



Eastern Area Planning Committee

Date: Wednesday, 28 July 2021

Time: 10.00 am

Venue: The QuarterJack Room, the Allendale Centre, Hanham Road, Wimborne, Dorset, BH21 1AS

Membership: (Quorum 6)

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

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

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



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Members of the public are welcome to attend this meeting with the exception of any items listed in the exempt part of this agenda. **Please note** that if you attend a committee meeting and are invited to make oral representations your name, together with a summary of your comments will be recorded in the minutes of the meeting. Please refer to the guide to public participation at committee meetings for more information about speaking at meetings.

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AGENDA

Page No.

1 CHAIRMAN'S INTRODUCTION

To provide the opportunity for the Chairman to commence proceedings and make any necessary introductions.

2 APOLOGIES

To receive any apologies for absence

3 DECLARATIONS OF INTEREST

To disclose any pecuniary, other registrable or non-registrable interests as set out in the adopted Code of Conduct. In making their decision 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.

4 MINUTES

5 - 18

To confirm the minutes of the meeting held on 7 April 2021.

5 PUBLIC PARTICIPATION

19 - 24

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 - i.e. by 10.00 am on Monday 26 July 2021. Please refer to the [Guide to Public Speaking at Planning Committee](#).

PLANNING MATTER

6 6/2019/0639 - OUTLINE APPLICATION FOR UP TO 15 RESIDENTIAL DWELLINGS, SITE RE-PROFILING AND ASSOCIATED INFRASTRUCTURE, WITH ALL MATTERS RESERVED APART FROM VEHICULAR ACCESS FROM WEST LANE AT LAND NORTH OF WEST LANE, STOBOROUGH,

25 - 58

WAREHAM

To consider a report by the Head of Planning.

TRAFFIC REGULATIONS ORDER

- 7 PROPOSED TRAFFIC REGULATION ORDER – WAITING RESTRICTIONS ON PONY DRIVE, UPTON** 59 - 68

To consider a report by the Executive Director of Place.

- 8 PLANNING APPEALS SUMMARY** 69 - 84

To receive and consider, as necessary, a summary of recent planning appeal decisions.

- 9 URGENT ITEMS**

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

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

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EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 7 APRIL 2021

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

Also present: Cllr David Walsh

Officers present (for all or part of the meeting): Kim Cowell (Development Management Area Manager East), Elizabeth Adams (Development Management Team Leader), Colin Graham (Engineer (Development Liaison)), Phil Crowther (Legal Business Partner – Regulatory) and David Northover (Democratic Services Officer).

Public Representation / Written Submissions

Minute 189

Mr and Mrs Aldous

John and Helen Locke

Ian Ventham - Chairman, Bere Regis Parish Council

Kat Burdett – for Ken Parke Planning Consultants - Agent/Applicant

184. **Apologies**

No apologies for absence were received at the meeting.

185. **Declarations of Interest**

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

As Councillor David Morgan sat on the Allendale Centre Management Committee he considered he had an interest in the outcome of that application so would only speak as Local Ward Member but not take part in the debate or vote.

Councillor Shane Bartlett was Chairman of Folk Festival and café and on the Centre's Committee but, having taken advice, decided that he was able to speak as the other local member, as part of the Committee and would vote on that application.

186. **Minutes**

The revised minute 173 of the meeting held on 19 February 2021 and the minutes of the meeting held on 10 March 2021 were both confirmed.

187. **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.

188. **3/20/2057/FUL - Replacement roof to existing building at Allendale Community Centre, Hanham Road, Wimborne Minster**

The Committee considered application 3/20/2057/FUL on a proposal for the replacement of the roof to the existing building at Allendale Community Centre, Hanham Road, Wimborne Minster. The application was being brought before Members for decision given that it was a Dorset Council application and in the interest of transparency and probity of the process.

With the aid of a visual presentation, officers provided context of what the main proposals, principles and planning issues of the development was; how these were to be progressed; in that the proposed new roof would provide weatherproofing and ensure that the building continued to be fit for purpose as a community centre. The presentation focused on not only what the development entailed and its detailed design, but what benefits it would bring with plans and photographs providing an illustration of the location, orientation, dimensions and appearance of the roof – to have a very shallow roof pitch - with part of the existing flat roof remaining. Two new windows – to replace those existing – were being proposed at a high level to the front of the building, facing east and west, so as to illuminate the interior ground floor space.

The buildings setting within that part of Wimborne and its relationship with other adjacent development was described and officers explained that the roof was designed to be in keeping with the characteristics of the current setting and the established local environment.

In summary, officers planning assessment adjudged that the overall design of the roof was acceptable, with all, significant, planning matters having been appropriately, or adequately, addressed. Having assessed that the material considerations were acceptable, the recommendation made by officers to approve the application was based on this.

Formal consultation had seen no objection from Wimborne Minster Town Council and both local Ward Members were supportive. Whilst Councillor Morgan had decided not to take part in the vote given his involvement in the Centre's Management Committee but was supportive of the proposal given the need to secure the buildings integrity by weatherproofing. Similarly Councillor Shane Bartlett considered the works needed to be done, for the same reason and to ensure there was no further degradation of the building.

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

Having had the opportunity to discuss the merits of the application; having taken into account the officer's report and presentation; and what they had heard at the meeting - particularly in taking account of the views of the two Ward members - in being proposed by Councillor Barry Goringe and seconded by Councillor Robin Cook, on being put to the vote, the Committee agreed unanimously to grant permission subject to the conditions set out in paragraph 13 of the officer's report. Councillor David Morgan took no part in the vote.

Resolved

That planning permission for application 3/20/2057/FUL be granted, subject to the conditions set out in paragraph 13 of the officer's report.

Reasons for Decision

- The proposal is for a replacement roof over part of the existing building
- The proposed development would not be harmful to the character of the Wimborne Minster Conservation Area
- There would be no adverse impact upon the setting of Allendale House, the adjoining listed building
- No change in floorspace proposed
- The Allendale Centre building lies mainly within flood zone 1, an area with a low probability of flooding. No flood risk assessment required.
- No trees or hedges affected by the proposal
- Adequate parking provision is available for users of the facility and no parking spaces would be lost as a result of the proposal
- There are no other matters which would warrant refusal of planning permission

189. **6/2020/0013 - To erect 17 dwellings, creation of an access and associated parking and landscaping - Land at White Lovington, Bere Regis:**

The Committee considered application 6/2020/0013 to erect 17 dwellings and the creation of an access and associated parking and landscaping at land at White Lovington, Bere Regis.

Councillor Peter Wharf - one of the two local Ward Members – had requested that the application be presented to Committee due to concerns regarding the perceived increase in dwellings compared to the number allocated in the Bere Regis Neighbourhood Plan.

With the aid of a visual presentation, officers provided context of what the

main proposals, principles and planning issues of the development were; how these were to be progressed; how the development would contribute to meeting housing needs; and what this entailed. What the application entailed – with 6 of the dwellings being affordable, with monies provided to secure 40% provision - and the planning history of the area – the site being allocated for residential development in the Bere Regis Neighbourhood Plan (BRNP) - were also detailed. The presentation focused on not only what the development entailed and its detailed design, but what benefits it would bring and the effect it would have on residential amenity and the character the area.

Plans and photographs provided an illustration of the location, orientation, dimensions – form, bulk, size and mass - and appearance of the development and of the individual properties, with examples being given of how typical properties would be designed, along with their ground floor plans; how it would look; proposed street scenes; the materials to be used; access and highway considerations; environmental considerations; the means of landscaping and screening and its setting within that part of White Lovington and the wider landscape of Bere Regis, particularly that - whilst it was within the Settlement Boundary of Bere Regis - it was within 400m from Black Hill Heath ,designated as SSSI heathland and Dorset Heaths Special Area of Conservation.

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

How the relationship between the proposal and the provisions of the Local Plan; the NPPF and the BRNP were applied and what considerations needed to be given to each were explained, as well as the weight to be given to each.

In summary, officers planning assessment adjudged that the overall design of the development was now considered to be largely acceptable, with all, significant, planning matters having been appropriately, or adequately, addressed. Having assessed the material considerations these were seen to be acceptable and sufficiently compliant with national and local planning policies – and addressed and complied with the provisions of the Neighbourhood Plan - so the recommendation being made by officers to approve the application was based on this.

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

Formal consultation had seen an objection from Bere Regis Parish Council. The Committee were then notified of those written submissions received and

officers read these direct to the Committee. Key issues and objections raised, the Parish Council included, related primarily to concerns that the proposals were not in accordance with the BRNP because the proposals were for 17 dwellings and this is considerably more than the 'approximately 12' cited in the Plan. Having heard what was said, officers responded to some of the pertinent issues raised, being confident that each one could be addressed by the provisions of the application.

Of importance was that officers did not consider that the proposal conflicted with the BRNP for the following reasons:

- the site is allocated for housing in the BRNP
- Policy BR7 stated '*New residential development will be allowed on the five allocated sites shown on Map 3, comprising...*
 - o *White Lovington- Land extending to about 1.0 Hectare (2.5 acres) approximately 12 homes*
- the preamble noted that the site '*should be developed at a lower density to respect the existing development in that area*' but the policy did not include an upper limit on housing numbers and the impact of the proposed development on the character of the area is considered appropriate.
- The Neighbourhood Plan encouraged developers to '*work closely with BRPC, parishioners and PDC to consider development density and architectural styles before submitting planning applications for any of the sites*' but such engagement was not a policy requirement which could influence the determination of the application.

The Committee were informed that in the light of the Housing Delivery test it has been necessary to consider this application against paragraph 11 of the National Planning Policy Framework (NPPF). In this case the NPPF policies did not provide any clear reasons for refusing the development proposed and no adverse impacts had been identified that would outweigh the benefits. The proposed erection of 17 dwellings made efficient use of land without harming the character of the area and would contribute to housing supply, including the provision of affordable housing which can be secured by a planning obligation. The proposed dwellings were considered to be of an appropriate scale, size and design and acceptable in terms of impact on the character and appearance of the local area. The impact on neighbouring amenity, highway safety, biodiversity and drainage were also considered to be acceptable subject to conditions and securing appropriate heathland mitigation via a planning obligation. The proposal was therefore considered to be sustainable development for the purposes of NPPF paragraph 11. The application had been considered in the light of the presumption in favour of sustainable development so officer's view was that permission should be granted. It was now for the Committee to adjudge whether this was the case and whether the number of dwelling proposed was acceptable.

The opportunity was then given for members to ask questions of the presentation and what they had heard, in seeking clarification of aspects so as to have a better understanding in coming to a decision.

Some important points raised were:-

- access arrangements being proposed as they were and the possible use of Rye Hill.
- footway needs and how these were to be accommodated.
- access to the rear of properties and what measures were in place to manage this.
- what Heathland mitigation there was to be and the timeframe for this and an understanding that the south western part of the site was unlikely to be developed because of heath.
- how the number of buildings proposed conformed with the Neighbourhood Plan and what considerations should be taken in to account in how this might be satisfactorily addressed so as to provide what was necessary and, in doing so, maintain the affordable housing ratio.
- the provision for green space/ recreation.

Officers addressed the questions raised providing what they considered to be satisfactory answers, which the Committee saw as generally acceptable.

Whilst the majority of the Committee considered the proposal to be acceptable - understanding the fundamental issue of housing land supply and the delivery of the necessary number of houses in Purbeck, given it had failed the housing delivery test, there was a presumption to grant unless there was clear reason otherwise to demonstrably outweigh this - members considered that this development would significantly contribute to the housing supply in Dorset and was seen to be an asset. A balanced judgement had to be made on what number of dwellings was acceptable but, given the officer's recommendation and the basis for this; that the site was allocated for residential development; that this development would make the best use of the land available and still be deemed as being too dense - with affordable housing being guaranteed - then they considered the proposal to be acceptable, as proposed. Moreover, it was mentioned that if the number of properties were to be reduced, this would have an adverse effect on the affordable number too.

However other members were of the view that whilst affordable housing should be welcomed, in their view this didn't override the provisions of the BRNP and what this was designed to achieve – through a democratic process – in terms of housing numbers, and that its provisions should be upheld. They considered that the applicant should have made a greater effort to engage with the Parish Council on how the application might be seen to be acceptable.

The Solicitor clarified that the planning judgement to be made was not necessarily to focus on a quantifiable assessment, but should be based on a quality, density and impact assessment. Moreover, absolute numbers were less crucial to any decision than, if the Committee were minded to refuse - should state why 17 was considered unacceptable.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having taken into account the officer's report

and presentation; the written representations; and what they had heard at the meeting, in being proposed by Councillor Shane Bartlett and seconded by Councillor Robin Cook, on being put to the vote, the Committee agreed - by 6:4 - to grant permission, subject to the conditions set out in paragraph 17 of the officer's report.

Resolved

1) That planning permission be granted for application 6/2020/0013 subject to the conditions set out in paragraph 17 of the report.

B) That planning permission be refused for the reasons set out in paragraph 17 of the report if the s106 obligation is not completed by October 2021 or such extended time as agreed by the Head of Planning.

Reasons for Decisions

- The land is allocated in the Bere Regis Neighbourhood Plan for residential development.
- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- It is possible to secure mitigation to make the development acceptable in relation to internationally protected Dorset Heathland.
- There are no material considerations which would warrant refusal of this application

190. Planning Appeals summary

A planning appeals summary was presented to Committee for its information and consideration.

191. Urgent items

There were no urgent items of business for consideration.

192. Statements and Written Representations

6/2020/0013 - To erect 17 dwellings, creation of an access and associated parking and landscaping - Land at White Lovington, Bere Regis

Mr and Mrs Aldous

"This submission has been prepared and discussed by the residents of White Lovington and is submitted with the agreement of all those who signed the request for an extension on 30/3"

Planning Application 6/2020/0013
Location : Land at White Lovington.
Application: to erect 17 dwellings.

With regard to the **Planning Officers Report** and Recommendation, we express our disagreement and further concerns as follows:-

Fundamentally, we believe the planners judgement, that the application is **NOT IN CONFLICT** with the Bere Regis Neighbourhood Plan (BRNP) is perverse. Major implications for planners Paras 15.2-15.9

The BRNP was prepared after lengthy consultation with all parties, and overwhelmingly supported by the residents of the village and the Parish Council. We fully support the Parish Council statement in its objections to the current development plan.

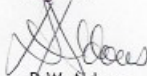
The unilaterally enlarged development plan offers nothing to the strategic needs of the village or County, and yet it is being forced upon a quiet residential cul de sac, inhabited mainly by retired people some of whom are seriously disabled. (e.g. 28 affordable homes are contained within the BRNP)

Significant benefits will accrue to the developers who failed to live up to their own consultative promises and responsibilities (See BR PC objections), and of their own volition produced a seventeen home plan plainly in conflict with the original BRNP plan for twelve.

We refer below to my previous letter of objection dated 24th February, 2020 and urge the committee to re-examine some detailed reality, which the planners report downplays throughout.

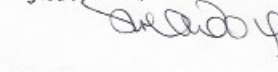
- Para.6 BRNP "would like to see all (28) affordable homes located on 2 sites closer to the village centre so that residents can make use of local shopping and facilities". 72% of the village respondents voted in favour." BRNP.
- Para.6 "The "Accommodation Schedule" - Provides a potential bedroom count of 93 persons - Three times the current population of White Lovington.
- Para. 7 The "Transport Statement" stated the "implications on traffic flow are minimal" the consultants estimate of daily traffic movements of the 17 houses, is estimated at only 122 a day. Based on the consultants formula, a realistic minimum number of residential movements will be 274, PLUS service vehicles, deliveries, friends etc.
- Para. 7 The development will turn a quiet cul de sac into a through road for houses 10-14, significantly increasing risk and noise.
- Para. 8 Car parking is unrealistic and the planners report simply refers to "52" impractical re-arranged spaces. See BRNP for current densities and likely growth.
- Para. 9 More than doubling traffic movements and trebling of pedestrian movements will self evidently increase road safety risks substantially for residents who are mostly in their 70's or 80's.
- **THE PLANNERS REPORT:**
- Para. 12 "Equalities duty" - what consideration has been given to this duty-None shown?
- Para.15 Inadequate description of the objectors concerns.

