



Northern Area Planning Committee

Date: Tuesday, 25 October 2022
Time: 10.00 am
Venue: Stour Hall - The Exchange, Old Market Hill, Sturminster Newton, DT10 1FH

Members (Quorum: 6)

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

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

For more information about this agenda please contact Democratic Services Meeting Contact 01305 224709 - megan.r.rochester@dorsetcouncil.gov.uk

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

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Agenda

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

- 3. MINUTES** 5 - 16
- To confirm the minutes of the meeting held on Tuesday 30th August 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 21st October 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/PRES/2022/03207, LAND OFF HAYWARDS LANE, CHILD OKEFORD** 17 - 32
- Erect 26 No. dwellings. (Reserved matters application to determine layout, scale, appearance and landscaping, following the grant of Outline Planning Permission No. 2/2019/0318/OUT).
- 7. P/FUL/2022/01086, LAND AT TARRANT VALLEY INTERIORS, THE OLD CHICKEN SHEDS AT STUBHAMPTON** 33 - 64
- Demolish existing commercial workshop & erect new electric vehicle (EV) hub including workshop, EV/PV information point, retail area & including cafe/pit stop and a covered parking area with roof mounted solar array to both structures.
- 8. P/OUT/2021/05444, LAND NORTH OF OLD POUND COURT BOURTON DORSET** 65 - 94
- Erection of 3 dwellings, new vehicular and pedestrian access & associated parking (outline application to determine access, layout & scale only).
- 9. P/FUL/2022/04510, ST OSMUNDS CHURCH OF ENGLAND MIDDLE SCHOOL, BARNES WAY** 95 - 100
- Remove 8no. timber-framed single glazed high level window units and replace with powder-coated aluminium double-glazed units. Replace timber door with powder-coated door.
- 10. P/FUL/2022/02962, HARBOURVALE SCHOOL** 101 -

Install a 3m high twin mesh fence and 1 x No. gate. The fence line will sit inside of the existing fence (iron fencing on top of a brick wall which will remain in situ).

11. P/HOU/2022/04717, 2A MILL LANE CHARMINSTER

107 -
116

Erect first floor extension over existing garage, new dormer windows and associated works.

12. 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.

13. 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 30 AUGUST 2022

Present: Cllrs Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Tim Cook, Les Fry, Carole Jones, Stella Jones, Val Potheary and Belinda Ridout

Apologies: Cllrs Matthew Hall, Brian Heatley and Emma Parker

Also present: Cllr David Walsh

Officers present (for all or part of the meeting): Hannah Smith (Planning Area Manager), Jennie Roberts (Senior Planning officer), Lara Atree (Solicitor) Elaine Tibble (Senior Democratic Services Officer) and David Northover (Democratic Services Officer)

Public Speakers

Stephen Shears, resident

Giles Moir, agent

David Green, Clerk to the Parish Council

115. **Apologies**

Apologies for absence were received from Cllrs Matt Hall, Brian Heatley and Emma Parker.

The Chairman took the opportunity to thank Cllr Hall – in his absence – for the valued contribution he had made to the work of the Committee in the past, as he was standing down as a member of the Committee.

116. **Declarations of Interest**

Cllr Mary Penfold declared a disclosable pecuniary interest in minute 121 because she was the landowner of the application site. Cllr Penfold withdrew from the meeting during consideration of the item.

117. **Minutes**

The minutes of the meeting held on 20 July 2022 were confirmed and signed.

118. **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.

119. **Planning Applications**

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

120. **There has been a change to the published agenda whereby application P/FUL/2021/04282 - Land Adjacent Sandways Farm, Bourton, SP8 5BQ - will no longer be heard at the meeting on the 30th August.**

121. **P/FUL/2021/04282 - Land Adjacent Sandways Farm, Bourton, SP8 5BQ**

This application was not considered at the meeting.

122. **P/FUL/2022/02326- Land and buildings north of Cutlers Close, Sydling St Nicholas**

The Committee considered application P/FUL/2022/02326 for the demolition of existing agricultural barns and erection of 5 dwellings together with access, parking & landscaping, together with the erection of a replacement barn on land and buildings north of Cutlers Close, Sydling St Nicholas

The application was being considered by Committee as the landowner of the application site was a Dorset Councillor and the Vice-Chairman of the Committee. On that basis, Cllr Mary Penfold declared a pecuniary interest and played no part in consideration of the item.

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. 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 how the development was to look – including its design, dimensions, configuration and appearance; along with its ground floor plans and elevations; the materials to be used; access and highway considerations; environmental and land management considerations; drainage, flooding and water management considerations, the means of landscaping and screening and the development's setting within that part of Sydling St. Nicholas, its Conservation Area and the Dorset Area of Outstanding Beauty.

Officers showed the development's relationship with other adjacent residential

development, with the characteristics and topography of the site being shown. Views into the site and around it was shown, which provided a satisfactory understanding of all that was necessary.

The planning history of the site was outlined, including mention of the reasons for refusal of a previous application.

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 unacceptable in relation to material planning considerations, as the proposed development would be in an unsustainable location, inappropriate for new residential development given that the village did not have a defined development boundary, having little in the way of public services or facilities.

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

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

These assessments formed the basis of the officer's recommendation to refuse the application.

From formal consultation, Sydling St Nicholas Parish Council had opposed the application on the grounds that there was inadequate parking provision and unsafe access, the impact on the sewage system, the impact on the rural nature of the area and the lack of affordable housing provision in a village that lacked the basic infrastructure necessary to support the development.

Speakers had the opportunity to address the Committee. Stephen Shears objected on the basis of the officer's reasons for refusing the scheme, particularly that it was overdevelopment, the adverse effect it would have on the listed buildings and their amenity and that, twice in the past five years, water running off nearby fields had caused Sydling Water to break its banks which caused problems both in the village and further downstream, as far away as Poole Harbour.

Giles Moir, the agent, considered the development to be acceptable and would contribute to the housing needs of the village. Moreover, there had been significant revisions to the application so as to address areas of concern from the earlier application, particularly with a scaling back of the size of the homes.

David Green, Clerk to the Parish Council, objected to the application on the grounds of flooding and road safety risk, being out of keeping with the village, access issues and lack of supporting amenity.

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.

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 was considered to be the flooding risk associate with this development and how this and drainage was to be managed
- how the proposals could be seen to be in keeping with the characteristics of the village
- what implications there would be for access to essential amenity and local facilitates
- how traffic and parking would be affected and what road safety issues might be experienced
- what access arrangements there were for refuse and emergency services
- what effect the proposal would have on the Conservation Area and AONB

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. Particular mention was made that Wessex Water was comfortable with the flooding risk as the site was in the lowest category of Zone 1.

From debate, the majority of the Committee considered the recommendation was acceptable in the circumstances on the grounds that the homes planned were out of keeping with the village conservation area, the plot was outside the village defined development boundary and was in an unsustainable location in terms of amenity and facilities. There were also concerns that although the site itself was not likely to flood, water from it could increase the risk of flooding for nearby homes

However, some members considered whilst this application was unacceptable, it was hoped that some use could be made of the redundant building in the future and that a revised – or new - application might be able to achieve this.

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 Stella Jones and seconded by Councillor Jon Andrews, on being put to the vote, the Committee agreed - unanimously - to refuse permission on the grounds that the proposal was :-

- was located in an unsustainable location.
- would cause harm to the setting of the conservation area and setting of Listed Buildings.
- would cause harm to the setting of the AONB
- would cause harm due to phosphates/Nitrates issues

Resolved

That application P/FUL/2022/02326 be refused 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 focused new homes within Defined Development Boundaries (DDB), this site was outside of any DDB.

Reasons for Decision

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 was considered that this scheme would have a significant, negative, impact on the environment and overall would result in an unsustainable form of development. There was 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 was contrary to the provisions of Policy SUS2 of the West Dorset, Weymouth & Portland Local Plan 2015 and advice contained within the NPPF.

Finally, phosphate pollution had 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 was received, the applicants could not demonstrate phosphorous neutrality or off-setting, to overcome NE's objection.

2. By virtue of its built form and large-scale design of dwellings, the proposal was 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 was 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 was 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 was considered to represent undesirable development in this edge of village location to the detriment of the setting of the Dorset Area of Outstanding Natural Beauty. The proposal was 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 had 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 failed 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.

123. **Urgent items**

There were no urgent items for consideration at the meeting.

124. **Exempt Business**

There was no exempt business considered at the meeting.

Duration of meeting: 2.00 - 3.00 pm

Chairman

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Agenda Item 6

Application Number:	P/RES/2022/03207
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land Off Haywards Lane (West Of Allen Close) Child Okeford Dorset
Proposal:	Erect 26 No. dwellings. (Reserved matters application to determine layout, scale, appearance and landscaping, following the grant of Outline Planning Permission No. 2/2019/0318/OUT).
Applicant name:	ELT Bournemouth Ltd
Case Officer:	Robert Lennis
Ward Member(s):	Cllr Sherry Jespersen

- 1.0** The application is reported to the Planning Committee as outline permission (ref: 2/2019/0318/OUT) was granted approval by this Committee.

