



Northern Area Planning Committee

Date: Tuesday, 14 June 2022
Time: 11.00 am
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

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
1. APOLOGIES	
To receive any apologies for absence.	
2. DECLARATIONS OF INTEREST	
To disclose any pecuniary, other registerable or non-registerable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.	
If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	

- 3. MINUTES** 5 - 8
- To confirm the minutes of the meeting held on Tuesday 10th May 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 10th May.
- Please refer to the [Guidance for speaking at the Area Planning Committee](#) for further information.
- 5. PLANNING APPLICATIONS**
- To consider the applications listed below for planning permission.
- 6. P/HOU/2021/04085- 25 HERRINGSTON ROAD DORCHESTER DT1 2BS** 9 - 20
- Erect two storey rear extension, extend single storey side extension.
- 7. P/VOC/2022/01520- PARKWAY FARM BUSINESS PARK, POUNDBURY, DORCHESTER** 21 - 34
- Erection of 21no. commercial units (use class E) with associated access & parking facilities (with variation of condition 3 of planning permission P/FUL/2021/00684 to allow for the use of Units 17 & 18 to include Class E (d) (fitness)
- 8. P/FUL/2020/00477 - LAND SOUTH EAST OF A354 SALISBURY ROAD, TARRANT HINTON, DORSET HW** 35 - 54
- Use of land for up to 21 days in any calendar year as a caravan site to be operated as a temporary stopping location for Gypsies, Travellers and Travelling Show people during and around the dates of the Great Dorset Steam Fair.
- 9. FUL/2022/0124- HAMMOND'S YARD, STURMINSTER NEWTON** 55 - 74
- Demolish workshop building and erect 6no. dwellings with associated parking
- 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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NORTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 10 MAY 2022

Present: Cllrs Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Tim Cook, Matthew Hall, Carole Jones, Val Potheary and Belinda Ridout

Apologies: Cllrs Jon Andrews, Les Fry, Stella Jones and Emma Parker

Also present:

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

Hannah Smith (Planning Area Manager), Simon Sharp (Senior Planning Officer), Philip Crowther (Legal Business Partner - Regulatory), Megan Rochester (Democratic Services Officer) and George Dare (Senior Democratic Services Officer)

86. Apologies

Apologies for absence were received from Councillors Stella Jones, Emma Parker, Jon Andrews, and Les Fry.

87. Declarations of Interest

No declarations of disclosable interests were made at the meeting.

88. Minutes

The minutes of the meeting held on Tuesday 12th April 2022 were confirmed and signed.

89. Public Participation

Representations by the public to the committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

90. Planning Applications

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

91. P/OUT/2022/00060- Voscombe Farm New Road Bourton

The Case Officer presented to members the outline application of the demolition of an existing barn and erection of up to 8 dwellings. Members were shown the location of the site as well as aerial photos and the existing

site access. Members were also provided with details of nearby listed buildings and were ensured that the site provided no harm to them. The site was near an AONB but not within it. The Senior Planning Officer also informed members that the site was outside of the settlement boundary. The recommendation was to grant the planning application.

Public participation

Robert Neville, Agent for the application spoke for the planning application. He spoke of the significant benefits with the provision of the development in reference to its social, economic, and environmental benefits. Members were informed of the need for housing and how the proposed development met the council requirements. Mr Neville hoped members would approve the application.

Peter Williams, Bourton Parish Council spoke in the objection of the planning application due to the failure of identifying the rural need. He reiterated to members that the proposed site was outside Bourton's settlement boundary and the development would be detrimental to the area. He also informed members that there were no economic, social, and environmental advantages for the site and viewpoints would be harmed. Mr Williamson hoped members would object the application.

Members Questions and Comments

- Praised the presentation and report.
- Conflict with the development plan.
- Sustainability of the development
- Lack of local need for the development. Members were informed of the Dorset need which was identified in the neighbourhood plan.
- Retention and management of hedges
- Lack of affordable housing
- Lack of material change from when the application was previously brought to the committee.
- Design of dwellings
- Neighbourhood plan needed to be considered.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, in being proposed by **Cllr Belinda Ridout and seconded by Cllr Tim Cook.**

Decision: To refuse the application due to the prominent location of site being outside the established limits of a settlement, therefore, adversely impacting the character and appearance of the area. Resulting in a coalescence of the village of Bourton and the hamlet of Chaffeymore and visual and landscape harm to the transition between the built-up and rural area. These significant impacts outweighed the benefits of the proposed site and result in the application being contrary to North Dorset Local Plan Part 1 (2011-2031) policies 1, 2, 7, 20 and 24,

Neighbourhood Plan policies 1, 2 and 3 and the provisions of the National Planning Policy Framework.

92. PFUL202200197- The Stables Long Mead Melway Lane Child Okeford

The Case Officer presented to members the outline application of the conversion of stables into a single dwelling. Members were shown the location of the site as well as aerial photographs and designs of the single dwelling. They were presented with details of the site access. The site was near an AONB but not within it. The recommendation was to grant the planning application.

Public participation

Sammy Upton, resident of Child Okeford spoke for the application. She informed members of the environmental benefits of the development as well as how materials would be sourced to help blend the development with the surrounding area and houses. Mrs Upton hoped members would approve the application.

Nicholas Applebee, resident of Child Okeford spoke for the application. He discussed the shielding of the current location and how this would help blend the development with local surroundings. Mr Applebee also discussed the site access. He asked members to approve the application.

Gareth Kitching, Agent for the application spoke in support. He highlighted the sustainability of the development as well as the location. He advised members that the development did not cause harm to the rural area and was an easy walking distance to the village centre. He reiterated that highways had no objections and asked members to approve the application.

Tim Cotton, Child Okeford Parish Council, spoke in objection of the application. He discussed the isolated location and the design of the development. He raised his concerns regarding creating an urban appeal to the village rather than a rural area. He also highlighted the repercussions for the village and how the development would not be sufficient. Mr Cotton hoped members would refuse the application to protect the countryside.

Members Questions and Comments

- Sustainability of location.
- Suitability of the lane for refuse and emergency services vehicle access.
- Praised the design of the land and the environmental benefits.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, in being proposed by **Cllr Carole Jones and seconded by Cllr Valerie Pothecry.**

Decision: To approve the application as per the recommendations.

93. **Urgent items**

There were no urgent items

94. **Exempt Business**

There was no exempt business

Duration of meeting: 2.05 - 4.18 pm

Chairman

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Agenda Item 6

Application Number:	P/HOU/2021/04085
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	25 Herringston Road Dorchester DT1 2BS
Proposal:	Erect two storey rear extension, extend single storey side extension
Applicant name:	Mr Tim Armstrong
Case Officer:	Cass Worman
Ward Member(s):	Cllr Jones and Cllr Rennie

1.0 Scheme of Delegation referral following comments received from Cllr Rennie and Dorchester Town Council

2.0 Summary of recommendation:

GRANT

3.0 Reason for the recommendation:

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

4.0 Key planning issues

Issue	Conclusion
Principle of development	Householder extensions acceptable in principle
Scale, design, impact on character and appearance	Following the existing form of the rear gables is an acceptable design approach
Impact on amenity	The new windows proposed are not considered to present significant harm to neighbouring residential amenity due to location, orientation and distance from neighbouring properties. The extension would not result in unacceptable overshadowing, overbearing or loss of light to the significant detriment of neighbouring amenity
Economic benefits	Support local construction industry
Access and Parking	Not impacted

Biodiversity	Biodiversity enhancements can be achieved via condition
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5.0 Description of Site

The application site is a detached dwelling in a residential area of Dorchester, on the east side of Herringston Road which runs north to south.

The dwelling sits back from the road with driveway & parking to the front (west), and a long rear garden to the east.

Herringston Road & the surrounding residential area is characterised by larger dwellings of varying styles and periods, most situated within generous plots. The road is tree lined and suburban in style. It is outside the conservation area.

6.0 Description of Development

Erection of two storey rear extension. The proposed extension would follow the existing form of the two rear gables, maintaining the existing eaves and ridge height of the existing building. The two storey rear extension would be an additional 5.4m in depth.

At the ends of the new gables, windows would be inserted at ground and first floor levels, the bedrooms featuring a Juliette balcony.

A new window in the first floor study room would be inserted into the southern elevation.

New narrow obscured windows on the first floor northern elevation would serve bathrooms and closets.

The existing single storey extension on the northern elevation would be extended to follow the line of the new rear extension, forming an additional utility room behind the existing garage; this would be rendered to match the existing on the northern side and cedar cladding used on the rear east elevation.

The two storey extension would be clad in fibre cement cedar cladding in a cream/buff colour to compliment the existing render. Roof materials would match the existing tiles. Existing chimneys would be retained.

7.0 Relevant Planning History

P/HOU/2021/04085 Grant of planning permission dated 04/01/2022 QUASHED following judicial review ref CPR 54.11, 54.12 dated 01.04.2022.

The judge stating:

...As the Claimant's objections were not taken into account by the Defendant, the grant of planning permission ought to be quashed...

1/E/90/0811F Erect extension and pitched roof to two storey section. Granted 13/02/91

8.0 List of Constraints

ENV 9; Groundwater Source Protection Areas; NULL

SUS2; Defined Development Boundary; Dorchester

ENV 2; Poole Harbour Nutrient Catchment Area; Poole Harbour

Landscape Chara; Urban Area; Dorchester

Boundary; West Dorset District Boundary; West Dorset

ENV 9; Groundwater Source Protection Areas; LOWER MAGISTON

Landscape Chara; Urban area; Dorchester

Environment Agency - Areas Susceptible to Groundwater Flooding; Clearwater; >= 50% <75%;

Natural England - SSSI impact risk zone;

Natural England - SSSI (5km buffer): River Frome ;

Natural England - SSSI (5km buffer): Upwey Quarries and Bincombe Down ;

9.0 Consultations

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

Consultees

Dorchester Town Council

Object: The Committee were concerned that the neighbouring property would be severely overlooked from the office windows incorporated in the proposed South elevations resulting in loss of privacy.

The proposal would have a significant adverse effect on the living conditions of the neighbouring residential property, contriving ENV.16 of the adopted Local Plan.

Dorchester East Ward Member

I would like to request there is a site visit or an opportunity for this application to go to committee.

Considering it has already has been subject to a Judicial review and returned to the planning process it make sense to me to give it a full and open discussion

I visited the site and feel the neighbours in 27 will be in the position of being overlooked from the widows in the upper floors of the South elevations most importantly the office windows and as it is described in the documents as an office to support home working we may consider it as a primary room due to the amount of

usage as home working. The neighbours in 27 have their dining /living room which is obviously well used as living space through out the year. This room has a windowed roof giving full access to the space from above.

The use of home offices may in the future cause this issue as more people will continue to work from home and this to be encouraged

Representations received

Objection received from Turner Associates representing a neighbouring property, their comments are considered below

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

10.0 Development Plan Relevant Policies

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

- INT1- Presumption in favour of Sustainable Development
- ENV2 – Wildlife & Habitats
- ENV10 - The landscape and townscape setting
- ENV 12 – The design and positioning of buildings
- ENV 16 – Amenity
- SUS2 - Distribution of Development

Material Considerations

National Planning Policy Framework

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

WDDC Design & Sustainable Development Planning Guidelines (2009)

National Design Guide, Ministry of Housing, Communities and Local Government (2019)

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 are not aware of protected characteristics of either the applicant or 3rd parties that would require specific consideration.

13.0 Financial benefits

Support of local construction sector

14.0 Climate Implications

Proposed works would comply with relevant building regulations

15.0 Planning Assessment

Design

The proposed extension would follow the existing form of the two rear gables, maintaining the existing eaves and ridge height of the existing building. The two-storey rear extension would be an additional 5.4m in depth.

The two-storey extension would be clad in fibre cement cedar cladding in a cream/buff colour to complement the existing render.

Roof materials would match the existing tiles. Existing chimneys would be retained.

The existing single storey extension on the northern elevation would be extended to follow the line of the new rear extension, forming an additional utility room behind the existing garage; this would be rendered to match the existing on the northern side

and cedar cladding used on the rear east elevation, matching the cladding of the gables of the new two storey extension.

It is acknowledged that this continuation of the existing ridge and eaves height, rather than stepping the proposed extension “down and in” (as typical for domestic two storey extensions), results in the proposed extension seeming somewhat bland and doesn’t help the reading of the proposed extension as a legible new addition.

Following officer discussion as to the proposed design, the applicant has investigated breaking up the design in this way, however constraints of the previous alterations of the roof and construction of the building are cited as preventative to this design approach.

There would be no perceptible or harmful impact to visual amenity of the street scene by retaining the existing ridge and eaves at the rear of the dwelling.

The resultant depth of two storey extension is not considered to be overly bulky nor dominating of the host dwelling; the retention of the existing rendered gable on the south side and the rendered single storey addition on the north side breaks up the design sufficiently so as not to result in such a boxy & dominating form which would represent such poor design as to warrant refusal of the application.

The southern elevation of the proposed extension would be visible in glimpsed views from the street, there would be a mix of materials visible from the street, the cladding combined with the existing render to the front and existing southern elevation, so that this would not be an overly incongruous addition to the street scene, Herringston Road being a mixture of styles and periods of dwellings.

The rear of the dwelling is not visible from any public vantage points, and the use of cladding broken up by changes in depth and fenestration would not adversely impact on the character of the immediate area to such a degree as to warrant refusal of the application.

Amenity

At the ends of the new gables, windows would be inserted at ground and first floor levels, the bedrooms featuring a Juliette balcony.

A new window in the first-floor study room would be inserted into the southern elevation.

The secondary window in the first-floor southern elevation for the new bedroom has been omitted from the scheme.

New narrow obscured windows on the first-floor northern elevation would serve bathrooms and closets.

