



Northern Area Planning Committee

Date: Tuesday, 30 August 2022
Time: 2.00 pm
Venue: Stour Hall - The Exchange, Old Market Hill, Sturminster Newton, DT10 1FH

Members (Quorum: 6)

Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Tim Cook, Les Fry, Matthew Hall, Brian Heatley, Carole Jones, Stella Jones, Emma Parker, Val Pothecary and Belinda Ridout

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

For more information about this agenda please contact Democratic Services Meeting Contact 01305 224175 - David.Northover@dorsetcouncil.gov.uk

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

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Agenda

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

3. MINUTES 5 - 12

To confirm the minutes of the meeting held on Tuesday 12th July 2022.

4. PUBLIC PARTICIPATION

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

The deadline for notifying a request to speak is 8.30am on Friday 26th August 2022.

Please refer to the [Guidance for speaking at the Area Planning Committee](#) for further information.

5. PLANNING APPLICATIONS

To consider the applications listed below for planning permission.

6. P/FUL/2021/04282 - LAND ADJACENT SANDWAYS FARM, BOURTON, SP8 5BQ 13 - 36

Demolition of barns, form new vehicular and pedestrian access, erection of 30 No. dwellings, construct village hall with parking area and provision of wildlife area, attenuation pond and public open space.

7. P/FUL/2022/02326- LAND AND BUILDINGS NORTH OF CUTLERS CLOSE, SYDLING ST NICHOLAS 37 - 52

Demolition of existing agricultural barns and erection of 5 No. dwellings together with access, parking & landscaping. Erection of a replacement barn.

8. 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.

9. EXEMPT BUSINESS

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

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

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NORTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 12 JULY 2022

Present: Cllrs Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Matthew Hall, Brian Heatley, Carole Jones, Val Potheary and Belinda Ridout

Apologies: Cllrs Tim Cook, Les Fry, Stella Jones and Emma Parker

Also present: Cllr David Walsh – Ward Member for Gillingham and Portfolio Holder for Planning

Matthew Holmes, agent – minute 111

Simon Fife, agent – minute 112

Officers present (for all or part of the meeting): Ross Cahalane (Lead Project Officer), Hannah Massey (Solicitor), Hannah Smith (Planning Area Manager), George Dare (Senior Democratic Services Officer) and David Northover (Democratic Services Officer)

106. **Apologies**

Apologies for absence were received from Cllrs Tim Cook, Les Fry, Stella Jones and Emma Parker.

107. **Declarations of Interest**

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

108. **Minutes**

The minutes of the meeting held on 14 June 2022 were confirmed and would be signed as soon as was practicable.

109. **Public Participation**

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

110. **Planning Applications**

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

111. **P/FUL/2022/01062- Barnack Chambers 9-9A West Street Blandford Forum DT11 7AW**

The Committee considered application P/FUL/2022/0106 for the change of use of the first and second floors from offices (use class E(g)) to a house in multiple occupation at Barnack Chambers, 9-9A West Street, Blandford Forum DT11 7AW

With the aid of a visual presentation, and taking account the detail in the report, officers provided context of what the main proposals, principles and planning issues of the development were; how these were to be progressed; and what this entailed, taking into account the policies against which this application was being assessed.

Plans and photographs – interior and exterior - provided an illustration of how the conversion was to look – including its design and dimensions; access and parking considerations; building regulations and licencing requirements; how space would be used; what facilities there were and how these would be accessed; and the development's setting within that part of the Conservation Area of Blandford.

Officers showed the development's relationship with other adjacent residential and commercial development, with the characteristics of the site area being shown. Views around the development site were shown, which provided a satisfactory understanding of all that was necessary.

Officers confirmed the conversion would contribute towards much needed accommodation of this type identified within the town and although situated within the retail are of the town centre, the ground floor retail was not affected by the proposal. What assessment had been made in the officers coming to their recommendation were drawn to the attention of the Committee, with the proposal being considered to be acceptable by officers.

Matthew Holmes, agent, considered the conversion to be sustainable and appropriate which had been considered acceptable in principle in the neighbourhood plan and would meet an identified demand for this type of development.

Blandford Forum Town Council had objected to the application on the grounds that, whilst welcoming residential development above retail, did not believe that the proposals were sustainable, particularly in terms of the dimensions of the units. They referred to the regulations for such premises and those standards to be met. They also raised concerns in relation to fire safety.

Having heard what was said, officers responded to some of the pertinent issues raised, being confident that each one could be addressed by the provisions of the application.

Officers clarified the differentiation between regulations and requirements for Houses in Multiple Occupation (HMO's) and dwellings/flats and that this planning application was being considered on the basis of the former.

Seemingly, the basis of the Town Council's objection was on the latter. The case officer considered therefore that the proposal did comply with the Regulations' standards and that the development was therefore not considered to be cramped and unsustainable. Regarding fire safety, officers confirmed this would be a matter for Building Regulations.

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

Some important points raised, some of which they considered still required clarification, were:-

- what the individual dwelling unit dimensions were, how these met the necessary planning requirements and how assessment of the suitability of these had been made
- what the differentiation between dwellings/ flats and (HMO's) were and how the necessary regulations governing this would be applied
- how facilities within the converted units would be accessed and the means by which this would be achieved
- parking arrangements

Officers addressed the questions raised – and provided what clarification was needed - providing what they considered to be satisfactory answers, which the Committee understood to be, and saw, as generally acceptable.

Of importance was that officers considered there to be no material considerations which would warrant refusal of the application and that this was the basis of the assessments made and the recommendation before the Committee.

From debate, the majority of the Committee considered the proposal to be acceptable - in meeting an identified need, with the introduction of residential accommodation on the upper floor being considered to contribute positively to the vitality and viability of the town centre, bringing vacant space back into use.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having taken into account the officer's report and presentation; the written representation; and what they had heard at the meeting, in being proposed by Councillor Carole Jones and seconded by Councillor Belinda Ridout, on being put to the vote, the Committee agreed – unanimously - to grant permission, subject to the conditions and informative noted set out in paragraph 17 of the officer's report.

Resolved

That permission for application P/FUL/2022/01062 be granted subject to the conditions and informative noted set out in paragraph 17 of the officer's report.

Reasons for decision

- The location is considered to be sustainable
- There is no harm to the architectural and historical qualities of the listed building, the setting of nearby listed buildings will be preserved as will the character and appearance of the conservation area.
- The room sizes are considered to be acceptable; they comply with the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018.
- There are no adverse residential amenity impacts arising from this proposal

112. **P/RES/2022/00263 - Land to the south east of Lodden Lakes New Road Gillingham Dorset**

The Committee considered application P/RES/2022/00263 for the development of land to the south east of Lodden Lakes New Road Gillingham by the erection of up to 115 no. dwellings, form vehicular access from New Road and Lodden Lakes Phase 1, form public open space. (Outline application to determine access) (reserved matters application to determine appearance, landscaping, layout & scale following the grant of outline planning permission P/OUT/2020/00495) P/RES/2022/00263.

With the aid of a visual presentation, and taking account the detail in the report, officers provided context of what the main proposals, principles and planning issues of the development were; how these were to be progressed; how the development would contribute to meeting housing needs; and what this entailed. The presentation focused on not only what the development entailed and its detailed design, but what effect it would have on residential amenity and the character the area, taking into account the policies against which this application was being assessed.

Plans and photographs provided an illustration of the location, orientation, dimensions – form, bulk, size and mass - and appearance of the development and of the individual properties, with examples being given of how typical properties would be designed, along with their ground floor plans; how it would look; proposed street scenes; the materials to be used; access and highway considerations; environmental considerations; drainage and water management considerations, the means of landscaping, screening and open space provision and its setting within that part of Gillingham and the wider landscape. Flooding and affordable housing issues were all given particular consideration.

Officers showed the development's relationship with other adjacent residential

development and how the buildings were designed to be in keeping with the characteristics of the established local environment. The characteristics and topography of the site was shown and its relationship with the highway network. Views into the site and around it was shown, which provided a satisfactory understanding of all that was necessary.

In summary, the officer's assessment considered the acceptability of the proposal in relation to the Development Plan, and this formed the basis of the recommendation being made.

Simon Fife, agent, considered the application to be consistent with the Masterplan and would bring the benefit of 21 affordable homes, open space and environmental enhancements. Modifications had taken place to address issues that had been raised and what was now being proposed was designed to meet the needs of Gillingham.

The opportunity was then given for members to ask questions of the presentation and what they had heard, in seeking clarification of aspects so as to have a better understanding in coming to a decision. Some important points raised were and which they considered still required clarification were :-

- what prospect there was of installing additional electricity charging points and the delivery of other such environmental enhancements
- what was the status of the bridge mentioned in the report and did it have a bearing on this application
- that condition 4 - covering landscaping and trees – should be amended to allow for trees to be able to be replanted for up to a ten year period – instead of five – to more readily account for any condition that might befall it.
- that any cladding to be used should be of satisfactory quality to not deteriorate other than what might be ordinarily expected.

Officers addressed the questions raised – and what clarification was needed - providing what they considered to be satisfactory answers, which the Committee understood to be, and saw, as generally acceptable. Officers confirmed that condition 4 could be amended in the terms the Committee had asked for. They also confirmed an Informative could satisfactorily cover the issue of cladding.

Gillingham Town Council were supportive of the recommendation, as were the three local Ward members - Cllrs Walsh, Ridout and Potheary. Councillor Walsh addressed the Committee, endorsing the application wholeheartedly which he hoped the Committee would ratify. As the Master Plan Framework had been developed in consultation with the community it was important that this was now delivered as soon as practicable to acknowledge that local acceptance. The delays that had been experienced in getting to this stage were regrettable and had proved challenging by way of providing an opportunity for alternative speculative development to be ventured. However, what was now being proposed would satisfactorily achieve all that was necessary.