Signed:



D.W. Aldous

Signed :-



S.M. Aldous

John & Helen Locke

(This submission has been prepared and discussed by the residents of White Lovington and is submitted with the agreement of all those who signed the request for an extension on 30th March. To avoid unnecessary contact during COVID restrictions we have not collected signatures a second time but can provide e-mail confirmation of support if needed)

We wish to express our disagreement with the planning officers' recommendation for this application as follows:

1. The planning office report, Para 15.6 & 15.7 states that the "officers consider that the proposal does not conflict with the Bere Regis Neighbourhood Plan (BRNP)". We disagree, and fully endorse the statement of the Parish Council in this regard.

Specifically, the wording "approximately 12 homes" was discussed by the community, agreed with the Parish Council and voted on by the village. Approximately 12 means 12 plus or minus a small number. Not a 42% increase.

Surely local buy-in is important to achieving sustainable development.

2. The proposed development will have a significant detrimental impact on the SSSI, with new housing built up to the limit of the 400m buffer zone, the main access road running through it, with a significant projected flow of vehicle and pedestrian traffic. The effect will be to marginalize the SSSI boundary. The mitigation offered involves a temporary HIP to be developed on site until the proposed SANG at Back Lane, on the other side of the village, becomes available. The land for the temporary HIP, which currently has no public access, will then revert to agricultural use. This seems to be very ad hoc and not consistent with the concept of sustainable development, and would benefit from more consultation with the local community, as indicated by the Parish Council.

3. Para 15.58 of the planning office report is confusing. The 11m x 62m area mentioned is an established woodland/copse frequented by wild life, includes a number of protected trees and with no public access. Is this part of the application? What landscaping is being proposed and if so where is the detail?

4. In paras 15.27 to 15.36 the officers have dismissed the concerns of residents of White Lovington about the loss of privacy and security resulting from the new road and public access to the rear of their properties. The officers, in a number of places, erroneously refer to the existence of 'mature trees and hedgerows' as mitigation of the noise and disturbance. In fact, many of the existing houses in White Lovington have open aspects to the rear with no significant screening by hedgerows or mature trees. The proposed development of housing, access road and path will result in a significant loss of privacy and security which has not been addressed adequately.

5. The proposed new road and path layout (Drawing 19-1057-003-P3) is confusing. Does the new footpath only extend in front of Nos 12 to 16?

We request the committee to urge the applicant to engage directly with the Parish Council and amend the proposal to bring it into line with the Neighbourhood Plan.

Ian Ventham - Chairman, Bere Regis Parish Council

Bere Regis Neighbourhood Plan (BRNP) was completed and adopted by Dorset Council following a local referendum in August 2019 and after full consultation with all statutory consultees and residents. It is very much in

favour of development on the White Lovington site (BRNP Policy BR7: Residential Development (page 18)).

However, Bere Regis Parish Council believes this application does not conform with the BRNP in a number of key respects:

1. BRNP Policy BR7 Residential Development, in respect of White Lovington, (page 18) states:

"Land extending to about 1.0 Hectare (2.5 acres) approximately 12 homes".

We do not consider an increase of 42% in house numbers from 12 to 17 is acceptable. The figure of 12 dwellings was originally put forward by the developer and land owner during the early consultation process and was accepted by Bere Regis Parish Council (BRPC). This density was confirmed by the then planning authority, Purbeck District Council, as being appropriate and 'in line with the requirements being included in their local plan'.

2. BRNP Development Sites section (page 17) states:

"The White Lovington site should be developed at a lower density [than other sites in BRNP] to respect the existing development in the area, and this site is expected to provide around 12 dwellings". We do not consider 17 dwellings to meet this requirement.

This section (page 18) further states:

"...White Lovington sites should include areas for informal recreation". This application fails to include any such recreational area.

3. In the Housing section of BRNP (page 15), it states clearly that "Developers need to work closely with BRPC to consider development density...before submitting planning applications...."

Sadly, since the initial consultation which proposed 12 dwellings on this site, the developer has not entered into any discussions, despite numerous emails from BRPC since the Plan was adopted in August 2019 inviting them to consult with us. No responses have been received and no indication of the intention to increase the number of dwellings by 42% has been given.

4. Regarding comments put forward by the developer regarding housing land supply, we can confirm that figures included in the adopted Neighbourhood Plan were based on the most up-to-date evidence of housing need, and not on figures included in PLP1. Consequently, the figures shown in the adopted Plan are sound and, in our opinion, the arguments put forward by the developer for a higher density of housing are ill founded'.

Bere Regis Parish Council believes that the adopted Neighbourhood Plan should carry considerable weight and needs to be taken seriously when determining planning applications within the Plan area, as, indeed this committee did when considering another site within Bere Regis some months ago.

We would reiterate that the Parish Council is firmly in favour of development on this site, but requests that the developer be asked to submit new plans that are in accordance with the agreed, consulted upon and adopted Neighbourhood Plan

Agent/Applicant - Kat Burdett – for Ken Parke Planning Consultants

Councillors, the application before you seeks permission for the delivery of one of the housing site allocations within the Bere Regis Neighbourhood Plan. The site forms part of the Council's housing land supply and the principle of the development of the site for housing has been considered acceptable by an Independent Planning Inspector and by the local public in passing the plan through referendum to adoption.

The site is formally allocated for residential development and has been brought into the settlement boundary. Planning permission should be granted therefore, subject to consideration of the matters of detailed design and layout.

The public highway White Lovington is surrounded by an existing pocket of modern residential development. The houses were built in the early 1990s, the result of a series of interlinked planning permissions and comprise generous family homes, set over two storeys with well-proportioned gardens and off-street parking.

The Applicant is seeking consent for the erection of 17 dwellinghouses including the creation of a new access and associated landscaping and parking, arranged about a new estate road which snakes through the site and features several changes in surfacing, broken up with stone setts, in order to both control vehicular speeds and provide some variation to reduce the perceived amount of hard surfacing.

The scheme as proposed is heavily landscaped with properties featuring large rear gardens and modest front gardens and incorporating both all of the existing trees on site and allowing for new planting. Sufficient buffers have been provided to existing trees in order to ensure there is no future pressure to prune or fell resulting from the development.

The dwellings have been carefully detailed and articulated to provide interest through changes in materials and the design and form of the dwellings. The dwellings have been individually designed as opposed to reliance on a more uniform house type to ensure that they respond positively to their particular setting on the site and relationship with other dwellings. Separation distances to existing dwellings at White Lovington are substantial.

The proposals will deliver 6 affordable dwellings, all of affordable rented tenure, and a commuted sum contribution for a percentage of a unit to deliver a fully policy compliant 35% affordable housing provision. **(CONTINUES BELOW)**

The development will see mitigation land, in the form of a Heathland Infrastructure Project (HIP), secured immediately to the south-east of the site, which will provide space for dog walking and general recreation to reduce pressure upon protected designations of the Dorset Heathlands. This land will be secured by way of s106 legal agreement.

The proposal also seeks to deliver pedestrian improvements to White Lovington, comprising the creation of additional footway to link the site of the existing footway and promote sustainable methods of transport.

There are clear public benefits arising from the development. The development will not impact on the neighbouring residential properties and there are no objections from technical consultees to the proposals.

The presumption in favour of sustainable development applies and there are no issues which significantly or demonstrably outweigh the presumption in favour of the grant of permission.

I ask members to support their Officer's recommendation and vote for approval

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The proposal also seeks to deliver pedestrian improvements to White Lovington, comprising the creation of additional footway to link the site of the existing footway and promote sustainable methods of transport.

There are clear public benefits arising from the development. The development will not impact on the neighbouring residential properties and there are no objections from technical consultees to the proposals.

The presumption in favour of sustainable development applies and there are no issues which significantly or demonstrably outweigh the presumption in favour of the grant of permission.

I ask members to support their Officer's recommendation and vote for approval

Duration of meeting: 10.00 am - 12.30 pm

Chairman

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Guidance for face-to-face Council and Committee meetings from 19 July 2021

Dorset Council and committee meetings will be held in person from 19 July having been held online throughout the pandemic. Meetings will be held in the Council Chamber and Committee Room 1 at County Hall, Dorchester, and members of the public and of the media will also be able to attend in person.

This Guidance also applies to all formal Committees held in venues across the Council area

Meetings will also be livestreamed, so available for people to watch online, either “live” or a recording of the meeting that will be available on our website.

People are very welcome to attend Council and committee meetings, and we ask that you follow some simple steps to help keep yourselves and other people safe. Although government has lifted restrictions from 19 July, we plan to take a cautious approach of – Hands, Space, Face, Fresh Air –

What you can expect:

- Hand sanitiser will be available and you are encouraged to use this.
- We ask everyone at the meeting to respect people’s space as they may be vulnerable or unable to have had vaccinations.
- We strongly encourage you to wear face coverings if you are able to do so.
- We will ensure there is a good natural ventilation (windows and doors open) as far as possible.

What we ask of you:

- Respect people’s choice to wear face coverings.
- Cover your nose and mouth when you cough or sneeze.
- Stay at home if you feel unwell or if you have tested positive for Covid-19 to reduce the risk of passing on illnesses to friends, family, colleagues and others in the community.
- Consider individual risks, such as clinical vulnerabilities and vaccination status, when thinking about attending a meeting.

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**Dorset
Council**

A Guide to Public Speaking at Planning Committee

All members of the public are welcome to attend formal meetings of the Planning Committee to listen to the debate and the decisions being taken.

If you have written to the council during the consultation period about an application that is to be considered by the committee, any relevant planning or rights of way issues raised in your letter will be appraised by the case officer and summarised within the committee report. You will also receive a letter informing you of the committee date and inviting you to attend the meeting.

The agenda for the meeting is normally published 5 working days before the committee date and is available to view on the council's website at <https://modern.gov.dorsetcouncil.gov.uk/mgListCommittees.aspx?bcr=1> or via the Modern.gov app which is free to download .

You can also track progress of a planning application by visiting the council's website at <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning/planning-application-search-and-comment.aspx>.

Alternatively you can contact a member of the Democratic Services Team on 01305 251010 or email david.northover@dorsetcouncil.gov.uk for Eastern Area Planning Committee, George.dare@dorsetcc.gov.uk for Northern Area Planning Committee and denise.hunt@dorsetcouncil.gov.uk for Western and Southern Area Planning Committee. They will be able to advise you on whether an application will be considered by a committee meeting.

Formal meetings are open to the press and the public and during the meeting you may come and go as you wish. Members of the press and public will normally only be asked to leave the meeting if confidential/exempt items are to be considered by the committee.

Members of the committee and the public have access to individual representation letters received in respect of planning applications and rights of way matters in advance of the meeting. It is important to note that any comments received from the public cannot be treated as confidential.

How do I register to speak?

If you wish to address the committee at the planning meeting it is essential that you contact the Democratic Services **Page 21** 01305 251010 or email addresses set out above at least 2 clear working days before the meeting. If you do not

register to speak, you will not normally be invited to address the committee. When contacting the Democratic Services Team you should advise which application you wish to speak on, whether you are objecting or supporting the application and provide your name and contact details.

The Member who chairs Planning Committee

Ultimately the Chairman of the Planning Committee retains the power to determine how best to conduct a meeting. The processes identified below are therefore always subject to the discretion of the Chairman.

What will happen at the meeting and how long can I speak for?

The Chairman will invite those people who have registered to speak to address the committee. Each speaker is usually able to have up to **3** minutes each to address the committee.

When addressing the committee members of the public should:

- keep observations brief and relevant;
- speak slowly and clearly;
- for rights of way matters, limit views to those relevant to the legal tests under consideration;
- for planning matters limit views to relevant planning issues such as:
 - the impact of the development on the character of the area;
 - external design, appearance and layout;
 - impact of the development on neighbouring properties;
 - highway safety;
 - planning policy and government guidance.
- avoid referring to issues such as safety, maintenance and suitability for rights of way definitive map modification matters, as they cannot be taken into account;
- avoid referring to matters, which are not relevant to planning considerations, such as:
 - trade objections from potential competitors;
 - personal comments about the applicant;
 - the developer's motives;
 - moral arguments;
 - matters covered by other areas of law;

- boundary disputes or other private property rights (including restrictive covenants).
- remember you are making a statement in public: please be sure that what you say is not slanderous, defamatory or abusive in any way.

Can I provide handouts or use visual aids?

No. Letters and photographs must not be distributed at the meeting. These must be provided with your written representations during the consultation period in order to allow time to assess the validity, or otherwise, of the points being raised. To ensure fairness to all parties, everyone needs to have the opportunity to consider any such information in advance to ensure that any decision is reasonably taken and to avoid potential challenge.

What happens at the Committee?

After formal business such as declarations of interest and signing of minutes the meeting moves on to planning applications.

- The planning / rights of way officer will present the application including any updates.
- The Chairman will invite those people who have registered to speak to address the committee. A period of 15 minutes will normally be set aside to hear the views of those who have registered to speak, and each speaker is allocated a maximum of 3 minutes. It is entirely at the discretion of the Chairman to extend this period if they consider it appropriate to do so.
- The applicant or their representative also has the opportunity to address the committee. Where only one objector is speaking, the applicant and their representative will normally only be allowed up to 3 minutes speaking time in total between them both. If more than one objector is speaking this will normally be increased to up to 6 minutes in total.
- The order of speaking will normally be individuals that have commented, amenity groups, parish/town council representative, and then the applicant or their representative. Any such group, council or any other body / organisation will normally be given one 3 minute slot each for any representations to be made on its behalf. If a councillor who is not on the Planning Committee wishes to address the committee, they will be allowed 3 minutes to do so and will be invited to speak before the applicant or their representative.
- Neither the objectors or supporters will normally be questioned. However, the Chairman may ask questions on a point of fact in very exceptional circumstances.

- Public participation then ends and the committee will enter into the decision making phase. During this part of the meeting only members of the committee and officers may take part.
- The Chairman of the Committee has discretion over how this protocol will be applied and has absolute discretion over who can speak at the meeting.

You should not lobby members of the committee or officers immediately prior to or during the committee meeting. Members of the public should also be aware that members of the committee are not able to come to a view about a proposal in advance of the meeting because if they do so it may invalidate their ability to vote on a proposal. Equally any communication with members of the committee during the meeting is to be avoided as this affects their ability to concentrate on the matters being presented at that time.

You should note that the council has various rules and protocols relating to the live recording of meetings.

What happens after the Committee?

The minutes, which are the formal record of the meeting, will be published after the meeting and available to view in electronic and paper format, as a matter of public record, for a minimum of 6 years following the date of the meeting. Please note that if you attend a committee meeting and make oral representations to the committee your name, together with a summary of your comments will be included in the minutes of the meeting

Eastern Planning Committee
28th July 2021

1.0 **Application Number:** 6/2019/0639

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

Site address: Land North of West Lane, Stoborough, Wareham

Proposal: Outline application for up to 15 residential dwellings, site re-profiling and associated infrastructure, with all matters reserved apart from vehicular access from West Lane

Applicant name: The Trustees of the Stoborough Settlement

Case Officer: PW

Ward Member(s): Cllr Beryl Ezzard and Cllr Ryan Holloway

The Service Manager for Development Management and Enforcement considers that the concerns raised by the Parish Council warrant the application being considered by the planning committee.

2.0 **Summary of recommendation:**

Grant permission subject to conditions and the completion of a S 106 Legal agreement – to provide (summary) affordable housing provision of 7 dwellings plus financial contribution of £82,500.

or

Refuse permission if the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) is not completed within 6 months from the date of committee or such extended time as agreed by the Head of Planning.