Members may recall considering a reserved matters application (P/RES/2021/01582) for this site within the past year which was refused by this Committee for the following reason:

The proposed layout of the development would result in a linear formation of parking to the south of plots 7-10, and views through the site from Haywards Lane would be focused on areas of parking and hardstanding which would detract from the rural character of the area. The layout of the development would also result in the proposed affordable units not being pepper-potted amongst the proposed market housing and they would not be indistinguishable from the other houses on site. Furthermore, the proposed species of trees on the site would not be compatible with the layout of the proposed residential properties on site. The proposed development would, therefore, fail to comply with Policies 8, 24 and 25 of North Dorset Local Plan and Section 3 of Child Okeford Village Design Statement.

This application seeks to address these concerns.

2.0 Summary of recommendation:

Grant subject to conditions.

3.0 Reason for the recommendation:

- Principle of development was established by way of outline application: 2/2019/0318/OUT.
- The proposed layout and landscaping have been amended having regard to the previous refusal of reserve matters application P/RES/2021/01582.
- The proposed scale and appearance of the dwellings is considered to be acceptable and would improve the quality of design in the area.

- The proposal would have no direct harm to Child Okeford Conservation Area or any of the nearby scheduled ancient monuments: Hambledon Hill Camp, Causewayed Camp on Hambledon Hill, Hod Hill Camp, and Lydsbury Rings.
- The proposed development would be compatible in the context of this primarily residential area and would not give rise to any seriously detrimental impact to the amenity of existing neighbouring residents.
- There are no other material considerations which would warrant refusal of these reserved matters.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Established by way of outline planning permission; application 2/2019/0318/OUT.
Layout and Landscaping	The layout and landscaping have been amended to address the concerns raised previously with regard to parking, distribution of affordable housing, and species selection.
Scale and Appearance	The scale of the individual dwellings is comparable to surrounding two-storey dwellings. The proposed appearance would improve the character and quality of design in the area as it incorporates traditional elements.
Heritage	The Child Okeford Conservation Area is not close enough to be affected. Similarly, the siting, scale, and appearance of the development would not have an adverse impact on nearby schedule monuments associated with Hambledon Hill and Hod Hill.
Impact on Residential Amenity	The proposed details of this residential development would not result in any seriously detrimental impact on the amenities of the existing residential neighbours.

5.0 Description of Site

The application site consists of two parcels of land measuring circa 1.31 hectares(ha) in total and is located on the western edge of Child Okeford north of Haywards Lane. Bounding the site to the north are properties in Chalwell and Allen Close. To the east are properties in Allen Close and a single detached dwelling (located at the north-west corner of Haywards Lane and Haywards Lane). To the west are open fields and the south Haywards Lane.

There is no particular design character in the immediate context of the site. The site's northern and eastern boundaries are made up of residential developments consisting of a mix of pre-war, 40's, 50's, and 60's dwellings. Their appearance is made up of large detached chalet bungalows within Allen Close, two-storey terraced and semi-detached properties located in Chalwell, and a stand-alone bungalow on the corner.

Child Okeford's conservation area is not visible from the site being more than 200m to the east with intervening development. That development is primarily residential (north of Station Road) consisting of detached bungalows and chalet bungalows within a series of cul-de-sacs. There is no coherent design across this area though within each street there is some consistency.

The site has well-established hedge lines running along the site boundary and through the centre of the site. Along the western site boundary is an established field boundary made up of hedging and a number of mature trees. There are two specimen trees within the site, a mature oak tree (subject to a TPO) lying in the boundary between the two parcels, and a large mature walnut tree situated on the eastern boundary, just north of Allen Close. Both of these trees will be retained in the proposals. The site is mainly flat with a slight slope from west to east.

The setting of the nearest listed building, Grade II 'Pilgrims Farm' approximately 300m to the east along Station Road would not be affected. Hambledon Hill and Hod Hill are in excess of 1k to the east-southeast of site village and likewise their associated schedule ancient monuments would not be affected.

The site falls outside of the Dorset Area of Outstanding Natural Beauty. It is within the North Blackmore Rolling Vales landscape character area and partly within the Clay Vale character area as described in the North Dorset Landscape Character Assessment (as amended) (2008).

6.0 Description of Development

This is a reserved matters application to determine layout, scale, appearance and landscaping for the erection of 26 dwellings on the site following the grant of outline planning permission (application ref: 2/2019/0318/OUT).

In terms of layout, the key design strategy for the proposed housing development is to create public open space incorporating the feature oak tree in the middle of the site.

In terms of scale, the housing is proposed to include a mixture of two-storey terraced, semi-detached, and detached dwellings.

In terms of appearance, the design approach incorporates architectural detail derived from the housing stock of Child Okeford, such as curved window heads, brick dentil course, banding, and quoins.

In terms of landscaping, all significant trees would be retained, with the exception of one ash tree in the south east corner of the site, allowing for the new main access to the site. The tree and hedgerow buffer around the site would also be retained and enhanced where possible with additional planting of native species

7.0 Relevant Planning History

2/2019/0318/OUT – Conditional planning permission granted April 2021 - Develop land by the erection of up to 26 No. dwellings, form vehicular and pedestrian access. (Outline application to determine access).

P/RES/2021/01582 - Refused March 2022 - Erect 26 No. dwellings. (Reserved matters application to determine layout, scale, appearance and landscaping, following the grant of Outline Planning Permission No. 2/2019/0318/OUT).

- Planning appeal ref: APP/D1265/W/22/3299163, decision pending.

8.0 List of Constraints

Agricultural Land Grade - Grade: GRADE 2

Parish Name: Child Okeford CP

Ward Name: Hill Forts Ward

9.0 Consultations

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

Consultees

1. Parish Council - Child Okeford Parish Council

- Unable to support for numerous reasons. These reasons relate to the following topic areas:
 - A. The Historic Environment – concerns have been raised about the list of consultees, particularly with regard to Historic England and the Dorset AONB, and the accuracy of assessment of the heritage concerns.
 - B. Appearance/Layout - concerns relate to removal of hedges, lack of regard for the Child Okeford Village Design Statement, boundary treatment, and the settlement pattern of the village.
 - C. Layout & Neighbouring Property Amenity – concerns relate to loss of light and privacy.
 - D. Layout & Affordable Housing – concerns relate to lack of integration.
 - E. Design – concerns with the lack of local engagement, and lack of regard for the Child Okeford VDS, no variation in roof heights, no provision for solar panels or other sustainable features.
 - F. The Natural Environment: Landscape/Landscaping - concerns are raised about the loss of hedgerow and wildlife habitat.
 - G. General – concern is raised with the access arrangements and safety.
 - H. Summary

2. Dorset Council - Flood Risk Manager – Highways

- No objection to proposal

3. Dorset Council - Highways

- No objections.

- 4. Dorset Council - Trees**
 - No objection in principle subject to conditions.
- 5. Dorset Council - Section 106**
 - No comments received.
- 6. Wessex Water**
 - No comments received. Previously it was noted that the developer would need to engage with Wessex Water before construction work commences to ensure that there would be no encroachment onto easement requirements for the existing sewer running through the site. Wessex Water will agree a foul drainage connection for foul only flows from the development to the public foul sewer in Haywards Lane.
- 7. Dorset Council – Environment Protection Services**
 - No objection subject to condition.
- 8. Dorset Council – Landscape**
 - No comments received.
- 9. Dorset Council - Housing Enabling Team**
 - No comments received.
- 10. Ward Councillor - Hill Forts And Upper Tarrant's Ward**
 - No comments received.
- 11. Dorset Police Architectural Liaison Officer**
 - No comments received.
- 12. Dorset Council - Education Officer**
 - No comments received.
- 13. Dorset Council - Natural Environment Team**
 - No comments received.
- 14. Dorset Council - Dorset Waste Partnership**
 - No comments received.
- 15. Dorset Council - Urban Design**
 - No comment received.
- 16. Dorset Council - Economic Development and Tourism**
 - No comments received.
- 17. Dorset Council - Building Control North Team**
 - No comments received
- 19. Dorset Council – Libraries**
 - No comments received.

Representations received

35 objections received. Concerns and comments material to this application relate to:

- Highway safety and impact on school traffic
- Development out of keeping with area
- Urban form of development
- Cramped form of development
- Increase in traffic along Haywards Lane
- Impact on local facilities
- Density of development
- Development outside settlement boundary
- Impact on trees
- Parking
- Design not in keeping with surrounding area
- Impact on conservation area
- Impact on Hambledon Hill
- Impact on AONB

10.0 Relevant Policies

North Dorset Local Plan Part 1 (January 2016):

Policy 1 – Presumption in Favour of Sustainable Development

Policy 2 - Core Spatial Strategy

Policy 3 - Climate Change

Policy 4 - The Natural Environment

Policy 6 – Housing Distribution

Policy 7 - Delivering Homes

Policy 8 - Affordable Housing

Policy 13 - Grey Infrastructure

Policy 14 - Social Infrastructure

Policy 15 - Green Infrastructure

Policy 20 - The Countryside

Policy 23 - Parking

Policy 24 – Design

Policy 25 – Amenity

Material considerations

National Planning Policy Framework:

The following sections of the NPPF are considered to be relevant to the merits of this case:

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
11. Making effective use of land
12. Achieving well designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Other Material Considerations:

North Dorset Landscape Character Assessment (as amended) (2008).