From debate, the Committee considered the proposal to be acceptable - understanding the fundamental issue of housing land supply, the need for accommodation of this sort and in making the best use of the land available – and considered that this development would significantly contribute to meeting the identified housing supply need within Dorset and should be seen to be beneficial.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having taken into account the officer's report and presentation; the written representations; and what they had heard at the meeting, in being proposed by Councillor Val Potheary and seconded by Councillor Belinda Ridout, on being put to the vote, the Committee agreed – unanimously, to grant permission, subject to the conditions set out in paragraph 17 of the officer's report and to the modification of Condition 4, as set out above, and the inclusion of an informative note on cladding.

Resolved

That planning permission for application P/RES/2022/00263 be granted, subject to the conditions set out in paragraph 17 of the officer's report and to the modification of Condition 4 - as set out above - and the inclusion of an informative note on cladding.

Reasons for Decision

- The principle of residential development on this site has already been established
- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The proposal is acceptable in its design, scale, layout and landscaping
- There is not considered to be any significant harm to residential amenity
- There are no material considerations which would warrant refusal of this application.

113. Urgent items

There were no items of urgent business to consider.

114. Exempt Business

There was no exempt business to be considered.

Duration of meeting: 2.00 - 3.40 pm

Chairman

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Officer Report

Application Number:	P/FUL/2021/04282		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Land West And South Of Sandways Farm New Road Bourton Dorset		
Proposal:	Demolition of barns, form new vehicular and pedestrian access, erection of 30 No. dwellings, construct village hall with parking area and provision of wildlife area, attenuation pond and public open space.		
Applicant name:	T & A Land Ltd		
Case Officer:	Robert Lennis		
Ward Member(s):	Cllr Pothecary, Cllr Walsh, Cllr Rideout		
Publicity expiry date:	19 April 2022	Officer site visit date:	10/12/2021
Decision due date:	2 March 2022	Ext(s) of time:	12/04/2022

1.0 The application is reported to Committee as Bourton Parish Council have supported the application.

2.0 Summary of recommendation:

Refuse planning permission for the reasons set out at section 17.0 of this report.

3.0 Reason for the recommendation:

As set out in paras 15.0 to 17.0 at the end of this report.

- The principle of development is not acceptable. The proposed development would result in 30 dwellings in the countryside contrary to Policies 2, 6, and 20 of North Dorset Local Plan and in excess of the Bourton Neighbourhood Plan (BNP) Policy 5 which envisaged approximately 10 dwellings.
- The proposal would only provided 3no. affordable houses rather than the policy compliant 12no. (40%) contrary to Policy 8: Affordable Housing of the North Dorset Local Plan Part1.
- The proposed layout, design, and scale would be contrary to BNP Policy 5: New Village Hall. In particular, the proposal does not consisting of mainly small family homes, the amenity space would be removed from the proposed village hall, and the overall layout and appearance is considered to be poor.

Officer Report

- The proposal would result in less than substantial harm to the designated heritage asset, Sandways Farmhouse, next-door contrary to Policy 5: The Historic Environment of the North Dorset Local Plan Part 1 with no clear or convincing justification why this has to be necessary.

4.0 Key planning issues

Issue	Conclusion
Principle of development	<p>The principle of development in the countryside is contrary to the Council's spatial strategy. Policy 5 of the BNP is permissive of some development in the countryside to enable the delivery of land for a village hall and amenity space: 0.3ha of land for the village hall, 0.3ha (apprx 10no. houses), and 1.5ha for amenity space.</p> <p>The proposed development is contrary to this policy as it seeks to provide an excessive amount of land for housing (1.7ha), and an under provision of amenity space 0.7ha. While the proposed layout is considered to be poor as it does not meet the very basic aims of the policy to put the amenity space "immediately adjacent" to the hall.</p>
Affordable Housing	The proposal is contrary to Local Plan Policy 8 which requires 40% affordable housing to be provided. However, the applicant is only offering 10% with no justification.
Housing Delivery	Proposal would make a contribution towards housing delivery across the area of the former District.
Layout	The layout of the proposal is poor and does not meet the aims of BNP Policy 5 with some land unaccounted for, poor relationship between housing and parking, and the separation of the proposed community hall and amenity space.
Scale/Design	The scale of the dwellings seems large and does not meet the aims of the BNP to deliver small family homes. The design and detailing of the units results in blank elevations being provided, poor window proportions and dwellings that do not address the open space.

Officer Report

Impact on Residential Amenity	Proposal is not considered to have significant harm to residential amenity. Acoustic report has been assessed and is considered to be robust.
Highways	As submitted, the estate road layout is not suitable for adoption. There are also potential safety issues relating to the lack of forward visibility around bends.
Heritage	Proposal would result in less than substantial harm to Sandways Farm (designated heritage asset) and there is not considered to be sufficient public benefits to outweigh this harm.
Landscape	Proposals would not have an adverse impact on surrounding landscape. However, additional planting at this stage and should be conditioned.
Flooding/Drainage	Site is flood zone 1, no in-principle objection to the proposed scheme on flood or surface water management grounds.
Biodiversity	A Biodiversity Certificate of Approval has been issued by NET team.

5.0 Description of Site

The application site is located centrally within Bourton and is accessed off the New Road. The site is approximately 3.10 hectares in size and comprises two fields connected with a stream running between them. The fields are currently used for agriculture and there is a large agricultural barn with pig sties within the north eastern section of the site adjacent to the main road, and a former hay barn within the lower field.

The application site is not located within the settlement boundary of Bourton, however part of the site is allocated for residential development (0.3ha) in conjunction with a village hall in the Bourton Neighbourhood Plan (adopted 2018). There are two listed buildings located immediately northeast of the site, Sandways Farm (Grade II) and Sandways, 1-5 Main Road (Grade II). The surrounding area is characterised by dwellings in a more linear pattern of development addressing the main road, with a largely undeveloped, agricultural character of open fields behind these dwellings.

6.0 Description of Development

Demolition of barns, form new vehicular and pedestrian access, erection of 30 No. dwellings, construct village hall with parking area and provision of wildlife area, attenuation pond and public open space.

7.0 Relevant Planning History

Officer Report

2/2016/1227/OUT – WITHDRAWN - demolish agricultural buildings, carry out improvements to existing access points, provision of new access road and modification of existing access track. Residential development and erection of new Village Hall with associated parking. (Outline application to determine access)

2/2017/1357/OUT – No decision issued, S106 not completed, resolution to Grant at Committee. Demolish agricultural buildings, carry out improvements to existing access points, provision of new access road and modification of existing access track. Develop land for residential purposes and a new Village Hall with associated parking (outline application to determine access).

8.0 List of Constraints

SSSI impact risk zone;

- NE - SSSI (5km buffer): Dead Maid Quarry ;
- NE - SSSI (5km buffer): Heath Hill Farm ;
- NE - SSSI (5km buffer): Whitesheet Hill ;

Setting of Grade II listed building (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Setting of the Area of Outstanding Natural Beauty - Name: Cranborne Chase & West Wiltshire Downs (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

9.0 Consultations

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

Consultees

- 1. Parish - Bourton Parish Council**
 - Supports application
- 2. Ward Councillor - Gillingham Ward**
 - No comments received
- 3. Dorset Police Architectural Liaison Officer**

Officer Report

- In the event the planning permission is granted for this development, the development would need to be designed and built to meet current Building Regulations requirements.
- 4. Parish - Silton Parish Council**
 - No comments received
 - 5. Dorset Council – Landscape**
 - No objection subject to conditions.
 - However, proposal does not currently include sufficient additional landscape planting to integrate the development into its surroundings or mitigate the proposed developments landscape and visual impact
 - 6. Dorset Council - Education Officer**
 - No comments received
 - 7. Dorset Council - Natural Environment Team**
 - No objection; Certificate of Approval issued
 - 8. Dorset Council - Flood Risk Manager – Highways**
 - No in-principle objection, subject to condition.
 - 9. Dorset Council - Highways**
 - No in principle objection
 - There are a number of amendments required in order for the estate road layout to be considered for adoption under s38 of the Highways Act.
 - 10. Dorset Council - Dorset Waste Partnership**
 - Raised concern with bin collection points
 - 11. Dorset Council - Conservation Officers**
 - Unable to support application, reasons set out below.
 - 12. Dorset Council - Trees (North/West/Weymouth)**
 - No comments received
 - 13. Dorset Council - Urban Design**
 - No support application

Officer Report

14. Dorset Council - Housing Enabling Team

- No support, the provision of affordable homes on a scheme in Bourton should provide 40% (12 affordable units) .

15. Dorset Council - Planning Policy

- No support, contrary to BNP and LP policies

16. Public Health Dorset

- No comments received

17. Dorset Council - Economic Development and Tourism

- No comments received

18. Dorset Council - Environmental Services – Protection

- No comments received

19. Dorset Council - Building Control North Team

- If clay soils are present, consideration to their depths should be suitable in regards to any existing or felled trees.
- Road layout to comply with ADB B5 access for the fire rescue service.
- Village Hall to comply with ADB B1 Means of escape

20. Dorset Council – Libraries

- No comments received

21. Dorset Wildlife Trust

- No comments received

22. Dorset Council - Outdoor Recreation

- No comments received

23. Wessex Water

- Wessex Water have formally agreed to a sewer diversion which deals with their initial holding objection.