3.0 **Reason for the recommendation:** as set out in paras 17 at end

- The proposal is compliant with the Arne Neighbourhood Plan
- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application

4,0

Key planning issues

Issue	Conclusion
Principle of development	Acceptable on balance – taking account of Purbeck Local Plan Part 1 policy RES, the Arne Neighbourhood Plan, Housing Delivery Test:2020 measurement results for the Purbeck Local Plan area and guidance contained in the NPPF
Impact on the Dorset Area of Outstanding Natural Beauty (AONB)	Acceptable – localised views not harmful to the special qualities of the AONB.
Affordable Housing Provision	Acceptable – provision considered acceptable by Housing Needs Officer to be secured through Section 106 legal agreement
Protected habitats	Acceptable – mitigation provided via CIL and improvements to footpath leading to public right of way which connects with the Bog Lane SANG (condition 7)
Biodiversity	Acceptable – mitigation and enhancements considered to be appropriate (condition 14)
Scale, design and impact on the character and appearance of the area	Acceptable in principle – full details to be provided at reserved matters stage (conditions 1-5)
Highway safety and access	Acceptable – subject to the provision of a public footway (pavement) connecting to Corfe Road. This will be achieved by condition (condition 9)
Impact on amenity	Acceptable in principle - full details to be provided at reserved matters stage (conditions 1-5)
Flooding and drainage	Acceptable – as long as a further FRA is submitted with the reserved matters application (condition 11) and SUDs details are provided alongside the layout at the reserved matters stage of the application (conditions 12 and 13)
Impact upon protected trees	Acceptable – subject to condition (condition 6)

5.0 Description of Site

The site is a plot of land currently in agricultural use 0.69 hectares in size. The plot comprises of 2 fields, separated by established hedgerow. To the east of the site is the settlement of Stoborough, with the rear gardens of 1-9 Hollow Oak Road. To the south east of the site running along the southern boundary is West Lane. An existing vehicular access to the site exists onto West Lane.

To the west of the site is a mature strip of trees and hedgerow that serve to provide a noise screen from the A351 Wareham to Swanage Road which is beyond the site. To the north and north west of the site is land in the ownership of the applicant, beyond which is a public footpath connecting Stoborough to the Bog Lane Suitable Alternative Natural Greenspace (SANG), which is situated the other side of the A351 road. Beyond the footpath are the flood plains of the River Frome. The land level gently slopes from 4.5m (Above Ordnance Datum) AOD at the southern end to 1.25m AOD at the northern boundary. The site is situated within the Dorset Area of Outstanding Natural Beauty (AONB).

West Lane is rural in nature with hedgerow maintained along the majority of the road. It connects Corfe Road to the A351 and then onto Grange Road leading to Creech. There are footways (pavements) at either end of the northern side of West Lane, near the junctions of Corfe Road and the A351. However, the majority of the road is not served by a footway. The lane is wide enough for traffic to pass but HGVs are restricted from using it. As such, it is not a main through route.

6.0 Description of Development

The application is for outline planning permission to include the access with other matters reserved.

The proposal is for up to 15 residential dwellings on the site which will necessitate some re-profiling, forming a small plateau at the northern end of the site. The original description did not include the quantum of development. However, the applicant has agreed to the quantum being included in the description. As the quantum is clearly defined in the publicly available Design and Access Statement, it is not considered necessary to re-publicise the proposal.

Whilst the application is in Outline, an indicative site plan shows an access road on a north south axis, with residential units either side. To the north of the site a footpath is shown leading to a public right of way which runs east -west to the north of the site. The Design and Access statement accompanying the application suggests a development of two storeys across the site.

A balancing area will be created to collect surface water run-off from the northern end of the site. This will control the removal of surface water run-off. The plateau (at a height of 3.64m AOD) will be formed using the cut from the balancing area.

The viability of the scheme has been calculated on the basis of achieving 15 units, as a rural exceptions site. This would consist of the following:

Affordable Units:

- 4 x one-bedroom flats
- 2 x two-bedroom semi-detached houses
- 1 x three-bedroom detached house

Open Market units:

- 2 x two-bedroom semi-detached houses
- 4 x three-bedroom detached houses
- 2 x four-bedroom detached houses

The scheme seeks to deliver a total of 7 affordable units on site, with a further commuted sum of £82,500 towards affordable housing provision. It has been demonstrated that 8 market housing units are required to make the scheme viable.

7.0 Relevant Planning History

None

8.0 List of Constraints

- Within Dorset Area of Outstanding Natural Beauty (AONB): (statutory protection 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)
- Heathland Consultation Area – within 5km of SSSI heathland
- Within the Poole Harbour Nitrate catchment area

9.0 Consultations

All consultee responses can be viewed in full on the website. A summary of the responses is set out below.

Consultees

- **Natural England (additional comments received 21.06.2021)**

No objection subject to connecting pathway to SANG. Condition recommended. (Condition 7)

- **Environment Agency**

No objection

Further comments received 09 July 2021 advising that due to revised EA data regarding surface water peak flows an updated Flood Risk Assessment will need to be submitted with the reserved matters application, this is secured by condition 11.

- **Dorset Police Crime Prevention Design Adviser**

Satisfied that the site layout is to be guided by Secured by Design principles and would encourage the developer to secure official accreditation of this. Would also encourage all rear access gates secured with a key lockable bolt.

- **Dorset Council: Cllr Holloway (Ward Cllr)**

Objection to the proposal due to the amount of affordable housing provided and the location of the development.

- **Dorset Council – Highways Management**

No objections subject to provision of footway (pavement). Conditions recommended (conditions 9 & 10 and informative note 1).

- **Dorset Council – Environmental Health**

No objections. Construction Management Plan recommended (condition 15).

- **Dorset Council – Housing Needs Officer**

No objection subject to viability being established to ensure that the maximum level of affordable housing provision is achieved.

- **Dorset Council – Senior Landscape Architect**

Overall sensitivity of the landscape is assessed to be Low/ Moderate. However, planting should be carefully managed to avoid harmful wider views of the site. As landscaping is a reserved matter a condition is not required at this time.

- **Dorset Council – Planning Policy Team**

No objection so long as need for market homes is established and the proportion is no more than required to facilitate the development.

- **Dorset Council – Arboricultural Manager**

No objections. Conditions recommended (provision of an Arboricultural Method Statement – condition 6).

- **Dorset Council – Lead Local Flood Authority**

No objection. Conditions recommended for the provision of a surface water drainage scheme (conditions 12 &13).

- **Dorset Council – Natural Environment Team**

No objection subject to the implementation of the approved biodiversity mitigation plan (condition 14).

- **Dorset AONB Management Team**

Impacts will be relatively localised, and the harm is outweighed by the provision of affordable housing.

- **Arne Parish Council**

Objection (received 17/01/2020)

- Neighbourhood Plan states that site should not be used for development.
- Should not be considered as a Rural Exceptions site, as the proportion of open market housing is too high.
- Lack of pedestrian link to the village
- Increase in traffic and impact upon highway safety.

Representations received

In addition to letters to neighbouring properties, a site notice was posted outside the site on 25th November 2019 with an expiry date for consultation of 19th December 2019.

26 objections and a petition with 35 signatures raising the following concerns:

- The carbon footprint of the construction process
- The risk of flooding on the site
- Impact on the amenity of the neighbours
- Impact on wildlife and biodiversity
- Impact on the AONB
- Lack of school provision
- No pavement leading to the village centre and Corfe Road
- Proposed parking provision
- Impact upon highway safety

- The site is outside of the settlement boundary
- Agricultural land will be lost
- Second home ownership
- Density of development too high
- Inappropriate design
- Lack of the need for the development
- Not an allocated site
- Not in accordance with the Arne Neighbourhood Plan
- Impact upon nearby SSSI land
- Impact upon protected trees
- Concerns regarding the accuracy of the site boundaries
- Impact on the view of neighbouring residents
- Noise during the construction process

10.0 Relevant Policies

Development Plan documents

Purbeck Local Plan Part 1:

Policy LD: General Location of Development

Policy CO: Countryside

Policy HS: Housing Supply

Policy AHT: Affordable Housing Tenure

Policy AH: Affordable Housing

Policy RES: Rural Exceptions Sites

Policy BIO: Biodiversity and Geodiversity

Policy DH: Dorset Heaths International Designations

Policy PH: Poole Harbour

Policy FR: Flood Risk

Policy D: Design

Policy LHH: Landscape, Historic Environment and Heritage

Policy IAT: Improving Accessibility and Transport

Arne Neighbourhood Plan

Eastern Planning Committee
28th July 2021

Supported at referendum in May 2021 and adopted by Dorset Council on 22nd June 2021. The adopted Neighbourhood Plan forms part of the Development Plan. The following policies are relevant to the application:

Policy 1: House Types

Policy 2: Local character

Policy 3: Sustainable Design

Policy 4: Small Sites

Material considerations

Purbeck Local Plan 2018-2034.

Officers have considered the emerging Purbeck Local Plan when assessing this planning application. The plan was submitted for examination in January 2019. At the point of assessing this planning application the examination is ongoing following hearing sessions and consultation on proposed Main Modifications (carried out between November 2020 and January 2021). The council's website provides the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, council and other interested parties). Taking account of Paragraph 48 of the National Planning Policy Framework, the plans progress through the examination and the council's position following consultation on proposed Main Modifications, at this stage only very limited weight can be given to this emerging plan.

The following policies of the emerging Local Plan are considered relevant to the application but cannot be given any significant weight in the decision-making process:

- E1: Landscape
- E12: Design
- E4: Assessing flood risk
- E10: Biodiversity and geodiversity
- I2: Improving accessibility and transport

National Planning Policy Framework:

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

Chapter 8: Promoting healthy and safe communities

Chapter 9: Promoting sustainable transport

Chapter 12: Achieving well-designed places

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

Chapter 15: Conserving and enhancing the natural environment

Other material considerations

National planning practice guidance

Purbeck District design guide supplementary planning document adopted January 2014.

Development contributions toward transport infrastructure in Purbeck guidance February 2013.

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

Affordable housing supplementary planning document 2012-2027 adopted April 2013.

Strategic Flood Risk Assessment 2018

Nitrogen reduction in Poole Harbour – supplementary planning document April 2017.

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

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

British Standard 5837:2012 Trees in relation to design, demolition and construction – recommendations.

Dorset biodiversity appraisal and mitigation plan.

Dorset AONB Management Plan 2019-2024

Dorset AONB Landscape Character Assessment & Management Guidance 2008

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

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

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

- The proposal includes the provision of a pavement connecting the development with the village centre.

13.0 Financial benefits

What	Amount / value
Material Considerations	
Affordable Housing	7 units plus commuted sum of £82,500
Non Material Considerations	
CIL	To be calculated at the Reserved Matters application stage

14.0 Climate Implications

The proposal provides additional footway provision allowing a safe route to local facilities, reducing the reliance on private motor vehicles. The scheme will be required to meet current Building regulations in terms of energy efficiency.

15.0 Planning Assessment

Principle of development

Local Plan

The site is situated outside of the settlement boundary and as such is considered to be within open countryside. Policy CO of the Purbeck Local Plan Part 1 therefore applies to the proposal. Policy CO is generally not supportive of residential development outside of the defined settlement boundaries. However,

there are exceptions, one of which is where the proposal would form a rural exceptions site. In this instance, so long as the proposal is compliant with Policy RES: Rural Exceptions Sites of the Purbeck Local Plan Part 1, the proposal would in principle considered to be acceptable.

Policy RES states that the development of Rural Exceptions Sites will be acceptable so long as the following criteria are met:

- *The Council is satisfied that the proposal is capable of meeting an identified, current, local need within the parish, or immediately adjoining rural Parishes, which cannot otherwise be met;*
- *Ideally, the site is not remote from existing buildings and does not comprise scattered, intrusive and isolated development and is within close proximity to, or is served by, sustainable transport providing access to local employment opportunities, shops, services and community facilities. However if evidence can be submitted to demonstrate the site is the only realistic option in the parish, the Council will give consideration to supporting the proposal;*
- *The number of dwellings should be commensurate with the settlement hierarchy set out in Policy LD: Location of Development, of character appropriate to the location and of high quality design; and*
- *There are secure arrangements to ensure that the benefits of affordable housing will be enjoyed by subsequent as well as initial occupiers.*

In this instance, the proposed development site is adjacent to the existing settlement, adjacent to Hollow Oak Road It is located within close proximity to local facilities such as a village shop and the Primary school.

The site is within walking distance of a bus stop served by the Poole to Swanage bus route and as such is considered to be sustainable in this respect.

The indicative layout suggests that 15 units is achievable on the site. As the design and layout are not included for consideration, those details would be considered as part of a subsequent Reserved Matters application.

The Council's Housing Needs Officer has been consulted on the application and is satisfied that there is an established need for affordable housing in the Parish, which this site would help to meet. The Housing Needs officer has no objections so long as the open market housing provision is only enough to make the Rural Exceptions Site viable. This matter is considered later in the report, but it is noted here that 53% market housing has been identified as necessary to support the affordable housing provision.

Policy RES goes on to state:

On rural exception sites, a small amount of market housing may be permitted provided it enables the provision of significant additional affordable housing to meet local needs.

Officers consider that the proposed open market housing cannot be considered to be a small amount, being 53% of the total on site provision. It is noted

however, that a higher level of affordable housing (60%) could have been provided were it not for the requirement that a pavement to be constructed along West Lane, which has an impact upon the viability of the scheme. The amount of affordable housing now comprises 7 units out of 15 alongside a commutes sum towards the provision of affordable housing elsewhere. Although the construction of a pavement connecting West Lane to Corfe Road and providing a safe pedestrian link is material to housing delivery on this site, the proposal cannot be considered to be wholly compliant with the requirements of Policy RES.

Neighbourhood Plan

The Arne Neighbourhood Plan (NP) was adopted on the 22 June 2021 so forms part of the Development Plan documents that must be considered when assessing the application. It is of course more recent than Policy RES of the Local Plan.

The Neighbourhood Plan does not allocate any specific sites for development. Policy 4 – Small Sites, allows for some development in or adjacent to the settlement, it states that housing should be developed in small sites, numbering no more than 15 dwellings in or adjacent to Stoborough,

Policy 4 states:

Future housing growth in Arne Parish will be limited to small-scale developments to meet local housing need, subject to the following criteria:

- Be within, adjoining or otherwise well-related to the defined development boundaries for Stoborough or Ridge, excluding any proposed housing development on land within the 400 metre buffer around protected heathlands other than for replacement dwellings*
- Be in keeping with the distinctive character of Arne Parish and its settlements*
- Not individually or cumulatively harm the landscape or settlement character, or heritage designations, unless the harm is not substantial, and the public benefits justify the scale of the harm or loss in line with within national policy*
- Take full account of the potential effect they will have on neighbouring properties*
- In line with national guidance not be at risk of flooding from tidal, river, surface water or ground water sources, or give rise to increased flood risk to properties off-site*
- Not exceed fifteen dwellings on any one site at or adjoining Stoborough, and not exceed five dwellings on any one site at or adjoining Ridge, or*

eventually become a larger site that would breach these limits through the subsequent development of adjacent 'small' sites

- *Be restricted to ensure that such homes are occupied only as a principal residence*
- *Constitute an appropriate mix of sizes of homes in line with Policy 1, including affordable homes*
- *The effects of proposed homes, individually and in combination with other developments, on European sites are screened to assess whether they are likely to be significant. Planning applications must include full details (including upkeep over the lifetime of the development) of avoidance or mitigation measures to address adverse effects.*

The application site is explicitly named in the supporting text to the plan as being excluded from development (as evidenced on Map 4 of the Neighbourhood Plan).

(paragraph 7.12):

Any development of the sites alongside West Lane... is strongly opposed by a significant number of residents due to the narrow and un-paved nature of West Lane, exacerbated by its use as a link between Corfe Road and the bypass. Such opposition is strengthened by the use of West Lane as the main pick-up and drop-off area for the school, with consequent parking congestion and safety hazards for parents and children.

Whilst the supporting text to the Local plan seeks to exclude the site, this intention is not embedded in policy and therefore carries very limited weight. In the absence of any site allocations it is necessary to assess the proposal against the neighbourhood plan criteria for small sites.

The site is adjacent to the settlement boundary of Stoborough and therefore is considered to be compliant with the first point. It is not within 400m of a protected heathland site. The layout and design are reserved matters, however, officers would expect that the development would have due consideration for the character of the area which will need to be reflected in the reserved matters application.

The harm caused to the landscape character by the application is considered in further detail later in the officer report. The impact upon neighbouring residential properties is also considered later in the officer report. The site is in Flood Risk Zone 1, and this too is discussed in further depth later in the report.

The proposal is for up to 15 dwellings, which is compliant with the policy. Officers consider that there is not likely to be significant scope for extending the site to the north due as it forms part of Flood Risk Zones 2 and 3.