The site straddles two Landscape types; Clay Vale and Rolling Vales, although the majority of the site lies within the Rolling Vales Landscape Type, which is described as: - *“An undulating transitional area between the low lying vales and the high Chalk, with clay and greens and landform becoming gradually more enclosed, folded and twisted nearer the escarpment to form a series of rolling foothills. There is an abrupt level change between this area and the steep sides of the escarpment but towards the vales, the land flattens out gradually. It is mainly a pastoral landscape with a few arable fields on flatter land interspersed between improved pasture and meadows. There are many small brooks, streams and damp flushes with numerous scattered hamlets and farms. The whole area has a tranquil, secluded and undeveloped character and feel to it”.*

The overall management objective for the Rolling Vales Landscape Type should be to conserve and enhance the diverse pattern of trees and woodland, hedgerow and small scale fields, watercourses and narrow lanes. The conservation of the rural and tranquil nature of the area is also a key objective.

Child Okeford Village Design Statement (COVDS) SPD (2007)

This document is supplementary to the existing Local Plan and sets out design principles for new development in Child Okeford.

- Part 3 The character of the landscape setting
- Part 8 Guidelines for Future Building and Development
- Part 10 Recommendations

Housing Land Supply for the former district area of North Dorset for 1 April 2021 (1 March 2022) which is considered to be under a five year supply.

Housing Delivery Test: 2021 measurement (14 January 2022), which is below the requisite 75%.

Planning appeal ref: APP/N1215/W/18/3210703 - Huntley Down, Milborne St Andrew – proposal of 30 new homes, including 12 affordable homes, with access from Huntley Down.

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.

With this application we have worked with the applicant to create easier access throughout the development by way of dropped kerbs and level access into dwellings. People with protected characteristics are not likely to be affected or disadvantaged by this development.

13.0 Financial benefits

Financial benefits were considered as part of the outline application, and secured with a signed Section 106 legal agreement prior to issuing the outline planning permission.

14.0 Planning Assessment

As mentioned above, the principle of development on this site, along with details of vehicular and pedestrian access, has been established by way of outline planning permission ref: 2/2019/0318/OUT.

The only matters for consideration with this application relate to the details of layout, scale, appearance, and landscaping. These matters were also considered within the past year under application ref: P/RES/2/2021/01582. This application was refused by Planning Committee for the following reason(s):

The proposed layout of the development would result in a linear formation of parking to the south of plots 7-10, and views through the site from Haywards Lane would be focused on areas of parking and hardstanding which would detract from the rural character of the area. The layout of the development would also result in the proposed affordable units not being pepper-potted amongst the proposed market housing and they would not be indistinguishable from the other houses on site. Furthermore, the proposed species of trees on the site would not be compatible with the layout of the proposed residential properties on site. The proposed development would, therefore, fail to comply with Policies 8, 24 and 25 of North Dorset Local Plan and Section 3 of Child Okeford Village Design Statement.

This reason is comprised of four main issues: the linear form of parking, views through the site from Haywards Lane, affordable housing integration, and tree species selection. This application seeks to address these concerns.

Layout

Three of the four issues in the reason for refusal relate to layout.

The layout is similar to what was previously proposed and the impression of a linear formation of parking south of plots 13-16 (previously 7-10) remains to a lesser degree. However, the amount of parking here has been reduced and the views through the site from Haywards Lane would be of trees and hedging rather than simply hardstanding. It is considered that 'linear parking' is not an unusual feature but a rather common feature to address the needs of terraced properties.

By reconfiguring the parking needs across the site, this proposal has created space for planting where it is most needed; at the entrance where there will be views into the site which give a first impression. This would be appropriate for the character and appearance of the area.

The third issue related to integrating the affordable housing to make the development more tenure blind. The previous cluster of affordable housing has been broken up slightly to create more integration with the rest of the development. Your Housing Enabling Officer has verbally accepted this layout.

It has been noted in the Design and Access Statement that the key design strategy for the development was to create public open space incorporating the feature oak tree in the middle area of the site. This open space (including an equipped area of play) along with the existing and proposed trees of the site will have a positive impact on the character of the development when viewed from within and afar.

The layout has been orientated to predominantly face inwards, looking across the public open space at the centre of the arcing vehicular routes. This is not dissimilar to the numerous cul-de-sacs in the village which by their nature are exclusive and look inwards. Hence this approach to design seems appropriate for the scale of development.

This layout also allows for all private rear gardens to face outwards to the existing hedgerows and site boundaries to the north and south. This would retain hedgerows and the silvan country lane character of Haywards Lane. There would be sufficient spacing between the proposed and existing houses along Chalwell and Allen Close, to prevent overlooking. Similarly, the relationship with Wynchards (on the corner of Haywards Lane) would not result in any seriously detrimental harm in terms of light or amenity.

The size and positioning of larger plots to the north of the site tries to replicate the spacing and plot sizes seen along Allen Close with some success with regard to private drives and garages. A set of cottage style dwellings are positioned at the site

entrance, adjacent to the pedestrian crossing which is intended to facilitate pedestrian movement between the site and the main pavement routes to the village centre via Haywards Lane and Station Road. This is also a form of passive surveillance which is welcomed.

The terrace of four dwellings in the centre part of the site has an awkward exchange with the views from Allen Close. The applicant has agreed that the rear garden enclosures here should be amended to soften this appearance. It is considered post and rail fencing and soft landscaping would be most appropriate. This could be addressed by way of a condition relating to boundary treatment.

Officers consider that the proposal would comply with the requirements of Policy 24 of the North Dorset Local Plan.

Landscape

The fourth issue from the reason for refusal was related to the selection of tree species next to car parking. These have been changed to a mix of non-fruiting trees and your Tree Officer has endorsed this approach by raising no objections.

Whilst we have no comments from the Dorset AONB or our Landscape Officer on this application, given the similarities between this proposal and the previous reserved matters application the comments from the Dorset AONB are still considered to be prescient. Previously the Dorset AONB Officer raised no objections and his comments help to understand the minimal amount of impact this proposal would have:

“...the effects of the development are best evaluated in relation to the following:

- ‘Uninterrupted panoramic views to appreciate the complex pattern and textures of the surrounding landscapes’ – Would the development be unduly prominent in high quality panoramic views?
- ‘Numerous individual landmarks’ – Would the development impinge upon the significance of the important landmark of Hambledon Hill?
- ‘A rich historic and built heritage’ – Would the development cause any significant harm to the nearby conservation area, which partially falls within the AONB?

Overall, it is my opinion that the effects of the reserved matter application on those three special qualities, above, would not be so significantly or unduly harmful as to constitute reasonable grounds for refusal...”

It is considered that the retention of trees and hedges and the creation of a relatively large and central open space would enable the development to blend in over time with the existing pattern of development. Officers consider that the proposal would comply with Policy 4 of the North Dorset Local Plan.

Scale and Appearance

In terms of scale, other existing residential dwellings in the surrounding area are single-storey bungalows (Knotts Close), large chalet bungalows (Allen Close), and two-storey dwellings (Chalwell). In the context of this site the proposed two-storey dwellings are considered appropriate.

In terms of appearance, the submitted Design and Access Statement provides a good overview of the architectural features found in the village. It is noted that the dwellings towards the village centre and within the Conservation Area have a more traditional design while those in close proximity to this site are less traditional and display a wider range of housing styles.

The proposed appearance of individual dwellings is drawn from this architectural catalogue and includes traditional features as sought in the Child Okeford Village Design Statement. Brick is the dominant building material for the village, but the use of flint is welcomed and notable in plots 1-3 which creates a more attractive entrance to the site from Haywards Lane. The use of brick banding, arched headers over windows, quoins, and chimneys are visually interesting and appropriate to improve the character and appearance of the area.

Officers have worked with the applicant to secure design amendments to ensure that the design and appearance of the dwellings is appropriate to the character and appearance of Child Okeford. The appearance of the proposed development is considered to accord with the COVDS and with Local Plan Policy 24.

With regard to the issue of 'pepper-potting' and indistinguishable design of the affordable housing units, Members' attention should be drawn to the considerations of the Planning Inspectorate in the appeal decision for a similar scale development at Huntley Down, Milborne St Andrew. Therein the Inspector opined in paragraphs 19-22 that 'pepper-potting' may not be a viable/realistic proposition on smaller schemes such as this one, and would be more sensibly/logically applied to larger strategic site allocations. There were no objections from the Housing Enabling Team Leader, and it was recognised that a mix of AH which reflected identified needs would be smaller in size (1, 2, & 3-bed dwellings) than some of the open market units. However, despite them being set in clusters (terraced) he found they would have the same architectural style as the rest of the development and would form an integral part of the overall development.

