the vicinity of the site, they are not considered to be suitable for a farm worker.

Has the business been planned on a sound financial basis?

15.18 The Council's Agricultural Consultant has considered the financial details submitted in support of the application.

15.19 The applicant's Agricultural Appraisal sets out financial forecasts over a three year period based on gross margin and fixed cost data from John Nix which indicates that the proposed business has the prospect of being profitable by year three. The Council's Agricultural Consultant reviewed the forecasts with reference to the ABC and have had regard to other enterprises. They commented that the level of profit forecast by year three is considered to be at a level that could sustain a rural worker and allow limited reinvestment in the business.

15.20 Whilst the margins do not allow scope for too much downward fluctuation in prices achieved for produce or increases in costs, it is noted that there is the prospect of some costs savings with the calf rearing enterprise if milk production is at levels to supplement powdered milk. The Council's Agricultural Consultant considers that it has been demonstrated that the proposed business has the prospect of being economically viable.

15.21 The application for the temporary dwelling for a three year period, will provide the applicant with the opportunity to develop their business and test the business model. The approach is in accordance with enabling the development of an agricultural business in NPPF paragraph 83. There will be an opportunity for the Council to

revisit the financial test in the future in relation to the success of the holding should permission for a permanent dwelling be sought.

- 15.22 Officers therefore consider that sufficient evidence has been submitted, in accordance with both national and local planning policy, to justify the essential need for a temporary dwelling on this site. This is on the basis of a short-term yet essential functional need for the presence of a farm worker in close proximity of the agricultural operations.

Impact on the character and appearance of the area

- 15.23 The proposed location is on the site of a disused silage pit which has a stone floor, removing the need for additional hardsurfacing, and is currently screened by timber sleeper walls and vegetation. It is also recognised that the single storey form and proposed location will limit the visual impact and harm to the character of the area and intrinsic beauty of the countryside.
- 15.24 Only a limited degree of visual harm will result from the introduction of the proposed caravan in the rural location; the harm created by the presence of an unnatural incursion into the undeveloped rural landscape will be mitigated by both the siting of the caravan on the site of a former silage pit and its design with a log cabin appearance. The existing screening of the site with timber sleeper walls and vegetation on three sides further reduces the degree of visual transition from undeveloped to the developed.
- 15.25 Officers consider that the proposed log cabin style caravan is fairly large in scale with a total floor area of approximately 130m², offering three double bedrooms, bathrooms, office space and kitchen/ lounge and dining space. However, the Council's Agricultural Consultant commented that the size was not unreasonable for its purpose; whilst only one farm manager is identified as being required on the holding, they have a right to family life.
- 15.26 It is considered that due to the temporary nature of the proposal and the existing screening and hard-standing present at the site, that the impact on the character and appearance of the rural area will be modest. Limited weight is given to this harm.

Impact on the living conditions of the occupants of neighbouring properties

- 15.27 Due to the isolated location of the site there are no neighbouring properties that could be negatively impacted by the proposals.

Drainage issues

- 15.28 The flood risk map shows this site to be in flood risk zone 1 and in this respect the development would be acceptable. The caravan is to be sited on an existing hard surface and is for a temporary period so is unlikely to have any negative impact.

Highway safety

- 15.29 The access to the site is via the existing access to Old Park Farm and then via an existing stone track. The Highways Officer raised no objections to the proposals. No harm to highway safety is anticipated.

Impact on ancient woodland

- 15.30 The site is located within close proximity to protected ancient woodland. The Forestry Commission raised no objections due to the scale of the proposals and referred officers to the standing advice prepared by Natural England and the Forestry Commission. The Woodland Trust raised concerns regarding the proximity of the proposed temporary dwelling to the Old Park Farm Wood (grid reference: SY9271095299). Woodland Trust commented that it was not clear from the site plan whether or not the location of the proposed temporary caravan has provided a 15m buffer zone in line with Natural England's Standing Advice. The planning agent confirmed via email on 17th December that the proposed temporary dwelling is located more than 15m from Old Park Farm Wood at all closest points. The planning agent estimated that the positioning is approximately 100m from Old Park Farm Wood. Officers therefore consider the proposals will not result in harm to ancient woodland.

Biodiversity

- 15.31 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. The site lies within 5km of protected Dorset Heathland and the proposal for a net increase in residential units, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the site. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.
- 15.32 The appropriate assessment (separate document to this report) has concluded that the likely significant effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the supporting policy documents, and that the proposal is wholly compliant with the necessary measures to prevent adverse effects on site integrity detailed within the Dorset Heathlands Planning Framework SPD.
- 15.33 The mitigation measures set out in the Dorset Heathlands 2020-2025 SPD can prevent adverse impacts on the integrity of the site. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). The Council will fund the HIP and SAMM provision via the Community Infrastructure Levy. With the mitigation secured the development will not result in an adverse effect on the integrity of the designated site so in accordance with regulation 70 of the Habitats Regulations 2017 planning permission can be granted

Whether the harm is outweighed by very special circumstances

- 15.34 NPPF paragraph 144 advises that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 15.35 The proposed rural workers dwelling would amount to inappropriate development and limited harm would be caused to the openness of the Green Belt, these factors are given substantial weight. The proposal would also result in modest harm to the

character of the rural area which represents additional limited weight against the proposal.

- 15.36 Balanced against this is the essential need for a rural worker to live at the application site for a limited trial period which would enable development of an agricultural business. These are factors which attract significant weight to clearly outweigh the harm by reason of inappropriateness and limited harm to the openness of the Green Belt and character of the rural area. Overall it is found that very special circumstances necessary to justify the temporary rural workers dwelling do exist.

Conclusion

- 15.37 Having assessed the material considerations as outlined within the report above, there are not considered to be any matters which would warrant a refusal of planning permission in this case. Approval subject to the following conditions is therefore recommended.

