



Eastern Area Planning Committee

Date: Wednesday, 1 December 2021

Time: 10.00 am

Venue: MS Teams Live Event / Virtual

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, County Hall, Colliton Park, Dorchester, Dorset DT1 1XJ

For more information about this agenda please telephone Democratic Services on 01305 251010 or David Northover on 01305 224175 -

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Members of the public are welcome to view the proceedings of this meeting, with the exception of any items listed in the exempt part of this agenda. MS Teams with Outside Broadcasting (please see link below)

Link for the meeting:-

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MTY0ZDg5NWltNzExOS00Y2FmLWI2NzAtMDNhZjE2NjUwNGZh%40thread.v2/0?context=%7b%22Tid%22%3a%220a4edf35-f0d2-4e23-98f6-b0900b4ea1e6%22%2c%22Oid%22%3a%226b0f9558-2fa4-49d1-82dc-5ad39a1bb4c7%22%2c%22IsBroadcastMeeting%22%3a%22true%7d&btype=a&role=a

Members of the public are invited to make written representations provided that they are submitted to the Democratic Services Officer no later than **8.30am on Monday 29 November 2021**. This must include your name, together with a summary of your comments and contain no more than 450 words.

If a Councillor who is not on the Committee wishes to address the Committee, they will be allowed 3 minutes to do so and will be invited to speak provided that they have notified the Democratic Services Officer by **8.30am on Monday 29 November 2021**.

Please note that if you submit a representation to be read out on your behalf at the committee meeting, your name, together with a summary of your comments will be recorded in the minutes of the meeting.

Using social media at virtual meetings

Dorset Council is committed to being open and transparent in the way it carries out its business whenever possible. Anyone can use social media such as tweeting and blogging to report the meeting when it is open to the public.

Please Note: In the light of the increasing Covid-19 case rates and the projected increases through August, into September and further into autumn, in consultation with group leaders, the Chief Executive has exercised his emergency powers to revert to informal virtual meetings. This has since been compounded by the need to be able to webcast meetings that take place 'in person' - which is not readily available at this time - so the decision to maintain virtual meetings for now has been taken by the appropriate Director.

Where a decision is required, committee members will express a 'minded to' decision in respect of recommendations set out in officer reports, with decisions being made under officer delegated authority in the light of 'minded to' decisions expressed by members in the virtual meetings.

Accordingly, this meeting has those arrangements in place.

AGENDA

Page No.

1 APOLOGIES

To receive any apologies for absence

2 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.

3 PUBLIC PARTICIPATION

5 - 6

Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the [Guide to Public Speaking at Planning Committee](#).

4 3/20/2260/FUL - TO SEVER PLOT, DEMOLISH REMAINING PART OF EXISTING DWELLING AND ERECT REPLACEMENT DWELLING AT SMUGGLERS HYDE, 47 BROOK LANE, CORFE MULLEN

7 - 26

To consider a report by the Head of Planning.

5 6/2020/0560 - TO CONVERT AND EXTEND EXISTING BARN INTO 4 X 2 BEDROOM RESIDENTIAL UNITS WITH PARKING AND THE REUSE OF EXISTING ACCESS AT SPYWAY ORCHARD BARN, DURNFORD DROVE, LANGTON MATRAVERS

27 - 46

To consider a report by the Head of Planning.

6 3/21/1259/TTPO - T1 OAK: REDUCE THE CANOPY TO THE PREVIOUS PRUNING POINTS CA. 1.5-2M IN ALL DIRECTIONS. REMOVE EPICORMIC GROWTH. REMOVE EPICORMIC GROWTH. DEADWOOD. T2 OAK: POLLARD THE TREE BY REDUCING THE HEIGHT BY CA. 4-5M AND THE SIDES BY 2-3M. REMOVE

47 - 52

**LOWEST LATERAL GROWING INTO T1 AT 23 BEAUFOYS
AVENUE, FERNDOWN,**

To consider a report by the Head of Planning.

7 URGENT ITEMS

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

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

Dorset Council

Covid-10 Pandemic – Addendum to the Guide to Public Speaking Protocol for Committee meetings – effective from 29 July 2020

Due to the Covid-19 pandemic the council has had to put in place measures to enable the council's decision making processes to continue whilst keeping safe members of the public, councillors and council staff in accordance with the Government's guidance on social distancing by applying new regulations for holding committee meetings from remote locations.

The following procedures will apply to planning committee meetings until further notice, replacing where appropriate the relevant sections of the Guide to Public Speaking at Planning Committees:

1. While planning committee meetings are held remotely during the Coronavirus outbreak public participation will take the form of written statements (and not public speaking) to the Committee.

2. If you wish to make a written statement it must be no more than 450 words with no attached documents and be sent to the Democratic Services Team by 8.30am, two working days prior to the date of the Committee – **i.e. for a committee meeting on a Wednesday, written statements must be received by 8.30am on the Monday**. The deadline date and the email contact details of the relevant democratic services officer can be found on the front page of the Committee agenda. The agendas for each meeting can be found on the Dorset Council website:-

<https://moderngov.dorsetcouncil.gov.uk/mgListCommittees.aspx?bcr=1>

3. During this period the council can only accept written statements via email and you should continue to bear in mind the guidance in the public speaking guide when preparing your representation.

4. The first three statements received from members of the public for and against the application (maximum six in total) will be read out together with any statement from the town and parish council, by an officer (but not the case officer), after the case officer has presented their report and before the application is debated by members of the Committee. It may be that not all of your statement will be read out if the same point has been made by another statement and already read to the Committee. This is to align with the pre-Covid-19 protocol which limited public speaking to 15 minutes per item, although the Chairman of the Committee will retain discretion over this time period as she/he sees fit. All statements received will be circulated to the Committee members before the meeting.

5. This addendum applies to members of public (whether objecting or supporting an application), town and parish councils, planning agents and applicants. **The first three statements received from members of the public, for and against the application, (maximum six in total) will be read out, together with any statement from the Town and Parish Council, in its own right.**

6. Councillors who are not on the Planning Committee may also address the Committee for up to 3 minutes by speaking to the Committee (rather than submitting a written statement). They need to inform Democratic Services of their wish to speak at the meeting two working days before the meeting – by the 8.30 am deadline above - so those arrangements can be put in place.

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1.0 Application Number: 3/20/2260/FUL

Webpage: <https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=374210>

Site address: Smugglers Hyde, 47 Brook Lane, Corfe Mullen, BH21 3RD

Proposal: Sever Plot, Demolish Remaining Part of Existing Dwelling & Erect Replacement Dwelling

Applicant name: Mr N Briant

Case Officer: Kevin Riley

Ward Members: Cllr Barron and Cllr Harrison

1.1 Reason application is being considered by the Committee:

The Parish Council has made a written representation relating to the application which contains a response that, in the opinion of the nominated Officer, is contrary to the Officer recommendation; The written representation has not been withdrawn and the application is therefore referred to Planning Committee for determination in accordance with section 134(vi)(a)(2) of Part 3 – Scheme of Delegation – Officer scheme of delegation for Dorset Council of the Dorset Council Constitution.

2.0 Summary of recommendation:

- A.** That the Committee would be minded to GRANT planning permission for the application subject to the conditions set out in the report and the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

An agreement not to build out the approved dwelling to the north of the site (3/19/0382/FUL)

and recommends that the Head of Planning or Service Manager for Development Management and Enforcement determines the application accordingly.

- B.** That the Committee would be minded to refuse planning permission for the reasons set out below if the legal agreement is not completed by 1st June 2022 or such extended time as agreed by the Head of Planning:

Reason: In the absence of a satisfactory and completed legal agreement not to build out the approved dwelling to the north of the site (3/19/0382/FUL), there would be an extant planning permission for a development considered to be incompatible with the proposal; due to the contrast in design style and close juxtaposition of the dwelling in this proposal and the approved dwelling to the north of the site these two dwellings would read as one disproportionately large building with a visually discordant relationship with each other and the

neighbouring development. As such the proposal would be contrary to policy HE2 and paragraph 134 of the NPPF 2021.

and recommends that the Head of Planning or Service Manager for Development Management and Enforcement determines the application accordingly.