The proposed appearance of the affordable housing in this scheme are considered to be of a high quality and would display the same architectural style of the open market dwellings. It is considered that the issues previously raised with regard to AH in terms of integration/'pepper-potting' and design have been adequately addressed.

Affordable Housing Provision and Housing Mix

The outline consent secured 'at least' 40% affordable housing on the site and 40% equates to 10.4 dwellings. However, this scheme only proposes to deliver 10 AH. Therefore, financial contribution is being sought for the remainder. The applicant is willing to make this contribution but it is not clear in the S106 how this is to be done.

It is likely that the S106 will have to be modified to capture this. The Committee will be updated orally on this matter.

The affordable dwellings would have a tenure split of 70/30 affordable rent/shared ownership. These would be provided in the form of 7no. 2-bed and 3no. 3-bedroom properties. The open market dwellings consist of 11no. 3-bed and 5no. 4-bedroom properties. This mix of housing is considered to be consistent with the Bournemouth/Poole Housing Market 2011 Strategic Housing Market Assessment Update, and with Policy 8 of the North Dorset Local Plan.

Impact on AONB

The development is located outside of the Dorset AONB. Because it is outside of the AONB the provisions of paragraph 177 of the Framework are not applicable.

In the context of this site it is debatable whether it makes up part of its setting as there is fair amount of development between the site and the boundary of the AONB. Be that what it may, paragraph 176 states that scale and extent of development within the setting of an AONB “should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”

In so far as these reserved matters are able to be judged in this light, this would be a residential development of a scale and appearance appropriate to the character of the area. While the proposed layout creates a discernible open space, the proposed landscaping would retain important trees and hedging and provide more of the same. Therefore, it can be demonstrated that the layout would sensitively locate the development on-site and the scale, landscaping, and appearance have been designed to avoid or minimise any perceived adverse impacts on the Dorset AONB.

As noted above, previously the AONB officer considered that the development would not be so significantly or unduly harmful to the special qualities of the AONB to constitute reasonable grounds for refusal, and as such, the development would comply with Policy 4 of the Local Plan.

Trees

Your Tree Officer has considered the details of this application and raised no objections. It was noted that if ‘extra heavy’ trees were to be used at the outset then details of tree pits would need to be provided. As such a condition has been added to address this request.

The wall surrounding the rear gardens of units 13-16 is a poor design feature and could possibly affect the root of an important mature tree. As mentioned above, this enclosure should be amended and a condition is attached to agree these details.

Heritage

The proposed development would not affect the setting of the Child Okeford Conservation Area nor any listed buildings.

Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area. The proposed development is some 300m from the COCA with intervening development. There would be no intervisibility between the proposed dwellings and the COCA. It is considered that the proposed layout, scale, appearance, and landscaping would have no direct impact on the historical interest, character or appearance of the COCA.

Having been on-site and considered the view of it from the nearby scheduled ancient monuments on Hambledon Hill and Hod Hill, it is considered that in the context of this site these detailed matters would not have an adverse impact on their importance. The proposal would accord with Policy 5 of the North Dorset Local Plan.

Impact on Residential Amenity

The nearest affected residential properties are those which adjoin the site along its eastern boundary. These are Wynchards on the corner of Haywards Lane and no 5 at the eastern end of Allen Close.

In order to reduce the impact on no 5 Allen Close, plot 13 is set off the boundary with an hedge and walkway between. There are no windows proposed on the side elevation on plot 13. As such there would be no seriously detrimental harm to their amenity.

With regard to Wynchards, the proposed siting of the dwelling on plot 1 is slightly to the south of its rear elevation. It would be set off the shared boundary to allow for hedging with a distance of about 6m between the buildings. It is considered that this would result in the loss of some early morning sunlight but could not be equated to a seriously detrimental harm to their amenity as they would still receive a great deal of sunlight throughout the day and the impact on ambient light would be negligible.

There will be an inevitable change to the nature of the site, with increased vehicular movement and domestic noise and activity. However, this is unlikely to adversely impact adjacent neighbours to the extent that would warrant the refusal of this application. It is considered that the proposal accords with Policy 25 of the Local Plan.

Flooding and Drainage

The flooding risk for the site and proposed drainage has been assessed and approved under the outline consent. DC Flood Risk Management Team have no objection to this reserved matters scheme given that conditions for detailed drainage design have already been attached to the outline consent.

Biodiversity

Impact on the biodiversity of the whole site was a principle matter considered at the outline. In this regard an Ecological Impact Assessment and certified Biodiversity Mitigation Plan offer a number of site wide mitigation measures which will continue to apply to the site. It is considered this would continue to satisfactorily mitigate the impact of the development and result in a bio-diversity net gain on site.

15.0 Conclusions

The principle of residential development on the site has been established under the outline consent which permitted 26 dwellings with access only approved.

The layout, scale, appearance and landscaping of the site have evolved positively through discussions between the officer and the applicant. The appearance of the proposed dwellings draws on the better features of Child Okeford and the scale is reflective of the surrounding development. The layout retains important trees and hedging and would not result in the serious loss of amenity. While the proposed landscaping would reinforce the silvan qualities of the site and area.

The proposed development is found to be acceptable and accords with relevant policies of The Development Plan, NPPF, and Planning Practice Guidance.

16.0 Recommendation

Approve the reserved matters of 'Appearance', 'Layout', 'Scale' and 'Landscaping', subject to the following conditions:

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

Site Location Plan & Block Plan P001
Proposed Site Plan, P003 Rev O
Proposed Refuse & Cycle Plan, P004 Rev D
Proposed Boundary Treatment Plan, P005 Rev D
Proposed Hard Landscape Plan, P006 Rev D
Proposed Floor Plans:

Units 1 - 3	P101
Units 4	P102 Rev A
Unit 5, 6, 25 & 26	P103
Unit 7 & 8	P104
Unit 9, 10 & 24	P105
Unit 11	P106
Unit 12 & 22	P107
Unit 13-16	P108 A
Unit 17-20	P109
Unit 21	P110
Unit 23	P111

Proposed Elevations

Units 1 - 3	P201
Units 4	P202
Unit 5, 6, 25 & 26	P203
Unit 7 & 8	P204
Unit 9, 10 & 24	P205
Unit 11	P206 Rev A
Unit 12 & 22	P207

Unit 13-16	P208 Rev A
Unit 17-20	P209
Unit 21	P210 Rev A
Unit 23	P211

Cs-658.01 Rev D Planting Plan 1 of 2
Cs-658.02 Rev C Planting Plan 2 of 2

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

2. Notwithstanding the details on the approved drawing P005 Rev D Boundary Treatment, prior to occupation of any dwelling hereby approved details of boundary treatments to plot 4, and plots 13-16 shall be submitted to and agreed in writing by the Local Planning Authority. The boundary treatments for those plots shall accord with the agreed details.

Reason: to secure good design and protect the trees and landscaping of the site.

3. Prior to development above damp proof course level, details and samples of all external facing materials for the walls and roofs shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

4. Prior to above damp course level, a landscape management plan shall, by reference to site layout drawings of an appropriate scale, be submitted to and approved in writing by the Local Planning Authority and shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The development's landscaping shall be managed in accordance with the approved plan.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape features of communal, public, nature conservation or historical significance

5. All hard and soft landscape works shall be carried out in accordance with the approved drawing numbered: Cs-658.01 Rev D Planting Plan 1 of 2, Cs-658.02 Rev C Planting Plan 2 of 2, and P006 Rev D Hard Landscape Plan. No part of the development shall be occupied until work has been completed in accordance with the approved details. Any trees or plants that within a period of five years after planting are removed, die, or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced as soon as it is reasonably practical with others of species, size and number as originally approved.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

6. Prior to completion of damp proof course of any dwelling hereby approved, details of any and all tree pits to be used as proposed within the submitted

Landscape Specification and Management document shall be submitted and agreed in writing by the local planning authority. All trees to be planted must be planted in tree pits which comply with the agreed details.

Reason: to ensure the longevity of the landscaping hereby approved.

7. In the event that contamination is found, at any time prior to completion of the development hereby approved, that was not previously identified, it must be reported in writing immediately (within 24 hours) to the Local Planning Authority. An investigation, risk assessment, and remediation scheme shall be submitted within seven days, and agreed in writing by the Local Planning Authority. Any remediation measures identified in the remediation scheme shall be carried out in accordance with the approved scheme and once completed a verification report shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: to ensure health and safety of existing and future residents is not compromised.

8. Prior to the commencement of any works on-site, a construction method statement shall be submitted to and agreed in writing by the local planning authority. The statement shall address as a minimum, protection of nearby receptors from dust arising from construction and vehicle movements, and storage of waste materials prior to removal from site. construction method statement should also include operating times of construction and other mitigation measures to reduce noise during the build. The development shall be carried out in accordance with the approved construction method statement.

Reason: to ensure neighbour amenities are not seriously compromised by the construction work.

