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Strategic Planning Committee

Date: Monday, 9 August 2021

Time: 10.00 am

Venue: A link to the meeting can be found on the front page of the agenda.

Membership: (Quorum 3)
Robin Cook (Chairman), John Worth (Vice-Chairman), Shane Bartlett, Dave Bolwell, Alex Brenton, Kelvin Clayton, Jean Dunseith, Mike Dyer, Sherry Jespersen, Mary Penfold, Belinda Ridout and David Tooke

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

For more information about this agenda please telephone Elaine Tibble on 01305 224202 or email elaine.tibble@dorsetcouncil.gov.uk

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Members of the public are invited to access this meeting with the exception of any items listed in the exempt part of this agenda. This meeting will be held remotely as an MS Teams Live Event Link to view meeting

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 Thursday 5 August 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 Strategic Planning Committee wishes to address the committee, they will be allowed 3 minutes to do so and will be invited to speak before the applicant or their representative provided that they have notified the Democratic Services Officer by **8.30am on Thursday 5 August 2021.**

Please note that if you submit a representation to be read out on your behalf at the committee meeting, your name and written submission will be published as part of the minutes of the meeting.
For information on how to make representations in respect of a planning application please refer to this guidance document:
Covid-19 Pandemic - Addendum to the Guide to Public Speaking Protcol for Planning Committee meetings

Using social media at virtual meetings

Anyone can use social media such as tweeting and blogging to report the meeting when it is open to the public.

A G E N D A

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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

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

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

Members of the public who live, work or represent an organisation within the Dorset Council area, may submit up to two questions or a statement up to a maximum of 450 words. All submissions must be sent electronically to elaine.tibble@dorsetcouncil.gov.uk by the deadline set out below. When submitting a question please indicate who the questior is for and include your name, address and contact details. Questions an statements received in line with the council's rules for public participatior will be published as a supplement to the agenda.

Questions will be read out by an officer of the council and a response given by the appropriate officer at the meeting. All questions, statements and responses will be published in full within the minutes of the meeting. **The deadline for submission of the full text of a question or statement is 8.30am on Wednesday 4 August 2021.**

4 PLANNING APPLICATION 3/17/2480/DCC - LAND AT BIARSWOOD YARD, BARRACK ROAD, WEST PARLEY, BH22 8UB 5 - 38

To consider Planning Application 3/17/2480/DCC.

5 URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

6 EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended).

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

There is no exempt business.

1. Application Details

Application Reference:	3/17/2480/DCC
Site Location:	Briarswood Yard, Barrack Road, West Parley, BH22 8UB
Proposal:	Continued use of site in part for vehicle repair and associated sales; continued use of site in part for existing concrete contracting yard; proposed use of site in part for B8 storage and distribution; landscaping and associated works.
Applicant:	D R Smith Properties Ltd
Case Officer:	Huw Williams
Ward Member:	Cllr Andrew Parry (West Parley)

1.1 The application relates to approximately 0.9 hectares of land (the Application Site) formerly known as Woodford Yard that is located towards the northern end of a private road (Barrack Road) that extends approximately 1.75 km north from its junction with the B3073 (Christchurch Road) and which is also a public bridleway (Bridleway E56/2 and E42/16).

1.2 The application was submitted to Dorset County Council on 22 August 2017 but was amended in January 2019 and again in April 2021. The amendments have involved:
(i) the submission of revised site plans;
(ii) the withdrawal of proposals for the erection of three buildings for B8 use;
(iii) the withdrawal of proposals for the continued use of the yard in part for vehicle dismantling; and
(iv) agreement of modified descriptions of development.

1.3 The Application Site is located mostly in the parish of West Parley in Dorset (West Parley ward) but is part located within the parish of Hurn in the Bournemouth, Christchurch and Poole administrative area (Commons ward). Adjacent to the Application Site, the boundary between the parishes of West Parley and Ferndown runs along Barrack Road, the same boundary line also differentiating between the wards of West Parley and Ferndown South.

1.4 A copy of the application has been registered by Bournemouth, Christchurch and Poole Council (BCP Application 8/20/0461/FUL). Bournemouth, Christchurch and Poole Council has responsibility for determining the proposal in so far as it relates to land not within Dorset.

1.5 At the time of writing, BCP Application 8/20/0461/FUL has not been determined and it is understood that Bournemouth, Christchurch and Poole Council is awaiting Dorset Council's resolution/determination before making its own resolution/decision.

1.6 The application is reported to committee on the instruction of the Head of Planning.

2. Recommendation

2.1 The Committee resolve that it is minded to grant the application in respect of that part of the Application Site which is situated in Dorset subject to the conditions set out in section 12 of this report and recommends that the Head of Planning determines the application accordingly.

3. Reason for Recommendation

3.1 The recommendation has been made after consideration of:
(i) the application;
(ii) the development plan;
(iii) government planning policy and associated planning practice guidance;
(iv) representations made about the application; and
(v) other material planning considerations set out in this report.

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

3.3 The Application Site comprises previously developed land that is located in a rural area, adjacent to residential properties and within the designated South East Dorset Green Belt. Concerns have been expressed in representations relating to a range of matters including:
(i) impact on the Green Belt;
(ii) impact on the amenity of nearby residential properties;
(iii) impact on the character and appearance of the locality;
(iv) impact on the safety, convenience and amenity of bridleway users;
(v) pollution risk; and
(vi) impact on the natural environment,
but the impact of the proposed uses, landscaping and associated works is unlikely to be greater than the impact of previous uses of the Application Site and/or can be mitigated to acceptable levels through the imposition of planning conditions.

3.4 Subject to the imposition of the planning conditions, the application proposal is considered to be in general accordance with the development plan as a whole with no material considerations indicating that the application should be determined other than in accordance with the development plan.

4. Summary of Main Planning Issues

4.1 The table below summarises the conclusions reached on the main issues addressed in the planning assessment set out in section 11 of this report.

Issue:	**Conclusion:**
Principle of Development	Acceptable.

Adequacy of access arrangement	No highway authority objection. Existing access arrangement considered adequate and acceptable.
Climate implications and flood risk	No material harm likely and no increase in flood risk on Application Site or elsewhere.
Impact on natural resources	No likely significant adverse effect. Net gain in conjunction with the proposed development may be secured by planning condition.
Impact on character and appearance of the Application Site and surrounding area	With operational controls secured by condition, acceptable.
Impact on residential and recreational amenity	With operational controls secured by condition, acceptable.

5. Site Context and Constraints

5.1 Barrack Road provides the sole means of both vehicular and pedestrian access to and egress from the Application Site.

5.2 In the immediate vicinity of the Application Site, the surface of Barrack Road comprises compacted gravel but elsewhere the roadway has a metalled surface. Vehicular movement northwards beyond the Application Site is obstructed by gates and fences but bridleway ED2/16 continues northwards to Tricket's Cross and links with other public rights of way providing access to Parley Common and East Parley Common.

5.3 Along its western side, Barrack Road adjoins fields, woodland and heathland whilst to the east are a number of residential properties, other commercial premises, areas of woodland and heathland and some fields/paddocks that are mostly used for the keeping of horses.

5.4 The road frontage of the Application Site extends to approximately 26 metres and comprises a timber fence and metal palisade gates.

5.5 The Applications Site extends approximately 225 metres eastwards from the road frontage, the eastern limits of the Application Site being within the Bournemouth, Christchurch and Poole Council administrative area. Beyond the eastern end of the Application Site is a small area of scrubland, an agricultural track and an extensive solar farm.

5.6 Situated adjacent to the site entrance on its southern side is a residential bungalow known as Briarwood (shown on the OS base as 'Briarswood'). The bungalow and its

associated curtilage are understood to be in the ownership/control of D R Smith Properties Ltd ('the Applicant').

5.7 The bungalow is set back approximately 30 metres from the Barrack Road frontage with the intervening garden/curtilage area enclosed from Barrack Road by fencing and from the Application Site by a leylandii hedge.

5.8 Also adjoining the Application Site to the south are the curtilages of four further residential properties (The White House, Heathercroft, Pine Croft and Longcroft Brick). Three further residential properties (Katrandra, Virginia Cottage and Longcroft Tin) are located within 150 metres of the Application Site. None of these properties are shown to be in the ownership/control of the Applicant.