3.0 Reason for the recommendation:

- The proposal is located within the boundary of the Corfe Mullen urban area and is considered to be sustainable and acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- Highway safety is not harmed by the proposal.
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	The development is in accordance with policy KS2 Settlement Hierarchy
Impacts on the character of the area & compatibility with extant planning permissions adjacent to the site	Acceptable subject to applicant entering into a S106 agreement with the Council not to build out an extant permission on the adjacent site.
Impacts on neighbouring amenity	No significant harm identified
Density of the development	The development is within the limitations set by policy LN2 <i>Design, Layout and Density of New Housing Development</i>
Amenity for future occupants	Satisfactory
Highways impacts	No objection from the Highway Authority
Impact on Dorset Heathlands	Acceptable subject to mitigation measures
Biodiversity impact	Acceptable subject to a condition to provide biodiversity enhancement measures at the site
Other issues raised by third parties:	
<ul style="list-style-type: none">• Surface water flooding and construction safety concerns	Surface water flooding and construction are regulated by Building Control and other non-planning legislation.
<ul style="list-style-type: none">• Restrictive covenant binds the land	This is not a planning matter

<ul style="list-style-type: none">• Accuracy of plans	Plans are considered to be sufficiently accurate for the purposes of determining a planning application
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5.0 Description of Site

- 5.1 The site is formed from a subdivision of the land comprising 47 Brook Lane, also known as Smugglers Hyde, and is located in the south-west corner of that land. The remaining northern (side) and eastern (rear) parts of the Smugglers Hyde plot separate the site from neighbouring property to the north and east. The southern boundary of the site is a shared boundary with No 49 Brook Lane (also known as Kestor). There are two existing accesses serving Smugglers Hyde, located close to the northern and southern site boundaries. Smugglers Hyde was damaged by fire several years ago and has been partially demolished. Ground levels fall away across the site from north to south and rise from west to east. The applicant advises that a strip of land shown on plans hatched blue at the front of the site is part of the title for Smugglers Hyde but does not form part of the application site. The Smugglers Hyde plot is approx. 0.14ha (excluding the blue hatched land) of which the application site comprises approx. 0.057ha of land.
- 5.2 The site lies within the urban area of Corfe Mullen and close to the western periphery of the settlement. Land to the west of the application site is agricultural and lies within the South East Dorset Green Belt and within an Area of Great Landscape Value. Brook Lane is also a Bridleway. The unmade section of Brook Lane in the vicinity of the site is characterised by detached dwellings, relatively well spaced apart, in a mixture of architectural styles.
- 5.3 Across the Lane and opposite to the western boundary of the site is a line of Oak trees covered by a TPO. The Council's Tree Officer has advised that it is unlikely that any roots grow under Brook Lane and therefore those trees will not be affected by the proposed development.

6.0 Description of Development

- 6.1 It is proposed to sever the plot, erect a new dwelling facing Brook Lane with a detached car port at the front of the site and a garden store in the rear garden. The proposal will necessitate the demolition of the remaining southern part of Smugglers Hyde dwellinghouse (the central part of that dwelling has already been almost completely demolished).
- 6.2 Of relevance to this proposal, also being considered by the Council concurrently with this application are two alternative applications to develop the northern side of the site for one dwelling and an alternative proposal to develop the southern side of the site (the application site) for one dwelling. A parcel of land in the rear southeast corner of the Smugglers Hyde plot does not form a part of any of the current applications.
- 6.3 Amended plans have been received for this application in which the car port has been relocated further to the north and reduced to a single car port and the proposed dwelling relocated further back into the site (further to the east) by approx. 1.7 metres.

7.0 Relevant Planning History

- 7.1 The existing dwelling known as Smugglers Hyde was extensively damaged by fire in 2004. The site has since been the subject of a large number of planning applications. Those pertinent to this application are listed below (those that are believed to have lapsed or were refused are in grey):

Planning application	Proposal	Decision	Comments
3/21/0953	Sever plot, demolish remaining section of existing dwelling and garage and erect replacement dwelling on the northern side of the site.	Under consideration	Alternative proposal for the northern part of the plot Note: An Appeal has been lodged with PINS – Reason given: the LPA has failed to give notice of its decision within the appropriate period
3/21/0603	Demolish remaining section of the existing dwelling & garage & erect a new dwelling on the northern side of the land	Under consideration	Alternative proposal for the northern part of the plot Note: An Appeal has been lodged with PINS – Reason given: the LPA has failed to give notice of its decision within the appropriate period
3/21/0830	Sever plot, demolish remaining section of existing dwelling & erect a Replacement Dwelling.	Under consideration	Alternative proposal for the southern part of the plot Note: An Appeal has been lodged with PINS – Reason given: the LPA has failed to give notice of its decision within the appropriate period

3/19/0382	Erect replacement dwelling and garden studio after demolition of existing.	Granted 24/04/19	Detached dwelling on the northern part of the plot
3/18/2945	Demolish existing dwelling and garage- erect replacement dwelling	Refused; appeal dismissed	Detached dwelling on the northern part of the plot refused on design grounds.
3/18/2946	Erect a New Dwelling and Garage on the South Side of the Land	Granted 13/12/18	Detached dwelling on the southern part of the site.
3/18/2273	Demolish Existing Dwelling & Erect a New Dwelling.	Granted 19/10/18	An alternative two storey replacement dwelling at the front of the site
3/18/2054	Demolish existing dwelling & erect new dwelling	Granted 24/09/18	An alternative two storey design for a backland dwelling at rear of site
3/18/0883	Demolish existing garage and erect an additional dwelling at the rear of the site	Granted	An alternative 1 storey design for the backland dwelling
3/17/1556	Replacement dwelling and detached annex	Refused (appeal dismissed)	Two buildings, replacement dwelling including angled wing- issues of character & compatibility with rear plot
3/16/2307	Replacement 5-bedroom dwelling	Refused	5 bedroom dwelling parallel with Brook Lane with angled wing- issues of character and overlooking
3/16/2283	Replacement dwelling and attached garage	Refused	Dwelling parallel with Brook Lane with angled wing incorporating

			garaging- issue impact on character
3/16/2283	Replacement dwelling and garage	Refused	Dwelling with two storey wings- issue scale and bulk inc. garaging proximity to highway.
3/16/1856	Sever land and erection of 1 x 3 bed dwelling	Appeal upheld (8.3.18)	Two storey backland dwelling
3/15/1189	Replacement Dwelling	Granted (believed to be extant; applicant states development commenced)	4-bedroom dwelling facing Brook Lane
3/15/0348	Erection of three dwellings	Refused (appeal dismissed)	Issue- character (not prejudicial to living conditions)
3/13/1183	Replacement dwelling	Granted (lapsed)	The design and siting of the approved dwelling is the same as 3/11/0614
3/11/0911	Replacement dwelling on the northern part of the site	Granted (lapsed)	Subdivision of the plot and dwelling facing Brook Lane to north
3/11/0614	Replacement dwelling	Granted (lapsed)	Replacement for original
3/10/0939	Replacement dwelling	Refused (appeal dismissed)	Issue- out of keeping with character due to scale
3/09/0083/RM	Demolish existing dwelling and erect two dwellings	Granted (but lapsed)	Two dwellings facing Brook Lane

8.0 List of Constraints

SSI Impact Risk Zone
Groundwater Protection Zone
Green Belt (adjacent)
Heathland 5km Consultation Area
Rights of Way
Airport Safeguarding
Main Urban Area
Source Protection Zone
Tree Preservation Order
AGLV (adjacent)

9.0 Consultations

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

Consultees

1. County Rights Of Way Officer

No comments received

2. DC Trees & Landscape

No comment received (no significant trees are affected by the proposal)

3. Corfe Mullen Town Council

- Dangerous access.
- Unadopted lane unsuitable for additional traffic.
- Density of development contrary to policy LN2.
- Large size of dwelling contrary to character of area and policy HE2.
- Overdevelopment of plot.
- Street scene misrepresentative.
- Neighbours overlooked.

4. Dorset Council Highways

No objection subject to conditions

Representations received

Three letters of representation have been received objecting to the proposal for the following summaries reasons:

- Overdevelopment.
- Contrary to character of the area.
- Insufficient parking.

- Overbearing to occupants of No 49 Brook Lane.
- Loss of privacy of neighbours.
- Increased risk of flooding.
- Will harm protected species.
- Basement excavations may harm neighbouring property.
- Increased light pollution.
- Car port details inadequate.
- Garden too small for dwelling.
- Restrictive covenant on land prevents construction of additional dwellings.

Total - Objections	Total - No Objections	Total - Comments
3	0	0

10.0 Relevant Policies

10.1 Development Plan Policies:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Christchurch and East Dorset Local Plan and saved policies of the East Dorset Local Plan (2002).

The following policies are of particular relevance in this case:

KS1	Presumption in favour of sustainable development
KS2	Settlement Hierarchy
KS4	Housing Provision in Christchurch and East Dorset
KS12	Parking Provision
LN1	The Size and Type of New Dwellings
LN2	Design, Layout and Density of New Housing Development
HE2	Design of new development
HE3	Landscape Quality
ME1	Safeguarding biodiversity and geodiversity
ME2	Protection of the Dorset Heathlands
ME6	Flood Management, Mitigation and Defence

Other material considerations

10.2 The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

10.3 National Planning Policy Framework:

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant

policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

NPPF sections of particular relevance include:

- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 11 'Making effective use of land'. Paragraph 120d advises that planning policies and decisions should promote and support the development of under-utilised land and buildings.
- Section 12 'Achieving well designed places proscribes that all development is to be of a high quality in design, and the relationship and visual impact of it is to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities

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

- Section 15 'Conserving and Enhancing the Natural Environment'- Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

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.

During the construction process the increase in traffic and noise is likely to have a greater impact on any neighbouring residents who, as a result of disability or age, are unable to leave their homes. The completed dwelling is not judged to result in any disadvantage to persons with protected characteristics.

13.0 Financial benefits

Material considerations

None relevant

Non-material considerations

CIL contributions

14.0 Climate Implications

The site is within the main urban area boundaries of Corfe Mullen. As such the location is considered to be sustainable and the proposal therefore has no significant climate implications.

15.0 Planning Assessment

The principle of the development

- 15.01 The site lies within the urban area where the principle of additional development is acceptable under policy KS2. The proposed three-bedroom dwelling would make a modest contribution to housing provision in accordance with policies KS4 and LN1.