24. Natural England

- Natural England note the submission of a Certificate of Approval (dated 30/11/21) from the DC NET.

Officer Report

Representations received

13 objections received for the following reasons:

- Proposal contrary to Policy 5b of the Adopted Bourton Neighbourhood Plan.
- The application proposes less than 1 ha of amenity allocated for amenity land against the 1.5 ha requirement under BNP Policy 5b
- No provision for local play
- Adverse impact on the Grade 2 Listed Sandways Farmhouse
- Lack of affordable housing
- Non-compliant viability report
- Impact on amenity land
- Drainage impacts of development
- Access issues
- Development outside development boundary
- Scale of development would negatively impact the visual character of the area
- Construction impacts on neighbouring amenity
- Impact on public footpaths
- Damaging impacts on greenfield site
- No justification for increase in housing from 9 to 30 dwellings
- Impact on wildlife and biodiversity
- Local services and facilities cannot cope with quantum of development
- Poor design of dwellings
- Limited amenity space outside the proposed hall

3 Letters of support received for the following reasons:

- New village hall is needed
- Application would provide new recreational space and wildlife areas
- Community does not have funds to build new village hall
- Parking for over 30 cars would ease congestion in the village
- Good mix of houses
- 3 affordable houses are a benefit
- Low density development appropriate to context
- Existing village hall is not fit for purpose

10.0 Relevant Development Plan Policies

North Dorset Local Plan Part 1 (LPP1) adopted January 2016:

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Core Spatial Strategy
- Policy 3: Climate Change
- Policy 4: The Natural Environment

Officer Report

Policy 5: The Historic Environment
Policy 6: Housing Distribution
Policy 7: Delivering Homes
Policy 8: Affordable Housing
Policy 9: Rural Exception Affordable Housing
Policy 11: The Economy
Policy 13: Grey Infrastructure
Policy 14: Social Infrastructure
Policy 15: Green Infrastructure
Policy 23: Parking
Policy 24: Design
Policy 25: Amenity

North Dorset District Wide Local Plan (1st Revision) Adopted 2003:

Policy 1.7- Development within Settlement Boundaries

Bourton Neighbourhood Plan

The Bourton Neighbourhood Plan was 'made' on 26 January 2018, and forms part of the Development Plan. Relevant policies applicable to this outline applications are:

Policy 1: Landscape setting
Policy 2: Settlement Pattern and Character
Policy 3: Building Design and Form
Policy 4: Traffic and Parking.
Policy 5: New Village Hall

- a) Either of the two sites indicated on the proposals map is deemed to be suitable for the development of a village hall and the provision of associated amenity space. A small housing development may also be provided on the site in order to make the release of the land viable for the use of a village hall and associated amenity space.
- b) The permitted site shall provide an area of at least 2.1 ha to be apportioned as follows:
 - approximately 0.3 ha to the village hall and a parking and manoeuvring area, and;
 - approximately 1.5 ha to amenity space of a reasonably level gradient and quality immediately adjacent to the village hall building, and;
 - approximately 0.3 ha to the housing development.
- c) The land for the village hall and amenity space, as specified in criterion b) above if not already transferred to the ownership of the Parish Council shall prior to any grant of planning permission on any part of the site for any aspect of the proposed development be transferred to the ownership of the parish Council as part of a S106 agreement or similar legal instrument. This process will be subject to an open table discussion between the LPA, the Parish Council and the applicant.

Officer Report

- d) The land to be transferred to the Parish Council shall be transferred in a cleared state with services and access road provided to the site entrance point or there shall be a legal agreement on such provision.
- e) Development proposals for this site are required to include:
 - screening, using native species planting to lessen visual impact and to limit the impact of noise on neighbouring households;
 - the augmentation of ecological value on the site as discussed in the relevant Ecological Impact Assessment;
 - housing consisting mainly of small family homes;
 - measures that protect heritage assets and their setting.
- f) The decision-making process on Planning Applications for the proposed site options will be carried out by the Local Planning Authority in accordance with this policy as part of the plan-led process and having taken into account any other material considerations, including the identified planning considerations of the residents as expressed through the Parish Council.

Policy 8 – Mitigating and adapting to Climate Change

Other material considerations

National Planning Policy Framework (NPPF):

1. Introduction
2. Achieving sustainable development
 - Paragraph 11d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (footnote 8), granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (footnote 7); or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
4. Decision-making
 - Paragraph 57 - Planning obligations must only be sought where they meet all of the following tests¹:
 - a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
10. Supporting high quality communications
11. Making effective use of land
12. Achieving well designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

¹ Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

Officer Report

16. Conserving and enhancing the historic environment

Officers note on the Council's current housing land supply:

Whilst the Council is able to demonstrate 5.17 years of housing land supply, our housing delivery rates is below the housing requirement over the previous three years (less than 75% of)². Therefore, the presumption in favour of sustainable development applies as set out at paragraph 11d i) and ii) of the Framework. It states that where the (local) development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole or where specific policies in the Framework indicate that development should be refused.

In carrying out the decision-making process for this application, members will first need to consider whether the adverse impact on the adjacent heritage assets would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies of the NPPF as a whole or where specific policies in the Framework indicate that development should be refused. Then, if need, as a second balancing exercise, apply the 'presumption' and weigh up benefits and adverse impacts of the scheme.

National Design Guidance

Paragraphs 86, 100, 104, 107, 116, 129

Community Infrastructure Levy Regulations 2010

Regulation 122(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is -

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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

² Housing Delivery Test: Measures net homes delivered in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England every November.

Officer Report

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

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

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

13.0 Financial benefits

The applicant’s proposal to redirect the funding of 9no. affordable houses in order to construct a new village hall is highly unusual because there is nothing in Policy either locally or nationally that would suggest it is acceptable to make such a trade-off. This is considered in more detail in Section 15 of this report.

The benefits of any scheme would have to be secured by a planning obligation (legal agreement). The CIL Regulation 122 test is also set out at paragraph 57 of the NPPF. In particular,

- c) fairly and reasonably related in scale and kind to the development.

It is difficult apply this test of fair and reasonable in scale and kind to a scheme of 30no. dwellings. The applicant was invited to send in a viability assessment undertaken by a qualified profession for the Council to test. However, what was submitted was insufficient.

The applicant has submitted an opinion on this matter from their solicitors. This has been passed to your legal department for them to comment. This will be presented orally at the Committee meeting.

No other financial contributions have been secured at this stage as the officer recommendation is to refuse the application. However, the applicant has indicated that they would be willing to enter into a S106 agreement to secure planning obligations towards: education, affordable housing, ownership of village hall, parking land, and public amenity area, construction and completion of village hall. The Council would also seek contributions towards libraries, public rights of way, and health care.

14.0 Climate Implications

No sustainability measures or appraisal have been submitted with the application.

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15.0 Planning Assessment

Principle

The proposed development site is located adjacent of the settlement boundary of Bourton. In policy terms the site is within the 'countryside' and any development would normally be strictly controlled, unless it is required to enable essential rural needs to be met. Policy 5 – New Village Hall of the BNP would allow for a small housing development to enable the transfer of land for a new village hall and amenity space.

Of relevance to this application is previous application 2/2017/1357/OUT which proposed a residential development of 9no. dwellings and made provision for a village hall (amenity space was shown on the proposed site layout but was not included in the description of development). The Planning Committee in May 2019 gave a resolution to grant subject to the completion of a section 106 legal agreement. However, the legal agreement was never completed.

This application is submitted in light of Policy 5 of the Bourton Neighbourhood Plan (listed above). This Policy sets out six tests by which proposals for a new village hall are to be assessed. It is considered that there is little about this scheme which is compliant with this policy. Applying the tests of this Policy it is considered:

- Criteria a); is not met as this is not a small housing development. Anything over 10 dwellings is considered to be major development.
- Criteria b); is not met as the proposed amenity space of 0.7ha is below the required at least 1.5ha, and the small housing development of approximately 0.3ha envisaged by the BNP is now proposed to be 1.7ha.
- Criteria c); seeks only a transfer of land for the new village hall and amenity space. No case has been made as to why the village hall cannot be delivered in this way.
- Criteria d); a legal agreement could not secure the delivery of the hall (see above: 13.0 Financial benefits).
- Criteria e); requires housing consisting of mainly small family homes, however only 6 of the 30 dwellings proposed are considered to be small. This criteria also requires measures that protect heritage assets and their setting. The proposed layout does not do that.
- Criteria f) aims to have a plan-led process taking account of other material considerations, but if this proposal cannot demonstrate compliance with this Policy then this criteria would not be met. There have been no material planning considerations advanced by the Parish Council which absolve the applicant from having to comply with all the criteria of Policy 5 and, or, avoid the CIL Regulation test.

The applicant has not submitted a local needs assessment for the quantum of housing being proposed. As such, the housing element of this application is considered to be addressing a district wide need. Also, because the number of houses proposed greatly exceeds what was envisaged by Policy 5 of the BNP and would require more of the countryside to be lost, LPP1 Policies 2, 6, and 20 should be considered. Policy 2 (Core Spatial Strategy) and Policy 6 (Housing Distribution) of the LPP1 require

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development to be located in accordance with the spatial strategy which directs development to the four main towns or to meet the local needs of our larger villages (Bourton is identified as one). While Policy 20 (The Countryside) aims to strictly control development outside of the defined boundaries of these towns and villages unless it is required to enable essential rural needs to be met.

