



Northern Area Planning Committee

Date: Tuesday, 30 November 2021
Time: 10.00 am
Venue: MS Team Live Event This meeting will be held remotely as an MS Teams Live Event [please see link below].

Membership: (Quorum 6)

Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Tim Cook, Les Fry, Matthew Hall, Brian Heatley, Carole Jones, Stella Jones, Emma Parker, Val Potheary and Belinda Ridout

Chief Executive: Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact George Dare - 01305 224185 - george.dare@dorsetcouncil.gov.uk



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

Members of the public are invited to access this meeting with the exception of any items listed in the exempt part of this agenda.

Due to the current coronavirus pandemic the Council has reviewed its approach to holding committee meetings. Members of the public are welcome to attend this meeting and listen to the debate online by using the following links:

[Link to the Northern Area Planning Committee – Morning Session](#)

[Link to the Northern Area Planning Committee – Afternoon Session](#)

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 Friday, 26 November 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 Friday, 26 November 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

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 disclose any pecuniary, other registerable or non-registerable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.

If required, further advice should be sought from the Monitoring Officer in advance of the meeting.

3 PUBLIC PARTICIPATION

7 - 8

To receive questions or statements on the business of the committee from town and parish councils and members of the public.

Public speaking has been suspended for virtual committee meetings during the Covid-19 crisis and public participation will be dealt with through written submissions only.

Members of the public who live, work, or represent an organisation within the Dorset Council area, may submit up to two questions or a statement of up to a maximum of 450 words. All submissions must be sent electronically to george.dare@dorsetcouncil.gov.uk by the deadline set out below.

When submitting a question please indicate who the question is for and include your name, address and contact details. Questions and statements received in line with the council's rules for public participation will be published as a supplement to the agenda.

Questions will be read out by an officer of the council and a response given by the appropriate Portfolio Holder or officer at the meeting. All questions, statements and responses will be published in full within the minutes of the meeting.

The deadline for speaking at this meeting is 8.30am on Friday, 26 November 2021.

Please refer to the Guide to Public Speaking at Planning Committee

and specifically the "Covid-19 Pandemic – Addendum to the Guide to Public Speaking Protocol for Planning Committee meetings" included with this agenda.

4 PLANNING APPLICATIONS

To consider the applications listed below for planning permission.

- a P/FUL/2021/00826 - Old Military Hospital, Grove Trading Estate, Dorchester 9 - 32**

Change of use & conversion of former military hospital to 5 No. flats (C3).

- b P/LBC/2021/00827 - Old Military Hospital, Grove Trading Estate, Dorchester 33 - 44**

Alterations to facilitate the conversion of former military hospital to 5 No. flats (C3).

- c P/FUL/2021/03000 - Cerne Abbas Care Centre, Cerne Abbas, DT2 7AL 45 - 66**

Extension to rear & associated works to provide 20no. extra care accommodation units.

- d P/LBC/2021/03001 - Cerne Abbas Care Centre, Cerne Abbas, DT2 7AL 67 - 74**

Alterations for extension to rear & associated works to provide 20no extra care accommodation units.

COMMITTEE BREAKS FOR LUNCH 1PM - 2PM

- e P/FUL/2021/00026 - Land at E 386668 N 124209, Littledown, Shaftesbury 75 - 94**

Erect 34 No. dwellings with garages, parking, landscaping and amenity space (alternative layout & design of 32 No. dwellings previously approved, plus 2 No. additional dwellings).

- f P/FUL/2020/00052 - Grove Farm, Chaffeymoor Hill, Bourton, SP8 5BY 95 - 112**

Erect Yoga Studio with attached deck and sauna facilities, use

of existing on site parking and turning to serve the proposed use, improvements to the access onto Chaffey Moor Hill and change of use Grove Farm from C3 to C1 use to provide B&B accommodation for not more than 20 persons in connection with the proposed use.

- g P/OUT/2021/01737 - Land at E 377395 N 118565, Kentisworth Road, Marnhull 113 - 122**

Develop the land by the erection of 4 no. detached dwellings with associated footpath, access, car parking and landscaping. (Outline application to determine access).

- h P/HOU/2021/02560 - 2A Mill Lane, Charminster, DT2 9QP 123 - 130**

First floor extension over existing garage, new dormer windows and associated works.

5 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.

6 EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph x of schedule 12 A to the Local Government Act 1972 (as amended).

The public and the press will be asked to leave the meeting whilst the item of business is considered.

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 20 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://modern.gov.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).
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.

This page is intentionally left blank

Application Number:	P/FUL/2021/00826
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Old Military Hospital, Grove Trading Estate Dorchester Dorset
Proposal:	Change of use & conversion of former military hospital to 5 No. flats (C3)
Applicant name:	George Crook & Sons
Case Officer:	Simon Sharp
Ward Members:	Cllr Canning and Cllr Fry

1.0 Reason for referral

The application is being referred under the Scheme of Delegation given the outstanding objections from the ward councillors and the Town Council. Their objections raise matters which are material to the determination of the application.

2.0 Summary of recommendation:

Grant permission subject to conditions

3.0 Reason for the recommendation

The development secures the preservation of a designated heritage asset, the applicant having robustly evidenced the lack of demand for an employment use at the site. The level of harm to this asset is less than substantial and outweighed by the public benefits of securing a new use for the building. There is a degree of conflict with development plan policies in relation to protecting key employment sites and protecting residential amenity but, on balance, when considered against the development plan as a whole, it is considered that there is overall accordance with this plan and the proposal should be supported subject to conditions. The provision of 5 dwellings is afforded relatively modest weight in the overall assessment but the adverse impacts do not significantly or demonstrably outweigh this benefit.

4.0 Key planning issues

Issue	Conclusion
Principle of development	<ul style="list-style-type: none"> The site is within a sustainable location within the defined development boundaries of Dorchester. There is conflict with policy ECON2 of the adopted Local Plan which states that “uses that do not provide direct, on-going local employment opportunities will not

	<p>be permitted.” However, the building has been vacant a number of years and has been actively marketed for employment uses without success.</p> <ul style="list-style-type: none"> • This is a sensitive residential conversion that secures the preservation of this designated heritage asset.
Heritage	<ul style="list-style-type: none"> • The less than substantial harm arising from the proposal is outweighed by the public benefits of securing a new use for this prominent building within the street scene and one of the few surviving elements of this former military site. • There is no harm to the significance of the Poundbury Camp Scheduled Monument. Its setting has already been substantially and irrevocably harmed by previous development across the Grove Trading Estate and previous development means that the works proposed such as the car parking will have no harm to archaeological assets.
Residential amenity	<ul style="list-style-type: none"> • There is a degree of conflict with Local Plan policy insofar as the residential amenity of future residents of the development could be affected by noise and disturbance arising from nearby general industrial and storage and distribution uses. However, the weight afforded to this matter is tempered by the fact that residents moving into the development will be aware of the surroundings when they decide to live in that location.

Landscape and visual amenity	<ul style="list-style-type: none"> Surrounding the site, Grove Trading Estate is characterised by an eclectic mix of C20th century buildings of no particular architectural or historical quality. The outside realm visible from public receptors is characterised by a series of open storage and parking areas. This sympathetic preservation of this architectural and historic gem can only serve to enhance rather than harm the urban landscape and visual amenity.
Access and Highway Safety	<ul style="list-style-type: none"> The Highways Authority raise no objection.
Economic benefits	<ul style="list-style-type: none"> In the absence of a deliverable 5-year housing land supply, the provision of – dwellings is afforded relatively modest weight in the overall assessment.

5.0 Description of Site

- 5.1 The building to be converted is grade II listed. It is the former military hospital serving the Marabout Barracks.
- 5.2 The building sits on the west side, street frontage of Miller's Close within the heart of the Grove Trading Estate. The original range is the northern, lower element, built in Flemish bonded red brick in 1799. The façade features paired six-over-six vertical sliding sashes. A later, timber porch projects from this façade. Of similar date to the porch, a higher range faced in red stretcher bond brick extends southwards from the original range.
- 5.3 In the later 1950s the military use of the site and the barracks ceased. Extensive demolition and redevelopment of the surrounding area occurred in the 1960s and 1970s and the development from this time characterises the physical setting of the building today.
- 5.4 The surrounding area includes an extensive mix of industrial and storage and distribution uses (classes E, B2 and B8 as defined by the amended Use Classes Order 1987). These are housed in an eclectic mix of predominantly late C20th buildings.
- 5.5 The building's last use in the 1990s was offices for a coach/travel company. This use is not considered to have been abandoned, indeed, as will be evidenced in this report, the building has been marketed for office use in recent times. This office use is considered to fall within class E of the amended Use Classes Order 1987.

6.0 Description of Development

- 6.1 The proposal is for the conversion of the building into 5 dwellings (operational development and a material change of use). The plans were amended during the course of the application – the amended layout provides more open plan living space.
- 6.2 The principal façade facing the street is to be preserved with no changes. The same is true of the north and south facing side elevations. The interventions to the rear, west facing elevation are limited. They include the insertion of windows at ground floor level to the later C19th range and an additional ground floor window on the same elevation within the earlier, original building.
- 6.3 Internally, there is a reordering of the spaces at ground and first floor levels both within the original, 1799, building and the Victorian extension (the C19th range). The resultant floor plans propose 5 self-contained, open market flats. They can be summarised thus: -
- 2-bed ground floor flat within the original building with separate lounge and kitchen/diner with retention of existing central chimney breast (the original layout was divided into rooms). Access to this dwelling is via a retained subservient door within the principal façade.
 - 1-bed ground floor flat within the original building with separate kitchen, dining and sitting rooms (the original layout was divided into rooms). Access to this dwelling is via the retained shared lobby which, in turn, is accessed from the retained Victorian porch.
 - 2-bed ground floor flat within the Victorian element with open plan kitchen/dining/sitting space. Access to this dwelling is via another subservient, existing doorway within the principal façade (it is proposed that one would descend a short flight of stairs into the living space where one currently uses a ramp to gain the ground floor level).
 - 2-bed first floor flat within the original building with separate kitchen plan sitting/dining room with retention of the existing central chimney breast (the original layout was divided into rooms). Access to this dwelling is via an existing secondary, external staircase attached to the north facing gable end of the building (with enclosed landing porch).
 - 3-bed first floor flat that spans the Victorian element and part of the original building. It has an open plan kitchen/dining/sitting space. Access is via the original stairs that ascend from the shared lobby (shared with the 1-bed ground floor flat). Entrance to the ground floor lobby is through the retained porch projecting from the principal façade.
- 6.4 Externally the existing metalled, open plan forecourt is replaced by 3 parking spaces parallel to the road, paved pedestrian walkways and a planting bed. To the rear the existing parking and servicing area is retained for use as 7 further parking spaces and a shared bin storage corralle.

7.0 Relevant Planning History

- 7.1 On 22nd March 2019 applications for planning permission (WD/D/19/000867) and listed building consent (WD/D/19/000868) were received by West Dorset District Council. The applications were by the same applicant as for the application under consideration now but were for conversion of the offices to 6 dwellings. The applicant appealed against non-determination and the Inspector appointed by the Secretary of State issued a joint decision letter for both appeals on 4th August 2020 (appeal ref APP/D1265/W/20/3248499).
- 7.2 The appeals were dismissed.
- 7.3 In the decision letter, the Inspector determined that: -
- “The proposed conversion of the building to residential accommodation would require the erection of a number of partition walls which would appreciably erode the evidential and historic value of the listed building as a former hospital. As a result of the proposed subdivisions, the open plan form of the building would be unacceptably diminished. In the absence of clear evidence to the contrary, I find that the proposed development and works would be too invasive and cause unacceptable harm to the special interest and significance of the listed building.” (para. 11)
- 7.4 They continued by stating: -
- “Although external alterations would overall remain limited, it is of note that one of the ground floor windows to the rear elevation would be blocked and a new opening would be created, thus disrupting the otherwise largely cohesive pattern of fenestration which contributes to the significance of this designated heritage asset. Whilst the proposed changes to the openings would not be fatal to the scheme by themselves, they nevertheless add to my concerns in respect of the proposed development and works.” (para. 12).
- 7.5 In summarising the heritage duties, the concluded: -
- “The proposed development and works would fail to preserve the special architectural and historic interest of the Grade II listed building. As well as being contrary to the requirements of the Act, the proposal would therefore not accord with paragraphs 194 and 196 of the Framework and LP Policy ENV4. Amongst other things, this policy requires applications to be weighed against the public benefits of the proposal, showing that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset.” (para. 14)
- 7.6 Turning to the loss of an employment site the Inspector determined: -
- “Whilst I understand that the premises have been advertised, I have not been presented with substantive evidence showing the extent and form of the marketing exercise. I have had regard to the submitted viability information, and it is clear that the appeal building would require significant investment in order to meet modern standards, notably to improve its accessibility. However, it cannot be ascertained from the presented information whether the premises were marketed appropriately, particularly given their current condition. Consequently, there is no certainty that all suitable uses providing direct, ongoing local employment opportunities, including mixed use options, have been fully explored and if so, why they were not pursued further.”
- 7.7 Summing up in respect of the proposed loss of an employment site, they stated: -

“I cannot conclude that there is no reasonable prospect of the appeal building being brought back into employment use, and therefore consider that the proposal would not accord with LP Policy COM2¹, by resulting in the unjustified loss of employment premises in Dorchester.” (para. 18)

7.8 In the overall concluding balance of considerations, they determined;-

“Whilst it is accepted that the proposal would provide additional dwellings and sustain the long term retention of the appeal building by bringing it back into use, I am not however convinced that, having regard to the available evidence, the proposal would secure the optimum viable use of this designated heritage asset. Overall, the proposed development and works would fail to preserve the special architectural and historic interest of the Grade II listed building, and the harm would not be outweighed by the relatively limited public benefits which have been identified.” (para. 23).

7.9 As will be identified in this report, the appeal decision is clearly a material consideration in the determination of this current application.

8.0 List of Constraints

8.1 The building is Grade II listed. It is identified in the statutory listing as: -

“Former Hospital, Marabout Barracks. SY 6890 7/273 II 2. 1799. Chequer brick. Hipped slate roof. Brick stacks. 2 storeys. 10 ranges of sashes with glazing bars, those 3 at west end much taller. 2 doors with fanlights. 1 C19 porch.”

8.2 The site is within the Poundbury Camp Scheduled Monument. The reason for its designation is: -

“Poundbury consists of a major settlement complex which spans four millennia from at least the late Neolithic period onwards. Its central focus is an Iron Age hillfort with multiple defences which together with Maiden Castle, Hod Hill and others formed an important network of hillforts within the Durotrigian tribal area. Its significance is indicated by the fact that the Romans founded the civitas capital of Durnovaria alongside the hillfort soon after the invasion. The cemetery associated with the town is one of the largest Late Roman examples so far identified and archaeologically excavated in Britain if not Europe, and its Christian connections give it exceptional added value.”²

8.3 The site and its surroundings are in the Urban Area: Dorchester Landscape Character Zone.

8.4 The site is within the Environment Agency's Poole Harbour Catchment Area and Ground Water Protection Zone.

9.0 Consultations

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

¹ It is believed the Inspector meant ECON2 rather than COM2.

² [Poundbury Camp, associated monuments and section of Roman aqueduct., Bradford Peverell - 1013337 | Historic England](#) List Entry: 1013337.0);

9.2 DC Ward Councillors

Cllr Fry – “I have noted the amendments. The location of this development is wrong and placing housing in the middle of an industrial estate potentially offers a poor quality of life for those who might be unlucky enough to end up living here. I base my concerns on the potential for noise, dust, traffic and air pollution all factors outside the applicant’s control. The area offered for amenity is smaller than a double bed in width and does not offer anywhere for children to play or residents to sit outside without being exposed to the industrial estate’s adverse health implications. Any child or pet escaping runs the serious risk during estate operating hours of being run down and at weekends or evenings this estate is a cut through for traffic by passing the top of town. Dorset Council has a responsibility to provide good quality housing and this does not fulfil that criteria. The build quality may be good, the location is extremely poor. I object to this development.” “Should the officer dealing be in any doubt, then please send this to committee for decision.”

Cllr Canning – “I completely agree with and support the comments made against this proposal by Cllr Fry.”

9.3 Dorchester Town Council

Objection – “The Committee continued to feel that the air pollution, noise and disturbance caused by passing traffic and established businesses in the immediate area would cause long term detriment to the amenity of the residential properties and therefore the development would be contrary to Policy ENV16. of the adopted Local Plan. Additionally, the loss of business premises on the industrial estate would be contrary to Policy ECON2. of the adopted Local Plan.”

9.4 Historic England

Regarding listed building considerations for the proposed alterations, we refer you to the advice of the council’s Building Conservation specialists *Archaeological considerations*.

The building also stands within the scheduled monument (designated as *Poundbury Camp, associated monuments and section of Roman aqueduct* (National Heritage List. no. 1013337). Regarding setting, all heritage assets have a setting, including those consisting of buried archaeological remains. In this particular case, given the nature of the development and the existing surrounding development, we do not consider the development will have an impact on the setting of the monument.

With regard to potential archaeological impacts, it is uncertain what groundworks may be involved in the present scheme. Any disturbance of previously undisturbed ground might impact on archaeological remains, however in this case it is likely to be small scale and thus bring relatively little loss harm to the monument, and we consider any impacts could be dealt with through a suitable archaeological programme for investigation and recording. We therefore recommend that any grant of planning permission include a condition ensuring that archaeological considerations are taken into account

9.5 Natural England

- a) Protected Species - Standing advice should apply.

- b) Poole Harbour - Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

9.6 DC Highways

No objection, subject to condition securing the implementation of the parking, turning and cycle parking areas shown on the submitted plans prior to first occupation of the development.

9.7 DC - Conservation Officers

Support, subject to conditions:

In our previous comments we raise a number of concerns relating to the extent of subdivision of the S wing; to the apparent differences in the rebuilt chimney stack and fireplaces in the N wing; to the over-domestication of the building's setting; to the lack of certainty as to the optimum viable use; and to the extent of stripping out of the building's interior, for which no justification (or was provided and which is likely to have reduced the chances of the building's potential reuse owing to the resulting costs for refitting.

Revised drawings and additional information have been submitted in response to some of these concerns. The ground- and first-floor plans of the S wing have been revised to attempt to retain a greater legibility of the open-plan space, which we have previously identified as contributing to the building's significance. The site boundary has been revised to comprise a (taller) brick wall with piers at gate positions.

Additional information on the occupation and marketing of the building has been provided in the form of a timeline and viability data. The only matters which appear unchanged are the reinstated chimney and the lack of information, or Listed Building Consent information, relating to the extent of stripping out of ceilings and wall finishes internally.

The amendments have resulted in some improvements to the arrangement of new partitions and spaces in the S wing and continues to reinstate some previous partitions, though these are not themselves original to the building. Notwithstanding these improvements, the subdivision of the ward

space still represents a detrimental change to the legibility and appreciation of the building and its original purpose.

However, the revised boundary treatment results in a much-improved external aesthetic, one more reflective of the building's former use and current, very non-domestic setting. In addition, the supplementary marketing information has demonstrated more clearly that the period in which the building has sought a more complementary use has been extensive.

Taking all the above into account, we still consider that the proposals would result in **less than substantial harm** to the significance of this designated heritage asset, which again remains consistent with the assessment of the applicant's Heritage Statement (p. 17).

PUBLIC BENEFITS / BALANCED JUDGEMENT (NPPF, PARAS. 201-203) Designated Heritage Assets

The proposals will result in **less than substantial harm** to the significance of a designated heritage asset, meaning that para. 202 of the NPPF is engaged, requiring the harm to be weighed against the public benefits of the proposal, including securing the asset's optimum viable use, though taking into account the 'great weight' to be given to the asset's conservation.

Whilst the overall planning balance is a matter for the Planning Officer, we consider it appropriate to offer our advisory view here in the context of section 16 of the NPPF.

Though the improvements to the scheme still result in less than substantial harm, on the basis of the additional evidence provided in the form of marketing information and viability, we consider that there is now the potential for the harm to be outweighed by the public benefit of bringing a longvacant designated heritage asset back into a viable use that will ensure its long term use.

9.8 DC Building Control

Building Regulations Approval will be required for these works. Pre-consultation work with agent is underway regarding this application.

9.9 DC Environmental Health

Concerns -

- a) Loss of amenity from noise from the road and from commercial units adjacent.
- b) Possible contaminative historic use
- c) There appears to be only certain flats that have amenity use.

- d) The car parking will need to be accessible only for those residing of visiting the units as otherwise non-associated parking is likely to occur.
- e) I note that at ground floor level that there are bedrooms on the road-side, further sound insulation may be required in this location and also on other party walls despite the density of the wall.
- f) I also note that there is living space above a bedroom which may cause problems (dependent on the tenants) in the future.

But recommend conditions addressing concerns

- i. Prior to any conversion occurs a full noise survey with regard to the impact of the road and neighbouring commercial units is undertaken using the worst case scenario background noise level in a similar fashion to BS4142 report with appropriate planning approval required on any mitigation measures proposed.
- ii. Prior to any conversion the provision of full contaminated land report using the template of BS10175 with appropriate planning approval be obtained.
- iii. The amenity land should be secured and shielded against noise levels. It is recommended that suitable acoustic (dense) fencing is placed in this area to assist with achieving this.

Other Representations received

Total - Objections	Total - No Objections	Total - Comments
0	0	0

Petitions Objecting	Petitions Supporting
0	0

10. Duties and policies

Duties

- 10.1 Section 66(1) of the Listed Buildings Act 1990 applies – For development affecting listed buildings, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Development Plan Policies

West Dorset, Weymouth & Portland Local Plan 2015

- 10.2 The site is within the defined development boundaries for Dorchester. It is also within a Key Employment Site designation. The building is listed and within the Poundbury

Camp Scheduled Monument. Therefore, the following policies are considered relevant:-

ENV2 Wildlife and habitats

ENV4 Heritage assets

ENV5 Flood risk

ENV9 Pollution and contaminated land

ENV10 The landscape and the townscape setting

ENV12 The design and positioning of buildings

ENV13 Achieving high levels of environmental performance

ENV15 Efficient and appropriate use of land

ENV16 Amenity

SUS1 The level of economic and housing growth

SUS2 Distribution of development

ECON2 Protection of Key Employment Sites.

HOUS3 Open market housing mix

HOUS4 Developments of flats, hostels and houses in multiple occupation.

COM1 Making sure that new development makes suitable provision for community infrastructure

COM7 Creating and safe and efficient transport network.

COM9 Parking standards in new developments

Other material considerations

Appeal decision

- 10.3 The appeal decision (ref APP/D1265/W/20/3248499) detailed in section 7 of this report is clearly a material consideration. It is noted that the policy and site context has not changed materially since the decision.