Overlooking

Objections have been received on the grounds that the new window in the first floor study room proposed to be inserted into the southern elevation would result in unacceptable overlooking into the neighbouring property to the south.

It is acknowledged that the insertion of a window into this first floor southern elevation would result in a limited degree of mutual overlooking into the kitchen-diner of the neighbouring dwelling to the south from this new window, and vice versa. It should however be noted that the dwellings are detached, set in generous plots, and are well separated by side amenity space on both sides; neither dwelling abuts the boundary.

The orientation of the neighbouring kitchen-diner window to the south is set back from the proposed new first floor window so that any resultant overlooking which would result from this window would not be 'direct', being at an oblique, 'back & down' angle – there would be no direct 'across' views into the main body of the kitchen-diner room from this new window, and any overlooking would largely be limited to the area immediately adjacent to the window (kitchen sink area) only.

Due to the distances involved and this oblique angle, it is considered that the proposed first floor window in the southern elevation would not result in unacceptable overlooking to the kitchen-diner room of the neighbouring property, and that the new window would not result in significant overlooking to neighbouring rooms so as to warrant refusal of the application.

Similarly, due to the distances involved, is it not considered that any resultant overlooking of the ground floor utility room of the neighbouring property from the proposed first floor southern elevation window would result to the detriment of neighbouring amenity, especially when considering this is a non-habitable room.

Due to distances between the proposed first floor southern elevation window and the angle between this proposed window and the glass roof of the neighbouring sunroom extension, it is considered that there would be no significant overlooking into this neighbouring room through the glass roof which would be of detriment to occupiers of the neighbouring dwelling.

The removal from the scheme of the secondary bedroom window in the first-floor southern elevation has removed any potential overlooking into the neighbouring sunroom and patio area. The proposed gable windows to the rear (with Juliette balconies) would look down the host dwelling's garden and due to distance, position and orientation of the new windows, these rear first floor windows would not result in unacceptable overlooking to amenity areas of the neighbour to the south, nor to the amenity areas of the neighbouring bungalow to the southeast.

New first floor windows to the northern elevation are all small narrow windows serving bathrooms and closets – these are marked as obscured glazed on the submitted plans and a condition would ensure these openings remained as such. Therefore, the insertion of these windows are not considered to result in unacceptable overlooking to the neighbouring property to the north, and the proposal would comply with the requirements of policy ENV 16 of the Local Plan .

Loss of Light & Overbearing

It should be noted that the application site and neighbouring dwellings on either side are detached, in generous plots, and are well separated by side amenity space on both sides; no dwellings abut their boundaries.

Taking these separation distances into account, and the 'side by side' relationship of the application dwelling with the neighbouring dwellings on both sides, it is considered that there would be no significant resultant overshadowing or loss of light experienced by neighbouring properties as a result of the proposals.

The dwelling to the north would experience a change in outlook as a result of the proposals, there being south facing windows looking into the application site from this dwelling; the additional mass of the proposed two storey extension would be perceptible, but this neighbour is well separated from the application site, and is offset & 'buffered' from the two storey addition by the single storey side extension - this would break up any bulk or perception of overbearing which may result from the new addition. Being to the north, there would be some degree of additional overshadowing to the garden area of this property as a result of the new two storey extension, however due to the orientation and distances between the application site and the neighbouring northern dwelling, any overbearing or overshadowing which may be experienced would be to such a slight degree that any negative impact to the northern dwelling is considered to be so slight as to be negligible and therefore acceptable.

To the south, and southeast, the distances between the proposed extension and the neighbouring dwellings are well enough removed so as not to result in any adverse perception of overbearing or overshadowing as a result of the proposed scheme. The proposal would comply with the requirements of policy ENV 16 of the Local Plan.

Other matters

The Turner Associates letter of 4 March 2022 raised the following additional points, not specifically addressed above:

- Elevations do not include relationship with adjacent property which is required for the 45 degree test
 - o The Council does not consider that the 45-degree test is appropriate in relation to detached properties which are at an appropriate separation distance such as here
 - o Notwithstanding this, Block Plan 004-2019-002 shows the relationship between the proposed extension and the properties on either side of the application site. On the block plan provided, the proposed extension does not fall within the 45-degree line limits on either side
 - o Notwithstanding this, drawing a 45-degree line down from the top corners of the proposed extension, the line does not extend beyond the

boundaries of the host dwelling's curtilage on the southern side, and does not touch the dwelling on the northern side

- The plans do not have site levels
 - o Site levels are not a validation requirement for householder applications.
 - o The plans show the proposed extensions in relation to the existing dwelling. The proposals maintain the existing ridge and eaves height; the site does not significantly slope. Therefore, it is considered to be acceptable that the plans accurately represent the extensions proposed and that a fully informed planning judgement can be made using the plans provided.
 - o It is not considered reasonable nor necessary for the provision of street scene drawings, the extension being to the rear and following the existing ridge and eaves height.

- The new first floor bedroom has two windows
 - o The secondary south facing window has been removed from the scheme.

- The kitchen-diner and sunroom are principle, habitable rooms of the neighbouring dwellinghouse
 - o The impact of the proposed development is considered in light of the use of these rooms as discussed above.

- Construction hours condition
 - o For a relatively small-scale householder extension, it is considered that adding a construction hours condition would not pass the 6 tests as outlined in Para 56 of the NPPF. This states that;
Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
As discussed above, the application site is detached and well separated from neighbouring dwellings; it is not anticipated that construction would result in such a degree of disturbance to warrant a working hours condition so in this instance a condition would not be reasonable nor necessary.

- Traffic Management Plan condition
 - o For a relatively small scale householder extension, it is considered that adding a construction traffic management plan (CTMP) condition would not pass the 6 tests as outlined in Para 56 of the NPPF, there is room to the front and side of the existing dwelling for storage of materials

and parking of vehicles. There is no restriction on who can and can't park on the public highway and all drivers when parking on the public highway have a responsibility to park in a safe manner (or face enforcement action).

- The Council's Highways Engineer has confirmed in this instance a CTMP would not be considered necessary in highway safety terms, and if temporary highways restrictions would be required to facilitate the development, then this would be dealt with via the Highways Licensing process under the Highways Act.

Biodiversity

One cherry tree has been removed to facilitate the development; the existing boundary vegetation is to be retained. 3 No. bird boxes are proposed as a means of biodiversity enhancement which can be secured by condition.

16.0 Conclusion

The application site and neighbouring dwellings on either side are detached, in generous plots, and are well separated by side amenity space on both sides; no dwellings abut their boundaries. The proposed extension is not considered to result in any significant overshadowing or overbearing to occupants of neighbouring dwellings.

The secondary first floor window in the southern elevation has been removed from the scheme which has addressed concerns with regards to potential overlooking of the rear amenity space of the dwelling to the south. The new first floor window proposed in the existing southern elevation would result in a new relationship with the dwelling to the south, however due to the distances and orientation involved, this relationship is not considered to be significantly harmful to occupants of this neighbouring dwelling.

The design is considered to be acceptable and would not result in an adverse impact on the character & appearance of the area.

17.0 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:

Location Plan 004-2019-001

Proposed Block Plan 004-2019-002

Existing & Proposed Front & Side (North) Elevations 004-2019-003 Rev B

Existing & Proposed Front & Side (South) Elevations 004-2019-004 Rev B

Existing & Proposed Ground Floor Plan 004-2019-005 Rev B

Existing & Proposed First Floor Plan 004-2019-006 Rev B

Proposed Sections 004-2019-007 Rev A

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

3. The external render for the walls, and roof tiles, shall be similar in colour and texture to the existing building.

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

4. The bird boxes as shown on the approved plans shall be erected as agreed prior to first occupation or use of the development hereby approved.

Reason: To enhance or protect biodiversity.

5. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), before the development hereby approved is first occupied or brought into use, the windows serving the first floor bathrooms and closet in the north elevation shall be permanently glazed with obscured glass of a minimum obscuration of level (4/5) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and these windows shall be retained as such thereafter in perpetuity

Reason: To protect amenity and privacy.

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Reference No: P/VOC/2022/01520
Proposal: Erection of 21no. commercial units (use class E) with associated access & parking facilities (with variation of condition 3 of planning permission P/FUL/2021/00684 to allow for the use of Units 17 & 18 to include Class E (d) (fitness))
Address: Parkway Farm Business Park Middle Farm Way Poundbury Dorchester Dorset DT1 3AR
Recommendation: Refuse
Case Officer: James Lytton-Trevers
Ward Member: Cllr Biggs
CIL Liable: No

1.0 Reason application is going to the Committee

- 1.1 Referred by the Development Management Manager following a request by Councillors Jespersen and Biggs.

2.0 Summary of Recommendation:

- 2.1 Refuse permission for the following reason:

The proposal would lead to the loss of industrial land and no evidence has been provided whether the proposal provides economic enhancement over and above the uses already approved. In addition, it would be incompatible with neighbouring land uses which will be predominantly industrial in nature. Therefore, the proposed use of two units as a gym for fitness classes is not considered to comply with West Dorset, Weymouth & Portland Local Plan policies ECON 1, ECON 2 and DOR 2.

3.0 Reason for the recommendation:

- 3.1 The proposal would lead to the loss of industrial land.
- 3.2 The specific fitness training of children of underrepresented backgrounds cannot be made a condition of any permission.
- 3.3 The units should not be 'reserved' until needed by the applicant.
- 3.4 A temporary user would have an expectation of remaining permanently.
- 3.5 No evidence has been provided whether the proposal provides economic enhancement over and above the uses already approved and the units have not been erected and it is not possible to gauge demand for these for industrial purposes.

Applications Report for Major Development

- 3.6 It would be incompatible with neighbouring land uses which will be predominantly industrial in nature.
- 3.7 The proposed use of two units as a gym for fitness classes is not considered to comply with Local Plan policies ECON 1, ECON 2 and DOR 2.

4.0 Key planning issues

Issue	Conclusion
Basis of granting the original permission	The original planning permission properly restricted the uses within Class E to be policy compliant.
Principle of the proposed use for gym providing fitness classes: Class E (d)	Contrary to Local Plan policies ECON 1, ECON 2 and DOR 2.

5.0 Description of Site

- 5.1 The site, which is currently undeveloped and cordoned off with herras fencing, is located to the south of the existing Parkway Farm Business Park. It is bounded to the west by the noise embankment which forms a buffer between the site and the A35. It is located off Middle Farm Way. It is within the defined development boundary for Dorchester. It is within the Dorset Area of Outstanding Natural Beauty and lies within the Open Chalk Downland Dorset Landscape Character Type/Dorchester Downs AONB Landscape Character Area.
- 5.2 Within the landscape there are numerous remains of ancient settlement sites, long barrows, burial mounds and notable hill forts from the Neolithic, Bronze and Iron ages as well as more recent Roman remains.

6.0 Description of Proposal

- 6.1 The application proposes the variation of condition 3 of an existing consent for the erection of 21 commercial units, at Parkway Farm Business Park, Poundbury. The variation of the condition would enable units 17 and 18 to be used as a gymnasium for fitness classes under Use Class E (d) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

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- 6.2 The applicant, Dorwest Herbs, currently wish to occupy two of the proposed units, but would lease a further two units to another business for fitness classes for 5 years until such time as Dorwest Herbs needed these.
- 6.3 The proposed development would constitute Phase III of a commercial/industrial development on an allocated employment site at Poundbury. The 21 No. units, buildings 11 to 31, at the southern end of the Parkway Farm development would be for commercial businesses and services development under use Class E currently with restrictions to the following uses in order to comply with local plan policy DOR2:
E(c) Provision of:
E(c)(i) Financial services,
E(c)(ii) Professional services (other than health or medical services), or
E(c)(iii) Other appropriate services in a commercial, business or service locality
E(g) Uses which can be carried out in a residential area without detriment to its amenity:
E(g)(i) Offices to carry out any operational or administrative functions,
E(g)(ii) Research and development of products or processes
E(g)(iii) Industrial processes
B2
B8;
- 6.4 Use as a gym providing fitness classes, E(d), is not included.

7.0 Relevant Planning History

There are two extant permissions on the site, with differing layouts, neither of which have been implemented, as follows:

WD/D/19/000681 Decision: GRA Decision Date: 11/12/2019

Erect 22 commercial units for B1, B2 and B8 use with associated access and parking. The permission excluded certain uses with the following condition:

P/FUL/2021/00684 Decision: GRA Decision Date: 17/02/2022

Erection of 21no. commercial units (use class E) with associated access & parking facilities

8.0 Relevant Constraints (edited)

Within defined development boundary of Dorchester

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DOR2 Poundbury Parkway Farm Business Site Extension Key Employment Site

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

9.0 Consultations

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

Natural England – No comment

National Highways – No objection

Planning Policy - Comments

The development plan for the site is the adopted West Dorset and Weymouth & Portland Local Plan. The site is located within the defined development boundary (DDB) for Dorchester and is allocated under Policy DOR2 of the adopted local plan - Poundbury Parkway Farm Business Site Extension. The policies considered most relevant to the assessment of the principle of the proposal are:

Policy SUS2: Distribution of Development

Policy DOR2: Poundbury Parkway Farm Business Site Extension

Policy ECON1: Provision of Employment

Policy ECON2: Protection of Key Employment Sites

Policy SUS2 sets out that the main towns, such as Dorchester, would be the highest priority locations for new development. As the site already has the benefit of planning permission and as is within the DDB for Dorchester, the general principle of the site's development has been established.