At present the Housing Delivery Test for North Dorset DC (as was) is below the Government's requirement, therefore LPP1 Policies are considered to be out-of-date and the presumption in favour of sustainable development applies (paragraph 11d) of the NPPF). However, that does not mean that Policies are absent or silent and the weight to be given to them in decision-making is a matter for the decision-maker to decide. Officers consider these Policies should be given less than full weight but more than moderate in light of: the Council's Action Plan ([Decision - Dorset Council Housing Delivery Test Action Plan - Dorset Council](#)) to address our housing delivery, recent appeal decisions, and our published housing land supply. Further, para 11d of the NPPF is not engaged if NPPF policies protecting certain areas or assets give a clear reason for refusal.

The Bourton Neighbourhood Plan was made in 2018 and forms part of adopted development plan. As this is over two years old and in light of the Council's lack of housing delivery no extra protection is afforded the BNP through paragraph 14 of the NPPF.

The BNP did not specify any housing allocation sites as extant permissions and limited infill development met any future specific housing need for Bourton at the time. The BNP has not yet been formally reviewed or updated since it was made. Nonetheless, it is still a material consideration and Policy 5 should not be seen as limiting housing development as it aims to deliver a new village hall by allowing some housing development and can therefore be afforded weight in the planning balance along with other BNP policies.

Affordable Housing

This application proposes 30no. dwellings comprised of the following: 18 x 3 bed open market houses, 3x 2 bed open market houses, 6 x 4 bed open market houses and 3 x 2 bed first homes. LPP1 Policy 8 Affordable Housing states that outside the four main towns, developments will be expected to provide 40% affordable houses on site; and the LPP1 object of meeting the District's housing needs is clear. However, the application only proposes 3 first homes which would equate to 10% affordable housing provision and would fall well below the required affordable housing requirement of 40% (12no.) being provided on site.

The Planning Statement accompanying the application states that the quantum of affordable homes has been reduced to units (equivalent to 10% AH) due to the cost of building the village hall, which will be gifted to the parish council. However, there is no policy requirement for a village hall to be built and gifted to the parish council. The only requirement is for a serviced plot of land to be transferred to the parish council.

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Further, the application does not set out a justification for delivering a built village hall instead of serviced plot. The Planning Statement refers to a public consultation exercise and states that the 'vast majority of those attending were strongly in favour' of the proposal and the Parish Council has been involved in pre-application discussions mainly about the proposed village hall. However, the application contains no justification or evidence to show that the village hall could not be delivered in any other way. As a result, officers consider that whilst delivery of a village hall is a material consideration it not sufficient to outweigh the conflict with the BNP, LP Policies, and NPPF.

The applicant provided a viability statement (VS) with their submission. However, this was not robust and did not provide a satisfactory level of detail. Hence, the applicant was invited to submit a revised viability assessment by a qualified professional; an open-book approach to resolving differences. The revised assessment was sent to the District Valuer (an expert independent of the Council) in order to help find an agreement.

The DV has written back stating "... after reviewing the information... that the applicant and/or their advisors have not provided a full viability report, with the necessary appraisal summaries that we would usually expect when reviewing a development viability assessment. In order for us to complete a review, we would need as a minimum:

- A schedule of accommodation which accords with the planning application.
- A plan showing the respective boundaries and the site area
- An appraisal compliant with the policy requirements of the Local Plan.
- A report with text and evidence in support of the:
 - Gross Development Value adopted
 - Benchmark Land Value, with reference to EUV and premium.
 - Gross Development Costs including any Abnormal Costs
 - Profit assumptions.
 - Finance assumptions.
 - Cash flow assumptions."

This is not surprising as the applicant's VS at paragraph 1.4 states:

'It should be made clear that this is not put forward to demonstrate that the development is not viable without a reduction in the normal level of contributions or quantum of affordable housing (for example as could be the case if there were high abnormal infrastructure costs). Rather, it sets out to show that this is a viable form of development but that a significant proportion of the value that would normally be attributed to affordable housing will be channelled towards paying for the construction of the Village Hall.'

Therefore, as highlighted by the applicant, a policy compliant development would be viable and there is no need to go to the District Valuer to test their VS but the applicant was given an opportunity for the benefit of doubt. At present, it is considered that 40% affordable housing should be sought as there is no policy justification for reducing the requirement.

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The Council's Housing Enabling Team, who oversee the development of affordable housing, do not support the proposed development as it stands. There have also been numerous objections received from local residents regarding the lack of affordable housing on the site.

The proposal fails to accord with Policy 8 of the Local Plan and paragraph 63 of the NPPF. However, the provision of 3 no. affordable houses should be given some weight in the planning balance.

Housing Delivery

Notwithstanding the lack of affordable housing proposed, the proposed development would deliver 30 no. open market homes and would contribute towards the housing needs of North Dorset. This should be given more than moderate weight in light of the Council's Housing Delivery Test and Housing Land Supply as it would make a valuable contribution towards boosting housing and to a lesser extent affordable housing supply. However, the weighting should be tempered as the proposed size and mix of housing (see below) is contrary to the aim of BNP Policy 5 that seeks to deliver a small family housing scheme.

Layout, Design, and Scale

Your Urban Design Officer is unable to support the proposed development. The question she set out in her comments was *"Do proposals demonstrate that the quantum, layout and design of development is appropriate to the context of the area and accords with the provisions of well-designed places as set out in the National Design Guide and the North Dorset Local Plan, as well as relevant policies in the adopted Bourton Neighbourhood Plan?"*

Policy 5 (Bourton Neighbourhood Plan) states that a small housing development of 0.3ha will be acceptable to facilitate a new village hall. However, proposals include an area of approx. 1.7ha for housing. This is considerably larger than the space allocated within the BNP with 30 houses proposed. It is a major development and would have a considerable impact on the rural character of the area and the overall quantum of development should be reduced to be more appropriate to its setting and in line with the provisions of the Neighbourhood Plan.

Additionally, Policy 5 states that the 1.5ha of amenity space should be 'a reasonably level gradient and quality immediately adjacent to the village hall building'. However, the proposed amenity space is approximately 0.7Ha, just under half the required size. It would be remote from the hall located to the south-eastern edge of the site. It also feels: removed from the community and hall it is meant to serve, difficult to access, and isolated with no causal surveillance from surrounding properties. These aspects will affect the use and attractiveness of the space in the future and do not meet the aims of LPP1 Policy 15 Green Infrastructure. The contour of the site is

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noted however a better arrangement was presented in the previous outline application ref: 2/2017/1357/OUT.

Principles for creating a well-designed amenity space can be found in LPP1, and National Design Guide

- para 100 'Well-designed places include well-located public spaces that support a wide variety of activities and encourage social interaction, to promote health, well-being, social and civic inclusion' and para 104 'Well-designed public and shared amenity spaces feel safe for people who occupy the buildings around them, and also for visitors and passers-by. They help to overcome crime and the fear of crime.'
- para 107 'A well-designed public space that encourages social interaction is sited so that it is open and accessible to all local communities. It is connected into the movement network, preferably so that people naturally pass through it as they move around.'

While Figure 10.1 of North Dorset Local Plan states 'Where development creates a new, or affects, an existing public space, it should be safe, attractive, uncluttered and well related to the surrounding buildings.

Another important element of any housing layout which affects the character of the area is the building line. Policy 3 of the BNP states that 'All new development shall reflect or reinforce the existing road frontage where a clear historic building line has been established.' To the north of the site the historic buildings of Sandways sit tight against the pavement. This pattern is continued to a slightly lesser degree with the 3 detached properties to the south. While it is recognised that the footprint of the proposed village hall replicates the existing barn, there is the opportunity to reinforce the historic building line.

With regard to the size and mix of housing proposed, Policy 5 of the BNP requires "... housing consisting mainly of small family homes." However, of the proposals only 6 units can be considered 'small' with the remaining 24 dwellings consisting of good-sized semi-detached, and large detached housing. Of these 6 are particularly generous with master bedroom suites containing dressing room and ensuite, and large double garages with space above to create a fifth bedroom/annexe/study. While some variation of housing sizes is considered acceptable as it helps provide a balanced community, this proposal is tilted very much towards providing larger, more expensive housing which is not in accordance with the aims of the BNP.

In addition to this there is an area between the village hall and unit 7 which is seemingly an additional building plot that has been left undeveloped – some clarification of this space is necessary.

Minor amendments that have been submitted include moving parking spaces for units 1-6 (which presumably include the affordable housing provision) from the rear of a parking court to abutting the rear garden boundaries of the dwellings. They are still poorly related to the units they serve and are not overlooked.

Parking space is a major component of any major residential development and the National Design Guide recognises that at:

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- para 86 'Well-designed parking is attractive, well-landscaped and sensitively integrated into the built form....its arrangement and positioning relative to buildings limit its impacts, whilst ensuring its is secure and overlooked' and
- para 116 'Where different tenures are provided, they are well integrated and designed to the same high quality to create tenure neutral homes and spaces, where no tenure is disadvantaged.'

The layout here should be reconsidered to in light of this guidance to include well designed and overlooked parking spaces.

In May 2019 Dorset Council declared a Climate Emergency and there is a heightened expectation that the planning department will secure reductions in the carbon footprint of developments. Policy 8 of the BNP puts this into practice by stating "All new development within Bourton shall seek to achieve high standards of sustainability and, in particular, demonstrate in proposals how design, construction and operation has sought to:

- c) Adopt and facilitate the flexible development of low and zero carbon energy through a range of technologies;
- d) Adopt best practice in sustainable urban drainage.