5 yr Housing Land Supply

- 10.4 The latest published figure for West Dorset, Weymouth and Portland is 4.93 years³. This has relevance in terms of what sections of paragraph 11 of the NPPF are engaged (see below).

National Planning Policy Framework 2021

- 10.5 A new iteration of the NPPF has been issued since the appeal decision but the salient content and thrust of the framework relevant to this application has not changed from the 2019 iteration.
- 10.6 Particularly relevant content includes: -
- a) Paragraph 11 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.
 - b) Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
 - c) Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that: The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
 - d) Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).
 - e) In Annex 1, paragraph 218 advises that the policies in the NPPF are material considerations which should be taken into account in dealing with applications from the day of its publication. The following paragraph (219) states that development plan policies should not be considered out-of-date simply

³ West Dorset, Weymouth and Portland Five-year housing land supply April 2020 (published March 2021)

because they were adopted or made prior to the publication of NPPF. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Dorset Council Local Plan

10.7 The Options Consultation took place between 18 January and 15 March 2021. The plan is at an early stage of preparation and there are also a substantial number of comments to review following the Options Consultation. Minimal weight of afforded to this Plan as a material consideration.

11.0 Human rights

11.1 Human Rights Act 1998: -

- 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. As the proposal involves the conversion of a historic building, adaptations and accessibility requirements that might otherwise be secured in a new building, would not necessarily be possible in this instance due to the listed nature of the building.

13.0 Financial benefits

- 13.1 There will be CIL payments, Council Tax revenues and New Homes Bonus payments (the latter currently under review) arising from this development.

14.0 Climate Implications

The site is located within a sustainable location within the town of Dorchester. There is the ability to walk to shops, services and facilities.

15.0 Planning Assessment

Weighting

- 15.1 The duty under section 66 of the Listed Building Act must be fulfilled in this assessment. In other words, outside of any balancing of other considerations, special regard must be had to the setting or any features of special architectural or historic interest which the building possesses. Assessment against policy ENV4 of the Local Plan and the provisions of section 16 of the NPPF inform this process, notably whether and to what extent there is any harm to the significance of the listed building. Similar considerations apply to the impact on the Scheduled Monument albeit this is not a duty under section 66 of the Listed Buildings Act.
- 15.2 Notwithstanding the duty above, the development plan's primacy in decision making is secured through, most recently, section 38(6) of the Planning & Compulsory Purchase Act 2004.
- 15.3 The weighting afforded to Development Plan policies is affected by the provisions of the NPPF, most noticeably paragraphs 11 and 218. With regards to the latter, there is general consistency of the relevant development plan policies with the NPPF and therefore the weight is not tempered as a result. Turning to the application of paragraph 11 of the NPPF, it is common ground between the Council and the applicant that the Council cannot currently demonstrate a 5 year supply of deliverable housing sites. However, just because the Council cannot demonstrate this balance, does not mean that paragraph 11's so called "tilted balance is engaged. Amongst others, Sir Keith Lindblom's judgement in *Gladman Developments Ltd v Secretary of State for Housing, Communities and Local Government* [2021] EWCA Civ 104 stated that the Council as the decision maker, is not legally bound to disregard policies of the development plan when applying paragraph 11's so called "tilted balance". The development plan's primacy in law must be unaffected. In addition, the titled balance is not engaged if certain other policies in the Framework provide a clear reason for refusal, including (under footnote 7) the impact on designated heritage assets.
- 15.4 In this context, examining paragraph 11(d), it is considered that there are "relevant" policies from within a post 2004 Plan i.e. those listed in paragraph 10.2 of this report. As per *Paul Newman Homes v Secretary of State for Housing, Communities and Local Government* [2021] EWCA Civ 15 there only needs to be one relevant policy for the first part of 11(d) of the NPPF not to be engaged. This is the case here. "Relevant" here just means that the policy must have a real role to play in the determination of the application, there is no requirement that it should be enough in

itself to enable the decision maker to grant or refuse that application. "*Relevant*" does not mean "*determinative*".

15.5 Moving to the second part of 11(d), the Paul Newman Homes case confirmed the approach from *Wavendon Properties Limited v Secretary of State of Housing Communities and Local Government, Milton Keynes Council* for identifying which "basket" of development plan policies are most important for determining the application. In this case, certainly policy ENV4 dealing with heritage is one of them as are ECON2 (loss of employment site) and SUS2 (locational sustainability). It is not considered that this basket of policies is, overall, out of date.

15.6 The remainder of the assessment below will demonstrate that "footnote 7" reasons for refusal do not apply in this instance. It is therefore considered that it is the development plan's policies that will be determinative to the determination of the application (when considered as a whole) albeit, of course, the inspector's appeal decision is material to the consideration of the current proposal against these policies.

Principle

15.7 There is no doubt as to the sustainability of the location in terms of accessibility to services and facilities by future residents of the development. The location is within the adopted Local Plan's defined development boundaries. Dorchester is the main town for focus of housing growth. All of the town centre is within 700m-1km accessed via lit segregated footways. This includes the Atrium Health Centre, shops, post office, banks and the two railway stations. The hospital is within 600m walk and similarly accessible. Employment providers are obviously within the direct vicinity of the site on the Grove Trading Estate or nearby in the town centre. There is accordance with policy SUS 2 of the Local Plan.

15.8 There is conflict with policy ECON2 of the adopted Local Plan which states that "uses that do not provide direct, on-going local employment opportunities will not be permitted." The policy itself does not explicitly provide any flexibility in its application, nor does the supporting text provide assistance. However, it would be unreasonable to maintain a position of resistance if it has been robustly shown that there is a lack of demand for an employment use at the site and exhaustive steps have been taken to seek occupation such a use.

15.9 It is acknowledged that, as a significant majority of the site is occupied by the listed building, the retention of this building is a necessity as is the sensitivity of any interventions to its significance as a designated heritage asset to accommodate the needs of any employment use.

15.10 Within their appeal decision, the inspector was not convinced that the inferred constraints provided by the listing prohibited an employment use per se. Whilst accepting that some employment uses including, for example, general industrial businesses, would need spaces and openings and internal and external flow patterns that the building couldn't accommodate without substantial, harmful interventions, there were other uses, such as offices, that could be implemented with minimal intervention. Indeed, the last and still extant use was as offices.

15.11 In the absence of evidence of marketing and efforts to find an employment use, the inspector's only reasonable course of action was to dismiss the appeal. 15 months have elapsed since the appeal decision. In that time the site has been marketed for employment use by Symonds and Sampson. Indeed, they were marketing the site

before August 2020 but the detail of this marketing was not before the inspector at the time of the appeal. On file now is confirmation from Symonds and Sampson that they have been marketing the site online, via discreet targeting and using site display boards. Indeed, at the time of the case officer's two site visits (in August and October 2021) their advertisement boards were clearly displayed on the public facing façade. There is also now evidence that the building had previously been marketed by Goadsby's as well as Symonds and Sampson.

- 15.12 The marketing was on a flexible term, with no fixed sizing or pricing; this would allow potential end-users to request the space they required, on a first come first serve basis. This is considered to be robust and demonstrates that there wasn't a prohibitive price or restrictions on use that could have prohibited interested parties from pursuing a let.
- 15.13 The submitted evidence also shows the significant costs of £140,000 that the applicant has born to keep the building maintained and marketable. It is acknowledged that the work undertaken will be useful in preparation for any residential conversion. However, having inspected the details of the costs and the building, it is clear that the work was restricted to that needed for maintenance and to demonstrate to potential tenants/leaseholders that the building was in good order, rather than a commencement of a residential conversion itself.
- 15.14 It is also accepted that, despite the financial outlay by the applicant, the level of interest in the building by those wishing to use it for employment purposes was minimal. The evidence submitted describes the interest as "causal" and that "no parties were prepared to take on the cost of completing the restoration of the buildings." Symonds and Sampson opine in their supporting document that "there is simply no enquiry and, in general, when office leases are expiring, office tenants are vacating or downsizing as offices (sic) cultures change to working from home. We expect this to continue now for several years. Where this good enquiry is the industrial market for storage and workshops, this property is not in this category as there is no loading access or floor loading capabilities...flat pallet access is particularly a minimum requirement. Whilst we get "day dreamer" enquiries from time to time such as artists etc. this is always unrealistic of the costs or commitment they would have to meet in order to make the property lettable."
- 15.15 There is no evidence from other sources, including Council officers, to suggest that isn't a fair summary of the level of interest that would be expected for this building, in this location, in these times (and prior to the pandemic too).
- 15.16 In summary, whilst there is clearly conflict still with policy ECON2, the evidence now before the Council, which was not before the appeal Inspector, demonstrates that there are no realistic prospects of the building being used for employment use. This conclusion is reached in the context of both demand and viability. Finally, although not afforded weight by the Appeal inspector, it is of some relevance that, had the building not been listed, a change of use from offices to residential would currently constitute permitted development.

Heritage

- 15.17 Identifying the significance of the listed building, the appeal inspector determined: -

“The setting of this Grade II listed building is somewhat compromised by its location at the heart of an industrial estate, as it is surrounded by commercial premises. Nevertheless, the former hospital certainly stands out as a building of institutional yet restrained character, with its chequered brick walls, hipped slate roof, prominent brick chimney stacks, and the strong rhythm provided by the large, slender timber sash windows which dominate the front elevation.” (para. 9).

They continued: -

“Like other health and welfare buildings constructed at that time, this former hospital combines architectural presence with functional interest. The large sash windows and substantial chimneys reflect the greater emphasis which was placed on the importance of heating and ventilation. Despite the fact that internal alterations have taken place over time, including some subdivisions, the original plan form of the building as a medical institution is in part still apparent, with a central entrance, a number of staircases and evidence of regular, linear open spaces which may have historically functioned as wards. Having regard to the available evidence, I therefore consider that the significance of this Grade II listed building derives principally from its architectural and historic interest as a military and medical institution, including its characteristic layout.” (para. 10).

15.18 There is no reason to disagree with the inspector’s opinion. The building’s former use is certainly legible still despite the intervening years of other use and vacancy. The preserved external elevations have undergone negligible alterations since the Victorian era – the sizeable sashes that let in light and ventilation remain as does the clean -cut Flemish and stretcher bonded red brick. The interior is less reflective of the original use, especially the original 1799 element with its domestic sized rooms. The larger spaces within the Victorian range when seen with their large window openings provide more clues of the history and certainly contribute to the significance of the asset. There is clearly evidence of partition in these “ward” rooms but one is unclear as to whether this subdivision was there at the time of listing. It is pure conjecture that they were there in 1975 with no evidence either way. It is of little significance and certainly not a baseline with which to construct a case of multiple subdivisions to replicate these, now removed partitions.

15.19 With regards to setting, again the inspector’s conclusions are accepted. The physical and functional setting of the building has been considerably and irrevocably changed even since its last use as a hospital in mid C20th. Setting contributes little to significance other than its relative proximity to the Keep.

15.20 Turning to the impact on the significance of the listed building, the proposals dismissed at appeal changed little of the exterior envelope. The same is true of the new proposals. Both schemes limited the change to the rear elevation. For this dismissed appeal scheme the inspector remarked: -

“Although external alterations would overall remain limited, it is of note that one of the ground floor windows to the rear elevation would be blocked and a new opening would be created, thus disrupting the otherwise largely cohesive pattern of fenestration which contributes to the significance of this designated heritage asset. Whilst the proposed changes to the openings would not be fatal

to the scheme by themselves, they nevertheless add to my concerns in respect of the proposed development and works.” (para. 12)

15.21 The interventions to this area of the rear elevation are different this time, but still as marked and noticeable. The case officer disagrees with the inspector’s opinion that the disruption would be to a “largely cohesive pattern of fenestration.” The principal façade features paired sashes and is very ordered, the rear elevation significantly less so. Indeed, it is characterised by a variety of window sizes, some windows paired (ground and first floor), some not. This is very much a subservient elevation not in public view and not designed to be. In the greater scheme of things, the introduction of what is a minor change to this elevation is not considered to harm the significance of the asset. It also noted that the inspector acknowledged that this intervention was not individually “fatal” to the scheme. Conditions are necessary to ensure the detailing of the window frames is appropriate.

15.22 For the interior, the interventions proposed for this dismissed scheme, and that proposed now, are more significant than those proposed for the exterior. Of the dismissed appeal, the inspector determined: -

“As part of the proposal, it is of note that some architectural features, such as the steel columns situated at ground floor level and the fireplaces, would be retained and, where necessary, restored. However, the proposed conversion of the building to residential accommodation would require the erection of a number of partition walls which would appreciably erode the evidential and historic value of the listed building as a former hospital. As a result of the proposed subdivisions, the open plan form of the building would be unacceptably diminished. In the absence of clear evidence to the contrary, I find that the proposed development and works would be too invasive and cause unacceptable harm to the special interest and significance of the listed building.” (para. 11)

15.23 It is presumed that the inspector’s remarks in relation to the open plan form were focused on the later Victorian element of the building. The 1799 part is currently lacking subdivision but the shape of the chimney breast with its canted fireplaces and the traces of older stud walls are clear evidence that this was not an open plan building. Indeed, as stated earlier in this report, the rooms would have been rather domestic in scale. The reintroduction of partitions to both floors in this part is not considered harmful.

15.24 The Victorian range, judging by the ceiling and window heights, did appear to have been open plan and is so now (the case officer could not find any records of the plans when the building was in use as a hospital). The scheme dismissed at appeal introduced many subdivisions into the floorspace on both floors. In contrast the new proposal includes less subdivision on the ground floor and substantially less on the first floor. Indeed, both floors feature the majority of the space being open plan whereas they did not previously. This is to be commended and is considered to be a material difference which reduces the level of harm markedly. The legibility of the rooms’ original uses as wards would be clearly legible. There would be less than substantial harm.

15.25 This less than substantial harm arising from the proposal is outweighed by the significant public benefits of securing a new use for this prominent building within the street scene and one of the few surviving elements of this former military site. A

residential use is now considered to be the optimum viable use that is most sensitive to the building's significance.

- 15.26 There is no harm to the significance of the Poundbury Camp Scheduled Monument. Its setting has already been substantially and irrevocably harmed by previous development across the Grove Trading Estate and previous development means that the intrusive works proposed such as the car parking will unlikely to have any harm to archaeological assets. To ensure no harm a condition is considered necessary.

Residential amenity

- 15.27 Policies ENV16 and HOUS4 of the Local Plan are particularly relevant to the proposal. There is a degree of conflict with both.
- 15.28 It is clear from a desktop examination of the extant planning uses for the surrounding sites that there are a number of these that could potentially give rise to noise and disturbance. This assessment is corroborated by the findings of the case officer's site visits. The MOT and Service Centre to the south is characterised by noises such as air ratchets, horn tests and hydraulic ramps being raised and lowered as well as regular car manoeuvres. Their advertised business hours are daytime weekdays and Saturday mornings. On the opposite side of the road there are smaller units with less noise and disturbance associated with them such as a pet care suppliers. There is a branch of a national care hire business in the vicinity too with its characteristic comings and goings of cars and small vans. Cars appear to get washed there but with no mechanical maintenance. To the rear of the site there is coach/bus storage. These vehicles do come and go infrequently from the site but this appears to be predominantly daytime.
- 15.29 Operating hours of these businesses do not appear to be restricted by planning conditions, there being no need given the current lack of nearby residential properties. However, it was observed that after 6pm at night on weekdays (and also on Saturday afternoons and Sundays) the levels of noise and disturbance decrease markedly. Very few businesses were observed to be operating and the general level of hubbub had ceased.
- 15.30 In terms of impact, future residents of the development will undoubtedly notice the neighbouring uses. The characteristics of these uses are markedly different to those one would associate with a purely residential area, even on a busy street. However, the weight afforded to this matter is tempered by the fact that the residential amenity of existing residents is not affected; those residents moving into the development will be aware of the surroundings when they decide to live in that location. This is an open market development and residents will, when they choose to live there, be able to observe and hear their surroundings.
- 15.31 In this context, it is considered that this issue is not determinative or, indeed, afforded significant weight in the overall balance subject to the Council's Environmental Health Officer advised conditions in relation noise and disturbance. These would require a noise survey and mitigation being identified if necessary as well as acoustic screens around the external amenity area. Mitigation to protect internal areas has typically involved acoustic glazing and, potentially dry lining. The latter would not be an issue per se as there is little of significance in terms of detailing on the walls or ceiling (there are no skirting boards, wainscoting, dado rails,

cornices or ceiling roses to retain for example). The windows pose more of an issue as the retention of the existing sashes are necessary because of their contribution to the overall significance of the heritage asset.

- 15.32 Nevertheless, in the officer's experience, the issue is surmountable without challenging the viability of the development and could also improve the thermal efficiency of the building too with, perhaps, secondary glazing, better seals etc..
- 15.33 Ultimately, this would be something for the developer to propose and the Council, as the local planning authority, to approve informed by advice from the Environmental Health Officer and Conservation Officer.
- 15.34 Policy HOUS4 of the Local Plan requires that sufficient private amenity space is provided within the site for the likely future occupants, normally comprising at least 10% of the site area for conversions providing 4 or more flats. This is achieved for this development.

Landscape and visual amenity

- 15.35 Policy ENV10 of the Local Plan is applicable and the development accords with its objectives. Surrounding the site, Grove Trading Estate is characterised by an eclectic mix of C20th century buildings of no particular architectural or historical quality. The outside realm visible from public receptors is characterised by a series of open storage and parking areas. This sympathetic preservation of this architectural and historic gem can only serve to enhance rather than harm the urban landscape and visual amenity.

Access, parking and highway safety

- 15.36 The general thrust of the Local Plan policy is to achieve sustainable development and, part of this, is to reduce trips by car. The inclusion of cycle parking/storage is a necessary component to achieve this objective as is proximity to services and facilities (and/or regular public transport). There will inevitably be residual trips by car. Policy COM9 of the Local Plan advises that parking should be provided in association with the new residential development although the amount will take into account levels of local accessibility as well as historic and forecast car ownership levels and the size, type and tenure of the dwellings proposed.
- 15.37 The proposal is policy compliant and the Council's Highways Officer has raised no objections subject to implementation of the submitted details prior to first occupation of the dwellings they serve and retention thereafter.

Balanced and mixed communities

- 15.38 Policy HOUS3 of the Local Plan seeks that, wherever possible, residential developments should include a mix in the size, type and affordability of dwellings proposed, taking into account the current range of house types and sizes and likely demand in view of the changing demographics in that locality.
- 15.39 There isn't a prevailing residential character to reference in this instance, but it is noted that the development does propose 1, 2 and 3 bed units. The proposal falls below the thresholds for an affordable housing requirement.

Other matters

- 15.40 The site is in flood zone 1, the zone sequentially preferred for more vulnerable uses such as that proposed. No known surface water problems exist and the development will have a neutral effect on surface water runoff and infrastructure. There is accordance with policy ENV5 of the Local Plan as a result
- 15.41 There is support from policy ENV15 as the reuse of this vacant building is an efficient use of land.
- 15.42 The Environmental Health Officer has advised that there could be potential contamination present given the historic uses but these would be at a level that permits determination of the application subject to a condition. With this condition in place, the proposal accords with ENV9 of the Local Plan.
- 15.43 The proposal is not of a scale that generates need for an increase or enhancement of community infrastructure.
- 15.44 The sealed envelope of the building with secure, glazed windows, maintained soffits and roof tiles means that there is no evidence of bats.

16.0 Balance and Conclusion

- 16.1 It is of no benefit to let the building remain empty, not to the fabric and its preservation and not economically either.

There is still conflict with development plan policy which is unequivocal in its thrust, this arising from the non-employment use proposed. However, there is now clear evidence of robust marketing of the building for employment uses.

There is also limited potential for a residential amenity impact although this can be successfully mitigated, the mitigation secured by condition.

Harm will also arise to the significance of the listed building, but this is less than substantial following the changes proposed to the floorplans. The harm is outweighed by the public benefits of restoring this building sensitively and sustainably to a viable use.

There are benefits too arising from the contribution of 5 dwellings to the Council's housing land supply and these benefits are not significantly or demonstrably outweighed by the impacts of the development, specifically with the measures secured by conditions.

- 16.2 The development can be supported subject to conditions.

17.0 Recommendation

Grant permission subject to conditions

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

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

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

PL-1103-101E Ground floor proposed
PL-1103-102E First floor proposed
PL-1103-103 Basement plan proposed
PL-1103-104D Proposed elevations
PL-1103-02B Site Plan
PL-1103-01 Location Plan

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

3. Prior to any of the dwellings hereby approved being first occupied, the turning, vehicle and cycle parking shall be completed in accordance with the approved plan PL-1103-02B. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

4. No development affecting the rear (west elevation) shall commence until detailed drawings and specifications showing the design and construction of the new external windows to be inserted into this elevation (at a scale no less than 1:10) as well as detail of the brickwork, its bonding and mortar mix for the areas around these new insertions has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To preserve the architectural and historical qualities of the heritage asset.

5. Prior to any of the dwellings hereby approved being first occupied, noise attenuation measures shall have been completed informed by a full noise survey with regard to the impact of the road and neighbouring commercial units using the worst case scenario background noise level. The said measures and survey shall have been previously submitted to and approved by the local planning authority and the measures shall thereafter be retained for the lifetime of the development.

Reason: In order to protect the living conditions of residents of the development.

6. Prior to the commencement of the development hereby approved a Remediation Scheme including the following information shall be submitted to and agreed in writing by the Local Planning Authority: 1) a 'desk study' report documenting the site history. 2) a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages, and incorporating risk assessment. 3) a detailed scheme for remedial works and

measures to be taken to avoid risk from contaminants/or gases when the site is developed. 4) a detailed phasing scheme for the development and remedial works (including a time scale). 5) a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use or is occupied. On completion of the development written confirmation that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority. The approved monitoring and maintenance scheme shall thereafter be implemented for the lifetime of the development.

Reason: To ensure potential land contamination is addressed.

7. No development of the parking, turning and hard landscaping areas shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted by the applicant to and approved by the Local Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.

Reason: To ensure the development makes provision for the investigation and recording of any archaeological heritage assets lost (wholly or in part) and to make this evidence (and any archive generated) publicly accessible.

This page is intentionally left blank

Application Number:	P/LBC/2021/00827
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Old Military Hospital Grove Trading Estate Dorchester Dorset
Proposal:	Alterations to facilitate the conversion of former military hospital to 5 No. flats (C3)
Applicant name:	George Crook & Sons
Case Officer:	Simon Sharp
Ward Member(s):	Cllr Canning and Cllr Fry

1.0 Reason for referral

- 1.1 The application is being referred under the Council's scheme of delegation given the outstanding objections from the ward councillors and the Town Council. Their objections raise matters which are material to the determination of the application.