Policy DOR2 allocates the subject land for 'non-neighbourly B2 and similar employment uses', and as noted, planning permission P/FUL/2021/00684 (issued 17/02/2022) gives consent for uses falling within Class B2 of the Use Classes Order, along with Class B8, and uses falling within Classes E(c)(i), E(c)(ii), E(c)(iii), E(g)(i), E(g)(ii), E(g)(iii). Notwithstanding the deviation from policy DOR2 in granting these more neighbourly uses on top of B2 use as specified in the policy, the consent expressly omits use class E(d) (Indoor sport, recreation or fitness) from the permission, among other non-business type uses that now fall under Use Class E.

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The supporting text of policy ECON1 provides a broad definition of Employment, which is as follows:

“For the purposes of this plan employment includes development in the B Use Classes such as offices, workshops and industrial premises, storage and distribution warehouses and sui generis uses commonly found on industrial estates. It also applies to non B class development which provides direct, on-going local employment opportunities such as tourism and retail. It does not apply to businesses such as farming, care homes and tourist accommodation providers, which are covered in other policies of the plan, or to development that indirectly benefits the local economy (such as housing).

Employment sites are land or premises that are presently in an employment use, or previously in an employment use if now vacant.”

Whilst a gymnasium may provide some limited on-going local employment opportunities, the plan is not specific as to whether such a use would fall within the definition of employment in the adopted local plan. Furthermore, health and fitness centres are defined within Annex 2: Glossary of the National Planning Policy Framework (2021) as a ‘Main Town Centre Use’. That said, recent changes to the Town and Country Planning (Use Classes) Order 1987 (as amended) include ‘indoor recreation or fitness’ under its new Class E(d), along with the more neighbourly business uses previously falling under B1, as new classes E(c), and E(g). In essence this could enable a former B1 business use to be used as gymnasium without the need for planning permission; something that would not be possible in this case due to the condition imposed (as discussed).

Table 4.1 of the adopted local plan lists the Parkway Farm Business Park extension as a Key Employment Site, and policy ECON2 (Protection of Key Employment Sites) sets out the following:

- *Within key employment sites (as identified on the policies map) applications for B1 (light industrial), B2 (general industrial), B8 (storage and distribution) and other similar uses will be permitted subject to proposals not having a significant adverse impact on surrounding land uses.*
- *The use of key employment sites for employment purposes other than B1, B2 and B8 may be appropriate if it can be proven that the use provides on-site support facilities or demonstrates an economic enhancement over and above B1 / B2 / B8 uses. Such development will not prejudice the efficient and effective use of the remainder of the employment area.*

In consideration of whether the principle of the variation of condition to allow a ‘fitness’ use at the site is appropriate, Criteria ii of the policy requires the case officer

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to be satisfied that proof has been provided in relation to whether the proposal provides economic enhancement over and above the uses already approved.

Supporting text for policy ECON2 states that *“in considering economic enhancement, regard will be given to issues such as wage rates, achievement of higher level skills, job numbers, and key sectors identified by the Local Economic Partnership”*. It may be relevant to this assessment that the units approved under original permission P/FUL/2021/00684 have not yet been constructed.

Furthermore, consideration will be needed as to whether the provision of a gymnasium on the site would prejudice the efficient and effective use of the remainder of the employment area. On this note paragraph 185 of the NPPF is relevant in requiring planning policies and decisions to ensure new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Given that policy DOR2 of the adopted local plan is specific in designating the site for those more non-neighbourly B2 uses, consideration is recommended as to whether the provision of a gymnasium on the site would prejudice any such potential B2 uses on the site.

Other matters

The case officer has highlighted a previous planning permission whereby a change of use to unrestricted Class E use has been granted (ref: WD/D/20/002108) for a single unit on the existing part of Parkway Farm Business Park. This permission could, in principle allow a gymnasium to be formed on the existing part of the site, however the details are not specific in stating that such a use would occur.

The case officer has requested comments in relation to whether any precedent has been set by the granting of such a permission, which may affect the assessment of the principle of the current proposed development. In response I would suggest that whilst an unrestricted Class E use for one unit on the existing Parkway Farm site has been deemed appropriate, this doesn't mean that by virtue of this, such a use would be considered appropriate on the Parkway Farm extension site, when considering the principle of the current proposal against policies DOR2 and ECON2 of the adopted local plan.

Dorset Highways – No objection.

Right of Way Ranger – No objection.

Environmental Health Officer – No comment.

Dorchester Town Council – Support

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Supported the application, especially having heard from the prospective tenant that the proposed fitness classes would allow access to fitness facilities to children from underrepresented backgrounds and provide opportunities of employment and apprenticeships.

The Committee considered the provision of 10 parking spaces to be adequate for the proposed community asset

10.0 Representations

10.1 One comment was received from the Ward Member that it would provide employment and a community asset that will be available to underrepresented groups.

11.0 Relevant Policies

West Dorset, Weymouth and Portland Local Plan

SUS2 – Distribution of Development

ECON1 – Provision of Employment

ECON2 – Protection of Key Employment Sites

DOR2 – Poundbury Parkway Farm Business Site Extension

National Planning Policy Framework

Section 6. Building a strong, competitive economy

Other material considerations

Design and Sustainable Development Planning Guidelines (adopted 2009)

DCC Parking standards guidance

12.0 Human rights

12.1 Article 6 - Right to a fair trial.

12.2 Article 8 - Right to respect for private and family life and home. The first protocol of Article 1 Protection of property

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

13.0 Public Sector Equalities Duty

13.1 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.

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

13.3 In the context of the above PSED duties the scheme provides parking spaces adjacent to the entrances of the commercial units. The entrance doors will also be fitted with level thresholds to provide for easier access to the units.

14.0 Financial benefits

14.1 The proposed development would provide employment opportunities both in the short term during the construction and thereafter use of the commercial units.

14.2 It would provide the non-material benefit of business rates although the amount is not known at this stage.

15.0 Climate Implications

15.1 Energy would be used as a result of the production of the building materials and during the construction. This is inevitable and a balance has to be struck between providing employment buildings versus conserving natural resources and minimising energy use.

15.2 The development is considered to be in a sustainable location within the DDB for Dorchester. The proposed location of the commercial units in close proximity to the residential properties of Dorchester should help to reduce

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travel time. It increases the employment opportunities nearby to where they live. This should help to reduce emissions from vehicles, as it results in shorter travel times to work but also increases the ability travel to work by other modes including walking and cycling. The proposed development also includes cycle parking provision.

16.0 Planning Assessment

- 16.1 There has been no change in policy since the last application was approved. Therefore, the only matter for consideration is whether the use of two units for fitness classes would comply with current policy and other material considerations.

Basis of granting the original planning permission

- 16.2 The original application was for the erection of 21 commercial units for Class E use. The site is located within the local plan allocation DOR 2, Poundbury Parkway Farm Business Site Extension which reads as follows:

i) Land south-west of the Parkway Farm Business site is designated for non-neighbourly B2 and similar employment uses, subject to the provision of satisfactory design, landscaping and mitigation measures to reduce any adverse impacts to an acceptable level.

- 16.3 The proposal was considered to comply with the first part of this policy as it involved the erection of Class E units. The site is also designated as a key employment site and therefore policy ECON 2 was applicable. The relevant section of which is i) which reads as follows:

i) Within key employment sites applications for B1 (light industrial), B2 (general industrial), B8 (storage and distribution) and other similar uses will be permitted subject to proposals not having a significant adverse impact on surrounding land uses.

- 16.4 Since the policy was written, in September 2020 Use Class E had been introduced. Use Class E (Commercial, Business and Service) brings together existing classes A1(shops), A2 (financial and professional services), A3 (restaurants and cafes) and B1 (business) as well as parts of classes D1 (non-residential institutions) and D2 (assembly and leisure) into one single use class to allow for changes of use without the need of planning permission. Classes B2 and B8, however, remain as separate classes. Clearly these new uses were never intended such as A1, A2, A3, D1 and D2 when the policy was written.

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16.6 Class E now includes the following:

E(a) Display or retail sale of goods, other than hot food

E(b) Sale of food and drink for consumption (mostly) on the premises

E(c) Provision of:

E(c)(i) Financial services,

E(c)(ii) Professional services (other than health or medical services), or

E(c)(iii) Other appropriate services in a commercial, business or service locality

E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms)

E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)

E(f) Creche, day nursery or day centre (not including a residential use)

E(g) Uses which can be carried out in a residential area without detriment to its amenity:

E(g)(i) Offices to carry out any operational or administrative functions,

E(g)(ii) Research and development of products or processes

E(g)(iii) Industrial processes

16.7 Of these, only the following would be allowed under the policies in the Local Plan:

E(c) Provision of:

E(c)(i) Financial services,

E(c)(ii) Professional services (other than health or medical services), or

E(c)(iii) Other appropriate services in a commercial, business or service locality

E(g) Uses which can be carried out in a residential area without detriment to its amenity:

E(g)(i) Offices to carry out any operational or administrative functions,

E(g)(ii) Research and development of products or processes

E(g)(iii) Industrial processes

B2

B8;

16.8 The original planning permission properly restricted the uses within Class E to be policy compliant. Clearly the use for Class E(d) as a gym for fitness classes would not comply with policy ECON2.

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Principle of the proposed use for gym providing fitness classes: Class E (d)

- 16.9 Granting permission for a use which does not comply with policy leads to a situation where it would deter potential other uses that can only be located in a location for industry when the proposal for a gym providing fitness classes could be located in other locations, including town centres, where general industry cannot. It is a fundamental principle of the planning system that allocated sites for industry need to be guarded against inappropriate uses which potentially waste industrial land especially as new industrial sites are hard to find in Dorchester.
- 16.10 The applicant states that it would be temporary, for 5 years, after which the applicant would occupy these two units. The applicant has not stated whom it would be occupying the units for 5 years and it has since come to light in the comments of the Town Council that it would be for *'fitness facilities to children from underrepresented backgrounds and provide opportunities of employment and apprenticeships.'* This information was not provided with the application. The planning system can only control the use of land or buildings, but could not make a permission specific to a particular applicant or service it offered. Therefore, the permission could not ensure fitness facilities would be to children from underrepresented backgrounds. Permission could only be granted for a gym in the widest sense for any end user. However altruistic the notion of providing fitness to children of underrepresented backgrounds may be, it cannot be given significant weight in the planning process for this reason.
- 16.11 It is not for the planning system to grant a temporary permission to 'reserve' potential business units until the business is ready to use these, if and when that is. Moreover a temporary planning permission is normally only used to 'test the water' to observe and review a proposal with a view to it being made permanent. It would be granted for a much shorter period than 5 years and reviewed after the temporary period expired. There is the additional issue that in granting temporary permission for whatever period there would be an expectation that it could be renewed and the temporary use could become a permanent one. In short, it is not for the planning system to behave in a way which procures property for an end user which might not materialise and which may end with a permanent permission for an inappropriate use.
- 16.12 There is the issue about the temporary user and their future. Following the temporary 5 years as use for fitness classes it is not known where the fitness classes would relocate to and there would be no guarantee that the applicant's own business had progressed to enable it to occupy one or even two of the additional units.
- 16.13 The applicant states that it would provide employment for 2-5 persons over the two units that are proposed. The units would only be used outside the

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working day and thus would be empty for most of the time. Precluding a working day long use would restrict the potential employment provision. Whilst the proposal would provide, presumably, part time employment, no proof has been provided in relation to whether the proposal provides economic enhancement over and above the uses already approved. The supporting text for policy ECON2 states that *“in considering economic enhancement, regard will be given to issues such as wage rates, achievement of higher level skills, job numbers, and key sectors identified by the Local Economic Partnership”*. There is no information provided by the applicant. It is also questionable whether the proposal would fall within the definition of employment identified in policy ECON1.

- 16.14 The applicant points out that an unrestricted use of one unit on an earlier built phase of Parkway Farm has been granted permission. It is unknown whether this unit is being/will actually be used as a gym. However, this does not set a precedent as this does not mean that by virtue of this, such a use would be considered appropriate on the Parkway Farm extension site, when considering the principle of the current proposal against policies DOR2 and ECON2 of the adopted local plan. The Council would also not wish to see a concentration of gym/fitness uses in one location.
- 16.15 The units have not been erected yet so it is not possible to assess whether other users would come forward to occupy the two vacant units for a period of 5 years. It follows that as the units are not constructed it cannot be considered that there is no interest in these units and that alternative uses such as that proposed should be considered instead.
- 16.16 It would be unclear whether the use as a gym providing fitness classes would be compatible with neighbouring uses. B2 uses in close proximity to a gym use attracting members of the public, including children, would not be ideal as B2 uses can give rise to noise, fumes and other issues including large vehicles.

Other matters

- 16.17 The applicant states that the use would be outside the normal working day when parking would be available for up to 10 cars, which would meet parking requirements. At these times there is also usually street parking in earlier phases of Parkway Farm.
- 16.18 Reference made to a ‘community asset’ by those supporting the proposal appear to mistake an ‘Asset of Community Value’ with what is being proposed. To clarify, an Asset of Community Value would be an **existing** building or other land if its main use has recently been or is presently used to further the social wellbeing or social interests of the local community and

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could do so in the future. The Localism Act states that 'social interests' include cultural, recreational and sporting interests. It does not include proposals for what might be deemed assets in the future. Assets of Community Value demand some protection from change of use. Once listed as Assets of Community Value with the local authority, the local community will be informed if they are listed for sale within the five year listing period. The community can then enact the Community Right to Bid, which gives them a moratorium period of six months to determine if they can raise the finance to purchase the asset. Clearly this does not apply to this proposal as the proposal would not by definition be an Asset of Community Value.

17.0 Conclusion

- 17.1 The proposal would lead to the loss of industrial land.
- 17.2 The specific fitness training of children of underrepresented backgrounds cannot be made a condition.
- 17.3 The units should not be 'reserved' until needed by the applicant by granting a different use.
- 17.4 A temporary user would have an expectation of remaining permanently.
- 17.5 No evidence has been provided whether the proposal provides economic enhancement over and above the uses already approved and as the units have not been erected it is not possible to gauge demand for these for industrial purposes.
- 17.6 It would be incompatible with neighbouring land uses which will be predominantly industrial in nature.
- 17.7 The proposed use of two units as a gym for fitness classes is not considered to comply with Local Plan policies ECON 1, ECON 2 and DOR 2.