The policy requires the dwellings to be homes to be restricted to being used as a principal residence. This could be achieved via a Section 106 legal agreement.

The mix of affordable homes in compliance with Policy 1 of the Arne Neighbourhood Plan would also be achieved through a Section 106 agreement.

The effects of the development on European protected sites has been considered by Natural England and suitable mitigation offered. This is discussed in greater detail later in the report.

As Policy 4 requires that homes are a person's main residence, a condition will be applied providing this restriction (condition 17).

Taking all of the above factors into account, it is considered that the proposal is compliant with the criteria set out in Policy 4: Small Sites of the Arne Neighbourhood Plan.

The supporting text (paragraph 7.12) objecting in principle to development on this site is based on opposition *"by a significant number of residents due to the narrow and un-paved nature of West Lane, exacerbated by its use as a link between Corfe Road and the bypass. Such opposition is strengthened by the use of West Lane as the main pick-up and drop-off area for the school, with consequent parking congestion and safety hazards for parents and children". Third party representations to the application raise similar issues concerning the lack of a footway and the associated highway safety concerns that are inherent with this."*

In consultation with Dorset Highways and in an attempt to address concerns raised, the applicant has agreed to the provision of a footway along West Lane to link to the existing footway on Corfe Road (B3075) to be secured by means of a Grampian condition (Condition 9).

Concerns from third parties reflect paragraph 7.12 of the NP regarding parking issues in the vicinity of the school. West Lane is currently informally used by parents for drop off and pick up from the school. The road is made with a footway along part of its length. There is unrestricted parking on West Lane (except for an area close to the junction with Corfe Road where there are a double yellow lines). The provision of a continuous footway as part of this development will improve pedestrian safety along West Lane, to Corfe Road, including travel to and from the school. With regards to concerns raised regarding unregulated parking in the road, this is a parking management and enforcement issue and not something that can be addressed through the planning process. The status of West Lane would not be changed by the proposal and there would be no additional restrictions to parking on West Lane. The application has been assessed against Policy 4: small sites of the NP and is considered to be acceptable subject to conditions.

Guidance in the NPPF is also relevant to consideration of the application. Paragraph 12 of the NPPF advises that:

12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan),

permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 14 of the National Planning Policy Framework (NPPF) states that the adverse effects of allowing development which conflicts with a neighbourhood plan are likely to significantly and demonstrably outweigh the benefits if;

- the neighbourhood plan is less than two years old and contains policies and allocations to meet its identified housing need;
- the LPA has at least a three year housing supply and;
- housing delivery is over 45%.

In this instance the adopted Arne Neighbourhood Plan is less than two years old but it does not have a policy allocating specific sites within the plan area for development to meet its housing need and so all of those criteria are not met.

The government's recent publication of housing delivery test results ([Housing Delivery Test: 2020 measurement - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/housing-delivery-test-2020-measurement)) is also relevant to this application. Under the heading 'Recently reorganised local planning authorities with Housing Delivery Test published at predecessor authority level for Housing Delivery Test: 2020 measurement', too few dwellings have been delivered in Purbeck in two of the last three years (in total the number of homes required was 465 and the number of homes delivered was 345). This gives rise to a Housing Delivery Test: 2020 measurement of 74%.

As the housing delivery has been substantially below (i.e. less than 75%) of the housing requirement, the most relevant local plan housing policies are out of date and the presumption in favour of sustainable development applies. As housing policies are the key determinant considering this application, para 11 of the NPPF states that permission should be granted unless:

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

Therefore, in the absence of a site allocation policy within the Arne neighbourhood Plan and taking into account the Housing Delivery Test results for the Isle of Purbeck, it is reasonable to conclude that there is a presumption in favour of sustainable development on the site.

As a result of the consideration of issues above and in particular, the impact on the AONB (considered below), officers do not consider that either of the provisos to paragraph 11 apply so that the presumption of sustainable development applies. The application is recommended for approval on this basis.

Impact on the Dorset Area of Outstanding Natural Beauty (AONB)

The site is situated within the Dorset Area of Outstanding Natural Beauty (AONB) which is one of the protected areas identified in NPPF para 11 footnote 6 where the presumption in favour of sustainable development may not apply.

Paragraph 172 of the National Planning Policy Framework (NPPF) states that planning permission should be refused for major developments in the AONB except in exceptional circumstances and where it can be demonstrated they are in the public interest. Officers have given consideration as to whether the proposal represents a major development within the terms of NPPF paragraph 172.

Appeal decisions have held that there are no strict thresholds for this and that it is not measured by the normal definition of major development provided in the Town and Country Planning (Development Management Procedure) Order (10 dwellings and above). Court rulings have confirmed that the NPPF does not define or seek to illustrate the meaning of the phrase 'major development'. The intention of paragraph 172 is to capture developments which have a major impact on the AONB. Much therefore depends on the specific location and foreseeable impacts.

For example, in an appeal at Prospect Farm Swanage the Inspector did not consider a settlement extension of 35 dwellings to be major under paragraph 172.

For other development (ie not major development) paragraph 172 requires that great weight should be given to conserving and enhancing landscape and scenic beauty. Thus any harm must be given great weight and balanced against the benefits of the development.

If permitted the development would be a fairly substantial addition to Stoborough. The site is quite peripheral to the village and it would extend housing development westward into the AONB.

The applicant has undertaken a Landscape and Visual Impact Assessment (LVIA). The LVIA cites the South Purbecks Heaths Landscape Character Area and within 1.33 refers to the Assessment's evaluation as "overall landscape is judged to have a weak character" and "overall the landscape condition is judged to be moderate and stable". Further, within the Dorset AONB LCA – the Assessment states that the "overall landscape is judged to have a moderate character" and that the "overall landscape condition is judged to be moderate and improving".

The AONB Management Team have been consulted on the proposal. They have stated in principle that they have no objections to the proposal and that the impacts of the development will be relatively localised.

The AONB team has had oversight of the LVIA. They concur with the visual baseline of the LVIA (paragraph 1.43) that states that the site is visual well contained with views limited to the immediate area. The LVIA judges that the overall magnitude of effects on the landscape character is “medium adverse”, which the AONB Management Team agree with. They disagree however, that the impact upon visual amenity is small, as the site provides a green buffer between the A351 and the village.

The AONB Management Team note that there will be a need to ‘raise’ the northern end of the Site with “suitable imported inert fill material” (ref. 3.41). This may have some implications for the retention of the hedgerow that exists within this area. The AONB Management Team further comment:

“...within 3.44 the DAS makes reference to a 3m high wooden noise attenuation fence along the western boundary. This has the potential to negatively affect the amenity quality of rear gardens. The ‘fencing’ is shown as extending along the whole western length of the Scheme – forming a solid barrier between the gardens and the tree belt.’

It is recognised that provision of a fence is likely to be the most appropriate form of noise attenuation. The Reserved Matters application would need to demonstrate that the proposed siting would be compatible with the fencing so as to achieve acceptable levels of amenity.

“Landscaping – within 3.49 it is stated that ‘additional planting is proposed along the field boundaries (outside the application site boundary but within land controlled by the Applicant) and within the development site itself. The Illustrative Masterplan only indicates tree planting to either side of the spine access road – with an absence of indicative planting at the northern ‘edge’ of the development. I would advise that the approach here would be to include native hedges as soft boundaries that provide a sensitive interface with the open land to the north.”

As the area to be landscaped is outside of the boundary of the site, but within the ownership of the applicant, a condition will be added to the permission requiring details to be provided at the Reserved Matters application stage will be added (condition 8).

“I note that the western tree belt is located ‘outside’ the Application boundary – however in the DAS Appendix Part 2 a concept layout illustrates that this belt is ‘retained and supplemented’. The management of this belt is critical to the screening of any development within – and should be included within the Application Area or subject to a separate legal management agreement.”

While the western tree belt has been excluded from the development site, it is within the ownership of the applicant, therefore is in the control of the applicant with regards to being retained.

“I also note that within the supporting BMP document – habitat enhancements are advised within the fields to the north of the Application Area and to existing hedgerows. Enhancements are illustrated on the Plan contained within the BMP. These ‘ecological enhancement areas’ will serve as compensatory measures for the loss of pasture/hedges – and would ideally be within the Application Area and part of a longer term management obligation.”

The area to the north of the site is in the ownership of the applicant, although it is outside of the application area. A condition can reasonably be imposed to secure the mitigation, enhancement and compensation works identified in the Biodiversity Plan.

For the above reasons it is considered that these matters can be secured by condition or resolved when the reserved matters application is considered (condition 8).

The issues discussed above suggest this is not a major application; largely due to the fact that impacts on the AONB are quite localised, due to landform and vegetation. Therefore, on balance officers conclude that the impact of a residential development on this site is sufficiently localised so that it is not major within the terms of paragraph 116 of the NPPF.

The AONB Management Team consider that the proposal contravenes, to a degree, the following policies of the Dorset AONB Management Plan 2019-2024:

- C4a “Remove existing and avoid creating new features which are detrimental to landscape character, tranquillity, and the AONB’s special qualities”.
- C4c “Protect and where possible enhance the quality of views into, and within and out of the AONB”.
- C4d “Protect the pattern of landscape features, including settlements, that underpin local identity”.

However, the AONB Management Team conclude that although the development will have an impact on the AONB, harm is localised in nature, and therefore is acceptable in principle subject to the justification for open market housing and subject to implementation of the landscape and ecological enhancements set out in the LVIA, Biodiversity Mitigation Plan and Design and Access Statement.

Officers have given great weight to the localised harm to the AONB. Taking into account the AONB Management Team’s views, officers consider that the substantial public benefits of providing 15 homes, including 7 affordable dwellings (plus an off site affordable housing contribution), are sufficient to outweigh that harm.

Affordable Housing Provision

The application has been submitted as a Rural Exceptions Site to provide affordable housing. Policy RES of the Purbeck Local Plan Part states that a degree of open market housing will be acceptable to facilitate the development of the affordable housing.

The applicant initially proposed 50% affordable housing (comprising of 47% provision on the site and a financial contribution). The Council has sought the advice of an independent valuer who advised that based on the figures provided by the applicant, a contribution of 60% affordable housing would be viable for the development.

However, the Council's Highways department have advised that in order for the development to be acceptable from a highway safety perspective, a footway (pavement) connecting the development to Corfe Road would need to be provided.

The applicant has agreed to this but stated that this will impact upon the viability of the development. The independent valuer has undertaken a further valuation based on the cost of providing the footway and concluded on this basis that 50% affordable housing is viable, but 60% would not be. Therefore, it is accepted that to deliver the site, 53% of the housing will need to be open market housing.

In terms of the provision of affordable housing, the Arne Parish Housing Needs Survey shows the needs for:

- 2 x 1 bed and 1 x 2 bed rented units
- 3 x 1 bed and 1 x 2 bed low cost home ownership units.

The housing register for Arne shows a need for:

- 4 x 1 bed and 1 x 3 bed rented units
- 1 x 3bed and 1 x 4/5 bed low cost home ownership units.

The applicant has proposed that the affordable units would all be rented. In terms of the housing mix, the applicant proposes:

- 4 x one bedroom units
- 2 x two bedroom units
- 1 x three bedroom unit

The Council's Housing Needs Officer has confirmed that there is a current local need for affordable housing within the Parish, as evidenced by the Arne Housing Needs survey. She has advised that she is satisfied that the proposal is capable of meeting a current local need within the Parish or immediately adjoining rural parishes which otherwise cannot be met, in accordance with Policy RES.

7 affordable units are to be provided, which is below the 50% proposed. Therefore a commuted sum will be required in addition to the 7 units. Using the Council's affordable housing calculator, this equates to £82,500.

The affordable housing provision mix is considered to be acceptable subject to the completion of a S106 agreement to secure on site delivery, tenure type and commuted sum.

Protected habitats

Habitats sites are another protected area referred to in NPPF footnote 6 in relation to para 11.

The site is situated within 5km of internationally significant Ramsar sites, notably Stoborough and Creech Heaths SSSI (approx. 560m to the south and 750m to the east, forming part of Dorset Heathlands Ramsar site), Povington and Grange Heaths (approx. 800m to the west, also forming part of Dorset Heathlands Ramsar site) and Wareham Meadows SSSI (approx. 380, to the north east forming part of Poole Harbour Ramsar). In addition, the River Frome which runs approximately 400m to the north of the site is also a SSSI habitat.

The proposal for up to 15 dwellings falls below the 50-dwelling threshold for which a Suitable Alternative Natural Greenspace (SANG) must be provided. An element of the Community Infrastructure Levy, for which the development will be liable, will provide a financial contribution towards mitigating the impact of the increased recreational pressure on the protected heathlands.

Natural England have noted that the site is surrounded by sensitive and important habitats but the site is approximately 150m from the eastern end of the Bog Lane SANG. A footpath runs along the northern boundary of the site which then crosses the A351, leading to the SANG. The indicative masterplan for the site indicates that a footpath would run from the south of the site to the north and connect to the existing footpath. Natural England have indicated that this would be a positive element of the development, making it easier for residents to access the SANG and discouraging them from exercising on the protected habitats. Officers consider that a condition should be applied as part of any reserved matters application requiring details of the route of the footpath, as well as its construction and maintenance to ensure that the footpath is available for resident's use (condition 7). It is also noted that the existing footway on West Lane leading to the A351 will connect to the development. There is a footway (pavement) on the A351 that leads to the crossing point to access Bog Lane SANG. This therefore provides another route for residents to access the SANG.

An Appropriate Assessment has been undertaken in accordance with requirements of the Conservation of Habitats and Species Regulation 2017, Article 6 (3) of the Habitats Directive having due regard to Section 40(1) of the NERC Act 2006 and the NPPF, which shows that there is no unmitigated harm generated by the proposals to interests of nature importance. Natural England was consulted on the application, and have advised that an Appropriate Assessment should be completed to consider the pressures generated by the development on protected heathlands, Poole Harbour for recreational purposes and also for the release of nitrates as a result of the development.

The Appropriate Assessment concludes that these matters can be satisfactorily resolved through contributions made to the Community Infrastructure Levy (CIL) in accordance with the Dorset heathlands planning framework 2020 – 2025, the Nitrogen reduction in Poole Harbour SPD and the Poole Harbour Recreation 2019-2024 SPD.

Taking account of the above, the proposal is considered to sufficiently mitigate the impact on protected heathland sites in the area.

Biodiversity- Protected Species

The site has an area of 0.69 hectares and is an undeveloped meadow. In accordance with the Dorset Biodiversity Protocol, a biodiversity survey has been undertaken. The survey discovered a bat roost in a mature hedge that is identified to be removed on the illustrative plan. As such it qualifies as a Hedgerow of Important under the Hedgerow Regulations Act 1997. The roost is a non-breeding day roost used by a common pipistrelle bat. In addition, some of the hedgerow and adjacent woodland is used by greater horsehoe bats for commuting and foraging. In addition, the survey identified commuting and foraging by noctule, serotine, common pipistrelle, soprano pipistrelle, myotis and Nathusius' pipistrelle.

This will be compensated by the enhancement of 120m of hedgerow. This will be achieved by 'thickening' the hedgerow by planting an additional row of trees immediately adjacent to it. The area of enhancement will include the hedgerow habitats to the north of the development area. The planting schemes will be designed to enhance the diversity of the hedgerow and protect it in the long term by increasing its width by 50%. This will allow the habitat to better function and a wildlife corridor and provide increased foraging in native species. Hedgerows will be managed in the long term by a bi-annual cut which will remove vegetation on one site the hedgerow in each year. The cut will be undertaken either in April or September to avoid the nesting bird season.

The survey concludes that the site hold county level importance for bats.

In addition to the bats, the site is considered to be low suitability habitat for dormice and a potentially suitable habitat for nesting birds.

A mitigation plan has been prepared in response to the findings. The plan proposes felling the dead oak tree that provides a roost and placing it along the western boundary of the woodland to continue to provide a roost for bats. In addition, the temporary roost that is installed during the works to the tree will be retained as an additional permanent roost.

