



## Northern Area Planning Committee

**Date:** Tuesday, 15 March 2022  
**Time:** 2.00 pm  
**Venue:** Stour Hall - The Exchange, Old Market Hill, Sturminster Newton, DT10 1FH

**Members (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 Democratic Services Meeting Contact 01305 224709 - [megan.r.rochester@dorsetcouncil.gov.uk](mailto:megan.r.rochester@dorsetcouncil.gov.uk)

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

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### Agenda

Item	Pages
<b>1. APOLOGIES</b>	
To receive any apologies for absence	
<b>2. DECLARATIONS OF INTEREST</b>	
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. MINUTES

To confirm the minutes of the following meetings: [27th April 2021](#) [25th May 2021](#) [29th June 2021](#) [24th August 2021](#) [30th November 2021](#) [11th January 2022](#) [8th February 2022](#)

### 4. PUBLIC PARTICIPATION

Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting.

**The deadline for notifying a request to speak is 8.30am on Friday, 11 March 2022.**

Please refer to the [Guide to Public Speaking at Planning Committee](#).

### 5. PLANNING APPLICATIONS

To consider the applications listed below for planning permission

#### 6. **P/RES/2021/01582- LAND OFF HAYWARDS LANE (WEST OF ALLEN CLOSE) CHILD OKEFORD DORSET** 5 - 20

Erect 26 No. dwellings. (Reserved matters application to determine layout, scale, appearance and landscaping, following the grant of Outline Planning Permission No. 2/2019/0318/OUT).

#### 7. **P/FUL/2021/01864- VESPASIAN HOUSE BARRACK ROAD DORCHESTER DT1 1TF** 21 - 34

Erect a four storey extension comprising of 4 No. 2-bedroom apartments and a two storey detached building comprising 83 sqm of commercial, business and services uses (Use Class E) on the ground floor and 2 No. 1-bedroom apartments on the first floor. Carry out associated landscaping and car parking

#### 8. **P/OUT/2021/04802- LAND WEST OF LITTLE ELMS ELM HILL MOTCOMBE SHAFTESBURY SP7 9HR** 35 - 52

Develop the land by the erection of up to 6 no. dwellings (2 no. detached houses & 4no. semi-detached bungalows) (Outline application to determine access).

#### 9. **P/LBC/2021/05575- MOHUNS LITTLE BRIDGE BURTON ROAD DORCHESTER DORSET** 53 - 58

Carry out repairs to Mohuns Little Bridge.

### 10. 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.

**11. 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 3 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.

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# Agenda Item 6

<b>Application Number:</b>	P/RES/2021/01582		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Land off Haywards Lane (West of Allen Close) Child Okeford Dorset		
<b>Proposal:</b>	Erect 26 No. dwellings. (Reserved matters application to determine layout, scale, appearance and landscaping, following the grant of Outline Planning Permission No. 2/2019/0318/OUT).		
<b>Applicant name:</b>	ELT Bournemouth Ltd		
<b>Case Officer:</b>	Verity Murphy		
<b>Ward Member(s):</b>	Cllr Sherry Jespersen		
<b>Publicity expiry date:</b>	9 November 2021	<b>Officer site visit date:</b>	
<b>Decision due date:</b>	25 November 2021	<b>Ext(s) of time:</b>	15 <sup>th</sup> March 2022

**1.0** Application is reported to Committee as outline permission 2/2019/0318/OUT was a Committee decision and there is an objection from the Parish Council.

**2.0 Summary of recommendation:**

Approval of reserved matters relating to scale, layout, appearance and landscaping, subject to conditions.

**3.0 Reason for the recommendation:** as set out in paras 14.0 to 16.0 at end

- Principle of development accepted under outline consent
- Layout, scale and appearance of the dwellings is reflective of surrounding development and sensitive to the character and appearance of the area.
- Landscaping of the scheme has evolved positively and is considered to be acceptable.
- No harm to Child Okeford Conservation Area or Hambledon Hill
- 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
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Principle of development	Established under outline consent
Layout and Scale	Revisions have been made to the layout to improve the scheme, layout and scale appropriate to site context and reflective of surrounding area
Appearance	Design of the dwellings has been amended in line with officer recommendation. Detailing incorporates traditional elements found within CA.
Landscaping	Landscaping of the site has been amended and is considered to be acceptable. No significant harm on the setting on AONB No significant impact on trees
Heritage	No harm identified in respect of impact on Child Okeford CA No harm on Hambledon Hill
Impact on Residential Amenity	No significant harm identified

## 5.0 Description of Site

The application site consists of two parcels of land measuring circa 1.31 hectares (ha) and is located on the western edge of Child Okeford. Child Okeford is identified as one of the 'larger' villages within North Dorset. The larger villages are those with a retained settlement boundary and have been identified as areas for future growth – due to the sustainability credentials of each settlement and the need to meet local housing needs.

The site sits to the north of Haywards Lane (forming the sites southern boundary). The sites northern and eastern boundaries are made up of established residential developments consisting of a mix of pre-war, 40's, 50's, and 60's dwellings. The properties are made up of detached properties (those located within Allen Close) terraced and semi-detached properties (those to the immediate north of the site) located in Greenway and Chalwell. The area to the north of Station Road (the area of Child Okeford situated to the east of the application site) is made up of detached properties within a series of cul-de-sacs.

The site is classed as Grade 2 agricultural land, which is currently used for small scale equestrian purposes and is laid to grass. It has well-established hedge lines running along the site boundary and through the centre of the site. The western site boundary is an established field boundary made up of hedging and a number of mature trees. There are two specimen trees within the site, a mature oak tree (subject to a TPO) lying in the boundary between the two parcels, and a large mature walnut tree situated on the eastern boundary, just north of Allen Close. Both of these trees will be retained in the proposals. The site is mainly flat with a slight slope from West to East.

The site lies outside of any defined settlement boundary and does not have any site-specific designation. It is not within a conservation area and there are no listed buildings within its setting. The nearest listed building is a Grade II 'Pilgrims Farm' approximately 300m to the East along Station Road. Hambledon Hill which lies

approximately 800m metres to the east of the village is a Scheduled Ancient Monument.

There is an important view identified in the Child Okeford Village Design Statement which runs through the site out to open countryside through Allen Close.

The site is situated within flood zone 1 (being the lowest risk of flooding). The site falls outside of the Area of Outstanding Natural Beauty but within the North Blackmore Rolling Vales character area and partly within the Clay Vale character area as described in the North Dorset Landscape Character Assessment (as amended) (2008).

## **6.0 Description of Development**

This application is made pursuant to outline consent 2/2019/0318/OUT and is a reserved matters application to determine layout, scale, appearance and landscaping for the erection of 26 dwellings on the site.

## **7.0 Relevant Planning History**

2/2019/0318/OUT – Granted April 2021 - Develop land by the erection of up to 26 No. dwellings, form vehicular and pedestrian access. (Outline application to determine access).

## **8.0 List of Constraints**

Agricultural Land Grade - Grade: GRADE 2

Parish Name - : Child Okeford CP

Ward Name - Ward Name: Hill Forts Ward

## **9.0 Consultations**

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

### **Consultees**

#### **1. Parish Council - Child Okeford Parish Council**

Object to application:

- Harm to valued landscape in which Child Okeford is located
- Harm to local landscape character
- Object to design and materials of the dwellings
- The layout of the dwellings does not reflect the surrounding character

- Density of development is too high
  - No consideration of Child Okeford Village Design Statement
  - Concerns with new pedestrian access from Allen Close
  - Developer has not engaged with PC or local residents
  - Impact on neighbouring amenity
  - Impact of development of foul drain crossing the site
2. **Ward Councillor - Hill Forts and Upper Tarrant's Ward**
    - No comments received
  3. **Dorset Police Architectural Liaison Officer**
    - No comments received
  4. **Dorset Council – Landscape**
    - The revised drawings respond positively to the majority of the issues that were raised Landscape Officer initial comments
  5. **Dorset Council - Education Officer**
    - No comments received
  6. **Dorset Council - Natural Environment Team**
    - No comments received
  7. **Dorset Council - Flood Risk Manager – Highways**
    - No objection to proposal
    - Submitted documents do not conflict with the originally approved Drainage Strategy
  8. **Dorset Council - Highways**
    - No objection to application subject to conditions.
  9. **Dorset Council - Dorset Waste Partnership**
    - No comments received
  10. **Dorset Council - Trees (Team B)**
    - No comments received



**12. Dorset Council - Policy - Urban Design**

- Supports proposal and revised plans

**13. Dorset Council - Housing Enabling Team**

- The Local Plan requires 40% of the dwellings to be available as affordable homes which equates to 10.4 properties. The Council would accept 10 houses on site with a financial contribution for the remainder.
- It would be preferable if the affordable homes were spread further apart on the site.

**14. Dorset Council - Economic Development and Tourism**

- No comments received

**15. Dorset Council - Env. Services – Protection**

- No objection subject to condition

**16. Dorset Council - Building Control North Team**

- No comments received

**17. Dorset Council - Section 106**

- No further comments, on the understanding that this reserved matters application will be determined under the auspices of the S106 agreement relating to outline consent.