Impacts on the character of the area & compatibility with extant planning permissions adjacent to the site

- 15.02 The site lies adjacent to an un-made section of Brook Lane along which there are moderately sized detached dwellings in a mixture of architectural styles. The proposal would result in the subdivision of the Smugglers Hyde plot for the erection of a new dwelling on the southern side of the site, set towards its front, with the northern half of the plot held in reserve for the applicant's other applications for a dwelling on that part of the site, either for the dwelling approved by 3/19/0382/FUL or the other applications currently under consideration.

- 15.03 There have been several applications to develop the western side (front) of the Smugglers Hyde site for one large dwelling, the more modest of which have been granted planning permission; in 2010 an appeal for a refused three storey replacement dwelling was dismissed because the Inspector judged that the proposed dwelling would increase the height, bulk, mass and scale such that it would be out of keeping. Subsequently, extant permission 3/15/1189/FUL granted a lower but 23m wide dwelling parallel with the highway and more recently permission 3/18/2273/FUL has granted an alternative design including a detached front garage. These extant permissions are material considerations which have been given some weight in the determination of this application. There have also been previous applications to develop the front of the site for two smaller dwellings, of which the most relevant are applications 3/09/0083/RM (lapsed) and the recently approved 3/18/2946/FUL (one dwelling, southern part of the site) in combination with 3/19/0382/FUL (one dwelling, northern part of the site).
- 15.04 This latest proposal to develop the southwestern part of Smugglers Hyde for one dwelling is broadly comparable to plot 2 of approval 3/09/0083/RM and also the dwelling approved by 3/18/2946/FUL in terms of its separation from Kestor; in the current proposal there would be approx. 12.5 metres between these two dwellings at the closest point, which compares favourably to the separation between the dwelling in approved application 3/18/2946/FUL and Kestor, of approx. 10.5 metres. The traditional design and scale of the latest proposal is considered to respect that of the neighbouring dwellings. Plans show the proposal would have a similar ridge height to Kestor and also the approved dwelling. In terms of its design, bulk and spacing from neighbouring dwellings, it is considered that the proposal would form a relatively harmonious visual grouping with neighbouring dwellings Kestor and Kimberly, further to the southwest, and would be compatible with the semi-rural character of that part of Brook Lane. The proposed carport lies forward of the building line but there is already precedent for outbuildings in the locality along the Brook Lane street frontage at no. 157, and also within the site itself. The modest size and position of the proposed car port relative to the proposed dwelling is such that it relates satisfactorily to the dwelling and street scene. There are double garages at the front of the site in approved applications 3/18/2273/FUL and 3/18/2946/FUL.
- 15.05 Notwithstanding the satisfactorily relationship that the proposal would have with the existing neighbouring development, for the proposal to successfully assimilate into the street scene in the longer term it must also be compatible with the other development proposals for the remaining land in the Smugglers Hyde plot, to the north and east of the site. The design style used for the approved dwelling to the north of the site (3/19/0382/FUL) is significantly different to the proposed dwelling in this application and, if built out, would be almost abutting the side of this proposed dwelling. Due to the contrast in design style and close juxtaposition of the dwelling in this proposal and the approved dwelling to the north of the site these two dwellings would read as one disproportionately large building with a visually discordant relationship. As such, if this proposal is approved, it will be necessary for the applicant to enter into a planning obligation not to build out the approved dwelling to the north of the site. The other two applications for a dwelling to the north of the site, currently under consideration, will be considered on their own merits and in the context of this application, if approved.

- 15.06 It is noted that the approved application for the current proposal site was itself accompanied by a unilateral undertaking dated 10 December 2018 which prevents the extant permissions for a dwelling to the rear of the plot from being implemented should permission be granted; in that case the planning obligations were necessary due to the considerable depth of the proposed dwelling (much greater than currently proposed).
- 15.07 It is further noted that the applicant has appealed to the Planning Inspectorate against the Council's failure to determine his two current applications for the north of the site and alternative application for this application site, within the appropriate period of time.
- 15.08 Overall, the proposal is judged to be compatible with its surroundings as required by policy HE2 and will not result harm to the landscape as required by policy HE3.

Density of development

- 15.09 The Parish stated a concern that the proposal would lead to a density of development that is contrary to policy LN2 and an overdevelopment of the plot. However, the density of the development would remain significantly below the 30 dwellings per hectare recommended by policy LN2 and the Council has previously approved applications to develop the Smugglers Hyde plot for two dwellings.

Impacts on neighbouring amenity

- 15.10 Adjoining neighbours have raised concerns about the impacts of the proposal on their amenity. As the application site is separated from properties to the north and east by the remaining land of the Smugglers Hyde plot, it is considered that the proposal will only have a significant effect on the dwelling known as Kestor, to the southwest of the site. The site is on higher ground than Kestor, which is also set forward of the proposed dwelling and angled towards the application site. Due to its orientation, the east side elevation of Kestor functions as a rear elevation and faces its main outdoor "rear" amenity space and also towards the application site.
- 15.11 Due to the generous 12.5 metre distance between Kestor and the proposed dwelling it is considered that the proposal will not cause significant harm to the amenity of Kestor in terms of overbearing or loss of outlook. In this regard the proposal would have less effect than the approved dwelling for the site (3/18/2946/FUL) which has a much greater front to rear depth at second storey level than currently proposed.
- 15.12 The proposal has no first-floor side facing windows. However, the front elevation of the proposal is set to the rear of Kestor which would allow limited overlooking of the "rear" of Kestor from the front windows of the proposal. Any overlooking of Kestor from the first-floor windows on the front elevation of the proposal would be from an oblique angle but also from a relatively close distance. However, the proposal's closest first floor room to Kestor is a bathroom and as such can be conditioned to be obscure glazed (proposed condition 7), the next closest is only to a hallway and furthest away and set further forward is a bedroom window from

where any overlooking of Kestor is prevented from being significantly harmful to the privacy of Kestor by the very oblique angle and increased distance. Due to the difference in levels between the proposed dwelling and Kestor it is considered a necessary precaution to remove Permitted Development rights (proposed condition 6) for additional windows in the front and side elevations of the proposal to ensure the development remains acceptable in terms of its impact on neighbour's privacy.

- 15.13 The proposed car port is located away from the boundary with Kestor where it will not have a significant effect on its amenity. Due to the relatively modest dimensions of the proposed garden store in the rear garden, it too will not have a significant effect on the amenity of Kestor.
- 15.14 Rear windows in the proposal will allow oblique overlooking of the eastern end of the garden of Kestor, which is not unusual in an urban area, and direct overlooking towards no. 153 to the rear but the 33m distance separating these dwellings ensures no significant overlooking will result.
- 15.15 For the above reasons, the proposal is not found to result in significant harm to neighbouring amenity and is compatible with neighbouring properties as required by policy HE2.

Amenity for future occupants

- 15.16 It is considered that the proposal would provide a satisfactory amount of indoor and outdoor amenity space and a reasonable level of privacy for future occupants.

Highways impacts

- 15.17 The vehicle access would be in a similar position to the existing access shown on plans and the site would provide off-street parking for two or more vehicles. As such the proposal is in accordance with the guidance set out in the Council's document *Residential Car Parking Provision Local Guidance for Dorset* and it will have a similar, acceptable impact on the highway as the approved application (3/18/2946/FUL).
- 15.18 The Highway's Authority has stated no objection subject to a condition regarding access construction standards. However, as the access leads onto an unmade road this condition is not considered to be reasonable or necessary.
- 15.19 It is noted that the Parish have objected due to concerns that the access would be dangerous, and the unmade road would be harmed by the additional traffic generated by the proposal. However, the proposed access is in a very similar position to the existing access and there is an extant permission to build a second dwelling on the site to which the Highways Authority also raised no objection. For these reasons it is considered that a refusal of the application on the grounds of harmful impacts to the highway could not be substantiated.

Impact on Dorset Heathlands

- 15.20 The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and a European wildlife site. The proposal for a net increase of one residential unit (in addition to the approved dwelling to the north of the site), in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the site. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.
- 15.21 The appropriate assessment (separate document to this report) has concluded that the likely significant effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the supporting policy documents, and that the proposal is wholly compliant with the necessary measures to prevent adverse effects on site integrity detailed within the Dorset Heathlands Planning Framework SPD.
- 15.22 The mitigation measures set out in the Dorset Heathlands 2020-2025 SPD can prevent adverse impacts on the integrity of the site. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development the Council will fund the HIP and SAMM provision via the Community Infrastructure Levy. The strategic approach to access management is necessary to ensure that displacement does not occur across boundaries.
- 15.23 With the mitigation secured the development will not result in an adverse effect on the integrity of the designated site so in accordance with regulation 70 of the Habitats Regulations 2017 planning permission can be granted; the application accords with policy ME2.

Biodiversity

- 15.24 The application is accompanied by an ecological survey dated September 2020 which reported that no protected species were found on the site.
- 15.25 Paragraph 174d of the NPPF requires development to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. In order for the proposal to comply with para 174d it is considered necessary to add condition 9 to the planning permission so that, if granted, biodiversity enhancement measures are incorporated into the development.