5.9 Immediately to the north of the Application Site is a narrow strip of third party land that contains two ponds and several buildings that appear to be used for storage. Planning permission was granted in December 2005 for the change of use of land within this plot from agriculture to the breeding of fish for the stocking of ponds (Reference 3/05/1475/COU). Beyond the narrow strip of land are paddocks with stables (Gibbets Yard) used for the keeping of horses, beyond which is an area of woodland forming part of Parley Common.

5.10 The boundary between the Application Site and the neighbouring residential properties to the south comprises a mix of walling and fencing, the residential properties being set down slightly from the Application Site. The northern boundary of the Application Site also comprises a mix of walling and fencing.

5.11 Adjacent to the Briarwood bungalow within the Application Site is a second set of gates and adjacent walling that divide the Application Site into 'outer' and 'inner' yard areas.

5.12 Outside of the inner gates, 'the Outer Yard Area' has an average width of approximately 26 metres and comprises a compacted gravel accessway and a similarly surfaced adjoining area that has been used for the parking and storage of motor vehicles.

5.13 Beyond the inner gates, 'the Inner Yard Area' has an average width of approximately 42 metres.

5.14 Two permanent buildings are present in the Inner Yard Area, these comprising:

(i) a workshop that is located approximately 40 metres from the inner yard gates and which stands close to the southern boundary of the Application Site; and

(ii) a store that is located close to the northern boundary of the Application Site slightly further into the site (approximately 65 metres from the inner yard gates).

5.15 Both buildings are of utilitarian design with broadly rectangular plan forms, the workshop building measuring approximately 19 metres by 12.5 metres and having a pitched roof and the store building measuring approximately 16 metres by 10 metres and having a lower, mono-pitch roof. Both buildings are clad in profiled metal sheeting.

5.16 Immediately to the south of the workshop building are curtilage buildings at Heathercroft.

5.17 Between the inner gates and the buildings, the inner yard is partly surfaced in concrete and partly surfaced with compacted gravel. To the east of the workshop and store, the yard surface is predominately compacted gravel.

5.18 In the north-eastern corner of the Inner Yard Area, there is an enclosed compound area that is occupied by a construction company (Martch & Rowden Construction Limited) and which is used primarily as a storage facility.

5.19 The Inner Yard Area also contains a number of relocatable buildings and storage containers.

5.20 The Application Site is located

(i) entirely within the designated South East Dorset Green Belt;
(ii) entirely within the Bournemouth Airport Safeguarding Area;
(iii) less than 20 metres from the Parley Common Site of Special Scientific Interest which also forms part of the Dorset Heaths Special Area of Conservation, the Dorset Heathlands Special Protection Area and the Dorset Heathlands Ramsar; and
(iv) approximately 75 metres to the southwest of one bowl barrow and approximately 230 metres from a second bowl barrow situated further to the north, these barrows being scheduled monuments (List Entry 1016091).

6. Planning History

Planning permission 3/87/1347 was granted on 17 November 1987 for a 'new repair workshop'. One of the conditions required that an existing building be demolished and all resultant materials be removed from the site before the permitted development commenced. There were no conditions relating to noise or hours of operation. The existing building was not demolished and now comprises the surviving store building.

6.1 On 27 November 1992, a certificate of lawful use or development (CLU 3/92/938/J) was issued for 'dismantling and rebuilding of heavy commercial vehicles and storage of scrap'.

6.2 There has since been a history of complaints about unauthorised uses taking place on the Application Site. Planning enforcement officers have looked into the various activities but no formal action has been taken. Changes of uses since CLU 3/92/938/J was issued may have resulted in the benefit of CLU 3/92/938/J having been lost although that is disputed by the applicant.

6.3 Officers understand that since around 1 February 2004, Martch & Rowden Construction Limited have occupied part of the Application Site for storage purposes.

7. The Proposed Development

7.1 In addition to the requisite form, ownership certificate, fee and plans, the application is supported by:

(i) a Design, Planning & Access Statement prepared by the Jerry Davies Planning Consultancy;
(ii) a Noise Impact Assessment dated 13 April 2017;
(iii) an Ecological Impact Assessment dated July 2021 which supplements an Ecological Appraisal and Phase 1 Bat Survey dated February 2017; and
(iv) an approved Biodiversity Plan dated 23/07/2021 prepared in accordance with the Dorset Biodiversity Appraisal Protocol and an accompanying certificate of approval superseding a Biodiversity Mitigation Plan dated 13/2/2017 for which Dorset County Council's Natural Environment Team issued a Certificate of Approval in February 2017.

7.2 As originally submitted, the application sought planning permission for:

> "Continued use of site in part for vehicle dismantling and associated uses; continued use of site in part for existing concrete contracting yard; proposed use of site in part for B8 storage and distribution; proposed erection of three buildings for B8 use; landscaping and associated works."

7.3 The arrangement illustrated on the submitted site layout plan (Drawing SBA.3464-7-2 Rev F showed the Outer Yard Area labelled as "Sales and Visitor Parking" with an adjacent "New hedge" and the western half of the Inner Yard Area including the existing workshop and store labelled "Existing vehicle dismantling/breaking yard". The eastern half of the Inner Yard Area was shown divided into four fenced compound areas including the existing Martch and Rowden compound, with an accessway to the compounds shown adjacent to a new 2 metre high bund approximately 95 metres in length to be constructed along part of the southern boundary of the Application Site to the east of the workshop building. A typical cross section illustrated the proposed 2 metre high bund supporting a fence and hedge and labelled "Fence and hedging to top of bund to achieve 3.5m to the top of the fence".

7.4 Following discussions regarding consultation responses and other representations made about the application, a revised site plan was submitted (DWG No SBA.3464-7-2 Rev H) omitting the three previously proposed new buildings and further identifying by hatching:
(i) the "Existing Occupied Yard" being the Martch and Rowden compound area;
(ii) other land to the east of the store building shown as "Storage area";
(iii) the remainder of the inner yard including both the workshop and store buildings and the outer yard area as "Existing vehicle dismantling/breaking yard"; and
(iv) the Outer Yard Area labelled "Sales and Visitor Parking".

7.5 The revised site plan also indicated:
(i) the new hedge as shown previously;
(ii) the proposed 2 metre high bund supporting a hedge but not a fence;
(iii) the existing store building labelled "Existing General Site Storage"; and
(iv) parts of the storage area labelled "B8 Storage of caravans / Portacabins"; "B8 Existing & Proposed Container Storage"; and "B8 General storage / storage of trailers".

7.6 To reflect the changes made to the proposed site plan, the description of the proposed development was modified to read:

> "Continued use of site in part for vehicle dismantling and/or repair and associated sales; continued use of site in part for existing concrete contracting yard; proposed use of site in part for B8 storage and distribution; landscaping and associated works."

7.7 A further revised site plan (DWG No SBA.3464-7-2 Rev J) was submitted in April 2021 with:

(i) the new hedge shown as previously;
(ii) the proposed 2 metre high bund as shown previously (i.e. running alongside part of the southern boundary and supporting a hedge but no fence);
(iii) the Martch and Rowden compound area again shown and labelled as "Existing Occupied Yard";
(iv) the remainder of the western half of the Inner Yard Area marked as "Storage Area" with additional notations indicating "B8 Existing and Proposed" and "B8 General Storage / storage of trailers";
(v) the western half of the Inner Yard Area and the Outer Yard Area shown as "Storage Area and vehicle sales and parking (Existing vehicle dismantling / breaking yard to be removed)"; the existing workshop building labelled "Vehicle repair and servicing workshop" and the existing store building labelled "General storage".

7.8 To reflect the changes made to the proposed site plan, the description of the proposed development was modified by deletion of the wording "dismantling and/or" to read:

> "Continued use of site in part for vehicle repair and associated sales; continued use of site in part for existing concrete contracting yard; proposed use of site in part for B8 storage and distribution; landscaping and associated works."

7.9 The Design, Planning and Access Statement has not been updated since the application was submitted in 2017. In relation to the history of the Application Site, the introduction to the Design, Planning and Access Statement notes that:

> "Over time parts of the site have been sub-let and/or used temporarily for other purposes, and at least one of these has become lawful in its own right by virtue of the passage of time (the concrete contracting yard). The intensity at which the site has been used over the last 25 years has varied considerably. At present, the level of use is relatively low but it has in the past been significantly higher with materials stored over the entire site, along with the additional activity associated with that.
>
> More recently, questions have been raised in respect of the effects of such activity on the Certificate of Lawfulness, and indeed the status of the Certificate of Lawfulness itself. It is fair to say that agreement has not been reached with Dorset County Council on all of these matters, and it is not appropriate to rehearse those issues in this statement. But the applicant has

sought specialist legal opinion and is confident that the existing uses of the site are indeed lawful and can be continued."