In addition, the applicant proposes to maintain a dark corridor along the boundary of the site to encourage the commuting of the rare greater horseshoe bats that have been seen in the area. No lighting is proposed within the roads of the development area. The existing woodland and retained foraging habitat will not have lighting that exceeds 1 lux or their existing light levels. To ensure any additional lighting as a result of the development does not impact upon foraging

and commuting bats a lighting scheme will be designed based on guidance provided in Bats and Artificial Lighting in the UK (BCT, 2018).

The Biodiversity Plan includes principles to be followed when designing the lighting scheme to minimise the glare and light spill. Officers also consider that given the importance of restricting external lighting to protect biodiversity interests that a condition restricting external lighting to that which is proposed in the mitigation plan should be imposed. This will also contribute to the protection of the dark skies special quality of the AONB. (Condition 16)

In order to protect the adjacent woodland, barriers and ground protection will be placed in the tree protection zones in accordance with BS5837:2012. Following the development a soundproof fence will be installed between the houses and woodland. This will also provide a light spill buffer.

In order to protect nesting birds, vegetation clearance works will be conducted outside of the bird nesting season which is considered to run from March to August. If this is not possible a suitably qualified ecologist will check potential nesting habitat immediately prior to the removal of the vegetation. If nesting birds are encountered, the clearance will be halted until the nestlings have fledged. 5m of vegetation will be retained around the nest and it will be demarked to prevent accidental damage.

In relation to potential dormice, the works team will be trained regarding dormouse ecology. Prior to the works taking place a hand and visual search will be undertaken by the ecological clerk of works. A watching brief will be applied to the site.

In addition to mitigating the impact upon known protected species, the grassland to the north of the site will be improved to encourage protected species and the growth of wildflowers.

As part of enhancing the site, each house will be fitted with a 1FR bat tube or nesting bird brick in addition to two bee bricks. Fencing will include hedgehog suitable gravel boards with holes of 10x10 centimetres to enable hedgehog movements around the development.

The Council's Natural Environment Team have been consulted on the biodiversity proposals and have raised no objections subject to a condition requiring the implementation of these details (condition 14).

Scale, design and impact on the character and appearance of the area

The appearance, landscaping, layout and scale are all reserved matters. As such, the impact on the character and appearance of the area cannot be fully assessed at this stage of the application process. However, an indicative masterplan has been provided that shows linear development built either side of a central access road. While indicative, it is noted that the proposal 13 buildings, which would be commensurate with two of the buildings containing two one-bedroom flats within them.

The indicative masterplan indicates that the site can successfully accommodate this number of dwellings. While it is acknowledged that the units are of a higher density (21.7 dwellings per hectare, compared to 15.3 dwellings per hectare in the neighbouring Hollow Oak Road) and have less amenity space than surrounding properties, it is noted that the Stoborough Meadow development has a broadly similar density and also has smaller gardens. Therefore, the indicative layout is not considered to be incongruous in the village. The scale of the buildings is indicated in the Design and Access Statement as being two storey. The properties on the western side of the neighbouring Hollow Oak Road are also two storey, as are the majority of properties within Stoborough. The proposed indicative scale is therefore also considered to be acceptable. The viability statement outlines the gross internal floor areas of the units. These are all just above the national space standards. Details of the finished floor levels are not provided at this stage, however a condition will be applied to ensure that these are provided with the reserved matters application.

Given the position of the site at the edge of the village within the AONB, it is considered appropriate that a condition is applied requiring a sample of materials to be provided for approval by the Council. (Condition 5)

It is noted that the site is adjacent to existing residential development and as such would not represent isolated residential development. The site is bounded to the west by the A351 road, and a road junction with a turning lane. As such, the road dominates the character of the area, which was formerly agricultural.

The Council's Environmental Health Team have provided comments in relation to the noise impact of the neighbouring roads on the residents of the proposed properties. The applicants have provided a noise report stating that the noise generation from the A351 is on average 76.9 dB, while the noise from West Lane is on average 58.8 dB. The Environmental Health Team have advised that they accept the findings of the applicant's noise report.

It is noted that the applicant proposes to utilise closed windows and trickle vents, which may contravene Building Regulations. The Environmental Health Team have advised that as an alternative, the proposed acoustic screen to the west of the site could be increased in height. If this would result in visual harm, then the layout may need to be reconsidered to ensure that appropriate levels of amenity and protection of the AONB are both secured. Given that the layout and landscaping are reserved matters, officers are satisfied that this matter can be resolved at the reserved matters stage.

The density of the development is higher than the historic core of the village. However, it is not significantly higher than Hollow Oak Road, situated to the east of the site. As Hollow Oak Road separates the site from the rest of the village, this is considered to limit the impact that the proposal will have on the character of the historic core of the village.

As such the development is not considered to significantly detract from the character of the area.

Highway safety and access

The access is the only matter not reserved as part of the application. At present the site is accessed via a gate in the south eastern corner, adjacent to Meadow Cottage. West Lane itself is wide enough to accommodate two-way traffic, although the road is not marked outside of the site at present.

The applicant proposes forming a new access further to the west. The access road, including the footways on either side, would be approximately 8.5m in width, the road accounting for 5m of the width. At the entrance to the site, the width of the road increasing to 13.6m to accommodate visibility splays. The splay distance both to the east and the west of the site would be 43m.

A 2m wide public pavement is proposed to the east of the site, leading to the site boundary. Tactile paving leading to a lowered kerb will be installed at the entrance to facilitate safe crossing of the road. A short stretch of pavement is proposed to the west which will connect to the existing pavement. The existing pavement to the west is presently of a substandard width, and this will be increased to accommodate all pavement users.

The Council's Highways Team have been consulted on the proposals. They stated that they were satisfied with the access point itself. However, the generation of additional pedestrian trips between the site and the village was a concern. At present, there is no pavement along West Lane which experiences relatively high levels of traffic, particularly at school pick up and drop off times. To encourage families to walk to the Primary School, which is approximately 200m away, the Highways Team have stated that the development should provide a pavement, connecting to the existing pavement on Corfe Road, which then leads to the school and the village centre. This addresses the concern raised as part of the Arne Neighbourhood Plan and is considered by officers to overcome the primary objection in the Neighbourhood Plan to development on this site.

The applicant has agreed to the provision of the footway (pavement) which can be secured by condition. As a consequence of this, the provision of affordable housing has been reduced, as detailed above. Subject to securing the pavement and to a condition requiring details of the internal highway layout, turning and parking areas to be submitted, the highways department are satisfied with the proposal. (conditions 9 and 10)

In addition to the footway, a footpath is also proposed. This is set out in more detail above (see Protected Habitats). The delivery of a footway and a footpath link will increase choice and connectivity of the site increasing options for people on foot.

Impact on the living conditions of the occupants of neighbouring properties

The nearest residential properties are those situated on Hollow Oak Road adjacent to the east of the site and Meadow Cottage, also immediately to the east of the site. The application is for outline planning permission with layout as a

reserved matter so a full assessment of the impact of the development upon the neighbouring properties cannot be made at this stage.

However, an indicative layout has been provided. It shows linear development built either side of a central access road. While indicative, it is noted that the proposal 13 buildings, which would be commensurate with two of the buildings containing two one-bedroom flats within them.

The indicative masterplan suggests that there would be a distance of at least 30m between the properties on Hollow Oak Road, which would be considered to be sufficient to protect the neighbouring residents from harmful overlooking and would also ensure that a reasonable outlook for the properties is maintained.

The unit situated at the southern end of the site would be situated considerably closer to Meadow Cottage to the east (approximately 9m away). However the house faces north to south with no first floor windows facing to the west (towards the application site). The mature hedgerow will provide a degree of screening to this property, but it is likely to be impacted by the development. Nevertheless, officers are satisfied that the site has capacity to accommodate the proposed housing without having a harmful impact on this neighbouring property.

Additionally, it is noted that there is a mature established hedgerow separating the site from the neighbouring residential properties. Landscaping is a reserved matter, however, the submitted biodiversity mitigation plan indicates the retention of this hedge, which will also serve the amenity of the neighbours as well as biodiversity interests. Beyond the hedgerow, the neighbouring properties fronting onto Hollow Oak Road are set in well sized rear gardens. Officers consider that subject to the layout of the development, a satisfactory relationship between these properties and the proposed dwellings can be achieved given the retention of the hedgerow and the rear gardens.

The Council's Environmental Health Team have recommended the provision of a construction management plan to ensure that the living conditions of the neighbouring residents are not unduly affected during the construction process. This will be resolved by means of a condition (condition 15).

Subject to the above, the proposal is not considered to have an unduly harmful impact on the living conditions of the neighbouring residents.

Flooding and Drainage

The site is situated within flood risk zone 1. As such, it is not in itself at risk from coastal or fluvial flooding. It is noted that the land immediately to the north of the site are in flood risk zones 2 and 3, associated with the River Frome and coastal waters.

The site is seen to be largely unaffected by mapping of (theoretical) surface water risk, or indeed ground water flooding, although lower ground to the west / south-west, and adjoining the ditch feature (Ordinary Watercourse) which currently flows northward through the middle of the site, is shown to be at some risk during significant rainfall events. The risk of surface water flooding is however more significant in relation to the access to the site. Both the A351 and

West Lane are known to suffer from surface water flooding. Therefore, the proposed development should not exacerbate the existing issues.

The Lead Local Flood Authority has commented on the proposals, initially objecting due to the lack of details about how surface water would be removed from the site. The agent responded to concerns, stating that where ditches run through the gardens of open market dwellings, the requirement to keep the ditches maintained and free of obstruction 'could form part of the deeds of the houses. In addition, the applicant has identified a number of locations where open SuDS features could be introduced within the overall surface water drainage strategy. It is therefore necessary to require that surface water drainage details are provided with any reserved matters application relating to layout so that use of open suds features can be secured (condition 12).

Following the provision of these details, the Lead Local Flood Authority has removed their objection subject to conditions requiring further drainage details to be provided prior to groundworks taking place. (conditions 12 &13)

In July 2021, the Environment Agency (EA) are revising peak river flow climate change allowances calculations. The Council have consulted the EA to determine whether the changes will have an impact on the application site. They have advised that the new "higher central" 2080's allowance for the site is 63% compared to the 40% as has previously been the case (and is used in the applicant's flood risk assessment).

The EA consider that the buffer zone between the site and the flood zones to the north is likely to be sufficient so that the site will continue to be classified as Flood Risk Zone 1. However, as flood maps relating to the site have not yet been updated it is not possible to be sure how future flood extents will affect the site. Therefore, as a precaution, the EA have advised that a condition should be applied to any planning permission, requiring the submission of a revised flood risk assessment. The applicant has agreed to this condition (condition 11).

Impact upon Protected Trees

To the north east of the site, in the neighbouring property is a protected Oak Tree. There are also a number of trees, particularly along the western boundary of the site that, while not protected are important in terms of character of the area, biodiversity interests and provided visual and noise screening from the A351.

The applicant has prepared a Heads of Terms Arboricultural Method Statement that has been considered by the Council's Tree Officer. This refers to controlling activities but does not say how this will be achieved. As such, a full Tree Protection Plan and Arboricultural Method Statement will need to be submitted, complying with BS5837:2012. This can be achieved by means of a condition (no. 6).

For the above reasons it has been found that in this case the NPPF policies do not provide any clear reasons for refusing the development proposed and no adverse impacts have been identified that would outweigh the benefits of the provision of affordable and market housing. The proposal is therefore considered to be sustainable development for the purposes of NPPF paragraph 11 and approval is recommended subject to conditions and a s106 legal agreement to secure the affordable housing and necessary highway improvements.

17.0 Recommendation

- (A) Delegate to the Head of Planning to grant permission subject to the completion of a legal agreement under section 106 of the town and country planning act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:**

Affordable housing provision of 7 dwellings in accordance with the mix set out above plus financial contribution of £82,500.

And the following conditions:

- 1 Before any development starts details of 'reserved matters' (that is any matters which concern the layout, scale or appearance of the building(s) to which this permission and the application relates, or to the means of access to the building(s) or the landscaping of the site) must be submitted to the Council for subsequent approval. Application for approval of any 'reserved matter' must be made within three years of the date of this permission.
Reason: This is a mandatory condition imposed by the provisions of Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to encourage development to take place at an early stage.
2. The development must start within two years from the final approval of the reserved matters.
Reason: This is a mandatory condition imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to encourage development to take place at an early stage.
3. The development permitted must be carried out in accordance with the following approved plans: 236801/01, 113263-CAL-XX-XX-DR-D-1100 rev P1 and 236801 / PL_001/B
Reason: For the avoidance of doubt and in the interests of proper planning.
4. Any reserved matters application including details of layout and scale shall be accompanied by a plan showing details of existing and proposed finished

ground levels (in relation to a fixed datum point) and finished floor levels and their relationship with adjoining buildings and ground levels. Thereafter the development shall be carried out in accordance with the approved finished floor and ground levels. Reason: To control matters which will impact on the visual impact of the development within the Area of Outstanding Natural Beauty and in the interests of neighbouring amenity.

5. Before the construction of any external walling starts a sample panel of the proposed external walling/rendering must be completed, inspected and agreed in writing by the Council. This must clearly demonstrate the finish to be used, The panel must remain on site during construction works. The development must be built in accordance with the agreed sample panel. Reason: To ensure the satisfactory appearance of the development in the interests of the character and appearance of the AONB.
6. An Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted with any Reserved Matters application for layout or landscaping and approved in writing by the Council. All works must be carried out in accordance with the approved details. In particular, the AMS must provide the following:
 - a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and a plan indicating the alignment of the protective fencing;
 - b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012);
 - c) a schedule of tree work conforming to BS3998;
 - d) details of the area for storage of materials, concrete mixing and any bonfires;
 - e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility;
 - f) details of any no-dig specification for all works within the root protection area for retained trees;
 - g) details of the supervision to be carried out by the developer's tree specialist;Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.
7. Prior to the first occupation of any of the houses, a footpath crossing the site connecting it to the existing footpath SE5/13 running to the north of the site must be constructed in accordance with details that have first been submitted to and agreed in writing by the Council. The details must include the route of

the footpath, any materials to be used and a maintenance scheme. The footpath shall be maintained in accordance with the details agreed by the Council.

Reason: To ensure that there is a pedestrian link to the existing footpath network which leads to the Bog Lane SANG, providing an opportunity for residents to utilise the SANG for recreation instead of nearby protected heathlands.

8. A scheme of landscaping, both for the site and covering the area outside of the application site, but shown in blue on drawing 236801/01 dated 04 November 2019 must be submitted in writing and approved by the LPA and then carried out in accordance with the approved scheme prior to first occupation of the dwellings. This needs to include:
 - i. A survey plan, showing existing cables, pipes and ducts above and below ground, existing levels, and all existing trees, shrubs and hedges on the land, plus details of any to be retained together with measures for their protection during the course of development
 - ii. A landscape proposals plan showing proposed levels, and details of hard landscape (cables, pipes and ducts above and below ground, , surface water drainage, etc.) and soft landscape (trees, shrubs, herbaceous plants and grassed areas);
 - iii. Planting plans which must show the species of trees, shrubs and herbaceous plants to be planted and where they will be planted, the size that the trees/shrubs/plants will be on planting, and the number that will be planted;
 - iv. Written detail, which complies with BS 4428:1989 Code of Practice for General Landscape Operations, of how the ground will be prepared and cultivated before planting, the methods that will be used to plant the trees/shrubs/plants and seed or turf of the grassed areas, and details of protection from rabbits and other grazing animals;
 - v. Information, which complies with BS 7370 Part 1 1991 and Part 4 1993 Grounds Maintenance, regarding how the planting will be maintained for the first five years following planting. This should include detail of watering, weed control and pruning.

Reason: These details are required to be agreed at the Reserved Matters application stage, in order to allow full consideration of the mitigation provided by landscaping in considering the layout of the site. The details are required to protect existing trees, hedges and biodiversity which may exist on the site, ensure the satisfactory landscaping of the site and to enhance the biodiversity, visual amenity and character of the area.

9. Before the development is occupied or utilised the following works must have been constructed:

A pavement along the north side of West Lane from the A351 to Corfe Road (B3075).