No information has been included within the proposals that address this policy. It is suggested that if members were minded to approve this application that a comprehensive energy hierarchy that includes details on sustainable construction methods (including embodied energy and carbon) is submitted for further consideration, and how details of how designs will maximise the contributions of natural resources, including passive measures for light, ventilation and heating as well as maximising opportunities to integrate micro SUDS into the landscaping scheme.

With regard to appearance, the proposed architecture is fairly simple and uninspiring. However, while the materials proposed appear to reflect the local vernacular the use of double roman tiles on house type A, B and E is not considered acceptable in the context which includes a listed building, as the prevailing roofing material is plain tile and slate. This could be addressed by way of a bespoke condition.

The window detailing on the units is poor. The front elevations of plots, 15-16 and 27- 30, have an asymmetrical fenestration pattern which is at odds with the traditional architectural approach of the dwellings. These units also contain a large barn style window on their front elevation, which introduces a strong vertical emphasis and disrupts the overall proportions of the building.

The general appearance of the units is not considered to be acceptable. For example, Units 7-10 which are closest to Sandways Farm (Grade II listed building) have relatively blank side elevations with little architectural interest and are not considered to relate well to the listed building; this could also be said of units 17-22. Soldier courses over windows would not be acceptable in the setting of a listed building or in terms of good design.

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No unit sizes have been provided so it is not clear as to whether smaller units meet nationally prescribed space standards. In addition, no information has been provided as to where adequate space for cycle parking, storage for bins and recyclables will be accommodated as required by Policy 24 North Dorset Local Plan.

The village hall would be single storey in height and provides a large main hall that can be used for a range of activities or large community meetings. There are kitchen and storage areas and toilets including disabled cubicles. There is car parking provision for up to 30 cars next to the village hall. The proposed community hall is considered to be of a scale and design that would be appropriate to its function and site-specific context.

Impact on Residential Amenity

The proposed built form, increased vehicular movement, increased domestic noise and activity would all have an impact upon the neighbouring dwellings and the level tranquillity currently enjoyed. However, this is unlikely to adversely impact adjacent neighbours to the extent that would warrant the refusal of this application.

Objections have been received in relation to the noise impacts of the development, particularly noise arising from the village hall. The applicant has submitted an acoustic report, which concludes that the proposals would not be detrimental to the amenity of nearby occupants and the site is suitable for the proposed development. Dorset Council Environmental Protection Team have reviewed the submitted acoustic information and find this to be acceptable subject to condition.

Overall, it is considered that the amenity of adjacent residents can be sufficiently protected.

Highways

Dorset Council Highways Engineers have reviewed the subsequent highways plan submitted by the applicant, however the majority of the original highways concerns with the application remain. The intention is for the estate road to be subject to a 30mph speed limit as the designer has not provided any speed-reducing measures. Forward visibility around the southern bends has been shown but this would appear to cross the front curtilages of plots and contain landscaping.

The identified visibility areas need to remain clear of all obstruction greater than 0.6m in height above the adjacent carriageway level and cannot form part of a private residential curtilage to ensure that they will be available in perpetuity. There are also potential safety issues relating to the lack of forward visibility around bends. However, following discussions with DC Highways Engineer there are not considered to be sufficient grounds to warrant a reason for refusal on highways grounds as appropriate visibility could be conditioned.

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Heritage

The Council has a duty set out in planning law to have special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest. These aims and objectives are also embodied in LPP1 and the NPPF.

Policy 5 (Historic Environment) notes that it is important that heritage assets are protected. For any designated heritage asset, great weight will be given to its conservation when considering any proposal that would have an impact on its significance. Any harm to designated and significant undesignated heritage assets will need to be fully justified.

NPPF para. 199 requires that 'great weight' be given to the conservation of designated heritage assets and the more important the asset, the greater the weight should be. In addition, para. 200 requires any level of harm to their significance should require 'clear and convincing justification'.

Sandways Farm House – Grade II Listed Building

The proposals would result in a considerable amount of development on agricultural land which contributes to the setting of the asset insofar as it was historically (until recent years) associated; it illustrates its historic purpose and use; and it demarcates the asset's hamlet edge location between Sandway and Bourton.

The development would result in the loss of the latter. In addition, by virtue of its being undeveloped and in agricultural use, the current setting closely resembles the historic setting and use around the asset, certainly as was in evidence by the mid-19th century, since which time boundary changes have been minimal.

This would therefore result in permanent and irreversible changes to the asset's setting. The scheme is considerably larger than the previous scheme mentioned above and extends new development across the field to the south of the small stream and therefore 'behind' the Sandway plots.

There would also be some changes to the visual experience of the asset through the removal of the complementary (though without architectural and historical interest) barn on the application site. However, there can be no objection to the removal of the farm building in principle and it is felt that the design of the proposed village hall is sufficiently subservient and agricultural in character to permit this loss to be mitigated.

Taking the above into account, it is considered that the proposals will result in less than substantial harm to this asset's significance.

Sandways, 1-5 Main Road – Grade II Listed Building

The contributory elements of setting of the asset primarily relate to the spatial relationship with Sandways Farmhouse and the associated visual experience from the road. In this context the surrounding agricultural setting is less relevant as a

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contributory element of their significance. With that in mind, it is not considered that the development will result in a detrimental impact on these identified elements of setting.

For the above reason, it is considered that the proposals will result in no harm to the assets' significance.

In summary, the proposals would result in less than substantial harm to the significance of a designated heritage asset, meaning that para. 202 of the NPPF is engaged, requiring the harm to be weighed against the public benefits of the proposal (including, where appropriate, securing optimum viable use), though taking into account the need to give 'great weight' to the asset(s) conservation. The public benefits of the scheme are the provision of 27 no open market houses, 3 no affordable houses, and a village hall. However, as set out above the scheme is contrary to the development plan and does not deliver policy compliant affordable housing.

Taking these considerations and the nature and extent of harm set out above, it is not considered that the harm would be outweighed by the public benefits of the scheme. Further regard is given to this in the 'planning balance' section at the end of this report.

Landscape

Your Landscape Officer has no objection to the proposal subject to conditions. A summary of his comments are as follows: The proposed development site consists of a group of three small pastoral fields to the south of New Road and the settlement of Bourton and the north of the A303. Ground levels rise to the north of the site towards the Cranborne Chase and West Wiltshire Downs AONB.

The majority of the site's boundaries are well treed, however framed and filtered views of the site are possible from adjacent roads, footpaths and bridleways. Middle distant views are also possible from footpaths on the rising slopes to the north of the site. Distant views from footpaths within the AONB are screened by intervening vegetation or diminished by distance.

In marked contrast to the originally submitted Visual Impact Assessment, the amended Landscape and Visual Appraisal complies with current best practice for Landscape and Visual Assessment and the visual representation of development proposals.

He have reviewed this document in detail and would agree with its conclusions that the proposed development would be both visually and physically connected to the existing settlement and would not, as a consequence, dominate or significantly influence landscape and visual character, be out of keeping with its surroundings or dominate key views.

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However, he would defer to the Dorset Council Senior Conservation Officer's views that, the proposed development would result in less than substantial harm to the setting of the grade II listed Sandways Farmhouse (LENo.1110352) and as such it would not be sympathetic to local character and history.

He was not convinced that the proposed development would improve the character and quality of the area in which it is located. First because the existing farmland fields do not need 'improvement' per se and second because any associated landscape and visual benefits that would result from the tree, hedgerow and other planting proposed would come at the 'expense' of significant built development and could, in theory be achieved without it.

I would agree that the submitted Landscape Proposals do not include sufficient additional landscape planting to integrate the development into its surroundings or mitigate the proposed developments landscape and visual impact. As such any permission should be conditioned to supply details of hard and soft landscaping prior to commencement in order to meet the aspirations of national and local policy.

Flooding/Drainage

The application site falls within flood zone 1 and is at a low risk of fluvial flooding. However, there is a theoretical flood risk from surface water given the watercourse which is aligned west-east through the centre of the site. The applicant has submitted a combined Flood Risk Assessment & Drainage Strategy (FRA/DS) which has been reviewed by Dorset Council LLFA. The surface water strategy is considered both viable and deliverable, which demonstrates that the proposed development and any adjoining property or infrastructure are not to be placed at increased risk, or worsening.

On the basis of the supporting Flood Risk Assessment & Drainage Strategy (FRA/DS), the LLFA have no in-principle objection to the proposed scheme on flood or surface water management grounds, subject to the attachment of pre-commencement planning conditions in respect of detailed design and maintenance requirements, and informative.

Biodiversity

The application is within the scope of the Dorset Biodiversity Appraisal Protocol (DBAP) criteria which includes all development sites of 0.1 ha and over or where there are known protected species or important habitats/habitat features.

All Local Authorities have a duty to consider the conservation of biodiversity when determining a planning application. This is in accordance with policies within the local plans and national policy guidance, as well as the duty placed on local authorities under Section 40 of the Natural Environment and Rural Communities Act (2006) to have regard for biodiversity.

Dorset Council Natural Environment Team have assessed the application and have

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issued a Biodiversity Certificate of Approval. The proposed development would therefore avoid, mitigate and compensate impacts on biodiversity and will provide enhancements and a biodiversity net gain on the site. The proposal is in accordance with Policy ENV2 of The Local Plan, Paragraph 180 of the NPPF and a condition would be needed if permission is granted.

Planning Balance

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up-to-date Local Plan should be approved; and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance and a material consideration in determining applications.

With regard to heritage asset, we have set out above that the proposed development would result in less than substantial harm to the significance of Sandways Farmhouse therefore para. 202 of the NPPF is engaged, requiring the harm to be weighed against the public benefits of the proposal. The benefits of this scheme are limited to open market housing and a few affordable houses and village hall. However, no justification for the provision of a village hall instead of 9no. affordable houses has been provided and officers consider that the public benefit of the proposed village hall is more than negated by the loss of affordable housing.