18.0 Recommendation

- 18.1 Refuse permission for the following reason:

The proposal would lead to the loss of industrial land and no evidence has been provided whether the proposal provides economic enhancement over and above the uses already approved. In addition, it would be incompatible with neighbouring land uses which will be predominantly industrial in nature. Therefore, the proposed use of two units as a gym for fitness classes is not considered to comply with West Dorset, Weymouth & Portland Local Plan policies ECON 1, ECON 2 and DOR 2.

The plans that were considered by the Council in making this decision are:

- Proposed site plan - 5105 01T

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- Units 17-21 floor plans & elevations - 5105 14A

Agenda Item 8

Application Number:	P/FUL/2020/00477		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site Address:	Land South East of A354 Salisbury Road, Tarrant Hinton, Dorset		
Proposal:	Use of land for up to 21 days in any calendar year as a caravan site to be operated as a temporary stopping location for Gypsies, Travellers and Travelling Showpeople during and around the dates of the Great Dorset Steam Fair.		
Applicant Name:	Dorset Council		
Case Officer:	Huw Williams		
Ward Member(s):	Councillor Sherry Jespersen		
Publicity expiry date:	15 March 2022	Officer site visit date:	22 March 2022
Decision due date:	23 March 2021	Ext(s) of time:	17 June 2022

1.0 Reason Application Reported to Committee

1.1 The application is made by Dorset Council. It is reported to the Northern Area Planning Committee in accordance with Dorset Council's constitution. The recommendation is not in accordance with representations made by Tarrant Hinton Parish Council.

2.0 Summary of Recommendation

2.1 Grant planning permission subject to the conditions set out in paragraph 16.1 below.

3.0 Reason for the Recommendation

3.1 The recommendation is made after consideration of the application, the development plan, national planning policy and guidance, representations made about the application and other material planning considerations set out in this report.

3.2 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

3.3 The Application Site is not subject to any development plan land use allocation or any site specific policies and is located within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

- 3.4 The application proposal is for the periodic, short-term use of the Application Site as a temporary stopping location for as a caravan site to be operated as a temporary stopping location for gypsies, travellers and travelling showpeople during and around the dates of the Great Dorset Steam Fair.
- 3.5 Subject to regulation by means of recommended planning conditions, provision for such use is considered to be in general accordance with the development plan for the area. It is further considered that there are no social, environmental, economic or other considerations either warranting or necessitating the determination of the application other than in accordance with the development plan such that planning permission can and should be granted.

4.0 Conclusions on Key Planning Issues

Issue	Conclusion
Principle of development taking account of the need for development and impact on the character and appearance of the locality	Adopted Local Plan identifies a need for a transit site with the capacity for 100 temporary pitches for a few weeks each year in association with the Great Dorset Steam Fair event and allows for the development of sites for gypsies, travellers and travelling showpeople outside of the defined development boundaries.
Need for planning conditions to adequately regulate the proposed use	With imposition of the recommended conditions, the grant of planning permission would be in accordance with the development plan.

5.0 The Application

- 5.1 The application was submitted in December 2020 but has since been amended through agreement of a revised description of the proposed development.
- 5.2 As initially validated, the application sought planning permission to create a permanent temporary Gypsy/Traveller caravan site for a period of 3 weeks around the dates of the Great Dorset Steam Fair. In the interest of clarity, the description of development has been amended to read:

“Use of land for up to 21 days in any calendar year as a caravan site to be operated as a temporary stopping location for Gypsies, Travellers and Travelling Showpeople during and around the dates of the Great Dorset Steam Fair.”

- 5.3 In addition to the requisite application form, ownership certificate and fee, the application includes:

- (i) a Location Plan and Site Plan that identify the extent of the planning application site ('the Application Site') edged red;
- (ii) a supporting Planning Statement;
- (iii) an Ecological Appraisal; and
- (iv) a Flood Risk Assessment.

5.4 The application, the plans and further information about the application may be inspected online through the application webpages accessible via <https://planning.dorsetcouncil.gov.uk/>.

6.0 Description of the Application Site

6.1 The Application Site comprises approximately 2.6 hectares of land encompassing the western part of a larger agricultural field and associated access land situated on the southern side of the A354 in a rural area to the east of the village of Tarrant Hinton.

6.2 The surrounding area is agrarian in character, primarily comprising large fields enclosed by hedgerows interspersed with occasional pockets of woodland, farmsteads and dwellings.

6.3 Vehicular access to the Application Site is available from the A354 with the remainder of the Application Site's road frontage formed by an established hedgerow.

6.4 The nearest residential property (Turnpike Cottage) is located on the south side of the A354 approximately 280 metres northwest of the Application Site.

6.5 The village of Tarrant Hinton is located approximately 500 metres to the southwest of the Application Site.

7.0 Allocations, Designations and Constraints

7.1 The Application Site is located outside of the settlement development boundaries identified in the adopted North Dorset Local Plan and is not allocated for development in the development plan. It is located within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty which has been further designated as an International Dark Sky Reserve.

7.2 In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty (AONB), public authorities have a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the AONB.

8.0 Relevant Planning History

- 8.1 Planning permission was granted in August 2011 to create a temporary gypsy caravan site around the dates of the Great Dorset Steam Fair (Planning Permission 2/2011/0554). The permission was granted subject to 9 conditions including restrictions regulating the use of the site as a caravan site and which limited the duration of the permission.
- 8.2 A further planning permission was granted in June 2016 to allow use of the Application Site as a temporary Gypsy caravan site for a period of three weeks around the dates of the Great Dorset Steam Fair for a further 5 years (Planning Permission 2/2016/0260/DCC). The permission was granted subject to 9 conditions which again regulated the use of the site and limited the duration of the permission.

9.0 The Proposed Development

- 9.1 The Design and Access Statement submitted in support of the application comments that:

- “1. The Council is seeking a permanent planning permission for:
Dual use of land for agriculture and as a 100 pitch ‘transit’ caravan site for use by Gypsies, Travellers and Travelling Showpeople for up to three weeks in each calendar year between around the dates of the Great Dorset Steam Fair Event that happens annually.
2. This application follows a series of temporary permissions for use of the site as a ‘transit’ caravan site by Gypsies, Travellers and Travelling Showpeople.
3. The Council is not proposing any further operational development (i.e. any hard standings or new access ways) within the site. Nor is it proposing to remove any existing vegetation or trees. It anticipates that caravans and vehicles will be positioned between existing vegetation for short periods of time whilst the site is being used. For the purposes of this planning application a ‘transit’ caravan site is a site used for temporary periods by Gypsies, Travellers and Travelling Showpeople.”

- 9.2 The Planning Statement further comments:

“Portable toilet facilities with provision for disabled users, a portacabin and refuse skips will be placed temporarily on the site whilst it is in use. There is a running water tap already on the site. We will also hire security each year which will have a 24 hour presence on the site whilst it is open. Security lighting will also be provided on the site and managed as stated in the ecological survey.

...

... The site is accessed through a field gate located at the layby with good visibility in both directions. No alterations are required to the field access or layby.

The Great Dorset Steam Fair is held in the fields around Tarrant Hinton, near Blandford and attracts Gypsies and Travellers in large numbers. The current site over the years has significantly reduced vehicles parked on the highway verges, country parks, common land and in supermarket car parks which previously sometimes caused traffic hazards and were often associated with fly tipping and antisocial behaviour.

Although the use of the site has declined over the years, after consultation it is felt it is still necessary to operate this site during the time of the Great Dorset Steam Fair event. The transit site is available to use by all Gypsies and Travellers wanting to camp while visiting the fair. It can also be used by the Police through the Criminal Justice and Public Order (section 62a) Act which allows the police to direct Travellers to a suitable pitch on a relevant site and which is managed by a local authority. Dorset Council work with the Police to use their powers to direct Travellers to the temporary site where appropriate.”

10.0 Consultation and Representations

10.1 The application has been advertised on site and in the local press. Various statutory and non-statutory consultees have been consulted, with re-consultation undertaken following amendment of the description of the proposed development.

10.2 Natural England

Responded on 10 March 2022 referring to standing advice on protected species and the Dorset Biodiversity Appraisal Protocol.

10.3 Cranborne Chase and West Wiltshire Downs ANOB Partnership Board

Responded on 16 March 2021 noting that application can be regarded as a major proposal and identifying concerns relating to:

- reference to a ‘permanent temporary’ site and use for an undefined period of three weeks;
- impact on the designated International Dark Sky Reserve; and
- the need to maintain and enhance existing landscape screening.

The response concludes that:

“... the ANOB recognises that there is a need for a short-term temporary transit caravan site in association with the Great Dorset Steam Fair. There is, however, no case for extending the use of such a site beyond the time of operation of the Great Dorset Steam Fair. As I have indicated, if you are

mind to grant a permission then it should be clear that the permission only lasts as long as the Great Dorset Steam Fair operates from its current site and if, for whatever reason, the Steam Fair is not held in a particular year then the transit site does not operate in that year.”

10.4 Dorset Council – Transport Development Management

Responded on 12/03/2021 indicating no objection subject to conditions and informatives.

10.5 Dorset Council – Environment Protection

Respond on 26 March 2021 indicating no comments.

10.6 Dorset Council Ward Member

No response received.

10.7 Tarrant Hinton Parish Council

Responded on 16 March 2021 commenting:

“The Parish Council has always understood and supported the need for a site for the Travellers coming to the Steam Fair which would allow the police to direct Travellers to an official, local authority run site.

The existing site has worked well and the Parish Council supported the application No 2/2016/0260/DCC, subject to all the conditions included in the Grant of Planning Permission on 16/May 2011 applying to application 2/2011/0554.

The Parish Council supports the current proposal P/FUL/2020/00477 subject to the conditions included in the Grant of Planning Permission 16 May 2011 for application 2/2011/0554 and included in the Grant of Planning Permission for application 2/2016/0260 DCC.

The Parish Council made it clear that unless the 2011/2016 conditions were included in the Grant of Planning Permission, the Council would NOT support the application.

The Parish Council confirmed that any proposal that the temporary site could be used or regarded as a permanent site in future years would NOT have the support of the Parish Council.”

Further response received on 04 March 2022 referring to previous response and commenting:

“We see no reason to change our comments as stated therein and reinforce that the Parish Council made it clear that unless the 2011/2016 conditions were included in the Grant of Planning Permission, the Council would NOT support the application. This includes specificity on the location and the use of wording from these two grants written “use of a temporary Gypsy caravan site for a period of three weeks around the dates of the Great Dorset Steam Fair for a further 5 years”.

“The Parish Council confirmed that any proposal that the temporary site could be used or regarded as a permanent site in future years would NOT have the support of the Parish Council. Whilst we acknowledge the word “permanent” has been removed the wording “Use of land for up to 21 days in any calendar year” is a synonym. Moreover, we note that in 2020 and 2021 there has been no Great Dorset Stream Fair held on Tarrant Down. In our opinion this emphasises the need to keep permission limited as has been accepted in the 2011 and 2016 permissions.”

10.8 Other Representations

A single letter of representation has been received from and on behalf of Tarhinton Farms Limited, understood to be an owner of the Application Site, stating:

“... Tarhinton Farms Ltd ... are withdrawing their permission to site a temporary traveller site for the duration of the Great Dorset Steam Fair with immediate effect, as the Planning Department have not clarified the position on the temporary site remaining temporary with absolutely no mention of the word permanent. The Conditions 2011 and 2016 should still apply and it is not to be considered in the Dorset Council Review.”

The landowner has been notified about the change of to the description of the proposed development. Any further representation representations will be reported at Committee.

11.0 **Relevant Policies, Local Finance Considerations and Guidance**

- 11.1 Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with an application for planning permission the planning authority shall have regard to:
- (a) the provisions of the development plan, so far as material to the application,
 - (b) a post-examination draft neighbourhood development plan, so far as material to the application,
 - (c) any local finance considerations, so far as material to the application, and
 - (d) any other material considerations.
- 11.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for the purpose of any determination to

be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The Development Plan

- 11.3 The development plan for the Application Site includes:
- (i) the *North Dorset Local Plan Part 1 2011-20131* adopted by the former North Dorset District Council in January 2016 ('the Adopted Local Plan'); and
 - (ii) the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019 adopted by Dorset Council in December 2019 ('the Adopted Waste Plan').
- 11.4 The most relevant of the Adopted Local Plan are:
- Policy 1: Presumption in Favour of Sustainable Development.
 - Policy 2: Core Spatial Strategy.
 - Policy 3: Climate Change.
 - Policy 4: The Natural Environment.
 - Policy 10: Gypsies, Travellers and Travelling Showpeople.
 - Policy 13: Grey Infrastructure.
 - Policy 20: The Countryside.
 - Policy 23: Parking.
 - Policy 24: Design.
 - Policy 25: Amenity.
 - Policy 26: Sites for Gypsies, Travellers and Travelling Showpeople.
 - Policy 31: Tourist Accommodation in the Countryside.
- 11.5 The most relevant policy of the Adopted Waste Plan is:
- Policy 22 – Waste from new developments.

Neighbourhood Plan

- 11.6 The Application Site is located within the Parish of Tarrant Hinton for which there is currently no made and no post-examination draft neighbourhood development plan.

Local Finance Considerations

- 11.7 For the purposes of section 70(2) of the Town and Country Planning Act 1990 (as amended) "local finance consideration" means:
- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
 - (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 11.8 To be material to the determination of the application for planning permission, a local finance consideration must have the potential to help make development acceptable in planning terms.