7.10 In relation to Access, Parking and Traffic, the Design, Planning and Access Statement notes:

"Barrack Road is, for much of its length, a private street and presently serves a number of commercial, industrial, retail and residential properties, as well as the existing uses of the site at Briarswood, and as such it generates significant traffic movements. Whilst its' surfacing and proportions are in parts less than ideal from a highways perspective these nonetheless serve to ensure that traffic speeds along it are generally restricted, and the section that adjoins the public highway is well proportioned and surfaced, and has good junction visibility. The application site lies at the northern end of the 'built-up' part of Barrack Road, approximately 1.5 km from its junction with the highway (Christchurch Road).

As such, it has limited access to public transport in terms of pedestrian access from the site, although the site is accessible by cycle from the nearby built-up settlements and Christchurch Road has a dedicated (shared) cyclelane. In general, though, the site is more than likely to be accessed by private means of transport. This applies of course to both its existing (lawful) use and its proposed use.

The existing lawful use of the site for vehicle dismantling/scrap yard generates a significant amount of traffic on a daily basis and that traffic is, in the main, larger goods vehicles delivering vehicles for dismantling and scrap. In addition it generates visits by customers seeking to purchase dismantled items, as well as the staff employed at the site (including the Martch and Rowden sub-site), and this has been assessed by the applicant as approximately 40 vehicles per day (or 80 vehicle movements). It should be noted that this figure is based on the existing level of activity at the site.

In terms of likely traffic generated by the proposed development, it is only possible to make assumptions based on the range of uses being proposed, as there are no known or intended occupiers at this time. But the size of the scrap yard would be reduced by more than half, and it is therefore reasonable to assume that this would result in a commensurate reduction in traffic movements to 20vpd (or 40 movements per day). The land freed up by the reduction in the scrapyard would be occupied for B8 purposes. Again, without known occupiers it is only possible to make informed assumptions about likely traffic generation, but as explained above B8 uses are the lowest traffic-generating uses of all of the business use classes. This is confirmed by reference to both the TRICS database and the Council's adopted parking standards."

7.11 The conclusions set out in the Design, Planning and Access Statement are as follows:

"The proposed redevelopment of the existing site represents an opportunity to provide multiple planning gains. It would secure a significant reduction in the

area devoted to vehicle dismantling/scrap yard and associated activities, and in doing so would bring both those uses (as well as the B8 use) within effective planning control.

It would also provide for a planned layout for B8 use, away from any sensitive residential boundary, for which there is a clearly identified need that is in general terms recognised in the adopted Core Strategy. The resultant development would have no greater impact on the openness of the green belt, particularly when assessed against the potential for the existing use of the site to intensify beyond its present level.

It is acknowledged that the traffic movements generated by the proposed development are difficult to quantify given the considerable variables involved. However a reasonable assessment can been made taking into account these factors, and the conclusion that the proposed development is likely to generate a reduction in overall trip generation, compared to the lawful use of the site, is considered to be a robust one in the circumstances.

The ecological impacts of the proposed development have been assessed and would be acceptable, with no greater impact on the European sites than those created by the existing lawful use.

Planning permission can therefore reasonably be granted for the development subject to appropriate conditions, which the applicant is content to discuss with the LPA in accordance with best practice."

8. Policy Framework

8.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that in dealing with an application for planning permission the authority shall have regard to:

(a) the provisions of the development plan, so far as material to the application,
(b) a post-examination draft neighbourhood development plan, so far as material to the application,
(c) any local finance considerations, so far as material to the application, and
(d) any other material consideration.

8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) provides that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

<u>The Development Plan</u>

8.3 The Development Plan includes:

(i) the adopted Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019 ('the Adopted Waste Plan');
(ii) the adopted Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2015 ('the Adopted Core Strategy'); and
(iii) the saved policies of the East Dorset Local Plan 2002 ('the Saved Local Plan').

8.4 Having regard to the location of the Application Site and to the nature of the proposed development, the most relevant policies of the Adopted Wate Plan are:

- Policy 22 – Waste from new developments; and
- Policy 24 – Safeguarding waste facilities.

8.5 The most relevant policies of the Adopted Core Strategy are:

- Policy KS1 Presumption in Favour of Sustainable Development.
- Policy KS2 Settlement Hierarchy.
- Policy KS3 Green Belt.
- Policy KS11 Transport and Development.
- Policy ME1 Safeguarding Biodiversity and Geodiversity.
- Policy ME2 Protection of the Dorset Heathlands.
- Policy ME6 Flood Management, Mitigation, and Defence.
- Policy HE1 Valuing and Conserving our Historic Environment.
- Policy HE2 Design of New Development.
- Policy HE3 Landscape Quality.
- Policy PC4 The Rural Economy.

8.6 The most relevant policies of the Saved Local Plan are:

- DES 2: Criteria for development to avoid unacceptable impacts from types of pollution.
- DES6: Landscaping schemes in rural areas and on the edge of settlements should be of indigenous species.
- DES11: Criteria for ensuring developments respect or enhance their surroundings.

Post-examination Draft Neighbourhood Development Plan

8.7 There is no post-examination draft neighbourhood development plan for the Application Site.

Local Finance Considerations

8.8 For the purposes of section 70(2) "local finance consideration" means:

(a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or

(b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

8.9 To be material, a local finance consideration must help to make related development acceptable in panning terms.

8.10 The Community Infrastructure Levy (CIL) operates in the former East Dorset district area, but the proposed development is not of form liable to the levy and no other forms of grant or financial assistance have been identified that would be material to the determination of the subject application.

Other Material Considerations

8.11 The term "any other material consideration" is broad in scope, a material consideration being any matter which is relevant to making the decision in question.

With respect to planning policy, the term encompasses national planning policy and guidance; supplementary planning documents and guidance; and emerging planning policy.

National Planning Policy

8.12 Government planning policy set out in the National Planning Policy Framework ('the NPPF') is material to the determination of all applications for planning permission in England.

8.13 The NPPF was revised in July 2021 and sets out policy on a range of relevant matters including:

- Achieving Sustainable development – paragraphs 7-14
- Decision making – paragraphs 38-59;
- Building a strong, competitive economy – paragraphs 81-85;
- Promoting healthy and safe communities – paragraphs 92-103;
- Promoting sustainable transport – paragraphs 104-113;
- Making effective use of land – paragraphs 119-125;
- Achieving well-designed places – paragraphs 126-136;
- Protecting Green Belt land – paragraphs 137-151:
- Meeting the challenge of climate change, flooding and coastal change – paragraphs 152-173;
- Conserving and enhancing the natural environment – paragraphs 174-188;
- Conserving and enhancing the historic environment – paragraphs 189-208;

8.14 Additional government policy addressing planning for waste management is set out in National Planning Policy for Waste ('the NPPW'). National Planning Practice Guidance ('NPPG') adds further context to the government's planning policies and it is intended that the policies set out in the NPPF and the NPPW are read together with NPPG.

Supplementary Planning Policy and Guidance

8.15 Account has been taken of:

(i) Dorset Council's Biodiversity Appraisal Protocol;
(ii) East Dorset District Council's Supplementary Planning Guidance on Flood Risk, Groundwater and Sustainable Drainage of September 2005;
(iii) East Dorset District Council's 2008 publication East Dorset Landscape Character Assessment; and
(iv) East Dorset District Council's Nature Conservation and the Planning Process in East Dorset Natural Environment Supplementary Planning Guidance of March 2009.

Emerging Planning Policy

8.16 Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

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

9. Consultation Response

9.1 Dorset Council Ward Member – West Parley

Consulted on 18 June 2020 and reconsulted on 01 June 2021. No response received but commented previously as Dorset County Council member for Ferndown ward (recorded at paragraph 9.3 below).

9.2 BCP Council Ward Member – Commons Ward

Consulted on 18 June 2020 and reconsulted on 01 June 2021. No representations made.

9.3 Dorset County Council Ward Members – Ferndown Ward

Cllr Andrew Parry responded by email sent on 23 October 2017 noting awareness of concerns from residents and the Parish Council regarding application. Further commented that:

> "It is understood that the site has operated on a lawful basis since the early 90's. Having reviewed the properties close proximity to adjacent premises and an area of Heathland, you may conclude that further expansion of the site would be considered undesirable.
>
> However, If the view is taken that the site should continue, with certain conditions requested by the Parish Council taken into account, then perhaps consideration could also be given to what other uses may considered acceptable for the future."