**18. Wessex Water**

- Developer will need to engage with Wessex Water before construction work commences to ensure that there will be no encroachment onto easement requirements for the existing sewer running through the site.
- No objection to surface water drainage
- Wessex Water will agree a foul drainage connection for foul only flows from the development to the public foul sewer in Haywards Lane

**19. Dorset Council – Libraries**

- Not consulted

**Representations received**

46 objections received relating to:

- Impact on school traffic
- Development out of keeping with area
- Urban form of development

- Cramped form of development
- Increase in traffic along Haywards Lane
- Impact on local facilities
- Density of development
- Development outside settlement boundary
- Impact on trees
- Parking
- Design not in keeping with surrounding area
- Impact on conservation area
- Impact on Hambledon Hill
- Impact on AONB

## **10.0 Relevant Policies**

### **North Dorset Local Plan Part 1 (January 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 14 - Social Infrastructure

Policy 15 - Green Infrastructure

Policy 20 - The Countryside

Policy 23 - Parking

Policy 24 – Design

Policy 25 – Amenity

### **Other Material Considerations:**

### **National Planning Policy Framework:**

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

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
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

### **North Dorset Landscape Character Assessment (as amended) (2008).**

The site straddles two Landscape types; Clay Vale and Rolling Vales, although the majority of the site lies within the Rolling Vales Landscape Type, which is described as: - *“An undulating transitional area between the low lying vales and the high Chalk, with clay and greens and landform becoming gradually more enclosed, folded and twisted nearer the escarpment to form a series of rolling foothills. There is an abrupt level change between this area and the steep sides of the escarpment but towards the vales, the land flattens out gradually. It is mainly a pastoral landscape with a few arable fields on flatter land interspersed between improved pasture and meadows. There are many small brooks, streams and damp flushes with numerous scattered hamlets and farms. The whole area has a tranquil, secluded and undeveloped character and feel to it”.*

The overall management objective for the Rolling Vales Landscape Type should be to conserve and enhance the diverse pattern of trees and woodland, hedgerow and small scale fields, watercourses and narrow lanes. The conservation of the rural and tranquil nature of the area is also a key objective.

### **Child Okeford Village Design Statement (COVDS) SPD (2007)**

- Part 3 The character of the landscape setting
- Part 8 Guidelines for Future Building and Development
- Part 10 Recommendations

## **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 application site is located in line with the spatial strategy of the local plan, which seeks to locate development close to services. Occupiers of the dwellings would have access to open space and to education and other facilities that are contained within the village.

Officers have considered the requirement of the duty, and it is not considered that the proposal would give rise to specific impacts on persons with protected characteristics.

### **13.0 Financial benefits**

Secured under S106 for the outline consent.

### **14.0 Planning Assessment**

#### **Principle**

Outline permission was granted under application 2/2019/0318/OUT for 26 dwellings on the site and access from Haywards Lane along the southern boundary of the site. This outline consent has established the principle of development for 26 dwellings and the reserved matters will consider the layout, scale, appearance and landscaping of the site, following that the principle has already been established on site.

Concerns have been expressed from Child Okeford Parish Council in relation to the density of development and the number of dwellings proposed. However, it is important to note that the quantum of development (26 dwellings) was considered appropriate and found to be acceptable under the outline consent. There is no increase in units on site, therefore the principle of 26 dwellings is still considered to be acceptable.

#### **Affordable Housing Provision and Housing Mix**

The outline consent secured 40% affordable housing on the site which equated to 10 dwellings on the site and a 0.4 off-site financial contribution. The affordable dwellings will have a tenure split of 70/30 affordable rent/shared ownership. The reserved matters application still provides 10 affordable units on the site hence there is no conflict with the S106 agreement relating to the outline consent.

The majority of the homes on site will be provided in the form of 2- and 3-bedroom properties, there will be 5 4-bedroom properties on the site. This mix of housing is considered to be consistent with The Bournemouth/Poole Housing Market 2011 Strategic Housing Market Assessment Update, in which the main focus for market housing is for 2- and 3-bedroom properties. The proposal accords with Policy 7 of the Local Plan.

#### **Layout and Scale**

Amended plans have been submitted in response to officer and urban design concerns with the original plans. In the amended plans, Plots 1 -3 provide a frontage with Haywards Lane, and plot 3 has been amended to flint which represents an improvement on the previous plans. Not only does the flint tie these affordable units in with the market housing on the

site, it will bolster the sense of the arrival to the scheme and elevate the quality of the frontage onto Haywards Lane.

The remainder of the dwellings on the southern site boundary provide a frontage onto the internal street, and there is sufficient distance between these dwellings and the southern boundary to provide a green buffer, afforded by the residential gardens, and also to ensure the existing trees are retained along this boundary. Plots 21-26 are located away from the northern boundary, to reduce the amount of built form along the countryside edge and to provide a successful interface between the development site and the countryside beyond.

A LEAP and public open space are proposed within the eastern section of the site. The public open space proposed would receive good casual surveillance from the dwellings that are proposed to bound it. Each of the dwellings would benefit from a good-sized amount of rear amenity space in accordance with Policy 25 of the Local Plan.

Concerns have been raised in relation to the layout and density of the development not reflecting that of the surrounding development. Whilst the density has already been approved under the outline consent, it is important to note that 26 dwellings fit comfortably on the site, with adequate space for private amenity, landscaping, parking and areas for public open space. The development does not appear cramped within the site, and the proposal will ensure that the development will soften its impact successfully on the village edge and integrate the development into its surroundings.

The dwellings will be two-storey in height, which is considered to be consistent with the existing housing nearby in terms of scale, and will have a limited effect on the perception of the village as rural in character.

The layout and scale of the development has been reviewed and amended in the revised plans to ensure the best outcome is achieved on site. The layout, scale and density of the development is appropriate on the site, reflective of the surrounding development and will ensure that the character and appearance of the locality is preserved.

### **Appearance**

A local context study has been submitted with the application. It notes that there are a range of different housing types within the vicinity of the site. It is considered that the dwellings towards the village centre and within the Conservation Area are traditional in design, and towards the edges of the settlement boundary and in close proximity to the site, there are a wider range of housing styles.

The design and appearance of the dwellings has been amended to address Officer concerns. The original plans proposed certain elements such as buff brick and white render which were not considered to be accord with the character and appearance of the surrounding properties and the prevalent local materials palette. Buff brick has been replaced with red brick, as per the request of DC Urban Designer. Flint has also been added into plots 1-3 to create a more attractive entrance to the site from Haywards Lane, this also reflects the flint used within the Conservation Area in accordance with paragraph 4.20 of Child Okeford Village Design Statement.

The amended plans also contain changes to the windows. Windows have been added to the plans for units 13, 14 and 24 (bathroom), units 15, 16, 21-23 (en-suite) and units 17-20 (bathroom). This will make a significant difference to each dwelling in terms of ventilation and light.

The proposed dwellings have been designed with regard to the traditional architectural elements and features found within the nearby Conservation Area and Child Okeford Village Centre. The proposed dwellings will contain window heads, dental courses, soldier courses to reflect the traditional design elements of the existing properties within Child Okeford.

Officers have worked with the applicant to secure design amendments to ensure that the design and appearance of the dwellings is appropriate to the character and appearance of Child Okeford. The proposed design of the scheme is considered to be acceptable in accordance with Policy 24 of The Local Plan.

### **Landscape**

The site provides an area of circa 0.31 ha of open space and retains the footpath which enters the site from Allen Close and runs to the western site boundary. The existing perimeter hedges are retained except for where the access is proposed, and the proposed open space allows for the retention of the centrally located feature Oak tree.

Paragraph 130 part a) of the NPPF requires development to be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and part f) requires the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Paragraph 131 requires tree lined streets, and that trees are incorporated elsewhere in the development. Paragraph 131 also requires appropriate measures to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

Policy 24 of the North Dorset Local Plan requires development to improve the character and quality of the area within which it is located, and to incorporate existing mature trees and hedgerows and other landscape features into the public realm of the development layout and provide sufficient additional landscape planting to integrate the development into its surroundings. Policy CO5 of the Child Okeford Village Design Statement indicates that new hedgerows should consist of native species such as holly, hawthorn, dogwood and hazel and new trees should be of species such as oak, yew, ash and lime in order to respect and maintain the traditional rural character of the village whilst having regard to future crown and root spread and the relationship with existing and proposed buildings.

The landscaping of the site has also been amended in response to officer concerns. The revisions include: the length of the rear amenity for plots 17-20 has been reduced in order to move plots 7-10 further away from Allen Close. A revised boundary treatments plan has been submitted which has removed the 500mm brick wall to the east of the site access has been replaced with a 500mm post and rail fence, which is considered to be a more rural and open form of enclosure and appropriate for the site. Brick walls were originally proposed around the front gardens of the plots, however this has been replaced with hedging reflecting the local character and will benefit the street scene.

Objections have been received in relation to the creation of new access from Allen Close. To confirm, no access to and from Allen Close is proposed under this application and this boundary will be enclosed with a 500m post and rail fence.

The Landscape Officer asked for the climbers to be planted along the north facing aspect of the rear wall for the gardens of plot 7-10. The applicant has not provided these due to ongoing maintenance reasons, however it is not considered that this would be sufficient enough to warrant a reason for refusal based on this alone. Overall, it is considered that the landscaping and planting proposals accord with these requirements in accordance with Policy 4 and 24 of The Local Plan.