11.9 The Community Infrastructure Levy (CIL) is not operated in the former North Dorset District Council area within which the Application Site is located and the submitted application does not refer to any grant or financial assistance that would constitute a local finance consideration.

Other Material Policy Considerations

11.10 The term “any other material considerations” is broad in scope, a material consideration being any matter which is relevant to making the planning decision in question. In relation to planning policy and guidance, the term encompasses national planning policy and guidance; supplementary planning documents and guidance; and emerging (i.e. draft) planning policy.

National Planning Policy

11.11 Government planning policy set out in the *National Planning Policy Framework* (‘the NPPF’) is material to the determination of all applications for planning permission in England. National Planning Practice Guidance (‘NPPG’) and other statements of national planning policy fall to be read in conjunction with the NPPF.

11.12 The NPPF provides that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7) and that achieving sustainable development means that the planning system has three overarching objectives – economic, social and environmental – which are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across each of the different objectives (paragraph 8). Central to the NPPF is the presumption in favour of sustainable development which, for decision making, means approving development proposals that accord with an up-to-date development plan without delay.

11.13 Further relevant policy is set out on a range of relevant matters including:

- Decision making – paragraphs 38-58;
- Delivering a sufficient supply of homes – paragraphs 59-79;
- Promoting healthy and safe communities – paragraphs 91-101;
- Promoting sustainable transport – paragraphs 102-111;
- Making effective use of land – paragraphs 117-123;
- Achieving well-designed places – paragraphs 124-132;
- Meeting the challenge of climate change, flooding and coastal change – paragraphs 148-169; and
- Conserving and enhancing the natural environment – paragraphs 170-183.

11.14 National *Planning policy for traveller sites* (‘the PPTS’) was issued in August 2015.

11.15 Paragraph 3 of the PPTS states that the overarching aim of the policy is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and

nomadic way of life of travellers while respecting the interests of the settled community.

11.16 Annex 1 of the PPTS provides a glossary which notes that, for the purposes of the policy, “gypsies and travellers” means:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”

11.17 The PPTS distinguishes between “pitches” for gypsies and travellers and “plots” for travelling show people, the differentiation being between residential pitches for gypsies and travellers and mixed-use plots for travelling showpeople, the latter potentially needing space for the storage of equipment.

11.18 A further distinction is drawn between permanent and transit site accommodation needs. Definitions are not provided, but the Mobile Homes Act 1983 (as amended) defines “transit pitch” to mean:

“... a pitch on which a person is entitled to station a mobile home ... for a fixed period of up to 3 months”

and “permanent pitch” to mean:

“a pitch which is not a transit pitch.”

11.19 Paragraph 28 of the PPTS comments that planning objections to particular proposals may be overcome by various means including the use of planning conditions or planning obligations limiting the maximum number of days for which caravans might be permitted to stay on a transit site (PPTS, paragraph 28).

11.20 Amongst other matters, the PPTS further addresses:

- (i) Using evidence to plan positively and manage development (Policy A);
- (ii) Planning for traveller sites (Policy B);
- (iii) Sites in rural areas and the open countryside (Policy C); and
- (iv) Determining applications for traveller sites (Policy H).

Cranborne Chase Partnership Plan 2019-2024 (“the AONB Management Plan”)

11.21 The AONB Management Plan sets out objectives and policies for the conservation and enhancement of the AONB.

11.22 Policy LAN4 is to ensure the conservation and enhancement of the landscape character, tranquillity and special qualities of the AONB and its setting, particularly those that are sensitive to change.

11.23 Policy PT8 is to seek to achieve net landscape enhancements and biodiversity gain through partner Local Planning Authority policies and Development Management processes.

11.24 Policy PT14 is that development proposals in the AONB or its setting should demonstrate how they have taken account of the AONB Management Plan objectives and policies and Policy PT15 is that Local Planning Authority partners ensure that where new development is permitted, it complements the special qualities of the AONB and takes account of the area's setting and context through the consideration of appropriate Landscape Character Assessments and sensitivity and design studies.

Emerging Planning Policy

11.25 The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Consultation Draft Local Plan is being accorded very limited weight in decision making.

12.0 Human Rights

12.1 The Human Rights Act 1998 imposes an obligation on public authorities not to act incompatibly with the European Convention on Human Rights. The articles/protocols of particular relevance are:

- (i) Article 6 - Right to a fair trial;
- (ii) Article 8 - Right to respect for private and family life; and
- (iii) The First Protocol, Article 1 - Protection of Property.

12.2 The recommendation is based on adopted development plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

13.0 Public Sector Equalities Duty

13.1 Section 149 of the Equalities Act 2010 (as amended) provides that in the exercise of its functions a public authority must have due regard to the need to:

- (i) eliminate discrimination, victimisation and any other conduct that is prohibited by or under the Act;
- (ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

13.2 Commonly referred to as 'the Public Sector Equalities Duty', the relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 13.3 Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage.
- 13.4 Having considered the information provided by the applicant, consultation responses, other representations made about the application and relevant planning policies, I am satisfied that the proposed development would:
- (i) help to advance equality of opportunity;
 - (ii) assist in fostering good relations; and
 - (iii) have no material adverse impact on individuals or identifiable groups with protected characteristics.
 - (iv) the protected character of race includes Gypsy and Travellers. The proposed development would have a beneficial impact upon a group with protected characteristics.

14.0 Climate Implications

- 14.1 Policy 3 of the Adopted Local Plan provides that development proposals should seek to reduce greenhouse gas emissions and should seek to minimise impacts of climate change overall though:
- incorporation of measures to reduce water consumption; and
 - avoidance of areas at risk of flooding from all sources and the incorporation of measures to reduce flood risk overall; and
 - incorporation of measures to reduce the impact of excessive heat on the urban environment through the incorporation of green infrastructure and passive shading and ventilation.
- 14.2 Operation of the Great Dorset Steam Fair attracts gypsies and travellers in large numbers. Provision of a temporary stopping location for gypsies, travellers and travelling showpeople during and around the dates of the Great Dorset Steam Fair as proposed would help to facilitate sustainable travel to and from the Great Dorset Steam Fair site, reducing greenhouse gas emissions that would likely otherwise associate with travel from more distant locations.
- 14.3 The Environment Agency’s flood map for planning places the Application Site in Flood Zone 1 signifying a low probability of flooding from rivers and sea (less than 1 in 1,000 annual probability) and the Flood Risk Assessment submitted in support of the application concludes that the proposed use will not increase the risk of flooding on or off site and that there will be no loss of floodplain as a result of the proposed use.
- 14.4 The Application Site is not in an urban area, but management of on-site green infrastructure (hedgerows and trees) can be secured by means of planning condition.

15.0 Officer Appraisal

- 15.1 The main issues in the determination of the application relates to:
- (i) the acceptability in principle of the proposed development taking into account the need for transit pitches for gypsies and travellers and impact on the character, appearance and amenities of the locality; and
 - (ii) the need for planning conditions to adequately regulate the proposed use.
- 15.2 The Application Site:
- (i) is located outside of the settlement development boundaries identified in the Adopted Local Plan (i.e. in the countryside);
 - (ii) is not allocated for development in the development plan; and
 - (iii) is situated within the designated Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.
- 15.3 Policy 2 of the Adopted Local Plan provides that all development proposals should be located in accordance with the spatial strategy for North Dorset and that outside of the defined settlement boundaries (i.e. in the countryside) development will be strictly controlled unless it is required to enable essential rural needs to be met.
- 15.4 Policy 20 of the Adopted Local Plan provides that development in the countryside outside defined settlement boundaries will only be permitted if it is of a type appropriate in the countryside, as set out in the relevant policies of the Local Plan, summarised in Figure 8.5 or if it can be demonstrated that there is an 'overriding need' for it to be located in the countryside.
- 15.5 Amongst other types of development, Figure 8.5 of the Adopted Local Plan identifies 'Sites for Gypsies, Travellers and Travelling Showpeople' and 'Rural tourist accommodation' as forms of development that may be permitted in the countryside.
- 15.6 Policy 10 of the Adopted Local Plan provides that the Council will make provision to meet the identified need for Gypsies, Travellers and Travelling Showpeople pitches through the identification of sites with the Dorset-Wide Gypsy, Traveller and Travelling Showpeople Site Allocations Document Development Plan Document (DPD) and Policy 26 of the Adopted Local Plan sets out development management criteria to be used to determine planning applications relating to proposed sites for Gypsies, Travellers and Travelling Showpeople.
- 15.7 In relation to tourist accommodation, Policy 31 of the Adopted Local Plan provides that proposals for sites for touring caravans and tent camping will be permitted provided that:
- the proposal is in a sustainable location where local services that tourists are likely to want to use can be accessed by means other than the car; and

- the proposal is compatible in character, design and scale with the area in which it is proposed, particularly in areas of high landscape sensitivity, and any adverse impacts can be mitigated.

15.8 On account of the size of the Application Site and of the scale and nature of the proposed development, the application proposal may be regarded as being for major development within the designated AONB.

15.9 Paragraph 177 of the NPPF provides that when considering applications for development within Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. It is further stated that consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

15.10 Paragraph 5.154 of the Adopted Local Plan notes that national planning policy seeks to provide a supply of housing which meets the needs of present and future generations and that this includes meeting the accommodation needs of Gypsies, Travellers and Travelling Showpeople. Paragraph 5.155 of the Adopted Local Plan comments that:

“The traditions and culture of these groups means that they typically live in mobile homes or caravans, even if they have ceased travelling, either permanently or temporarily. Such a lifestyle gives rise to particular accommodation needs, not only for permanent residential sites but also for transit sites and emergency stopping places.”

15.11 The Adopted Local Plan further notes:

- (i) that the Government seeks to ensure fair and equal treatment for Gypsies and Travellers in a way that respects the traditional and nomadic way of life while also respecting the interests of the settled community (paragraph 5.156); and
- (ii) that the Council has a responsibility as the housing authority to assess and meet the needs of Gypsies, Travellers and Travelling Showpeople (paragraph 5.158).

15.12 Paragraph 5.168 of the Adopted Local Plan states that:

“The Great Dorset Steam Fair takes place at Tarrant Hinton in North Dorset each year. In association with this event there is a need for a transit site with

the capacity for 100 temporary pitches for a few weeks each year. This need is not addressed in the Dorset-Wide Gypsy, Traveller and Travelling Showpeople Site Allocations DPD. However, the District and County Councils will seek to provide such a site within a reasonable distance of the Steam Fair site each year, for as long as the event is located within the District.”

15.13 Policy 26 of the Adopted Local Plan provides that:

“Permanent caravan sites, transit caravan sites and emergency stopping places for Gypsies, Travellers and Travelling Showpeople will be permitted given that the Council will have regard to:

- a the overall level of need in the District; and
- b the need for different types of site (such as permanent residential sites, transit sites and emergency stopping places); and
- c the needs of different groups within the travelling community (for example: Roma and Romani Gypsies, Irish Travellers, New Age Travellers), both in terms of their site-based and locational requirements, taking account of their established cultural and travelling patterns; and
- d demonstration by the applicant of why, where a site is proposed in a location that has not been allocated in the Dorset-Wide Gypsy, Traveller and Travelling Showpeople Site Allocations Development Plan Document, none of the allocated sites could be developed for use by the intended occupants; and
- e demonstration by the applicant of why, when new pitches are proposed and there are vacant pitches elsewhere within the District (either available on established sites or likely to become available in the near future on as yet undeveloped sites with planning permission), none of these would be a suitable alternative; and

providing that:

- f the occupation of the site is restricted to Gypsies, Travellers or Travelling Showpeople;
- g the site is located within, on the outskirts of, or within reasonable distance of, a settlement that offers local services and community facilities; and
- h there is safe access to the highway network and adequate space within the site for the parking and turning of vehicles; and
- i the site is not located in an area of flood risk.

15.14 The Dorset-Wide Gypsy, Traveller and Travelling Showpeople Site Allocations Development Plan Document has not been produced but the need for a transit site with capacity for 100 pitches for a few weeks each year in association with the Great Dorset Steam Fair is identified in the Adopted Local Plan and that need is not met currently by other sites in the near locality.

- 15.15 The use and occupation of the Application Site in accordance with the application proposal can be satisfactorily regulated by means of planning condition.
- 15.16 The Application Site is located within the Southern Downland Belt Landscape Character Area wherein the landscape management objective is to conserve the simple, open character of the landscape, long views, sense of scale and remoteness, and management should also seek to restore key features that have been lost or are declining such as areas of chalk grassland and the reinstatement of denuded hedgerows.
- 15.17 Through the imposition of planning conditions, site access, layout and management arrangements can be adequately regulated in accordance with policy objectives for the natural environment.
- 15.18 Impact of the periodic use of the Application Site as a caravan site as proposed would be apparent for short periods only and only at times when the operation of the Great Dorset Steam Fair is also apparent in the locality. Impact on the character, appearance and amenities of the locality could be adequately moderated by means of planning condition securing appropriate site and landscape management measures.
- 15.19 Although not within or on the outskirts of a settlement and community services and facilities available in Tarrant Hinton are limited, the Application Site is located within convenient walking distance of the village and the current home of the Great Dorset Stream Fair event.
- 15.20 The nearest locations to the Steam Fair Site that are not located within the AONB are more than 2.5 km from the Steam Fair Site and are therefore not within easy walking distance.
- 15.21 Past experience is that operation of a temporary stopping location for gypsies, travellers and travelling showpeople during and around the dates of the Great Dorset Steam Fair helps to meet the recognised need for transit pitches and reduces the number of unauthorised encampments elsewhere in Dorset and is therefore in the public interest.
- 15.22 Overall, the Application Site is considered to represent an appropriate location for the operation of a temporary stopping location for gypsies, travellers and travelling showpeople during and around the dates of the Great Dorset Steam Fair and that such use can be adequately regulated in accordance with the development by means of planning condition.
- 15.23 Tarrant Hinton Parish Council has indicated that they would not support the application without the conditions set out in planning permission 2/2011/0554.