9.4 Bournemouth Christchurch and Poole Council

Consulted on 18 June 2020 and reconsulted on 01 June 2021. No response received.

9.5 Christchurch Borough and East Dorset District Councils

Responded by letter dated 27 September 2017 commenting that:

> "Assuming that there is currently no lawful use of the site requires that it is considered to have a nil use. In this context the only acceptable element of

the scheme would be the reuse of the existing buildings on the site to serve the proposed scrap yard use.

The proposal would be inappropriate development in the Green Belt because it would require three new buildings, outdoor storage and a 2m high bund to serve the proposed B8 use, in addition to open storage associated with a scrapyard use. The development would be, by definition, harmful to the openness of the Green Belt and would also result in visual harm.

If the existing use is lawful then it is necessary to consider whether the proposed uses would have a greater impact on the openness of the Green Belt and the purposes of including land within it than the 'Dismantling and rebuilding of heavy commercial vehicles and storage of scrap' (including sales)."

Further commented that:

"The current use of the brownfield site does have a significant impact on the openness of the Green Belt. The site is littered with parked scrap vehicles of varying sizes, together with trailers, machinery, skips and materials. There are also a number of containers; one to the west of the building on the southern boundary and 12 sited in a single storey row along the northern boundary. The only constraints on the use of the site, beyond the description in the certificate of lawfulness, are self-imposed e.g. an access through the site needs to be maintained to facilitate the builders' yard operation in the north eastern corner."

"The proposed development would have a greater harm to the Green Belt than the existing use and therefore is inappropriate in the Green Belt. It is not possible to ascertain the effects that the proposal would have on the visual openness of the Green Belt with any certainty because of the nature of the existing and proposed uses which could take place at varying degrees of intensity. The only certainty is that the proposal would introduce three new, permanent buildings, two to be sited along the northern boundary and one on the eastern boundary. As the bridleway runs parallel with the northern boundary the impact that these buildings have on visual openness will be evident.

It is therefore concluded that the proposed development is inappropriate in the Green Belt whether or not the existing uses are lawful. In these circumstances it is necessary for the decision maker - Dorset County Council - to consider whether there any very special circumstances exist which clearly outweigh the harm to the Green Belt. One such circumstance might be the opportunity to consolidate and control the current use of the site.

The proposal is considered inappropriate development in the Green Belt and East Dorset District Council OBJECT to the application unless special circumstances can be demonstrated as set out in Paragraph 88 of the National planning policy Framework (NPPF)."

The consultation response further noted that an Ecological Appraisal and Biodiversity Mitigation Plan and a Noise Impact Assessment had been provided in support of the application and that subject to approval by Dorset County Council's Natural Environmental Team, by Dorset County Council's own Environmental Health Team this Council, raised no objection on these issues.

9.6 **West Parley Parish Council**

Responded by email on 17 October 2017:

> "West Parley Parish Councillors discussed the application at length, including the damage being caused to the environment, the SSSI, the Greenbelt and the bridleway. County Cllr Parry offered to get a list of Statutory Consultees and subsequently shared with Council. Councillors discussed the need to offer a formal objection to the proposal. Councillors wish to comment on the lack of detail, omission of a map, no proposed drainage and no comment on the current leaseholder's interest in the use and longevity of the site. These are all key information factors to reach a reasonable and effective decision. In addition to the fact the site is in greenbelt, neighbouring and impacting a SSSI and Dorset Heathland, pollution is a concern due to the run off and inadequate drainage currently. There is also the belief there there is an absence of a valid Waste Licence. Therefore the Parish Council strongly seek for this application to be refused.
>
> However, should the case officer be minded to approve and attach conditions (reviewable regularly and monitored), the Parish Council suggest the following conditions be included:
> - Screening,
> - introduction an effective drainage scheme
> - installation of an acoustic wall to reduce impact on residents
> - add a weight and height restriction on lorries using the site to limit damage to the roads and trees
> - that the leaseholder significantly contributes to the upkeep of the private road and bridleway

Further response sent by email of 18 September 2020 indicating Parish Council shocked to be informed that yet again planning decision had been delayed and commenting that given the length of time that has elapsed and the differing activity on the site, it is a surprise that Dorset Council have not requested that a new application should be submitted to take everything into account. Further noted Parish Council wish to stand by their previous strong objection submitted in 2017 when the application was first being considered. Also noted that there is additional concern for the flood management and drainage given new information from neighbouring properties about issues they have experienced, and concern for fire risk given the proximity to protected Dorset Heathland.

Further response dated 11 June 2021 commenting:

> "It should be noted that due to the extensive delays in Dorset Council determining the above application, much of the information is now out of date

and this should either be amended or brought to the attention of the determining Committee.

The Parish Council stands by its previously submitted responses in 2017 and 2020 and attention should be given to the following conditions, should the case officer and committee be minded to approve.

1. stipulation on the hours of operation
2. impact of large vehicles and volume of vehicles on the roads - Barrack Road and the B3073
3. Contribution to the maintenance of Barrack Road by the tenant
4. mitigation for water run off from the site into neighbouring properties
5. sound mitigation for neighbouring properties in the form of acoustic screening
6. the impact on horse riders as the road is also a bridleway
7. for fire risk given the proximity to protected Dorset Heathland (raised in 2020)

The Parish Council objects to the application which is in greenbelt, adjacent to protected Dorset Heathland and is in close proximity to a Site of Special Scientific Interest."

9.7 **Hurn Parish Council**

Responded by letter dated 12 October 2017 stating:

"1. The proposal would increase lorry traffic on the public highway through Hurn and the surrounding area, where traffic is already at capacity at peak times

2. The application is for commercial development within the Greenbelt.

3. It is in close proximity to SSSI,

4. The proposal could have an environmental impact affecting residents, local walkers and horse riders along the bridleway.

5. Barrack Road is a bridleway, is part of the local bridleway system and is unsuitable for large vehicles and heavy lorry traffic. There are three Equestrian Centres in close proximity.

6. The application does not appear to state what the new B8 units will be used for, or what type of storage. More information is needed as the type of storage will affect the size of lorries accessing the site and the frequency and time of day of those movements. There are residential properties along Barack Road which will be affected by lorry movements."

Further responded in email sent 15 July 2020 indicating that Parish Council have nothing more to add to their previous comments and by letter dated 18 June 2021 referring to previous comments and advising that the Parish Council have no further comments.

9.8 **Ferndown Town Council (neighbouring)**

Responded by email sent on 12 October 2017 stating:

> "OBJECTION: (Unanimous) Comment: Natural England should be consulted as the site is within 400m of SSSI."

Re-consulted on 18 June 2020 and again on 01 June 2021. No further response received.

9.9 **Dorset County Council Transport Development Liaison Engineer**

Responded by email sent on 15 September 2017 stating that:

> "With the proposal having no apparent highway safety implications, I have no objection, in principle, to the application."

9.10 **Dorset Council Transport Development Liaison Engineer**

Responded by email sent on 07 July 2020 advising that Highway Authority has nothing further to add to its previous observation dated 15 September 2017.

Reconsulted on 01 June 2021. No further response received.

9.11 **Dorset County Council Rights of Way**

Responded on 17 October 2017 expressing concern that proposed development will lead to increased traffic levels on Barrack Road. Noted that road is a public Bridleway throughout its length and contributes to a network of public and permissive bridleways on Parley Common. Commented that increased traffic levels especially of larger/noisier goods vehicles will create additional hazards to those using the route.

9.12 **Dorset Council Rights of Way**

Responded on 25 June 2021:

> "The Bridleway in question is well used by both horse riders and cyclists. It is a main arterial Bridleway that forms circular rides as well as the main link onto the common itself. It is important for riders not only based on Barrack Road itself, but also the wider equine community in Christchurch Road and the West Parley area, forming the only bridleway link onto the common from the south.
>
> It is an important cycle link for families, especially with the increase in housing in West Parley.
>
> The width of the bridleway does not allow room for large vehicles and horses to pass each other safely without the addition of passing places. There are deep drains in places close to the edge of the surface.
>
> There is concern about the size and speed of vehicles that will need to access this facility, and we'd like to see some mitigation measures. The surface itself is tarmac which creates a nasty combination of vehicles travelling at

inappropriate speed, on a surface that horses can easily slip on if panicked or trying to get out of the way of vehicles. The noise created by goods vehicles in particular, such as sudden and loud rattles and bangs, will also increase the risk to riders."