16.0 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 accord with the following approved plans: promap v2 location plan, promap v2 block plan, and the 7 proposed floor and elevation plans dated 26.06.2014 titled 'Dorothy-88 mob'. The plans are not labelled clearly so in the avoidance of doubt all plans referred to were received by the Council on 26.06.2020.

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

3. The siting of the residential caravan hereby permitted shall be for a limited period, being the period of 3 years from the date of this permission. The residential caravan hereby permitted shall be removed and the land restored to its former condition on or before that date in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.

Reason: The site is located within a rural area where new isolated dwellings are not normally supported. This temporary period provides an opportunity for it to be demonstrated that the agricultural business is financially sustainable to support a permanent dwelling to serve the enterprise.

4. The occupation of the residential caravan shall be limited to a person solely or mainly employed in agriculture as defined in section 336(1) of the Town and Country Planning Act 1990, including any dependant of such person residing with him or her.

Reason: Planning permission would not normally be granted for development in the countryside save where there is an essential need for a countryside location such as an agricultural worker's dwelling

Informative Notes:

1. Natural England. Attention is drawn to the special protection given in law (for example, under the Wildlife and Countryside Act 1981 (as amended), the Habitat Regulations and the Protection of Badgers Act 1992) to particular plants and animals that may be present within the application site. The grant of this planning permission does not override any relevant statutory species protection provision contained within such legislation.
2. Caravan. To benefit from this permission the temporary dwelling must fall within the definition of a caravan or mobile home as set out in Section 1(4) of the Caravan Sites and Control of Development Act 1960 ("the 1960 Act) and Section 5 of the Mobile Homes Act 1983 (as amended). As such, the unit will not benefit from any householder permitted development rights as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.
3. Statement of positive and proactive working: In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and creative approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

For this application: the application was acceptable as submitted.

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

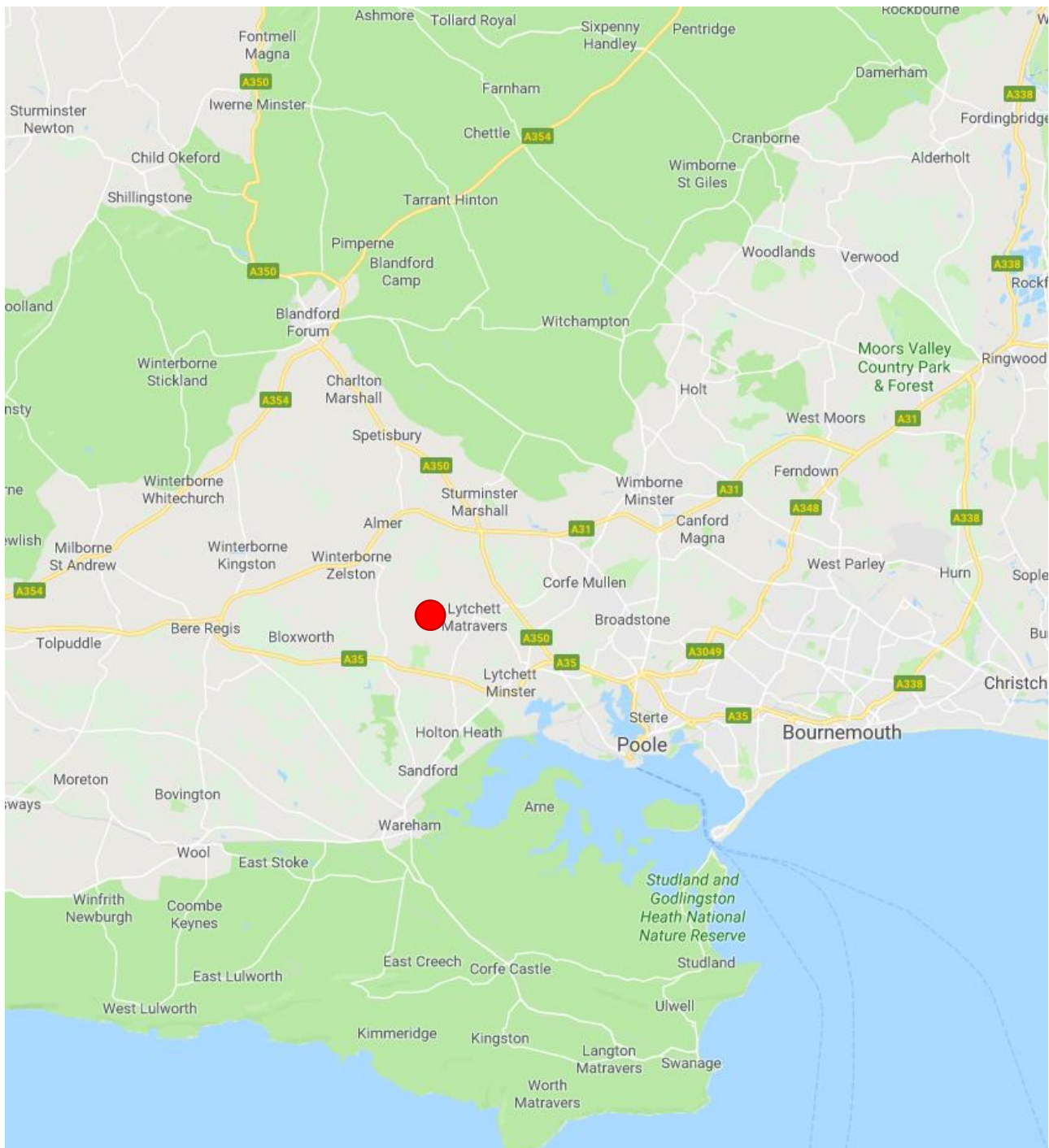
This page is intentionally left blank

Approximate Site Location 

Application reference: 6/2020/0292

Site address: Land at New Park Farm, Dolmans Hill, Lytchett Matravers, BH16 6HP

Proposal: Erect temporary agricultural workers dwelling



This page is intentionally left blank

1.0 Application Number: 6/2020/0281

Webpage: <https://planningsearch.purbeck-dc.gov.uk/Planning/Display/6/2020/0281>

Site address: 5 Ballard Estate, Swanage, BH19 1QZ

Proposal: Erect single storey extensions with pitched roofs and insert three rooflights within the north east elevation. Install rainwater harvest tank.