- 15.24 The recommended conditions set out in paragraph 16.1 below differ from those imposed on the previous grants of planning permission at the application site and are considered sufficient to render the application proposal in accordance with development plan.
- 15.25 Paragraph 56 of the NPPF provides that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 15.26 A condition could be imposed limiting the duration of the planning permission, but in the context of other recommended conditions, such a limitation is not considered to be necessary.

16.0 Recommendation

- 16.1 Grant planning permission subject to following conditions:

Time Limit – Commencement of Development

- (1) The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended).

Submission, Approval and Implementation of a Caravan Site Operation Plan

- (2) Prior to the commencement of the use of the application site as a caravan site a Caravan Site Operation Plan shall be submitted to and approved by the local planning authority. The submitted Caravan Site Operation Plan shall provide details of:
- (i) arrangements to be implemented to manage pedestrian and vehicular access to and egress from the caravan site;
 - (ii) provisions to be made for the keeping of animals on the application site;
 - (iii) provisions to be made for the management of waste arisings associated with the use of the caravan site;
 - (iv) arrangements for the supervision of operation of the caravan site;
 - (v) details of any external lighting to be installed on the application site and for arrangements for regulating the use of any other external lighting on the application site; and
 - (vi) arrangements for securing the clearance from the application site of all vehicles, caravans, temporary structures and any other mobile plant and equipment associated with the temporary operation of the application site as a caravan site.

Use of the application site as caravan site shall be in accordance with the approved Caravan Site Operation Plan.

Reason: To regulate the use of the application site in the interests of amenity, safety, the natural environment and animal welfare having regard to national planning policy and to policies 4, 13, 20, 24, 25 and 26 of the adopted North Dorset Local Plan Part 1 (January 2016).

Submission, Approval and Implementation of a Biodiversity and Landscape Management Plan

- (3) Prior to the commencement of the use of the application site as a caravan site, a Biodiversity and Landscape Management Plan shall be submitted to and approved by the local planning authority. The submitted Biodiversity and Landscape Management Plan shall provide details of:
- (i) arrangements for the implementation of the mitigation strategies set out in sections 5.1 and 5.2 of the Ecological Appraisal prepared by Lindsay Carrington Ecological Services dated December 2020 submitted in support of the application;
 - (ii) arrangements for the management of the existing hedgerows within and adjacent to the application site; and
 - (iii) arrangements for implementation of supplementary tree and hedgerow planting within the application site.
- Biodiversity and landscape management shall be carried out in accordance with the arrangements specified in the approved Biodiversity and Environment Management Plan. Any trees or plants planted in accordance with the approved Biodiversity and Environment Management Plan that within a period of 5 years from being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To preserve and enhance biodiversity and in the interest of protecting and enhancing the landscape and scenic beauty of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty having regard to national planning policy and to policies 4, 15, 24 and 26 of the adopted North Dorset Local Plan Part 1 (January 2016).

Operation and Management of Caravan Site

- (4) Operation of the application site as a caravan site shall be for the purpose of providing a “relevant caravan site” as defined in section 62A of the Criminal Justice and Public Order Act 1994 and shall be managed by a local authority within whose area the site is situated, a private registered provider of social housing or a body registered as a social landlord under Chapter 1 of Part 1 of the Housing Act 1996.

Reason: To regulate the use of the application site in accordance with the purposes set out in the application having regard to national planning policy and to policies 2, 20, 26 and 31 of the adopted North Dorset Local Plan Part 1 (January 2016).

Occupation of Caravans

- (5) Occupation of any caravan stationed on the application site shall be limited to persons of nomadic habit falling within the definition of travellers set out in Planning Policy for Traveller Sites (Department for Communities and Local Government, August 2015) including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age or more localised pattern of trading have ceased to travel temporarily.

Reason: To regulate the use of the application site in accordance with the purposes set out in the application having regard to national planning policy and to policies 2, 20, 26 and 31 of the adopted North Dorset Local Plan Part 1 (January 2016).

Use of Land as a Caravan Site for Temporary Periods Only

- (6) The use of the application site as a caravan site shall be limited to a maximum period of 21 days in any one calendar year and shall be limited to periods around and during the operation of the Great Dorset Steam Fair event at locations within a 4 kilometre radius of the application site.

Reason: To regulate the use of the application site in accordance with the purposes set out in the application having regard to national planning policy and to policies 2, 20, 26 and 31 of the adopted North Dorset Local Plan Part 1 (January 2016).

Maximum Number of Caravans

- (7) Not more than 100 caravans shall be stationed on the application site at any one time.

Reason: To regulate the use of the application site in accordance with the application proposal and in the interest of amenity, safety and the natural environment having regard to national planning policy and to policies 2, 4, 20, 24, 25 and 26 of the adopted North Dorset Local Plan Part 1 (January 2016).

Speed Limit on A354

- (8) The use of the application site as a caravan site shall be limited to periods during which traffic speed limit on the adjacent section of the A354 is not more than 30 miles per hour.

Reason: In the interest of highway safety having regard to national planning policy and to policies 13 and 26 of the adopted North Dorset Local Plan Part 1 (January 2016).

Maintenance of Site Access

- (9) At all times when the application site is in use as a caravan site no gate or any other barrier shall be operated in such a way as to obstruct vehicular access on to the first 20 metres as the site accessway measured from the edge of the A354 carriageway.

Reason: To ensure sufficient space is available to allow a towing vehicle entering or leaving the application site to be parked clear of the public highway whilst any gates are opened or closed without obstructing vehicular movement on the public highway in the interest of highway safety having regard to national planning policy and to policies 13 and 26 of the adopted North Dorset Local Plan Part 1 (January 2016).

Provision and Maintenance of Visibility Splays

- (10) At all times when the application site is in use as a caravan site, visibility splays shall be maintained clear of obstruction for drivers of vehicles joining the A354. The area to be kept clear shall be defined from a driver position 2.40 metres from the back edge of the A354 carriageway and a stopping sight distance (SSD) of 43.00 metres along the carriageway in each direction. All land within the area of the visibility splays shall be cleared or excavated to a level not exceeding a height of 0.60 metres above that of the adjacent section of highway carriageway.

Reason: To ensure adequate visibility is available for drivers of vehicles exiting the application site onto the A354 in the interest of highway safety having regard to national planning policy and to policies 13 and 26 of the adopted North Dorset Local Plan Part 1 (January 2016).

Agenda Item 9

Application Number:	P/FUL/2022/01241		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	A Hammond & Son Ltd Penny Street Sturminster Newton DT10 1DE		
Proposal:	Demolish workshop building and erect 6no. dwellings with associated parking		
Applicant name:	Mr Philip Hammond		
Case Officer:	Simon Sharp		
Ward Member(s):	Cllr Carole Jones		
Publicity expiry date:	1 April 2022	Officer site visit date:	11 th March 2022
Decision due date:	10 June 2022	Ext(s) of time:	

1.0 Reason application is being referred to members

- 1.1 Correspondence has been received withing 21 days of the application being publicised from Cllr Carole Jones requesting that the application be considered by the Committee. Cllr Jones states "It's gone through the Town Council last week but at that time the applicant had not displayed the planning notice and no residents were aware of the application. Now that they are – I have a few residents that are unhappy they were not able to express their concerns to the Town and I think we need to ensure their voices are heard at the main committee."

2.0 Summary of recommendation

- 2.1 Grant planning permission subject to conditions.

3.0 Reason for the recommendation

- 3.1 This is a development plan accordant proposal for an allocated site within the town's defined settlement limits in the made Neighbourhood Plan. The location is very sustainable and there are no demonstrable or significant adverse impacts that outweigh the benefits derived from brining this allocated site forward towards delivery.

4.0 Key planning issues

Issue	Conclusion
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Principle of development	This is an allocated site within the Neighbourhood Plan for “about 5 dwellings”. The 6 dwellings proposed is considered to accord with this parameter. The site is in a very sustainable locations and the scheme redevelops a brownfield site. The existing employment use is being relocated within the locality.
Heritage, design, character and appearance.	The site is located close to the heart of the town within its designated conservation area and close to a number of listed buildings. The current use and buildings detract from the qualities of the area and contribute nothing to its significance. The redevelopment of the site with dwellings that carefully reference traditional forms and detailing prevalent in the area means that the character and appearance of the conservation area will be enhanced (no harm to its significance) and the setting of the listed buildings preserved.
Archaeology	Intrusive investigations in accordance with a written scheme approved by the Council’s archaeologist have revealed no archaeology of any significance within the site.
Highway safety and access	There are no highways safety issues arising from the development. The parking provision is considered acceptable in this sustainable location subject to the provision of cycle parking.
Economic benefits	There are benefits derived from the supply of 6 dwellings.

5.0 Description of Site

- 5.1 The site extends to approximately 0.13 ha. It is currently used as a builders’ yard. There is one workshop/storage building within the site dating from the 1960s. The remaining site area is used for open storage of plant and machinery and building materials, parking and for manoeuvring of vehicles.
- 5.2 The current vehicular and pedestrian access to the site is from Lane Fox Terrace. The land to the north slopes down to Penny Street. Penny Street is lined with traditional buildings, nearly all of which are in residential use. Whilst Lane Fox Terrace benefits from segregated footways (pavements), Penny Street does not.
- 5.3 The surrounding uses are predominantly residential. The dwellings to the north are two storey houses with gabled roofs and walls faced in stone, brick and render. These dwellings, on Lane Fox Terrace, date from the late C20th. To the west are older buildings, mainly in residential use, that front onto Church Street. Some of

these are listed. One is currently used as the applicant's offices but has recently gained permission for a change of use to residential. This site shares its vehicular access with the builders' yard. To the south is a residential care home, Nazareth Lodge. To the east is the care home's access, beyond which is a public right of way.

- 5.4 There are no trees within the site but many lie adjacent to its boundaries and overhang onto the land.

6.0 Description of Development

- 6.1 This is a full application for 6 dwellings, all for the open market (no affordable units as defined by the National Planning Policy Framework).

- 6.2 The mix of dwellings proposed is

- a) 1 No. 4-bed detached, 2-storey house.
- b) 2 No. 3-bed semi-detached 2.5 storey houses.
- c) 3 No. 2-bed terraced 2 storey houses.

- 6.3 Vehicular and pedestrian access is proposed from Lane Fox Terrace (and in turn from Penny Street). The parking provision proposed is as follows: -

- a) 2 spaces for the 4-bed detached house.
- b) 2 spaces each for the 3-bed semi-detached houses.
- c) 2 spaces for 2 of the terraced houses.
- d) 1 space for 1 of the terraced houses.
- e) Secure cycle parking in sheds for all dwellings.

7.0 Relevant Planning History

- 7.1 Planning permission was granted on 19th April for the change of use of the adjoining offices at Worton House on Church Street to residential use (Council reference FUL/2022/01147). This permission includes use of an access strip across the site to Lane Fox Terrace. This access is capable of being implemented irrespective of whether the site stays as a builders' yard or this permission is granted and implemented.

8.0 List of Constraints

- 8.1 The site is within a designated Conservation Area.
- 8.2 There are no listed buildings within the site, but the following are within close proximity:-
- a) 23, 24, 25, 26 and 27, Church Street (Grade II).
 - b) Gates and gate piers to The Old School (Grade II).List Entry: 1304296.0

9.0 Consultations

- 9.1 Sturminster Newton Town Council

“No Objections - the application is not in breach of any material planning considerations and is compliant with Policy 35 in Sturminster Newton Neighbourhood Plan.”

9.2 DC Highways

No objection subject to conditions.

9.3 DC Trees and Landscaping

- a) The proposal is supported by arboricultural documentation and, subject to the adherence to this report, the trees on neighbouring land should be adequately protected.
- b) Ground protection is adequate in this case as the trees which are off-site are already protected by boundary walls.
- c) Content with the Arboriculturist Report following the revision to paragraph 11.2 to exclude the word “key” from the sentence “Advising the local planning authority tree team of any key issues that arise that could cause serious permanent damage to high quality tree.”
- d) Concern expressed at original site plan that proposed two new trees which had little to no chance of survival due to being surrounded by hard landscaping. The revised plans propose shrubs in their place and one tree in plot 1’s rear garden. This is acceptable although there is disappointment in the lack of new trees in contrast to the degree of hard landscaping.

9.4 DC Building Control

“No comments at this time.”

9.5 Historic England

“Not offering advice.”

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

10.0 Other representations received

Total - Objections	Total - No Objections	Total - Comments
20 addresses	0	0

10.1 Objections were received on the following grounds: -

Quantum and type of development

- a) The Town Council state that this development accords with the Neighbourhood Plan, but it doesn't.
- b) The Neighbourhood Plan allocation is for "about 5". It should be a maximum of 5, not 6. The proposal equates to a density of 60 dwellings to the hectare.
- c) The site would perhaps be large enough for 6, 2 bed houses as they have a smaller footprint. However, it is not large enough to accommodate the 6 houses as proposed.
- d) 5 dwellings would also provide the ability to plan a more acceptable parking provision and distance to neighbouring dwellings.
- e) The Neighbourhood Plan states that the proximity of the site to the centre of town makes it ideally suited for older persons' accommodation. Three-storey town houses and a large detached house are not 'ideally suited' for older people.