9.13 **British Horse Society**

Responded on 03 October 2017:

"Barrack Road is a bridleway (E56/2 & E42/16) and the site is at the top of this road which is used by many local riders in the area to access and exit Parley Common.

Due to the restricted width of this road and very few passing and pull in areas, little to no grass verges and the amount ,cars and heavy trucks currently using this bridleway/road, the safety of horse riders and other users of this bridleway is already compromised therefore the possibility of this development going ahead would only made a bad situation even worse and there could be incidents which may involve injuries to horse and or riders

We also note that the yard is in green belt and next to Parley Common an SSSI.

There are a considerable amount of horses kept and ridden around this area be it livery yards or owners who keep their horses privately in the surrounding fields. We need to safeguard their safety and allow them to access off road riding easily and safely as roads are becoming so busy around this area and with the possibility of further large developments very close to Barrack Road there is already limited off road riding and access to Parley Common needs to be taken on board for the future."

Further response received by letter dated 2.11.17 noting that proposals will make use of Bridleway in the Green Belt much more dangerous for horse riders and all other users and further noting that:

"The whole lane is only one vehicle wide, with very few passing places, so quite unsuitable for increased lorry traffic.

Some years ago I represented them in an EDDC Pubic Inquiry for retrospective planning permission for Groundbase to continue taking JCBs, Hymacs etc along this lane on giant low-loaders. Drivers would shout abuse to riders & chase them up the lane, two falling into the adjoining stream, so their usage was stopped.

Later Turners put in a similar plan to this one, to increase car sales & lorry breaking, leading to a vast increase in heavy lorry traffic – they also failed.

About 3 years ago Dorset Wildlife Trust headed a Lottery Bid, with local councils, to purchase valuable heathland, sites of scientific interest, to improve & enhance them for wildlife conservation as "The Great Heath" – see leaflet.

Parley Common is the most Easterly of these sites and I and many volunteers regularly meet with Wildlife Trust and ARC – Amphibian & Reptile Conservation Trust to improve habitats & waymark Footpaths & Bridleways away from the most sensitive areas.

This plan will make public access to the Common more dangerous, cause higher air pollution, as it is is along the lowest side, which sometimes floods , ground water could become contaminated with spilt fuel & toxic chemicals.

Industrial usage should be sited on industrial estates, not in our Green Belt countryside. There are three round Hurn Airport, only 1 mile away with wide roads to take lorry traffic with no risk to horseriders, children on ponies & dog-walkers. There are 100 horse liveries at Parley Equestrian Centre, others at the Oaks, in Barrack Rd. while riders from 2 yards by Ensbury Bridge, Dusnsbury and Hurn Bridge Farm use this single track Bridleway to reach their only safe riding area on Parley Common.

Granting this permission will lead to a vast increase in large lorries using this lane and become even more dangerous."

Re-consulted on 18 June 2020 and again on 01 June 2021. No further response received.

9.14 **Environment Agency**

Responded by letter dated 02 October 2017 raising no objection but recommending conditions and/or informatives relating to foul and surface water drainage; contamination; pollution prevention and waste; and environmental permits.

Further response received 22 July 2020 noting amend plan, maintaining position as previously set out.

Further response received 03 June 2021 indicating no further comment and referencing letter of 02 October 2017 for requested conditions and informatives.

9.15 **Dorset County Council Flood Risk Management Team**

Responded by email sent on 26 September 2017 noting that site is shown to be entirely within Flood Zone 1 (low risk of fluvial flooding) by indicative modelling published by the Environment Agency (EA) and is not thought to be at theoretical risk of surface water flooding, although relevant mapping does suggest some risk of surface water ponding immediately north of site, and an overland flow path following the line of an Ordinary Watercourse, aligned west / south-west of Barrack Road, during significant rainfall events (1:30/100/1000 year).

Further noted that site and wider area are not thought to be at pronounced risk of ground water flooding or elevated ground water levels, although the proximity of a number of watercourses is likely to impact upon seasonal fluctuations of such levels.

Comment that given nature and scale of proposed (continued) development , no objection / formal comment in respect of associated management of surface water runoff derived from the site, or proposed reconfiguration of the buildings. However,

offer following discretionary comments with regard to the management of surface water, and the limited information provided in support of the proposals:

> Whilst section 12 of application form identifies infiltration (i.e. soakaways) as the intended means of managing surface water runoff from proposed development, it is not clear what existing provision or infrastructure is provided for surface water management on site. Supporting Design, Planning & Access Statement fails to outline existing or proposed drainage arrangements, as the proposed or perhaps continued use of soakaways is not explained or substantiated. It is not clear therefore whether ground conditions will give adequate infiltration rates or that soakaways will work effectively.
>
> The proposal offers a net reduction in combined building footprint (internal floorspace), but this is unlikely to offer any betterment in terms of surface water management, as an established commercial site of this type / use is likely to be largely impermeable, either via surface coverings (concrete / tarmac) or the compaction of rough ground. Water quality and the collection of potential contaminants is perhaps the greater issue with a site and operation of this type, for which the EA should be consulted as the regulator for water quality.

9.16 **Dorset Council Flood Risk Management Team**

Responded by email sent on 15 July 2020 reiterating comments noted in paragraph 9.15 above and commenting that given the nature and scale of the revised proposals, no objection or formal comment in respect of surface water management from the site.

Reconsulted 01 June 2021. No further response received.

9.17 **Wessex Water**

Consulted on 11 September 2017. Re-consulted on 18 June 2020 and 01 June 2021. No response received.

9.18 **Dorset Council Senior Archaeologist**

Consulted on 11 September 2017. Re-consulted on 18 June 2020 and 21 June 2021. No response received.

9.19 **Natural England**

Responded by letter dated 06 October 2017 raising no objection subject to conditions and commenting that:

> "The application is extending and developing existing uses on the site and as such these uses have not led directly to deleterious effects on the designated sites. The proposed buildings and use does represent an intensification in a relatively remote rural location surrounded by residential properties along Barrack Road. Natural England makes a general comment that the authority should carefully consider if this location is appropriate for the intensification of use and if the junction with Christchurch Road can meet any additional

demand. Natural England is concerned that additional traffic along the Barrack Road may lead to spreading pressures from vehicles onto the designated sites which abut both sides of the Road. The likelihood of such pressure on passing places etc should be considered by the authority. In addition the increased business use does raise some concerns about additional parking use on Barrack Road and hence delays to Fire Service access to the designated sites in emergencies.

Natural England raise these issues for consideration by the authority not as reasons for objection based upon the existing evidence.

Natural England note that a Biodiversity Mitigation Plan has been submitted but that there does not appear to be a Certificate from DCC NET as yet. The authority should request the applicant secures one prior to determining the application. On[c]e a Certificate is approved then the BMP should be secured through a planning condition.

Natural England support and welcome the conditions set out in the EA response which should be required to avoid environmental harm."

Further response by email sent on 14 July 2020 noting advice provided in previous response applies equally to amendment and noting no objection to the original proposal (subject to mitigation / conditions). Further noted that proposed amendments to original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Reconsulted 01 June 2021. No further response received.

9.20 **Dorset Wildlife Trust**

Responded by email sent on 13 September 2017 noting that consultation with Natural England is essential and that the Wildlife Trust will support the views of Natural England with regards to the potential for adverse impacts on the SSSI and any requisite avoidance, mitigation and compensation measures to ensure no adverse impact on that site.

Further commented that provided all measures set out in Biodiversity Mitigation Plan are conditioned, then DWT is satisfied that there will be no adverse impact on wildlife on the site and potentially a small biodiversity gain.

Reconsulted on 18 June 2020 and 01 June 2021. No further response received.

9.21 **Dorset County Council Natural Environment Team**

Responded by email sent on 13 September 2017 noting that they had received and approved a Biodiversity Mitigation Plan for the site and stating that provided the Biodiversity Mitigation Plan is made a condition of any grant of planning permission, as per the Dorset Biodiversity Appraisal scheme, nothing further is advised.