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

10. No development must commence until details of the access, geometric highway layout, turning and parking areas have been submitted to and agreed in writing by the Planning Authority.
Reason: To ensure the proper and appropriate development of the site
11. An updated Flood Risk Assessment (FRA) for the site, incorporating the most up to date flood data and climate change allowances must be submitted in writing with any Reserved Matters application. The agreed recommendations set out in the FRA shall be fully implemented before any of the dwellings are occupied.
Reason: To reduce the risk of flooding to the proposed development and future users in line with paragraph 163 of the National Planning Policy Framework
12. A detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, must be submitted in writing with any Reserved Matters application relating to layout. The surface water scheme shall be fully implemented in accordance with the submitted details before any of the dwellings are occupied.
Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.
13. Details of maintenance & management of both the surface water sustainable drainage scheme and any receiving system must be submitted to and approved in writing by the Local Planning Authority prior to first occupation. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
Reason: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.
14. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 16/10/2020 must be strictly adhered to during the carrying out of the development.
The development hereby approved must not be first brought into use unless and until the mitigation, compensation and enhancement/net gain measures detailed in the approved biodiversity plan have been completed in full, unless any modifications to the approved Biodiversity Plan as a result of the

requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority. Thereafter approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.
Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

15. No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The approved CMP shall be adhered to throughout the construction period. The CMP shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during demolition and construction in accordance with the IAQM "Guidance on the assessment of dust from demolition and construction (February 2014)
 - vii. measures to control noise arising from the demolition and construction
 - viii. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - ix. hours of operation on the site

Reason: This information is required prior to commencement to safeguard the amenity of the locality and in the interests of road safety.

16. There will be no additional external lighting beyond that which is specified in the Biodiversity Mitigation Plan approved by the Dorset Natural Environment Team on 16/10/2020.

Reason: In order to ensure that the impact of lighting upon protected species (notably bats) is minimised. In addition, the low amounts of external lighting will contribute to the protection of the dark skies special quality of the Dorset AONB.

17. The properties shall only be occupied by a person as his or her only or principal home. For the avoidance of doubt the dwelling shall not be occupied as a second home. The occupier shall supply to the Council (within 15 working days of the Council's request to do so) such information as the Council may reasonably require in order to determine compliance with this condition.

Reason: To ensure that the approved properties are not used as second homes, which would harm the sustainability of the local communities and would not contribute towards meeting local housing need.

Informative Notes:

1. Informative Note - Dorset Council Highways.
The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 of the Highways Act 1980, the applicant should contact Dorset Council's Infrastructure Development team. They can be reached by telephone at 01305 225401, by email at dli@dorsetcc.gov.uk, or in writing at Development team, Infrastructure Service, Dorset Council, Hall, Dorchester, DT1 1XJ.
2. Informative Note: Any works proposed to the Ordinary Watercourse which crosses the site may require prior Land Drainage Consent (LDC) from DCC/LLFA, in accordance with s23 of the Land Drainage Act 1991, in addition to planning permission. The proposed realignment, culverting and any associated improvement or reprofiling of the existing / retained channel will certainly require such prior LDC from ourselves. LDC enquires can be sent to floodriskmanagement@dorsetcouncil.gov.uk.
3. Informative Note: If the applicant wishes to offer for adoption any highways drainage to DC, they should contact DC Highway's Development team at DLI@dorsetcouncil.gov.uk as soon as possible to ensure that any highways drainage proposals meet DCC's design requirements.
4. Informative Note: When discharging the conditions in relation to the drainage scheme, the following details must be included:
 - A comprehensive surface water drainage strategy that prioritises the use of open surface water attenuation features
 - Maintenance details to include assurances that the relevant homeowners will have a clause in their deeds that informs the homeowners of their riparian responsibilities to maintain the Ordinary Watercourse flowing through their gardens.
5. Informative Note - Community Infrastructure Levy. This outline planning permission is not subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008, but any reserved matters application will be.
6. Informative Note - Planning Obligation. This permission is subject to a Section 106 Planning Obligation with respect to affordable housing provision and the provision of the footway.
7. Informative Note – Secured by Design. The applicant is advised to ensure that the development adheres to the Secured by Design Principles and may wish to consider applying for accreditation by the scheme.

8. Informative Note – Rear access gates. The applicant is encouraged to ensure that any rear access gates are secured with a key lockable bolt to enhance the security of the properties.

9. Statement of positive and proactive working: In accordance with paragraph 38 of the National Planning Policy Framework, the Council takes a positive and creative approach to development proposals focused on solutions. The Council works with applicants/agents in a positive and proactive manner by; offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

For this application: the applicant/agent was updated of any issues; the opportunity to submit amendments to the scheme/address issues was given which were found to be acceptable.

or

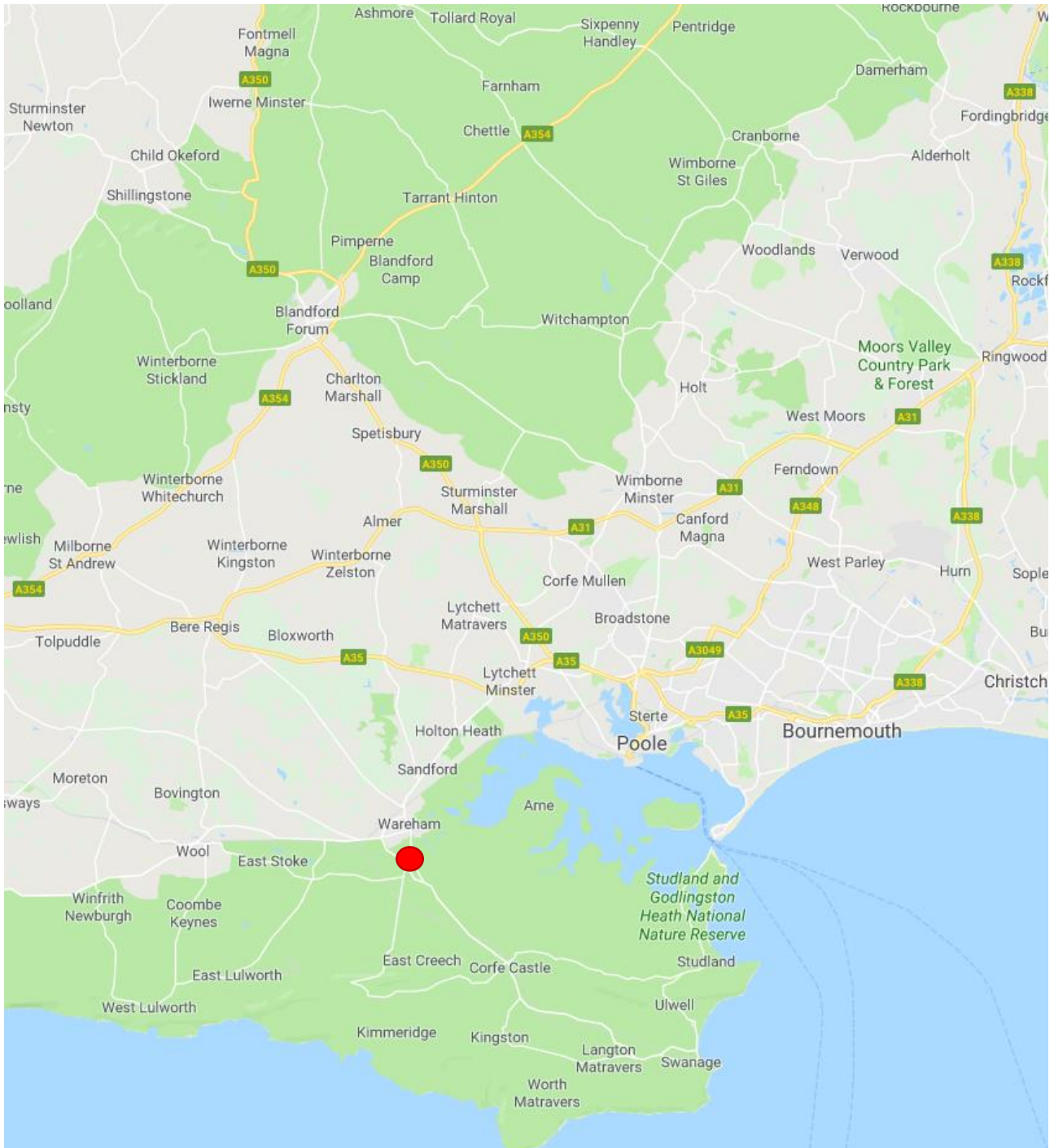
- (B) Refuse permission if the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by (6 months from the date of committee) or such extended time as agreed by the Head of Planning.**

● Approximate Site Location

Application reference: 6/2019/0639

Site address: Land North of West Lane, Stoborough, Wareham

Proposal: Outline application for up to 15 residential dwellings, site re-profiling and associated infrastructure, with all matters reserved apart from vehicular access from West Lane



Eastern Area Planning Committee

Date – 28th July 2021

Proposed Traffic Regulation Order – Pony Drive, Upton

For Decision

Portfolio Holder: Cllr R Bryan, Highways, Travel and Environment

Local Councillor(s): Cllr Pipe, Cllr Brenton, and Cllr Starr

Executive Director: J Sellgren, Executive Director of Place

Report Author: Patrick Carpenter
Title: Technical Officer
Tel: 01305 224700
Email: p.w.carpenter@dorsetcc.gov.uk

Report Status: Public

Recommendation: That having considered the objections received, committee be recommended to approve the proposed waiting restrictions as originally advertised or as revised and recommend this approval for executive decision.

Reason for Recommendation: The proposed restrictions for Pony Drive are to facilitate clear visibility for all highway users, to avoid danger to persons or other traffic using the road (including pedestrians).

1 Executive Summary

This report considers the objections, support and comments received during the public consultation stage of the Traffic Regulation Order (TRO).

- 1.1 Pony Drive leads to a residential area. It is situated opposite a free car park that is used predominantly for walkers using Upton Country Park. There is another pay and display car park in an easterly direction approximately three hundred metres from Pony Drive.

2 Well-being and Health Implications

- 2.1 Residents have reported the parking by visitors using Upton Park in obstructive and dangerous positions lead to stress and possibly confrontational situations.

3 Climate implications

- 3.1 Although difficult to measure directly less vehicles parking within Pony Drive could reduce carbon emissions within the immediate area.

4 Other Implications

N/A

5 Risk Assessment

- 5.1 Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

6 Equalities Impact Assessment

- 6.1 The proposed waiting restrictions will have the usual exemption for disabled badge holders where appropriate and in accordance with the Highway Code.

7 Appendices

Appendix 1 - Consultation plan

Appendix 2 – Revised plan following public consultation.

8 Background Papers

Responses from Lytchett Minster & Upton Town Council, Dorset Police and the local County Councillors are available to view on request

Background

- 8.1 Primary consultation responses from Lytchett Minster & Upton Town Council, Local Dorset Councillors and Dorset Police.
- 8.2 Proposals were advertised for public consultation on 25th February 2021 for new No Waiting at Any Time restrictions on Pony Drive.
- 8.3 32 responses were received in total. This breaks down to 27 objections, 4 approvals and one information request.
- 8.4 The request for No Waiting at Any Time restrictions on Pony Drive was made initially by Lytchett Minster & Upton Town Council on behalf of requests from residents.
- 8.5 When the public consultation completed the objections raised enabled Dorset Council to consider a revised proposal which would better accommodate residents and visitors.
- 8.6 The revised proposal of 'No Waiting Between the Hours Of 9.00am and 5:00pm' was sent to Lytchett Minster & Upton Town Council and Local Councillors to confirm if they were supportive of the revised restrictions.
- 8.7 Lytchett Minster & Upton Town Council discussed the proposal in a meeting on 20th April 2021 and confirmed their decision was to continue to support the original proposal.
Councillor Bill Pipe responded by email confirming that he supports the original proposal.
- 8.8 Dorset Council Parking services team have been contacted on occasion about vehicles parked inconsiderately along Pony Drive. Vehicles were not parked on an enforceable restriction by a Civil Enforcement Officer.

9 Law

- 9.1 Sections 1 and 2 of the Road Traffic Regulation Act 1984 allow the Council to make an Order prohibiting or restricting the waiting of vehicles or the unloading of vehicles. The circumstances where an Order may be made include:
 - For avoiding danger to persons or other traffic using the road.
 - For facilitating the passage on the road of any class of traffic.

10 Consultation

- 10.1 Under Dorset Council's procedure, primary consultation was carried out and is supported for public consultation by the Local Members, Lytchett Minster & Upton Town Council, and Dorset Police.

10.2 There were thirty-two responses in total for the proposal. The objections and support have been summarised in the tables below with officer's comments:

Supportive comments
<ul style="list-style-type: none"> • The abuse of the existing parking is usually accompanied by abusive behaviour and offensive language when residents challenge them. • This is a matter of safety which is obviously much more important than convenience. • The current parking severely restricts access by emergency vehicles and refuse lorries. • I have had near head on collisions and had to perform an emergency stop when turning into the Pony Drive from Poole road due to vehicles parked near the junction. • The traffic has increased considerably- the road is usually full by mid-day. • This proposal will reduce the danger to residents by allowing the road to be used as intended, whilst not forcing drivers on the wrong side of the road when approaching the main junction to Poole Road.

Objection Raised	Officer Comments
<p>There will not be enough spaces for the residents to park and lines would make it impossible to get a space after work and on weekends.</p>	<p>The area affected by the proposal is at the top end of Pony Drive, starting from its junction with Poole Road. (Appendix 1)</p> <p>Pony Drive from its junction with Stirup Close will have no restriction. This enables the opportunity to park where safe.</p> <p>After the public consultation an alternative proposal of 'No waiting at any time between the hours of 9am and 5pm' was provided to the Parish Council and Local Councillors to review. This could provide further parking after 5pm.</p>

<p>The parking restriction would cause great inconvenience when parking to visit residents. There is no other nearby parking.</p> <p>Only residents who have off road driveways have complained</p> <p>How about issuing resident parking permits?</p> <p>Residents who work until late would have to park at a distance to reach their home.</p> <p>Double yellow lines will move the parking issues to smaller roads. Put the restriction around the whole area.</p>	<p>The two car parks and surrounding roads could be used to park a vehicle for a short period.</p> <p>This proposal was made to our community highways team by Lytchett Minster & Upton Town Council. The parking issues were raised to the Parish Council by residents of Pony Drive. The parking issues have also been witnessed by Local Councillors and the Community Highways Team.</p> <p>The Parish Council was asked if it still wished to pursue the proposal. The Parish Council responded positively and continues to support the initial proposal. A resident parking scheme would need to complete a full consultation process, with significant resident support and could restrict parking further with a financial cost to the resident.</p> <p>Along Pony Drive there are nine streetlights (Dorset Explorer) that would provide a well-lit area. Dorset Police have supported the proposal and raised no concerns about safety in the area.</p> <p>This proposal was made to our community highways team by the Parish Council to manage the reported obstructive and dangerous parking reported on Pony Drive. When a motorist visibly sees a parking restriction, they will in most cases look for an alternative safe place to park and not drive down the road with the restriction.</p>
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<p>Reduce the prices in Upton house or reduce the overflow car park to an hour instead of 2 hours or give free permits to residents and extras for visitors.</p>	<p>Upton Country House car park is managed by BCP Council not Dorset Council. The response below about pricing within the car park is from a representative of BCP Council: “We are aware of parking issues in Pony Drive near Upton Country Park and will continue to support the work led by Lytchett Minster and Upton Town Council to help find an amicable resolution. We continue to promote car park facilities at Upton Country Park and encourage visitors to use it, including with our annual pass which equates to parking for as less than 12p a day. All money raised from parking helps support the maintenance and improvements around the park, including our recent expansion which saw enhancements to the cycle network.”</p>
<p>Just put the restriction on the corners and on one side of the road with space for users to get in and out of pony drive safely</p>	<p>The proposed restriction will help enforce no parking around junctions or opposite junctions discouraging parking opposite or within 10 metres (32 feet) of the major junctions on Pony Drive.</p>
<p>Yellow Lines cause a detrimental effect on the amenities of the surrounding area.</p>	<p>The proposed restriction will help restrict obstructive and dangerous parking whist encouraging motorists to look for alternative safe parking. For example, Upton House main car park.</p>

11 Consideration of Proposal

- 11.1 The implementation of a 'No Waiting at any Time' restriction along sections of Pony Drive would address the issue of inconsiderate and potentially dangerous parking whilst improving access at junctions for large vehicles including refuse vehicles, delivery vehicles and emergency service vehicles. The downside to this proposal is that during non-peak hours the restriction would still be active thus restricting residents possible parking opportunity. The revised proposal after the public consultation for the implementation of the 'No Waiting between 9am and 5pm' restriction along sections of Pony Drive would also address the issue of inconsiderate and potentially dangerous parking whilst improving access at junctions for large vehicles including refuse vehicles, delivery vehicles and emergency service vehicles. The limited time restriction may ensure provide availability for residents to park in the evening and overnight on the road if required. The downside to this proposal is that after 5pm when the restriction ends the junctions and areas where parking would cause visibility and traffic flow issues will be unprotected.