2.0 Summary of recommendation:

- 2.1 Grant consent subject to conditions

3.0 Reason for the recommendation

- 3.1 The development secures the preservation of a designated heritage asset, the applicant having robustly evidenced the lack of demand for an employment use at the site. The level of harm to this asset is less than substantial and outweighed by the public benefits of securing a new use for the building.

4.0 Key planning issues

Issue	Conclusion
Heritage	The less than substantial harm arising from the proposal is outweighed by the public benefits of securing a new use for this prominent building within the street scene and one of the few surviving elements of this former military site.

5.0 Description of Site

- 5.1 The building to be converted is grade II listed. It is the former military hospital serving the Marabout Barracks.
- 5.2 The building sits on the west side, street frontage of Miller's Close within the heart of the Grove Trading Estate. The original range is the northern, lower element, built in Flemish bonded red brick in 1799. The façade features paired six-over-six vertical sliding sashes. A later, timber porch projects from this façade. Of similar date to the porch, a higher range faced in red stretcher bond brick extends southwards from the original range.
- 5.3 In the later 1950s the military use of the site and the barracks ceased. Extensive demolition and redevelopment of the surrounding area occurred in the 1960s and 1970s and the development from this time characterises the physical setting of the building today.
- 5.4 The surrounding area includes an extensive mix of industrial and storage and distribution uses (classes E, B2 and B8 as defined by the amended Use Classes Order 1987). These are housed in an eclectic mix of predominantly late C20th buildings.
- 5.5 The building's last use in the 1990s was offices for a coach/travel company. This use is not considered to have been abandoned, indeed, as will be evidenced in this report, the building has been marketed for office use in recent times. This office use is considered to fall within class E of the amended Use Classes Order 1987.

6.0 Description of Development

- 6.1 The proposal is for the conversion of the building into 5 dwellings (operational development and a material change of use). The plans were amended during the course of the application – the amended layout provides more open plan living space.
- 6.2 The principal façade facing the street is to be preserved with no changes. The same is true of the north and south facing side elevations. The interventions to the rear, west facing elevation are limited. They include the insertion of windows at ground floor level to the later C19th range and an additional ground floor window on the same elevation within the earlier, original building.
- 6.3 Internally, there is a reordering of the spaces at ground and first floor levels both within the original, 1799, building and the Victorian extension (the C19th range). The resultant floor plans propose 5 self-contained, open market flats. They can be summarised thus: -
 - 2-bed ground floor flat within the original building with separate lounge and kitchen/diner with retention of existing central chimney breast (the original layout was divided into rooms). Access to this dwelling is via a retained subservient door within the principal façade.

- 1-bed ground floor flat within the original building with separate kitchen, dining and sitting rooms (the original layout was divided into rooms). Access to this dwelling is via the retained shared lobby which, in turn, is accessed from the retained Victorian porch.
- 2-bed ground floor flat within the Victorian element with open plan kitchen/dining/sitting space. Access to this dwelling is via another subservient, existing doorway within the principal façade (it is proposed that one would descend a short flight of stairs into the living space where one currently uses a ramp to gain the ground floor level).
- 2-bed first floor flat within the original building with separate kitchen plan sitting/dining room with retention of the existing central chimney breast (the original layout was divided into rooms). Access to this dwelling is via an existing secondary, external staircase attached to the north facing gable end of the building (with enclosed landing porch).
- 3-bed first floor flat that spans the Victorian element and part of the original building. It has an open plan kitchen/dining/sitting space. Access is via the original stairs that ascend from the shared lobby (shared with the 1-bed ground floor flat). Entrance to the ground floor lobby is through the retained porch projecting from the principal façade.

7.0 Relevant Planning History

7.1 On 22nd March 2019 applications for planning permission (WD/D/19/000867) and listed building consent (WD/D/19/000868) were received by West Dorset District Council. The applications were by the same applicant as for the application under consideration now but were for conversion of the offices to 6 dwellings. The applicant appealed against non-determination and the Inspector appointed by the Secretary of State issued a joint decision letter for both appeals on 4th August 2020 (appeal ref APP/D1265/W/20/3248499).

7.2 The appeals were dismissed.

7.3 In the decision letter, the Inspector determined that: -

“The proposed conversion of the building to residential accommodation would require the erection of a number of partition walls which would appreciably erode the evidential and historic value of the listed building as a former hospital. As a result of the proposed subdivisions, the open plan form of the building would be unacceptably diminished. In the absence of clear evidence to the contrary, I find that the proposed development and works would be too invasive and cause unacceptable harm to the special interest and significance of the listed building.” (para. 11)

7.4 They continued by stating: -

“Although external alterations would overall remain limited, it is of note that one of the ground floor windows to the rear elevation would be blocked and a new opening would be created, thus disrupting the otherwise largely cohesive pattern of fenestration which contributes to the significance of this designated heritage asset. Whilst the proposed changes to the openings would not be fatal to the scheme by themselves, they nevertheless add to my concerns in respect of the proposed development and works.” (para. 12).

7.5 In summarising the heritage duties, they concluded: -

“The proposed development and works would fail to preserve the special architectural and historic interest of the Grade II listed building. As well as being contrary to the requirements of the Act, the proposal would therefore not accord with paragraphs 194 and 196 of the Framework and LP Policy ENV4. Amongst other things, this policy requires applications to be weighed against the public benefits of the proposal, showing that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset.” (para. 14)

8.0 List of Constraints

8.1 The building is Grade II listed. It is identified in the statutory listing as: -

“Former Hospital, Marabout Barracks. SY 6890 7/273 II 2. 1799. Chequer brick. Hipped slate roof. Brick stacks. 2 storeys. 10 ranges of sashes with glazing bars, those 3 at west end much taller. 2 doors with fanlights. 1 C19 porch.”

9.0 Consultations

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

9.2 DC Ward Councillors

Cllr Canning and Councillor Fry have both objected.

Officer's note - Their comments are detailed in the report for the corresponding application for planning permission, but they do not raise matters relevant to this application for listed building consent.

9.3 Dorchester Town Council

Objection

Officer's note – The Council's comments are detailed in the report for the corresponding application for planning permission but they do not raise matters relevant to this application for listed building consent.

9.4 DC - Conservation Officers

Support, subject to conditions:

In our previous comments we raise a number of concerns relating to the extent of subdivision of the S wing; to the apparent differences in the rebuilt chimney stack and fireplaces in the N wing; to the over-domestication of the building's setting; to the lack of certainty as to the optimum viable use; and to the extent of stripping out of the building's interior, for which no justification (or was provided and which is likely to have reduced the chances of the building's potential reuse owing to the resulting costs for refitting.

Revised drawings and additional information have been submitted in response to some of these concerns. The ground- and first-floor plans of the S wing have been revised to attempt to retain a greater legibility of the open-plan space, which we have previously identified as contributing to the building's significance. The site boundary has been revised to comprise a (taller) brick wall with piers at gate positions.

Additional information on the occupation and marketing of the building has been provided in the form of a timeline and viability data. The only matters which appear unchanged are the reinstated chimney and the lack of information, or Listed Building Consent information, relating to the extent of stripping out of ceilings and wall finishes internally.

The amendments have resulted in some improvements to the arrangement of new partitions and spaces in the S wing and continues to reinstate some previous partitions, though these are not themselves original to the building. Notwithstanding these improvements, the subdivision of the ward space still represents a detrimental change to the legibility and appreciation of the building and its original purpose.

However, the revised boundary treatment results in a much-improved external aesthetic, one more reflective of the building's former use and current, very non-domestic setting. In addition, the supplementary marketing information has demonstrated more clearly that the period in which the building has sought a more complementary use has been extensive.

Taking all the above into account, we still consider that the proposals would result in **less than substantial harm** to the significance of this designated heritage asset, which again remains consistent with the assessment of the applicant's Heritage Statement (p. 17).

PUBLIC BENEFITS / BALANCED JUDGEMENT (NPPF, PARAS. 201-203)

Designated Heritage Assets

The proposals will result in **less than substantial harm** to the significance of a designated heritage asset, meaning that para. 202 of the NPPF is engaged, requiring the harm to be weighed against the public benefits of the proposal, including securing the asset's optimum viable use, though taking into account the 'great weight' to be given to the asset's conservation.

Whilst the overall planning balance is a matter for the Planning Officer, we consider it appropriate to offer our advisory view here in the context of section 16 of the NPPF. Though the improvements to the scheme still result in less than substantial harm, on the basis of the additional evidence provided in the form of marketing information and viability, we consider that there is now the potential for the harm to be

outweighed by the public benefit of bringing a longvacant designated heritage asset back into a viable use that will ensure its long term use.

9.5 DC Building Control

Building Regulations Approval will be required for these works. Pre-consultation work with agent is underway regarding this application.

Other Representations received

Total - Objections	Total - No Objections	Total - Comments
0	0	0

Petitions Objecting	Petitions Supporting
0	0

10.0 Duties and policies

Duties

10.1 Section 16(1) of the Listed Buildings Act 1990 applies – For development affecting listed buildings, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy ENV4 of the Local Plan and section 16 of the NPPF are used to inform the assessment of the proposal against this duty. The site is not in a Conservation Area so section 72 of the Listed Buildings Act 1990 does not apply.

11.0 Human rights

11.1 Human Rights Act 1998: -

- 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.

12.0 Public Sector Equalities Duty

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

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

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

13.0 Listed Building Assessment

13.1 This assessment is statutorily limited to the duty under the Listed Buildings Act 1990. The NPPF and policy ENV4 of the Local Plan use different language – the NPPF, for example, talks about “significance” and “harm” whereas the Act does not. Similarly, the NPPF provides the wider definition of designated heritage assets whereas the duty confines itself to listed buildings. However, the same principles apply and it is necessary to establish the degree if any of the harm/impact on the architectural and historical qualities of the building (those qualities and the building’s setting being the elements that provide significance to the building as a designated heritage asset). The NPPF and policy ENV4 are therefore used to inform the assessment of the proposal against the duty.

Heritage

13.2 Identifying the significance of the listed building, the appeal inspector determined: -

“The setting of this Grade II listed building is somewhat compromised by its location at the heart of an industrial estate, as it is surrounded by commercial premises. Nevertheless, the former hospital certainly stands out as a building of institutional yet restrained character, with its chequered brick walls, hipped slate roof, prominent brick chimney stacks, and the strong rhythm provided by the large, slender timber sash windows which dominate the front elevation.” (para. 9).

They continued: -

“Like other health and welfare buildings constructed at that time, this former hospital combines architectural presence with functional interest. The large sash windows and substantial chimneys reflect the greater emphasis which was placed on the importance of heating and ventilation. Despite the fact that internal alterations have taken place over time, including some subdivisions,

the original plan form of the building as a medical institution is in part still apparent, with a central entrance, a number of staircases and evidence of regular, linear open spaces which may have historically functioned as wards. Having regard to the available evidence, I therefore consider that the significance of this Grade II listed building derives principally from its architectural and historic interest as a military and medical institution, including its characteristic layout.” (para. 10).

13.3 There is no reason to disagree with the inspector’s opinion. The building’s former use is certainly legible still despite the intervening years of other use and vacancy. The preserved external elevations have undergone negligible alterations since the Victorian era – the sizeable sashes that let in light and ventilation remain as does the clean -cut Flemish and stretcher bonded red brick. The interior is less reflective of the original use, especially the original 1799 element with its domestic sized rooms. The larger spaces within the Victorian range when seen with their large window openings provide more clues of the history and certainly contribute to the significance of the asset. There is clearly evidence of partition in these “ward” rooms but one is unclear as to whether this subdivision was there at the time of listing. It is pure conjecture that they were there in 1975 with no evidence either way. It is of little significance and certainly not a baseline with which to construct a case of multiple subdivisions to replicate these, now removed partitions.

13.4 With regards to setting, again the inspector’s conclusions are accepted. The physical and functional setting of the building has been considerably and irrevocably changed even since its last use as a hospital in mid C20th. Setting contributes little to significance other than its relative proximity to the Keep.

13.5 Turning to the impact on the significance of the listed building, the proposals dismissed at appeal changed little of the exterior envelope. The same is true of the new proposals. Both schemes limited the change to the rear elevation. For this dismissed appeal scheme the inspector remarked: -

“Although external alterations would overall remain limited, it is of note that one of the ground floor windows to the rear elevation would be blocked and a new opening would be created, thus disrupting the otherwise largely cohesive pattern of fenestration which contributes to the significance of this designated heritage asset. Whilst the proposed changes to the openings would not be fatal to the scheme by themselves, they nevertheless add to my concerns in respect of the proposed development and works.” (para. 12)

13.6 The interventions to this area of the rear elevation are different this time, but still as marked and noticeable. The case officer disagrees with the inspector’s opinion that the disruption would be to a “largely cohesive pattern of fenestration.” The principal façade features paired sashes and is very ordered, the rear elevation significantly less so. Indeed, it is characterised by a variety of window sizes, some windows

paired (ground and first floor), some not. This is very much a subservient elevation not in public view and not designed to be. In the greater scheme of things, the introduction of what is a minor change to this elevation is not considered to harm the significance of the asset. It also noted that the inspector acknowledged that this intervention was not individually “fatal” to the scheme. Conditions are necessary to ensure the detailing of the window frames is appropriate.

13.7 For the interior, the interventions proposed for this dismissed scheme and that proposed now, are more significant. Of the dismissed appeal, the inspector determined: -

“As part of the proposal, it is of note that some architectural features, such as the steel columns situated at ground floor level and the fireplaces, would be retained and, where necessary, restored. However, the proposed conversion of the building to residential accommodation would require the erection of a number of partition walls which would appreciably erode the evidential and historic value of the listed building as a former hospital. As a result of the proposed subdivisions, the open plan form of the building would be unacceptably diminished. In the absence of clear evidence to the contrary, I find that the proposed development and works would be too invasive and cause unacceptable harm to the special interest and significance of the listed building.” (para. 11)

13.8 It is presumed that the inspector’s remarks in relation to the open plan form were focused on the later Victorian element of the building. The 1799 part is currently lacking subdivision but the shape of the chimney breast with its canted fireplaces and the traces of older stud walls are clear evidence that this was not an open plan building. Indeed, as stated earlier in this report, the rooms would have been rather domestic in scale. The reintroduction of partitions to both floors in this part is not considered harmful.

13.9 The Victorian range, judging by the ceiling and window heights, did appear to have been open plan and is so now (the case officer could not find any records of the plans when the building was in use as a hospital). The scheme dismissed at appeal introduced many subdivisions into the floorspace on both floors. In contrast the new proposal includes less subdivision on the ground floor and substantially less on the first floor. Indeed, both floors feature the majority of the space being open plan whereas they did not previously. This is to be commended and is considered to be a material difference which reduces the level of harm markedly. The legibility of the rooms’ original uses as wards would be clearly legible. This would still result in less than substantial harm.

13.10 This less than substantial harm arising from the proposal is outweighed by the significant public benefits of securing a new use for this prominent building within the street scene and one of the few surviving elements of this former military site. A

residential use is now considered to be the optimum viable use that is most sensitive to the building's significance.

14.0 Balance and Conclusion

- 14.1 It is of no benefit to let the building remain empty, not to the fabric and its preservation and not economically either. Harm will also arise to the significance of the listed building, but this is considerably less than substantial following the changes proposed to the floorplans. The harm is outweighed by the public benefits of restoring this building sensitively and sustainably to a viable use.

15.0 Recommendation

Grant consent subject to conditions

1. The works to which this listed building consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

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

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

PL-1103-101E Ground floor proposed
PL-1103-102E First floor proposed
PL-1103-103 Basement plan proposed
PL-1103-104D Proposed elevations
PL-1103-01 Location Plan

Reason: To ensure that the architectural and historical qualities of the building are preserved.

3. No works affecting the rear (west elevation) shall commence until detailed drawings and specifications showing the design and construction of the new external windows to be inserted into this elevation (at a scale no less than 1:10) as well as detail of the brickwork, its bonding and mortar mix for the areas around these new insertions has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved details.

Reason: To preserve the architectural and historical qualities of the building.

4. All new rainwater goods are to be half-round, painted black and in cast metal throughout.

Reason: To preserve the architectural and historical qualities of the building.

5. Prior to first use of the building, details (plans and elevations) shall be provided and approved showing the route of all new foul and surface water pipework, including soil-and-vent pipes and downpipes. The development shall accord with the approved details.

Reason: To preserve the architectural and historical qualities of the building.

6. Prior to first use of the building, details are to be provided and approved in writing of all new proposed extract or flue terminals, including product details and positions shown on relevant elevations. The development shall be carried out in accordance with the approved details.

Reason: To preserve the architectural and historical qualities of the building.

This page is intentionally left blank

Application Number:	P/FUL/2021/03000
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Cerne Abbas Care Centre Cerne Abbas Dorset DT2 7AL
Proposal:	Extension to rear & associated works to provide 20no. extra care accommodation units
Applicant name:	Avatara Inc Limited
Case Officer:	Verity Murphy
Ward Member(s):	Cllr Haynes

1.0 The application is reported to Committee as Cerne Valley Parish Council have objected to the proposal.

2.0 Summary of recommendation:

Grant subject to conditions

3.0 Reason for the recommendation: as set out in paras 15.0 to 17.0 at the end of this report.

- 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
- Absence of 5-year land supply
- Proposal would result in extra care accommodation for which there is a demonstrable need under Policy HOUS5 of West Dorset, Weymouth and Portland Local Plan.
- The proposals will result in no harm to heritage assets
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- The proposed development has been designed to limit landscape impact and improve biodiversity.
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	<ul style="list-style-type: none"> • Application would contribute to 5-year housing land supply

	<ul style="list-style-type: none"> • Proposal would deliver extra care accommodation which is needed across district.
Affordable Housing	<ul style="list-style-type: none"> • Not required under this application
Scale, design, impact on character and appearance	<ul style="list-style-type: none"> • Layout, scale and design of the proposal is sensitive to its setting and reflective of the historic character of the existing building
Impact on amenity	<ul style="list-style-type: none"> • No impact on neighbouring amenity due to distance from other properties
Impact on landscape or heritage assets	<ul style="list-style-type: none"> • Proposal has been designed to limit landscape impacts • No harm to heritage assets
Economic benefits	<ul style="list-style-type: none"> • Extension to existing business • Creation of additional employment opportunities
Access and Parking	<ul style="list-style-type: none"> • Access will remain as existing • Parking provision in accordance with non-residential car parking standards.
Flooding and Drainage	<ul style="list-style-type: none"> • Site in Flood Zone 1 • Good infiltration on site • SUDs Hierarchy followed in drainage strategy

5.0 Description of Site

The application site is situated to the North of Cerne Abbas Village on the western side of the A352. Access to the site is afforded via Acreman Street and is located within the northern corner of the site and is adjoined by a farm track (PRoW S13/34).

Casterbridge Manor Care Home is situated on the site and is a Grade II listed building. Casterbridge Manor is a former Union Workhouse constructed in the 1830s; it is a substantial and predominately 3 storey building fronting onto Acreman Street with outbuildings, parking and gardens to the rear (west). The building layout was originally a cross plan, but has been enclosed and extended over the years, but does still present an overall uniform appearance. The building is currently in use as a care home.

The application site is located approximately 250m north of the settlement boundary of the rural village of Cerne Abbas and is located within the Dorset Area of Outstanding Natural Beauty (AONB). The site is located within the open countryside between two prominent hills: Weam Common Hill to the west of the site and Giant's Hill to the east on the far bank of the River Cerne. The site is within 500m of two Scheduled Monuments: Cerne Abbey and The Giant. The building's prominent location means that it not only forms a gateway into

Cerne Abbas, but it also features in long views from both Giant's Hill to the east and from the south west on Rowden Hill and along the valley floor; the latter is best appreciated from Sydling Road on the approach to Cerne Abbas

The site is rectangular and formed by an area of parking and gardens with grassland to the west. It is contained by native hedgerows to the north, west and south and the rear of Casterbridge Manor to the east. To the south is a partly enclosed garden area for use by the residents of Casterbridge Manor with occasional ornamental and fruit trees. The western half of the site is informal grassland. The proposed development area is approximately 110m west to east and 40m south to north. The boundaries to the west, north and south are defined by dense and tall native mixed hedgerows with occasional small trees. This vegetation provides a relatively high degree of screening into and across the site in the nearby lower-level landscape. Occasional partial views into the development site are possible from the more distant and elevated chalk ridges and hills to the west and east.

6.0 Description of Development

Construction of a two-storey extension to the rear of the current building, with glazed links separating green-roofed blocks from each other and from the main building. The works would provide 20 No extra care units in total. The works would also involve minor alterations to the rear of the current building and associated landscaping and parking.

7.0 Relevant Planning History

1/E/88/000398 and 000399 - Conversion of former union workhouse, now comprising 5 flats and incidental domestic purposes, to 10 flats and erect extensions, construct car parking area and improve vehicular access. Granted - August 1988

1/E/89/000718 and 000719- Erect extensions & make alterations to convert to residential nursing home and install LPG tank. Granted- December 1989.

1/E/90/000446 and 000447 - Erect extensions, & make alterations to convert to Residential Nursing home including close care units. Granted November 1990.

1/E/91/000306 and 000308 - Erect extension. Granted July 1991.

1/E/93/000125 and 000126 - Erect extension to rear. Granted May 1993.

WD/D/15/1382 and 15/1095- Provision of first floor to the atrium. Replacement of conservatory to rear courtyard & formation of a link between the southern single storey ranges (Retrospective). Granted September 2015.

8.0 List of Constraints

Grade: II Listed Building: GIANT VIEW List Entry: 1119469.0;

Landscape Character Area; Chalk Valley and Downland; Cerne and Sydling Valley

Type: Neighbourhood Area; Name: Cerne Valley; Status Designated 04/02/2013;

Type: Neighbourhood Plan - Made; Name: Cerne Valley Neighbourhood Plan; Status Adopted 08/01/2015;

Wessex Water: High Risk of Foul Sewer Inundation

PDC Poole Dissolve Area

NE - AONB: Dorset;

NE - SSSI impact risk zone;

NE - SSSI (400m buffer): Giant Hill;

NE - SSSI: Hog Cliff ;

NE - SSSI: Court Farm, Sydling ;

NE - SSSI: Black Hill Down ;

NE - SSSI: Sydling Valley Downs ;

NE - SSSI: Giant Hill ;

NE - SSSI: Batcombe Down ;

EA - Poole Harbour Catchment Area

EA - Groundwater Source Protection Zone

Grade II listed building (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990.

Area of Outstanding Natural Beauty : (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

9.0 Consultations

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

Consultees

1. DC Ward Member - Chalk Valleys Ward

- No comments received

2. Dorset and Wiltshire Fire Service - Liaison Officer

- In the event the planning permission is granted for this development, the development would need to be designed and built to meet current Building Regulations requirements. The Authority raises the profile of these future requirements through this early opportunity and requests the comments made under B5 of Approved Document B, The Building Regulations 2010 be made available to the applicant/planning agent as appropriate.