Other issues raised by third parties

- 15.26 It is noted that an objection has been received stating concerns that the proposal would lead to increased flooding in the area. The provision of adequate surface water drainage arising from development would be regulated by Building Control. . It is noted that the Inspector for an appeal regarding an earlier application to develop the site (3/16/1856/FUL) found "There is no evidence that the addition of a dwelling would result in a significant increase in surface water runoff or result in increased flood risk".

- 15.27 It is noted that a neighbour has stated that there is a restrictive covenant on the land which prevents construction of additional dwellings and cites the applicant's refused application to an Upper Tribunal court to have the covenant modified. However, such matters lie outside the jurisdiction of the planning system and therefore cannot amount to a material consideration in the determination of this application.
- 15.28 The neighbour has also raised a concern that works to excavate the proposed basement may affect his property. Any safety/construction issues that may arise from the method of construction of the proposal is not a matter regulated by the planning system and as such this issue is not a material planning consideration.
- 15.29 Concerns have also been stated that the street scene drawing is misrepresentative. It is noted that there is a difficulty in representing perspective in scaled drawings which can make set back dwellings appear larger than they would when observed from the street. The case officer has visited the site and has assessed how the proposal will assimilate with the surrounding development.
- 15.30 It is considered that the proposal for a single dwelling would not significantly add to the light pollution created by the surrounding dwellings.
- 15.31 The proposal does not significantly affect the bridleway that passes along Brook Lane.

16.0 Conclusion

- The proposal is located within the boundary of the Corfe Mullen Main Urban Area and is considered to be sustainable and acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- Highway safety is not harmed by the proposal.
- There are no material considerations which would warrant refusal of this application

17.0 Recommendation

- A.** That the Committee would be minded to GRANT planning permission for the application subject to the conditions set out below and the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

An agreement not to build out the approved dwelling to the north of the site (3/19/0382/FUL)

and recommends that the Head of Planning or Service Manager for Development Management and Enforcement determines the application accordingly.

Recommendation to grant is subject to the following conditions:

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

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

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

Drawing No Smh01 Location Plan

Drawing No Smh02 Garden/Cycle Store

Drawing No D8044-003 Rev C Proposed Site Plans received on 26.08.2021

Drawing No D8044-004 Proposed Plans

Drawing No D8044-005 Proposed Elevations

Drawing No D8044-006 Rev D Proposed Street Scene and Proposed Car Port Elevations

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

3. The external works for development hereby permitted shall be constructed of the materials indicated the plans hereby approved.

Reason: This is required to ensure the satisfactory visual relationship of the new development to the existing

4. Prior to the first occupation or use of the development, the on-site facilities for the parking and turning of vehicles shall be provided in accordance with Drawing No D8044-003 Rev C, received on 26.08.2021. These facilities shall be retained, maintained and kept free from obstruction for the lifetime of the development.

Reason: In the interests of road safety

5. Prior to first occupation or use of the development hereby approved a 2m close boarded fence shall be erected along the length of the southern boundary between points E and F shown on Drawing No D8044-003 Rev C received on 26.08.2021. The fence shall be retained and maintained for the lifetime of the development.

Reason: To protect the character and visual amenities of the area and neighbouring amenity.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting, or modifying that Order), no further windows, dormer windows, or doors (other than those expressly authorised by this permission) shall be constructed in the front and south side elevations (such expression to include the roof and wall) of the extension/building hereby permitted, without express planning permission first being obtained.

Reason: To avoid loss of privacy to adjoining properties.

7. Both in the first instance and upon all subsequent occasions, the first-floor window serving a bathroom in the front elevation shall be glazed with obscure glass to a minimum Level 3 Obscurity. This window shall either be fixed closed or have a top opening fanlight with the sill of the opening part at least 1700mm above floor level and the lower section fixed shut.

Reason: To preserve the amenity and privacy of the occupants of the adjoining property at 49 Brook Lane.

8. The development hereby approved shall not be occupied or utilised unless and until 2 bird boxes have been installed at the site or other biodiversity enhancement measures, as have been first agreed in writing by the Local Planning Authority, have been completed in full. Thereafter the bird boxes or other approved biodiversity enhancement measures shall be permanently maintained and retained unless otherwise first agreed in writing by the local planning authority.

Reason: As set out in the National Planning Policy Framework (2019 as amended), paragraphs 8, 170 and 175 it is a requirement for all development to enhance the natural environment.

- B.** That the Committee would be minded to refuse planning permission for the reasons set out below if the legal agreement is not completed by 1st June 2022 or such extended time as agreed by the Head of Planning:

Reason: In the absence of a satisfactory and completed legal agreement not to build out the approved dwelling to the north of the site (3/19/0382/FUL), there would be an extant planning permission for a development considered to be incompatible with the proposal; due to the contrast in design style and close juxtaposition of the dwelling in this proposal and the approved dwelling to the north of the site these two dwellings would read as one disproportionately large building with a visually discordant relationship with each other and the neighbouring development. As such the proposal would be contrary to policy HE2 and paragraph 134 of the NPPF 2021.

and recommends that the Head of Planning or Service Manager for Development Management and Enforcement determines the application accordingly.

Informative Notes on any approval:

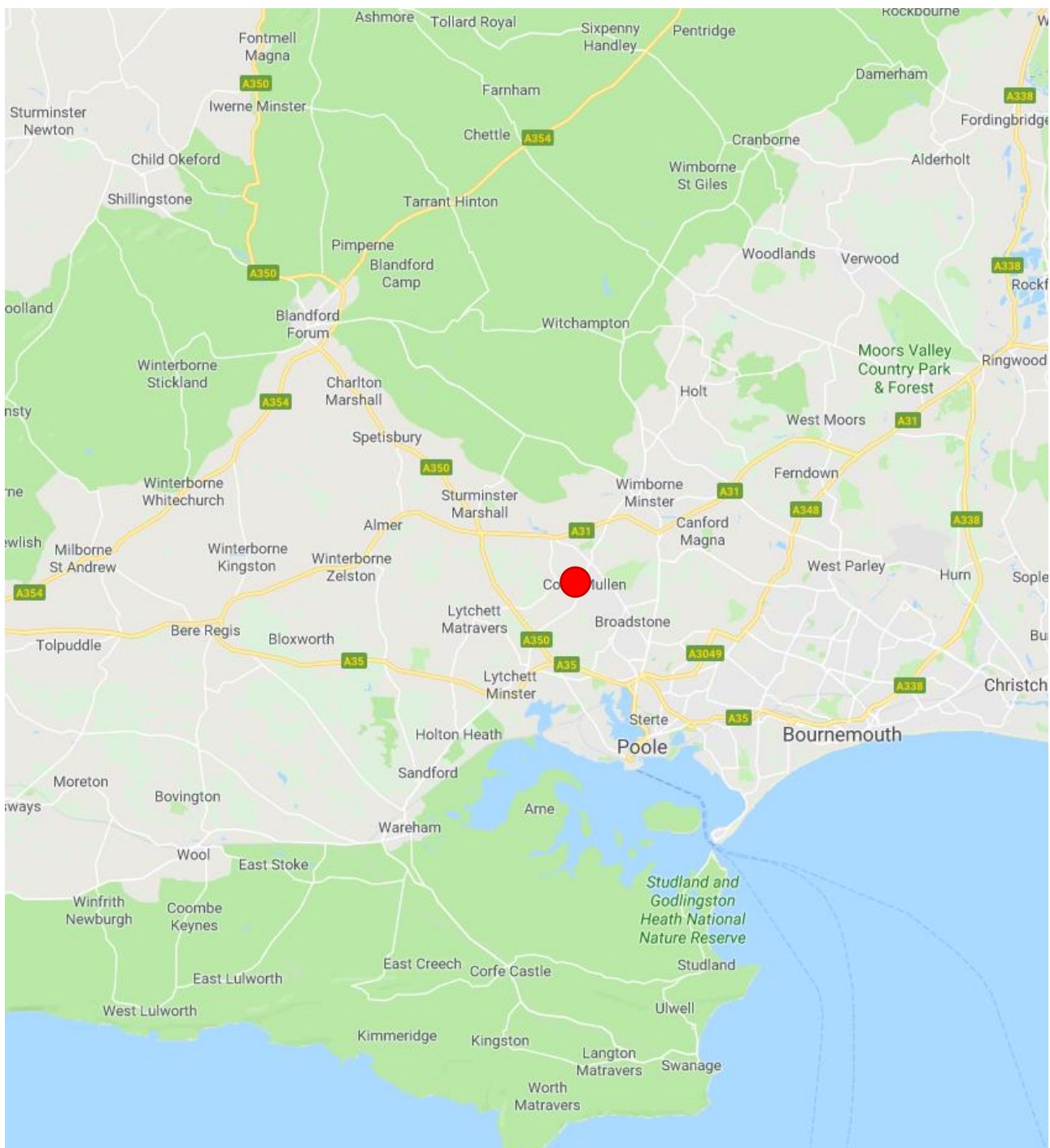
1. The applicant has/has not provided a unilateral undertaking dated **TBC** to prevent the implementation of application 3/19/0382/FUL if this permission is implemented.
2. The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to this development. The Council will shortly be issuing a CIL Liability Notice following the grant of this permission which will provide information on the applicant's obligations.
3. The applicant is advised that bats are protected in the UK by Schedule 5 of the Wildlife and Countryside Act 1981 and Part 3 of the Conservation of Natural Habitats and Species Regulations 2010 and they are also protected by European and International Law. Work should proceed with caution and if any bats are found, all work should cease, the area in which the bats have been found should be made secure and advice sought from Natural England (tel: 0300 060 2514). website www.naturalengland.org.uk.
4. Informative: National Planning Policy Framework Statement
In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.
The council works with applicants/agents in a positive and proactive manner by:
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.In this case:
 - The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