### **Impact on AONB**

As the development is located outside of the designated area, the provisions of paragraph 177 of the NPPF are not applicable. Paragraph 176 is relevant, however, and the recent update to NPPF added further emphasis on consideration of the setting of AONBs, particularly consideration as to whether a development has been “sensitively located and designed to avoid or minimise adverse impacts on the designated areas”. In terms of evaluating effects of the proposal on the AONB, it should be remembered that the area possesses a number of ‘special qualities’ that underpin its significance as a nationally designated landscape.

The AONB officer considers that the development would not be so significantly of unduly harmful to the special qualities of the AONB to constitute reasonable grounds for refusal. Officers consider that the proposal would accord with the requirements of Policy 4 of the local plan and the NPPF.

### **Trees**

Objections have been received in relation to the impact of development on the trees on site. In response to a neighbour concern with T1 – Walnut, DC Tree Officers have undertaken a site visit. The Arboricultural Statement reports that the T1 is of high quality, however it is apparent with the tree protection plan that a no-dig system is proposed in the vicinity of this tree which is supported by DC Tree Officers. The canopy of this tree will overhang the rear gardens of units 7 and 8 but it is not considered that this will present a major issue as this tree is unlikely to be cast dense shade for any great period of time.

Concerns have been expressed in relation to the wall to units 7 and 8, however it is considered that this could be overcome by using fencing with a concrete horizontal lintel with close board fencing above, or the ground could be ‘bridged’ over significant roots or a pile and raft type system could be used. Condition 14 of the outline consent requires further details of this.

### **Heritage**

Whilst the application site is not located within Child Okeford Conservation Area, significant concern has been expressed in relation to the impact of the development on this CA. The Parish Council have requested that a consultation be undertaken with DC Senior

Conservation Officer, however the PC have been informed that it is not considered necessary in this instance for the reasons set out below.

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 dwellings are situated approximately 300 metres outside the Conservation Area. The dwellings will be located next to existing residential development which is also not located within the Conservation Area, and 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 5 of The Local Plan and section 16 of the NPPF and the historic environment section of the Planning Practice Guidance.

There have also been verbal concerns expressed to the Officer in relation to the impact of development Hambledon Hill (Scheduled Monument). The dwellings will be two storey in height and located next to existing residential properties which are also two storey in height. Concerning views back from Hambledon Hill, the site forms a relatively minor component within an extensive panoramic view. Furthermore, the area forms the backdrop to existing housing, occupying land that is sloping away from the Hill, which will reduce the prominence of the development. Overall, the effects on the outlook from Hambledon Hill are likely to be limited, although the development will be discernible as a new addition to the village, particularly during its early years, due to the likely contrast of the new materials as compared with the more weathered palette of housing materials that are seen in the wider settlement.

The new buildings will not be prominent or otherwise detrimental to the experience of Hambledon Hill's setting over and beyond the existing situation. 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 5 of The Local Plan and the historic environment section of the Planning Practice Guidance.

Furthermore, there are no listed buildings adjacent or within its setting. The nearest listed building is a Grade II 'Pilgrims Farm' approximately 300m to the East along Station Road. There will therefore be no impact upon local heritage assets given the significant separation distances and lack of intervisibility.

### **Impact on Residential Amenity**

The nearest affected residential properties are those which adjoin the site along its eastern boundary. These are Wynchards on the corner of Haywards Lane and two properties, no's 5 & 6 at the eastern end of Allen Close.

In order to reduce the impact on no's 5 and 6, plots 7-10 have been moved away from the boundary with Allen Close to reduce the impact on this neighbouring residential amenity. There are no windows proposed on the side elevation on Plot 7 which is nearest to Allen Close. Other properties that may have an oblique view of roofs include 13 & 14 Chalwell.



The properties in Greenway are only single storey and therefore unlikely to have any oblique views.

There will be an inevitable change to the nature of the site, with increased vehicular movement and domestic noise and activity. However, this is unlikely to adversely impact adjacent neighbours to the extent that would warrant the refusal of this application.

The amenity of adjacent residents would be protected by providing adequate space, respectful orientation between proposed and existing properties. The proposal accords with Policy 25 of The Local Plan.

### **Flooding and Drainage**

The flooding risk for the site and proposed drainage has been assessed and approved under the outline consent. DC Flood Risk Management Team have no objection to this reserved matters scheme given that conditions for detailed drainage design have already been attached to the outline consent.

### **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 the site. It is considered this would continue to satisfactorily mitigate the impact of the development and result in a bio-diversity net gain on site

## **15.0 Conclusions**

The principle of residential development on the site has been established under the outline consent which permitted 26 dwellings with access only approved.

The layout, scale, appearance and landscaping of the site have evolved positively through discussions between the officer and the applicant and through the submission of amended plans. The proposed dwellings are reflective of the surrounding development and have been orientated and designed to limit adverse impacts on the character of the area and on neighbouring residential properties.

Overall, on balance, the proposed development is found to be acceptable and accords with relevant policies of The Development Plan, NPPF, and Planning Practice Guidance.

## **16.0 Recommendation**

Approve the reserved matters of 'Appearance', 'Layout', 'Scale' and 'Landscaping', subject to the following conditions:

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

18083 P212 Rev A Proposed Elevation Unit 13  
18083 P201 Rev B Proposed Elevations Units 1 3  
18083 P210 Rev A Proposed Elevations Unit 21  
18083 P208 Rev A Proposed Elevations Units 16 & 22  
Haywards Lane Cs 658 Cs 658 Rev C Proposed Planting Layout Jan 22 A  
18083 P205 Rev C Proposed Elevations Unit 14 & 24  
18083 P107 Rev C Proposed Floor Plans Unit 15(1)  
18083 P302 Rev B Proposed Site Section D D  
18083 P112 Rev A Proposed Floor Plans Unit 13  
18083 P109 Rev C Proposed Floor Plans Unit 17 20  
18083 P111 Rev B Proposed Floor Plans Unit 23  
18083 P103 Rev D Proposed Floor Plans Unit 7 10  
18083 P108 Rev B Proposed Floor Plans Unit 16 & 22  
18083 P110 Rev C Proposed Floor Plans Unit 21  
18083 P211 Rev A Proposed Elevations Unit 23  
18083 P209 Rev B Proposed Elevations Units 17 20  
18083 P105 Rev C Proposed Floor Plans Unit 14 & 24  
18083 P207 Rev A Proposed Elevations Unit 15  
18083 P107 Rev C Proposed Floor Plans Unit 15  
18083 Schedule Of Accommodation Rev B  
18083 P302 Rev A Proposed Site Section D D  
18083 P301 Rev A Proposed Site Sections  
18083 P003 Rev M Proposed Site Layout  
18083 P004 Rev B Parking Refuse & Cycle Strategy  
18083 P005 Rev B Boundary Treatment Plan  
18083 P006 Rev B Hard Landscape Plan

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

2. Prior to development above damp-proof course level, details and samples of all external facing materials for the walls 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 agreed.

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

3. Prior to the commencement of any development hereby approved, above damp course level, a landscape management plan shall, by reference to site layout drawings of an appropriate scale, be submitted to and approved in writing by the Local Planning Authority and shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The subsequent management of the development's landscaping shall accord with the approved plan.

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

4. All hard and soft landscape works shall be carried out in accordance with the approved drawing numbered : Haywards Lane Cs 658 Cs 658 Rev C Proposed Planting Layout Jan 22 A, 18083 P005 Rev B Boundary Treatment Plan and 18083 P006 Rev B Hard Landscape Plan. No part of the development shall be occupied until work has been completed in accordance with the approved details. Any trees or plants that within a period of five years after planting are removed, die, or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced as soon as it is reasonably practical with others of species, size and number as originally approved.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

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# Agenda Item 7

<b>Application Number:</b>	P/FUL/2021/01864		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Vespasian House Barrack Road Dorchester DT1 1TF		
<b>Proposal:</b>	Erect a four storey extension comprising of 4 No. 2-bedroom apartments and a two storey detached building comprising 83 sqm of commercial, business and services uses (Use Class E) on the ground floor and 2 No. 1-bedroom apartments on the first floor. Carry out associated landscaping and car parking.		
<b>Applicant name:</b>	RTI Estates Limited.		
<b>Case Officer:</b>	Emily Jones		
<b>Ward Member(s):</b>	Cllr Biggs		
<b>Publicity expiry date:</b>	15 November 2021	<b>Officer site visit date:</b>	
<b>Decision due date:</b>	26 October 2021	<b>Ext(s) of time:</b>	

**1.0** The application comes to committee in light of the request made by Cllr Fry due the nature and location of the proposals.

**2.0 Summary of recommendation:**

Grant, subject to conditions. The application complies with the relevant national and local policies and there are no material considerations that would warrant refusal of this application.

**3.0 Reason for the recommendation:**

Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 11 of the National Planning Policy Framework (NPPF) provides that development proposals that accord with an up to date development plan should be approved without delay.