3. DC – Landscape

- Supportive of application, subject to conditions.
- Pre-application advice has been taken on-board and generally responded to in a positive way. The inclusion of additional viewpoints into the LVIA as requested has been beneficial and has resulted in additional mitigation measures being incorporated into the scheme.
- The proposed mitigation measures will break up the outline of the proposed development in important views, and help to assimilate it into the immediate and wider landscape setting. The proposals therefore generally comply with the requirements of part c) of para 130, and parts a) and b) of para 174 of the NPPF; Policy ENV1 of the Local Plan and; the environment objectives of the Cerne Valley Neighbourhood Plan.

4. DC - Natural Environment Team

- The Biodiversity Plan (BP) is approved by the Natural Environment Team

5. DC - Rights of Way Officer

- No objection to the proposed development, as shown in the plans accompanying the application.
- However, throughout the duration of the development the full width of the public footpath must remain open and available to the public, with no materials or vehicles stored on the route.

6. DC - Highways

- No objection to application

7. DC - Dorset Waste Partnership

- No comments received

8. DC - Env. Services - Animal Licensing

- No comment

9. DC - Conservation Officers

- Supportive of application, subject to conditions
- The proposal will result in no harm to the listed building. The proposed extension is situated to the rear of the building and connected to it (i.e. the rebuilt and altered former isolation block) by a single-storey glazed link corridor. The newbuild elements comprise various two-storey blocks arranged into a loose cruciform, such that awkward rigidity or slavish copying of the original building is avoided, but its form reflected. Cruciform elements are also subtly incorporated into the elevations with the structural elements forming the balconies. The blocks are generally joined with slightly lower links, enabling them to stand better as individual masses and therefore not monolithic.
- Materials are generally recessive and are appropriate and contextual and will provide a low-impact extension.
- Proposal will result in no harm to the hill figure called 'The Giant' (Scheduled Monument). The modest scale of the extension, as well as its position fairly close to the existing building, mean that the new building will not be prominent or otherwise detrimental to the experience of the Giants setting from either direction. From the west (e.g. Viewpoints 5 and 10), the site for the extension is actually well screened by trees, further lessening any potential for distractive or detractive impacts on views towards the Giant.
- The proposal will result in no harm to the significance or setting of the Grade II listed Casterbridge Care Home (Giant's View).

10. DC - Tree Team

- No comments received

11. DC - Policy - Urban Design

- No comments received

12. Public Health Dorset

- No comments received

13. Dorset AONB Team

- Conditions are recommended

14. DC - Economic Development and Tourism

- No comments received

15. DC - Land Drainage

- Holding objection
- Infiltration testing and ground water monitoring needs to be undertaken in the winter months.

16. DC - Building Control North Team

- No comments received

17. Cerne Abbas Parish Council

- Object to application
- Development outside settlement boundary
- The design is not high quality
- 20 units would not constitute small scale development
- Concerns with density of development and the car parking area
- Impact on listed building on AONB
- No enhancement of local services or facilities
- Impact on local surgery and transport network
- No affordable housing provision
- No evidence suggesting this type of accommodation is needed in Cerne Abbas
- No community benefit arising from scheme.
- Development contrary to Cerne Valley Neighbourhood Plan and The Local Plan

18. Wessex Water

- No objection to application

19. Dorset Clinical Commissioning Group

- No comments received

20. Historic England

- Defer to Dorset Council Conservation Officers for comments

21. DC - Adult social care

- No comments received

22. DC - Outdoor Recreation

Representations received

Total - Objections	Total - No Objections	Total - Comments
0	0	0

Petitions Objecting	Petitions Supporting
0	0

10.0 Relevant Policies

Development Plan

West Dorset, Weymouth and Portland Local Plan (WDWLP)

INT1 Presumption in favour of sustainable development
ENV1 Landscape, seascape and sites of geological interest
ENV2 Wildlife and habitats
ENV4 Heritage assets
ENV5 Flood risk
ENV9 Pollution and contaminated land
ENV10 The landscape and townscape setting
ENV11 The pattern of streets and spaces
ENV12 The design and positioning of buildings
ENV13 Achieving high levels of environmental performance
ENV15 Efficient and appropriate use of land
ENV16 Amenity
SUS1 The level of economic and housing growth
SUS2 Distribution of development
SUS5 Neighbourhood development plans
ECON1 Provision of employment
HOUS3 Open market housing mix
HOUS5 Residential care accommodation
COM1 Making sure new development makes suitable provision for community infrastructure
COM7 Creating a safe and efficient transport network
COM9 Parking standards in new development
COM10 The provision of utilities service infrastructure

Cerne Valley Neighbourhood Plan 2015

Policy 1 Housing in Defined Development Boundaries

Policy 2 High Quality Design
Policy 3 Designated Development Boundary for Cerne Abbas
Policy 6 Flood Risk
Policy 9 New Businesses in keeping with the Cerne Valley Economic Strategy

Material Considerations

National Planning Policy Framework (NPPF) 2021

1. Introduction
2. Achieving sustainable development
4. Decision making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Other material considerations

- Cerne Abbas, Charminster, Sydling St Nicholas and Godmanstone Conservation Area Appraisal

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.

The proposal is for extra care accommodation for older people with protected characteristics under the Equality Act and will contribute towards meeting their particular needs.

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. This proposal would be for older people with health requirements, and therefore, it would help contribute towards the provision of specialist accommodation for persons with protected characteristics.

13.0 Financial benefits

N/a

14:0 Climate Change

The proposed extension contains several design features which seek to improve sustainability on site and limit climate impacts. The extension maximises opportunities for natural lighting and passive solar heating through the use of glazing on the south side of the building; and has overhangs to provide shading and reduce overheating in the summer. The units also have internal windows from the kitchen to the corridor to gain borrowed light in what are, technically, internal rooms.

The materials used within the construction of the extension are natural, comprising stone and wood cladding. These materials require much less energy-intensive methods to process into construction products which further helps to reduce the carbon emissions associated with the development.

The proposal also incorporates Sustainable Urban Drainage principals through the use of green roofs and permeable surfaces, as detailed in the submitted drainage strategy.

15.0 Planning Assessment

Principle

The application site is not located within a defined settlement boundary and is within open countryside. In this location new residential development would usually be resisted, and an objection has been received in relation to countryside setting of the application site. However, in this instance the development would be an extension to an existing building for a C2 (extra care) use.

Policy HOUS5 of WDWLP demonstrates that there is an increasing number of older people within the plan area and care accommodation is vitally important. The importance of more flexible models of accommodation is recognised, and there is a move towards providing increased opportunities for vulnerable adults that maintain independence, choice and control over their lives, for examples through ‘extra care’ supported accommodation services. Extra care facilities provide self-contained accommodation grouped on site providing an extensive range of facilities over and

beyond those found in ordinary sheltered housing. The strategic vision of the Council is to support the building of extra care housing developments within defined settlement boundaries.

The proposed development would be located within the countryside and would conflict the spatial strategy of HOUS5, and the housing objectives of Cerne Valley Neighbourhood Plan which requires new development to be located within the defined development boundary. However, HOUS5 demonstrates the need for this type of accommodation within the plan area and the proposal is an extension to an existing building ; therefore the principle of allowing development in this location must also take into account that the existing care home is a local business and the proposal would represent an extension of the existing premises, which is permissible under Policy ECON1 of the Local Plan.

Furthermore, the proposed development would also count towards the 5-year housing land supply for the West Dorset Area. Dorset Council, with reference to the area that was West Dorset DC, cannot demonstrate a five-year housing land supply. As such, this planning application needs to be considered in the context of the National Planning Policy Framework, paragraph 11 (d) (the presumption in favour of sustainable development). This reads as follows:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Whilst the policies of the Local Plan are considered to be most important in the determination of this application, they are considered to be out of date, however this does not mean they have no weight or relevance. The weight to be given to them is a matter of planning judgement for the decision-maker in a titled balance exercise where the benefits of additional housing will be given due weight as well. The application does not benefit from the protections of para 14 of NPPF as the Cerne Valley Neighbourhood Plan became part of the development plan more than two years ago in 2015.

It is considered that the benefits of allowing the proposed development in terms of providing extra care accommodation for which there is a demonstrable need, the economic benefits of extending the existing care home and the contribution of the development towards the 5 year housing land supply for the area, would outweigh the harm of an extension to an existing building within the open countryside.

Affordable Housing

It is considered the proposed close care apartments represent a C2 use class (residential institutions) rather than C3 (dwelling houses). The proposed apartments will offer

accommodation with care provision to older persons with the level of care response significantly exceeding that found in C3 market housing. The use of the site for C2 purposes will be secured via condition to ensure that the apartments can only be used by people in need of care. Therefore, no affordable housing contribution is proposed which is not considered to conflict with Policy HOUS1 of the Local Plan.

Layout and Design

The proposed extension will be located to the rear of the existing building and is connected to it by a single-storey glazed link corridor. The proposed extension is focused around four individual blocks which are arranged into a loose cruciform shape to echo the historical layout of the existing building. This layout will allow for a central circulation axis creating a visual and physical link between the existing and proposed spaces.

The proposed extension will have two storeys, but will sit lower than the main ridge height of the existing building to ensure it remains subservient. It will be separated from the main building by the proposed glazed corridor which helps separate the existing and extended elements of the scheme. The elevations and overall form of the building are broken up by using linking features and recessive elements. This offers relief in the mass of the extension and ensures that it does not present as one continuous block of built form to the rear of the site.

The proposed extension is considered to sit comfortably alongside the existing building, but also to the countryside setting of the site. The overall materials palette is recessive, comprising stone-clad ground floors and timber-cladding to the first floors, as well as green hipped roofs. It is considered that this is appropriate for the context of the site and results in a low-impact extension.

Concerns have been expressed in relation to lack of the private amenity for occupants of the extra care apartments. Whilst private amenity space for each unit would fall below the suggested 20% under Policy HOUS5 of the Local Plan, the layout of the building on the site allows for a significant amount of shared communal space, comprising south facing communal gardens and terrace, seating, a communal kitchen/allotment garden and informal spaces with lawns, paths, and naturalistic planting.

Parking for 52 vehicles will be located to the west of the new buildings, and a parking space for the communal minibus will be at the front of the property. There will also be a separate building to be used for storage and bins, and covered bike stand areas.

It is considered that the layout and design of the extension responds carefully and uniquely to its specific context and site constraints. The twin approach of keeping the new elements as close as possible to the existing building, but also maintaining a sense of separation, enables the extension to be read as part of the building in close and long views. It also retains an element of undeveloped space to the rear of the plot, resulting in a gradual attenuation of built form as it progresses further from the road into the rural setting. The proposal reflects the character, scale and form of the surrounding development and the design and layout of the scheme is therefore considered to be acceptable in accordance with Policies ENV10, ENV12, ENV15, ENV16 and HOUS5 of the Local Plan.

Impact on Listed Building, Scheduled Monument and Conservation Area

Of pertinence to this application proposal in the context of the surroundings are matters pertaining to heritage noting that there is Scheduled Monument (The Giant) within 500 metres of the application site and the existing building on site is Grade II listed (Cerne Abbas Care Centre). As such due regard has been given to Section 66 of the Planning (Listed Buildings and Conservation Areas Act 1990) which confirms that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Listed Building/Structure. Case law has established that where an authority finds that a development proposal would harm the a listed building or its setting, it must give that harm “considerable importance and weight”. The historic environment section of the Planning Practice Guidance further outlines the role of the Local Planning Authority in considering the effects of new development that are in the vicinity of or affect the setting of listing buildings and heritage assets. Paragraph 199 of the NPPF advises that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance (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. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Policy EN4 of ensure that development conserves and enhances heritage assets and their settings.

Cerne Abbas Care Home (Grade II Listed)

The building has undergone various alterations and extensions, the most notable being additional storeys to the wings and a rearward extension and rebuilding/enlarging of the former isolation wing. Though the space to the rear of the building remains undeveloped, the original garden has been lost to car parking and other external landscaping and surfacing. They key elements of its significance are its cruciform plan, with all its historical associations, and its deliberately isolated position within the parish. The latter is particularly appreciable in views of the building from the surrounding landscape.

The proposed extension is situated to the rear of the building and connected to it by a single-storey glazed link corridor. The newbuild elements comprise various two-storey blocks arranged into a loose cruciform, such that awkward rigidity or slavish copying of the original building is avoided, but its form reflected. Cruciform elements are also subtly incorporated into the elevations with the structural elements forming the balconies. The blocks are generally joined with slightly lower links, enabling them to stand better as individual masses and therefore not monolithic.

Like the design, the materials are generally recessive, comprising stone-clad ground floors and timber-cladding to the first floors, as well as green hipped roofs. Though these materials are generally not visible on the main building, they are appropriate and contextual give the desire to provide a low-impact extension; to have proposed masonry and full hipped roofs would perhaps have extended the form of the historic building to the point where the significance and prominence of the original blocks were blurred. Taking the above into account, it is not considered that the extension will be detrimental to the building and we therefore consider that the proposals will result in no harm to the assets significance, in accordance with Section 16 para 199 of the NPPF, S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy EN4 of The Local Plan and the historic environment section of the Planning Practice Guidance.

Hill Figure called 'The Giant' (Scheduled Monument)

The Parish council has objected to the impact of the proposal on the nearby Scheduled Monument. The key element of the monument's setting are the long views to and from it permitted by its elevated, hillside position. Some of these views are provided in the LVIA (e.g. Viewpoints 10, 17, 18), which illustrate both the general lack of development in the Giants setting outside Cerne Abbas, but also the prominence and isolation of Casterbridge Manor within that view. The views also show the slightly rising topography on which the manor sits.

The proposals will result in additional built form to the rear of the manor which will be visible from the Giant and in longer views towards it. However, the modest scale of the extension, as well as its position fairly close to the existing building, mean that the new building will not be prominent or otherwise detrimental to the experience of the Giant's setting from either direction. From the west, the site for the extension is very well screened by trees, further lessening any potential for distractive or detractive impacts on views towards the Giant. For the above reasons, it is considered that the proposals will result in no harm to the asset's significance, in accordance with Section 16 para 199 of the NPPF, S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy EN4 of The Local Plan and the historic environment section of the Planning Practice Guidance.

Cerne Abbas Conservation Area

Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area. The building and proposed extension are situated outside the Conservation Area. They are located on one of its valley approaches, though the main visual aspects of the conservation area's setting are the distant and elevated views into the historic core from the surrounding landscape.

The position of the extension and its screening behind vegetation mean that it would not be visible on the northern approach to Cerne Abbas and, as outlined above, its visual impact in longer views will be minimal.

The proposal, in respect of its appearance, size, siting, detailing and the materials used is not considered to involve the erosion of character of the Conservation Area. Based upon the above assessment it is considered that the proposed development would result in no harm to the character, appearance and historic interest of the Conservation Area in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in compliance with Policy ENV4 of The Local Plan and para 16 of the NPPF and the historic environment section of the Planning Practice Guidance.

Landscape

The site is located in a Chalk Valley and Downland Landscape Type and a Landscape Character Area (LCA) Cerne & Sydling Valley (Dorset AONB Landscape Character Assessment). The overall management objective for the LCA is to conserve the strong

pattern of existing features, whilst restoring woodlands and meadows, chalk grasslands and boundary features. To maintain undeveloped rural character, careful consideration should be given to the design of developments.

Concerns have been expressed in relation to the impact of development on the landscape character area and the AONB. The applicant has submitted a Landscape Visual Impact Assessment (LVIA) which has informed a series of design elements which have been incorporated into the proposed extension.

The proposed extension has been located away from the higher and more visually sensitive western parts of the site and is located close to the existing built form on the site. The mass of the proposed accommodation has moved centrally into the site to reduce the visibility of new development from sensitive key viewpoints. This has allowed the extension to be partially concealed behind the large mass of the existing and former workhouse and boundary hedgerows.

Green roofs to all areas of the proposed building have been proposed to further soften the building into its context and reduce potential visual impact from distant viewpoints. This also ensures that the overall mass and the landscape context of Casterbridge Manor is preserved as much as possible.

The proposed cladding will be muted in colour with the pallet selected to respond to its landscape context and ensuring that it does not significantly affect the current relationship between Casterbridge Manor and its surrounding landscape.

The proposed car parking area will be located in the western section of the site, this will allow for additional tree planting and hedging to screen and break up views of the parking areas. The planting of hedges and deciduous trees in key areas within and adjacent to the car parking in the western sections of the site will aim to screen and break up views to the car parking from elevated location to the east, as well as providing screening to the proposed buildings from the west.

It is considered that the proposed mitigation measures will break up the outline of the proposed development in important views and help to assimilate it into the immediate and wider landscape setting. The proposal is not considered to have a significant effect on the AONB. The proposals therefore comply with the requirements of part c) of para 130, and parts a) and b) of para 174 of the NPPF; Policy ENV1 of the Local Plan and the environment objectives of the Cerne Valley Neighbourhood Plan.

Biodiversity

An ecology survey of the site has been undertaken which has informed the proposals for the site. The survey found that boundary hedges and trees provide a range of suitable habitats for nesting birds, common reptiles, bats and invertebrates to forage, commute and/or shelter. No protected species, evidence of protected species or other habitats for protected species, were found on the rest of the site.

The ecological value was therefore assessed to be low, with the only potential noted being the suitability of the hedgerow boundaries as suitable habitats for breeding birds.

Notwithstanding this, a number of key mitigation and enhancement measure are proposed and accepted by the Natural Environment Team. These measures include:

- retention and protection of the hedges, and additional planting (of at least 75m)
- sensitive lighting scheme
- bat and swift boxes
- bee bricks
- native planting within the landscaped areas
- hedgehog friendly gravel boards / holes
- green roofs on the new buildings
- sixteen new trees are to be planted on site – to be native species and to include a minimum of four native fruit trees

The proposal accords with Policy ECON2 of the Local Plan in that the development would enhance biodiversity on site and will be incorporated in and around the application site.

Highways and Parking

Vehicular access to the site will remain as existing and will be from Acreman Street. The site benefits from a 43 visibility in each direction within the 30mph Zone. There will be a new main entrance into the building with a vehicle drop off point and the main car park will be to the rear of the site. Vehicular circulation will be kept to the top and rear of the site to maximise the communal garden spaces. It is important to note that Dorset Council Highways Engineers have no objection to the proposal.

The proposal will create 38 additional car parking spaces on site. The proposed full-time staff will increase to 104 with the addition of the new extension. This creates a need for 26 staff car parking spaces which can be accommodated within the application site. The remainder of the car parking spaces on site (27 spaces) will be for visitor parking for the residents of the care home as a whole; this works out at 1 space per 3 visitors which is in accordance with Dorset Council Non-Residential Car Parking Standards. In addition, a total of 38 secure bike storage spaces are also proposed (1.5 bikes per unit with an additional 8 spaces for staff and visitors). The proposal accords with COM9 of the Local Plan.

Flood Risk and Drainage

The site of the proposal is shown to fall within Flood Zone 1, as indicated by the Environment Agency's (EA) indicative flood maps. Whilst according to the EA's Risk of Flooding from Surface Water (RoFfSW) mapping there is no theoretical risk of pluvial flooding to the site up to the 1-in-1000 year rainfall event.

The application submission is accompanied by a drainage strategy which follows the SuDS hierarchy and is prioritising the use of infiltration as a means of managing surface water runoff from the development. Infiltration techniques such as green roofs, permeable paving and underground geo-cellular tanks are proposed.

The LLFA has raised a holding objection on the basis that no infiltration tests or groundwater monitoring being undertaken on the site. In response to this, the applicant has submitted the results of site infiltration testing. These tests were carried out in to BRE365 standard, and prove that the ground has good permeability, at a depth of 3.0m below the surface, with a percolation rate of 3.37×10^{-5} m/s.

Given this good permeability coupled with the fact the site is in flood zone 1, it is considered that it would be appropriate to condition ground water monitoring to the consent. The proposal accords with ENV5 of The Local Plan.

Cerne Valley Neighbourhood Plan

The Parish have raised concerns regarding the proposed development and how it accords with the Cerne Valley Neighbourhood Plan. It is accepted that the proposal would be located outside the defined development boundary and would represent a large-scale development, however the proposal will result in new extra care accommodation which will in turn create additional employment opportunities within Cerne Abbas. The strategic vision of the Neighbourhood Plan includes an aim to satisfy the diverse housing needs for all by meeting the changing demographic and social requirements, which this proposal would achieve. Furthermore, the Neighbourhood Plan aims to support the local economy through its existing businesses, by encouraging new enterprises and facilities which enhance commercial effectiveness and employment opportunities, again the proposal would achieve this. The proposal is also considered to protect and enhance the natural and built environment of the Valley, including its landscape, geological assets, built heritage, archaeological sites and wild-life habitats in accordance with the Neighbourhood Plan.

16.0 Conclusion

Whilst the application site is located within the countryside, the proposed development would result in much needed extra care accommodation for which there is a demonstrable need. The proposals would also contribute to the areas 5-year housing land supply and would result in an economic benefit through allowing an expansion of an existing business which will provide additional employment opportunities.

The proposed extension is sensitive to its setting, the existing Grade II listed building on site, Scheduled Monument, AONB and Conservation Area. It is considered that the proposed extension is high quality in design and will result in an attractive and sympathetic addition to the existing care home building. The proposal will result in landscape and biodiversity improvements on site.

Overall, the benefits of allowing the proposal are considered to outweigh the harm caused by allowing an extension to an existing building in the countryside. The proposal accords with relevant policies of The Development Plan, Cerne Valley Neighbourhood Plan, Cerne Abbas Conservation Area Appraisal, Sections 66 and 72 of Listed Buildings and Conservation Area Act 1990, NPPF, Non-Residential Car Parking Standards and Planning Practice Guidance.

17.0 Recommendation

Recommendation: Approve subject to the following conditions:

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

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

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

Proposed Floor Plans Drawing 1819091 10 REV D

Site Location, Block and Site Plan Drawing 1819091 11 REV G

Proposed Elevations Drawing 1819091 12 REV C

Measured Floor Plans Drawing 7214/4

Proposed and Existing Levels, Indicative External Lighting Plan Drawing 1819091 14

Proposed Floor Plans Drawing 1819091 10 REV E

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

3. The building shall be used for C2 extra care accommodation and for no other purpose (including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: The Council considers an unrestricted Class C use may not be compatible with the living conditions of surrounding residential properties.

4. Prior to development above damp-proof course level, details and samples of all external facing materials for the walls, windows and roofs shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been approved.

Reason: To ensure a satisfactory visual appearance of the development.