● Approximate Site Location

Application reference: 3/20/2260/FUL

Site address: Smugglers Hyde, 47 Brook Lane, Corfe Mullen, BH21 3RD

Proposal: Sever Plot, Demolish Remaining Part of Existing Dwelling & Erect Replacement Dwelling



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Eastern Planning Committee
1 December 2021

1.0 Application Number: 6/2020/0560

Webpage: [Planning application: 6/2020/0560 - dorsetforyou.com](https://www.dorsetforyou.com/planning/application/6/2020/0560)

Site address: Spyway Orchard Barn, Durnford Drove, Langton Matravers, BH19 3HG

Proposal: Convert and extend existing barn into 4x2 bedroom residential units with parking. Reuse existing access

Applicant name: Mr R Turner

Case Officer: Alexandra Dones/Elizabeth Adams

Ward Member: Councillor Cherry Brooks

1.1 Reason the application is being considered by the Committee:

The Nominated Officer has identified this application to come before the Planning Committee in light of the request made by Cllr Brooks, the Ward Member, and given that the parish council has concerns about the proposed scheme, noting that the proposals will result in conversion and extension to provide 4 dwellings, and there are matters of planning judgement involved.

2.0 Summary of recommendation:

That the Committee be minded to GRANT planning permission for the application subject to the conditions set out in the report

3.0 Reason for the recommendation:

- Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The proposal will contribute to housing delivery in the Purbeck Area and will reuse an existing building whilst avoiding harm to assets of particular importance, namely the Dorset Area of Outstanding Natural Beauty and internationally designated Dorset Heathlands.
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable as the proposal will reuse an existing building and contribute to housing delivery.
Scale, design, impact on character and appearance	Acceptable, subject to conditions.

Impact on highway safety, access and parking	Acceptable, subject to conditions.
Flood Risk and Drainage impacts	Acceptable, subject to conditions.
Impact on internationally designated heathland	Acceptable, subject to legal agreement.
Biodiversity impacts	Acceptable, subject to conditions.
Impact on trees	Acceptable, subject to conditions.

5.0 Description of Site

- 5.1 The application site comprises approximately 0.08 hectares of land to the south of the village of Langton Matravers, accessed via an unmade section of Durnford Drove which also serves Langton House and the National Trust car park. The application site is located within an Area of Outstanding Natural Beauty (AONB) and Heritage Coast.
- 5.2 The site previously formed part of a wider site 'Spyway Orchard' which has been subject to a number of planning applications over the years. Most recently an application for a rural exception site has been approved (outline reference: 6/2015/0687). 28 dwellings and associated access, parking and landscaping etc. are currently under construction. The approved plans show the retention of trees around the current application site providing visual separation.
- 5.3 The application site is on a gentle hillside so is slightly elevated compared to the development on Spyway Orchard.
- 5.4 The existing building is an agricultural barn approx. 18m by 9m with a shallow pitched apex roof approx 4.8m. It stands in a hardsurfaced yard.

6.0 Description of Development

- 6.1 The application proposes to extend the property in height by 1.6m, replacing the existing roof with a part pitched, part flat roof. A front gable and roof overhang will also project further 1.6m forward of the existing building.
- 6.2 The extended building will be subdivided to create four residential units, each with 2 bedrooms.
- 6.3 The dwellings will be served by the existing access. 6 parking spaces and a bin storage area are proposed in front of the building. Each unit has a modest 4m deep garden.

- 6.4 It is proposed to finish the building with vertical boarding above a Purbeck stone plinth and natural slate tiles. Conservation style rooflights will be used to light the first floor.

7.0 Relevant Planning History

The site has been included within applications for the wider Spyway Orchard site, most recently:

6/2015/0687- Outline Application - Rural exception site for a development of 28 dwellings (22 affordable and 6 open market) - All matters reserved- granted at appeal

6/2018/0606 Rural exception site for a development of 28 dwellings (22 affordable and 6 open market) - Reserved Matters - access, layout, appearance, scale & landscaping- Granted

The application for the conversion extension and change of use of the barn to residential was subject to pre-application advice (PAP/2020/0007) in summary the proposal was considered by officers to be acceptable in principle subject to criteria set out in policy CO (countryside) of the Purbeck Local Plan are met. Any application should include tree information and landscaping plan.

8.0 List of Constraints

- The site is covered by a Tree Preservation Order (TPO). There are several trees including Plane, Beech, Lime, Sycamore, Ash, Hornbeam, Cedar, Holly, & Chestnut.
- The site is located within the Dorset Area of Outstanding Natural Beauty.
- The site is located within 5km of European Habitats (SSSI).
- This property is within the Purbeck Heritage Coast.

9.0 Consultations

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

Consultees

- **Natural England (received 13th September 2021)**

No objection subject to mitigation being secured.

The site lies within 5km and beyond 400m of Studland & Godlingston Heath which is notified as a Site of Special Scientific Interest (SSSIs) for the special interest of its heathland habitats and associated plant and animal species. Studland & Godlingston Heath SSSI is also part of the Dorset Heathlands Special Protection Area (SPA) and Dorset Heath (Purbeck & Wareham) & Studland Dunes SAC and Ramsar. Heathland

Infrastructure Project mitigation and Strategic Access Management and Monitoring contributions should be secured.

Advised that a bat survey should be undertaken and encouraged biodiversity enhancement.

- **Dorset AONB (received 19 February 2021)**

Does not wish to provide detailed comments due to the size of the scheme but noted that the application sits alongside the consented housing scheme at Spyway Orchard which included a landscape buffer to mitigate views of the development from the south. Suggested that the new scheme should include suitable landscape measures to achieve a meaningful relationship with the neighbouring landscape buffer.

Also noted that the internal division and layout of the buildings suggests that the properties may not readily serve as permanent dwellings.

- **Planning Policy Officer (received 4 March 2021)**

Advised that officers should consider whether the proposal represents reuse which may be acceptable under policy CO or replacement.

Reminded officers that insufficient homes have been delivered in the Purbeck area in two of the last three years so planning policies relating to the distribution of development and provision of housing in Purbeck are no longer up to date for the purposes of paragraph 11 of the NPPF.

- **Design and Conservation Officer (received 2 March 2021)**

No conservation objections. The site falls outside of the Conservation area and there are no heritage assets that are to be adversely impacted by the proposals. The design appears to be sympathetic subject to quality of materials.

- **Tree Officer (received 16 June 2021)**

No trees are scheduled for removal. Proposed pruning of an overhanging tree will not have a significant impact on screening afforded by the trees.

No objection subject to conditions to require implementation of the Arboricultural Method Statement, submission of final details of hard surfaces and walls/enclosures including the bin store, confirmation of service routes and drainage scheme.

- **Highways Officer (received 18 February 2021)**

The Highway Authority recognises the development is a conversion of an existing barn and therefore has previous use associated and considers that the proposals do not present a material harm to the transport network or to highway safety and consequently has no objection subject to securing the parking and turning area by condition.

- **Drainage Engineer (received 15 February 2021)**

No objection subject to conditions.

The site lies within flood zone 1 but there is the potential for surface water flooding problems in extreme events in the adjacent road and further down in the catchment. Water disposal is to be dealt with using deep bore soakaways which would be a satisfactory solution subject to further details to ensure that flooding problems are not exacerbated elsewhere. A condition should be imposed. (officer note: conditions 3 & 8)

- **Councillor Cherry Brooks (received 10th February 2021)**

Request the application is presented to committee due to 'concern in the village that this was an intentional move by the landowner to remove the number of houses from a previously rejected application and that the RES boundary was altered to encompass the previously approved application for affordable housing'

- **Parish Council (received 2 March 2021)**

Object (summarised)

- Policy CO (Countryside) does not apply in this case. The NPPF is explicit that the policy affecting the conversion of farm buildings does not apply in AONBs, SSSIs and Heritage sites (e.g. Jurassic coast).
- Failure to make a positive contribution to landscape character and enhance biodiversity as required by Policy CO. 'The NPPF does not permit development in the countryside "*if the development would result in the external dimensions [...]extending beyond dimensions of the existing building*". As the dimension of the proposed building do exceed the existing building then again the development is not permitted under the NPPF.'
- Lack of affordable housing- policy RES applies.
- Adverse impact on nature conservation and biodiversity (including the effect on trees). Inadequate biodiversity appraisal fails to address bats.
- Layout and visual appearance. This development alongside the already approved Spyway Orchard development is an over-development having a negative impact on the surrounding countryside/AONB. The proposed design is not in keeping with the existing Langton Matravers vernacular style nor is it in keeping with the neighbouring Spyway Orchard development.

- Emerging policies (environmental and climate change). The proposed design is not in line with Dorset's emerging policies on the environment and the climate change emergency.