9. No works on-site shall take place outside the hours of

Monday – Friday	0700 – 1900
Saturday	0800 – 1300

Reason: to ensure neighbour amenities are not seriously compromised by the construction work

10. Prior to the first occupation and or use of any dwelling hereby approved, full details of the Electrical Vehicle Charging points shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include samples, location and / or a full specification of the materials to be used externally on the buildings. Thereafter the development shall be completed in accordance with the agreed details.

Reason: to reduce greenhouse gas emissions by ensuring that adequate provision is made to enable occupiers of the development to charge plug-in and ultra-low emission vehicles in accordance with Policy 3 of the adopted North Dorset Local Plan Part 1.

Agenda Item 7

Application Number:	P/FUL/2022/01086		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Land at Tarrant Valley Interiors, The Old Chicken Sheds at Stubhampton Manor Farm, Tarrant Gunville, Blandford Forum		
Proposal:	Demolish existing commercial workshop & erect new electric vehicle (EV) hub including workshop, EV/PV information point, retail area & including cafe/pit stop and a covered parking area with roof mounted solar array to both structures		
Applicant name:	Hugh Symons Solar Services Ltd.		
Case Officer:	Simon Sharp		
Ward Member(s):	Cllr Jespersen		
Publicity expiry date:	4 May 2022	Officer site visit dates:	22 nd March and 4 th May 2022
Decision due date:	14 July 2022	Ext(s) of time:	

1.0 Reason for referral to members

- 1.1 The application is being referred to members following an objection by the Parish Council.

2.0 Summary of recommendation

- 2.1 Grant permission subject to conditions.

3.0 Reason for the recommendation

- 3.1 This is a development that, on balance, accords with the North Dorset Local Plan Part 1 (2016) acknowledging some degree of conflict with this development plan document. It proposes the retention of an existing local business on the site in a new, thermally efficient building that responds to the needs of a business in the C21st.
- 3.2 The level of retail space proposed is small scale (if limited by condition) and therefore accords with policy 12, being commensurate in scale to the rural community it serves.
- 3.3 Overall, this is a sustainable development.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Scale of uses appropriate in this location affording weight to the extant use on site.
Economic benefits	Ensures retention of the existing business on the site with new premises and there will also be employment provided by the retail element and local spend (reducing leakage to outside of the area).
Design, impact on landscape and heritage assets.	No landscape harm or harm to the significance of heritage assets.
Impact on amenity	No residential amenity issues subject to the imposition of conditions on the retail element relating to opening hours and delivery hours.
Access and Parking	No highway safety or highways impact subject to conditions securing the provision of the access, parking and manoeuvring areas prior to first occupancy and retention thereafter.
EIA	Falls within AONB but not EIA development.

5.0 Description of Site

- 5.1 The site is to the east of the junction of Valley Road (that links Tarrant Gunville to the hamlet of Stubhampton) and the Bussey Stool Road (striking north-eastward towards Tollard Royal). It is in the Tarrant Valley, the land rising to the north and particularly to the south. The site is within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB). It is not within a conservation area but some of the land on the opposite side of Valley Road, to the south, is covered by that designation.
- 5.2 The site extends to approximately 0.3 ha and is currently occupied by a single building. This was originally constructed for housing chickens and still has the external appearance typical for structures for this use. It extends to circa 470m² of floorspace over a single floor.
- 5.2 A joinery business occupies the building and has done for approximately 30 years.
- 5.3 The external areas of the site are used for parking of vehicles, access to an adjoining field and livestock grazing. The latter shares space with the pedestrian accesses to the building.
- 5.4 The site is approximately 1.3m higher than the Valley Road level. The north-western and south-western boundaries with Bussey Stool Road and Valley Road respectively are marked by hedges of native field species. The other two boundaries to the larger

field are marked by open fences. There are dwellings to the southwest and southeast on the south side of Valley Road.

6.0 Description of Development

- 6.1 This is a full application for the demolition of the existing building and the erection of two new buildings, one housing the EV (electric vehicle) hub and a unit permitting the existing business to remain on the site, and the other being for covered car parking (with EV charging points).
- 6.2 The larger of the two buildings would have a single gabled roof, be clad in timber, the roof covered in slate and provide a gross internal floor area of 520m², 170m² of which would be for the joiner, 275m² for the EV hub and 75m² for ancillary office/toilet etc. The hub includes a mix of retail uses including a café. The building rises to a ridge height of 4.9m above ground level. It includes a veranda for outside, covered seating.
- 6.3 The smaller of the two buildings (for the covered parking) extends to c290m² and the mono pitch roof rises to 5m above ground level.
- 6.3 26 car parking spaces are proposed and the larger of the two buildings includes an area for bicycles.
- 6.4 Vehicular access is proposed from Bussey Stool Road in the location of the existing access. Pedestrian and cycle access is also proposed directly from Valley Road near to the southeast corner of the site.

7.0 Relevant Planning History

- 7.1 Planning permission was originally granted for the use of the chicken house as a carpenters' and furniture workshop in 1991 (ref 1991/0652 granted 11th December 1991). This was a temporary permission renewed in 1993 and again from 1998. The last permission 1998/0146 included conditions for no outside storage or use of machinery outdoors. These conditions are relevant in terms of the landscape impact considerations and residential amenity impact (noise); the current use is very much contained within the building.

8.0 List of Constraints

- 8.1 A detached area of the Tarrant Valley conservation area lies to the south side of the Valley Road.
- 8.2 There are two grade II listed cottages approximately 50 and 60m south of the site:-
 - a) Riverside Cottage described in the listing as "late C17 or early C18. Flint, brick, and rubble, part rendered and whitewashed. Thatched roof, half-hipped left with rendered stack to the right. 2 storeys, 3 window range. Upper floor has 2-light casements with horizontal glazing bars. Ground floor has C19 2-light cast-iron casements with glazing bars under segmental brick heads. C20 part-glazed door second from left. C20 extensions left and right."
 - b) Yew Tree Cottage – "Pair of cottages, now a single house, that to the south-east C17 or early C18, rebuilt C19 and that to the north-east late C18. Part

roughcast, part ashlar and rubble, whitewashed. Part thatched and part slated. Brick stack between cottages. 2 storeys, 5 window range. 2-light C19 cast-iron casements with glazing bars, except to part of later range which has C20 timber replacements. Later cottage has central C20 glazed door under moulded stone lintel. Earlier cottage has part-glazed, panelled door said to be reset from a house in Wimborne. Internal features: some chamfered beams. Open fireplace with segmental chamfered timber bressummer with cyma stops. Some internal doors have original wrought-iron hinges and fittings. The late C18 range may be constructed with materials reused from Eastbury House (qv) by Vanbuzgh largely demolished in 1775. (RCHM, Dorset, vol.IV, p.95, no.17.)”

8.3 The site sits within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB).

9.0 Consultations

9.1 Tarrant Gunville Parish Council

Object: -

- a) The Council noted that the further submission of 13 April from the applicant's agent aimed to make three clarifications: the proposed shop or shops would close at 8pm instead of 10pm, a statement that villagers would be able to have 2 hours free charging on a 22kw charger, and an undertaking to ensure a lighting specification relevant to the AONB Dark Sky guidelines. The Parish Council's objections remain.
- b) The Parish Council is concerned that no estimate of traffic flow had been made by the proposers. The Council had made its own calculations and they indicate that the planning proposals would lead to a severe increase of between 4- and 7.5-times increase in traffic flow through the village. The Council is consequently seriously concerned that this would bring an increased danger for pedestrians, dog walkers, wheelchair users and cyclists.
- c) The access roads are narrow lanes with no pavements. There would be increased danger to pedestrians – including dog walkers, cyclists and horse riders.
- d) The development is not in keeping with the local natural environment, landscape or architecture.
- e) There will be a serious disturbance and loss of privacy for the immediate neighbours.
- f) The proposed opening times will mean considerable disturbance to the wider rural setting in a variety of ways, particularly from noise and light, to wildlife as well as human activity.
- g) It could be a good facility, but it would be totally in the wrong place in the centre of a tiny historic village.

9.2 Dorset CPRE

Object: -

- a) Inappropriate position.
- b) Increased traffic through village leading to safety concerns.
- c) Not in keeping with area of AONB.
- d) Serious light pollution in dark skies area.
- e) Loss of privacy.

9.3 Cranborne Chase and West Wiltshire Downs AONB

Object: -

- a) There seems to be a presumption that there is a need for additional retail outlets in this valley which is relatively remote from major highways and is not on a route to or from a major tourist attraction. A farm shop exists to the south west of Tarrant Gunville and replacing the existing butchery facility would not require such a large building or the electric charging hub.
- b) Very little is written about the proposed solar arrays. Fairly obviously those on the south west facing roofs are likely to be effective but the one on the north east face maybe less so. There is no information on the extent to which extra network cables and poles will be required and, as you may be aware, removing visually intrusive features, such as transmission cables and poles, are the thrust of the AONB policy PT17.
- c) Whilst the existing building is, effectively, being relocated closer to, and in alignment with the road, an additional structure is being provided of similar length on the site of the old building. The net effect is, therefore, to add significantly to the built structures on the site. The closer proximity to the road also makes the presence of the new building, close to the road, an enclosing influence on this part of the valley.
- d) The proposed new building, although described as having a similar internal area as the existing one that will be demolished, would in fact appear significantly larger owing to the overhanging roofs on both the southwestern and north eastern sides, providing substantial veranda areas.
- e) It is also noticeable that the landscape plan appears to be based around some unstated time in the future when everything has grown and matured. There is no specification nor any details on the timing and amount of planting. In one of the nation's finest landscapes, it is not acceptable to put forward basic schemes without appropriate details that clearly indicate what will be planted and where, together with the size and quality of planting materials to ensure a speedy establishment of the vision being presented in the Landscape Plan.
- f) The restricted access through the valley seems to militate against such a facility of the scale that is proposed.