Applicant name: Mr and Mrs B Moorhouse

Case Officer: Simon Burditt

Ward Member(s): Councillors W Trite and G Suttle. 55

The Nominated Officer has identified this application to come before the Planning Committee in light of the level of local interest in the proposals.

2.0 Summary of recommendation:

GRANT planning permission subject to conditions.

3.0 Reason for the recommendation:

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

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable
Size, scale, design and impact on the character and appearance of the area	Acceptable
Size, scale, design in respect of the impact upon the character and appearance of the wider Dorset Area of Outstanding Natural Beauty	Acceptable
Drainage and surface water disposal	Acceptable

Impact on the living conditions of the occupants of neighbouring properties	Acceptable
---	------------

5.0 Description of Site

The site is located on the Ballard Estate in north Swanage, within the Swanage settlement policy boundary and the Dorset Area of Outstanding Natural Beauty. The property comprises a detached single storey dwelling that is constructed of brick and set under a tiled roof enlarged by predominantly flat roofed extensions. The dwelling is set quite close to the road (1 metre at the closest point), with the majority of the garden to the south and west. Within the north east elevation there is a rooflight.

In terms of orientation the principal elevation, with features such as the entrance door, is the north west elevation of the bungalow and a shorter side elevation (the south east elevation) faces towards the road. To the north of the application site there is a single storey replacement dwelling that has recently been completed, namely number 7 Ballard Estate. Due to changing land levels, Number 7 Ballard Estate is set at a slightly lower level than the application site. On the Ballard Estate the dwellings are mostly single storey.

6.0 Description of Development

During the course of the application the proposed plans have been amended to fully hip the main roof and remove proposed gable end triangular windows but introduce two additional rooflights.

Planning permission is sought for single storey extensions to the property and the insertion of three rooflights within the north east elevation. The extensions would square off previous enlargements to the dwelling and add two modest gable projections to the north east and south west. The main roof would be extended over the enlarged footprint (approximately 38 square metres of additional floor area) and would have a slightly lower pitch to maintain the existing ridge height of the main part of the dwelling. The north east elevation would become the principal elevation. Additionally, it is proposed to install a rainwater harvesting tank within the area of garden to the north west of the dwelling.

7.0 Relevant Planning History

Planning application 6/2019/0450 sought permission for single storey extensions and a roof conversion served by rooflights and first floor windows. This application was withdrawn in February 2020 following concerns raised at officer level in respect of the mass of the proposed extension and likelihood of the reduction in privacy as a result of some of the first floor glazing.

In April 2020 planning permission was refused for the construction of single storey extensions, a roof conversion under an extended pitched roof served by

roof lights and first floor windows on the south east (facing the road) and the north west elevations under reference 6/2020/0086.

In November 2018 planning permission was granted for the construction of a replacement dwelling at number 7 Ballard Estate, the property to the north of the application site (Planning Permission 6/2018/0482). In July 2019 a non-material amendment to that planning permission was granted to remove a chimney, replace glazed roofing with zinc roofing, remove a window in the pantry and add 4no. roof lights to the north east elevation (Non-Material Amendment 6/2019/0388).

8.0 List of Constraints

The following constraints and designations are applicable to this application:

- The application site is within the Swanage settlement policy boundary;
- Within the parish of Swanage;
- Within 400 metres of the coast;
- Within the Dorset Area of Outstanding Natural Beauty:

Areas of Outstanding Natural Beauty have statutory protection in order to conserve and enhance the natural beauty of their landscapes under the National Parks and Access to the Countryside Act of 1949 and the Countryside and Rights of Way Act of 2000.

9.0 Consultations

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

Consultees

Dorset Council Drainage Engineer

No objection.

Additional information is required in respect of the rainwater harvesting system including how any water would be dealt with in the event that the tank is full, plus details of management and maintenance. The required additional information may be secured by the inclusion of a condition upon any grant of planning permission (condition 4 of officer recommendation).

Swanage Town Council

Object (amended plans received 5 November 2020) for the following reasons

- *Lack of detail on the plans, appears to have been no consultation with neighbours prior to proposal being submitted*
- *overdevelopment and overbearing, detrimental to the street scene*
- *potential adverse impact on neighbour amenity from overlooking and loss of privacy.*

- *contrary to local planning policy.*
- *recommend that applicants work with the Ballard Estate Management Company Limited regarding any future planning applications*

Summary of local representations received

The application was advertised by means of neighbour notification letters, a site notice was displayed on 24/07/2020. A further letter consultation was carried out on 7 October 2020 following amended plans.

Letters of representation

The Council received 18 letters of representation in respect of the initial consultation and 22 letters in respect of the amended plans.

Common objections are:

- impact upon the street scene and character of the area in relation to the size, scale and design of the proposed enlarged property, the potential of the enlarged roof to accommodate a first floor, and choice of materials
- impact on neighbouring amenity from loss of privacy and overbearing impact; properties are set close to narrow roads
- loss of views
- the disposal of surface water, the rainwater harvesting tank and drainage on the Ballard Estate
- lack of bat survey
- potential harm to a Hawthorn tree close to the boundary that has a tree preservation order on it
- no consultation by the applicants with nearby residents and that the proposals ignore the comments of neighbours and local people
- contrary to local planning policies
- Objections from The Purbeck Society state that given the historic significance of the site, the proposals are considered inappropriate development.