Highways and parking

- f) The number and type of houses proposed will increase the traffic considerably onto Fox Lane Terrace and thence Penny Street.
- g) There is already a very awkward convergence of Fox Lane Street, Penny Street and the entrance to Nazareth Lodge (residential care home that adjoins the site). The ability of large vehicles to manoeuvre here is already compromised e.g. refuse trucks, ambulances, delivery lorries etc.
- h) To only provide such a low number of parking places is quite out of order. It is a fact of rural living that most households have more than one vehicle. A plot has only been allocated 1 parking space. It is inevitable that properties will need more parking (advise 12-15 spaces).
- i) Residents already find themselves unable to park due to the volume of workers and multiple vehicles using Penny Street.
- j) There are no pavements. There is a significant highway safety concern which will only be exacerbated by this proposed development.
- k) Planning and Highway could consider double yellow lines on pinch points to facilitate the increasing traffic.

Layout and residential amenity

- l) The new buildings are very close to the boundary of the site, this will give the illusion of space from the front of the properties but, in doing so, plots are extremely close to the gardens of all the existing properties. This will reduce considerably the morning light onto these properties and make their gardens much less private.

- m) Existing homes adjoining the site are close to existing homes opposite them. With plots 4, 5 and 6 proposed so close to their other boundary, they will feel very boxed in.
- n) The proposed buildings are closer and higher than the existing workshop.
- o) There will be a significant reduction in sunlight to existing dwellings, particularly in the mornings.
- p) There will be a significant increase in overlooking due to the proximity of proposed first floor windows to existing gardens and the rear facing rooms of adjoining, existing homes.

Conservation area

- q) This development should be in keeping with a conservation area not in conflict with it. There is an opportunity to create a sympathetic development which would enhance the status and prestige of a conservation area rather than diminish it.

Trees

- r) Proposes the removal of trees and hedges on private land, with no accompanying mitigation plan for their retention.
- s) The “Arboricultural Report” recommends the felling of a Leyland Cypress tree (T7) on the southern boundary if the tree is on the site – it is not on site, but in an adjoining property. It would seem wiser to move the proposed dwellings further away from the southern boundary wall so that future residents would not be affected by the tree.
- t) The “Heritage, design, access and planning statement” in the application recommends the removal and replacement of a conifer hedge on the southern boundary (Section 12.1, p.10). This also is not on site but in an adjoining property. The recommendation shows no awareness that the hedge is not on site. Such carelessness, inaccuracies, misunderstandings and/or disregard for neighbouring properties are of concern.
- u) The Deodar Cedar (T10) is incorrectly sited on the tree protection plan and is closer to the boundary.

Light pollution

- v) There are no details of any street lighting provision within the development. Sturminster town suffers from a high degree of unnecessary light pollution. It is hoped that any street lighting provided as part of this development will avoid contributing further to the unacceptable level of light pollution already suffered

Other

- w) Are there any asbestos concerns in relation to the existing building?
- x) Material impact on the Nazereth Lodge Care Home business as they may not be able to sell the rooms closer to the site due to noise and construction, so it is important to know what is the duration of the project and when it is supposed to finish if it goes ahead.
- y) Extremely concerned about this development affecting my holiday cottage's appeal in what I describe to guests as a quiet Dorset getaway.

11.0 Heritage duties

- 11.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, amongst other things, that special regard be had to preserving the setting of listed buildings.
- 11.2 Section 72 of the same Act requires that special regard be had to either preserving or enhancing the character and appearance of a designated Conservation Area.

12.0 Development plan policies

Adopted North Dorset Local Plan Part 1 (2016)

- 12.1 The site is within the saved settlement boundaries and is within a designated Conservation Area. The following policies are considered to be relevant to this proposal:
 - Policy 1 - Presumption in Favour of Sustainable Development
 - Policy 2 - Core Spatial Strategy
 - Policy 4 - The Natural Environment
 - Policy 5 - The Historic Environment
 - Policy 6 - Housing Distribution
 - Policy 23 – Parking
 - Policy 24 – Design
 - Policy 25 – Amenity

Made Sturminster Newton Neighbourhood Plan (2019)

- 12.2 The site is within the settlement limits and is one of the Plan's housing allocations. It is also with a designated Conservation Area. The following policies are considered relevant: -
 - Policy 1. Design and character of buildings and their setting
 - Policy 2. Important views and landscape sensitivity
 - Policy 7. Housing numbers and locations
 - Policy 8. Settlement boundary revision.
 - Policy 35. Hammond's Yard site.
- 12.3 The allocation (policy 7) is for "about 5" dwellings (Neighbourhood Plan paragraph 9.4.9). The criteria against which proposals should be assessed are detailed in policy 35 as follows: -

- a) It is for housing or other uses that are compatible with a quiet, largely residential area. Housing more suitable to older people would be appropriate in this location.
- b) The frontage onto Penny Street is designed to be discrete and to avoid an unsightly gap in the sequence of views along this lane.
- c) The privacy of neighbouring properties is considered in the siting and design of the dwellings within the site.
- d) Measures required as part of an approved biodiversity mitigation plan are secured.

13.0 Other material considerations

National Planning Policy Framework (2021)

13.1 Noting the following sections:-

- 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

Housing Delivery Test

13.2 The latest Housing Delivery Test (HDT) for North Dorset, published January 2022, is 69%. The NPPF states that the titled balance applies if the HDT is less than 75%.

14.0 Human rights

14.1 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 adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

15.0 Public Sector Equalities Duty

15.1 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:-

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

15.2 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.

15.3 The Department for Transport’s publication, Inclusive Mobility – A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure was published in 2021 (released in January 2022) and provides specifications which should ideally be realised within a layout.

15.4 Of note for this application is that there is a fall in the land from west to east and also towards the northeast corner. The application is supported by proposed sections which demonstrate that the maximum gradients within the site will be 1 in 15 with intermediate level platforms and sections of a shallower gradient. This is considered acceptable in providing equal opportunities for all in terms of access.

15.5 Beyond the site, it is noted that access to the town centre would be via Penny Street which is devoid of segregated footways. This is not uncommon in the historic core of Sturminster Newton and the insertion of a footway would not be practicable or desirable in this designated conservation area, the significance of which is partly derived from its lane character.

16.0 Financial benefits

What	Amount / value
Material Considerations	
Homes	Delivery of 6 homes
Employment during construction	Support construction sector
Spend in the local economy	Residents of dwellings would support economic growth
Non Material Considerations	
Contributions to Council Tax	As per appropriate charging bands

17.0 Climate Implications

17.1 The layout demonstrates the ability for all dwellings to maximise solar gain (heat) and solar to electricity energy conversion (via photo-voltaic cells). Indeed, the proposed elevations show PV panels in place for all the homes. There is also clear potential for

electric car charging points to be installed, albeit some of the power to the home, from the national grid may be produced from the burning of fossil fuels (this is when PV panels are unable to respond to the demand or are not installed).

- 17.2 The buildings would need to comply with Building Regulations, specifically Part L.
- 17.3 It is acknowledged that, despite the highly sustainable location, there is a certainty that there will be some residual trips by cars and delivery vehicles resulting from the development and these will burn fossil fuels. It is also noted that some home owners may choose to provide heating from the burning of fossil fuels.

18.0 Planning Assessment

Principle

- 18.1 This is an allocated site within the made Neighbourhood Plan.
- 18.2 The National Planning Policy Framework and the North Dorset Housing Delivery Test position are material considerations. They result in the “tilted balance” being engaged if there are no “footnote” reasons for refusal (e.g. harm to the significance of heritage assets not outweighed by public benefits) but, in this instance, this is not a determinative consideration given the acceptability of the site due to its allocation in the made neighbourhood plan.
- 18.3 A number of representations have been received questioning the quantum of development proposed. Neither policies 7 nor 35 specify a number of dwellings that would be acceptable. However, paragraph 9.4.9 of the Plan, in support of policy 35, notes that the site is just over 0.1 ha in area and “about 5” dwellings would be appropriate. Of note here is that neither the policy, nor its supporting text, prescribe a maximum number of dwellings and it can be reasonably concluded that 6 dwellings falls within the definition of “about 5”. It is noted that the Town Council considers 6 dwellings does accord with the Neighbourhood Plan policy.
- 18.4 The site has been measured as being 0.13ha in area which provides for a density of 46 dwellings per hectare (dph). The density of development on Lane Fox Terrace is approximately 47 dph. It can therefore be concluded that the density is reflective of that prevailing for the adjoining, existing residential development.
- 18.5 Representations have also been received citing policy 35 of the Neighbourhood Plan’s reference to the site being appropriate for homes for older persons. The inference is that, given the lack of any bungalows proposed (or at least dwellings with larger ground floor internal areas), the proposal conflicts with this policy.
- 18.6 There are two relevant points here. Firstly the inclusion of the sentence that accommodation for older people would be appropriate does not exclude development not designed for such a sector of the community coming forward, especially as there is need for homes for all age-groups across the North Dorset plan area.

- 18.7 The second point is that the designs of these dwellings do not preclude them being appropriate for older people. Older people are likely, on average, to be less ambulant than other age groups. However, upon inspection of the proposed floor plans, the point can be reasonably made that four of the six dwellings are appropriate for older people. The three terraced homes are relatively small, permitting the common downsizing of accommodation undertaken by many older people (for a variety of reasons). They all include ground floor living space and toilet facilities (features sometimes missing with town houses with garages on the ground floor). The detached 4-bed dwelling at first sight appears to be aimed at a family (parents/guardians and children). However, the room layout also provides for the ability to have a downstairs bedroom for an older person and also a live-in carer if desired/required.
- 18.8 The mix of dwelling types responds to many different requirements across the community and fosters a diverse and mixed community within the same development. The number of dwellings proposed is below that for which a percentage of affordable homes are required.
- 18.9 The existing employment use is being relocated locally. The site, as identified in the Neighbourhood Plan, is not ideally suited to being a builders' yard in the C21st given the juxtaposition with residential areas.
- 18.10 In summary, the principle of the development is considered acceptable in this location for this quantum and type of homes.

Highway safety and parking

- 18.11 A number of representations have been received in relation to the number of parking spaces proposed and the vehicular access arrangements.
- 18.12 The representations perceive that there is an insufficient number of spaces proposed, highlighting that one dwelling has only one space allocated to it and there is no visitor parking. The Dorset Residential Parking Study standard is for 11 spaces for this type of development, including 2 visitor spaces. However, the requirement can be less in sustainable locations close to services and facilities. The site is within one of these very sustainable locations (in relative North Dorset terms). The proposed provision equates to 1.5 cars per household which is considered reasonable. The implementation and retention of the secure cycle parking proposed in garden sheds can be secured by condition.
- 18.13 The representations highlight two areas of particular concern with regards to the vehicular access; the confluence of Lane Fox Terrace, Penny Street and the access to Nazareth Lodge, and the narrow width and lack of footway on Penny Street. Such junctions, road widths and lack of footways are a typical characteristic of the older parts of small Dorset towns. These characteristics contribute to the significance of the Conservation Area but can provide challenges in terms of larger vehicles accessing sites served by them in terms of widths and visibility at junctions and corners. They also require pedestrians to share the same area of highway as vehicles. Parked cars on parts of Penny Street also mean that the pedestrians are sometimes walking in the middle of the road, rather than on its edge.

18.14 The case officer has visited the site's environs on more than one occasion and including during the peak afternoon period. It was observed that there are double yellow line parking restrictions opposite the entrance into Lane Fox Terrace from Penny Street. This provides unobstructed paths for larger vehicles; the case officer noted that a fixed axle small HGV was able to negotiate this junction in one sweep without any need for reversing. They also were able to negotiate the parked cars further northwest along Penny Street. Pedestrians safely waited behind the parked cars whilst the HGV traversed this section of road.

18.15 It is also noted that the Highways Officer raises no objection.

18.16 In summary, it is considered that the parking and access arrangements are acceptable.

Heritage, design, character and appearance

18.17 The Dorset Historic Towns Study for Sturminster Newton identifies the site as falling within the Town Centre character area and in a zone of "modern infill". The Study notes that the following characteristics and appearance of this area

"(it is) one of high density housing fronting on to the Market Place and the streets radiating from it. The tightly packed buildings are generally set directly on the street frontage, with a few exceptions, particularly along Bridge Street. The streets are narrow and slightly curving, generally rising towards the north. There is very little contribution from trees and green spaces in this character area, which has a very hard character, with a great sense of enclosure."

18.18 Hammond's Yard is rather at odds with this prevailing character as recognised by the Neighbourhood Plan in the supporting text to policy 35. There is clearly scope for redevelopment to introduce forms and a layout that respond positively to the character. In this regard, it is considered that there is little scope for a scheme and architecture that introduces contrast and a design statement deliberately at odds with the prevailing character. The spaces and grain of the area are too intimate and nuanced for that.

18.19 The proposed development is considered and sensitive to this context. Buildings are closely positioned to the highway providing that intimate sense of space. There are also gaps affording views through to areas beyond, as there is on Penny Street. The dwelling for plot 1 and the highway entrance are discrete as an ensemble seen from the Penny Street, as advised by one of the criteria of policy 35 of the Neighbourhood Plan. The architecture for the dwelling is restrained but not without interest, an unsightly gap is avoided and, as a whole, this is the right balance for this frontage and to accord with the criterion in the Neighbourhood Plan.

18.20 Representations received raise concerns about the two-and-a-half storey scale of the proposed pair of semi-detached homes. It is acknowledged that most existing dwellings are two storeys in height but there are examples of two-and-a-half storey homes; it is not without precedent in the town centre character area. Indeed, there is a traditional dwelling with second floor dormer windows further east along Penny

Street, on its north side. This building's dormers are clearly visible within the streetscene and from the site.