Taking into account the need to give 'great weight' to heritage assets conservation (NPPF para 199). It is considered that the harm would not be outweighed by the public benefits of the scheme. That provides a clear reason for refusing the application under paragraph 11 of the NPPF such that the titled balance is not engaged.

If members were to come to a different conclusion on the harm to heritage assets or to the level of public benefit, then it would be necessary to engage the 'presumption in favour' and weigh up the benefits and adverse impacts of the proposed development in light of other policy considerations.

LPP1 Policies 2, 6 and 20 are consistent with the aims of the NPPF. In recent appeal decisions the strategy was deemed to be "broadly consistent with the Framework and still of significance". However, in light of the Housing Delivery Test these should be given less than full weight. Other relevant policies that do not restrict the delivery of housing can be given full weight.

The proposal conflicts with the Council's spatial strategy particularly with regard to the quantum of proposed housing in countryside without a local need. As set out above the proposal conflicts with all the criteria of BNP Policy 5. The proposed provision of 3no. affordable houses rather than the policy compliant 40% (12no. affordable houses) is contrary to LPP1 Policy 8. The proposed layout, design, and scale would be contrary to BNP Policy 5 and LPP1 Policy 24. These conflicts are considered to greatly outweigh the benefits of the scheme in its current form.

16.0 Conclusion

There are numerous elements of this scheme which weigh against it. The proposal is not policy compliant particularly when considering: the site is in the countryside, there is a lack of affordable housing being provided, no justification is provided to 'replace' affordable housing with a village hall, and the proposed layout and design is considered to be poor. Further, the proposed layout and design would also result in harm to the setting of a heritage asset. While the absence of a signed legal agreement to secure affordable housing and community benefits (as set out above) is a reason in itself for refusal. As a result, the application is far from complying with the development plan as a whole and the delivery of a village hall would not outweigh the significant conflict with the Development Plan.

17.0 Recommendation

Refuse planning permission for the following reasons:

1. The proposed development would have an adverse impact resulting in less than substantial harm to the setting of Sandways Farmhouse which is not outweighed by public benefits contrary to Policy 5 of the adopted North Dorset Local Plan Part 1 (2016), and section 16 of the National Planning Policy Framework.

2. The proposed development site is located in the countryside adjacent to settlement boundary designated for Bourton in the adopted Local Plan and would greatly exceed the area needed to deliver the aims of the Bourton Neighbourhood Plan Policy 5. As such, the proposed development would create a relatively isolated development which would introduce an unnecessary suburbanising effect into this countryside location and would not be addressing local needs contrary to Policy 5 of the Bourton Neighbourhood Plan, Policies 2, 6 and 20 of the adopted North Dorset Local Plan Part 1 (2016), and paragraphs 79 and 105 of the National Planning Policy Framework 2021.

3. The proposed layout, design, and scale of the development fails to accord with the aims of Policies 5 and 8 of the Bourton Neighbourhood Plan and is contrary to Policies 3, 15 and 24 of the North Dorset Local Plan Part 1 (2016).

4. The proposed development as submitted does not robustly demonstrate that the site is unsuitable to provide a minimum of 40% affordable dwellings on the site. The proposed development is therefore contrary to Policy 8 of the North Dorset Local Plan.

5. In the absence of completed and signed Section 106 legal agreement to secure affordable housing, and community benefits (relating to education, affordable housing, ownership of village hall, parking land, and public amenity area, construction and completion of village hall, libraries, public rights of way, and health care) the proposal would be contrary to Policies 4, 8, 13, 14 and 15 of the adopted North Dorset Local Plan Part 1 (January 2016), and paragraph 55 National Planning Policy Framework (2021).

Informatives

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National Planning Policy Framework

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.

Case Officer Signature:		Authorising Officer Signature:	
Date:		Date:	

Agenda Item 7

Application Number:	P/FUL/2022/02326		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Land and buildings north of Cutlers Close Sydling St Nicholas		
Proposal:	Demolition of existing agricultural barns and erection of 5 No. dwellings together with access, parking & landscaping. Erection of a replacement barn.		
Applicant name:	Mr J Alford		
Case Officer:	Jennie Roberts		
Ward Member(s):	Cllr Haynes		
Publicity expiry date:	5 June 2022	Officer site visit date:	03/08/2022
Decision due date:	23 June 2022	Ext(s) of time:	Requested (Chapman Lilly Planning) 28 th July

1.0 Reason for Committee

The Landowner is a Councillor.

2.0 Summary of recommendation:

Refuse on the grounds of sustainability, phosphates/nitrates, harm to the conservation area and Listed Buildings (designated heritage assets), and now there is now a 5-year housing land supply, which focuses new homes within Defined Development Boundaries (DDB). This site is outside of any DDB.

3.0 Reason for the recommendation: as set out in para 13 at end. These similar planning considerations are taken from the previous refusal in 2020 (WD/D/20/01981):

- *Located in an unsustainable location.*
- *Harm to the setting of the conservation area and setting of Listed Buildings.*
- *Harm to the setting of the AONB*
- *Harm due to phosphates/Nitrates issues*

4.0 Key planning issues

Issue	Conclusion
Principle of development	Sydling St Nicholas is considered an unsustainable location, with no development boundary and poor facilities and services. In addition, the proposal is considered harmful to the setting of heritage assets and does not mitigate against phosphates being released into the Poole Harbour Catchment Area. The principle is therefore unacceptable.
Scale, design, and impact on character, appearance and setting of heritage assets	It is considered that the development of the site will alter the character of this rural, edge of village site to the detriment of the character and appearance of the conservation area and result in harm to listed buildings.
Impact on amenity	Given the distance between neighbouring housing and the proposed dwellings, along with window siting and orientation, the proposal does not present any neighbour amenity issues.
Impact on AONB	It is considered that the development of the site will alter the character of this agricultural, edge of village site to the detriment of the setting of the West Dorset AONB.
Flooding	The site lies within flood zone 1 where this type of development is considered to be acceptable.
Access and Parking	The access and parking provision is considered to be acceptable and the necessary highway requirements can be secured by condition.
Biodiversity	A biodiversity enhancement plan has been submitted to and approved by the Natural Environment Team
Trees	Further information required in the form of detailed arboricultural impact assessment, arboricultural method statement and tree protection plan before assessment can be made.
Affordable Housing	Affordable housing is not required to be provided on a scheme of this size.

5.0 Description of Site

This agricultural site is located on the north-eastern outskirts of the small settlement of Sydling St. Nicholas, in West Dorset. There are residential properties to the south and west of the site, whilst Waterside Lane bounds the site to the north with Back

Lane bounding the site to the east. The surrounding fields to the north and west are mainly grazing land. The site itself contains a handful of ad-hoc, relatively modern, pre-fabricated agricultural buildings with concrete hardstanding around and between the buildings and grazing land beyond the hardstanding.

6.0 Description of Development

The proposal is to demolish the existing agricultural buildings and erect three detached dwellings and a pair of semi-detached dwellings, as well as a new replacement agricultural barn. The three detached dwellings would front onto Back Lane, with a further pair of semi-detached dwellings situated to the south-western corner of the site. All would be of two-storey height and accessed via Back Lane, sharing a parking court. The replacement barn, which would be separated from the housing by a hedgerow, would be situated on the northern edge of the site, with its own access from Back Lane.

7.0 Relevant Planning History

- WD/D/19/002547 – Pre application advice. Advised that there is a concern regarding the location of the proposal in relation to sustainability and that the impact of the proposal on heritage assets would need to be considered.
- WD/D/20/001981 - Demolition of existing agricultural barns and erection of 5no. dwellings together with access, parking & landscaping, together with the construction of a replacement barn. Refused within scheme of delegation for the following reasons:

1. Having regard to the location of the site, outside any settlement boundary, and the subsequent reliance on the occupants of the dwelling on the private car given the lack of services offered with the village, it is considered that this scheme will have a significant, negative, impact on the environment and overall will result in an unsustainable form of development. There is no overriding need to allow dwellings in this location nor does the application present a re-use of existing buildings, provide of essential rural workers dwellings, or an affordable housing scheme. As such, it is contrary to the provisions of Policy SUS2 of the West Dorset, Weymouth & Portland Local Plan 2015 and advice contained within the NPPF.

2. By virtue of its built form and large-scale design of dwellings, the proposal is considered to represent undesirable development in this edge of village location to the detriment of the character and appearance of the conservation area. The proposal is therefore considered to be contrary to policy ENV4 of the West Dorset, Weymouth & Portland Local Plan 2015 and advice contained within the NPPF.

3. By virtue of the change of use of land to residential, eroding the edge of village character the proposal would adversely affect the setting of 5 and 6 Waterside Lane. The proposal is therefore considered to be contrary to policy

ENV4 of the West Dorset, Weymouth & Portland Local Plan 2015 and advice contained within the NPPF.

4. By virtue of its built form and large-scale design of dwellings, the proposal is considered to represent undesirable development in this edge of village location to the detriment of the setting of the West Dorset Area of Outstanding Natural Beauty. The proposal is therefore considered to be contrary to policy ENV1 of the West Dorset, Weymouth & Portland Local Plan 2015 and advice contained within the NPPF.

Under the Scheme of Delegation, that application should have been taken to Planning Committee, as the site is owned by Councillor Penfold, so this latest application has been submitted so that the proposal can be decided by the committee. Since the consideration of the previous application, the Council has achieved a 5-year housing supply, which means that new housing development should again be restricted to towns and villages with a DDB.