5. Prior to the commencement of any development hereby approved, above damp course level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include where relevant:

- (i) Existing vegetation that is to be retained/removed;
- (ii) means of enclosure;
- (iii) car parking layouts;
- (iv) other vehicle and pedestrian access and circulation areas;
- (v) hard surfacing materials;
- (vi) minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, pergolas, retaining structures, steps/ramps, signs, lighting, etc);
- (vii) existing and proposed functional services above and below ground (eg drainage, power, communications cables, pipelines, etc indicating lines, manholes, supports, etc);
- (viii) planting plans and schedules which should include the biodiversity mitigation and enhancement planting identified in the Biodiversity Plan produced by KP Ecology Ltd and approved by NET 25/05/2021, and a soil preparation and planting specification

If within a period of 5 years from the date of the planting of any tree/plant, that tree/plant or any tree/plant planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) another tree/plant of the same species and size as that originally planted shall be replanted in the first available planting season unless the Local Planning Authority agrees in writing to any variation.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality

6. Prior to the commencement of any development hereby approved, all existing trees and hedges shown on approved plan 1819091 14 shall be retained in accordance with BS 5837:2005 and reinforced where necessary in accordance with a safeguarding scheme to be submitted to and approved in writing by the Local Planning Authority. These approved safeguarding measures shall be retained for the duration of construction works and building operations. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s). Any such reinforcement shall be carried out in the first planting season (November to March) following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next

planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that trees and hedges to be retained are adequately protected from damage to health and stability throughout the construction period and in the interests of amenity

7. Prior to the commencement of any development hereby approved, above damp course level, a schedule of landscape maintenance covering a minimum period of five years following substantial completion of the development (including details of the arrangements for its implementation) shall be submitted to and approved in writing by the Local Planning Authority. The development's landscaping shall be managed in accordance with the approved schedule.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features

8. A Landscape Management Plan, including long term design objectives, management responsibilities, maintenance schedules and a timetable for implementation and/or phasing; for all landscape areas (other than small, privately owned domestic gardens,) shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner. Thereafter the Landscape Management Plan shall be implemented as approved.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation or historical significance.

9. No lighting shall be installed until details of the lighting scheme have been submitted to and agreed in writing by the Local Planning Authority. The lighting scheme must include the following:

- a) Lighting levels within five metres of the N, W, S boundaries will not exceed one lux to create a dark buffer zone.
- b) Low pressure sodium lighting will be used and light levels will be kept as low as possible (between 1 and 3 lux).
- c) Lighting will be directed to where it is needed (away from boundaries through the design of the luminaire and by using accessories such as cowls or hoods.
- d) Lights will not be on constantly throughout the night creating dark periods to allow bats to continue foraging without light spill affecting them.

e) Light sources should emit minimal ultra-violet light, peak higher than 550nm and be of a warm/ neutral colour <2700 Kelvin.

Thereafter the lighting scheme shall be installed operated and maintained in accordance with the agreed details.

Reason: To protect bats and biodiversity on site.

10. No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved by the Local Planning Authority, to include details of:

1. Construction traffic routes in the local area
2. Parking and turning of operative, construction, and visitor vehicles
3. Loading and unloading of plant and materials
5. Storage of plant and materials
6. Programme of works (including measures for traffic management)
8. Provision of boundary hoarding and lighting including construction lighting
9. Measures to protect the listed building as necessary
10. Details of measure to be taken to prevent mud from vehicles leaving the site during construction
11. The handling and management of construction waste

The development of the site and the operation of construction shall be carried out fully in accordance with the approved details during the construction period.

Reason: To ensure that development should not prejudice highway safety nor cause inconvenience to other highway users or result in any other significant harm to the amenity of local residents, or to existing natural features.

11. No development is to take place until a suitable drainage design, based on the principles within the Drainage Strategy and the results of ground water monitoring (to be undertaken), including detailed plans and calculations has been submitted to and approved by the Local Planning Authority in consultation with the LLFA. The development shall be carried out in accordance with the approved drainage design.

Reason: To ensure satisfactory provision of foul and surface water drainage.

12. Before the development hereby approved is first occupied or utilised the turning and parking shall be constructed in accordance with the approved plans. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

Application Number:	P/LBC/2021/03001
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Cerne Abbas Care Centre Cerne Abbas Dorset DT2 7AL
Proposal:	Alterations for extension to rear & associated works to provide 20no extra care accommodation units
Applicant name:	Avatara Inc Limited
Case Officer:	Verity Murphy
Ward Member(s):	Cllr Haynes

1.0 This application is associated with application P/FUL/2021/03000 which has been referred to Committee for a decision

2.0 Summary of recommendation:

Grant subject to conditions

3.0 Reason for the recommendation: as set out in paras 15.0 at 17.0 at the end of this report

- The proposal will result in no harm to Cerne Abbas Care Centre (Grade II Listed)

4.0 Key issues

Issue	Conclusion
Impact on Listed Building	Proposal will result in no harm

5.0 Description of Site

The application site is situated to the North of Cerne Abbas Village on the western side of the A352. Access to the site is afforded via Acreman Street and is located within the northern corner of the site and is adjoined by a farm track (PRoW S13/34).

Casterbridge Manor Care Home is situated on the site and is a Grade II listed building. Casterbridge Manor is a former Union Workhouse constructed in the 1830s; it is a substantial and predominately 3 storey building fronting onto Acreman Street with outbuildings, parking and gardens to the rear (west). The building layout was originally a cross plan, but has been enclosed and extended over the years, but does still present an overall uniform appearance. The building is currently in use as a care home.

The application site is located approximately 250m north of the settlement boundary of the rural village of Cerne Abbas and is located within the Dorset Area of Outstanding Natural Beauty (AONB). The site is located within the open countryside between two prominent

hills: Weam Common Hill to the west of the site and Giant's Hill to the east on the far bank of the River Cerne. The site is within 500m of two Scheduled Monuments: Cerne Abbey and The Giant. The building's prominent location means that it not only forms a gateway into Cerne Abbas, but it also features in long views from both Giant's Hill to the east and from the south west on Rowden Hill and along the valley floor; the latter is best appreciated from Sydling Road on the approach to Cerne Abbas

The site is rectangular and formed by an area of parking and gardens with grassland to the west. It is contained by native hedgerows to the north, west and south and the rear of Casterbridge Manor to the east. To the south is a partly enclosed garden area for use by the residents of Casterbridge Manor with occasional ornamental and fruit trees. The western half of the site is informal grassland. The proposed development area is approximately 110m west to east and 40m south to north. The boundaries to the west, north and south are defined by dense and tall native mixed hedgerows with occasional small trees. This vegetation provides a relatively high degree of screening into and across the site in the nearby lower-level landscape. Occasional partial views into the development site are possible from the more distant and elevated chalk ridges and hills to the west and east.

6.0 Description of Development

Construction of a two-storey extension to the rear of the current building, with glazed links separating green-roofed blocks from each other and from the main building. The works would provide 20 No extra care units in total. The works would also involve minor alterations to the rear of the current building and associated landscaping and parking.

7.0 Relevant Planning History

1/E/88/000398 and 000399 - Conversion of former union workhouse, now comprising 5 flats and incidental domestic purposes, to 10 flats and erect extensions, construct car parking area and improve vehicular access. Granted - August 1988

1/E/89/000718 and 000719- Erect extensions & make alterations to convert to residential nursing home and install LPG tank. Granted- December 1989.

1/E/90/000446 and 000447 - Erect extensions, & make alterations to convert to Residential Nursing home including close care units. Granted November 1990.

1/E/91/000306 and 000308 - Erect extension. Granted July 1991.

1/E/93/000125 and 000126 - Erect extension to rear. Granted May 1993.

WD/D/15/1382 and 15/1095- Provision of first floor to the atrium. Replacement of conservatory to rear courtyard & formation of a link between the southern single storey ranges (Retrospective). Granted September 2015.

8.0 List of Constraints

Grade: II Listed Building: GIANT VIEW List Entry: 1119469.0;

Landscape Character Area ; Chalk Valley and Downland; Cerne and Sydling Valley

Type: Neighbourhood Area; Name: Cerne Valley; Status Designated 04/02/2013;

Type: Neighbourhood Plan - Made; Name: Cerne Valley NP; Status Adopted 08/01/2015;

Wessex Water: High Risk of Foul Sewer Inundation

PDC Poole Dissolve Area

NE - AONB: Dorset;

NE - SSSI impact risk zone;

NE - SSSI (400m buffer): Giant Hill;

NE - SSSI: Hog Cliff ;

NE - SSSI: Court Farm, Sydling ;

NE - SSSI: Black Hill Down ;

NE - SSSI: Sydling Valley Downs ;

NE - SSSI: Giant Hill ;

NE - SSSI: Batcombe Down ;

EA - Poole Harbour Catchment Area

EA - Groundwater Source Protection Zone

Grade II listed building (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990.

Area of Outstanding Natural Beauty : (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

9.0 Consultations

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

Consultees

1. DC Ward Member - Chalk Valleys Ward

- No comments received

2. DC - Conservation Officers

- Supportive of application, subject to conditions
- The proposal will result in no harm to the significance or setting of the Grade II listed Casterbridge Care Home (Giant's View).
- The proposed extension is situated to the rear of the building and connected to it (i.e. the rebuilt and altered former isolation block) by a single-storey glazed link corridor. The newbuild elements comprise various two-storey blocks arranged into a loose cruciform, such that awkward rigidity or slavish copying of the original building is avoided, but its form reflected. Cruciform elements are also subtly incorporated into the elevations with the structural elements forming the balconies. The blocks are generally joined with slightly lower links, enabling them to stand better as individual masses and therefore not monolithic.
- Materials are generally recessive and are appropriate and contextual and will provide a low-impact extension.

3. Cerne Abbas Parish Council

- Neither support nor object.
- Defer to listed building officer, but concerns the design and material would have detrimental effect on grade II listed building.

Representations received

Total - Objections	Total - No Objections	Total - Comments
0	0	0

Petitions Objecting	Petitions Supporting
0	0
0	0

10.0 Relevant Policies

West Dorset, Weymouth and Portland Local Plan (WDWLP)

ENV4 Heritage assets

Cerne Valley Neighbourhood Plan 2015

Policy 2 High Quality Design

National Planning Policy Framework (NPPF) 2021

1. Introduction
2. Achieving sustainable development
4. Decision making
16. Conserving and enhancing the historic environment

Other material considerations

- Cerne Abbas, Charminster, Sydling St Nicholas and Godmanstone Conservation Area Appraisal

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

- Removing or minimising disadvantages suffered by people due to their protected characteristics

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

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

13.0 Financial benefits

N/a

14.0 Climate Implications

N/a

15.0 Listed Building Assessment

Impact on Listed Building

Section 16 of the Planning (Listed Buildings and Conservation Areas Act 1990) requires the Council to have “special regard to the desirability of preserving the building or its setting or any features of special architectural or historical interest which it possesses. The historic environment section of the Planning Practice Guidance provides some guidance for Local Planning Authority in considering the effects of proposals affecting heritage assets.

Paragraph 197 of the NPPF advises that in determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 of the NPPF advises that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance (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.

Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Cerne Abbas Care Home (Grade II Listed)

The building has undergone various alterations and extensions, the most notable being additional storeys to the wings and a rearward extension and rebuilding/enlarging of the former isolation wing. Though the space to the rear of the building remains undeveloped, the original garden has been lost to car parking and other external landscaping and surfacing. The key elements of its significance are its cruciform plan, with all its historical associations, and its deliberately isolated position within the parish. The latter is particularly appreciable in views of the building from the surrounding landscape.

The proposed extension is situated to the rear of the building and connected to it by a single-storey glazed link corridor. The newbuild elements comprise various two-storey blocks arranged into a loose cruciform, such that awkward rigidity or slavish copying of the original building is avoided, but its form reflected. Cruciform elements are also subtly incorporated into the elevations with the structural elements forming the balconies. The blocks are generally joined with slightly lower links, enabling them to stand better as individual masses and therefore not monolithic.

Like the design, the materials are generally recessive, comprising stone-clad ground floors and timber-cladding to the first floors, as well as green hipped roofs. Though these materials are generally not visible on the main building, they seem appropriate and contextual give the desire to provide a low-impact extension; to have proposed masonry and full hipped roofs would perhaps have extended the form of the historic building to the point where the significance and prominence of the original blocks were blurred. Taking the above into account, it is not considered that the extension will be detrimental to the building and we therefore consider that the proposals will result in no harm to the assets significance, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 part 16 of the NPPF and the historic environment section of the Planning Practice Guidance.

16.0 Conclusion

The proposed extension to Cerne Abbas Care Home will result in no harm to the listed building or its setting.

17.0 Recommendation

Grant subject to the following conditions:

1. The work to which this listed building consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

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

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

Proposed Floor Plans Drawing 1819091 10 REV D

Site Location, Block and Site Plan Drawing 1819091 11 REV G

Proposed Elevations Drawing 1819091 12 REV C

Measured Floor Plans Drawing 7214/4

Proposed and Existing Levels, Indicative External Lighting Plan Drawing 1819091 14

Proposed Floor Plans Drawing 1819091 10 REV E

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

3. Prior to any works above damp-proof course level, details and samples of all external facing materials for the wall(s) and roof(s) shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the works shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development.

4. Prior to works above damp proof course level, a sample panel of the proposed external facing material(s) measuring at least 1 metre by 2 metres, demonstrating the proposed coursing, mortar mix and pointing detail, shall be erected on site, and approved in writing by the Local Planning Authority. Thereafter, the works shall proceed in accordance with details of the sample panel as have been agreed and the sample panel shall remain on site until the external walls have been constructed to eaves height.

Reason: To ensure a satisfactory visual appearance of the development.

Application Number:	P/FUL/2021/00026
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land At E 386668 N 124209 Littledown Shaftesbury Dorset
Proposal:	Erect 34 No. dwellings with garages, parking, landscaping and amenity space (alternative layout & design of 32 No. dwellings previously approved, plus 2 No. additional dwellings).
Applicant name:	Redrow Homes
Case Officer:	Verity Murphy
Ward Member(s):	Cllr Beer and Cllr Cook

1.0 The application is reported to Committee as Shaftesbury Town Council have objected to the application.

2.0 Summary of recommendation:

Grant subject to conditions and subject to the completion of a satisfactory S106 agreement to secure 2 affordable housing units.

3.0 Reason for the recommendation: as set out in paras 15.0 to 17.0 at end the report

- 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
- Absence of 5-year land supply
- The proposal is acceptable in its design, scale, layout and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- The proposed development has been designed to limit landscape impact
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	Principle of residential development on the site has previously been accepted Application would contribute towards 5 year housing land supply

Affordable Housing	Two shared ownership properties are provided on site Number and tenure of affordable units is acceptable given the site wide provision of affordable housing
Housing Mix	Housing mix of market houses consistent with previous application
Layout, Scale and Design	Proposal would result in a net gain of 2 additional properties on the site, density is consistent with surrounding properties. Design of properties in keeping with those already built in northern section. Proposed two storey dwellings are considered to be consistent with surrounding development
Impact on Residential Amenity	Proposal not considered to result in any significant harm to neighbouring residential amenity
Impact on landscape	Proposal will not result in significant harm to AONB or Landscape Character Area
Highways Impact	Access to site approved previously Parking in accordance with standards Negligible highway impact associated with two additional dwellings
Biodiversity	The site wide biodiversity enhancements approved under the outline application continue to apply to this site.

5.0 Description of Site

The application site is located on the north-west edge of Shaftesbury, adjacent to Wincombe Business Park to the east and Littledown Business Park to the north. The site is accessed directly from a new roundabout form along the A350.

The site sits within a mixed use residential area, with industrial uses to the east and north of the site. The land mainly slopes down to the west where the land falls steeply away in the form of an escarpment. There is also a gentle variant in levels resulting in a slight drop in levels towards the A350. The site falls within the Northern Scarp Hills Landscape Character Area and falls within the Cranborne Chase Area of Outstanding Natural Beauty (AONB). A public footpath runs across the land.

6.0 Description of Development

This application seeks permission to Erect 34 No. dwellings with garages, parking, landscaping and amenity space (alternative layout & design of 32 No. dwellings previously approved, plus 2 No. additional dwellings).

7.0 Relevant Planning History

2/2015/0598/OUT - Develop land by the erection of up to 170 dwellings, including vehicle access from A350, public open space, play areas, landscaping, car parking, demolition of existing agricultural buildings, including ancillary works and associated infrastructure, (outline application to determine access and scale) Granted 16 March 2017.

2/2018/1418/REM - Erect 170 No. dwellings, form vehicular access from the A350, public open space, play areas, landscaping, car parking, ancillary works and associated infrastructure. (Reserved matters application following grant of Outline Planning Permission No. 2/2015/0598/OUT to determine appearance, landscaping and layout) –Granted 10 June 2019.

2/2018/1254/FUL - Application for Roundabout, connecting roads and car park area –Granted 7 February 2019.

2/2018/1249/FUL - Erect 3 No. dwellings to be used as show home and marketing suite, create new vehicular access and 8 No. car parking spaces –Granted 8 October 2019.

2/2020/0365/REM - Erect 32 No. dwellings. (Reserved matters application to determine appearance, landscaping and layout, following grant of Outline Planning Permission No. 2/2015/0598/OUT) – Granted 25/01/2021

8.0 List of Constraints

NE - AONB: Cranborne Chase & West Wiltshire Downs;

NE - SSSI impact risk zone;

NE - SSSI: Breach Fields ;

NE - SSSI: Fontmell and Melbury Downs ;

NE - SSSI: Gutch Common ;

NE - SSSI: Lower Coombe and Ferne Brook Meadows ;

EA - Groundwater Source Protection Zone

Cranborne Chase Area of Outstanding Natural Beauty: (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

9.0 Consultations

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

Consultees

1. Cranborne Chase AONB

- Two storey dwellings will change the character of the relationship with the public parkland and will provide higher and harder edges, resulting in a more enclosed character.
- Two storey nature of development will erode the open character of the parkland
- Concerns over the ownership of car parking area
- LVIA is not detailed enough and downplays significance of AONB
- No evidence submitted to demonstrate the need for two storey dwellings.
- Proposal fails to conserve and enhance the natural beauty of the area

2. Donhead St Mary Parish Council

- Donhead St Mary Parish Council remains concerned about the lack of infrastructure to support the building of so many homes in Shaftesbury.

3. DC Ward Members - Gillingham Ward

- No comments received

4. Motcombe Parish Council

- No comments received

5. Natural England

- No formal comments

6. Open Spaces Society

- No objection to the proposed path creation order, provided the minimum widths are as required by the Highways Act 1990

7. Dorset Police Architectural Liaison Officer

- Suggests recommendations in respect of Building Control Matters.

8. DC Ward Members - Shaftesbury Town Ward

- No comments received

9. Shaftesbury Town Council

- Object to application
- Contrary to Policy SFDH3 of Shaftesbury Neighbourhood Plan
- No updated visibility assessment of heights of planned units
- Too many houses for the site
- The houses are situated too close together
- The plans and designs are not appropriate for an AONB site
- Impact on dark skies
- Contrary to Policy 4 and 13 of North Dorset Local Plan
- Huge demand for bungalows
- Power lines should be underground
- Layout not compliant for the use of solar panels on roofs.
- Concern with 21 visitor spaces
- Loss of open space to the south of the car park
- There needs to be improved access to the site

10. Wessex Water

- An agreement has been made between the applicant and Wessex Water to divert the water main.

11. Wiltshire Council

- No comments received

12. DC - Flood Risk Manager

- As the current consultation relates to a proposed reduction in unit numbers from the initial scheme of 41 to 34 dwellings, there is no objection to the proposed scheme.

13. DC - Highways

- A minimum 0.5m hard surfaced margin with a full height kerb face (125mm) is required where the carriageway is adjacent to areas of soft landscaping

- Questions whether sufficient lateral extent been provided to adequately incorporate all underground apparatus, e.g. drainage, sewers, statutory undertaker's apparatus.
- In order to comply with appropriate British Standards any street lighting needs to be located 0.8m behind a full-face kerb (ie 125mm) or will require protection from vehicle strike with a localised kerb build-out which cannot be constructed within the carriageway.
- Areas of shared space should have a contrasting surface finish to standard estate roads.
- Adequate forward visibility is required around bends/corners in the road.
- No pedestrian routes or comfort space have been provided in the proposed areas of shared space.
- Any areas of footway or comfort space must have a minimum 25mm kerb upstand and be of a contrasting surface finish to the carriageway area.

14. DC - Dorset Waste Partnership

- No comments received

15. DC - Trees (Team B)

- **The proposed amendments are acceptable in principle**
- Suggests that a more detailed landscaping plan is sought and referred to the AONB officer for consultation. A number of the new trees proposed in areas of hard landscaping, may also require further consideration in respect of their planting pit preparation.

16. Dorset & Wiltshire Fire & Rescue Service -Planning

- In the event the planning permission is granted for this development, the development would need to be designed and built to meet current Building Regulations requirements

17. DC - Policy - Urban Design

- No comments received

18. DC - Housing Enabling Team

- No objection to shared ownership affordable housing provision as the amount of rented was increased on other parts of the development site.

19. DC - Rights OF Way Officer

- No objection to the proposed development, as shown in the plans accompanying the application.

20. DC - Planning Policy

- Application is an intensification of an existing scheme.
- Therefore as the principle has been established, it seems likely that the main issues will be regarding amenity, infrastructure capacity, etc.
- In any case, the area is identified for housing growth in the Local Plan Part 1 (Policy 18(h)).

21. DC - Education Officer

- No comments received

22. DC - Planning Obligations Officer

- The extant consent 2/2015/ 0598 for the site is accompanied by a s106 agreement (Dated 14 March 2017) and DoV (12 October 2020).
- The obligations contained in the original s106s are predicated on the number of houses in the extant consent. As this application proposes additional units any financial per unit obligations will need to be identified in a new S106 agreement.

23. DC – Landscape

- Insufficient evidence to support assertions with regard to landscape and visual impact of the revised proposals
- Revised landscape masterplan is an improvement to the approved scheme.
- Would prefer landscape issues to be addressed and resolved prior to determination, however, suggests conditions to be attached to consent if officer is minded to approve application

Representations received

4 representations have been received, 3 objecting to and 1 comment neither objecting to nor supporting the application. The following material considerations have been raised pertaining to the proposed development.

- Impact of two storey dwellings on privacy of nearby dwellings
- Overlooking impact of the development
- The proposal detracts from the open character of the surrounding area
- Two storey dwellings would be out of keeping with surrounding development

- The landscape impact of the proposed development.

The Rambler's Society comments are as follows:

- Note that the application site is in close proximity to two Public Rights of Way
- Suggest a linking path along the strip of land to the west of the existing Homefield Estate.