9.22 **Dorset Council Natural Environment Team**

Responded by email sent 25 June 2020 noting that the Biodiversity Plan (BP) for this application was signed off on 09 March 2017, but that as stated on the certificate, Biodiversity Plans are valid for 3 years and that BP is therefore out of date and should be updated prior to any approval. Further noted that Biodiversity Plans do not cover impact on designated sites so re-consultation with Natural England and Dorset Wildlife Trust is advisable.

Further response received 22 June 2021 noting that it does not appear that the new plans and description will affect the approved Biodiversity Mitigation Plan, as such it does not need amending and have no further comments on the application.

9.23 **Dorset County Council Senior Landscape Architect**

Consulted on 11 September 2017. No response received.

9.24 **Dorset Council Landscape Officer**

Consulted on 18 June 2020 and again on 01 June 2021. No response received.

9.25 **Manchester Airport Group - Bournemouth Airport Aerodrome Safety**

Responded on 02 October 2017 noting that proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with any safeguarding criteria. Accordingly, no safeguarding objections to proposal.

Reconsulted on 18 June 2020 and again on 01 June 2021. No further response received.

10. Other Representations Received

10.1 The application was advertised by press and site notices in September 2017 and June 2020, with a further site notice displayed on 03 June 2021. Notification letters were additionally sent to the occupiers of 61 properties.

10.2 In addition to the consultation responses noted above, representations about the application have been received from 35 respondents/addresses.

10.3 The representations received raise concerns and objections regarding:

(i) illegal and unlawful operations and/or use of the Application Site;
(ii) the management of development on the Application Site;
(iii) traffic impact;
(iv) emissions from site activities particularly noise, vibration, dust and odours;
(v) surface water management;
(vi) pollution, contamination and pollution risk;
(vii) the adequacy of the site access arrangement and damage to surface of Barrack Road caused by traffic travelling to and from the Application Site;
(viii) safety and amenity of rights of way users;
(ix) impact on the Green Belt.
(x) impact on biodiversity, particularly protected heathland;
(xi) impact on landscape character and visual amenity; and

(xii) inadequate information.

11. Planning Assessment

11.1 Having regard to the nature of the proposed development, the site context and to the representations made about the application, the main issues in the determination of the application relate to:

(i) the acceptability in principle of the continued use of the Application Site for the purposes proposed;

(i) the adequacy of the existing site access arrangement;

(ii) the impact of the proposed uses, landscaping and associated works on:

- climate change and natural resources;
- the character and appearance of the Application Site and the surrounding area; and
- residential and recreational amenity.

11.2 Account must also be taken of the public sector equalities duty and any implications for human rights.

Main Planning Issues

11.3 Policy KS1 of the Adopted Core Strategy provides that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area.

11.4 Paragraph 8 of the NPPF provides that achieving sustainable development means that the planning system has three overarching objectives – an economic objective, a social objective and an environmental objective – which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives. Amongst other matters, the overarching objectives make clear that the planning system has a role in:

(i) helping to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity;

(ii) fostering a well-designed and safe built environment; and

(iii) protecting and enhancing our natural, built and historic environment, making effective use of land, helping to improve biodiversity, minimising waste and pollution and mitigating and adapting to climate change.

11.5 Paragraph 38 of the NPPF makes clear that local planning authorities should approach decisions on proposed development in a positive and creative way, making use of the full range of planning tools available and working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. It is further stated that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations but provides that planning obligations should only be used where it is not possible to address unacceptable impacts through planning condition (NPPF, paragraph 55) and that:

(i) planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects (NPPF, paragraph 56); and

(ii) that planning obligations must only be sought where they are:
- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development (NPPF, paragraph 57).

11.6 The subject application has twice been amended to address concerns expressed in representations made about the application. Recommended conditions considered to be in accordance with the provisions of the NPPF are set out in section 12 of this report. No planning obligations have been proposed by the Applicant and, notwithstanding that a range of concerns have been expressed in representations made about the application, I am satisfied that no planning obligations are necessary to make the proposed development acceptable in planning terms.

11.7 Policy KS2 of the Adopted Core Strategy provides that the location, scale and distribution of development should conform with the settlement hierarchy in which the lowest order settlements are identified to be:

(i) Rural Service Centres identified as main providers for the rural areas where residential development will be allowed of a scale that reinforces their role as providers of community, leisure and retail facilities to support village and adjacent communities;

(ii) named villages where only very limited development will be allowed that supports the role of the settlement as a provider of services to its home community; and

(iii) hamlets where development would not be allowed unless it was functionally required to be in the rural area.

11.8 The Application Site is not located within or adjacent to a named settlement but either forms part of and/or is otherwise located adjacent to a hamlet. The proposed development is not of a form specifically intended to meet an identified functional rural requirement, but the Application Site is previously developed land that has a long history of commercial use which has neither been allocated nor safeguarded for a specific purpose in the development plan.

11.9 Paragraph 123 of the NPPF states that local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.

11.10 The Adopted Core Strategy identifies a need to provide adequate land for employment growth with specific mention of major new sites but also reference to enabling the rural economy to diversify and flourish through the reuse of buildings (Adopted Core Strategy, paragraph 3.1).

11.11 In relation to supporting a prosperous rural economy, paragraph 84 of the NPPF provides that planning decisions should enable the sustainable growth and expansion of all types of businesses in rural areas and paragraph 85 of the NPPF

indicates that the use of previously developed land should be encouraged where suitable opportunities exist.

11.12 The Application Site is located within the designated South East Dorset Green Belt, immediately adjacent to residential development and in close proximity to protected heathland and is accessed by means of a private road that is also a public bridleway. Land comprised in the Application Site has previously been used for a range of purposes including the dismantling and repair of vehicles and the storage of scrap. Such use is recognised as having impacted negatively on the character and appearance of the locality and on the amenities of neighbouring properties and the locality more generally.

11.13 Policy KS3 of the Adopted Core Strategy provides that development proposals on sites considered as previously developed sites within the Green Belt shall be considered against sustainable development criteria, with prerequisites for development identified as:

- Approval of a development brief by the Council,
- Agreement of a comprehensive travel plan, and
- A wildlife strategy to be agreed with the Council that ensures no harm to features of acknowledged biodiversity importance, as well as enhancing the biodiversity where possible through improving the condition of existing habitats or creation of new ones.

11.14 The NPPF is clear that the fundamental aim of green belt policy is to prevent urban sprawl by keeping land permanently open (NPPF, paragraph 137), that Green Belt serves five purposes (NNPF, paragraph 138) and that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (paragraph 147). However, the NPPF also makes clear that certain forms of development are not inappropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it.

11.15 The forms of development that are not inappropriate in the Green Belt are identified to include limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (NPPF, paragraph 149) and the re-use of buildings provided that the buildings are of permanent and substantial construction (NPPF, paragraph 149). The existing workshop and the store building present within the Application Site satisfy this requirement.

11.16 Policy KS3 of the Adopted Core Strategy provides that that the most important purposes of the Green Belt in East Dorset and Christchurch Borough area are to:

- Protect the separate physical identity of individual settlements in the area by maintaining wedges and corridors of open land between them and
- To maintain an area of open land around the conurbation.

11.17 In addition to the use of the workshop and store, previous use of the Application Site has involved the long-term presence of storage containers and portable buildings within the Application Site as well as the open storage of motor vehicles, including heavy commercial vehicles, and other items. The ongoing use by Martch & Rowden Construction Limited has further included the storage of plant, materials and equipment as well as the assembly and dismantling of concrete formwork/shuttering.

11.18 Council approval has been not given to a development brief covering the Application Site and no travel plan has been submitted for approval as part of the application. However:

(i) the submitted Design, Planning and Access Statement addresses the access, parking and traffic implications associated with the continued use of the Application Site;

(ii) Dorset Council's Transport Development Liaison Engineer has raised no objection to the proposed development; and

(iii) Dorset Council's Natural Environment Team has approved the Biodiversity Plan submitted in support of the application.

11.19 Implementation of the biodiversity mitigation and enhancement measures set out in the Biodiversity Plan can be adequately secured by means of planning condition requiring the submission, approval and implementation of a Site Operation and Management Plan. A condition to this effect is recommended.

11.20 As amended, the application proposal involves no new permanent buildings and provides for the use of the existing permanent buildings for the purposes that they were originally constructed i.e. the repair of vehicles and storage.