8.0 List of Constraints

Countryside location outside of a Defined Development Boundary (DDB).

Adjacent to Grade II listed buildings and within the Sydling St Nicholas Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990).

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

Poole Harbour Catchment Area

Heathland Consultation Area

Right of Way to the East of the site.

9.0 Consultations

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

Consultees

- 1. Wessex Water** – No objection subject to conditions.
- 2. Highways Department** – No objection “to the quantum of development” subject to conditions, in respect of vehicle access construction, crossover, etc.
- 3. Conservation Officer**– *“The proposals broadly include the construction of 3No dwellings in a linear fashion along the E side of the site fronting Back Lane, an additional 2No semi-detached dwellings to the rear of the site (behind Plot 2), and a replacement barn at the N end of the site. Though the*

character of the S end of Back Lane has been changed in recent decades with the development of Three Acres and Cutler's Close, there is a marked shift in its character to the N of the latter, where it moves from residential to an undeveloped rural lane between the settlement to the W and the wider, elevated landscape to the E.

In this sense, this locality contributes to the character of the Conservation Area through illustrating its historic plan and providing a transition to the wider landscaped setting. It is significant in this respect that Back Lane represents the boundary of the CA. The quantum of development on the site, in particular the linear arrangement of buildings along Back Lane, will erode this character and its contribution to the character and appearance of the CA.

It is also notable that the landscaped setting of the CA can be appreciated from the elevated land to the E of the site, in particular from PRow S42/6, from where the predominant attribute is the roofscape of buildings facing the historic core. The proposed development would introduce full two-storey buildings into this view with their frontage facing out into the landscape, which would be an incongruous visual element in the scene. The visual incongruence would be compounded by the selection of red brick as the main construction material, which is not well represented in a village where stone in various forms and render predominate.

*The proposals will result in **less than substantial harm** to the significance of a designated heritage asset, meaning that para. 202 of the NPPF is engaged, requiring the harm to be weighed against the public benefits of the proposal (including, where appropriate, securing optimum viable use). However, this balance needs to take into account the need to give 'great weight' to the asset's conservation, irrespective of the level of harm"*

4. **Environmental Health Team** – No comments
5. **Sydling St. Nicholas Parish Council** – *"The scheme is little changed from planning application ref: WD/D/20/001981, refused by Dorset Council in 2021, and the reasons for objecting to this proposal remain largely unchanged, including;*

Object to the application on the grounds of inadequate parking provision and unsafe access, Impact on the sewage system, question the need for a replacement barn, impact on the rural nature of the area and the lack of affordable housing provision. In addition, the village lacks the basic infrastructure such as a school, shop and doctor's surgery."

6. **Countryside Access Team** – No objection providing the Rights of Way are not affected during construction.
7. **Natural England** - a Habitats Regulations Assessment is included which has been informed by the Nutrient Neutrality Methodology (provided within our

overarching advice letter). Without this information Natural England will not be in a position to comment on the significance of the impacts.

- 8. Natural Environment Team** – have signed off the Biodiversity Plan and any planning permission should condition its implementation as such.

Representations received

Objections to the application has been received on the following grounds, identical to those received previously:

- The Ecology Survey is now out of date (24th March 2020);
- Setting of adjacent listed buildings
- Highway safety
- Foul water disposal
- Lack of affordable housing
- Unsustainable location
- Scale
- Design
- Layout
- Loss of views
- Overdevelopment
- Site construction issues

Support to the application has been received on the following grounds, again identical to those previously submitted:

- One objector provided a detailed list of similar housing development approvals within the village since the 1960s;
- Removal of untidy and disused site;
- The road network, in particular Back Lane and proposed parking provision is adequate;
- Flooding issues in the village were caused by poor maintenance;
- There are enough facilities in Sydling St. Nicholas;
- Sydling St Nicholas needs more housing

Total - Objections	Total - No Objections	Total - Comments
14	5	19

10.0 Relevant Policies

Development Plan

INT1- Presumption in favour of Sustainable Development

ENV1 – Landscape, seascape & sites of other geological interest

ENV2 – Wildlife & Habitats

ENV4 – Heritage assets

ENV10 - The landscape and townscape setting

ENV 12 – The design and positioning of buildings
ENV 16 – Amenity
SUS2 - Distribution of Development
HOUS1 – Affordable Housing
COM7 – Creating a safe & efficient transport network
COM9 - Parking standards in new development
COM10 – The provision of utilities service infrastructure

Other material considerations

NPPF Chapters:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
12. Achieving well-designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- WDDC Design & Sustainable Development Planning Guidelines (2009)
- National Design Guide, Ministry of Housing, Communities and Local Government (2019)
- Cerne Abbas, Charminster, Sydling St Nicholas and Godmanstone Conservation Area Appraisal
- Dorset Area of Outstanding Natural Beauty Management Plan 2019-2024

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

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

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

The proposal does not give rise to any specific impacts on persons with protected characteristics. However, the location of the proposed dwellings is not in line with the spatial strategy within the adopted local plan, as the site is outside of a defined development boundary. Therefore, occupiers of the dwellings would have to travel further to access day to day facilities and services, in a location that is not well served by public transport.

13.0 Planning Assessment

Principle of development

Policy SUS2 of the current Local Plan aims to focus residential development to meet the needs of the local area within defined development boundaries (DDBs) and take place at scales appropriate to the size of each settlement. The policy also indicates that outside defined development boundaries, development will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints.

The proposal does not reflect an exceptional case as prescribed by both Local Plan Policy SUS2 and guidance in the NPPF; it has not been put forward as an affordable housing proposal, nor as occupational dwellings. The proposal is therefore contrary to those policies.

Furthermore, the Council (West Dorset and Weymouth and Portland area) can now demonstrate a 5-year housing land supply (currently just under 6 years), and so the tilted balance in para 11 of the NPPF does not apply.

The NPPF sets out the three dimensions to sustainable development identified in the NPPF: economic, social and environmental objections; more discussion of these points will now follow.

Location of the Development

The principle environmental issues regarding this application are the location of the site in relation to the services offered in Sydling St Nicholas and the impact upon identified heritage assets.

In respect of services, the village offers very little in the way of facilities and services. The village has a church, public house, hall and a playground. It is considered reasonable to presume the occupants of the proposed dwellings would be heavily reliant upon the private motor car to access necessary facilities in larger settlements. In addition to this, it is considered that the development of this agricultural site will be detrimental to the setting of the conservation area and adjacent listed buildings, which is discussed further in this report.

There would be some short-term economic benefits that would result from the proposal in the form of providing work for contractors and suppliers involved within the construction phase. There may be some modest, longer-term benefits by supporting local services in the nearby settlements. As such, it is not considered there would be any significant long-term economic benefits to the proposed development.

The proposal would make only a small contribution to increasing housing land supply, and would only be for open market, unrestricted dwellings and not affordable housing.

In conclusion, it is considered that this scheme does not accord with the NPPF's three strands of sustainable development and that the adverse impact to the environment by the erection of five dwellings in an unsustainable location (with regards to access to goods, facilities and services) whose occupants would be reliant on the private car, and the impact on identified Designated Heritage Assets, would significantly and demonstrably outweigh the benefits of the addition of five dwelling towards housing land supply.

The principle of development is therefore considered to be unacceptable and contrary to policy SUS2 of the development plan and the NPPF.

Scale, design, and impact on character, appearance and setting of heritage assets

Towards the edge of this village location, the grain of development becomes looser, and this is apparent when viewed from Back Lane to the south, where views of open countryside beyond the site can be readily achieved. In addition to this, given the site's existing agricultural use and low-level scale of agricultural - rather than residential - development, there is a gentle 'transition' into open countryside. It is considered that this is a strong characteristic within the conservation area and plays an important part in defining the edge of this section of the village.

Three of the five dwellings proposed will be located to the eastern edge of the site with their principal elevations facing onto Back Lane. These dwellings will be relatively large and be of a full two storey height. The remaining pair of semi-detached dwellings will be located to the southwest corner of the site, but all are within this low-density section of the Conservation Area.

Therefore, the development of the site in the manner proposed will significantly increase the built form and overall density of the site, and as such would fundamentally alter the existing character of this semi-rural location, as well as

longer views back into the Conservation Area from the adjacent footpath (PRoW S42/6) which rises up out of the village to the east.

Overall, this would be detrimental of the character and appearance of the conservation area, when there would be elongated views back towards the site, from an elevated position.

It has been contended that the existing site is harmful to the setting of the conservation area. Whilst there is no argument that the existing agricultural buildings on site are of any merit, this does not mean that they are harmful. As mentioned above, given the close proximity of the site to agricultural land, the agricultural uses and buildings are not incongruous, and it is therefore considered that the site as currently developed has a relatively neutral impact upon the setting of the conservation area.

Accordingly, the proposal, by virtue of its built form and large-scale design of dwellings, is considered to be detrimental to the character and appearance of the conservation area. This conclusion has been reached having regard to: (1) section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area; and (2) Local Plan policy.

Located to the west of the application site are two Grade II listed dwellings, 5 and 6 Waterside Lane. As previously discussed, the agricultural buildings within the application site, although of no merit, are relatively low level (in scale) and therefore generally 'neutral' in the landscape and are within an agricultural setting. This very much informs the setting of the listed buildings.

It is considered that a change to the current agricultural appearance of the site to residential, as proposed, would significantly alter the current setting of the listed buildings by removing their relatively open 'edge of settlement' character and enclosing them within a residential setting.