Total - Objections	Total - No Objections	Total - Comments
3	1	4

Petitions Objecting	Petitions Supporting
0	0
0	0

10.0 Relevant Policies

Development Plan

North Dorset Local Plan Part 1 (2016)

Policy 1 – Presumption in favour of Sustainable Development
 Policy 2 – Core Spatial Strategy
 Policy 3 - Climate Change
 Policy 4 - The Natural Environment
 Policy 6 - Housing Distribution
 Policy 7 - Delivering Homes
 Policy 8 – Affordable Housing
 Policy 13 - Grey Infrastructure
 Policy 15 - Green Infrastructure
 Policy 18 - Shaftesbury
 Policy 23 - Parking
 Policy 24 - Design
 Policy 25 – Amenity

Shaftesbury Neighbourhood Plan 2019-2031

SFHE 1 – Sustainability of new developments
 SFGI 3 – Ensure development respects and enhances the GI network
 SFDH 1 – Respecting local character
 SFDH 2 – High quality designs
 SFDH 3 – The scale, positioning and orientation of buildings
 SFDH 4 – Creating an attractive public realm
 SFDH 5 – Accommodating vehicles
 SFDH 6 – Building styles and detailing
 SFDH 7 – Building materials

SFCL 3 - Support safe walking and cycling routes that are well connected

Material considerations
NPPF (2021)

1. Introduction
2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
15. Conserving and enhancing the natural environment

Other material considerations

Cranborne Chase AONB Management Plan 2019-2

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. There are no specific issues with this development that would mean that the proposal would give rise to persons with protective characteristics. The development would be accessible with

appropriately designed footways, and offsite highway improvements, that would aid accessibility.

13.0 Financial benefits

The application would result in the provision of the 2 affordable housing units that will be in shared ownership.

14.0 Climate Implications

An objection has been received in relation to the lack of provision of solar panels within the scheme, There is currently no policy requirement for developers to provide renewable energy sources to properties, and whilst this would be an added benefit to the scheme, such a benefit was not considered essential at outline stage to form a requirement of the consent. The absence of renewable energy sources is not thus considered sufficient reason to refuse the application

15.0 Planning Assessment

Principle

The application site is located on the edge of Shaftesbury where the principle of new residential development has been established through the grant of the previous consent. The application site is also located within an area identified for housing growth under Policy 18 of North Dorset Local Plan.

The proposed development would count towards the 5-year housing land supply for the North Dorset Area. Dorset Council, with reference to the area that was North Dorset DC, cannot demonstrate a five-year housing land supply. The supply at this time is 3.3 years. As such, this planning application needs to be considered in the context of the National Planning Policy Framework, paragraph 11 (d) (the presumption in favour of sustainable development). This reads as follows:

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting permission unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

Whilst the policies of the Local Plan are considered to be most important in the determination of this application, they are considered to be out of date, however this does not mean they have no weight or relevance. The weight to be given to them is a matter of planning judgement for the decision-maker in a titled balance exercise where the benefits of additional housing will be given due weight as well.

The application benefits from the protections of paragraph 14 of the NPPF, therefore, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. In relation to this proposal, the application site is allocated for housing within Shaftesbury Neighbourhood Plan, therefore, there is no in-principle conflict with the development proposal.

Notwithstanding this, the principle of residential development has already been established under applications 2/2015/0598/OUT and 2/2018/1418/REM, which permitted 170 dwellings on the site. In regard to this particular section of the application site, application 2/2020/0365/REM is pertinent as it approved 32 dwellings in a similar layout as proposed under this application.

The assessment of the application in relation to the Development Plan policies is set out below.

Affordable Housing

Objections have been received in relation to the impact of the proposed development on affordable housing provision across the site. To clarify, planning permission was secured for the wider Littledown development under 2/2015/0598/OUT for 170 dwellings. This permission included a policy compliant level of affordable housing at 30% equating to 51 dwellings.

The northern part of planning permission 2/2018/1418/REM / 2/2015/0598/OUT is currently under construction. The part of the site under construction will deliver 143 dwellings of the total 170 dwellings that achieved planning permission. Of these 143 dwellings under construction, 51 dwellings will be affordable (42 dwellings as affordable rent and 9 dwellings as shared ownership). This represents the entire affordable housing offer secured under the planning permission for 170 dwellings. Therefore, upon completion, this part of the Littledown development will have delivered 35.7% affordable of the 143 dwellings constructed – an excess of 8 properties above the 30% required under Policy 8 of the North Dorset Local Plan.

The revised layout now includes for the provision of 34 dwellings, including an additional 2 affordable dwellings on land previously proposing 32 dwellings under planning permission 2/2018/1418/REM and 2/2019/1816/FUL. This results in a total of 177 dwellings being proposed across the wider Littledown development, a net increase of 2 dwellings against the level of development currently approved on the site.

The additional 2 affordable dwellings proposed within this current application will therefore deliver an overall affordable housing provision of 53 dwellings out of the 177 dwellings proposed. This results in a total of 30% affordable housing being proposed across the site in line with the requirements of Policy 8 of the North Dorset Local Plan (Part 1).

The proposed affordable units will be provided as shared ownership properties which will be secured via a separate S106 agreement. A consultation with Dorset Council Housing Enabling Team raises no objection to the tenure of the affordable housing. Application 2/2020/0365/REM changed the tenure of one block of flats from shared ownership to

affordable rented, therefore, the additional affordable homes proposed are identified as shared ownership properties.

Housing Mix

National policy encourages local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive mixed communities. The proposed development will provide 32 market houses comprising 8 x 3 bed and 24 x 4 bed dwellings on site in addition to 2 x 2 bed shared ownership houses. The majority of dwellings on site will be in the form of 3 and 4 bedroom dwellings, whilst this would be a higher number than stipulated under Policy 7 of the Local Plan, it is consistent with the mix of housing previously accepted under applications 2/2018/1418/REM and 2/2020/0365/REM.

Layout, Scale and Design

The proposed dwellings largely reflect the layout of the 32 dwellings approved under application 2/2020/0365/REM. There is one main road connecting the proposed dwellings with the already built development to the north of the site, this clearly reads as a continuation of the primary route through the site, following good design principles. The road is straight in design and the end of street is framed by views of the countryside which is considered to be an attractive way of terminating the end vista of the street.

A central landscaped square is proposed in the centre of the site between plots 171 and 174. This will be framed by trees and is orientated in a north-south axis to provide a physical and visual link to the area of public open space to the north of the site. It is considered that the proposed development will incorporate a clear hierarchy of routes within and around the site and will have a strong legibility for users to orientate themselves and find their way around the development. The proposal complies with Policy SFDH4 of Shaftesbury Neighbourhood Plan as the proposal will include areas of open space and legible pedestrian routes.

The proposed dwellings along the southern section of the site have a fine grain and are developed in a linear nature, resulting in them addressing the street scene well with access from the front of the properties. Dwellings within the northern section of the site are accessed from smaller roads off the main route, and will be slightly lower in density with larger gardens. This will provide a successful interface with the green corridor to the north of the site. Furthermore, in recognition of the Cranborne Chase Area of Outstanding Natural Beauty (AONB), open areas are retained within the centre of the site and development is pulled away from the open escarpment to the west of the site.

The number of units originally proposed has been reduced from 41 to 34, resulting in a net increase of 2 dwellings as approved under application 2/2020/0365/REM. Objections have been received in relation to the height of the dwellings. 32 single storey dwellings were approved previously as it was considered that single storey dwellings would be in keeping with the development to south of the site at Homefield and would reduce the impact of the development on the AONB.

Whilst single storey bungalows were approved previously, it is not considered that the proposed two storey dwellings would have a significantly harmful impact on the character

and appearance of the area. It is a material consideration in this case that although the site has permission for single storey dwellings, it is located, sandwiched between the existing two storey built form of the northern section of the Littledown development site and a mix of chalet style and single storey bungalows to the south. Therefore, the proposal is considered to accord with Policy SFDH3 of Shaftesbury Neighbourhood Plan as the proposal would respect the scale of adjoining development. Furthermore, there is an established employment site to the north, which is characterised by larger, industrial buildings.

The proposed two storey dwellings are in keeping in terms of scale and design with those houses already constructed within the northern section of the site and would be of very similar forms and styles. The proposal, therefore, accords with Policy SFDH1 of Shaftesbury Local Plan as it responds to the existing character of this particular part of Shaftesbury. The proposed material palette would also be the same, being render and brick. Officers therefore accept that the overall design of the properties would not detract from the character of the area, which comprises a range of property heights, styles and types.

Objections have been received in relation to the number and density of properties proposed under this application. In response to initial concerns, the number of dwellings has been reduced from 41 originally proposed to 34, resulting in a density of 12.4 dwellings per hectare which is consistent with the surrounding development.

Therefore, it is considered that the layout and design of the dwellings, which has resulted in their design responding to their specific context and site constraints, reflects the character, scale and form of the surrounding development. The design and layout of the scheme is therefore considered to be acceptable and in accordance with Policies 24 and 25 of North Dorset Local Plan and Policies SFDH1, SFDH2, SFDH3 of Shaftesbury Neighbourhood Plan.

Impact on Residential Amenity

Objections have been received in relation to the impact of the development on neighbouring amenity, namely the increase in number and height of the dwellings. In order to reduce the impact of the development on neighbouring amenity, the distance between the proposed development and the existing dwellings within Homefield (to the south) is maintained as previously approved. 12 meters from the proposed dwellings to the rear boundary gardens is therefore proposed, supported by a minimum distance of at least 17.4m from dwellings to dwellings. The relationship of the properties within the existing development has therefore been maintained in this iteration of the layout.

The closest dwellings to the proposed application site are Number 16, 25 and 28 Homefield. Plot 163 is the closest proposed dwelling to Number 16 and 17 Homefield. The rear of number 163 does not directly face the boundary, instead a side elevation would be presented along the boundary which does not contain any first floor windows; therefore the overlooking impact to Numbers 16 and 17 Homefields is not considered to be significant. The rear garden of proposed plot 163 will adjoin the rear garden of Number 25 Homefield; again, the dwellings are not directly opposite to each other. Whilst it is accepted that there will be some oblique views towards the private amenity of Number 25 Homefield, the main views from the rear of proposed dwelling 163 will be focused eastwards towards proposed dwelling 162.

Proposed plot 158 and 157 are closest to Number 28 Homefield, whilst there will be some overlooking impact from the upper floor rear windows of the proposed dwellings, it is not considered to be significant enough to warrant a reason for refusal on this basis, given the distance between the buildings and the existing and enhanced planting along the southern boundary.

The dwellings located within Homefield along the southern boundary of the application site are chalet style dwellings with accommodation over two floors. Therefore, it is not considered that the introduction of two storey dwellings within the application site would result in an overbearing form of the development to these neighbouring properties. The proposal is considered to accord with Policy 25 of the Local Plan.

Landscape Impact

The application site lies with Cranborne Chase AONB, and any development must conserve and enhance the natural beauty of the AONB landscape under the National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000, and NPPF paragraph 15.

The application site adjoins the existing urban area on the northern side of Shaftesbury, to the west of the application site is open countryside and there are two mature sections of ancient woodland that extend around the north-west and south-west sides of the development site. These woodlands have SNCI value. Along the northern, southern and eastern boundaries of the site is a mix of residential and commercial uses. The site is also located within Shaftesbury Greensands Ridges Area.

Objections have been received in relation to the proposed landscape impact of the development, with reference to the increase in height of dwellings and their visual impact from longer views of the application site. It is important to note that the impact of 32 dwellings on the site in relation to the AONB and surrounding landscape character has already been found to be acceptable under the previous application. Therefore, the main landscape issues relating to this application are the impact of two additional dwellings and the change from single storey bungalows to two storey dwellings.

Concerns have been expressed regarding views of the site from Castle Hill. When standing on Castle Hill, there are views towards the wooded escarpment which adjoins the site to the west. Views from Castle Hill are directed towards this wooded area, however, there are already existing views of the construction activity within the northern section of the site, and the roofs of the two storey dwellings already constructed can be seen.

A LVIA has been submitted and concludes that whilst the proposals for 34 dwellings will slightly increase the built form in the wide panorama, the vast majority of the proposed built form will continue to be screened by the intervening wooded scarp face. There are also views of the rooflines and elevations of the dwellings within Homefield and buildings within Littledown Business Park. It is not considered that the construction of 34 two storey dwellings would result in a significant visual impact over and beyond that associated with the surrounding development to the application site. The slight increase in the amount of development in this view will be in the context of the existing built form in the view, scarcely changing the viewers perception, and will therefore result in a negligible visual effect.

The LVIA further concludes that the proposed development has potential to impact on long range views Blackmore Vale. This is because viewpoint locations on locally higher ground within Blackmore Vale typically reveal the site more clearly, because the ridge line formed by the upper greensand escarpment can be seen more clearly as a strong linear feature in the landscape. The proposed layout of the scheme addresses this impact, by restricting the height of the houses to two storey and by maintaining open space within the centre and northern section of the site to ensure the development does not present as one continuous block of built form. Furthermore, there is no development proposed in the in the far western section of the site; this area is undoubtedly the most sensitive part of the site in relation to medium and long-range views back into the development from the Blackmore Vale.

In relation to the impact of the development on the landscape character area (Shaftesbury Greensands Ridges Area), it is important to understand the existing contribution of the application site. The site lies within the AONB, therefore is highly valued and due regard must be paid to the national recognition of that value. However, there are construction activities to north of the site, power lines which cross the site and there is a mixed urban character of residential and commercial activities which surround the site. It is not considered that 34 dwellings on the site, situated between two existing bands of residential development, would lead to the loss of any areas of landscape that make an important contribution to the distinctive character of the Shaftesbury Greensands Ridges Landscape Character Area.

Of particular concern to Cranborne AONB Officer, is the impact of the two storey dwellings on the public parkland in the northern section of the site. Permission has already been granted for bungalows in this location, therefore users of the public parkland would already experience views of built form when using this space. It is not considered that the addition of a second floor on the properties nearest to the public parkland would significantly alter the relationship between the application site and the public parkland nor would it significantly detract from the open character of it.

The overall landscape strategy for the site follows the principles of the extant planning permissions for the site. The existing boundary features and woodland blocks are to be retained. This application proposes a number of additional of landscaping features involving a new area of public open space with visitor car parking spaces and footpaths to a new public viewpoint with views across Blackmore Vale.

The proposal involves a significant amount of street planting over that approved under the previous applications. The proposed street tree planting creates green corridors on a north to south and east to west axis and focuses around a central square. The central square is framed by trees, hedgerows, shrub planting and a pedestrian route, with separation between pedestrians and the highway.

There will be native tree and hedgerow planting along the southern boundary, bolstering the existing hedgerows and diversifying the mix with new species. There will also be enhancements to the approved woodland blocks, with an increased density of trees, an increase in the number of larger species such as oaks and the addition of understorey planting within the central section of the woodland. These enhancements will further improve the woodland, strengthen the density of the canopy and will increase the process of growth. This enhancement to woodland planting along the western edge of the site will further reduce the medium and long range views within the Blackmore Vale .

In summary, the proposed development of 34 two storey dwellings is not considered to result in a level of significant visual harm to the key viewpoints surrounding the site and the overall landscape character of the area, over and beyond that associated with the previous planning permission for 32 single storey dwellings. In relation to the Cranborne Chase AONB, the proposal would not lead to the loss of any areas of landscape that make an important contribution to the distinctive character of the Shaftesbury Greensands Ridges LCA. The direct physical impact on the AONB would be very small and development would not be perceived as a major intrusion into the AONB. The proposal accords with Policy 4 of The Local Plan.

Highways

The application site will be accessed from the wider A350 from a four armed roundabout, the access road into the southern part of the site intersects with the main access road at a priority junction immediately to the north (the 'main' site access road being the 'minor' / eastern arm).

Dorset Council Highways Engineers raised some concerns with the layout of the development, in response to these concerns a landscape buffer has been incorporated between the dwellings along the southern boundary and the street itself allowing for a road kerb separating pedestrians from the highway. The areas of shared space will be demarcated from the standard roads by block paving. However, this planning application differs very little from the access arrangements approved previously for 32 dwellings, there will be an additional two dwellings within the south western section of the site. The access arrangement will remain unchanged, whilst the street layout will remain largely as already permitted.

The proposed layout of the development will ensure that two allocated spaces are provided to each dwelling, with garages also provided at 32 of the 34 dwellings. In addition, 8 visitor's spaces are provided on street, with 21 spaces at the adjacent car park. This approach does not differ materially from that which was previously accepted by Dorset Council. Furthermore, the parking spaces accord with the required measurements set out within Dorset Council's Residential Car Parking Provision.

In accordance with section 8.2 of Manual for Streets, cycle parking will be provided within garages or sheds that can be accessed from street. There is no change from the previous application.

Swept path analysis diagrams have been submitted with the application and confirm that the internal site layout can accommodate the turning movements of a refuse vehicle within site layout. There are, however, several properties that a refuse vehicle cannot access, however these properties will be given a bin collection point and are situated in accordance with Manual for Streets guidance on bin carry distances; and residents will not be required to carry waste more than 30 metres to the collection point. The swept path analysis drawing confirms that the proposals accord with Building Regulations in respect of fire tender access.

Concerns have been expressed in relation to the increase in traffic associated with the proposal. There are 2 additional dwellings proposed under this application. The submitted

transport statement demonstrates that the proposal will result in a negligible additional impact on the operation of the local highway when compared with the outline application (approximately one vehicle every hour), which was previously considered acceptable to Dorset County Council. The additional traffic will be well below the 'severe' threshold set out by the NPPF.

The site layout has been designed to ensure that service vehicles can gain access to, turn and exit streets within the site in a forward gear as necessary, having due regard to guidance on bin carry distances and fire hose 'drag' distances. Parking is provided in accordance with the residential car parking standards and the proposal will not result in a significant level of additional traffic. The proposed development accords with paragraphs 108 and 109 of the NPPF and Development Plan policy 23 and SFDH5 of Shaftesbury Neighbourhood Plan.

Biodiversity

Impact on the biodiversity of the whole site was a principle matter considered at the outline stage. In this regard an Ecological Impact Assessment and certified Biodiversity Mitigation Plan offer a number of site wide mitigation measures which will continue to apply to this section of the site. It is considered this would continue to satisfactorily mitigate the impacts of the development and result in a bio-diversity net gain on site.

16.0 Conclusion

The principle of residential development on the site has been established under the previous applications. The application site is identified for housing growth under Policy 18 of North Dorset Local Plan and would contribute towards the five-year housing supply for the area. It would also provide 2 additional on-site affordable housing units.

The proposal is sensitive to its setting within the AONB and to the character and appearance of the surrounding development. The proposed dwellings are not considered to result in a significant landscape impact over and beyond that associated with the previous applications. The proposed landscape strategy follows the principles of the original masterplan for the site and will result in additional tree planting and links with the open space to the north of the site.

The proposed dwellings have been orientated and designed to limit adverse impacts on the character of the area and on neighbouring residential properties. Parking is provided for each unit in accordance with the relevant standards.

Overall, on balance, the proposed development is found to be acceptable and accords with relevant policies of The Development Plan, Shaftesbury Neighbourhood Plan, NPPF, Non-Residential Car Parking Standards and Planning Practice Guidance.

17.0 Recommendation

A) Grant, subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the Head of Legal Services to secure the following:

1. On site affordable housing provision of two shared ownership dwellings
2. Developer financial contributions towards:
 - Education
 - Off-site highways contribution
 - Community Hall and Leisure Facilities
 - Health

B) Refuse permission if the agreement is not completed within 6 months of the date of decision or such extended time as agreed by the Head of Planning.

Recommendation: Approve subject to the following conditions:

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

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

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

Site Location Plan P20-2039-09 Rev A

Site Layout P20-2039_02 Rev E

Adoptable Areas Plan P20-2039-04 Rev C

Refuse Strategy Plan P20-2039-05 Rev C

Parking Strategy Plan P20-2039-06 Rev C

Materials Plan P20-2039-07 Rev C

Enclosure Details – Sheet 1 P20-2039-15 Rev B

Boundaries and Surface Plan P20-2039-08 Rev C

Tenure Plan P20-2039-10 Rev C

Sections D2895 FAB 00 XX DR L 0400 PL03

Colour Landscape Masterplan D2895 FAB XX XX DR L 0100 PL05

Combined Landscape Hard and Soft Legends D2895-FAB-XX-XX-DR-L-0101 – PL02

Hard and Soft General Arrangement Sheet 1 of 2	D2895-FAB-XX-XX-
DR-L-0102 – PL05	
Hard and Soft General Arrangement Sheet 2 of 2	D2895-FAB-XX-XX-
DR-L-0103 – PL05	
Illustrative Sections	D2895-FAB-XX-XX-DR-L-0400– PL02
Housetype Pack	P20-2039_13B
Landscape Strategy	D2895 Rev 06 – June 2021
Proposed Levels Plan	18-115/1205 Rev B
Refuse Vehicle Strategy	ITB16246-GA-002 REV E
Private Car Vehicle Strategy	18-115/1204 Rev B
General Arrangement	18-115/1201 Rev B
Preliminary Engineering Layout	18-115/1200 Rev C
Surface Water Exceedance Routes	18-115/1206 Rev B
Fire Tender Vehicle Strategy	ITB16246-GA-001 Rev E
Tree Pit Details	2895-FAB-00-XX-DR-L-0403

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

3. No development shall take place, until details and samples of all external materials for the dwellings, hereby permitted, are submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development.

4. No development shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority showing details of all trees and other planting to be retained; a planting specification to include numbers, size, species and positions of all new trees and shrubs, details of existing and proposed levels, walls, fences and other boundary treatment and surface treatment of the open parts of the site together with any lighting, street furniture and underground services and a programme of implementation.

The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority. If within a period of five years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Any trees or other plants indicated in the approved scheme which, within a period of five years from the date of the development being completed, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with other trees or plants of a species and size to be first approved in writing by the Local Planning Authority. Hard landscape features will be maintained in perpetuity

Reason: to ensure that adequate mitigation for the landscape and visual impact of the proposals, the provision of an appropriate hard and soft landscape scheme, and the coordination of that scheme with lighting and services provision has been agreed prior to the commencement of the development.

5. No development shall take place until details of any proposed street lighting and other external lighting (including appearance, supporting columns, siting, technical details, power, intensity, orientation and screening of the lamps) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved lighting scheme shall be implemented before the development is first occupied and shall be permanently maintained thereafter. No additional external lighting shall be installed on site without the prior written consent from the Local Planning Authority.

Reason: To protect the dark skies and scenic beauty of the Cranborne Chase AONB landscape.