The site is situated in a sustainable location and the proposal is acceptable in design terms and would not result in harm to nearby heritage assets or to neighbour amenity. The development proposals accord with the development plan and there are no material considerations that would warrant refusal of this application.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	The site is within the defined development boundary for Dorchester, a main town where growth is focused.
Scale, design, impact on character and appearance	The design of the blocks are appropriate and subservient to the host structure with materials complementing the surrounding area.
Impact on heritage assets	The design of the proposal would not result in harm to the character of the Conservation Area nor to the setting of the listed buildings: The Keep and The Little Keep.
Impact on residential amenity	Each flat has sufficient living space. Potential for noise disturbance from road, alternative means of ventilation required so windows don't have to be opened.
Impact on neighbour amenity	The distance between the proposal and the nearest neighbouring residential dwellings means the proposal would not result in being overbearing, overshadowing, or overlooking.
Access and Parking	No highway safety concerns have been raised. One parking space per apartment is provided which meets the standards and is appropriate for a town centre location.
Impact on trees	No TPOs on the site. There is one mature tree of importance which would be protected during construction.
Impact on biodiversity	The proposal would not harm any protected species and only result in the loss of grassland which has low ecological importance. Biodiversity enhancements are proposed and would be conditioned.

#### 5.0 Description of Site

Vespasian House is a four-storey T-shaped building situated in a corner plot with Barrack Road to the north and north-east and Bridport Road to the south. Prior approval for the conversion of the building from offices to up to 65 one and two bed apartments was granted under WD/D/20/001686.

#### 6.0 Description of Development

This application seeks to extend the building to the south-east, and south to form a commercial premise and a further six apartments.

## 7.0 Relevant Planning History

Application Ref	Description	Decision	Decision Date
WD/D/20/001686	Change of use of the building from Class B1 (a) (offices) to Class C3 (dwelling houses) to comprise of up to 65no. 1 and 2 bed apartments	Prior approval granted	15/09/2022
WD/D/20/000329	Pre Application consultation: 5 storey extension comprising 3no. apartments and a café, together with a pocket park and redesign of space fronting the Dorset History Centre	Response given	28/04/2020
WD/D/19/002641	Enclose existing porch to create an entrance lobby, new combined access/egress to the existing car park from Barrack Road, creation of a loading bay/pull-in area, rationalisation of the existing 10no. car parking spaces and the provision of 2no. new cycle stores, together with improved hard and soft landscaping	Granted	08/01/2020
1/D/10/000336	Replace redundant secondary entrance doors within the ground floor with window sets to match existing. Replace 6 window panes with powder coated aluminium ventilation extract louvres. Install air condenser compounds. Improvements to car park entrance & exit including layout re-marking & entrance barrier upgrade	Granted	21/06/2010

## 8.0 List of Constraints

Within Dorchester defined development boundary

Within the Dorchester Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Poole Harbour Nutrient Catchment Area – SSSI impact risk zone

Groundwater source protection zone

## 9.0 Consultations

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

### Consultees

**1. Wessex Water**

No objection

**2. Natural Environment Team**

No comments received

**3. DC Highways**

No objection, subject to condition

**4. Dorset Waste Partnership**

No comments received

**5. Conservation Officers**

No objection, subject to conditions. There would be no harm to the conservation area or nearby listed buildings.

**6. Public Protection**

No objection - Noise report acceptable, however windows would need to be kept shut. Could potentially be overcome by mechanical ventilation.

**7. Dorchester Town Council**

Objection - Overbearing on Vespasian House; loss of greenspace – harming conservation area; should provide pedestrian crossing of Poundbury Road

**8. Dorchester West Ward Member(s)**

No comments received

### Representations received

Total - Objections	Total - No Objections	Total - Comments
27	1	1

Petitions Objecting	Petitions Supporting
0	0



0 Signatures	0 Signatures
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Comments made in support	Comments made objecting
<ul style="list-style-type: none"> <li>• In-keeping with character of area</li> <li>• Green roof will increase biodiversity</li> <li>• Good design</li> <li>• Needed homes</li> </ul>	<ul style="list-style-type: none"> <li>• Increased traffic – highway safety</li> <li>• Pedestrian safety</li> <li>• Parking</li> <li>• Loss of privacy/overlooking</li> <li>• Harm to conservation area</li> <li>• Design of building not in-keeping</li> <li>• Loss of greenspace</li> <li>• No need for commercial premise</li> <li>• Loss of light</li> <li>• Light pollution</li> <li>• Overdevelopment</li> <li>• Harm to environment</li> <li>• Increase noise/disturbance</li> <li>• Insufficient infrastructure</li> <li>• Lack of affordable housing</li> <li>• Loss of view</li> <li>• Pollution for new residents</li> </ul>

## 10.0 Relevant Policies

### Adopted West Dorset and Weymouth & Portland Local Plan:

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

- INT1 – Presumption in favour of sustainable development
- ENV2 – Wildlife and habitats
- ENV4 – Heritage assets
- ENV10 – The landscape and 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 housing and economic growth

- SUS2 – Distribution of development
- ECON4 – Retail and town centre development
- COM7 – Creating a safe and efficient transport network
- COM9 – Parking standards in new development

#### 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 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 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.
- 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).

### **Other material considerations**

#### National Planning Practice Guidance

#### The Bournemouth, Poole and Dorset Residential Car Parking Study Residential Car Parking Provision, Local Guidance for Dorset (May 2011)

### **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 Planning Assessment

### Principle of development

The site is situated within the defined development boundary for Dorchester where residential, employment, and other development to meet the needs of the local area is normally permitted under SUS2 of the Local Plan. The Council is able to demonstrate a 4.93 year housing land supply however the site is located within the Dorchester Defined Development Boundary where the principle for residential use is acceptable, subject to site specific criteria. The provision of a single commercial premise of this size is considered to be appropriate for the location and complies with policy ECON4 of the Local Plan. Therefore, the principle of development is considered to be acceptable.

### Design and the impact on the character of the area and designated heritage assets

As already noted, the site lies within the built-up area of Dorchester. It is situated adjacent to the Dorchester Conservation Area, with the line appearing to have been intentionally drawn to skirt around the site and therefore it is not within the designated heritage asset. The site also lies within the setting of two GII listed buildings: Dorset Military Museum (The Keep) and North-West Block of Former Infantry Barracks (The Little Keep).

The scheme proposes two blocks of extension to Vespasian House. Block A is a situated to the south and comprises of a 4-storey block of 4, 2-bed apartments. A two-storey extension is to be sited to the south-east of Vespasian House and houses the ground floor commercial unit and the 2, 1-bed apartments (Block B).

Block A has been designed as a modern interpretation of the 1970s style building it fronts. The flat roof assists in reducing the potential bulk of the extension and allows it to be as a subservient addition to the host structure. Furthermore, the materials are reflective of those used for Vespasian House and would not detract from the prominence of The Keep’s stone wall.

By contrast, Block B will be two storeys and have a modern design, the flat roof allowing views of Vespasian House to the side and reducing its mass and appearing

subservient addition to Vespasian House. The use of render is not considered to be an inappropriate material choice in this location, helping provide some interest, and not harming the setting of nearby listed buildings.

Taken together, the proposed extensions would enhance the façade of Vespasian House fronting Bridport Road. Whilst the mass of the building would inevitably increase, this is off-set by the subservient appearances through the utilisation of flat roof, appropriate materials and detailing. The host structure is respected and the scheme is not considered to harm the character of the area or the setting of Dorchester Conservation Area and the two listed buildings. As such the proposed complies with policies ENV4, ENV10, and ENV12 of the Local Plan.

### Residential Amenity

The proposal extends residential accommodation towards Bridport Road, which is a busy route through Dorchester. As such, sensitive receptors to noise are situated in close proximity to the road. A noise report accompanies the application, based on window being closed with ventilation provided from trickle vents. The opening of windows onto Barrack Road would result in occupants experiencing considerable noise from traffic. Given this, no objection has been raised by environmental protection provided the windows remain closed, and this can be secured via condition.

Whilst the reliance on trickle vents as the sole source of ventilation would be acceptable during the winter months, additional ventilation could be required for the warmer months. There are a number of alternative options that could be utilised however this would fall to be considered under building regulations.

The commercial unit on the ground floor of Block B would have a use class of E which has a wide range of potential uses. As such, and to ensure that the occupants of the flats are not unduly disturbed, it would be reasonable to condition the opening hours of the unit.

Internally, the flats have sufficient living space. Externally, each flat would have access to their own balcony area. Whilst these face Bridport Road, the situation is not uncommon in town centres, and the choice of using them would lie with the occupant. Given their central location, residents would also have relatively easy access to greenspaces and other amenities within the town.

It is therefore not considered that the amenities of the future residents would not be unduly compromised by the proposal and accords with policy ENV16 of the Local Plan.

### Impact on neighbouring properties

The nearest residential neighbouring properties to the proposal are the terraced dwellings on the opposite side of Bridport Road.

Both blocks are angled away from the dwellings. The minimum building separation distance for Block A would be approximately 23.4m, rising to a minimum separation distance of 25.7m for Block B. This combined with the intervening road is such that the proposal would not be overbearing on those dwellings. Sited to the north, and with the backdrop of Vespasian House (itself four storeys with a hipped roof) would not result in overshadowing of neighbouring dwellings.