10.0 POLICY AND OTHER CONSIDERATIONS

The Development Plan

Purbeck Local Plan Part 1 (2012)

Policy SD: Presumption in favour of sustainable development;

Eastern Planning Committee
10 February 2021

Policy LD: General location of development;

Policy SE: South East Purbeck;

Policy D: Design;

Policy LHH: Landscape, historic environment and heritage;

Policy FR: Flood Risk;

Policy CE: Coastal erosion

Swanage Local Plan June 2017.

Policy SS – Swanage settlement;

Policy STDC – Swanage Townscape Character and Development.

Emerging Purbeck Local Plan 2018 – 2034:

Regard has been had to the policies of the emerging Local Plan. The weight that can be given to these policies will increase as the emerging plan moves towards adoption.

The emerging Purbeck Local Plan is at an increasingly advanced stage and on 18 March 2020 the Planning Inspector for the Emerging Local Plan reported back. She considered 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 letter 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). The Inspector indicates that the strategy for meeting the area's needs is sound. An update will be required to both HRA and SA to take into account any changes made through the main modifications. Planning Policy colleagues are confident that these matters can be addressed and the plan be found sound

E12: Design

Supplementary Planning Documents:

Swanage Townscape Character Appraisal - Supplementary planning document
September 2012;

Purbeck District Design Guide - Supplementary planning document January
2014.

National Guidance

The National Planning Policy Framework 2019 (NPPF)
Planning Policy Guidance (PPG)
The National Design Guide September 2019

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

Section 2: Achieving sustainable development

Section 4: Decision making;

Section 12 Achieving well-designed places

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

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

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

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in

considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

The property is a dwellinghouse and the proposals are for extensions and alterations, as such there is no need for particular consideration to be given to this issue.

13.0 Financial benefits - Not applicable

14.0 Climate Implications

The proposal is for the extension and alteration of an existing dwelling. The proposed extensions and alterations to the dwelling would need to be undertaken to current building regulations requirements and it is proposed that a rainwater harvesting system be installed. The proposed sustainable drainage system would assist with preventing any additional impact in terms of flood risk that may be exacerbated by climate change in the future.

15.0 Planning Assessment

15.1 The main planning considerations in respect of this application are:

- Principle of development;
- Size, scale, design and impact on the character and appearance of the area;
- Size, scale, design in respect of the impact upon the character and appearance of the wider Dorset Area of Outstanding Natural Beauty;
- Drainage and surface water disposal;
- Impact on the living conditions of the occupants of neighbouring properties.

These points will be discussed as well as other material considerations under the headings below

Principle of development

15.2 In accordance with Section 70(2) of the Town & Country Planning Act 1990 (as amended) and Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 14 of the NPPF and Policy SD of the adopted Purbeck Local Plan place a presumption in favour of sustainable development.

Number 5 The Ballard Estate is a residential dwelling located within the Swanage settlement policy boundary consequently the extension and alteration of the

dwelling, plus the installation of a rainwater harvesting tank is acceptable in principle, subject to being acceptable in terms of all material planning considerations.

The proposals accord with national and local planning objectives and policies.

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

15.3 Number 5 Ballard Estate is a modest, single storey bungalow with a pitched roof form that is fairly typical of the dwellings on the Ballard Estate, although there is some variation amongst the dwellings in form, size and materials.

15.4 Within the Swanage Local Plan, policy STCD: Swanage Townscape Character and Development reads:

'In order to conserve and enhance the existing townscape character of Swanage, new development should take account of the Swanage Townscape Character Assessment (2012) and will need to follow the guidelines set out below wherever possible...'

Areas of distinctive local character

The four areas of distinctive local character are shown on Map 9. These areas include a variety of townscape character types and new development should protect and enhance the distinctive local characteristics of these areas:

The Ballard Down area should continue to support single storey development only, as this area is characterised by historic bungalow development...'

15.5 Previously application 6/2020/0086 was refused on the grounds that the cumulative mass of the proposals, which included an apex roof with gable windows, would be excessive such that it would appear obtrusive in the street scene and uncharacteristic of the area

15.6 Objections have been raised that the latest proposal would still increase the size of the roof to a level which could accommodate first floor accommodation. They assert that this would be out of character with the Ballard Down area and contrary to policy STCD.

15.7 The existing bungalow has a pitched roof of modest proportions with a rear gable projection and flat roof extensions to both sides. The proposed extensions would create a roof with the same height but over the enlarged floor area, with an extended ridge length (approximately 6.6 metres) and with the loss of chimney features.

15.8 The enlargements to the floor area would mainly be to the north west and south west, as it is proposed to square off previous extensions. A 2 metre deep extension is also proposed to the south east (facing the road) together with two shallow gable projections to the south west and north east, the latter to provide a new entrance. The width of the roof would be increased from approximately 7.5 metres to 9.7 metres but the fully pitched form (with lower gable projections) would be retained.

- 15.9 While the volume of the property would increase this would be proportionate to the size of the plot and not out of keeping with neighbouring dwellings. The visual impact would be limited by the hipped roof and the extensions would create a simpler, more unified form.
- 15.10 The proposal to render the walls of the dwelling would not be out of keeping with development on the estate and appropriate roof tile details can be secured by condition.
- 15.11 At the south east end of the bungalow, close to the road, the bungalow has been extended with a flat roof addition and a smaller porch. It is proposed to remove the porch extension and extend the dwelling 2 metres closer to the highway beneath the enlarged roof.
- 15.12 A hipped roof over the existing footprint would replace the existing incongruous flat roof element. Although the proposal would reduce the space between the side of the dwelling and the road, approximately 4.5 metres separation would be retained with the main dwelling while the existing extension remains approximately 1 metre from the highway, behind a stone wall and vegetation.
- 15.13 The roofing would increase the mass of the building in a prominent position but it is judged that the pitch, which slopes back into the plot would limit the visual impact of the increased mass and avoid an overbearing or incongruous appearance that would justify refusal.
- 15.14 The existing dwelling has one rooflight within the north east elevation and it is proposed to insert two additional rooflights within the proposed north east elevation. The rooflights would be evident in views from the south but the building would retain its single storey form and proportions. The dwelling would continue to present as a bungalow in accordance with Local Plan policy STCD.
- 15.15 A condition to ensure that the rooflights serving the loft are obscure glazed and fixed shut has been agreed in principle with the agent (Condition 5). A further condition restricting the insertion of further windows within the roof is also recommended (Condition 6).
- 15.16 The proposed extensions and alterations are acceptable in terms of size, scale and design in relation to the existing building, the street scene and the character of the area. They are found to accord with Swanage Local Plan Policy STCD and Purbeck Local Plan Part 1 Policy D.
- Size, scale, design in respect of the impact upon the character and appearance of the wider Dorset Area of Outstanding Natural Beauty**
- 15.17 Areas of Outstanding Natural Beauty have statutory protection in order to conserve and enhance the natural beauty of their landscapes under the National Parks and Access to the Countryside Act of 1949 and the Countryside and Rights of Way Act of 2000.
- 15.18 The site is located within a residential part of Swanage surrounded by other dwellings. The size, scale and character of the proposals would not have any