6. No development shall take place until a detailed scheme to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development has been submitted and approved in writing with the local planning authority. The scheme shall include a timetable for implementation. Thereafter the development shall be carried out in accordance with such details as have been approved by the Local Planning Authority including the timetable for implementation.

Reason: To ensure that adequate provision is made to enable occupiers of and visitors to the development to be able to charge their plug-in and ultra-low emission vehicles.

Application Number:	P/FUL/2020/00052
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Grove Farm Chaffeymoor Hill Bourton Dorset SP8 5BY
Proposal:	Erect Yoga Studio with attached deck and sauna facilities, use of existing on site parking and turning to serve the proposed use, improvements to the access onto Chaffeymoor Hill and change of use Grove Farm from C3 to C1 use to provide B&B accommodation for not more than 20 persons in connection with the proposed use.
Applicant name:	Mr Chris Kazamias
Case Officer:	Graham Parkinson
Ward Member(s):	Cllrs Potheary, Ridout, and Walsh

1.0 Reason for Consideration by the Planning Committee

Recommendation contrary to the views of Bourton Parish Council

2.0 Summary of recommendation: Grant Planning permission

3.0 Reason for the recommendation:

- Will result in the creation of a business to the benefit of the local rural economy and which is supported by the NPPF and Policy 12 of the Neighbourhood Plan.
- Represents a contemporary building that in size, design and siting terms will not have any material impact on the rural or landscape character of the area nor intrude into any protected views identified by the Neighbourhood Plan.
- Will not result in any material impact to the outlook or aural amenity of any neighbouring dwellings.
- Is acceptable in its heritage, wildlife and highway impacts.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Considered acceptable as the proposal will contribute to the character and vitality of the local area in accordance with the provisions of Policy 12 of the Neighbourhood Plan while the NPPF also gives support for well-designed new

	buildings in rural areas supporting new businesses and enterprises.
Impact on rural character and landscape of the locality	Considered acceptable as the proposed building occupies a freestanding, isolated and enclosed location that will not encroach into any protected views identified in the Neighbourhood Plan while improvements to the access will have minimal impact on the street scene.
Impact on amenity	No houses sufficiently close to experience any direct loss of visual or aural amenity
Heritage assets	Proposed development will enhance local distinctiveness while not harming the character or setting of a nearby Listed building.
Wildlife	No protected species found on site while sufficient enhancement is proposed. Sight line improvements to the access will not result in any tree loss or loss of wildlife habitat.
Access and Parking	Sufficient on-site parking available while sight line improvements onto Chaffeymore Hill will ensure that the free flow of traffic and highway safety will not be adversely affected.

5.0 Site Description

- 5.1 The application site having an area of 937 sqm, lies in open countryside abutting the northern side of a pond and is just over 30 metres to the north west of the detached house known as Grove Farm. Grove Farm is one of an isolated pair of dwellings, the other being Grove House a Grade II Listed Building just over 45 metres from the application site and separated from the application site by Grove Farm.
- 5.2 The application site has a steep gradient falling from the north towards the pond and main house resulting in a level change of 8.5 metres over a distance of 52 metres. It then slopes more gradually to meet the southernmost boundary resulting in a level change of 1.5 metres over a distance of 43 metres.
- 5.3 To the west of the site is Chaffeymoor Hill which has a dense hedgerow running along its eastern boundary. There are no public footpaths/bridlepaths running close to the application site.

6.0 Description of Development

- 6.1 Permission is sought to erect a single storey self-contained yoga studio to allow yoga and other meditative exercises to take place with ancillary spa facilities.

- 6.2 The studio includes shower and plant rooms, storage and decked areas. In addition, there are sauna and hot tub facilities to the east, connected by timber decking and a hardwood pergola.
- 6.3 The main studio will be white rendered with vertical timber cladding to interior walls which the applicants advise is intended to soften the impact of the building within the landscape while giving it a contemporary appearance. All windows will have powder coated aluminium frames, and the sauna and hot tub will be faced with cedar cladding.
- 6.4 The studio and sauna will both have 'sedum' roofs. The applicants advise this is to ensure the proposal blends into the landscape whilst creating microhabitats for insects. The pergola and wire rigging will allow climbers to cover areas of the studio which the applicants contend will further diminish the presence of the building in the landscape.
- 6.5 The applicants also advise that rear corners of the studio have been curved to create a 'softened' view for users when standing at the top of the site looking down towards the cottage. A hardwood pergola will connect the studio space with the spa area with timber deck wrapping around the buildings.
- 6.6 The accompanying energy and resources statement advise that surface water will go into a soakaway to attenuate runoff. The south elevation will receive passive solar gain due to full height glazing whilst the north elevation has high level windows.
- 6.7 The principal elevation has a 2 metre roof overhang to provide shade and to ensure the building does not overheat. The open design of the building is also intended to permit natural lighting with LED lighting used elsewhere.
- 6.8 The application is also supported by an arboricultural impact assessment and ecology survey accompanied by a biodiversity plan approved by Dorset Council valid until 19/10/23.
- 6.9 Supporting information is provided which is summarised below and includes details to address concerns raised by objectors:
- The proposal makes no demand on local services and is accessible using public transport with a bus stop just over 160 metres to the south of the site linking the site with Bournemouth and the surrounding area.
 - Acknowledge planning policy does not support development in open countryside so could not propose the studio in the adjoining land as this would impact on the openness of the area.
 - Siting the proposal within the applicant's residential curtilage utilises space that is underused and ensures development does not encroach into the countryside. This does not prevent the building being used for commercial purposes.

- Intended use is for yoga, which is by definition is an ancient form of exercise that focuses on strength, flexibility and breathing to boost physical and mental wellbeing in addition to meditation and wellbeing groupwork.
- Activities will be of a calm and quiet nature which will not cause nuisance, annoyance or disturbance to neighbours.
- Design of the scheme seeks to mitigate noise and disturbance by siting the studio at the furthest point from Grove House Farm. The presence of mature landscaping will attenuate noise breakout while siting up the hill will project noise up and away from nearest noise sensitive receptors.
- The Bourton Neighbourhood Plan sets out numerous important views in the area and these were taken into account during the design process
- The pre-app advice concluded that the important view is within the top field beyond the site and therefore, the scheme will have no impact on it while dense hedging and tree lined boundary's provide significant screening of the site.
- Site Location and proposed block plan show there is ample parking on site for occasional clients and visitors to attend the Yoga Studio with approximately 233 sqm of existing available space for parking at the front of the farm house. As such no need for any visitors to park on the lane.
- Regarding traffic generation the business would attract no more visitors than would be ordinarily expected for residential dwellings, with trades/family/visitors attending site on a non-permanent and infrequent basis.
- Difficult for a business to normally forecast the number of visitors they would expect but business will be run on a booking basis enabling the applicants to control how many people visit and how frequently.

Amended application:

- 6.10 In an attempt to address traffic concerns and in response to concerns relating to the effectiveness of a traffic management plan in addressing vehicle movements to the site the application has been amended to enable the house and nearby cottage to be used as visitor accommodation.
- 6.11 The main house would be used for B&B purposes with 18 bedspaces provided in the main houses (with 2 for the owners) leaving 16 bedspaces for guests.
- 6.12 The nearby cottage, which is also under the applicant's ownership and control, would provide bedspaces for 4 guests resulting total on site guest accommodation of 20 persons.
- 6.13 Neither of the above proposal will result in any external changes to the house or cottage.

6.14 As the proposal is no longer relying on a transport plan to manage traffic movements it is also proposed to carry out sight line improvements to the existing access onto Chaffeymore Hill. These involve provision of 33 metre visibility splays in both directions by reducing the height of existing shrubbery within the vision splays to no more than 600mm. No mature tree loss is required to achieve these vision splays.

7.0 Relevant Planning History

PRE/2019/0214/PREAPP : Single storey Yoga Studio - response 12/09/2019.

In summary advice given positive in relation to proposed use, design, siting and landscape impact. It should be noted these comments were made in connection with a proposal almost identical to the current submission.

8.0 List of Constraints

LB - Grade: II Listed Building: GROVE HOUSE

North Dorset Local Plan Part 1

Bourton Neighbourhood Plan

9.0 Consultations

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

Consultees

1. **Bourton Parish Council:** Comments received in connection with revised application:

- Provision of sight lines will involve removal of hedgerow with trees and as such have a detrimental impact on the setting and secluded character of Chaffeymore Hill.
- This conflicts with policy 2 of Neighbourhood Plan (NP) which requires that **proposals likely to alter, remove or otherwise have a detrimental impact on trees, hedges and open spaces should be resisted.**
- Conflicts with policy 6 of the NP requiring **proposals to ensure that local biodiversity will not be harmed either directly or indirectly.**
- Nature of the proposed business will amount to it becoming a 'Wellness' resort with increased traffic posing a significant risk to pedestrians and horse-riders along Chaffeymore Hill in contravention of policy 4 of the NP.
- Will have a detrimental impact on the aural amenity of neighbouring properties.

- Insufficient parking provision as the plan shows parking provision for just 8 vehicles. Provision of additional parking would contravene Policy 4(c) of the NP requiring that new development or alterations shall ensure that frontages do not become dominated by hard surfacing and parked vehicles.
 - If permission granted site would become dominated by hard surfacing and parked cars.
 - The D&A statement is outdated as it does not reflect the impact of the amended proposal on the amenity and outlook of neighbouring properties
2. **DC Highways:** No objection subject to conditions to secure visibility splays and on site parking and turning, cycle parking and siting of gates
 3. **DC - Conservation Officers:** Proposed development will sit comfortably by the lake preserving and enhance the local distinctiveness of the area while no harm is identified to the setting of the Listed building and surrounding assets.
 4. **DC - Trees (Team B):** Proposed tree loss and remedial works acceptable.

With part of the proposed sedum roof falling below the canopy of the existing mature trees, advice should be sought on shade tolerant species to ensure successful establishment.

5. **DC - Env. Services** - No indication the proposed development within area identified with historic potentially contaminative land uses. However, recommend imposition of precautionary condition.

Representations received

5 representations received to proposal as originally submitted which are summarised below:

- No objections to domestic use but if for business use more information required as it will harm the rural character of the area.
- Reference to a covenant between Grove Farm and Grove House – Council must make sure this covenant is not breached.
- Inappropriate intensification of a commercial use in the countryside contrary to LP and NP policies.
- Will adversely affect important views identified in the NP and does not reflect character of the area which also a requirement of the NP.
- Will generate additional traffic contrary to NP policy 4a and on site parking needs to be provided to avoid parking in the lane.

- Represents an unsustainably sited proposal which will bring no benefits to the locality.
- Should be no commercial development permitted outside the Bourton settlement boundary.
- Additional information provided by the applicants confirms a high intensity use while there will be harm to aural amenity due to drumming and singing.
- Evident that this is only the beginning of the applicant's aspirations for the site.
- If permitted proposal would provide the foundation for significant expansion harmful to the rural character of the area.

3 additional representations received in response to proposed amendments:

- Overdevelopment of site, harm street scene and is unacceptable in its highway impacts.
- Access improvements will harm to ecology and involve tree loss.

10.0 Relevant Policies

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Development Plan

North Dorset Local Plan:

The following policies are considered to be relevant to this proposal:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 4 - The Natural Environment
- Policy 5 - The Historic Environment
- Policy 11 – The economy
- Policy 23 - Parking
- Policy 24 - Design
- Policy 25 - Amenity
- Policy 20 - The Countryside

Neighbourhood Plan: Bourton

Policy 3: Building Design and Form.

Policy 6: Biodiversity.

Policy 12: Support for Local Business.

Other Material Considerations

National Planning Policy Framework (2021):

- Paragraph 11 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 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 6 'Building a strong, competitive economy', paragraphs 84 and 85 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is

indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design...

- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

The Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 includes a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

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 proposal does not directly impact on those with protected characteristics.

13.0 Planning Assessment

13.1 The key issues in relation to this application are principle, impact on rural character and landscape of the locality, amenity, heritage, wildlife and highways.

Principle:

13.2 Paragraphs 84 and 85 of the NPPF both promote the sustainable growth and expansion of all types of business and enterprise in rural areas, through, amongst other things, the erection of well-designed new buildings and leisure developments where identified needs are not met by existing rural service centres.

13.3 Policy 20 of the Local Plan relates to development in the countryside and states, amongst other things, that development outside defined settlement boundaries will only be permitted if it is of a type appropriate in the countryside or it can be demonstrated there is an ‘overriding need’ for it to be located in the countryside.

13.4 A yoga studio is considered as an indoor recreation use which, due to its quiet contemplative nature, may well benefit from a rural location. However, there is no overriding need for it to be located in the countryside.

13.5 However, Policy 11 of the Local Plan states that economic development will be supported in the countryside by enabling rural communities to plan to meet their own local needs, particularly through neighbourhood planning.

13.6 The status of the Bourton Neighbourhood Plan (BNP), made on 26 January 2018, means it now also forms part of the development plan for the area.

13.7 Policy 12 of the BNP supports local business. The relevant parts of Policy 12 state, amongst other things, that proposals that support working from home and other businesses that meet the needs of the community, such as the creation of live-work units, will be supported provided they would contribute to the character and vitality of the local area, protect residential amenity, do not adversely impact upon road safety and conform to the environmental and other policies in this plan.

13.8 As the applicants will run the business while also living on the site the proposal has elements of a live work use though the live work benefits are diluted by the need for clients to visit the site. Regarding whether the proposed use would contribute to the character and vitality of the local area, while no specific local need is identified there is no reason to assume clients would not come from the local area and as such the proposal will increase the range of local services.

13.9 As such it is considered the proposal will contribute to the character and vitality of the local area in accordance with the provisions of Policy 12 of the NP while the NPPF also gives support for well-designed new buildings in rural areas supporting new businesses and enterprises.

13.10 The proposal is considered to be acceptable in principle.

Impact on rural character and landscape of the locality:

13.11 The NPPF supports well designed buildings in rural areas. Policy 24 of the Local Plan relates to design and states, amongst other things, that development should be designed to improve the character and quality of the area within which it is located.

13.12 The relevant parts of Policy 3 of the BNP (building design and form) states, amongst other things, that the scale, form and massing of new development shall reinforce the underlying vernacular or character of its particular context; shall be of high quality and respect the surrounding environment, both built and natural; and shall complement the character and appearance of surrounding properties in terms of height, scale and density.

13.13 Computer generated photographs included with the design and access statement show a low level open fronted square profile structure partly set into a slope abutting a pond with a terrace supported on piles projecting over the pond.

13.14 The building has been designed to be south facing to take advantage of views offered by the elevated site. The wider site is well enclosed with substantial planting along the Chaffey Moor Hill frontage. As such it is considered the proposed building will occupy an enclosed and self-contained site such that its impact on the wider rural landscape will be confined to mainly within the site.

13.15 Turning to design, the building is of contemporary appearance. The policy requirements are that new development shall reinforce the underlying vernacular or character of its particular context, shall be of high quality and respect the surrounding environment, both built and natural.

13.16 The building will occupy a freestanding and isolated location remote from other buildings. Given its context is enclosed countryside lessens the need to reinforce the local vernacular as the building will not be viewed against a backdrop of existing buildings.

13.17 It is acknowledged that the nature and specific requirements of the intended use means this is a case of form following function and which, as likely as not, could not be achieved in a building of more conventional appearance. It is considered the building makes its own unique design statement and is of sufficient quality to meet the test for acceptable development at this location without resorting to being a pastiche of the local vernacular.

- 13.18 As such, subject to controls on external lighting, it is considered that the impact of the building on the rural and landscape character of the locality is acceptable thereby meeting the policy tests.
- 13.19 Concerns have been raised that the building will harm protected views identified in the BNP. However, the nearest protected view is beyond this site and dense hedging and a tree lined boundary will provide sufficient screening to avoid material harm to any protected view.
- 13.20 The proposal also now involves sight line improvements to the access onto Chaffeymore Hill. This will involve minor cutting back of existing low-level planting around the access point with no mature tree loss. As such no harm is identified to the rural or landscape character of the area due to these changes.

Amenity:

- 13.21 Concerns have been raised regarding loss of outlook and harm to aural amenity.
- 13.22 Dealing first with loss of outlook, there are no houses sufficiently close to experience any direct loss of amenity contrary to the provisions of policy 25 of the local plan. The main concern is loss of a view which is not maintained to protect individuals but in the wider public interest and is safeguarded by the countryside protection policies contained within the local plan and BNP. It has already been concluded above that no material harm to landscape preservation interests will occur.
- 13.23 *Aural amenity:*

In response to concerns raised by objector's on this issue further information has been provided on the nature of the use as below:

- *Would work with groups of no more than 20 people but also rent to other therapists and teachers.*
- *Hope to run regular weekly classes and workshops taught by local practitioners for the local community to include activities such as yoga, pilates and thai chi.*
- *Have no interest in running or hosting any groups that will generate noise or disturbance nor intend to host weddings, hen/stag parties or anything that would require a late night licence or involve alcohol.*
- *Yoga and meditation are peaceful and tranquil activities.*
- *It is normal practice to have a small hand drum to start a meditation session, normally a single tap, and the group would collectively chant a phrase or the like at the end of the session in a hushed voice. No choral voices or the playing of loud music will occur.*

- 13.24 It is acknowledged the building is open fronted enabling noise breakout. There is also a terrace where open air activities will take place. However, given the quiet contemplative nature of the proposed uses described above and distance to other dwellings, no harm to the aural amenity of the wider locality is likely to arise.
- 13.25 However, to ensure aural amenity continues to be safeguarded a condition precluding the playing of amplified music and voices should be imposed on any consent.
- 13.26 Amendments to the application now seek to also enable the use of the house and cottage to be used for B&B accommodation for clients attending classes.
- 13.27 It should be stressed the B&B use will not run as a commercial entity separate from the proposed yoga activity but as an integral part of the of yoga package on offer. As such, it will fall within the same planning unit, the B&B use operating solely to provide accommodation for clients attending yoga classes. Consequently, it would be appropriate to condition the use of the B&B, so that it would only be permitted in association with the yoga studio.
- 13.28 Concerns have been raised regarding harm to aural amenity and overly intense use of the site. However, as the house and cottage are both set well back from Cheffeymore Hill and as B&B is also a residential use, any increases in noise and disturbance are likely to be minimal and imperceptible outside the site.
- 13.29 In addition, as the use is considered to be Sui Generis it is appropriate to restrict the use to that applied for.

Heritage considerations:

- 13.28 The conservation officer advises the proposed development will sit comfortably by the pond preserving and enhancing the local distinctiveness of the area while no harm is identified to the setting of the nearby Listed building and other heritage assets.
- 13.29 It is therefore considered the proposal satisfies the provisions of the NPPF and policy 5 of the local plan.

Wildlife:

- 13.30 The ecology report referred to below has had its biodiversity plan approved by the Council.
- 13.31 The ecology report identified a line of trees at the north perimeter of the site providing suitable nesting habitat for birds and foraging commuting habitat for bats and small mammals and invertebrates. No trees will be removed as part of the proposal.

- 13.32 Habitat at the base of a hedge also provided moderate reptile habitat which will also remain. However, no indication of protected species or their habitats were found on or adjacent to the site. As such it was concluded it was unlikely the proposal will adversely affect protected species or their habitats.
- 13.33 Regarding enhancements, two bat boxes will be mounted on the trunk of a mature tree near the pond at a height of between 4 and 6 metres in a non-shaded location. Two bird boxes and two insect features are also proposed while native or wildlife friendly trees and plants will be used around the site for landscaping. As such it is considered that wildlife interests are appropriately safeguarded in accordance with the provisions of the NPPF and Policy 4 of the Local Plan.
- 13.34 Amendment of the application involving improvements to the sight lines onto Chaffeymore Hill raised concerns that this will result in tree, hedgerow and wildlife habitat loss contrary to the provisions of the BNP.
- 13.35 It should be noted the access lies within a highway verge where cutting back can already take place as part of normal maintenance. Notwithstanding this, the proposal does not involve total loss of vegetation but only cutting back and maintaining it to no higher than 600 mm. It should also be stressed that no tree loss will occur. As such the concerns raised relating to loss of wildlife habitat, tree and hedgerow loss cannot be supported.

Highways:

- 13.36 The applicants advise there is ample parking on site for occasional clients and visitors to attend the Yoga Studio with approximately 233 sqm of existing available space for parking at the front of the farm house thereby ensuring parking in connection with the use will only take place on site.
- 13.37 Following concerns by DC Highways over additional traffic using a substandard access onto Chaffeymore Hill a Transport Management Plan was submitted seeking to address this. However, reservations regarding the ability to secure compliance with the plan resulted in the applicant seeking to improve sight lines onto Chaffeymore Hill.
- 13.38 DC Highways are satisfied the proposed sight lines are acceptable and as such do not identify any harm to the free flow of traffic or highway safety in connection with the proposed use.
- 13.39 Concern has been raised that the proposal does not provide sufficient parking and that additional traffic raises highway safety concerns. However, DC Highways does not object on highway safety grounds and so it not considered that the proposal would be unacceptable in terms of traffic flow or highway safety.
- 13.40 Regarding on-site parking, though the submitted plans only shows 8 cars parked there are still substantial areas of hard surfacing where additional parking could

take place without the need for further hard surfacing. As such in the absence of objection from DC Highways the proposal is also considered acceptable in its parking impacts.

Other matters:

- 13.41 Objectors refer to a covenant precluding commercial activity taking place at the site. However, the Council does not enforce private covenants. It is not relevant to the planning considerations and is for parties referred to in the covenant to decide whether they wish to invoke its requirements.

13.42

14.0 Conclusions:

The key conclusions are as follows:

- Will result in the creation of a business to the benefit of the local rural economy and which is supported by the NPPF and Policy 12 of the Neighbourhood Plan.
- Represents a contemporary building that in size, design and siting terms will not have any material impact on the rural or landscape character of the area nor intrude into any protected views identified by the Neighbourhood Plan.
- Will not result in any material impact on the outlook or aural amenity of any neighbouring dwellings.
- Is acceptable in its heritage, wildlife and highway impacts.

15.0 Recommendation: Grant planning permission subject to the following conditions:

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

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

2. External materials used in the development hereby permitted shall be as specified in section 7 of the planning application forms accompanying this application.

Reason: In the interests of visual amenity.

3. The yoga studio and bed and breakfast accommodation hereby permitted shall only be carried out in support of one another as part of single planning unit and shall only be used by clients attending the yoga studio. The approved uses shall only take place within the area outlined red on drawing no: 01 rev C and shall only be carried out in connection with the residential occupation of Grove Farm.

Reason: In the interests of the amenity of the area within the countryside.

4. No playing of amplified music or voices shall take place anywhere on the land shown edged red and blue on drawing no: 01 rev C.

Reason: In the interests of aural amenity.