12 Conclusion

The Implementation of yellow lines will help enforce no parking around junctions or opposite junctions and increase visibility when emerging from Pony Drive. The revised proposal was put forward for consideration after feedback was received from residents during the public consultation stage. The proposed single yellow line could enable residents parking options if required between the hours of 5pm until 9am thus addressing concerns raised about safety and opportunity to park on the highway if required by visitors and residents. This would however leave the identified disruptive and possibly dangerous areas exposed when the restriction ends.

Having considered all the responses received and proposed an alternative restriction to Local members and Lytchett Minister and Upton Parish Council, officers conclude that both proposals have equally balanced advantages and disadvantages. As a result, officers consider it appropriate to recommend proceeding with the proposal as originally supported by the Parish Council and local members rather than leave the situation as existing.

13 Footnote:

- 13.1 Issues relating to financial, legal, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

Appendix 1- Original Public Consultation



Proposed Double Yellow Line

Appendix 2- Proposal for consideration after public consultation



Appeal Decisions

1. PURPOSE AND RECOMMENDATIONS

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

3.0 APPEAL DECISIONS

3.1 Appeal Reference: APP/D1265/W/20/3259917

Planning Reference: 3/19/0854/FUL

Proposal: Change of use and conversion of existing redundant agricultural building to form 4 dwelling houses.

Address: Bedborough Farm, Uddens Drive, Colehill, Wimborne, Dorset, BH21 7BQ

Appeal: Dismissed

A planning application for '*Change of use and conversion of existing redundant agricultural building to form 4 dwelling houses.*' Was refused planning permission on five grounds that the proposal was (i) inappropriate development in the Green Belt, (ii) harmed openness by way of the intensification of use, (iii) was of poor design, (iv) adversely affected the rural character of the area and (v) obstructed the route of a public footpath.

The Inspector agreed with the appellant that the building was capable of conversion, and agreed that the footpath might be moved, this secured through a planning condition.

Notwithstanding these points the Inspector sided with the Council that the four dwelling houses proposed were inappropriate development in the Green Belt and would cause harm to openness, stating: -

'9. The existing building would be converted into four dwelling houses, and no extension would be required to enable the change of use to residential accommodation. However, whilst it would not necessarily be more intensive than the lawful agricultural would be subdivided into four distinct plots, which would be formally enclosed with hedgerow and wire

fencing. This, together with the domestic paraphernalia which would be associated with the proposed residential use, such as garden furniture, washing lines and bin storage, would add visual clutter, thus leading inevitably to a moderate loss of openness. Having regard to the available evidence, there is no certainty that the provision of domestic paraphernalia would have a lesser impact upon openness than the established pattern of open storage associated with the building's present use.

10. For the foregoing reasons, the appeal proposal would not accord with the exception set out in paragraph 146 d) of the Framework and would therefore amount to inappropriate development in the Green Belt. It would have a detrimental impact on the openness of the Green Belt and fail to assist in safeguarding the countryside from encroachment, contrary to one of the five purposes of the Green Belt.'

In relation to design the Inspector was equally supportive

12. The appeal scheme is characterised by the assertive modernity of its detailing, having notably regard to the vast expanses of glazing and balconies, but also the shapes of the windows and proposed materials, which would fail to reflect the rural appearance of the farmstead. The regimented appearance of the communal parking area and formal subdivision of the appeal site into four separate plots would introduce a distinctly more urban form of development which would harmfully contrast with the rural character of its surroundings.

13. This would be exacerbated by the proposed forms of boundary treatment to enclose the individual plots and provide security and privacy to the future occupiers, and the domestic paraphernalia associated with the proposed residential use, which would add clutter within this rural area. This issue could not, in my view, be resolved through landscape enhancements to the existing bund or by imposing a condition requiring the submission and approval of detailed schemes, simply because landscaping ought to be used to complement good design, rather than as means to conceal inappropriate development.

15. Given the above, the appeal scheme would appear as an incongruous form of development which would cause considerable harm to the rural character of the area. It would therefore conflict with Policies HE2 and HE3 of the Christchurch

The Inspector concluded that whilst the appeal scheme would not result in the creation of isolated homes in the countryside it would constitute inappropriate development in the Green Belt and lead to a moderate loss of openness. Furthermore, that the proposal would also conflict with the Green Belt purpose of safeguarding the countryside from encroachment.

On these points the Inspector ascribed substantial weight to the harm which would be caused to the Green Belt and afforded great weight to the harm which the proposal would cause to the rural character of the area.

The appeal was therefore dismissed on this basis.

3.2 Appeal Reference: APP/D1265/W/20/3260119

Planning Reference: 3/19/2469 and 3/19/2770

Proposal: Construction of a single detached house with parking and access

Address: Land Adjacent to Brambles House, Church Lane, West Parley, Ferndown, Dorset, BH22 8TR

Appeal: Dismissed

A dual Planning and Listed Building was made for the 'Construction of a single detached house with parking and access'. The building was to be sited within the curtilage of Brambles Farmhouse a Grade II Listed Building. The land in question formed part of the historic walled garden to the property but had been severed in ownership.

The applications followed a previous application and listed building that was refused and dismissed at appeal; the applicant sought to overcome the previous shortcomings.

Officers were of the view that area of land, whilst in separate ownership, was functionally and historically linked to Brambles Farmhouse and that the principle of severance and creation of a new residential plot could not be supported in principle. Furthermore, that the design approach taken was poor. The reasons for refusal read: -

1. The immediate area has a rural character; the site is elevated from the road and looks out across Church Lane to open fields to the east. The proposed detailing of the dwelling makes little reference to the immediate rural context and appears as a confused hybrid between a barn and industrial style building, the use of five fully glazed bays and seven rooflights within the roof slopes are poorly considered. Given the historical significance of this plot, being a walled garden, closely associated with the Listed Farmhouse, this style of dwelling would be an incongruous feature in this sensitive rural setting. The new access into the site and large wooden gates further erodes the rural character of the area.

In these respects the proposal represents poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions contrary to Policies HE2 and HE3 of the Christchurch and East Dorset Local Plan (Part 1), Saved Policy DES11 of the East Dorset Local Plan, and guidance contained within Section 12 – Achieving well-designed places of the National Planning Policy Framework (NPPF).

2. Development in sensitive areas, such as the curtilage of a Grade II Listed Building must respect the setting and context of the existing assets.

There is a strong historical connection between the Brambles House a Grade II Listed Building and walled garden, which adds more significance to this land. The overall design approach, the scale of the proposal, detailing and new access all result in a proposal that will be viewed as sitting uncomfortably against the Grade II listed building.

The proposal would cause substantial harm to the setting and character of Brambles Farmhouse, a Grade II Listed Building. No justification has been put forward to demonstrate that this harm is necessary to achieve substantial public benefits that outweigh that harm. The proposal fails Policy HE1 of the Christchurch and East Dorset Core Strategy Part 1 and guidance contained with the National Planning Policy Framework (NPPF) Section 16 (Conserving and enhancing the historic environment), paragraphs 193-197.

The application was heard under the written representation procedure. The Inspector fully agreed with the Council's reasons for refusal.

9. Despite the degree of separation with Brambles Farmhouse, the new dwelling, which would remain visible from Church Lane and the adjacent footpath, would, due to its size and detailed design, significantly change the historic function of the site as a former walled garden. The creation of a new domestic curtilage, resulting from the construction of a new dwelling on a distinct plot, with a separated vehicular access onto Church Lane, would essentially lead to the loss of the functional link which would have historically connected Brambles Farmhouse and the appeal site.

10. This would be exacerbated by the footprint of the proposed dwelling which, together with the proposed patio and driveway, would diminish the sense of space within the walled garden and erode the sense of green space. For these reasons, the proposal would erode the ability to understand and appreciate the historic function of the appeal site and its historic links with Brambles Farmhouse, to the detriment of the significance of this Grade II listed building.

11. The proposal would not lead to a total loss of significance and would not therefore cause substantial harm to the special interest of Brambles Farmhouse, including as derived from its setting. Nevertheless, the appeal scheme would cause less than substantial harm to the significance of this Grade II listed building, to which I ascribe considerable importance and weight.

12. In such circumstances, paragraph 196 of the National Planning Policy Framework (the Framework) indicates that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. There is little evidence before me suggesting that the proposal would constitute the optimum viable use for the site, but it is clear that it would nevertheless make a modest contribution towards housing supply and choice.

13. Moreover, the benefits of the scheme include the repair and reinstatement of collapsed and damaged sections of the boundary walls to the eastern and northern boundaries of the site, although it is of note that the walled garden would not be restored in totality, notably due to the creation of a vehicular access for the proposed dwelling. It would also bring the site back into use. However, when considering the harm that the proposal would cause to the significance of the listed building and its setting, such harm would not be outweighed by the presented public benefits.

14. For the foregoing reasons, the appeal scheme would fail to preserve the special interest of Brambles House and its setting, and would therefore be contrary to Policy HE1 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy¹ (CS) and Section 16 of the Framework, which notably seek to ensure that the significance of all heritage assets and their settings are protected and enhanced.

On the issues of design the Inspector was equally supportive: -

16. ...It is intended to look like an ancillary cart shed style building, which would be located on the edge of the former walled garden, along the northern boundary of the site. However, the footprint of the new dwelling would erode the largely undeveloped character of the walled garden and the contribution it presently makes to its rural surroundings.

17. I also share the concerns raised by the Council regarding the detailing of the proposal, which would be more akin to a Victorian industrial building than a structure typically found in a kitchen garden. The vast expanses of glazing and plethora of rooflights would give the building an overtly domestic character, which would only exacerbate its awkward appearance as a hybrid structure. The harm would be compounded by the proposed vehicular access and design of the proposed entrance which, whilst providing additional screening for the development, would have an urbanising effect and appear at odds with the rural character of this area. Additionally, it would draw further attention to the site as a separate residential plot....

18. In such a sensitive context, the new building would appear as an incongruous feature, which would have a detrimental effect on the rural character and appearance of the area. Whilst it would be largely screened by the boundary walls and mature landscaping, it would, by reason of its position and scale, remain visible from Church Lane, notably from the vehicular access, and from the footpath adjacent to the site's northern boundary.

20. Given the above, I find that the proposal would unacceptably harm the rural character and appearance of the area.

The appeal was dismissed.

The above appeal demonstrates the importance given by Inspectors to the wording of the National Planning Policy Framework (NPPF) in relation to the protection to the setting of Listed Buildings. The decision underlines that importance of properly assessing the significance of heritage assets and for

the Council to robustly challenge applications that fail to appreciate and respond to these.

**3.3 Appeal Reference: APP/D1265/W/20/3263432 and APP/D1265/Y/20/3263430
Planning/Listed Building application References: 6/2020/0316 (HOU) and
6/2020/0317 (LB)**

Proposal: proposed rear single storey extension (existing canopy and post to be removed) and proposed internal ground floor wc'

Address: 8 High Street, Wool BH20 6BP

Appeal: Both appeals were dismissed

Located within the Wool Conservation Area, the appeal site comprises a thatched Grade II listed building constructed during the eighteenth century, which makes an important contribution to the character and appearance of the Wool Conservation Area.

'Despite its single storey scale, the proposed development would span across the entire width of the property's former store element and represent a disproportionate addition to the listed property relative to the footprint of the original cottage. By reason of its excessive size, the new addition would thus erode the appreciation of the listed building, especially as the rear elevation would be entirely screened by subsequent additions, including the rear passageway opening. Furthermore, it would blur the clear distinction between the historic cottage and store components of the property.'

I am also concerned with the design of the proposed extension, which would involve a combination of lean-to, gable and flat roof elements. A section of roof would also be cut out to ensure that the first floor window serving bedroom 1 remains unaffected by the proposal. The resulting built form would appear as a contrived and overly complicated addition, which would harmfully contrast with the simplicity of the host dwelling. Although a contemporary design approach may in some cases be appropriate, the choice of modern materials such as ivory aluminium and the extensive use of glazing would in this instance only exacerbate the awkward and alien nature of the proposal'.

The inspector acknowledged that the additional accommodation provided would benefit the applicants, that the rear of the property is not widely visible within the street scene and noted other extensions in the vicinity, but considered that the development would fail to preserve the significance of no 8 High Street, which makes an important contribution to the character and appearance of the Wool Conservation Area. The magnitude of the harm was judged as less than substantial, to which the inspector added considerable importance and weight.

'The proposed development and works would fail to preserve the special architectural and historic interest of the Grade II listed building known as no 8 High Street, and the character and appearance of the Wool Conservation Area. The appeal scheme would therefore conflict with Policies D and LHH of

the Purbeck Local Plan Part 12, the Purbeck District Design Guide Supplementary Planning Document³ and the Wool Conservation Area Appraisal Document. Amongst other things, these expect development proposals to be of a high-quality design and conserve the appearance, setting, character, interest, integrity, health and vitality of heritage assets. For these reasons, the proposal would also not accord with sections 2, 12 and 16 of the Framework, sections 16(2), 66(1) and 72(1) of the Act.

The benefits associated with the proposal would not outweigh the harm that has been identified and thus the conflict with the development plan. There are no considerations which indicate that the appeals should be determined other than in accordance with the development plan’.

Both appeals were therefore dismissed.

**3.4 Planning Reference: 3/20/1047/FUL
Appeal Reference: APP/D1264/W/21/3266411
Proposal: Construction of a sand school
Address: Horton Farm, Sandy Lane, Three Legged Cross BH21 6RH
Appeal Allowed**

The proposal was for a replacement sand school with associated car parking. It was refused by the Council due to the considerable increase in scale of the proposed sand school and car parking above the existing, and the resultant impact on the openness of the Green Belt and the likely requirement for supporting development which would be inappropriate in the Green Belt.

The Inspector considered that sand school would have no greater impact on openness and that “While the car parking area would be fairly large, there is no substantive evidence as to why it would harm openness”. The Inspector stated that there was no evidence to suggest that there would be a predictable requirement for supporting development and concluded that the proposal was not inappropriate development in the Green Belt.

An application for costs against the council was refused.

**3.5 Planning Reference: 3/20/0553/HOU
Appeal Reference: APP/D1265/D/20/3264368
Proposal: Installation of six dormer windows and one gable window in existing roof
Address: The Oaks, Lane from the Oaks, Horton Hollow to Bethany Chalbury, Horton, BH21 7EP
Appeal Dismissed**

The proposal was for the installation of six dormer windows and a side window in the existing roof at the dwelling. It was refused by the Council as when considered cumulatively with previous extensions the proposed dormers are disproportionate additions over and above the size of the original building and is therefore inappropriate development. The dormers increased the bulk which impacts upon openness.

The Inspector considered that although the site was well screened by mature trees and landscaping, and that there would be no increase in floorspace and the dormers are very modest when considered in isolation, the original building has been enlarged substantially since its construction. Accordingly, the proposal is considered as a disproportionate addition over and above the size of the original dwelling and contrary to Para 143 and 145c of the NPPF.

The Inspector concluded that the proposal would constitute inappropriate development in the Green Belt and would reduce openness to limited extent, but substantial weight is ascribed to the inappropriate nature of the development and to the harm which would be caused to openness. The appeal scheme therefore conflicts with national policy.