Summary of Local Representations received

The application was advertised by means of a site notice displayed on 28 January 2021 and by letters sent to neighbours.

The Council received 3 responses from neighbours about the application:

- Flood risk concerns- the area has a history of flooding
- Failure to enhance setting and disproportionate additions to the original building
- Harm to AONB
- Highway safety issues- the road is a single track road with a gully. Issues of erosion and use by a significant number of vehicles accessing holiday cottages and National Trust Car Park.

10.0 Relevant Development Plan Policies

Purbeck Local Plan Part 1:

Policy SD: Presumption in favour of sustainable development

Policy CO: Countryside

Policy LD: General location of development

Policy HS: Housing Supply

Policy D: Design

Policy LHH: Landscape, historic environment and heritage

Policy BIO: Biodiversity and geodiversity.

Policy FR: Flood risk

Policy IAT: Improving accessibility and transport.

Other material considerations:

Emerging 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

E8: Dorset Heathlands

E10: Biodiversity and geodiversity

I2: Improving accessibility and transport

I3: Green infrastructure, trees and hedgerows

H14: Second Homes

National Planning Policy Framework:

Section 2: Achieving sustainable development

Section 4: Decision making

Section 5: Delivering a sufficient supply of homes

Section 9: Promoting sustainable transport.

Section 11: Making effective use of land;

Section 12: Achieving well-designed places;

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

Section 15: Conserving and enhancing the natural environment.

National planning practice guidance

National Design Guidance

Purbeck District design guide supplementary planning document adopted
January 2014.

Purbeck Strategic Flood Risk Assessment 2018

Dorset Heathlands Planning Framework 2020- 2025 Supplementary Planning
Document

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

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

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

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

During the construction process the increase in traffic and noise is likely to have
a greater impact on any neighbouring residents who, as a result of disability or
age, are unable to leave their homes. The completed dwellings are judged
unlikely to result in any disadvantage.

13.0 Financial benefits

What	Amount / value
Material Considerations	

None	None
Non Material Considerations	
CIL contribution	Approx. £31,140
Council Tax	Approx. £7,705.72 Based on average Council Tax Band D.

14.0 Climate Implications

The proposal is for four new dwellings to be created from the extension and conversion of an existing building located close to but beyond the Langton Matravers settlement boundary. The properties will utilise an existing building, will be constructed to current building regulation requirements and will be serviced by suitable drainage to prevent any additional impact on terms of flood risk that may be exacerbated by future climate change.

15.0 Planning Assessment

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

- Principle of development
- Impact on habitat sites/ SSSI Dorset Heathland
- Affordable housing
- Scale, design, impact on character and appearance of the area
- Impact on the living conditions of the occupants of neighbouring properties
- Highway safety, access and parking
- Flood Risk and Drainage impacts
- Biodiversity impacts
- Impact on trees

These and other considerations are set out below.

Principle of development

- 15.2 The Parish Council has raised concerns about the principle of the proposal, suggesting that the National Planning Policy Framework precludes conversion of agricultural buildings within Areas of Outstanding Natural Beauty (AONB). Whilst agricultural buildings within the AONB cannot benefit from permitted development to convert dwellings under the Town and Country Planning

(General Permitted Development) (England) Order, there is no national policy against conversion. Each proposal has to be considered on its merits against the policies of the Local Plan that is in force and the provisions of the National Planning Policy Framework.

- 15.3 Policy CO (countryside) of the currently adopted Purbeck Local Plan Part 1 generally discourages new development outside of the main settlement boundaries as it is considered to be a less sustainable location for development compared to towns, villages and other recognised settlements. There are however exceptions to this, and one of those is the 'reuse of rural buildings'. Policy CO states that *'the reuse of rural buildings of permanent and substantial construction (demonstrated through the submission of a structural survey) will be permitted provided they are for employment (use classes B1, B2 or B8), tourist accommodation or community facilities. Conversion to housing may also be permitted, provided it would lead to an enhancement of the immediate setting'*. The application has been submitted with a structural survey that confirms the structural integrity of the building; it is capable of conversion. The impact on the setting is considered later in the report.
- 15.4 Policy CO requires that where buildings in the countryside are being extended these should not result in disproportionate additions and should not detract from the character or setting of the original building. To facilitate two storey accommodation the roof of the building is to be raised and extended and a modest projection forward of the existing southern elevation will introduce a gable feature for unit 3, with overhanging eaves on the front of the other units. The proposed extensions are judged proportionate to the size of the original building. The impact on the character of the area and setting of the building is considered further below.
- 15.5 Notwithstanding the requirements of policy CO, as the Housing Delivery Test: 2020 measurement results published in January identified that Purbeck Local Plan area had delivered only 74% of the total number of homes required, it is judged that the Purbeck housing policies are out of date in accordance with National Planning Policy Framework (NPPF) footnote 7. Where housing policies are the most important for determining the application then 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.

- 15.6 In this case the site lies within the Area of Outstanding Natural Beauty (AONB) so it is necessary to consider whether harm to the AONB would provide a clear reason for refusing the proposed development and/or whether there is any other significant harm arising from the proposal.

The impact on the Area of Outstanding Natural Beauty (AONB) and character of the area

- 15.7 The site is within the Dorset AONB and the National Planning Policy Framework (NPPF) states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs (para 176). Additionally, Purbeck Local Plan policies D 'Design' and LHH 'Landscape, Historic Environment and Heritage' require development proposals to positively integrate with their surroundings and to conserve the appearance, setting, character, interest, integrity, health and vitality of landscape assets.
- 15.8 The site is located south of the settlement of Langton Matravers and immediately adjacent to the site on which 28 rural exception houses are under construction under permission reference 6/2018/0606. It is separated from this development by trees to the north and east while trees to the south which lie off-site provide a screen with Langton House.
- 15.9 The existing building is a timber clad and breezeblock structure with a low apex roof. It is utilitarian in character and stands in a hardsurfaced yard. The building and front yard is visible from Durnford Drove via the access and from the lane during the autumn/winter period, but large deciduous mature trees obscure most of the views into the site during the spring and summer months. A Sycamore hedge along the western boundary, which is to be retained and managed, provides a screen with the lane and additional vegetation on the western side of Durnford Drove contributes to screening in wider views. As previously identified by the Inspector when considering the Spyway Orchard proposal, the location is relatively discrete within the AONB due to the presence of these trees. The proposal would have a limited impact on the setting due to the pre-existing built form and the screening offered by the trees.
- 15.10 Concerns have been raised by the Parish Council that the design is not in keeping with the locality and properties on the adjoining rural exceptions site. The local vernacular of Langton Matravers is very mixed. On the High Street (B3069) there are many older, stone, two storey, terraced dwellings with stepped roofs accommodating the rise in land level. In contrast, unmade roads such as Gypshayes and The Hyde accommodate modern dwellings, demonstrating how the village has expanded over the years.

- 15.11 The more modern dwellings in Langton Matravers are typically detached but vary greatly in terms of their size, design, height and materials. The dwellings recently approved at Spyway Orchard are arranged in two storey pairs and terraces and utilise brick, slate tiles for the roof, stone lintels and cills and uPVC windows and doors. These materials are to be mirrored in the proposed terrace which is to have slate tiles on the roof slopes, painted timber windows with stone cills and lintel details. The elevations will be a combination of Purbeck stone and natural cedar boarding which reflects the existing materials used on the barn. As a proposed barn conversion, it is appropriate that the design is different from buildings that were constructed for residential purposes.
- 15.12 The proposed roof extension to the existing building will increase its height by approximately 1.6m and although the partially flat roof is an uncharacteristic feature, Officers do not consider the form would appear incongruous or result in a harmful impact on the character and appearance of the area or the wider AONB setting. The addition to the roof allows for sufficient internal height to facilitate a first floor but limits the overall height of the building so that it is level with the height of new properties at Spyway Orchard on lower ground. The gables will also be hipped, mitigating the visual impact of the flat roof element and the increased bulk of the roof additions.
- 15.13 The AONB officer has noted that the adjoining exception site permission was granted subject to a landscaping strip approx. 5m wide along the southern edge of the site in which new tree growth in the rooting area of existing trees off site would provide reinforcement and create a screen for the development in the long term. The current proposal will benefit from that screening in views from the south east but does not propose its continuation as this area is currently hardsurfaced and is proposed to be retained for parking. Officers do not consider that the extension of the landscaping strip is necessary to make the current proposal acceptable due to existing screening and the pre-existing built form on this site. A condition to secure shrub planting to soften the proposed hard surfacing within the site is reasonable and necessary to secure some enhancement (condition 6).
- 15.14 Overall, Officers consider the proposed design and materials will not result in disproportionate additions and will not detract from the character or setting of the original building and the wider AONB. Although it would be difficult to identify any significant enhancement to the immediate setting as required by policy CO, neither would it result in harm. The proposal will integrate with its surroundings and contribute to housing supply.

The impact on trees

- 15.15 The application is accompanied by an Arboricultural Method Statement which identifies four trees of very poor quality in the vicinity of the site. It is noted that no trees are scheduled for removal to implement the proposal & no access facilitation works are stated as necessary.
- 15.16 The Arboricultural Officer has been consulted regarding the proposals and has raised no objections subject to a condition ensuring adherence to the Arboricultural Method Statement (condition 6). The Arboricultural Officer also recommended requesting further information regarding the hard standing areas via planning condition (condition 7) which is reasonable and will also ensure the proposal is visually acceptable in terms of its character and impact on the AONB.