significant impact upon the wider Dorset Area of Outstanding Natural Beauty as they will be viewed in the context of the existing built form.

The proposal is considered to be acceptable this respect.

Drainage and surface water disposal

- 15.19 The application site is located within 400 metres of the coast where ordinarily soakaways are discouraged as a method of disposing of surface water. For these proposals it is intended to install a rainwater harvesting system within the curtilage, an approach that has some advantages in terms of sustainability and is acceptable in principle. Given that the site is located within 400 metres of the coast, further details of how any overflow water would be dealt with, plus details of management and maintenance could reasonably be secured by condition to ensure appropriate means of surface water disposal.

The proposal is considered to be acceptable this respect subject to condition (condition 4).

Impact on the living conditions of the occupants of neighbouring properties

- 15.20 The officer assessment follows a site visit to the application site on the 7th August 2020.

Number 5, the application bungalow, and its neighbours are detached properties. The nearest property is Number 7 which lies approximately 7 metres to the north. The design of the replacement dwelling at number 7 includes significant areas of glazing facing the application site.

- 15.21 Number 5 is situated directly south of Number 7 on slightly higher ground. The proposal to extend number 5, with its additional roof bulk (including the approximately 6 metre high ridge and 4.6 metre high side gable) would not result in a reduction in light or an overbearing impact that would result in any significant loss of amenity to number 7 so as to necessitate refusal. Other properties are approximately 18 metres to the south, so no harm to the amenity of their occupiers is anticipated.

- 15.22 A reason for refusal on the previous application 6/2020/0086 related to loss of amenity to no. 7 Ballard Estate from overlooking from the first floor window in the north west elevation which was proposed to serve a bedroom. The current proposal has a hipped roof to the front and rear and the only glazing above ground floor level is three rooflights on the north east elevation which are to be obscure glazed and fixed shut (condition 5).

- 15.23 The rooflights would lie approximately 8m to the shared boundary and 11-14m from the southern elevation of no. 7. It is acknowledged that the existing dwelling includes a rooflight with a similar relationship to no. 7 as those proposed. However, as the new larger roof has the potential to facilitate first floor accommodation in the future, and without details of the finished floor levels to ensure that the windows are high level, it is judged necessary to impose a

condition that the rooflights, which serve a loft, are obscure glazed and fixed shut (condition 5). It is also necessary to remove permitted development rights for roof extensions and further windows in the roof to make the development acceptable in relation to neighbouring amenity (condition 6).

Other issues

- 15.23 The loss of view which was raised as an objection is not a material planning consideration.
- 15.24 No biodiversity survey has been required for this application due to the urban location and presence of the rooflight.
- 15.25 The Hawthorne tree mentioned by objectors lies outside close to the application site on the north boundary but is not the subject of a tree preservation order or any other protection and makes only a limited contribution to the character of the area. An informative note regarding potential damage to tree roots can be added to any grant of permission.

16.0 Conclusion

The proposed extensions and alterations accord with local and national planning policies and are acceptable in principle, particularly bearing in mind that the property includes an existing dwelling house and is located within the Swanage settlement policy boundary. The proposed extensions and alterations are appropriate in terms of size, scale, and design and therefore acceptable in terms of the impact upon the character and appearance of the local area and wider Dorset Area of Outstanding Natural Beauty. The proposals are also acceptable in terms of the impact upon neighbouring amenity and privacy as well as drainage.

Having assessed the material considerations as outlined within the report above, there are not considered to be any matters which would warrant a refusal of planning permission in this case. Approval subject to the following conditions is therefore recommended.

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: drawing number 20/06/12/01D received on 30 September 2020.

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

3. Full details of the external materials and finishes to be employed on the development hereby permitted must be submitted in writing and agreed in writing by the Local Planning Authority prior to their use. The development must be carried out using the agreed materials.

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

4. Before any ground works start a scheme for dealing with surface water drainage from the development must be submitted to and approved in writing by the Council. This must include details of the on-going management and maintenance of the scheme. The appropriate design standard for the drainage system must be the 1 in 100 year event plus an allowance for the predicted increase in rainfall due to climate change. The scheme must also be accompanied by the results of an assessment into the potential for disposing of surface water by means of a sustainable drainage scheme (SUDs); rainwater harvesting can form part of the scheme. The approved drainage scheme must be implemented prior to first use of the sitting/dining room hereby granted and must thereafter be maintained and managed in accordance with the agreed details.

Reason: These details are required to be agreed before ground works start in order to ensure that consideration is given to installing an appropriate drainage scheme to alleviate the possible risk of flooding onsite and elsewhere, plus minimising the risk of coastal instability.

5. The three rooflights within the north east elevation must be obscure glazed to level 3 obscurity and fixed shut, to prevent the screening effect of the obscure glazing being negated.