- g) In this International Dark Sky Reserve there should be a lighting strategy and lighting specification with the submitted documentation

9.4 Natural England

No comments.

9.5 DC Highways

No objection subject to conditions.

The submitted Transport Statement provides further details of the proposal and clarifies the likely traffic generation of the proposal, comparing it to the historic use of the site. Consequently, I consider that the likely impact of the proposal upon the surrounding highway network is acceptable and cannot be considered to be “severe” when consideration is given to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) - July 2021.

9.6 DC Planning Policy

Comment: -

- a) The consideration of the acceptability of the principle of the proposal will rest initially on assessment of whether the applicant has demonstrated that there is an ‘overriding need’ for the proposed development to be located in the countryside, with reference to Policy 20 of the NDLPP1. The proposal appears to be currently lacking in terms of providing demonstration of need for the proposed countryside location, and therefore is contrary to the spatial strategy of the NDLPP1.
- b) In relation to Policy 22, whilst the proposal consists of a ‘renewable energy’ element (i.e. the proposed solar array), the benefits of this element appear to be restricted to providing power and heating for the proposed building itself, and therefore apparently offer no wider benefit of renewable energy generation for public use.
- c) As noted in Policy 22 the amount of renewable energy to be generated from a proposal should form part of the assessment of benefits to be weighed against adverse impacts of the development.
- d) The proposed development should also be assessed in terms of whether the proposed retail and commercial elements would be suitably ancillary to the employment uses with regard to Policy 11, and Policy 30 of the LPP1.
- e) In determining the application, the case officer should also have regard to National Planning Policy, which emphasises the importance of low carbon energy projects (such as EV charging stations) in reducing carbon emissions. The potential benefits of the proposal in relation to its contribution towards reductions in greenhouse gas emissions should be weighed against any resulting adverse impacts, and the need for landscape and visual impacts to be either acceptable or made so.

9.7 DC Conservation

Object

There is no objection to the principle of outbuilding replacement. However, it is considered that there appears to be insufficient assessment in regard to the setting of the various heritage assets and that there are a number of related concerns in regard to this sensitive rural setting with the AONB. As such, at present, it is considered that the development appears out of context with the agrarian setting and contributes less than substantial harm.

9.8 DC Natural Environment Team (NET)

The Natural Environment Team signed off the Biodiversity Plan (BP) for this application on 22/02/2022 and issued a certificate of approval to the client. The implementation in full of the approved BP will ensure compliance with wildlife legislation, the biodiversity paragraphs of the NPPF (2019, as amended) and the Natural England Protected Species Standing Advice and its implementation in full should be conditioned to any permission.

9.9 DC Trees and Landscaping

The revised landscaping proposals are acceptable.

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

10.0 Other representations received

Total - Objections	Total - No Objections	Total – Comments (Neutral)
36	9	2

10.1 Objections were received on the following grounds: -

Excessive Scale

- a) The services the application aims to provide are analogous to those of a motorway service station.

Lack of need

- b) There is no local need. Blandford has a population of 10,610 according to the 2011 Census. Tarrant Gunville and Stubhampton has 233 souls. There are about 7 places to buy meat, bread or drink coffee in Blandford. That equates to 1,515 people per outlet. In Tarrant Gunville and Stubhampton the ratio is only 233 per outlet. If we felt deprived, we could use facilities in Chettle, Iwerne Minster, Tarrant Keynston and Tarrant Rawston. We really don't need yet another coffee shop.

- c) In order for this commercial development to be viable it would need to attract a large amount of visitors from outside the village.
- d) When the time comes, most villagers would be happy, in preference, to use their own chargers at home rather than take their car to the “hub”, go home and walk back in two hours.
- e) The development is detrimental to the existing business at Home Farm Shop.
Unsustainable reliance of grid for power
- f) The slight variation to the business opening hours now proposed makes no difference to the fact that, as conceded by the agent, the PV solar generation will not be able to support the proposed number of charging points necessitating reliance upon the grid - yet still the application anticipates an increase in no. of charging points to at least 15 and conceivably more over the 25 year span of the project.

Highways

- g) While the revised plan shows 6 vehicle charging points, there are still marked bays for 26 vehicles.
- h) The Transport Statement is thoroughly misleading and takes no account of the overall ambitions of the project - which ultimately is aimed at augmenting in size and enticing traffic/trade from outside the village, with the inevitable consequence of urbanising the rural location.
- i) The Village runs a Community Speedwatch team and has a Speed Information Device (SID) to inform motorists to keep their speed below 30 mph. The SID information for a period of 32 days in the Spring of 2022 shows an average vehicle count in both directions of 6856 vehicles, which equates to a daily average of 214 vehicles.
Examining the data provided by the Applicant in their Transport Statement for Trip Generation, etc. it would appear that the proposal will generate an extra 380 (50%) to 662 (100%) vehicle movements per day which equates to an increase of 2.8 to 4 times more traffic movements through this small rural village.
If you change the proportion of chargers proposed to all 15x fast chargers then the potential vehicle movements would increase by 1316 extra vehicle movements per day, that is 7 times as much traffic as we have passing through the village each day at present.
- j) The visibility splay site plan shows a value of 44 metres in each direction from the Bussey Stool Road junction. The right-side visibility splay is only 18 metres which means that a vehicle travelling at 30mph coming from Stubhampton has only 1.3 seconds before it is level with the exit junction from Bussey Stool and the EV Hub. This extremely limited amount of visibility means that the junction is totally unsuited to any traffic increase.

- k) Serious consideration should be made for the approximately 2 miles of lanes from the A354 to Stubhampton and the approximately 2.5 miles of lanes from Boynes Lane to Stubhampton, both of which have a large proportion of their length with varying carriageway widths and single lanes. no street lighting, no pavements, few passing spaces and a number of blind corners.
- l) The risks/dangers to walkers, wheelchair users, mobility scooters, horse riders, the elderly, cyclists, and children is already high enough as speed limits are rarely adhered to.
- m) Just because there have not been any major accidents in the previous two years does not mean this would not occur when the traffic increased substantially which it surely will.
- n) In the Autumn and Winter months, the River Tarrant flows across the road all the way down from Stubhampton to this road junction and often the road is covered with Black Ice making stopping distances extremely long.
- o) The new Pedestrian Access empties on to the main road through the village surely illustrates the problems of access and the potential danger to villagers.
- p) The plan shows a space for electric bicycles. It would be inappropriate for family groups to be encouraged to use the electric bicycles on the local roads.
- q) There are large and numerous potholes in Valley Road that appear nearly every winter. The Council repairs them every spring/summer, but their work will now be more expensive because of the large increase in traffic that is anticipated that will, in turn, make the potholes larger and more numerous.
- r) It is not long since Dorset Highways changed the large sign indicating Tarrant Gunville on the A354 by removing from it signage to Iwerne Minster and Shaftesbury. This was at the request of the Parish Council, and successfully reduced the amount of traffic using the village, but traffic volumes will return with this development.

Residential amenity

- s) The issue of screening the facility, noise and acoustic measures are still unaddressed. It is unacceptable for those properties with a clear line of sight or close proximity to the development.

Design, Landscape and Dark Skies Light Pollution

- t) The new building with connected external seating, bin stores, substations, access ways and parking compound is totally out of scale to the immediate area and the village.
- u) The proposed building is being moved in alignment with the road but also significantly closer to the road which will increase its visual impact on the surroundings.

- v) The views of the AONB outweigh any presumption of in favour of approval if the AONB considers the proposed scheme does harm to “*this nationally important area*” (paragraph 3, AONB response to the application of 29th March 2022).
- w) The design of the new building itself lacks any consideration of the immediate surroundings or the local vernacular: the large areas of glazing combined with the horizontal cladding and slate roof not only evidence a lack of imagination and detailing but also further suggest a commercial/industrial estate/service-station aesthetic.
- x) No external lighting after the building closes - this still means a potential 10 hours a day.
- y) The environments of Tarrant Gunville and Stubhampton maintain their quiet, tranquillity, peaceful pace of life, unspoilt countryside and wildlife habitats.

Drainage and contamination

- z) Potentially there may be no flooding on the actual location, but most winters Valley Road is closed because of flooding and the Council put suitable signage up and down-hill from the flooding. This can be in place for weeks. The junction from the site to Valley Road is usually the worst affected.
- aa) There will be an increase in the severity of flooding due to excess run-off, both from rain and water usage on the site.
- bb) The issue is that butchery requires special consideration to avoid a bio-hazard and any water used in the butchery process needs suitable treatment. This is not visible in the application. Why was this omitted in the original application?