11.21 Under the proposed arrangements, the Application Site would remain in mixed use and be used for purposes with visual characteristics similar to previous uses, but which in the absence of vehicle dismantling, are likely to have a less detrimental impact on visual, residential and recreational amenity and are also likely to present a reduced level of risk to the natural resources of the locality. No expansion of the Application Site onto undeveloped land is proposed so with the imposition of a condition limiting the maximum height of any storage containers and stored items there would be no additional harm to the purposes of Green Belt designation.

11.22 Road infrastructure is generally constructed to provide a clearance height for heavy good vehicles a little over 5 metres high. Measured externally, standard shipping containers are typically 2.59 metres tall. Accordingly, a maximum height limitation of 5.3 metres would allow for the stacking of up to two standard storage containers, with a total height similar to that of a large lorry body. On this basis, a height limitation of 5.3 metres is considered to be reasonable and necessary to preserve the openness of the Gren Belt.

11.23 Policy PC4 of the Adopted Core Strategy provides that proposals for the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside for economic development must ensure:

- The proposals support the vitality and viability of rural service centres and villages with existing facilities.
- Proposals must not adversely impact the supply of employment sites and premises and the economic, social and environmental sustainability of the area, when considering proposals which involve the loss of economic activity.
- Proposals do not have a materially greater impact on the openness of the Green Belt and the purposes of including land within it.
- The benefits outweigh the harm in terms of:
    1. The potential impact on countryside, landscape and wildlife.

2. Development is compatible with the pursuit of the Cranbourne Chase and West Wilshire Downs Area of Outstanding Natural Beauty (AONB) purposes, which are set out in the AONB Management Plan.
3. Local economic and social needs and opportunities not met elsewhere.
4. Settlement patterns and the level of accessibility to service centres, markets and housing.
5. The building is suitable for the proposed use without major re-building and would not require any significant alteration which would damage its fabric and character, or detract from the local characteristics and landscape quality of the area. Any necessary car parking provision should also not have an adverse impact on setting of the building in the open countryside.
6. The preservation of building of historic or architectural important/ interest, or which otherwise contributes to local character.

11.24 Much, though by no means all of the adverse impact associated with historic use of the Application Site associates with its use in part as an end-of-life vehicle management centre. The Noise Impact Assessment report submitted in support of the application suggests that the continued use of the Application Site for of end-of-life vehicle dismantling and associated activities would likely result in a significant noise impact whereas the uses comprised in the amended proposal are likely to be less disruptive. Amendment of the application by withdrawal of the proposal for continued use for vehicle dismantling is therefore seen as a positive, important and welcome change to the application.

11.25 It is not unusual to find either vehicle repair and servicing centres and/or storage and distribution facilities operating within rural areas and I do not believe the proposed usage of the Application Site would materially detract from either the vitality or the viability of established centres nor adversely affect the supply of employment sites and premises elsewhere. In the circumstances of the Application Site, the implications of the proposed uses, landscaping and associated works for the countryside, landscape and wildlife are considered to be acceptable, with the continued usage having no greater impact on the setting of the nearby scheduled monuments than the previously lawful uses; there being no consequent increase in flood risk on the Application Site or elsewhere; and the overall impact on the natural resources being beneficial net gain.

11.26 Various processes and emissions undertaken at the Application Site have been subject to non-planning pollution control regimes and it is likely that this will continue to the case. An informative referring to environmental permitting advice is recommended. However, paragraph 188 of the NPPF is clear that the focus of planning decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes), and that planning decisions should assume that these regimes will operate effectively. Only clean (uncontaminated) surface water can be discharge to soakaways or watercourses, such that additional sealed drainage systems may be required, but this is a matter that can be adequately controlled by condition and the Environment Agency.

11.27 Various concerns have been expressed in relation to the available means of accessing the Application Site, particularly in relation to the potential for conflict between roadway and bridleway users, the potential for damage to the roadway/bridleway surface and adjacent trees and the potential for conflict and/or disturbance more generally.

11.28 Policy KS11 of the Adopted Core Strategy provides that development must be designed to:

- provide safe, permeable layouts which provide access for all modes of transport, prioritising direct, attractive routes for walking, cycling and public transport;
- provide safe access onto the existing transport network;
- allow safe movement of development related trips on the immediate network; and
- minimise the number of new access on the A338.

11.29 Policy KS11 of the Adopted Core Strategy further provides that that development should be in accessible locations that are well linked to existing communities by walking, cycling and public transport routes and that developers will be required to contribute towards local and strategic transport improvements through site specific legal agreements and payment of the Community Infrastructure Levy.

11.30 The Community Infrastructure Levy (CIL) operates in the former East Dorset District area but the proposed development is not of form that is liable to the levy and I am satisfied that no planning obligations are necessary to make the proposed development acceptable in planning terms.

11.31 The Application Site is not well served by public transport but is readily accessible by other modes and no change is proposed to the existing access arrangements which have been in operation for many decades. In circumstances that Dorset Council's Highway Liaison Engineer has raised no objection to the application proposal and on the basis that Class B8 storage and distribution uses typically generate less vehicular movement than other forms of employment development, whilst noting the concerns expressed by the British Horse Society and the representations from others regarding highway issues, in my opinion, a refusal of planning permission on the basis of traffic related impacts could not be sustained at appeal on either capacity, safety and/or amenity grounds and it would be inappropriate to seek any contribution towards local and/or strategic transport improvements and/or impose a restriction on the type or number of vehicles able to access the Application Site. However, a level of control over the nature and intensity of site usage can reasonably be established through the imposition of appropriate daytime and night time noise limits and other site management matters.

11.32 Accordingly, with the imposition of recommended conditions, I am satisfied that the use of the Application Site as proposed should have no greater impact on either the character, the appearance or the amenities of the locality than the previously certified lawful uses and that the openness of the Greenbelt would be preserved. I am further satisfied that the proposed uses would help to sustain local employment and service provision and that the benefits of the proposal as amended do outweigh any harm likely to be associated with the proposed uses, landscaping and associated works.

Equalities

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

(i) eliminate discrimination, victimisation and any other conduct that is prohibited by or under the Act;

(ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

11.35 As the application proposal is focussed on enabling the continued use of the Application Site for mixed employment purposes, it is considered that the proposal does not have significant equalities implications.

Human Rights

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

- Article 6 - Right to a fair and public hearing;
- Article 8 - Right to respect for private and family life; and
- The First Protocol, Article 1 - Protection of Property.

11.37 Rights under Article 6 and 8 are qualified rights, meaning that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

11.38 Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. The term "possessions" may include material possessions, such as property, and also planning permissions and possibly other rights.

11.39 Any interference with a Convention right must be proportionate to the intended objective, such that any interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe. However, case law indicates that interference with the human rights noted above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant.

11.40 For the reasons set out above, I am satisfied that the proposed development should not:

(i) impact on the right to live one's personal life without unjustified interference such that Article 8 would be engaged; nor

(ii) unreasonably deprive any person of either their right to the peaceful enjoyment of their possessions or of their right to their possessions.

Conclusion

11.41 Subject to the imposition of the planning conditions set out in section 12 of this report, in so far as it relates to land within Dorset Council's administrative area, the application proposal is considered to be in general accordance with the development plan with no material considerations indicating that the application should be determined other than in accordance with the development plan. Accordingly, planning permission can and should be granted.

12. Recommended Conditions

(1) Time Limit – Commencement of Development

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

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

(2) Use of Land in Accordance with Proposed Arrangements

Use of the land and buildings within the application site shown edged red on the submitted application site location plan shall be in accordance with the arrangements illustrated on Sheerin Bettle Architecture Drawing Number SBA.3464-7-2 Revision J and shall include no other primary use. Use for the purposes of vehicle repair, servicing and ancillary sales shall be restricted to the area hatched yellow on Drawing Number SBA.3464-7-2 Revision J and notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any other Order enacting or re-enacting the provisions of that Order the area hatched yellow shall be used for no other purposes other than uses falling within Class B8 (storage and distribution) of the Town and Country Planning (Use Classes) Order 1987.

Reason: In the interest of the natural environment and amenity having regard to Policies KS3, KS11, ME1, ME2, HE2 and PC4 of the adopted Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2015 and saved policies DES6 and DES11 of the East Dorset Local Plan 2002.