Reason: To safeguard the amenity and privacy of the occupiers of no. 7 Ballard Estate.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent re-enactment thereof, there must be no further extension to the roof or any further rooflights or openings inserted or constructed within the roof of the building.

Reason: To safeguard the amenity and privacy of the occupiers of adjoining residential properties and the character of the area.

Informative notes:

1. Informative Note - Matching Plans.
Please check that any plans approved under the building regulations match the plans approved in this planning permission. Do not start work until

revisions are secured to either of the two approvals to ensure that the development has the required planning permission.

2. Informative Note - Natural England.

All buildings and especially roof spaces can support bat roosts which may be damaged or disturbed by demolition, building works or timber treatment. Please note that all bats and their roosts are fully protected under law. It is a requirement of the legislation to notify Natural England on 0300 060 3900 of any operation which may affect bats or their roosts, even when the bats are apparently absent. A contravention of the Wildlife and Countryside Act 1981 may constitute a criminal offence. The grant of this Consent does not override any requirements to notify Natural England or to comply with the legislation.

For further advice on a particular species use the following contacts:

Natural England Contact: John Stobart Tel: 07825 844475

Email: john.stobart@naturalengland.org.uk

Dorset Council Natural Environment Team Contact: Tel: 01305 224931

Email: net@dorsetcouncil.gov.uk

3. Informative Note- Trees

The applicant should be aware that the proposals could result in damage to the root system of the Hawthorne tree on the adjoining boundary. You are advised to notify the owner of the tree of your proposals prior to commencement and if necessary, take independent Arboricultural advice.

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: 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.

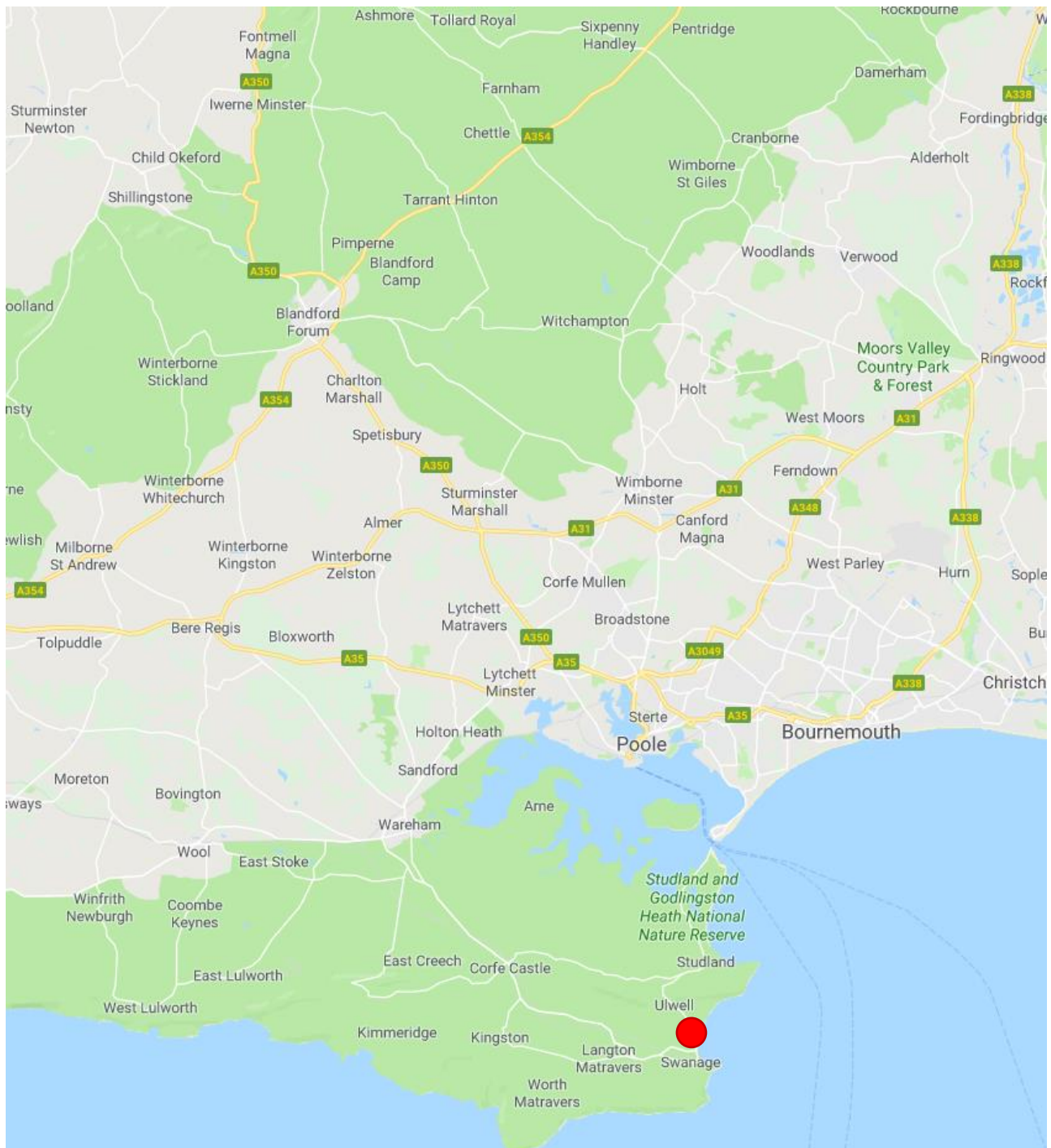
This page is intentionally left blank

Approximate Site Location 

Application reference: 6/2020/0292

Site address: 5 Ballard Estate, Swanage, BH19 1QZ

Proposal: Erect single storey extensions with pitched roofs and insert three rooflights within the north east elevation. Install rainwater harvest tank.