Lack of community engagement

- cc) There has been no pre-application engagement with the community.

10.2 Support letters raise the following points:-

- a) The development will facilitate the deployment of electricity into the valley allowing for the use of electric vehicles, electric garden tools and power tools using the power produced from the 165 kw PV on the roofs of the new buildings.
- b) The size of the new building is the same overall dimensions as the current one; this building would then house the carpentry business allowing for staffing health & safety improvements.
- c) The sales area will sell meat and bread made on the farm.

- d) The applicant is proposing to provide the local community with a source of free road fuel and from a renewable source, an overwhelming 'local community benefit'
- e) This is a good opportunity for a small village such as ours to, at last, move into the 21st century and embrace a more environmentally progressive approach to living.
- f) The proposal is a replacement of seventy year old chicken sheds which are an eyesore. Two lots of chicken sheds and some old farm buildings have been replaced by the applicant which has greatly improved the valley.
- g) It will provide employment opportunities in a rural area.
- h) The present carpentry workshop tenant, who has been in the building since the 1990s, says that he might have to leave due to the declining state of the building, so by declining this application it might actually be reducing the employment in the area; rural employment should be encouraged.

11.0 Heritage duties

11.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, amongst other things, that special regard be had to preserving the setting of listed buildings.

11.2 Section 72 of the same Act requires that special regard be had to either preserving or enhancing the character and appearance of a designated Conservation Area.

12.0 Relevant development plan policies

Adopted North Dorset Local Plan Part 1 (2016)

12.1 The site is in the countryside, within an AONB and within the setting of a designated Conservation Area and two listed buildings. The following policies are considered to be relevant to this proposal:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 2 - Core Spatial Strategy
- Policy 4 - The Natural Environment
- Policy 5 - The Historic Environment
- Policy 11 – The Economy
- Policy 12 – Retail, Commercial and Other Commercial Developments.
- Policy 20 – The Countryside
- Policy 22 – Renewable and Local Carbon Energy
- Policy 23 – Parking
- Policy 24 – Design
- Policy 25 – Amenity

13.0 Other material considerations

Cranborne Chase AONB Management Plan 2019 – 2024

13.1 The relevant sections are cited in the Assessment section of this report.

Cranborne Chase AONB Landscape Character Assessment 2003

13.2 The relevant sections are cited in the Assessment section of this report.

National Planning Policy Framework (2021)

13.3 Noting the following sections:-

- 1. Introduction
- 2. Achieving sustainable development
- 3. Plan-making
- 4. Decision-making
- 6. Building a strong and competitive economy
- 7. Ensuring the vitality of town centres.
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

14.0 Human rights

14.1 Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

15.0 Public Sector Equalities Duty

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

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

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

15.3 The site is only accessed along relatively narrow, unlit roads with no segregation of vehicles and pedestrians. The gradients are relatively level. There would be a ramped climb to get up to site level which is above that of Bussey Stool Road.

16.0 Financial benefits

What	Amount / value
Material Considerations	
Employment during construction	Support construction sector.
Employment during operational phase	Employment in the EV hub (the retail area). Retained employment in the joinery business.
Spend in the local economy	Retained spend (acknowledging that the retail element may compete against as well complement the existing farm shop, south of the village.
Non Material Considerations	
Contributions to Non-domestic rates.	As per appropriate charging bands

17.0 Climate Implications

17.1 The submission emphasises the sustainability credentials of the development and its basis on renewable energy – the PV panels supply renewable energy to the car charging points. It also cites the promotion of electric vehicles travel and solar energy in the retail space as well as the sale of local produce from the applicant’s farm.

17.2 There will inevitably be trips to and from the site by vehicles with internal combustion engines. Not all of these will be from the local area. Although the proportion of the trips by internal combustion engine powered vehicles will diminish over time, their use to access the site must still be considered as part of its carbon footprint.

17.3 Not all of the energy consumed by the development will from renewable sources and there will be a reliance on the grid (the energy generation for which is still reliant, for now, on non-renewable sources).

17.4 There will be embedded energy costs derived from the development phase (including the demolition of the existing building).

17.5 The new building will provide a more thermally efficient premises for the existing business than that of the former chicken shed that they currently occupy.

18.0 Planning Assessment

Introduction

- 18.1 The description of the development on the application form is for the demolition of the existing commercial workshop and the erection of a new electric vehicle (EV) hub including workshop, EV/PV information point, retail area & including cafe/pit stop.
- 18.2 It is important, prior to the assessment of the application, to consider in more detail each element of what is being proposed.
- 18.3 Firstly, there is the demolition of the existing commercial workshop. This former chicken shed has been occupied by the same joiners' workshop for approximately 30 years. Planning permission was granted for this use in 1991. The business (Tarrant Valley Kitchen and Interiors) currently occupies circa 470 m² of floorspace. This is lawful in a planning sense. Manufacturing of the business's products takes place at the site and, when the case officer inspected the interior, they noted a number of kitchen units being fabricated.
- 18.4 The use is considered to fall under Class E(g) (iii) of the amended Use Classes Order 1987. This is an industrial process which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. The fact that, despite the use of some power tools, the business has operated from the site for 30 years with the nearest other uses being residential, without any known amenity issues, is evidence that it falls within class E(g)(iii) rather than B2 (General Industrial).
- 18.5 The baseline position is therefore that of an extant Class E(g)(iii) use extending to circa 470m².
- 18.6 In terms of the proposed uses within the larger of the two proposed buildings (the smaller being essentially covered parking), 170m² is for the existing business to be retained on the site, 275m² is, although described as an EV hub, essentially for retail uses (including a small kitchen/café of 18m²) falling within Classes E(a-c) of the amended Use Classes Order 1987. The remaining 75m² is taken by an ancillary plant room, offices and a toilet (ancillary to the class E uses). This proposed mix of uses is reflected in the classes cited on the application form. In addition to the aforementioned Class E(g) use for the new space for the existing business, the following other use classes are cited:-
- E (a) the display or retail sale of goods, other than hot food, principally to visiting members of the public,
 - E (b) the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
 - E (c) for the provision of the following kinds of services principally to visiting members of the public— (i) financial services, (ii) professional services (other than health or medical services), or (iii) any other services which it is appropriate to provide in a commercial, business or service locality.

- 18.7 The smaller of the two buildings proposed is, from analysis of the site plan, covered parking servient to the uses of the main building, albeit there are electric vehicle charging points proposed.
- 18.8 There is a possibility that such parking spaces could be used by motorists purely visiting the site to charge their cars rather than using the uses within the main building. However, given the location of the site peripheral to the main centres and A roads and the fact that, as will be demonstrated, the parking proposed is commensurate in scale to that serving the main building's uses, the frequency of the parking area functioning as a standalone charging area is likely to be low and not a planning use in its own right (not a separate primary use).
- 18.9 Instead, the "hub" is primarily going to function as retail uses with an electric vehicle and sustainability emphasis (hence the reference to photovoltaic panel and bike sales for some of the space) with the parking being ancillary to it and the kitchen/interiors business. The existence of the chargers is likely to prompt some visitors to the retail uses that would not have otherwise visited.
- 18.10 This is considered to be part of what will become a growing trend, especially during the phase of development of electric vehicle charging where people will need to wait 10-30 minutes for a "rapid" charge. In other words, destinations with other uses, other than just electric vehicle charging points, will complement home charging and rapid charging stations.
- 18.11 There is no guarantee that the retail areas would be confined to those with a sustainability emphasis. The application has been considered by the case officer on a broader definition of retail use.
- 18.12 It is in this context that the proposal should be considered i.e. for the demolition of circa 470m² of Class E(g)(iii) light industrial use and the development of new buildings accommodating the same light industrial use, 275m² of retail use and ancillary parking, office, toilet and plant room.
- 18.13 Members are advised that, should they find such a development acceptable, it would be entirely reasonable to limit floorspaces of each use by condition. Indeed, for the reasons explained in the following assessment of the principle of the development, this is what the case office recommends.

Principle – industrial process (Class E (g) (iii))

- 18.14 Policy 20 of the Local Plan applies to countryside locations. It advises development will only be permitted if: -
- a) it is of a type appropriate in the countryside, as set out in the relevant policies of the Local Plan, summarised in Figure 8.5; or
 - b) for any other type of development, it can be demonstrated that there is an 'overriding need' for it to be located in the countryside

18.15 Criterion a) is engaged given that policy 11 (The Economy) is cited in Figure 8.5 and provides instances whereupon class E uses of a certain scale are appropriate in countryside locations.

18.16 It is clear from an internal and external inspection of the existing building, that the business operating from within it would benefit from new premises. This is not to say that they wouldn't be able to sustain the business using the existing fabric but, in the context of rising energy bills, changing legislation in relation to a working environment and the expectations of potential customers as to the appearance of the premises from which the business operates, it is clearly of benefit that they can relocate to a modern, thermally efficient building. The location clearly works for them and there are benefits to the local rural economy by retaining the use on the same site. This is afforded weight in the overall balance and accords with policy 11 of the Local Plan and derives support from the NPPF.