The impact on biodiversity

- 15.17 The submitted biodiversity report accompanying the application contended that due to the form of the barn a bat survey is not required, however, as the proposals involve the reconfiguration of an existing building Natural England required that a bat survey should be undertaken by a suitably qualified individual and this was subsequently undertaken. No evidence of bats or other protected species was found and the building has negligible bat roosting potential due to its draughty and relatively light interior, but the need to minimise external lighting was identified. There are also opportunities for biodiversity enhancement including opportunities for bats in the new roof, bird boxes and bee bricks. This biodiversity mitigation and enhancement can be secured by condition to accord with NPPF para 179.
- 15.18 The site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and a European wildlife site. The proposal for a net increase of four residential units in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the site. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.
- 15.19 The appropriate assessment (separate document to this report) has concluded that the likely significant effects arising from the proposal are wholly consistent with and inclusive of the residential effects detailed in the Dorset Heathlands Planning Framework Supplementary Planning Document 2020-2025 (SPD).
- 15.20 The mitigation measures set out in the Dorset Heathlands 2020-2025 SPD can prevent adverse impacts on the integrity of the site. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and

Monitoring (SAMM). In relation to this development the Council will fund the HIP and SAMM provision via the Community Infrastructure Levy. The strategic approach to access management is necessary to ensure that displacement does not occur across boundaries.

- 15.21 With the mitigation secured the development will not result in an adverse effect on the integrity of the designated site so in accordance with regulation 70 of the Habitats Regulations 2017 planning permission can be granted; the application accords with policy DH and the SPD.

The impact on highway safety

- 15.22 The proposal will utilise the existing, established vehicular access to the site which also serves Langton House and the National Trust car park so is in regular use. The Highways Officer has raised no objections to the use of this access for the proposed scheme subject to a condition requiring the turning and parking areas are constructed as per the submitted plans. The proposals will provide 6 parking spaces for 4 two bedroom dwellings which accords with the Dorset residential car parking guidance for allocated spaces. The lack of visitor parking spaces can only be given modest weight in the planning balance.

Other issues

Affordable housing

- 15.23 The Parish Council and neighbours have raised concerns regarding the lack of affordable housing provision. This site is not a rural exception site and involves an extension to and the change of use of an existing building to provide only 4 dwellings therefore in accordance with both national policy and Local Plan policy RES no affordable housing contribution is required.

Amenity of future occupiers

- 15.24 The dwellings are modest in size, and officers have considered the proposed internal floor area provision against national standards set out in DCLG guidance 'Technical housing standards – nationally described space standard' 2015. Units 1, 2 and 4 each have a total internal floor space of approx. 74sqm and unit 3 has a floor area of 84sqm. Although part of the first floor accommodation will be under a sloping roof, the size is similar to the 70sqm floor area requirement set out in Table 1 of the DCLG guidance for a two storey, three person property.
- 15.25 The gardens vary in size; the smallest is approximately 18sqm and the larger gardens although constrained by the tree canopy line but will provide a sitting out space for future occupiers.

- 15.26 On the basis that the Council currently has no adopted policy to require minimum floor area provision and the sizes accord with national guidance, the proposal is acceptable.

Sustainability issues

- 15.27 The Parish Council raised concerns that the proposed design is not in line with Dorset's emerging policies on the environment and the climate change emergency. Whilst the proposal lies outside of the settlement it will utilise an existing building which the National Planning Policy Framework encourages as good use of resources (para 152).
- 15.28 At present the adopted Local Plan does not impose requirements for the inclusion of renewable and low carbon energy within schemes. The NPPF notes that landform, layout, building orientation, massing and landscaping should be used to minimise energy consumption (para 157b) and in this case the design utilises the south facing front elevation with the positioning of the living areas served by generous windows but with the overhanging eaves will also provide some relief in the summer.
- 15.29 The proposal is not in an area that is vulnerable to flooding and as the site is already hard surfaced it is not anticipated that the changes will increase run-off.

16.0 Conclusion

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. In this case the NPPF policies do not provide any clear reasons for refusing the development proposed, no significant harm to the Dorset Area of Outstanding Natural Beauty have been identified from the proposal and no adverse impacts have been identified which would outweigh the benefit to local housing supply from the provision of four additional residential units. The proposal is therefore considered to be sustainable development for the purposes of NPPF paragraph 11.

Approval is recommended subject to the conditions as set out below.

- 17.0 Recommendation:** That the Committee would be minded to GRANT planning permission for the application subject to the conditions below:

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

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

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

Project no 1504 drawing no 1, project no 1504 drawing no 2, project no 1504 drawing no 3, project no 1504 drawing no 4, project no 1504 drawing no 5 and project no 1504 drawing no RP.

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

3. Prior to the commencement of development details of surface water and foul drainage schemes for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to the completion of the development.

Reason: To ensure adequate facilities are provided in the interests of flooding and pollution.

4. The development must strictly adhere to the mitigation measures set out at paragraph 5.3 of the Ecological Survey by D. V. Leach dated November 2021. The development hereby approved must not be first brought into use unless and until the mitigation and enhancement/net gain measures detailed in the Ecological Survey have been completed in full, unless any modifications to the approved Ecological 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 the 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 and enhance/provide net gain for impacts on biodiversity.

5. Prior to development above damp proof course level, details (including colour photographs) of all external facing materials for the walls and roofs shall have been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed and these materials shall be maintained for the lifetime of the development.

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

6. Prior to the commencement of any development hereby approved, above damp course level, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to first occupation. These details shall include: (i) means of enclosure; (ii) hard surfacing materials; (iii) proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines, etc indicating lines, manholes, supports, etc), (iv) planting plans.

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

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

7. The development hereby approved shall proceed only in accordance with the details set out in the Arboricultural Method Statement dated 29/10/2020 (Soundwood ref: SW/AMS/427/20) setting out how the existing trees are to be protected and managed before, during and after development.

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

8. Prior to the first occupation of any of the dwellings, details of maintenance and management of the surface water sustainable drainage scheme and the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The schemes 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 and foul drainage schemes throughout its lifetime.

Reason: To ensure the future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

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

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

Informative Notes:

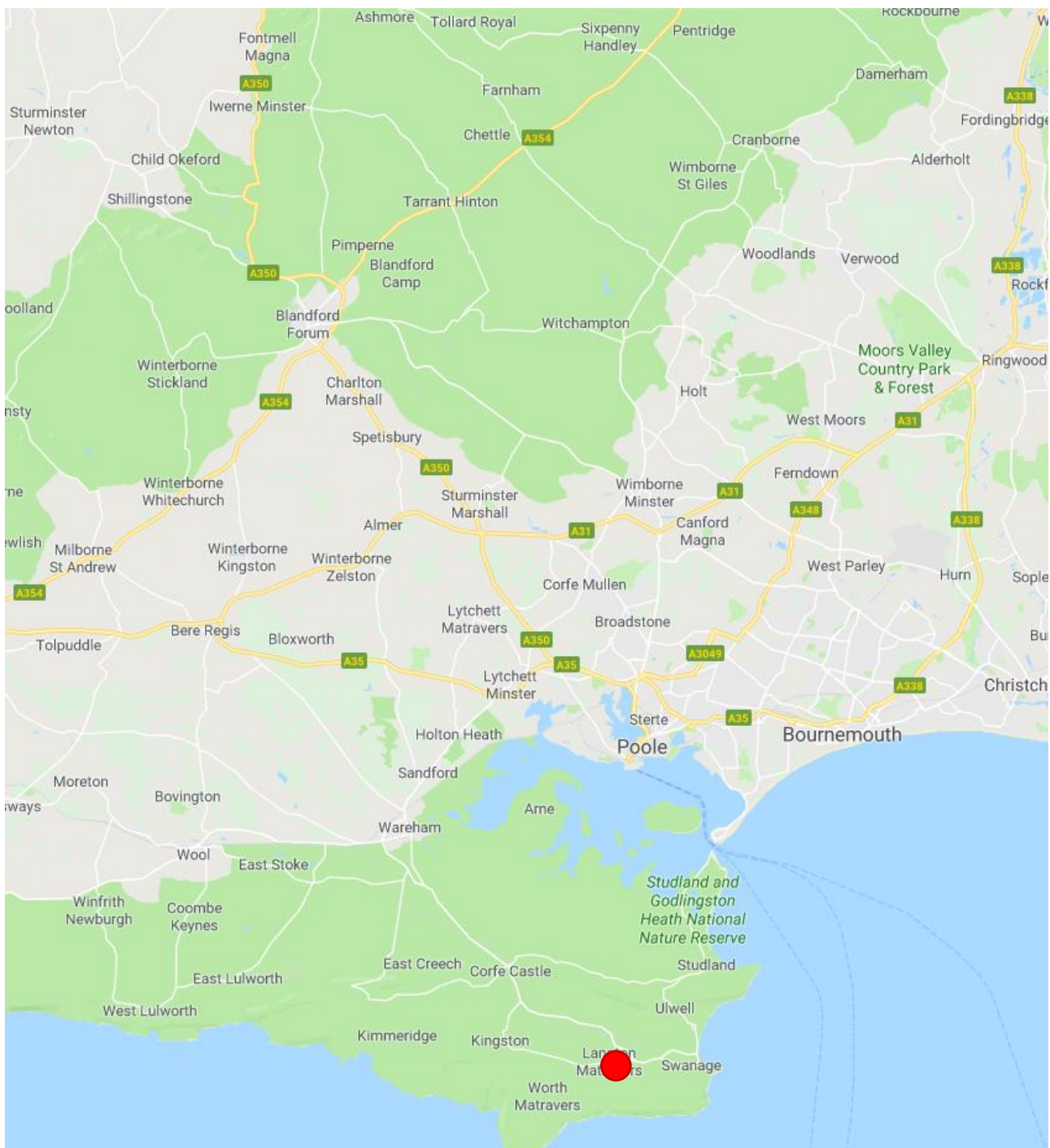
1. Informative Note - Community Infrastructure Levy. This permission is subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice has been issued with this planning permission that requires a financial payment. Full details are explained in the notice.
2. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.
3. The planting referred to in condition 6 should include native shrubs/trees to be planted in the south east corner to soften the visual appearance of the parking area.