This page is intentionally left blank

Appeal Decisions

1. PURPOSE AND RECOMMENDATIONS

Purpose of Report:	To inform Members of notified appeals and appeal decisions and to take them into account as a material consideration in the Planning Committee's future decisions.
Recommendations:	It is RECOMMENDED that:
	(This report is for Information)
Wards:	Council-wide

3.0 APPEAL DECISIONS

3.1 Appeal Reference: APP/D1265/W/20/3259205

Planning Reference: 3/19/1507/LB

Proposal: Replacement front doors (Retrospective)

Address: Tivoli Theatre, 19-27 West Borough, Wimborne Minster, Wimborne, BH21 1LT

Appeal: Allowed

3.1.2 The retrospective application for replacement front doors on the Grade II listed building was refused consent under delegated powers. Inner doors, on which the outer doors were modelled had traditional art deco brass handles and fittings whilst the new doors had stainless steel detailing and no door handles but simply rectangular push detailing. The colour of the doors was considered by officers to detract from the historic character of the Tivoli, resulting in harm to the significance of the heritage asset. Although less than substantial, this harm was not considered to be justified by any public benefit.

3.1.3 Referring to the list description, the Planning Inspector noted that the special interest and significance of the listed building lay principally in the formal design and fabric of the original eighteenth century structure which was a high status dwelling. The list description did not refer to the former cinema built during the 1930s and although old list descriptions may be incomplete, in this case he considered that the listing demonstrated that the writer sought to attach little importance to the cinema and fabric related to it.

3.1.4 Subsequently the former cinema has reopened as a theatre and works have been undertaken to provide the ground floor street frontage with an Art Deco identity including installation of the doors which were the focus of the appeal. The Inspector recognised that this aspect of the building's use and history made an important contribution to the social significance of the building locally

as it was the visual context within which the original parts of the frontage are now perceived.

- 3.1.5 The Inspector judged, contrary to the Council's concerns, that the silver colour of the fixings and door furniture made no difference to the way in which the original parts of the façade were perceived. In his opinion the colour was not incongruous and as the historic identity of the original building was barely perceptible within the lobby and foyer spaces, the door design did not affect its appreciation. He similarly identified no harm to the Conservation Area.
- 3.1.6 Concluding that the proposal would preserve the listed buildings and Conservation Area, the Inspector allowed the appeal.

3.2 Appeal Reference: APP/D1265/W/20/3255379

Planning Reference: 3/19/2264/FUL

Proposal: Demolish existing dwellings and erect a three and four storey block of 27no retirement flats, with residents lounge, amenity space, secure cycle storage, refuse store and car parking

Address: 442 & 444-454 Ringwood Road, Ferndown, Dorset, BH22 9AY

Appeal: Dismissed

- 3.2.1 The application to demolish the existing dwellings and erect a 3-4 storey apartment block was refused consent under delegated powers. The reasons for refusal were based on the impact of the proposed height, bulk and design on the character of the area and neighbouring amenity; the impact on protected trees due to the proximity of the proposed development; and the impact on future occupiers as a result of living conditions giving the proximity to protected trees.
- 3.2.2 Character and appearance – the inspector noted the appeal scheme is predominantly characterised by its assertive, contemporary design which, in itself, was not objected to by the Council by reason of the variety of styles found in the area. However, the inspector agreed with the Council and noted the development as proposed would accentuate its excessive scale and incongruity, whilst failing to reflect the local distinctiveness which characterises the New Road SCA.
- 3.2.3 Neighbouring amenity – the inspector agreed with the Council and noted by reason of its overall scale, bulk, mass and proximity to no 10 Pringles Drive, the proposed building would unacceptably harm the living conditions of these neighbouring residents, having particular regard to outlook and privacy
- 3.2.4 Protected trees - the inspector noted that the appeal proposal would subject the protected trees to additional pressure for pruning works or even felling, in order to bring more light into the flats and the amenity areas. The inspector also agreed with the Council in respect of conflict with the proposed drainage strategy and root protection areas (RPA). It is considered the loss of trees would erode the important contribution which they collectively make to the

character and appearance of the locality and have a detrimental effect upon the sylvan character of this area.

3.2.5 Living conditions of future occupiers – The inspector agreed with the Council that the orientation of units to the north, together with the fact that the proposed block would be sited within proximity to a number of mature trees, would be such that the living environment for future occupiers of the development would be dark and gloomy, and it is therefore likely that residents would have to rely on artificial lighting for large parts of the day, particularly during the winter months.

3.2.6 The inspector concluded he was in agreement with all the Council's reasons for refusal and dismissed the appeal.

3.3 **Appeal Reference:** APP/D1265/X/20/3256918

Planning Reference: 3/20/0388/CLP,

Proposal: the use of land for the stationing of static caravans for the purposes of human habitation.

Address: St Annes Cottage, Horton Road, Three Legged Cross BH21 6SD

Appeal: Dismissed

3.3.1 The Inspector considered the main considerations to be:

- whether the proposed use of the land for the stationing of static caravans for the purposes of human habitation would fall within the existing lawful use or be in breach of any existing condition.
- whether the proposed use would be a material change of use from the existing lawful use. If a material change of use would occur, this would amount to development requiring planning permission. If it would not, the certificate could be granted.

3.3.2 History

3.3.3 In order to establish the existing lawful use of the site the Inspector had regard to the existing planning permission, including any conditions attached to it, and an existing certificate of lawful development.

Planning permission granted in 1980 to 'site for touring caravans' was subject to 7 conditions. Condition 4 reads:

*No camping units on the site shall be used as permanent residential units.
Reason: To ensure that the site is used as a touring caravan/camping site.*

3.3.4 A Lawful Development Certificate (LDC) granted in 2016 confirmed the use of the site:

- a touring caravan site of no more than 50 caravans at any one time between 1 April – 30th September
- use of land for the siting of not more than 22 non-occupied touring caravans at any one time between 1 October- 31 March

- use for the siting/residential occupation of a mobile home associated with day to day operation of the site as a touring caravan park.