There would be a limited increase in the light levels from the additional apartments, however this would not be unduly excessive above levels for a town centre location and therefore would not result in significant disturbance.

The offset positions of the extensions from Bridport Road mean that there would be no direct window-to-window overlooking. This, in addition to a separation distance of over 23m is such that there would not be a significant loss of privacy that would warrant a reason for refusal on this ground.

The apartments would not give rise to any significant disturbance to neighbouring dwellings and would not be above levels typically experienced for a residential area.

#### Impact on highway safety and parking

No changes to vehicular access for Vespasian House are proposed with access onto Barrack Road. Pedestrian entrance would be created along Bridport Road. As such no concerns regarding highway safety have been raised by the highway officer.

The Town Council have requested that the pedestrian crossing is enhanced however highways, in considering this application, have advised that this would not be required of the proposed development due to its small scale and the likely pedestrian trips during morning and afternoon peaks not being justifiable to ask for this.

In terms of parking, it is proposed to provide each apartment with one parking space to the rear of the site. This is an appropriate level of provision for the town centre location, where residents have access to public transport and town facilities, meeting the parking standards set out in the relevant local guidance document. Therefore, parking has not been raised as a concern by the highways officer, subject to a condition requiring those spaces to be provided. The proposal thereby complies with COM7 and COM9 of the Local Plan.

#### Impact on trees

There are no protected trees on the site. Nevertheless, the application is accompanied by an arboricultural survey. This indicates that two low-quality trees, a rowan and a small weeping birch, would not to be removed to facilitate the development. A mature London plane on Barrack Road can be retained and a tree protection plan has been submitted. This would be conditioned to ensure that the tree is not harmed during construction.

### Impact on biodiversity

The application is accompanied by an ecological impact assessment. This indicates that there would be a loss of amenity grassland to facilitate the extensions however this is of negligible ecological importance. The site is of negligible/low importance as suitable habitat for protected species and no evidence of any was found during the survey. Biodiversity enhancements have been proposed and the biodiversity mitigation plan has been approved by the Natural Environment Team. This would be conditioned.

### Other matters

The application is only proposed six dwellings and therefore there is no policy requirement to provide for affordable housing.

Loss of view is not a material planning consideration.

## **14.0 Conclusion**

The Council has published its five-year housing land supply figures, which confirms that the Council are unable to demonstrate a five-year housing land supply. Under these circumstances, paragraph 11 of the NPPF places a presumption in favour of sustainable development, and the application has to be assessed in light of this.

The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact; it would not harm the character of the conservation area or setting of the listed buildings and it would not cause significant harm to neighbouring residential amenity. The development provides acceptable amenity for future occupants and parking provision is acceptable for the town centre location. No harm would be caused to important trees or to biodiversity. The application complies with the relevant national and local policies and there are no material considerations that would warrant refusal of this application.

## **15.0 Recommendation**

### **Grant, 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 - drawing no. SLP.01 Rev A - dated 08 September 2020

Site Layout - drawing no. SL.01 Rev A - dated 08 September 2020

Street Elevation Bridport Road - drawing no. SE.01 Rev A - dated 06 October 2020

Flat Block A.01 Front Elevation - drawing no. FB.e1 Rev A - dated 05 September 2020

Flat Block A.01 Rear Elevation - drawing no. FB.e1 Rev A - dated 15 September 2020

Flat Block A.01 Second and Third Floor Plans - drawing no. FB.p2 Rev B - dated 15 September 2020

Flat Block A.01 South-West Elevation - drawing no. FB.e3 Rev A - dated 27 August 2021

Ground and First Floor Plans - drawing no. FBA.p1 Rev A - dated 1 September 2020

Flat Block A.01 Coloured Front Elevation Bridport Road - drawing no. FBB.e1 Rev A - dated 25 September 2020

Flat Block B.01 Coloured Front Elevation Bridport Road - drawing no. FBB.e1 Rev A dated 25 September 2020

Flat Block B.01 Rear Elevation and Eastern Side Elevation - drawing no. FBB.e2 Rv A - dated 25 Spetember 2020

Flat Block B.01 Indicative Ground Floor Plan - drawing no. FBB.p1 Rev A - dated 25 September 2020

Flat Block B.01 First Floor Plan - drawing no. FBB.p1 Rev A - dated 25 September 2020

Flat Block B.01 Rear Elevations, Eastern and Western Side Elevations - drawing no. FBB.e2 Rev B - dated 25 September 2020

Site Sections.01 Section 1 - drawing no. SS.s1 Rev A - dated 04 September 2020

Site Sections.01 Section 2 - drawing no. SS.s2 Rev A - dated 04 September 2020

Site Section.01 Section 3 - drawing no. SS.s3 Rev A - dated 04 September 2020

Dwellings and Boundaries Material Layout.01 - drawing no. BDML.01 Rev A - dated 28 September 2020

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



3. No works shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.

Reason: This condition is required pre-commencement to ensure that any burials that are affected by the development are recorded and moved in an appropriate manner.

4. Before the development hereby approved is occupied or utilised the turning and parking shown on the submitted plans must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

5. The development hereby approved shall proceed only in accordance with the details set out in the Arboricultural Method Statement, reference 05652 VESPASIAN HOUSE AIA 07.05.21, setting out how the existing trees are to be protected and managed before, during and after development.

Reason: To ensure thorough consideration of the impacts of development on the existing trees.

6. The development hereby approved must not be first brought into use unless and until a report or photographs providing evidence of compliance with the Biodiversity Plan certified by Dorset Natural Environment Team on 15 September 2021, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To secure mitigation, compensation and enhancement/net gain for impacts on biodiversity.

7. Each flat hereby permitted will be fitted with an alternative source of ventilation from open windows.

Reason: To protect the occupants from high noise levels that may otherwise be experienced if there is a reliance on opening windows for ventilation.

8. The Class E premises on the ground floor of Block B shall not be used for the purposes hereby permitted outside the hours of 6:00 to 22:00, or Public Holidays.

Reason: To safeguard the character and amenity of the area and living conditions of any surrounding residential properties.

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# Agenda Item 8

<b>Application Number:</b>	P/OUT/2021/04802		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Land West of Little Elms Elm Hill Motcombe Shaftesbury SP7 9HR		
<b>Proposal:</b>	Develop the land by the erection of up to 6 no. dwellings (2 no. detached houses & 4no. semi-detached bungalows) (Outline application to determine access).		
<b>Applicant name:</b>	Mr & Mrs Hurd		
<b>Case Officer:</b>	Cass Worman		
<b>Ward Member(s):</b>	Cllr Walsh; Cllr Potheary; Cllr Ridout		
<b>Publicity expiry date:</b>	15 December 2021	<b>Officer site visit date:</b>	Previous
<b>Decision due date:</b>	11 January 2022	<b>Ext(s) of time:</b>	

## 1.0 Nominated Officer:

I wish to refer this application to the planning committee in light of the concerns raised by Motcombe Parish Council and the requests for committee referral made by Dorset Council members. I note that the site is located outside the defined settlement boundary, and the proposal conflicts with the Motcombe Neighbourhood Plan, albeit that this is considered to be out of date for the purposes of paragraph 14 of the National Planning Policy Framework. Overall, in my view, there is merit in this application being considered in a public forum at the planning committee.

## 2.0 Summary of recommendation:

GRANT subject to conditions

## 3.0 Reason for the recommendation:

- The latest Housing Land Supply position statement sets out that the supply has risen to 5.17 years for 1st April 2021, however the latest Housing Delivery Test for North Dorset, published January 2022, is 69%. The tilted balance is therefore still engaged, meaning that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- The Neighbourhood Plan became part of the development plan more than 2 years ago and therefore this Policy must be regarded as out of date and the presumption applies:

- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The location of the site is at the edge of the settlement boundary, connected by the existing highway. The site is identified as being suitable for housing (albeit for affordable and open market housing in the now out of date Neighbourhood Plan) and the proposal would be acceptable in its design and general visual impact subject to suitable details being provided at reserved matters.
- The scheme could be delivered without significant harm to neighbouring residential amenity, subject to suitable details being provided at reserved matters.
- The scheme is considered acceptable to Highways & Flood Risk Engineers, subject to conditions
- There are no material considerations which would warrant refusal of this application

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	<p>The site is located in a sustainable location and would provide for a small but important addition to housing numbers.</p> <p>The Neighbourhood Plan became part of the development plan more than 2 years ago and therefore Policy MOT14 of the Neighbourhood Plan must be regarded as out of date and the presumption applies:</p> <p>Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise</p> <p>Housing Land Supply has risen to 5.17 years however the latest Housing Delivery Test for North Dorset, published January 2022, is 69%: The tilted balance is therefore still engaged.</p>
Economic benefits	<p>6 market dwellings would contribute to the housing supply, in a sustainable location, on the edge of the defined settlement boundary.</p> <p>Related economic benefits would be from employment created during construction phase (supporting local jobs in</p>

	the construction sector) and would bring about added value in the local area through associated spending and economic activity from the residents of the dwellings – this would support the local economy and long-term economic growth in the area, with new residents spending on goods and services.
Access and Parking	Access is considered acceptable to Highways Engineers; reserved matters of layout would detail parking provision - indicative drawings demonstrate sufficient parking for 6 dwellings can be achieved.