(3) Site Operation and Management Plan and Biodiversity Plan

Prior to the recommencement of vehicle repair, servicing and ancillary sales and prior to the siting of any additional storage containers within the application site shown edged red on the submitted application site location plan a Site Operation and Management Plan shall be submitted to and approved in writing by the local planning authority. The submitted Site Operation and Management Plan shall include:

(i) a Site Layout Plan specifying operational layout arrangements including details of site usage, site surfacing, any means of enclosure

and the provision to be made for vehicular and cycle parking and vehicular manoeuvring;

(ii) a method statement and timetable for the implementation and future maintenance of site landscaping measures including provision of bunding and hedge planting in accordance with the arrangements detailed on Sheerin Bettle Architecture Drawing Number SBA.3464-7-2 Revision J;

(iii) a scheme for the management and disposal of foul and surface water;

(iv) details of any facilities for the storage of oils, fuels or chemicals that would present a pollution risk (all such details to include provision for secondary means of containment that is impermeable to both the oil, fuel or chemical and water);

(v) a scheme for the management of waste arisings on the Application Site; and

(vi) a timetable for the implementation of the biodiversity mitigation and enhancement measures set out in the Biodiversity Plan dated 23/07/2021 submitted in support of the application.

Use and management of the application site shall be in accordance with the approved Site Operation and Management Plan and the Biodiversity Plan dated 23/07/2021.

Reason: In the interests of the natural environment and the character and appearance of the area having regard to Policies KS3, KS11, ME1, ME2, ME6, HE2, HE3 and PC4 of the adopted Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2015, saved policies DES2, DES6 and DES11 of the East Dorset Local Plan 2002 and Policy 22 of the adopted Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019.

(4) Noise Limits

Use of the land and buildings within the application site shown edged red on the submitted application site location plan shall be managed so that noise measured at any boundary of the application site with a neighbouring residential property does not exceed 55 dB $L_{Aeq, 1\ hour}$ between the hours of 07:00 and 23:00 and does not exceed 45 dB $L_{Aeq, 1\ hour}$ between the hours of 23:00 and 07:00.

Reason: In the interest of the amenity of neighbouring residential occupiers having regard to Policy HE2 of the adopted Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2015 and saved policy DES2 of the East Dorset Local Plan 2002.

(5) Maximum Height of Stored Items and Storage Containers

No materials, equipment or other items stored on the land shown edged red on the submitted application site location plan and no storage containers stationed on that land shall exceed a maximum height of 5.30 metres above ground level.

Reason: In the interests of the character and appearance of the area having regard to Policies KS3, HE2 and HE3 of the adopted Christchurch and East

Dorset Local Plan Part 1 – Core Strategy 2015 and saved policies DES6 and DES11 of the East Dorset Local Plan 2002.

13. Additional Information for Inclusion on Decision Notice

(1) Statement of Positive Involvement

As the local planning authority Dorset Council takes a positive and proactive approach to development proposals focused on solutions. The Council worked with the Applicant and the Applicant's agent in a positive and proactive manner by:

(i) updating the Applicant's Agent of issues as they arose in the processing of the application;
(ii) discussing possible solutions to material concerns raised; and
(iii) providing the Applicant with the opportunity to address issues of concern with a view to facilitating a recommendation to grant planning permission.

(2) Environmental Permits & Surface Water Management

Elements of the planned site usage may require an Environmental Permit or exemption. Further guidance can be found at:

- https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit,
- https://www.gov.uk/guidance/pollution-prevention-for-businesses
- https://www.gov.uk/government/publications/sr2015-no17-vehicle-storagedepollution-and-dismantling-authorised-treatment-facility

Only clean uncontaminated surface water can be discharge to soakaways or watercourses. The discharge of clean (uncontaminated) surface water does not require an Environmental Permit, but on account of the nature of the historic and planned usage of the application site, storm water runoff could be contaminated with oils and other chemicals. In consequence, sealed drainage with hardstandings are likely to be a requirement with contaminated surface water being disposed of to foul sewer (with Consent from Wessex Water) or tankered away to an authorised disposal site.

You are recommended to contact the Environment Agency to obtain more specific advice on permitting requirements.

(3) Further Information

Further details including application documents and the Planning Officers report can be viewed by entering the application reference given above in to the relevant search field at the following url: www.dorsetforyou.com/ePlanning/searchPageLoad.do.

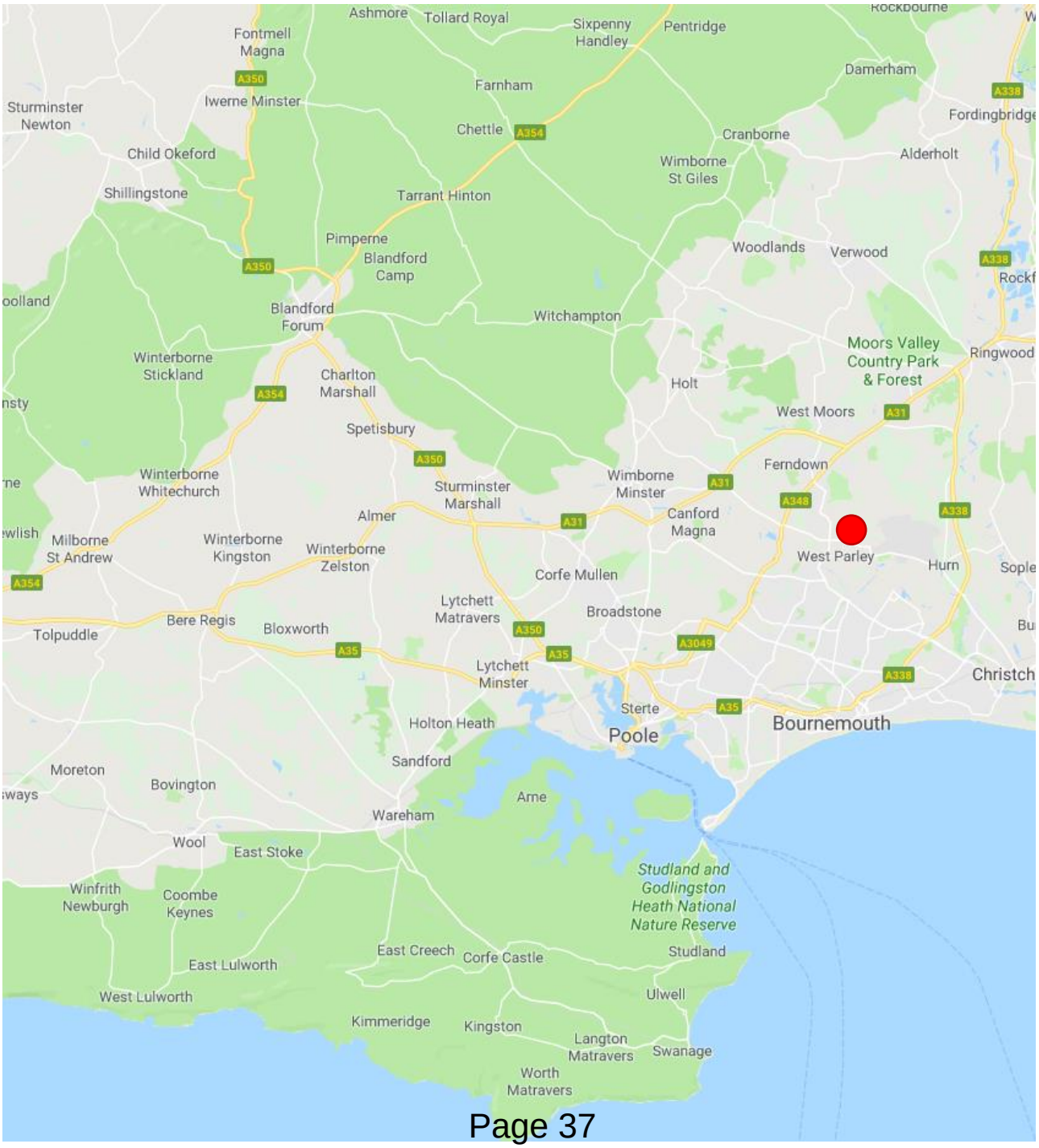
Report prepared by: Huw Williams MRTPI - Lead Project Officer
Economic Growth and Infrastructure, Dorset Council

Completed: 30 July 2021

Strategic Planning Committee 09 August 2021

Application Reference:	3/17/2480/DCC
Site Location:	Briarswood Yard, Barrack Road, West Parley, BH22 8UB
Proposal:	Continued use of site in part for vehicle repair and associated sales; continued use of site in part for existing concrete contracting yard; proposed use of site in part for B8 storage and distribution; landscaping and associated works.

● Approximate Location of Application Site



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