- 18.21 Turning to the setting of the listed buildings on Church Street, it is clear from old maps that the site and the land to the north and south remained undeveloped until the latter half of the C20th (a 1947 map shows the land undeveloped). This was the historical setting of Church Street, undeveloped countryside extending to the rear boundaries of these properties. This setting has changed substantially since the 1960s especially with the rather insensitive development of the application site as a builders' yard during that decade. The proposed development's introduction is considered not only to preserve but enhance the setting of these listed buildings.
- 18.22 With regards to the detailing proposed, the amended plans showing a pleasing inclusion of chimneys atop the gabled roofs. Such chimneys pepper pot the roofscapes of the centre of the town and positively contribute much to the area's character and appearance, the gradients along streets and open spaces affording views of this roofscape. The cill and lintels details proposed also heavily reference prevailing designs. The dwellings' designs carefully respond to context.
- 18.23 In summary, the current use and buildings detract from the qualities of the area and contribute nothing to its significance. The redevelopment of the site with dwellings that carefully reference traditional forms and detailing prevalent in the area means that the character and appearance of the conservation area will be enhanced (no harm to its significance) and the setting of the listed buildings preserved (no harm). It is considered that conditions are necessary to restrict permitted development rights for extensions and alterations as such development could materially affect the appearance of the dwelling and result in the conservation area's character and appearance not being preserved.

Trees and landscaping

- 18.24 The representations received include objections relating to perceived inaccuracies in the submitted Arboriculturist's Report and the impact on trees adjoining the site.
- 18.25 There are no trees within the site, although several directly adjoin it. The crown spreads of 9 trees overhang the site. All of these trees are protected by virtue of being within the designated Conservation Area.
- 18.26 The Council's Trees and Landscaping Officer is content that the submitted Report provides, following amendment, appropriate protection measures in place for the construction phase of the development. The implementation of these will need to be secured by a condition. Works to the trees post occupation will require notification to the Council which has the ability to deny them taking place by making a relevant Tree Preservation Order. It is also considered unlikely, given the distances of the proposed dwellings from the trees, taking into account the trees' heights, densities of branches and crown spreads, that there will be proposals by future occupants to undertake life and amenity value threatening works to the trees to reduce their impacts.

18.27 In terms of new soft landscaping, it is accepted that the proposals are rather light on new planting and there is an emphasis on hard landscaping and buildings. In this regard the proposal rather relies on the amenity value provided by trees adjoining the site. Nevertheless, the amended plans do show, on balance, an acceptable level of new planting, the exact details and implementation of which (and retention and management of which) can be secured by condition.

Residential amenity

18.28 Concerns have been raised in the representations received about the proximity of the new dwellings to existing houses and their gardens, these concerns being that there will be significant overshadowing and overlooking.

18.29 The new dwellings will be closer to existing dwellings on Lane Fox Terrace and Church Street than the existing building.

18.30 Looking at the impacts individually, the terrace proposed towards the western end of the site will, at its closest point, be 6.5m from the boundary with the Church Street properties to the west. These dwellings proposed have first floor windows serving bedrooms facing directly towards Church Street. These windows will afford a view into the rear, private gardens of the Church Street dwellings, albeit this view is obscured to a degree by a birch tree in one of the gardens (the birch being of an even crown spread of approximately 4m in all directions). It is also noted that the gardens are approximately 20m in length giving an overall separation distance between the proposed and existing houses of over 26m. This length of these gardens and the soft landscaping within them will provide opportunities for occupiers to secure some distance from the boundary and privacy.

18.31 The height of the proposed terrace is 4.7m from ground level to the roof's eaves and 8m to the ridge. At these relatively modest heights and with the aforementioned separation distances, it is considered there will be no significant overshadowing to the gardens as a whole or the dwellings on Church Street to the west arising from the proposed development. It is also noted that the proposed terrace will be to the east of these dwellings so will not obstruct the sunlight for the majority of the day.

18.32 With regards to noise and disturbance, it is suggested there will not be an adverse impact resulting from the change of use of the land adjacent to the Church Street properties' boundaries from a builders' yard to private gardens serving dwellings.

18.33 It is noted that the gardens of Nos. 22, 24 and 25 Church Street extend to the south of the application site. There will be some overlooking of these rear gardens but not directly and a proportion of these long gardens are not overlooked. The proposed buildings are also to the northeast of these gardens (and the dwelling at No. 22, Church Street) thereby minimising the impact in terms of overshadowing.

18.34 Turning to the impact on the Lane Fox Terrace homes, it is noted that the nearest new dwelling is the northernmost of the terrace of houses. This building is 5m from the nearest point along the boundary with these existing homes' gardens. It is also to the southwest of them. This distance and orientation will mean that, for much of the year there will be overshadowing of these gardens for a period of time after noon as

a result of this element of the proposal. The same can be said for the rear ground floor rooms of these Lane Fox Terrace dwellings which are 11m from the proposed terrace. This is an adverse impact of which there is no doubt.

- 18.35 The impact is tempered by the relatively short period of the day that it will occur as the sun tracks behind the proposed terrace and that it will not be year round (the sun predicted to be higher in the sky than the terrace during the summer months).
- 18.36 It is also tempered by the fact that the building to the south and southeast of Lane Fox Terrace is being demolished and replaced by the pair of semi-detached dwellings, the length of which is substantially less than that of the existing building (12m proposed compared with 20m for the main part of the existing building and 24m for its total length).
- 18.37 There isn't considered to be any significant loss of amenity as result of overlooking of Lane Fox Terrace from the proposed terrace given the acute angle at which the front elevation is orientated relative to the existing dwellings. The same conclusions can be reached relative to the relationship between the proposed semi-detached houses and Lane Fox Terrace.
- 18.38 Specific concerns have been received on behalf of Nazareth Lodge care home. They relate to the ability of the home to attract new residents with the new development adjacent to it, the relationship of buildings and use of the application site being very different if the proposal is granted and implemented. This later point cannot be denied. Residents of the care home will notice change. There is also a justification for the control of hours of construction of the development.
- 18.39 The impact of the development during its operational phase on residents of Nazareth Lodge, i.e. when the dwellings are built and occupied, is not considered to be significant. The main part of the existing building is 10m from the boundary with Nazareth Lodge and 8m high to its ridge. The new dwellings will be the same distance from the boundary and higher (9.3m to the ridge) but noticeably significantly less deep from front to back (14m existing to 9m proposed). The massing of the building will be significantly less as a result. This new pair of semi-detached houses will also be to the northwest of Nazareth Lodge, therefore limiting the amount of time they will be obstructing sunlight.
- 18.40 There will be some overlooking from the two first floor bedrooms windows (one for each of the semi-detached houses proposed) but this will be at very acute angle and not considered to be direct overlooking.
- 18.41 Overall, there will be adverse residential amenity impacts arising from the proposal. However, on balance, cumulatively (as well as individually) they are not to the extent that justifies the withholding of planning permission. However, given that the fine balancing of this matter and the significant potential that extensions and alterations to the approved dwellings could materially increase the degree of adverse impact, it is both necessary and reasonable to secure conditions restricting permitted development rights. It is also necessary to control external lighting to prevent significant light pollution into adjoining homes and gardens.

Archaeology

18.42 This is part of the heritage considerations. Given the location within the medieval core of the town there was a high possibility of archaeology being present within the site. Trial trenches and a report was submitted in accordance with a scheme of investigation approved by the Council's archaeologist. These revealed nothing of significance and no further investigations are required.

Biodiversity

18.43 A biodiversity plan accompanies the suite of application documents. This has been approved by the Council's Natural Environment Team (NET). It includes for the provision of, for example, bat boxes, nesting boxes and hedgehog access holes in fences. Its implementation can be secured by condition.

18.44 The biodiversity plan also details the need for a sensitive external lighting scheme, specifically to respond to the presence of bats. This can be secured by condition.

Flood risk and drainage

18.44 The site is flood zone 1, land at the least probability of fluvial flooding as defined by the Environment Agency. This is the preferred location for development. The site is also in a low risk area in terms of surface water flooding. The sequential test is therefore passed.

18.45 The application form states that surface water will be drained via a sustainable drainage system, but no further detail is provided. This is acceptable in principle, such systems can be designed for use in confined spaces and infiltration is not practicable at this site. The matter can be satisfactorily dealt with by condition.

Light pollution

18.46 There is no external lighting strategy submitted with the application. It is reasonable to secure this by condition.

Other matters

18.46 The existence or otherwise of asbestos within the existing building is not a material consideration relevant to this planning process.

19.0 Conclusion

19.1 This is a development plan accordant proposal for an allocated site within the town's defined settlement limits in the made Neighbourhood Plan. The location is very sustainable (in relative North Dorset terms) and there are no demonstrable or significant adverse impacts that outweigh the benefits derived from bringing this allocated site forward towards delivery.

20.0 Recommendation

20.1 Grant permission subject to the following conditions: -

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

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

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

- Location Plan S101C
- Existing elevations S02C
- Existing floor plans S03
- Proposed Site Plan P01 Rev B
- Proposed floor plans and elevations P06 Rev B
- Proposed Site Sections P10 Rev A
- Perspective views and window details P11 Rev B
- Shed Plans and Elevations P12

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

3. No development shall commence until Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out, as a minimum, site specific measures to control and monitor impact arising in relation to construction traffic, noise and vibration, dust and air pollutants during both the demolition and construction phases of the development hereby approved. The CEMP shall include construction vehicle details (number, size, type and frequency of movement), vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities) as well as the hours and days when the demolition and construction processes will take place. The development shall thereafter be carried out strictly in accordance with the approved CEMP..

Reason: In the interests of the residential amenity of occupier of homes on Lane Fox Terrace, Church Street, Penny Street and residents of Nazareth Lodge care home.

4. Prior to commencement of the development (other than the approved demolition), details of the surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority including a timetable for their implementation. The approved drainage scheme shall be completed in accordance with the approved timetable and thereafter retained for the lifetime of the development.

Reason: Details were not submitted with the application and to avoid drainage problems as a result of the development with consequent pollution or flood risk.
Reason: To avoid drainage problems as a result of the development with consequent pollution or flood risk.

5. Prior to development above damp proof course level, details including colour finishes of all external facing materials for the walls (including bricks and mortar), roofs, external doors and window frames shall be submitted to, and approved in writing by, the Local Planning Authority. Within the same timescales i.e. prior to development commencing, details shall be submitted of the locations, colour and finish of all external rainwater goods, soil vent pipes and meter boxes. Thereafter, the development shall be completed as per the approved details.

Reason: To ensure a satisfactory visual appearance of the development given the sensitivity of the site's location within a designated conservation area and in close proximity to listed buildings.

6. With the exception of the demolition hereby approved, prior to the commencement of any development above damp course level, full details of both hard and soft landscape works, as annotated on the proposed site plan Proposed Site Plan P01 Rev B, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include.

(i) hard surfacing materials;

(ii) Specification for all new planting for the soft landscaping.

The hard surfacing shall be completed prior to the first occupation of the last of the dwellings to be occupied and thereafter retained for the lifetime of the development.

The soft landscaping planting shall be completed within 6 months of the first of the dwellings hereby approved being occupied. If within a period of 15 years from the date of the planting of any tree/plant, that tree/plant or any tree/plant planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) another tree/plant of the same species and size as that originally planted shall be replanted in the first available planting season.

Reason: Landscaping is considered essential in order to preserve and enhance the visual amenities of the locality and for its biodiversity value.

7. The development hereby approved shall proceed only in accordance with the details set out in the Arboricultural Method Statement dated February 2022 and amended and received on the 19th May 2022 setting out how the existing trees adjoining the site 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 in the interests of their protection and amenity value.

8. None of the dwellings hereby approved shall be first occupied until, with the exception of the planting of the 2 new trees, the biodiversity net gain measures detailed in section H of the approved Biodiversity Plan (approved 14th December 2021) have been completed and a report or photographs providing evidence of their implementation submitted to and approved in writing by the Local Planning Authority. The said measures shall thereafter be retained for the lifetime of the development.

Reason: To secure net gain for impacts on biodiversity.

9. Before any of the dwellings hereby approved are first occupied the turning and parking area serving that dwelling shall have been laid out in accordance with the approved site plan P01 Rev B. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified for the lifetime of the development.

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

10. Before any of the dwellings hereby approved are first occupied the cycle parking facilities for that dwelling shown on Drawing Number P01 Rev B (within the approved garden sheds) must have been completed. The said cycle parking shall thereafter be retained for the lifetime of the dwelling it serves.

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

11. Before any of the dwellings hereby approved are first occupied, details shall be submitted of a scheme for the storage of domestic recycling and refuse for those dwellings. The storage facilities shall be completed prior to the first occupation of the dwelling they serve and retained for its lifetime.

Reason: To reduce the probability of unsightly storage of domestic recycling and refuse to ensure a satisfactory visual appearance of the development given the sensitivity of the site's location within a designated conservation area and in close proximity to listed buildings.

12. Before any of the dwellings hereby approved are first occupied the first 10.00 metres of the vehicle access, measured from the rear edge of the highway, must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

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

13. Before any of the dwellings hereby approved are first occupied, external lighting shall have been provided in accordance with details previously submitted to and approved by the local planning authority. The approved lighting shall thereafter be retained for the lifetime of the development and during that period external lighting shall be limited to that approved.

Reason: In the interests of biodiversity and the residential amenity of occupiers of Lane Fox Terrace, Church Street (where those properties adjoin the application site) and residents of Nazareth Lodge care home.

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

Reason: In the interests of the residential amenity of occupiers of Lane Fox Terrace, Church Street (where those properties adjoin the application site) and residents of Nazareth Lodge care home, and to preserve the character and appearance of the conservation area.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no garages, sheds or other outbuildings permitted by Class E of Schedule 2 Part 1 of the 2015 Order shall be erected or constructed.

Reason: In the interests of the residential amenity of occupiers of Lane Fox Terrace, Church Street (where those properties adjoin the application site) and residents of Nazareth Lodge care home, and to preserve the character and appearance of the conservation area.

16. 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.