3.6 Appeal Reference: APP/D1265/W/20/3261541
Planning Reference: 3/192147/FUL
Proposal: Three storey building comprising 8 apartments inc. landscaping, cycle parking and access works
Address: Rear of 68 to 84 Victoria Road, Ferndown
Appeal: Dismissed

The Inspector refused to consider amended plans submitted as part of the appellant's appeal statement given these would materially alter the scheme and that the interests of third parties would be compromised. The Inspector considered that the main issues were the effect of the proposed development on living conditions of occupants of Homelands House, with particular regard to outlook and privacy; whether satisfactory living conditions would be created for future occupiers, with particular regard to outlook and privacy; and the effect of the proposed development on a protected tree.

The Inspector considered the proposed building would significantly affect outlook from Homelands House (elderly persons sheltered accommodation) and would appear overbearing to the lower floors of this residence.

Overlooking of windows in Homelands House from the proposed building would also be significant and lead to an unacceptable loss in privacy. The Inspector advised that due to the nature of occupancy of the sheltered accommodation residents are likely to spend large amount of time in their flats facing the appeal site and the effect on the living conditions of these occupants would be significant. Trees on the site boundary would not mitigate this impact.

The living conditions of the future occupants of the proposed flats would be adversely affected by the close proximity to the three storey Homelands House given the outlook and overlooking. The relationship between the proposed building and Homelands House was unsatisfactory.

The proposed building is close to a protected tree and windows in the side elevation (facing Osborne Place) would face this tree and light and outlook to these rooms would be limited by the tree. The close proximity may raise concerns of damage to the flats from the tree especially in windy weather

when branches may knock against windows. The building would have an unsatisfactory relationship with the tree.

If the building was allowed, it would make requests to cut the tree back difficult to resist and such works could reduce the visual amenity of the tree.

The Inspector had regard to the lack of 5-year housing supply, re-use of previously developed land and the location of the site with good access to services and facilities but these advantages did not outweigh the harm identified.

The appeal was therefore dismissed.

- 3.7 **Planning Reference: 3/21/0155/HOU,
Appeal Reference: APP/D1265/D/21/3274826
Proposal: Single storey rear extension, raise roof and form rooms in roof-space.
Address: 104 New Road West Parley, Ferndown BH22 8EL
Appeal Dismissed**

104 New Road is a detached bungalow positioned within a row of dwellings set back from the road behind comparable sized front gardens

The refused application sought to erect a single storey rear extension, raise roof and form rooms in roof-space. Dismissing the appeal, the inspector considered main issue to be the effect of the proposal on the character and appearance of the surrounding area.

The appeal property sits in a row of mostly bungalows with simple forms, many with hipped roofs. Several of the bungalows have been extended, including rooms in the roofs and also rear extensions. There are houses to each end of the row, and these form tall termini to the bungalows between them. The similar heights of the bungalows, their simple forms and their modest sizes, gives a harmonious and distinct appearance to the row.

The proposed roof and rear extensions to No 104 would substantially increase both the depth and height of the building. The increased height would be visible from some distance away above the roofs of the nearby bungalows and appear unduly prominent within the row. Whilst the appellant refers to the roof needing to be raised for the financial viability of the scheme and to provide head-space for the rooms of the first floor, the extent of the height increase and the long length of the extended dwelling would be harmfully apparent above the roofs of other bungalows. The combined effect of the roof and rear extensions would create a tall, long and bulky building, that would have an overbearing and dominating juxtaposition with the modest properties either side.

Taken as a whole, the large size and the form of the extended dwelling would be a disruptive and incongruous addition to the row. 106 New Road would

also be overwhelmed by the close proximity of being between two large and tall buildings.

The appellant has also referred to a fallback alternative being available under permitted development rights. On this point the inspector states:

'...it is not the role of an Inspector when dealing with an appeal for planning permission to conduct an exercise as to lawful use and operation in order to decide whether the appellant might be able to rely on permitted development rights as a fallback. Having regard to the appellant's comments concerning the head height requirements for a first floor and the limited information provided of what an alternative scheme would look like, the weight that I can attribute to any fallback in this instance is limited.'

The inspector concluded that the scheme would fail to respect the character and appearance of the area, and this would be contrary to Policy HE2 of the Development Plan and the NPPF.

Local residents raised a number of matters, including concerns with regard to the levels of sunlight experienced and increased shading. As the appeal was being refused for other reasons these were not considered further.

**3.8 Planning Reference: 3/21/0155/HOU,
Appeal Reference: APP/D1265/D/21/3274826
Proposal: Single storey rear extension and first floor side extension
including alterations to remodel the existing dwelling
Address: 80 Woodlinken Drive, Verwood, BH31 6BW
Appeal Allowed**

The householder application for extensions to the dwelling was refused under delegated powers because it was considered that the scale, bulk and design of the first floor extension and the proposed charred wooden cladding of the dwelling would appear visually incongruous and harmful to the character of the area and would result in an oppressive appearance for the occupiers of the neighbouring property.

No. 80 is a detached two storey property with a flat roof dormer in a catslide roof to the side. It is located between another two storey dwelling, to which it is similar in style, and a bungalow. The residential area has a mix of property types with a predominance of bungalows interspersed by dormer bungalows and 2-storey dwellings.

The Inspector acknowledged that the proposed alterations comprising a 2-storey, flat roof side extension, oriel windows and cladding were modern in terms of design and use of materials but opined that modern design was not inherently incongruous and there were other examples of modern approaches to design within the locality. She referred to paragraph 127 of the National Planning Policy Framework which states that decisions should ensure that developments are sympathetic to local character while not preventing or discouraging appropriate innovation or change. The Inspector identified that the key features that characterised the area- the main pitched roof, the set

back and sense of space- would be retained, so considered that the development would not detract from the local area.

Considering the impact on the neighbours, the Inspector judged that the intervening garage and set back of the bungalow meant that the proposal would not result in an overbearing impact or diminish light to such an extent that it would impact on the living conditions of the neighbouring bungalow.

The appeal was allowed subject to a condition requiring details of the external materials to be agreed.

Costs against the Council were refused. The appellant had argued that the Council should have considered imposing a condition to control materials rather than refusing permission but the Inspector noted that materials were only one aspect of the reason for refusal so the Council had not acted unreasonably.

3.9 Planning Reference: 3/20/1510/HOU
Appeal Reference: APP/D1265/D/21/3272221
Proposal: Boundary fence and associated landscaping
Address: 164 Springdale Road, Corfe Mullen, BH21 3QN
Appeal Allowed

A close board fence approximately 1.85m high set between substantial posts approximately 2.5m high had been erected in March 2019 along the front boundary of the dwelling. A retrospective application was refused in November 2019 and a subsequent appeal was dismissed in May 2020.

There are a variety of boundary treatments along Springdale Road but in the vicinity of the property front boundaries are predominantly vegetated and this vegetation, together with trees and open land to the south side of the road gives this section of Springdale Road an attractive verdant character and appearance. The original fence had been judged to be an incongruous feature, the posts being particularly incongruous as they projected significantly above the panels and were of an unusual form with grill infill panels and prominent fastenings.

Following the original appeal, the applicant sought permission for an amended scheme with the fence posts lowered to align with the height of the fence panels and the metal infill panels to be painted brown to match the wood. The Inspector in the latest appeal agreed that the current fence caused harm to the character and appearance of the area. He considered that the proposed changes would offer some visual improvement but would not overcome the fact that the tall fencing was at odds with the local distinctiveness of the area. He did not give significant weight the proposed planting of Cypress trees and Thuja Cedar in front of the fence because the planting strip was so narrow.

However, the attention of the Inspector was drawn to a previous approval in April 2000 for extensions to the dwelling which had included a front boundary wall including boarded timber infill panels above a wall with a total height of about 1.8m. The permission was extant as the works to the dwelling had been

implemented. In this case the Inspector considered that there was a greater than theoretical possibility of the wall being constructed as a fallback option. He therefore gave significant weight to the fallback as a material consideration. The wall would be a solid and permanent structure which would be out of keeping with the local distinctiveness of the area and would not soften as could be anticipated with the proposed fence. He therefore judged that the approved wall would be more harmful than the proposed fence.

Notwithstanding the conflict with policy HE2, and para 127 of the NPPF, the material considerations led to the appeal being allowed.

- 3.10 Planning Reference: 3/19/1637/FUL**
Appeal Reference: APP/D1265/W/20/3260799
Proposal: Demolish existing dwelling and erect a block of 4no 2-bedroom flats and 1no 3 bedroom flat, with associated parking and access.
Address: 313 New Road, Ferndown, Dorset, BH22 8EJ
Appeal Dismissed

The proposal was refused by the Council due to the uncharacteristically large parking area proposed adjacent to its Chander Close assess. As a consequence, it was considered that the proposed development would significantly harm the character of the New Road Special Character Area and would also significantly harm the character of Chander Close to the rear of the site. The proposal was also refused due to the inadequacy of the Arboricultural Report, because it was overly reliant on the use of obscure glazing and because it provided inadequate amenity for occupants.

The Inspector considered the main issues to be the effect of the proposal on the character and appearance of the area, including trees, and on the living conditions of neighbouring occupiers in respect of privacy; and whether the proposal would provide a satisfactory standard of accommodation and living conditions for future occupiers of the proposed flats.

The Inspector found that while the design of the proposed building would be acceptable, the proposed large parking areas and paths would harm the character and appearance of the area.

The Arboricultural information was found to be inadequate. The Inspector concluded that he cannot be certain that the proposed footpath, parking and turning areas can be constructed without adversely affecting the retained trees.

The Inspector found that overlooking of neighbours could be adequately dealt with by the use of obscure glazing but that this would result in poor living conditions for Flat 4 that the bedroom to ground floor Flat 1 lacked privacy.

Appeal decisions from the Southern/western and Northern Committee areas

3.11 Appeal Reference: APP/D1265/W/20/3265649

Planning Reference: WD/D/19/003186

Proposal: Demolition of original farmhouse in Conservation Area.

Erection of 1 no. new 4 bed low carbon house (with variation of condition 1 of planning approval WD/D/17/002888 to amend approved plans) without complying with a condition attached to planning permission Ref WD/D/17/002888, dated 23 April 2018

Address: Homestead Farm, Main Street, Bothenhampton, Bridport, DT6 4BJ

Decision: Allowed

The planning application was considered by the Western and Southern Area Planning Committee in August 2020. The case officer for the application recommended to the committee that the application be approved. The committee decision was to refuse planning permission for the following reasons:

1. The proposal is visually dominating and prominent built form of development, out of character to the area. The site is located within the Conservation Area and where the wider setting of that area is affected such that the proposal does not “preserve” or “enhance” that area as is required and set out given the statutory Section 72 test of the Planning (Listed Building and Conservation Areas) Act 1990. On that basis it has an adverse impact on the existing Conservation Area character and harms the Conservation Area character and appearance. That harm would be less than substantial but there are no wider public benefits arising from the proposal that would outweigh that harm in the planning balance. As such the proposal would not be in accordance with Policies ENV4, ENV10 OR ENV12 of the West Dorset, Weymouth and Portland Local Plan (2015); Policies HT2, D1 and D8 of the Bridport Neighbourhood Plan; nor paragraph 127 and section 16 of the National Planning Policy Framework (2019) and in particular para 192 which states:

In determining applications, local planning authorities should take account of:
c) the desirability of new development making a positive contribution to local character and distinctiveness.

2. The proposed development by reason of its mass, scale and bulk has an unduly dominating and overbearing impact when viewed from existing neighbouring properties in Main Street and Duck Street. As a result it sits uncomfortably in relation to those neighbouring occupiers and is detrimental to their amenity (outlook). Its mass, scale and bulk is also detrimental to the character and appearance of the area. As such the proposed development would be contrary to Policies ENV10, ENV12 & ENV16 of the West Dorset, Weymouth and Portland Local Plan (2015); Policies D1 & D8 of the Bridport Neighbourhood Plan; and Section 12 of the National Planning Policy Framework (2019) and in particular paragraph 127 which states amongst

other things that decisions should ensure that developments provide a high standard of amenity for existing and future users.

The refusal of planning permission was appealed, and the appeal was considered by the Planning Inspectorate by means of a Public Inquiry held virtually in May 2021.

The Inspector considered the main issues in the determination of the appeal to be the effect of the development on:

- The character and appearance of the area including whether the development preserved and enhances the character or appearance of the Bothenhampton Conservation Area (CA).
- The effect of the development on the living conditions of the occupants of neighbouring properties on Main Street and Duck Street with regard to outlook.

Conservation Area:

The Inspector noted that there was no dispute that the different elements of the building have been constructed with each element higher than indicated in the 2018 permission, noting that the variations range from 0.15m to 0.81m with smaller variations applying to the replacement buildings closest to Main Street.

The Inspector commented on the noteworthy difference in height between existing buildings on the high pavement opposite the appeal site and the appeal building and that the difference sets the context of the relationship between the new and existing properties.

The Inspector noted that the 2018 permission accepted the replacement of the demolished structures with a new building tight up against Main Street and further structures running at right angles which replace the original buildings. The increase in height of these particular elements (0.15m, 0.27m and 0.32m) are in the view of the Inspector very small and do not materially alter the character or significance of the group of buildings or the streetscape within the CA. The Inspector considered that this didn't negatively impact on the ability to appreciate the high hills, hedge and trees which contribute the wider setting of the CA from the high pavement.

The Inspector when visiting the site and viewing the development from the raised pavement on Main Street noted that there was no one point where the building can be seen in its totality given the "Y" shaped configuration and this limits the ability to experience all elements of the building at the same time and that the modern elements are not visible in the streetscape of Main Street until immediately in front of the appeal site.

The Inspector noted that there would be changes visible from the high pavement toward the horizon, but that the key consideration was whether they

would be harmful to the experience of the CA to observers from the high pavement and thereby negatively affecting its character. The Inspector considered that from the evidence before her and her observations on site that the changes would not negatively affect its character.

The Inspector concluded in respect of the Conservation Area that taking account of the heights of the building on Main Street; the topography of the surroundings; and the limited alteration to the vista across the appeal site, that the development does not have a harmful impact upon the character and appearance of the area and in this regard preserves the character of the CA in a similar way to the 2018 permission.

Amenity

The Inspector stated that the amenity impact in dispute is concerned with the effect of the development upon the outlook from a number of adjacent properties.

The Inspector observed the view from each of the seven properties identified by the Council as sensitive receptors affected by the increased height of the various elements of the development. The Inspector concluded that by reason of the separation distances to existing and elevated properties on the high pavement of Main Street, the development does not adversely affect the outlook from any of the properties cited along Main Street.

In respect of the property on Duck Street the Inspector considered that the change in detail given the distanced involved does not result in a substantially different relationship than would have resulted from the construction of the 2018 permission and as such would not be harmful to the outlook of occupants of that property.

The Inspector stated that “the increased height of the building removes marginally more of the view across the appeal site than the original consent but that fact, in itself, does not mean that the structures are “overbearing” to adjacent properties. Whilst residents of the existing properties have inevitably experienced a change in their outlook and now see a larger structure this does not inherently cause harm to amenity. The loss of a view must not be confused or conflated with harm to outlook.” The Inspector conclude that there was no conflict with the relevant policies of the local plan and neighbourhood plan.

Other Matters:

The Inspector noted that there was no evidence before her which would lead her to disagree with the main parties’ case that the development does not have any adverse effect on the AONB.

The reason for the changes to the height of the buildings as set out by the appellant was noted as a separate issue to the effect of the external height changes on the character or appearance of the CA and as such the

Inspector said that the matter has not been determinative to the outcome of the appeal.

The Inspector noted the frustration of local residents in respect of the appellant's deviation from the approved plans but advised that the application is determined on its own merits and whilst the concerns of representors was noted they did not alter the findings of the main issues.

Conclusion:

The Inspector stated "In conclusion, I have found that the proposal would accord with the Development Plan and the objectives of the Framework. I have not found any other harm arising from the changes made from the 2018 planning permission. Consequently, for the reasons set out above, the appeal is allowed without compliance with the original condition No.1 related to plans approved under WD/D/17/002888, subject to conditions as set out in my formal decision."

An application for costs against the Council was refused.

On these points the Inspector ascribed substantial weight to the harm which would be caused to the Green Belt and afforded great weight to the harm which the proposal would cause to the rural character of the area.

The appeal was therefore dismissed on this basis.