3.3.5 A subsequent LDC for “Use of land for the stationing of caravans for human habitation (a caravan site)” was refused and subsequently dismissed on appeal. Reference is made to that earlier appeal decision in the inspector’s decision letter.

3.3.6 Interpretation of the Permission

3.3.7 The site benefits from a planning permission granted in 1980 for a “site for touring caravans”. Conditions attached to the Permission frequently refer to touring caravans. *‘Whilst there is no limitation in the description of the development as to how the caravans are to be used, planning permission was granted as a site for touring caravans only. Nevertheless, the conditions limit the use of the site as a touring caravan/camping site between 1 April and 30 September and that no unit shall remain on the site for more than 14 consecutive nights.’*

‘...Given the above, the natural and ordinary meaning of the wording of the Permission, read in conjunction with the conditions attached to it, can only reasonably mean that planning permission was granted for a caravan site for touring caravans for holiday use and that the Council was approving what had been applied for.’

3.3.8 The Inspector considered the appellants arguments that the descriptive term ‘Touring caravans’ was not enforceable. He also took account of caselaw before concluding that *‘the siting of static caravans for human habitation would fall outside the definitional scope of what was granted planning permission’*.

3.3.9 Turning to the conditions attached to the Permission, condition 4 of the Permission refers to “camping units”. A previous Inspector found that this included touring caravans as it would be an absurdity to interpret it as only preventing the use of tents as permanent residential units. *‘He also found that as this condition relates to touring caravans, as opposed to any type of caravan, the unfettered human habitation of mobile homes would not be in breach of it. Looking at the natural and ordinary meaning of the wording of this condition, I concur with this conclusion’*.

3.3.10 The terms of the Certificate also only refer to touring caravans, with the exception of the siting of a mobile home for residential occupation. However, this is clearly a single mobile home and is to be occupied in association with the day to day operation of the touring caravan park.

‘Given the above, the proposed stationing of static caravans for the purposes of human habitation would not be in breach of a condition attached to the Permission or any limitations of the Certificate.’

In my judgment, the Permission and the Certificate permit the use of the appeal site for touring caravans for holiday use between 1 April to 30 September. That is the existing lawful use of the appeal site. I have established that the proposed

development would fall outside the scope of the Permission but would not be in breach of any conditions attached to it or the terms of the Certificate.'

3.3.11 *Whether there would be a material change of use for the stationing of static caravans for human habitation*

3.3.12 The Inspector considered the appellants'/Council's submissions which included caselaw.

3.3.13 The terms of the LDC restrict the number of caravans to no more than 50 at any one time. The Inspector considered that although static caravans are typically larger than touring caravans, touring caravans frequently have awnings and other domestic paraphernalia similar to those used for permanent residential use. *'In terms of their positioning, there is nothing to satisfy me that the static caravans would not be arranged in a similar pattern as the existing touring caravans are'*.

3.3.14 *In terms of traffic generation, the inspector considered an increase to be likely; However, I do not consider that such movements would increase to such an extent that it would, in isolation, result in a material change in the use of the site'*.

3.3.15 The Inspector acknowledged that cat ownership was likely amongst residents, which would likely have a negative impact on protected species in the vicinity but he concluded that any increase in the number of cats within the locality would not amount to a material change in the use of the site.

'The LDC restricts use of the site as a touring caravan site to between the 1 April and 30 September. Whilst non-occupied caravans can be sited on the land between 1 October and 31 March, this is limited to only 22 caravans at a time'.

3.3.16 Determining whether a material change of use has occurred the Inspector states:

'During this period of non-occupation, between 1 October and 31 March, the nature of the site no doubt changes significantly as there would be far fewer traffic movements in and around the site and far fewer people going about their daily activities, indeed this would likely be limited to staff and possibly the occasional visit from caravan owners to check on their caravans. Furthermore, there would be a reduction in the number of touring caravans on the site, awnings would likely be taken down and general domestic paraphernalia stored away. Therefore, the overall effect on the visual amenities of the site and the surrounding area would be significantly reduced compared to the other times of the year.

The proposed use would result in the typical activities and comings/goings of site residents that I have identified above continuing throughout the year. For example, residents traveling to and from work, carrying out school drops offs/pickups as well as parcel and grocery deliveries being made. In addition, general residential activities would continue to take place on the site, such as the domestication of the caravans and their plots, including the placement of outdoor furniture, planting, erection of boundaries, storage sheds and washing lines. Furthermore, there would be lights (internal and external) and noise

generated by site residents and the movement of vehicles. This would all be in marked contrast to the existing character of the site between the period of 1 October and 31 March, which is largely devoid of such activity during these months.

Overall, this would result in the character of the site fundamentally changing from that of a typical seasonal, tourist accommodation site to a year-round, permanent residential site. Therefore, whilst there would not be a material change in the use of the site when compared to the existing use taking place between 1 April and 30 September, as a matter of fact and degree, there would be when compared with the use of the site between the period of 1 October and 31 March.'

In the case before me, the static caravans would be used differently to how the existing touring caravans are used. Furthermore, they would be in use all year-round, as opposed to the six-month period the existing caravans are currently occupied for. Therefore, the resultant material change of use I have found would be development requiring planning permission'.

The appellant contends that it is not necessary to consider whether there would be a material change of use as the proposal falls squarely within what is permitted by the planning permission. Based on the evidence before me, I am not satisfied that there would not be a material change of use that would require planning permission'.

3.3.17 Conclusion

The Inspector concluded that the proposed siting of caravans for all year-round occupation for the purposes of human habitation does not fall within the scope of the 1980 permission or the LDC and would amount to a material change in the use of the land that would require planning permission. The Council's refusal to grant a certificate of lawful use or development in respect of the siting of caravans for all year-round occupation for the purposes of human habitation was well-founded and the appeal dismissed.

Application for Costs: A separate application for an award of costs against the Council was refused