## 5.0 Description of Site

The application site is situated on the southern side of Elm Hill, in the rural parish of Motcombe. It is outside the defined settlement boundary. A linear strip of detached bungalows lie to the north of Elm Hill.

The proposed development is positioned in the northern most section of a large field that slopes gently to the south. Glimpsed views of open agricultural land can be obtained from the current western field access, and whilst this has not been identified as a local view within MOT7 of the Motcombe Neighbourhood Plan, it is still considered to contribute positively to the rural character of Elm Hill.

## 6.0 Description of Development

Erection of 6 dwellings: 2 No. detached houses, 2 No. detached bungalows and 2 No. semi-detached bungalows. The application is in outline to determine access only, a new access road is proposed from Elm Hill to the east of the site.

## 7.0 Relevant Planning History

2/1992/0491 Decision: REF Decision Date: 19/08/1992

Develop land by erection of 2 no. cottages, form joint vehicular access

2/1998/0610 Decision: REF Decision Date: 23/09/1998

Develop land by erection of 9 No. detached dwellings

2/2020/0924/OUT Decision: REF Decision Date: 20/11/2020

Develop the land by the erection of up to 6 No. dwellings (2 No. detached houses, 2 No. detached bungalows and 2 No. semi-detached bungalows. (Outline application to determine access).

## 8.0 List of Constraints

North Dorset Local Plan Part 1 (2011-2031); Adopted; Settlement Boundary (inside); Policy 2; Motcombe

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

Type: Neighbourhood Plan - Made; Name: Motcombe NP; Status Adopted  
10/12/2019;

EA - Areas Susceptible to Groundwater Flooding; Superficial Deposits Flooding; < 25%;

NE - SSSI impact risk zone;

NE - SSSI (5km buffer): Breach Fields ;

NE - SSSI (5km buffer): Gutch Common ;

## 9.0 Consultations

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

Consultation Responses	No Objection	Object	Brief Summary of Comments
Town or Parish Council		X	<ul style="list-style-type: none"> <li>- Outside the Motcombe Settlement Boundary</li> <li>- Contrary to Motcombe Neighbourhood Plan Policy MOT14 designated as a Rural Exception Site for affordable housing</li> </ul>
Ward Member(s)			No response
Wessex Water	x		<p>LPA will need to be satisfied that soakaways will work and arrangements are clear for any shared obligations.</p> <p>Soakaways will be subject to Building Regulations</p>
Flood Risk Management	x		<p>Surface Water Drainage Strategy document is comprehensive and acceptable.</p> <p>Details of the proposed drainage scheme should be agreed by condition following investigative works</p> <p>Applicant is reminded that Land Drainage Consent from the Council will be required.</p>

Highways Officer	x		Conditions required for Vehicle access construction; Outline estate road construction; Cycle parking scheme; No gates; visibility splay provision; construction method statement
Natural Environment Team	x		Certificate of biodiversity mitigation and enhance has been issued
Housing Enabling Team		x	There is a demonstrable housing need on the Housing Register from applicants requiring affordable homes in Motcombe
Building Control	x		<p>Species of proposed hedging, some being of high water demand should be taken into consideration when designing house foundations.</p> <p>It is presumed the foul drainage will be connected to the public sewer and not treatment plants.</p> <p>The proposed road should comply in every aspect for access or the fire rescue service as B5 of ADB Vol 1</p> <p>Attenuation storage area beneath the road to be designed by geocell.</p> <p>Guidance from SSE should be sought when building below power lines.</p>
Waste Policy	x		Ensure sufficient access and turning head / area for an RCV for waste collection

### **Representations received**

11 objections from Motcombe Residents were received on the following summarised grounds:

- Contrary to Neighbourhood Plan Policy MOT14
- Overdevelopment outside the defined settlement boundary, would set undesirable precedent
- Poor access to village's facilities, too distant from shops, no footway, dangerous walking conditions for pedestrians

- Proposed access is dangerous and will be disturbing to neighbouring residents
- Overbearing, overshadowing, overlooking, loss of light, and loss of privacy to neighbouring residents
- Concerns re surface water flooding: assumptions made in the drainage report that the existing nearby culverts are satisfactory for the current circumstances are incorrect
- Not enough parking provided & the turning circle would become a car park
- Applicant should stop attempts at speculative development after refusals
- Loss of agricultural land and green space
- Increased traffic and impact on highway safety and increase in congestion
- Light pollution from vehicle movements and the new dwellings
- Impact on local character in edge of village location, the proposed design and layout is not in keeping with local area and indicates the beginning of a larger housing estate as opposed to a small infill
- Proposal undermines Neighbourhood Planning Policies & aspirations of the local community - No affordable houses proposed, mix is not as per that specified in the NP, no local requirement for 4-bedroomed units, no justification for mix proposed
- Adverse impact on biodiversity
- Loss of hedgerow & impact on important wildlife corridor
- Plans are misleading and proposed pedestrian access too close to existing neighbouring properties
- Impact on non-designated heritage assets (Grosvenor Cottages)
- The existing access is not existing, the gateway into the site has not been used for years

## **10.0 Relevant Policies**

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

- Policy 1 – Presumption in Favour of Sustainable Development
- Policy 2 – Core Spatial Strategy
- Policy 4 – The Natural Environment
- Policy 5 – The Historic Environment
- Policy 6 – Housing Distribution
- Policy 7 – Delivering Homes
- Policy 8 – Affordable Housing
- Policy 9 – Rural Exception Affordable Housing
- Policy 13 – Grey Infrastructure
- Policy 14 – Social Infrastructure
- Policy 15 – Green Infrastructure
- Policy 20 – The Countryside
- Policy 23 – Parking
- Policy 24 – Design
- Policy 25 – Amenity



## **Motcombe Neighbourhood Plan 2017 to 2027 Made 10 Dec 2019**

MOT14 - Rural Affordable Housing Exception sites

### **National Planning Policy Framework 2021**

1. Introduction
2. Achieving sustainable development
3. Plan-making
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

### **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.

Officers have not identified any specific impacts arising from the development on those persons with protected characteristics.

### 13.0 Financial benefits

What	Amount / value
Material Considerations	
Housing	6 market dwellings
Employment during construction phase	Support local construction sector
Spending in local economy	Residents of dwellings would support economic growth
Non Material Considerations	
Contribution to Council Tax	As per appropriate charging bands

### 14.0 Climate Implications

The buildings would need to comply with modern Building Regulations standards. Details of renewables & other details (such as electric car charging points) would be expected at reserved matters.

### 15.0 Planning Assessment

#### 15.1 Principle of Development

The site falls outside, but is on the edge of, the adopted settlement boundary of Motcombe, one of the 18 larger villages in North Dorset. The site therefore sits in ‘the countryside’ where development is only permitted in a limited number of circumstances or where there is a demonstrated overriding need.

The application site is identified as a rural exception site (Site 18) in Policy MOT14 of the Motcombe Neighbourhood Plan (NP), which was made in December 2019. The NP policy states that the site is allocated “for up to 6 dwellings, of which at least 4 should be affordable homes.” The policy sets out further criteria, including that any proposals should accord with the requirements for rural exception affordable housing as set out in the Local Plan.

The proposal consists of 6 market dwellings and offers no affordable housing, and is therefore contrary to the spatial strategy set out in the North Dorset Local Plan Part 1 and the locally specific policies set out in the Motcombe Neighbourhood Plan.

#### 15.1.1 Monitoring

The North Dorset local plan area has until recently been unable to demonstrate a 5-year deliverable housing land supply (DHLS); However, the latest Housing Land

Supply position statement published by the Council sets out that the supply has risen to 5.17 years for 1st April 2021.

The latest Housing Delivery Test (HDT) for North Dorset, published January 2022, is 69%. A year before it was 59% - so while delivery is underperforming, there is evidence that it is improving as the deliverable supply improves.

Between 2011 (the beginning the LPP1 plan period) and 2021, 22 net additional dwellings were completed at Motcombe. The Council is of the view that there are 33 dwellings in the 5-year supply at Motcombe, and that there are a further 9 dwellings on allocated sites which are not currently in the deliverable supply (this includes 6 dwellings on the site of this application).

### 15.1.2 Housing Delivery

NPPF paragraph 7 states that the purpose of the planning system is “to contribute to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives to achieving sustainable development (economic, social and environmental). Paragraph 9 then states:

*These objectives ... are not criteria against which every decision can or should be judged. Planning ... decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.*

Paragraph 10 states that at the heart of the NPPF is a presumption in favour of sustainable development. This is set out in paragraph 11. Sub-sections (c) and (d) of paragraph 11 relate to decision-taking. Part (c) relates to development proposals that accords with the development plan. As set out above, this development proposal conflicts with the development plan, and therefore part (c) does not apply and part (d) should be referred to instead.

According to NPPF paragraph 11(d) footnote 8, a Housing Delivery Test (HDT) result less than 75% indicates that the policies which are most important for determining the application are out-of-date. As stated above, the latest HDT result for North Dorset is at a delivery rate of 69% over the last three years. Paragraph 11 states that this means granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or
- ii. 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.