● Approximate Site Location

Application reference: 6/2020/0560

Site address: Spyway Orchard Barn, Durnford Drove, Langton Matravers, BH19 3HG

Proposal: Convert and extend existing barn into 4x2 bedroom residential units with parking. Reuse existing access



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Reference No: 3/21/1259/TTPO
Proposal: T1 Oak: Reduce the canopy to the previous pruning points ca. 1.5-2m in all directions. Remove epicormic growth. Remove epicormic growth. Deadwood. T2 Oak: Pollard the tree by reducing the height by ca. 4-5m and the sides by 2-3m. Remove lowest lateral growing into T1
Address: 23 Beaufoys Avenue, Ferndown, Dorset
Recommendation: Grant
Case Officer: Andrew Douglas
Ward Members: Cllr C Lugg, Cllr M Parkes

Publicity expiry date:	N/A	Officer site visit date:	September 2021
Decision due date:	17.08.2021		
Where Scheme of Delegation consultation required under constitution:			
SoD Constitutional trigger:	N/A		
Nominated officer agreement to delegated decision	Date agreed:		N/A

MAIN REPORT

Reason for committee referral: the application is being considered by Committee as the applicant is a member of the Tree Team in Economic Growth and Infrastructure.

1.0 DESCRIPTION OF SITE AND SURROUNDINGS

23 Beaufoys Avenue is a 1970s built detached family home accessed via an unadopted gravel road. The immediate and surrounding area is well treed, with the main tree species being Oak (*Quercus* spp) and Scots Pine (*Pinus* spp). The oaks subject of the report are located on the front boundary of the site and within 8m of the front elevation of the house. For details see the accompanying plan. They are covered by Tree Preservation Order HA/139 made in 1996.

2.0 PROPOSAL

The tree works applied for are as follows:

T1 Oak: Reduce the canopy to the previous pruning points ca. 1.5-2m in all directions. Remove epicormic growth. Remove epicormic growth. Deadwood.
T2 Oak: Pollard the tree by reducing the height by ca. 4-5m and the sides by 2-3m. Remove lowest lateral growing into T1

3.0 SUMMARY OF INFORMATION

The applied works have been assessed by both tree officers covering the Dorset Council's Eastern Area with regard to the submitted information as set out in section 2.0 above.

4.0 LOCAL REPRESENTATIONS

None received.

5.0 APPRAISAL

T1 – Oak – 17m

The tree has been previously reduced and there is now approximately 1.5 – 2m regrowth. The applied re-reduction is reasonable along with deadwood removal and the removal of a small amount of epicormic regrowth, mainly on the trees main stem.

T2 – Oak – 18m

The tree is located on the front boundary of the property and has some morphology which raises some concerns – specifically the tight union at 1.5m which could have included bark and the lifebelts on both stems. The applied reduction will reduce weight and sail area and is considered to be a reasonable option given the signs of stress and adaptive growth, proximity of the road and a lapsed permission to fell.

A height reduction of 4-5m (final height of 13-14m) and a side reduction of up to 2 metres would leave enough secondary branching to allow for the shaping of a more compact canopy without creating lots of very large wounds. To ensure this, the wounds should not exceed 75mm and that all cuts should be back to strong growth points.

The removal of the lowest lateral growing into the canopy of T1 is also acceptable.

6.0 Conclusion

The submitted tree works are acceptable and will result in no harm to character and setting of the area

7.0 Recommendation

That the Committee would be minded to grant the application subject to the following conditions and recommends that the Head of Planning determines the application accordingly.

1. All work to be carried out in its entirety within two years of the date of this decision.

Officer Report

2. All work to be carried out in accordance with BS3998: 2010 British Standard Recommendations for Tree Work.

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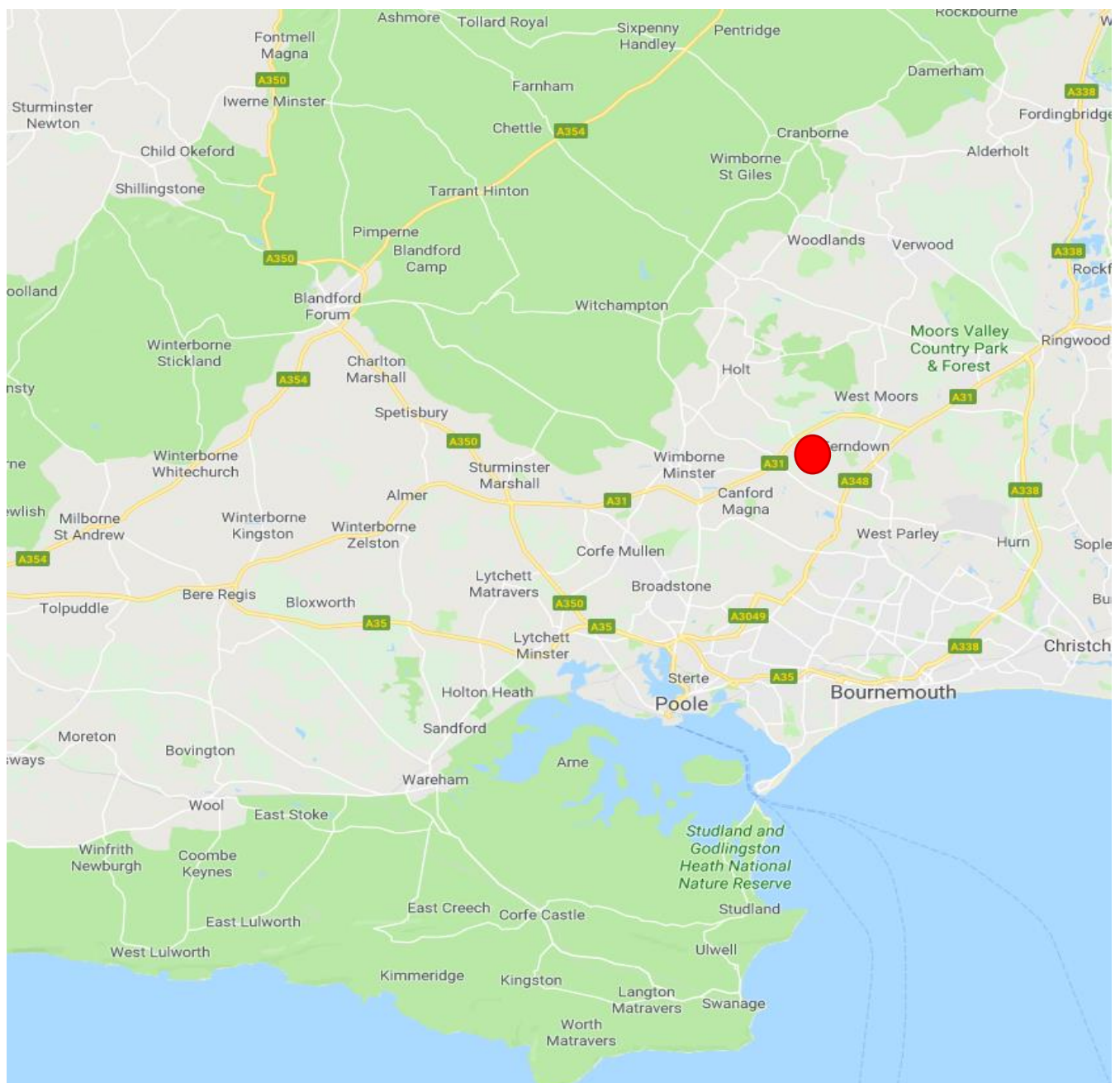
● Approximate Site Location

Application reference: 3/21/1259/TTPO

Site address 23 Beaufoys Avenue, Ferndown, Dorset, BH22 9RQ

Proposal: T1 Oak: Reduce the canopy to the previous pruning points ca. 1.5-2m in all directions. Remove epicormic growth. Remove epicormic growth. Deadwood.

T2 Oak: Pollard the tree by reducing the height by ca. 4-5m and the sides by 2-3m. Remove lowest lateral growing into T1



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