Accordingly, it is considered that the proposal would adversely affect the setting of 5 and 6 Waterside Lane, which the Conservation Officer has concluded would lead to less than substantial harm; this harm however, would not be outweighed by any public benefit. This conclusion has been reached having regard to: (1) section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special regard to be paid to the desirability of preserving or enhancing the setting of Listed Buildings; (2) Local Plan policy and (3) paragraph 202 of the NPPF.

Impact on amenity

Given the distance between neighbouring housing and the proposed dwellings, along with window orientation, it is considered that the proposal does not present any overlooking or overshadowing issues to a degree that causes concern. Accordingly, the proposal is considered to sufficiently protect neighbour amenity.

Impact on AONB.

The site lies within the West Dorset AONB. The land rises towards Cowdown Hill out of the eastern edge of the village, with a public right of way (PRoW) running along the top of Cowdown Hill, which affords longer views back towards Sydling St. Nicholas and the application site; there is little in the way of trees and/or hedging screening the site, which is readily visible from this PRoW, and seen as an introduction to the village when approached from the east.

As previously discussed, given its agricultural use, this is very much an area where open countryside gradually transitions into the village and is considered a strong characteristic within the conservation area.

It is considered that, to replace the existing, low-key agricultural buildings with large, two storey residential development will detrimentally affect the approach into the village from this public right of way. Accordingly, it is considered that the proposal would also harm the special qualities and setting of the Area of Outstanding Natural Beauty.

Flooding and drainage

The site lies within flood zone 1 where this type of development is considered to be acceptable. Wessex water has recommended a condition is imposed to ensure details of foul drainage pipework are submitted to ensure a sealed system is installed. Accordingly, the proposal does not present any issues in this regard.

Access and Parking

Access to the site will be via Back Lane and open onto a shared courtyard where parking will be provided. The Highway Engineer has been consulted and is satisfied that the access and parking provision is acceptable and the new access into the site can be secured by the imposition of appropriate conditions. On this basis, the proposal does not present any issue in this regard.

Biodiversity

A biodiversity mitigation and enhancement plan has been submitted and approved by the Natural Environment Team. The plan would secure biodiversity enhancements to the site.

Affordable Housing

Policy HOUS1 requires all new dwellings to make a 35% contribution towards affordable housing. However, affordable housing contributions will not normally be sought on sites of 5 units or fewer inside designated rural areas. As this site falls below this threshold an affordable housing contribution would not be required.

Trees

An amended site plan, showing existing trees on the site, was submitted to the Local Planning Authority. However, unfortunately it is not sufficient to support the proposed development, as it does not contain the required information – no arboricultural impact assessment, no arboricultural method statement and no tree protection plan. This will all need to be provided before an assessment on the impact upon existing trees can be made.

Nutrient Neutrality: Phosphates

On 16 March 2022, Natural England notified Dorset Council of their updated advice for development proposals that have the potential to affect water quality resulting in adverse nutrient impacts on internationally protected habitats sites.

This advice applies to phosphorus nutrient deposition in Poole Harbour, and as this site has been identified as falling within the Poole Harbour catchment area, it is therefore impacted by this advice.

Within the Poole Harbour catchment area, the Council has to carefully consider the nutrient impacts of new development proposals on the integrity of this habitat site, including the requirement for mitigation to achieve nutrient neutrality. The councils in Dorset have published a methodology for calculating nitrogen loads from development and a mitigation strategy for delivering nitrogen mitigation projects.

Natural England's recent guidance also refers to phosphorus, and Dorset Council is awaiting clarification from Natural England with regard to the implications of their guidance for the existing nitrogen load calculation methodology and mitigation strategy. In the interim period all applications for residential development will need to demonstrate phosphorous neutrality, and the Poole Harbour SPD (Supplementary Planning Document) cannot currently be relied upon to mitigate nutrient issues in view of the phosphorus levels in Poole Harbour resulting in unfavourable conditions.

In these circumstances, and without being able to demonstrate off-setting to ensure nutrient neutrality, the proposed development is contrary to the provisions of the Habitats Regulations 2017 and guidance contained within paragraph 185 of the National Planning Policy Framework (revised 2021), policy ENV2 of the West Dorset, Weymouth & Portland Local Plan and Natural England standing advice on nutrient neutrality.

16.0 Conclusion

The village of Sydling St Nicholas does not have a defined development boundary (DDB), having little in the way of public services or facilities. As such, it is an unsustainable location, inappropriate for new residential development.

Furthermore, there is no longer a lack of 5yr housing land supply within West Dorset, Weymouth & Portland and therefore there is no in-principle justification for the proposed development.

Additionally, with regard to more site-specific considerations, the proposal is considered harmful to the setting of Designated Heritage Assets, namely the Sydling St Nicholas Conservation Area and 5 and 6 Waterside Lane, which are both Grade II listed buildings.

The development, by virtue of its scale, is also considered to be detrimental to the natural beauty of the West Dorset Area of Outstanding Natural Beauty.

Finally, phosphate pollution has emerged as an issue within the Poole Harbour Catchment Area, which to date remains unresolved, with standing advice from Natural England (NE) expected at some point. Until such time as this is received, the Applicants cannot demonstrate phosphorous neutrality or off-setting, to overcome NE's objection.

The application is therefore unacceptable in planning terms and should be refused.

17.0 Recommendation

Refuse for the following reasons:

1. Having regard to the location of the site, outside any settlement boundary, and the subsequent reliance on the occupants of the dwelling on the private car given the lack of services offered with the village, it is considered that this scheme will have a significant, negative, impact on the environment and overall will result in an unsustainable form of development. There is no overriding need to allow dwellings in this location nor does the application present a re-use of existing buildings, provide of essential rural workers dwellings, or an affordable housing scheme. As such, it is contrary to the provisions of Policy SUS2 of the West Dorset, Weymouth & Portland Local Plan 2015 and advice contained within the NPPF.
2. By virtue of its built form and large-scale design of dwellings, the proposal is considered to represent undesirable development in this edge of village location to the detriment of the character and appearance of the conservation area. The proposal is therefore considered to be contrary to policy ENV4 of the West Dorset, Weymouth & Portland Local Plan 2015 and advice contained within the NPPF.
3. By virtue of the change of use of land to residential, eroding the edge of village character the proposal would adversely affect the setting of 5 and 6 Waterside Lane which are Grade II listed buildings. The proposal is therefore considered to be contrary to policy ENV4 of the West Dorset, Weymouth & Portland Local Plan 2015 and advice contained within the NPPF.
4. By virtue of its built form and large-scale design of dwellings, the proposal is considered to represent undesirable development in this edge of village location to the detriment of the setting of the West Dorset Area of Outstanding Natural Beauty. The proposal is therefore considered to be contrary to policy

ENV1 of the West Dorset, Weymouth & Portland Local Plan 2015 and advice contained within the NPPF.

5. The application is within the nutrient catchment area of Poole Harbour which is designated as a Special Protection Area under the Habitat Regulations 2017. Poole Harbour is also designated as a Site of Special Scientific Interest under the Wildlife and Countryside Act 1981 (as amended) and a Ramsar site. Natural England has advised that the harbour is Phosphate limited which means that any addition of phosphate either directly or indirectly should be deemed to have an adverse impact on the site's integrity in accordance with recent case law.

The applicant has failed to evidence nutrient neutrality to demonstrate no adverse effects in combination with other plans or projects, on the designated site of nature conservation. In the absence of this information, and until demonstrated otherwise, the precautionary principle must prevail in favour of nature conservation. The proposal fails to comply with the provisions of the Habitats Regulations 2017 and guidance contained within paragraph 185 of the National Planning Policy Framework (revised 2021), and policy ENV2 of the adopted West Dorset, Weymouth & Portland Local Plan 2015.

Informative Notes:

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

Location Plan - 5899-WLA-SM-XX-DR-A-0001 - received 8th April 2022

Proposed Site Plan (amended) - received 20th June 2022

Proposed Site Section - 5899-WLA-SM-XX-DR-A-0102 - received 8th April 2022

Proposed barn floorplans -5899-WLA-SM-XX-DR-A-0170 - received 8th April 2022

Proposed barn elevations - 5899-WLA-B1-XX-DR-A-0171 - received 8th April 2022

Barn 1 existing elevations and plans - 5899-WLA-SM-XX-DR-A-0111 - received 8th April 2022

Barn 2 existing elevations and plans - 5899-WLA-SM-XX-DR-A-0112 - received 8th April 2022

Barn 3 existing elevations and plans - 5899-WLA-SM-XX-DR-A-0113 - received 8th April 2022

Proposed Floor Plans (Plot 1) - 5899-WLA-H8-XX-DR-A-0120F - received 3rd May 2022

Proposed Elevations (Plot 1) - 5899-WLA-B2-XX-DR-A-0121 - received 3rd May 2022

Proposed Floor Plans (Plot 2) - 5899-WLA-H5-XX-DR-A-0130 - received 3rd May 2022

Proposed Elevations (Plot 2) - 5899-WLA-H5-XX-DR-A-0131 - received 3rd May 2022

Proposed Floor Plans (Plot 3) - 5899-WLA-H1-XX-DR-A-0140 - received 3rd May 2022

Proposed Elevations (Plot 3) - 5899-WLA-H1-XX-DR-A-0141 - received 3rd May 2022

Proposed Floor Plans (Plot 4&5) - 5899-WLA-B1-XX-DR-A-0150 - received 3rd May 2022

Proposed Elevations (Plot 4&5) - 5899-WLA-B2-XX-DR-A-0151 - received 3rd May 2022

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