Footnote 7 states:

*The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68 in chapter 16); and areas at risk of flooding or coastal change.*

Paragraph 14 states:

*In situations where the presumption (at paragraph 11(d)) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:*

- a) the neighbourhood plan became part of the development plan 2 years or less before the date on which the decision is made;*
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*
- c) the local planning authority has at least a 3 year supply of deliverable housing sites (against its 5 year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and*
- d) the local planning authority's housing delivery was at least 45% of that required over the previous 3 years.*

## **15.2 Discussion of Principle**

Until December 2021, NPPF paragraph 14 would have been a key consideration for determining schemes such as this one (e.g. residential development at Motcombe which does not comply with the development plan), and it was on this basis that the same scheme was refused in November 2020, reference 2/2020/0924/OUT .

However, while there is more than 3 years' supply of deliverable housing sites, housing delivery is above 45%, and the neighbourhood plan contains policies and allocations to meet its housing requirement, **the neighbourhood plan is now more than two years old**. This being the case, protection under NPPF paragraph 14 no longer applies.

NPPF para 60 states that it is the Government's objective to significantly boost the supply of homes and therefore *"it is important that a sufficient amount and variety of land can come forward where it is needed..."*

As the most recent Housing Delivery Test Result is below 75%, means that the 'presumption in favour of sustainable development' applies; under the 'presumption', permission should be granted unless policies in NPPF provide a clear reason for

refusal or the adverse impacts would significantly and demonstrably outweigh the benefits.

### 15.2.1 Housing Need

There is a demonstrable housing need on the Housing Register from applicants requiring affordable homes in Motcombe:

<b>Motcombe – 2021 (last quarter)</b>	<b>Count</b>
Couple/single requiring 1 bedroom	5
Family requiring 2 bedrooms	6
Family requiring 4 bedrooms	2
<b>Grand Total</b>	<b>13</b>

### 15.3 Impact on local character

The outline application is made for “up to 6 no. dwellings (2 no. detached houses & 4no. semi-detached bungalows)” to determine matters of access only.

The existing dwellings on the north side of Elm Hill are a linear strip of detached dwellings, mostly bungalows, set back from the road, each with their own driveway.

An illustrative layout for the new dwellings has been provided, which demonstrates that six dwellings can sit on the site without resultant overcrowding or overdevelopment.

The proposal is to create a new estate road on the eastern side of the site which would run parallel with Elm Hill behind the hedgerow, with the new dwellings to be sat behind this access road to the south.

It is acknowledged that due to the presence of the roadside hedgerow (which is important to maintain for ecological connectivity and habitat retention), that it would be impossible for each dwelling to feature its own driveway which is the prevailing character opposite the site.

It is therefore recognised that a liner ‘estate-road’ is the most suitable design response here bearing in mind the desire to retain the hedge, and to reflect the characteristic liner layout opposite the site.

As a currently open field with no strong design themes on either side of the site, it would be feasible to design a linear scheme that is in keeping with the overarching character of the setting as dictated by the access point and proposed estate road.

The illustrative layout shows the two 4-bed dwellings to ‘bookend’ the scheme, with bungalows in between. The supporting statement describes how this proposed layout came about following conversation with the Parish Council, the reasoning being to keep the higher profile dwellings on the edges of the site away from the ridge. Matters of design/appearance, scale, and layout are all reserved, and officers

consider that 6 dwellings could be accommodated on the site without adverse impact on the character of the area.

#### **15.4 Biodiversity, trees & hedgerows**

The new access road would require the removal a section of approximately 10 metres of existing species rich hedgerow, and trimming back to facilitate the required visibility splays

Hedgerow protection methodology is detailed in the approved Biodiversity Plan, in addition to the proposal to plant approximately 130m of species rich hedgerow along the southern boundary of the site.

Dormice are present in the hedgerow, and a protected species licence would be sought from Natural England to undertake works impacting on the northern hedgerow. Other mitigation measures (including timings and methodologies) for Great Crested Newts, Badgers, Birds, and Hedgehogs are included and agreed in the certified Biodiversity Plan.

The Biodiversity Plan also includes suitable biodiversity enhancement measures such as fruit tree & hedgerow planting; bee, bird & dormouse boxes; suitable lighting strategy for foraging bats.

Biodiversity mitigation & enhancements contained in the Biodiversity Plan would be secured by condition, and as the details are currently identified on the indicative layout, the applicant is reminded that if this layout is different to what is subsequently submitted at reserved matters, then an updated Biodiversity Plan would be required.

#### **15.5 Impact on Neighbouring Amenity**

Concerns have been raised that the new dwellings would result in overlooking, overshadowing and overbearing to existing dwellings to the west, and adversely impact on the outlook that occupants of dwellings opposite the site currently enjoy.

The indicative site plan shows an acceptable degree of separation between the site and existing dwellings can be achieved and it is considered that with a suitable layout and design presented at reserved matters, a scheme which preserves the amenity of the surrounding existing dwellings could be achieved.

Concerns have also been raised that the new vehicular access to the east would be disturbing to occupants immediately opposite. It is acknowledged that there would be a notable change in the character of the area with vehicles from six dwellings using this access. The dwellings opposite the site, and opposite the proposed estate road entrance, are set well back from the road, buffered by front gardens more than 10 metres deep. It is therefore considered that this increase in vehicular movements from the new access road would not result in a significant degree of disturbance to warrant refusal of the application.

With regards to possible disturbance and overlooking from users of the proposed pedestrian access into the site on the west side of the site, taking into account that

the window of the neighbouring property serves a ground floor bathroom only in a single storey lean-to, it is considered that with suitable landscaping/planting/fencing, privacy of occupants of this adjacent dwelling could be suitably protected.

## **15.6 Access and parking**

The concerns of nearby residents are noted as to the safety of the proposed vehicular access, and the potential for congestion; however the Council's Highways Engineer has considered the proposals and has no objection to the scheme, subject to conditions. It is considered that the proposals would not adversely impact highways safety, nor result in adverse impacts on the surrounding highway network.

The indicative layout demonstrates that there is sufficient space on the site to provide parking spaces for 6 dwellings; the indicative layout showing driveway space for two cars per dwelling, and the 4-bed dwellings also showing on the indicative layout garage parking in addition to driveway parking. Concerns are raised that additional cars may park on and around the estate road, and whilst noted, suitable parking provision would be secured at reserved matters where layout would be agreed.

Concerns are also raised that there is no path or pavement which links the site to the village centre, and this is acknowledged – however the site is within the 30mph speed limit, and existing dwellings opposite access the village without the provision of a pavement. In addition, provision of a footway is simply not feasible along Elm Hill – as a relatively modestly sized proposal, the provision of a footway in this location is not considered to be feasible nor viable and in this instance, and therefore the lack of footpath provision would not warrant refusal of this application.

## **15.7 Flood risk**

Concerns have been raised with the potential for increase surface water flooding and impacts on existing culverts which currently underperform.

The application is accompanied by a detailed surface water drainage strategy. This document has been scrutinised by the Council's Engineer in the Flood Risk Management Team, who is satisfied that the report is comprehensive and prepared by suitably qualified persons. The strategy outlines a number of options which are available for dealing with surface water, and a recommended SuDS strategy is outlined, which is supported. A condition requiring the applicant to submit details of the proposed surface water drainage works would be sought for agreement of the LPA, and this scheme shall also include a management & maintenance plan which would detail who shall be responsible for the ongoing maintenance of the surface water drainage scheme – this will ensure that the proposed drainage scheme is fit for purpose and suitably maintained in perpetuity

The Council's Flood Risk Engineer also reminds the applicant that Land Drainage Consent would be required for any proposed interventions with the existing culvert.

Wessex Water have no objections to the proposals, who confirm with the proper implementation of the proposed SuDS and soakaways, (which would be regulated

via Building Control Regulations, and details to be agreed with the LPA), the scheme is considered to be acceptable.

## **15.8 Other matters**

### *Grosvenor Cottages*

Concerns have been raised with regards to the impact of the scheme on the character and appearance of the adjacent Grosvenor Cottages which are considered non-designated heritage assets. Taking into account the distance of the application from these buildings, and the fact that matters of appearance, scale and layout are reserved, it is Officer opinion that a suitable scheme design which responds positively to local character of the area could be achieved which would respect the setting in proximity to these characterful buildings.

## **16.0 Planning Balance**

The site is on the edge of, and connected by the existing highway, to the defined settlement boundary of Motcombe. It is identified in the NP as a site suitable for housing, NP Policy MOT14 requiring the site to deliver at least 4 units of affordable housing out of a maximum of 6. However as discussed above, the neighbourhood plan became part of the development plan more than 2 years ago and therefore this Policy must be regarded as out of date and the presumption applies - NP MOT14 is therefore afforded less weight in the planning balance.

The latest Housing Land Supply position statement published by the Council sets out that the supply has risen to 5.17 years for 1st April 2021, however the latest Housing Delivery Test for North Dorset, published January 2022, is 69%: The tilted balance is therefore still engaged, meaning that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The benefits of the scheme would be 6 market dwellings contributing to the housing supply, in a location on the edge of the defined settlement boundary. Related economic benefits would be from employment created during construction phase (supporting local jobs in the construction sector) and would bring about added value in the local area through associated spending and economic activity from the residents of the dwellings – this would support the local economy and long-term economic growth in the area, with new residents spending on goods and services.