5. No external lighting whatsoever shall be placed anywhere within the red line site without first obtaining the prior approval in writing of the Local Planning Authority. Any request for external lighting shall include details of the number, type and design of luminaires (including output), means of support along with details of orientation and screening. Any such external lighting must be installed and retained in compliance with the approved details

Reason: To minimise light spread to safeguard the night-time rural environment and in the interests of wildlife.

6. Apart from instructors no more than 20 persons shall be present at any one time on the site in connection with the use hereby permitted.

Reason: In the interests of amenity.

7. Bed and breakfast accommodation provided at the site shall not exceed 20 persons, shall only be occupied by persons attending the yoga studio and shall only be operated by persons residing at Grove Farm as shown on drawing no:01 rev C.

Reason: In the interests of amenity.

8. Prior to the erection of the access gates shown drawing no: 13B details of size, design and materials shall be submitted for prior approval in writing by the Local Planning Authority. The gates, which shall only open inwards, shall be sited and constructed in accordance with the approved details and retained as such for the life of the development.

Reason: In the interests of visual amenity and highway safety.

9. Operators of the use hereby approved must maintain an up-to-date register of the frequency, dates, times and numbers of persons attending the site and must make this information available at all reasonable hours at the request of a duly authorised officer of the Local Planning Authority.

Reason: To ensure compliance with the limits placed on the use in the interests of highway safety and the free flow of traffic.

10. Before first use of the development hereby permitted the visibility splays shown on drawing no:13 B must first be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway and shall thereafter be maintained without any impediment to their use for the life of the development.

Reason: In the interests of the free flow of traffic and highway safety.

11. Before first use of the development hereby permitted the vehicle parking, turning and cycle parking shown on drawing no:13 B shall be provided and maintained without any impediment to their use for the life of the development.

Reason: To encourage the use of sustainable transport options and in the interests of the free flow of traffic and highway safety.

Reason: In the interests of pollution prevention and health and safety.

12. The wildlife safeguarding and enhancement measures set out in the preliminary ecological appraisal compiled by D V Leach and dated August 2020 shall be carried out in the manner specified.

Reason: In the interests of wildlife.

13. The Treecall Consulting Ltd Arboricultural Method Statement (AMS) reference no.

DS/38020/AC and plan reference no. TC1 Appendix B shall be adhered to in full, subject to the pre-arranged supervision detailed in Appendix C, Section C2.1 of the report by a suitably qualified and pre-appointed tree specialist.

Reason: In the interest of amenity.

14. The development hereby permitted shall be carried out in accordance with the following plans nos: 01 rev C, 02, 03 rev B, 04 rev B, 05 rev A, 06 and 13B, and 14

Reason: In the interests of amenity.

This page is intentionally left blank

Application Number:	P/OUT/2021/01737
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	LAND AT E 377395 N 118565 KENTISWORTH ROAD MARNHULL
Proposal:	Develop the land by the erection of 4 no. detached dwellings with associated footpath, access, car parking and landscaping. (Outline application to determine access).
Applicant name:	Mr John Shipton
Case Officer:	Emily Jones
Ward Member(s):	Cllr Carr-Jones

- 1.0** The application is to be determined at committee at the behest of the Nominated Officer following the scheme of delegation for the following reason:

“I have considered the responses above from Dorset Council members and I confirm that I wish to refer this application to the planning committee, in light of the concerns raised by the Parish Council and third parties.”

2.0 Summary of recommendation:

Grant, subject to conditions.

3.0 Reason for the recommendation:

The Council is unable to demonstrate a five-year housing land supply. In applying the tilted balance, the development would not result in unacceptable landscape or visual harm, the highway impacts of the scheme are acceptable, and the dwellings could be located far enough away from the existing and extant properties so as not to appear overbearing. The site is considered to be reasonably located to the facilities in the village and provides some limited economic benefit.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The site abuts the settlement boundary and the Council is unable to demonstrate a five-year housing land supply. The site is reasonably located to village services and would not result in unacceptable landscape, highways, or neighbour impacts.
Provision of affordable housing	The development provides up to 4 additional dwellings and therefore there is no policy requirement to provide affordable housing. A deliberate attempt to circumvent such policies cannot be demonstrated in this case.

Impact on amenity	Layout and appearance are reserved matters however the indicative layout demonstrates that the development could be delivered without harming neighbouring amenity.
Impact on landscape	There would be some change to the character of the landscape at this point however this would be in the context of being an edge of settlement development with housing to the east and south.
Economic benefits	There would be some limited economic benefit from the provision of 4 additional dwellings, both in providing jobs during the construction phase and from the subsequent occupants use of nearby facilities.
Access and Parking	The proposal utilises the existing agreed access onto Kentisworth Road.

5.0 Description of Site

The site is located to the north of Kentisworth Road. The access to the site would run between number 22 and 23 Kentisworth Road. There is a public right of way that runs along the east of the site. Along the north-western and western boundaries, there are a number of mature trees of significance. The area is currently a field and is bounded to the west by agricultural fields, to the south by the bungalows in Kentisworth Road, and to the east by the dwellings currently under construction.

6.0 Description of Development

The application seeks outline planning permission for 4 detached dwellings on land to the north of Kentisworth Road in Marnhull. Access to the site is to be determined and would be between existing properties in Kentisworth Road and alongside dwellings approved under 2/2018/1436/OUT and 2/2020/0042/REM.

7.0 Relevant Planning History

There is no relevant planning history on the site itself. However, there is relevant history on the land to the east of the site with the development currently being constructed:

Application Ref.	Description	Decision	Decision Date
2/2018/1436/OUT	Develop land by the erection of 9 No. dwellings, form vehicular access. (Outline application to determine access).	Granted	24/05/2020
2/2020/0042/REM	Erect 9 No. dwellings with associated parking and garages. Form vehicular access. (Reserved matters application to determine appearance, landscaping, layout and scale; following grant of Outline Planning Permission No 2/2018/1436).	Granted	27/04/2020

2/2020/1192/NMA	Non material amendment against Planning Permission 2/2020/0042/REM to substitute plans listed on application form to allow amendments to dwelling 5 window head revised, dwelling 6 stone wall finish, dwelling 7 wind head revised, dwelling 8 rear bay window roof unified with porch and dwelling 9 north elevation revised from render to stone.	Granted	17/09/2020
-----------------	--	---------	------------

8.0 List of Constraints

North Dorset Local Plan Part 1 (2011-2031); Adopted; Outside settlement boundaries (countryside); Policy 2, 20; NULL

Adjacent to Settlement Boundary; Marnhull

Type: Neighbourhood Area; Name: Marnhull; Status Designated 17/01/2020;

Right of Way: Footpath N47/9;

9.0 Consultations

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

Consultees

1. W - Stalbridge And Marnhull Ward

No comments received

2. DC - Rights of Way Officer

No comments received

3. DC - Highways

Principle of utilising access acceptable, subject to conditions

4. DC - Dorset Waste Partnership

No comments received

5. P - Marnhull PC

Object:

1. Outside the settlement boundary.

2. The increase in the volume of traffic and the impact on the neighbouring properties.
3. Light pollution.
4. The housing does not meet the needs of the local community.
5. Concerns for access for emergency vehicles on an already congested lane.

6. DC - Land Drainage

No comments received

7. DC - Building Control North Team

No comments received

8. DC - Trees (Team E)

No comments received

9. Open Spaces Society

Object:

Inappropriate development for the area.

ROW adjacent to site should not be subject to any type of closure.

Representations received

Total - Objections	Total - No Objections	Total - Comments
18	0	0

Petitions Objecting	Petitions Supporting
1	0
14 Signatures	0 Signatures

10.0 Relevant Policies

Adopted North Dorset Local Plan

The following policies are considered to be relevant to this proposal:

- Policy 1 – Presumption in favour of sustainable development
- Policy 2 – Core spatial strategy
- Policy 4 – The natural environment
- Policy 6 – Housing distribution

- Policy 7 – Delivering homes
- Policy 20 – The Countryside
- Policy 25 - Amenity

National Planning Policy Framework (NPPF) 2021:

Paragraph 11 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 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 11 'Making effective use of land'
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment' - Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

National Planning Practice Guidance

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

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

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. It is not considered that the development would directly impact on those with protected characteristics.

13.0 Planning Assessment

Principle of development and sustainability of the site

The site is located just outside but abutting the settlement boundary of Marnhull. The Council cannot demonstrate a five-year housing land supply; this figure currently stands at 3.3 years for the North Dorset Local Plan area. Therefore paragraph 11 of the NPPF is engaged and it is necessary to apply what is termed the ‘tilted balance’.

The adopted Local Plan aims to divert development pressures away from the countryside and to concentrate new housing growth within the main towns and larger villages. Since the Council does not have a five-year supply of deliverable housing sites, the relevant policies for the supply of housing in the Local Plan are considered to be out of date.

In this case, the development would not result in unacceptable landscape or visual harm, the highway impacts of the scheme are acceptable, and the dwellings could be located far enough away from the existing and extant properties so as not to appear overbearing. The site is considered to be reasonably located to the facilities in the village.

It is important to note that not all sites outside but adjoining a settlement boundary will be an appropriate location for housing. It is important that each case is carefully considered on its merits. Any harm arising must be considered and weighed in the

planning balance. The presumption does not prevent permission being refused in instances where there is conflict with specific policies contained within the Local Plan.

Provision of affordable housing

Policy 8 of the Local Plan relates to the provision of affordable housing. It states that on development of 11 or more dwellings outside of the AONB, 40% affordable housing will be sought in the rural areas. As this development would provide up to 4 additional dwellings there is no policy requirement to provide affordable housing.

Concerns have been raised that the site has been subdivided from that considered to the east under 2/2018/1436/OUT and 2/2018/0084/OUT so as to circumvent the Council's affordable housing policy. Given the intervening time of approximately 3-3.5 years from the original outline and that both that site and this site are in separate ownerships that both differ from that in 2018, it is not considered that it can be demonstrated that a deliberate attempt to avoid an affordable housing contribution was carried out.

Residential amenity

The layout of the development is reserved for later consideration. However, the indicative layout shows how the development could be arranged so as not to give rise to unacceptable impact on the surrounding dwellings.

The proposal is considered to comply with the requirements of policy 25 of the Local Plan and the NPPF. The levels of amenity that are currently enjoyed by properties surrounding the site will not be diminished.

Impacts on highway safety

The highway impacts of the development are considered to be acceptable; the highways officer has no objection to the proposal.

Landscape and visual impact

The development will change the character of the area as the site is currently a field. However, the development will sit at the edge of the built form of Marnhull and to the west of nine dwellings with extant approval.

Attention to the scale of development and landscaping would be important along the western boundary of the site.

There would be immediate views of the development from the footpath that runs to the east of the site. This is not considered to be unacceptable as although the experience of people using the footpath would be altered, this would only be for a short stretch and in the context of being an edge of settlement location.

Other matters

In terms of biodiversity at the site, a biodiversity plan has been submitted and approved by the Natural Environment Team. It will be conditioned to ensure that the measures and recommendations are carried out.

The four dwellings would generate some additional light pollution however the site is not within a designated dark sky area nor within a protected landscape seeking such a designation. Furthermore, the amount generated would be limited and seen against the backdrop of existing light pollution from adjacent development. The development's impact on protected species has been discussed as part of the biodiversity consideration and appropriate recommendations regarding external lighting are within the biodiversity plan to be conditioned. This is therefore considered to be acceptable.

There would be some general disturbance to neighbouring residents during construction however given the temporary nature of such works it would not be reasonable to refuse the application on this ground.

There would be some additional traffic movement associated with the additional four dwellings. Whilst this would generate some additional disturbance to existing properties it is not considered to be of such a scale to warrant refusal of the application.

The site is within flood zone 1 and is therefore sited within a location where there is a lower risk of flooding, complying with the approach for new development as set out within Section 14 of the NPPF. Appropriate drainage of the site would be determined at a later stage in the process.

Issues surrounding loss of privacy and overlooking would need to be considered at the reserved matters stage.

14.0 Conclusion

The Council is unable to demonstrate a five-year housing land supply. The proposal would add four dwellings to the supply of housing and this weighs in favour of the scheme. In applying the tilted balance, the development would not result in unacceptable landscape or visual harm, the highway impacts of the scheme are acceptable, and the dwellings could be located far enough away from the existing and extant properties so as not to appear overbearing. The site is considered to be reasonably located to the facilities in the village and would provide some limited economic benefits, both during the construction phase and once occupied, and social benefits in terms of the provision of four dwellings. Therefore, the recommendation is to grant, subject to conditions.

15.0 Recommendation

Grant, subject to the following conditions:

1. No part of the development hereby approved shall commence until details of all reserved matters (appearance, landscaping, layout, and scale) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

2. An application for approval of any 'reserved matter' must be made not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

Location and Block Plan - drawing no. 19124.01A - dated 14/05/2021

Topographical Survey - drawing no. 19124.03A - dated 14/05/2021

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

5. Notwithstanding the information shown on the plans approved by this application, no development may commence until precise details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Planning Authority. The development shall be carried out in accordance with the approved details and completed in full prior to the first occupation of the development.

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

6. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 05 May 2021 must be strictly adhered to during the carrying out of the development.

The development hereby approved must not be first brought into use unless and until the mitigation, compensation and enhancement/net gain measures detailed in the approved biodiversity plan have been completed in full, unless any modifications to the approved Biodiversity Plan as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority.

Thereafter approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

Application Number:	P/HOU/2021/02560
Webpage:	Planning application: P/HOU/2021/02560 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	2A Mill Lane Charminster DT2 9QP
Proposal:	First floor extension over existing garage, new dormer windows and associated works
Applicant name:	Mr & Mrs Duke
Case Officer:	Emma Ralphs
Ward Member(s):	Cllr David Taylor

1.0 Reason for referral

The applicant is an employee of the Council.

2.0 Summary of recommendation:

Grant permission subject to conditions.

3.0 Reason for the recommendation:

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

4.0 Key planning issues

Issue	Conclusion
Principle of development	This is a householder application.
Scale, design, impact on character and appearance	The extension is subservient to the original dwelling, using similar materials and having no significant impact on the character and appearance on the area.
Impact on amenity	The proposal would not give rise to any overlooking or overbearing concerns about the existing relationship.
Impact on landscape or heritage assets	No landscape harm. No harm to the significance of two designated heritage assets (listed building and conservation area).
Access and Parking	There will still be parking on site commensurate in scale to the extended dwelling.

5.0 Description of Site

The site is situated on the northern side of Mill Lane, on the northern edges of Charminster. It is within the settlement boundary of Charminster. The character of the area consists mainly of detached properties varying between two storey dwellings, chalets and bungalows with a variety of building materials.

The detached dwelling is situated on lower ground than neighbouring properties to the south and east of the site but it is situated higher than the Grade II listed building to the west called Yew House (The Yews, Mill Lane listing no. SY6810392766). The ground floor windows on the proposed dwelling are slightly higher than the first floor windows of Yew House.

Boundary treatment consists of a mix of wooden fencing, walls and hedgerows. A large quantity of vegetation delineates the plot with a tree situated on the boundary between Yew House and the proposed site.

6.0 Description of Development

The proposed development consists of a small extension to the north western corner of the existing building with a first floor extension situated above, set back from the principal elevation. The ground floor extension would include floor to ceiling folding doors and a new access point where the garage door is located currently. At first floor, a dormer window is proposed on the front elevation with a rooflight to the rear. A window on the first floor side elevation is also included (underneath the integrated bird box). The first floor window on the southeast elevation is proposed to be bricked up.

Internal alterations are proposed to convert the garage into a store and utility room as well as the reconfiguration of the playroom/kitchen/dining room. At first floor, alterations to the layout of the existing bedrooms, additional ensuite to bedroom one and the proposed ensuite bedroom 4.

7.0 Relevant Planning History

None.

8.0 List of Constraints

1. Within the Charminster Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
2. Within a SSSI impact risk zone; River Frome; Langford Meadow.
3. Landscape Chara; Chalk Valley and Downland; Cerne and Piddle Valleys and Chalk Downland
4. Adjacent to, but not attached to a Grade II listed building - Yew House. Grade II listed building (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

5. Right of Way- present along the eastern boundary at a slight distance from the curtilage of the property.
6. Wessex Water: High Risk of Foul Sewer Inundation
7. EA - Poole Harbour Catchment Area
8. EA - Groundwater Source Protection Zone

9.0 Consultations

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

Consultees

1. Charminster Parish Council

No Comments Received

2. DC Ward Member - Charminster St Marys

No Comments Received

3. DC - Conservation Officers

No Comments Received

Representations received

Total - Objections	Total - No Objections	Total - Comments
0	1	1

10.0 Duties

Section 66(1) of the Listed Buildings Act 1990 applies due to the proximity of Yew House – The local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the same Act applies to the location within a designated conservation area - with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Section 38(6) of the Planning & Compulsory Purchase Act 2004 – sets out the development plan's primacy in decision making (notwithstanding the duties contained within the Listed Buildings Act 1990).

Development Plan Policies

West Dorset, Weymouth & Portland Local Plan (Adopted 2015)

- ENV 2- Poole Harbour Nutrient Catchment Area; Poole Harbour
- ENV 3- Land of Local Landscape Importance; Land north of Charminster
- ENV 4- Conservation Area; CHARMINSTER CONSERVATION AREA
- ENV 9- Groundwater Source Protection Areas; LOWER MAGISTON
- ENV10- The Landscape and Townscape Setting
- ENV12- The Design and Positioning of Buildings
- ENV16- Amenity
- SUS2; Defined Development Boundary; Charminster

Other material considerations

National Planning Policy Framework (NPPF 2021) especially:

- Paragraph 55- Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.
- Paragraph 130- Planning policies and decisions should ensure that developments:
 - a) Will function well and add to the overall quality of the area. Not just for the short term but over the lifetime of the development;
 - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) Are sympathetic to local character and history, including the surrounding built environment and landscaping setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) Establish or maintain a strong sense of place, using the arrangement of street spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) Create places that are safe, inclusive and accessible and which promotes health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and

the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- Paragraph 199- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight would 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.

Design and Sustainable Development Planning Guidelines (SPD) (Adopted 2009)

Cerne Abbas, Charminster, Sydling St Nicholas & Godmanstone Conservation Area Appraisal

'there are particularly good trees, along the course of the river; ... west of Yes House and at the ford end of Mill Lane. There are a number of tree preservation orders (TPOs): the grounds of Yew House...' Page 33.

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. There are no specific implications for person with protected characteristics in this case.

13.0 Planning Assessment

Principle of development

This is a householder application – an extension to a building that has an extant use as a dwellinghouse. The proposal to extend the dwelling is acceptable in principle, subject to an assessment of the impact of the proposal on the locality, and upon neighbouring land users.

Scale, design, impact on character and appearance

The proposal consists of a first floor extension to the chalet style dwelling with a slight increase at ground floor. The c.7sqm increase at ground floor remains in line with the external built form and provides a more modern element to the dwelling. The footprint of the building slightly increases to allow for the roof form of the chalet dwelling but would remain in keeping with the design of the existing dwelling. This alteration would be subservient to the existing dwelling and would retain the appearance of the detached dwelling, remaining in scale with the rest of the built form (Policy ENV12).

The proposal would be visible from the highway and affect the visual amenity of the street scene. However, the alterations would reflect the character of the principal elevation and would not significantly impact the design of the dwelling as a whole. The proposed palette of materials matches the existing with self-finish brick walls, brown concrete pantiles with windows and doors of powder coated aluminium. The choice of materials respects the existing dwelling and retains the character and appearance of the building, supporting policy ENV12.

Impact on amenity

Even though the proposal would increase the size of the dwelling, this would not appear to be overbearing on the neighbouring property. This is due to the existing relationship, difference in topography and stepped approach for the principle elevation when compared to the neighbouring properties to the west.

Other than the proposed dormer on the front extension and the new window for bedroom four, the proposed new windows will be facing north away from the neighbouring properties, respecting the neighbouring private amenity space. The dormer window for bedroom four would look over the street scene and would reflect the design of the dormer window for bedroom one, retaining the amenity relationship between the two properties, according with Policy ENV16. Considering that two windows are present on the existing north-west elevation, the new window at first floor (northwest) would not give rise to any overlooking concerns above the existing, maintaining the existing neighbouring relationship.

Impact on landscape or heritage assets

The small additional built form would not significantly impact the landscape in the area as the proposal relates mainly to the existing built form. Special reference was

made in regard to trees in the Conservation Appraisal. However, this made reference to the trees to the west of Yew House, not to the east which is where the site is located. Queries were raised about the tree on the shared boundary of Yew House but the proposed development would not significantly affect it. The agent has confirmed that an application will be submitted to remove this tree at a later point.

The two assets which the proposed development would impact are Charminster Conservation Area and the Grade II listed building - Yew House (The Yews).

The proposal would preserve the character and appearance of the Conservation Area by reason of its scale, design and choice in building material. The proposal will continue the pitched roof form for the chalet dwelling and would reflect the design and fenestration details of the existing built form (Policy ENV4). The proposal would improve the quality of the building as a whole whilst reflecting on the design features of the dwelling as no prominent building style can be followed.

The proposed development would preserve the setting of the Grade II Listed building (The Yews) given that the proposed development is situated higher than this heritage asset and is visually separated by a dwelling (the converted stables). The stables were already in different ownership and not subservient to the use of The Yews at the time of listing in 1987 so they are not curtilage listed. The proposed development remains slightly lower than the existing ridge height and would partially be visible to the listed building. However, this would not harm the setting of the listed building as this relationship exists already, with the proposed dwelling at a higher topographic level, complying to policy ENV4 and paragraph 199 of the NPPF.

Access and Parking

The proposed development removes the single vehicular parking space and replaces this with a utility/storeroom. This however would not impact the vehicular parking provision on site because of the forecourt to the front of the property, providing off-road parking for the residents, complying to Policy ENV11.

Ecology

Mitigation by the installation of a bird box has been included within the proposal therefore, the proposed development can be approved with no additional conditions required. The bird box is required to ensure that the proposal would enhance the biodiversity potential of the site.

14.0 Conclusion

After giving significant weight to the development plan, the proposal complies to the planning policies and the design of the developments reflects well with the existing building.

15.0 Recommendation:

Grant permission subject to conditions

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

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

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

Existing Site Plan ref. GRN-1-01

Existing Floor Plans ref. GRN-1-02

Existing Roof Plan & Sections ref. GRN-1-03

Existing Elevations ref. GRN-1-04

Existing Perspectives ref. GRN-1-05

Site and Location Plan ref. GRN-3-01

Proposed Alterations Floor Plans ref. GRN-3-02A

Proposed Alterations Roof Plan & Sections AA ref. GRN-3-03

Proposed Alterations Elevations ref. GRN-3-04A

Proposed Alterations Perspective Views ref. GRN-3-05

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