The application is made in outline, for consideration of access only. The Highways Engineer has no objection to the proposals, subject to conditions.

Indicative drawings showing design, scale and layout demonstrates sufficient space to deliver six dwellings without overcrowding or overdevelopment of the site, and it is envisaged with a suitable design reflecting the local vernacular being presented at reserved matters, that the scheme could be delivered sympathetically to respect the local landscape character. The indicative layout demonstrates that the scheme could



be delivered with no significant harm to neighbouring residential amenity. The outline application is accompanied by a certified biodiversity plan which would deliver biodiversity mitigation, compensation and enhancements. The Flood Risk Engineer is satisfied that a suitable surface water management scheme can be achieved on the site, and details would be agreed via condition.

## **16.1 Summary**

In view of the Housing Delivery Test result, the tilted balance should therefore be applied, given that the policies referred to in footnote 7 of the NPPF are not engaged. In accordance with paragraph 11 d) of the Framework, as directed by Footnote 8, policies which are most important for determining the application are considered out-of-date, and subsequently planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Weighing against the proposal, is that fact that the scheme would provide no affordable housing, contrary to NP Policy MOT14, which requires that 4 out of the 6 homes should be affordable. However, as the Policy is regarded as out of date, less weight should be afforded to this policy in the planning balance. As outlined above however, there is a demonstrable need for affordable housing in Motcombe.

Weighing in favour of the proposal, is the site's location where the provision of housing is considered acceptable in principle taking into account the NP allocation on the edge of the settlement boundary. The scale of growth proposed (6 dwellings) would be commensurate to the scale of growth that the settlement could sustain.

Subject to conditions, the scheme is acceptable with regards landscape and visual impact, design, residential amenity, highway safety, biodiversity flooding and drainage.

In the planning balance therefore, the benefit of the provision of the market dwellings outlined above, are afforded significant weight in the overall balance. These benefits are not considered to significantly or demonstrably be outweighed by adverse impacts of lack of delivery of 4 affordable housing units, as required by NP Policy MOT14, which should be afforded less weight now that the NP is more than 2 years old.

## **17.0 Recommendation**

**Grant** subject to the following conditions:

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

Site Survey 12110-1

Location Plan 12110-4

Site Layout Plan Proposed 12110-5

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

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

Reason: To ensure the satisfactory development of the site.

3. 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.

4. 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).

5. 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 21 October 2021 ref DBAP08921NH, 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.

6. Prior to commencement of groundworks, details of the proposed surface water drainage works, including a management & maintenance plan, detailing who shall be responsible for the ongoing maintenance of the surface water drainage scheme, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved drainage scheme shall be completed in full before first occupation of the development hereby approved, and maintained thereafter in perpetuity accordance with the agreed maintenance scheme.

Reason: To avoid drainage problems as a result of the development with consequent pollution or flood risk.

7. Before the development hereby approved is first occupied the first 10.00 metres of the vehicular access, measured from the nearside edge of the carriageway, including the visibility splays, shall have been laid out, constructed, and surfaced, to a specification which shall have been submitted to, and agreed in writing by, the Local Planning Authority.

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

8. Notwithstanding the information shown on the plans approved by this application, no development must commence until precise details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Local Planning Authority.

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

9. The development hereby permitted must not be occupied or utilised until a scheme showing precise details of the proposed cycle parking facilities is submitted to the Local Planning Authority. Any such scheme requires approval to be obtained in writing from the Local Planning Authority. The approved scheme must be constructed before the development is commenced and, thereafter, must be maintained, kept free from obstruction and available for the purpose specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes

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

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

11. Before the development hereby approved is first occupied or utilised the visibility splay areas as shown on the Drawing Number 12210-5 must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking or re-enacting that Order, the visibility splay areas shall thereafter be maintained and kept free from all obstruction above this height.

Reason: To ensure that a vehicle can see or be seen when exiting the access, in the interest of highway safety.

12. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Local Planning Authority. The CMS must include:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- delivery, demolition and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network.

# Agenda Item 9

<b>Application Number:</b>	P/LBC/2021/05575		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Mohuns Little Bridge Burton Road Dorchester Dorset		
<b>Proposal:</b>	Carry out repairs to Mohuns Little Bridge.		
<b>Applicant name:</b>	Dorset Council		
<b>Case Officer:</b>	Simon Sharp		
<b>Ward Member(s):</b>	Cllr Biggs		
<b>Publicity expiry date:</b>	28 <sup>th</sup> January 2022	<b>Officer site visit date:</b>	21 <sup>st</sup> January 2022
<b>Decision due date:</b>	18 <sup>th</sup> March 2022	<b>Ext(s) of time:</b>	

## 1.0 Reason application is going to committee

1.1 The bridge is part of the County highway

## 2.0 Summary of recommendation

2.1 Grant consent subject to conditions.

## 3.0 Reason for the recommendation

3.1 The works will preserve the architectural and historical qualities that this designated heritage asset possesses. There will be no harm to its significance.

## 4.0 Key planning issues

Issue	Conclusion
Heritage	The proposals will result in <b>no harm</b> to the significance of designated heritage assets.

## 5.0 Description of Site

5.1 The bridge carries the C12 Burton Road over one of the courses of the River Frome approximately 500m north of the northern edge of Dorchester.

5.2 The bridge is grade II listed. It is constructed of red brick in stretcher bond, with stone to the arches. It is aligned north to south, crossing the river with three elliptical-

headed arches that have dressed-stone voussoirs. The flanking arches are slightly narrower than the central one. The parapet walls are plain and have stone copings.

- 5.3 The listing advises that the significance of this asset is derived from the following:-
- a) Architectural interest: a well-constructed late-C18 bridge that is in original condition with some minor repairs;
  - b) Historic interest: for its association with the former Weymouth, Melcombe Regis and Dorchester turnpike and as one of several bridges along this route.

## **6.0 Description of Development**

- 6.1 The application documentation indicates numerous masonry defects and structural issues with the stone voussoirs and brick arches on the underside of the bridge. The proposed works are largely restricted to the replacement and repointing of loose or displaced masonry, as well as the installation of stainless steel structural ties to the underside of the arches to tie them back to the concrete core.
- 6.2 The application provides details of the proposed mortar mix for re-bedding and repointing, both of which are lime-based hydraulic mortars.

## **7.0 Relevant Planning History**

- 7.1 Listed building consent was granted in 1994 for the replacement of damaged & weathered masonry & provision of reinforced concrete relieving slab (reference no. 1/E/94/000293).

## **8.0 Consultations**

- 8.1 All consultee responses can be viewed in full on the website.
- a) Historic England – “No comments.”
  - b) Stinsford Parish Council – “Support.”
  - c) Dorchester Town Council – “No objection.”
  - d) DC Highways – “No objection.”
  - e) DC Conservation – Support subject to conditions. No harm.

## **9.0 Duties**

9.1 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant listed building consent for any works 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.

9.2 Policy ENV5 of the West Dorset Weymouth & Portland adopted Local Plan is used with the provisions of the National Planning Policy Framework 2021 to inform the assessment against section 16 of the Act.

## **10.0 Human rights**

10.1 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 assessment against the duties contained within the Planning (Listed Buildings and Conservation Areas) Act, the application of which does not prejudice the Human Rights of the applicant or any third party

## **11.0 Public Sector Equalities Duty**

11.1 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 listed building consent application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

The bridge is a vital link in the adopted, vehicular highway. If the works are not undertaken and the bridge closes, this will result in a longer detour for people reliant on public transport and private cars who are unable to use the adjoining foot/cycle bridge.

## **12.0 Assessment**

12.1 It is clear that repairs are required to secure the longevity of the structure and the methods proposed are considered acceptable insofar as they are not considered to be detrimental to the asset’s special interests. The works ensure that the bridge is preserved and enables it to continue to be used for its original purpose of carrying traffic along a highway.

12.2 The techniques proposed adhere to the principles of conservation with the interventions minimised to those necessary to secure the structural integrity of the bridge. Conditions are required for some of the details, but they don’t change the works in any material way. A condition is also required in the event that new brickwork or stonework is required as works progress.

12.3 There are clear public benefits arising from the works as they ensure that the bridge remains open to traffic. However, in this instance, there is no harm to the asset's significance. Therefore, there is no need to balance harm against public benefits.

### **13.0 Conclusion**

13.1 The works will preserve the architectural and historical qualities that this designated heritage asset possesses. There will be no harm to its significance.

### **14.0 Recommendation**

14.1 Grant consent subject to conditions.

#### 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 works hereby consented shall be carried out in accordance with the following approved plans:

BS0498\_601 received 16/12/21  
Location Plan received 16/12/21  
Helifix Product Sheet PS/CT01 received 16/12/21  
Mortar Specification Sheet received 16/12/21

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

3. Holes for structural ties are to be made good with pigmented mortar to match as close as possible the existing brick colours.

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

4. All work to rake out and repoint the structure (including the preparation for such repointing) shall be carried out by hand tools only. No power-driven tools shall be used.

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

5. In the event that any new brickwork or stonework is required, samples or product details of that brickwork or stonework will be submitted to and approved in writing by the local planning authority before its use in the works at the site. Only stonework or brickwork as agreed will be used for these works.



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

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