18.17 It is acknowledged that the floorspace would be reduced from 470m² circa to 170m² and, as a result, there is a degree of conflict with policy 11 of the Local Plan which seeks to retain all of existing employment sites for such uses. However, there are specific considerations relevant to the existing building's usable space, including headroom and internal columns. This means that the difference between the existing and proposed usable floorspaces is actually much closer. This added to the significant enhancements to the working environment and thermal efficiency of the new building (even if the new building just met minimum Building Regulations standards) results in a principle of the change in floorspace being acceptable.

18.18 However, if the space reduced further as a result of, for example, incursions by the retail space, the balance would tilt to being unacceptable. A condition is therefore necessary to ensure there is a minimum of 170m² (GIA) Class E (g) (iii) floorspace available for industrial processes.

Principle – retail use (Class E(a-c))

18.19 Referring members back to paragraph 18.14 of this report, it is noted that retail proposals are not cited in Figure 8.5 of the Local Plan. At first sight this appears to have the implication that an overriding need must be demonstrated for this element. One therefore turns to policy, 12, of the Local Plan, that addresses proposals for main town centre uses (including retail) for countryside locations. The policy advises that retail and other main town centre uses that are not in an existing town centre and are not in accordance with the development plan will only be permitted if:-

- a) they satisfy the 'sequential test' in national policy; and
- b) they will not have a significant adverse impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- c) they will not have a significant adverse impact on town centre vitality and viability.

18.20 Paragraph 6.7.8 of the Local Plan, in support of policy 12, states:-

“The Council will apply the sequential test in national policy to planning applications for main town centre uses that are not in an existing centre and are not in accordance with the development plan, unless the application is for small-scale rural offices, or other small-scale rural development”

In such instances, the small scale ensures that there is not adverse impact on the vitality and viability of the town centres.

18.21 The Local Plan doesn't explicitly define what small scale retail is as a standalone definition. However, the definition for Local Centre in its Glossary states the following: -

“...the Council considers that small-scale retail, to meet some of the day-to-day needs of residents and employees, is likely to involve a small A1 shop (i.e. under 280 square metres)...”

18.22 In this context, it is noted that the retail space marked on the floorplan is less than 280m². One can therefore reasonably conclude that, if limited by condition to no more than 280m² (GIA), the proposed retail element would be small scale.

18.23 It therefore applies that the sequential approach is not necessary. Competition is also not a consideration; the existence of the Farm Shop within the parish is not material to the consideration of the proposal. Policy 20 of the Local Plan advises that need must be demonstrated if the proposal is not supported by other policies listed in Table 8.5 of the same Plan. Policy 12 is not listed in this Table. There is tension here between policy 12 and policy 20. However, policy 20's omission of small scale retail is inconsistent with the NPPF whilst policy 12, which permits small scale retail in countryside settings, is broadly consistent. In this context, the weight afforded to policy 20 in relation to the principle of small scale retail is tempered and, given the policy framework provided by both policy 12 and the NPPF, officers consider that need does not need to be demonstrated.

18.23 In summary, the retail element of the proposal is considered to accord with policy 12 of the Local Plan and the principle of this scale of this use is considered acceptable.

Principle – covered charging bays

18.24 As previously explained in this report, this area will operate primarily as ancillary parking to the uses in the main building. This is reflected in the description which separates the EV hub element from the parking (it is described as parking not an electric car charging station). As an ancillary use, the principle of this element does not need to be considered.

18.25 Nevertheless, the occasional use of the spaces by people visiting the site to solely charge their cars and not visit any of the uses within the main building has been assessed as part of the highways impact of the development.

Access and highway safety

- 18.26 The countryside location and nature of the uses proposed means that there will be residual trips by vehicle associated with the development i.e. it is clear that a significant proportion of the trips to and from the site will not be by foot or cycle.
- 18.27 The impact of the relocation of the existing joiners' business into the new building is considered to be neutral. This conclusion also takes into account the possibility that another business falling within the same use class could occupy the unit if the joiners' workshop either did not choose to stay on the site or moved away in the future. This is because the proposed industrial element is considered against the generic use of the existing building for light industry rather than specifically for the current occupiers (the existing building could be occupied by another light industrial user without the need for further planning permissions).
- 18.28 Turning to the EV hub use, a substantial number of the third party representations received raise concerns about the narrow and winding character of the highways that lead to the site. These include Valley Road from the A354 to the south, through Tarrant Gunville. It is acknowledged that, whilst the EV hub is "small scale" and commensurate in scale to a local community retail use, it nevertheless could attract some trade from further afield. Such trips are likely to be from the A354 through Tarrant Gunville.
- 18.29 This route (Valley Road) is narrow in many places and there are sections, due to bends in the road, that afford poor visibility.
- 18.30 Third parties have submitted documents, the conclusions of which state that trip rates along Valley Road could increase between 2.8x and 7x to that existing. The Council's Highways Officer disagrees with these conclusions, advising that increases will be lower and to the degree that they are not "severe" in terms of impact. As the threshold of "severe" has not been reached (this threshold being detailed in the National Planning Policy Framework), the proposal is acceptable in terms of its traffic generation.
- 18.31 Turning to the access arrangements into the site, again members are advised that the site's existing use and the scale of that use must be taken into consideration when assessing the proposal's arrangements.
- 18.32 Currently, the vehicular access is onto Bussey Stool Road close to the junction with Valley Road. The national speed limit (60mph) applies on this stretch of road (Tarrant Gunville's 30mph speed limit commences on Valley Road just south of the junction with Bussey Stool Road). The access affords visibility in both directions but not to the standards expected for a 60mph road. This is due to the raised bank and dense hedge that flanks the access. It is also noted that the surface on the access ramp away from Bussey Stool Road is unmade in places and the width does not permit vehicles to pass. Consequently, vehicles have to wait on Bussey Stool Road to enter the site if a vehicle is exiting.
- 18.33 The proposed access is in the same location but will be widened to 8m at its narrowest point, allowing vehicles to pass and larger vehicles (e.g. fixed axle small HGVs) to safely enter or exit in one sweep. The Highways Officer has advised that the proposed visibility is acceptable for the proposal. The same conclusions are

reached with regard to the visibility afforded at the Bussey Stool Road/Valley Road junction and width of the approach roads.

18.34 Some third party representations suggest there will be dangers associated with the shared use of the highway by vehicles, cycles and pedestrians. The suggestion is that, given the narrow nature of Valley Road and Bussey Stool Road, the lack of segregated footways and/or cycleways, and no lighting, there will be a dangerous conflict between these various modes of transport. This conflict, the representations advise, will occur due to the increase in vehicular trips to and from the site. In response, members are referred back to the Highway Officer's comments that there are not predicted to be the increases in vehicular trips that some of the third parties have estimated. It is also noted that the proposal provides for a separate pedestrian and cycle access off Valley Road, closer to Tarrant Gunville and avoiding the junction of Valley Road and Bussey Stool Road as well as the vehicular access.

18.35 These conclusions are based on the small scale floorspace proposed; an extension of the retail space into the light industrial area is likely to change the balance. A condition is therefore necessary to limit the amount of retail space to 280m².

18.36 The parking and cycle spaces proposed on the site accord with the Council's standards, recognising the degree of residual trips by car that will occur in addition to those people walking and cycling to the site.

Design, landscape and heritage

18.37 For clarification, this is not major development within an AONB.

18.38 As confirmed by the AONB officer, the site falls within the Stour and Avon Tributary Valleys landscape character area of the Chalk River Valleys landscape character type (as defined in the AONB's Landscape Character Assessment), close to its interface with the Southern Downland Belt landscape character area of the Open Chalk Downland landscape character type.

18.39 The Tarrant Valley is one of a number of the chalk valleys within the landscape character types, but notably much of it is designated as a conservation area too in addition to the AONB designation and includes a number of listed buildings, two of which are close to the site. It is a landscape sensitive to change and the site is visible from a number of sensitive receptors due to its position very close to the foot of the valley and overlooked by public rights of way.

18.40 One such public right of way is Public Footpath E20/5. This path follows higher ground to the southwest and, due to the elevated position and lack of natural or other screening between the receptors on the path and the site, unobstructed views are afforded for a significant length of its route. The case officer walked this path on two occasions, stopping frequently to assess the impact of the development from these receptors. A part of the Tarrant Valley Conservation Area sits between these receptors and the site. The two listed cottages (Yew Tree Cottage and Riverside Cottage) are also visible within the panorama. The landscape experienced is, as a result, of notable quality; the listed cottages and other traditional dwellings nestling in the valley floor in the foreground with the agrarian, chalkland countryside extending

away into the distance as the land rises gradually from the valley floor to the north and east.

- 18.41 The clearance by the applicant of intensive livestock units from this landscape in the last 20 years was undoubtedly a welcome intervention in this landscape of quality. However, the baseline position against which the proposal must be considered is that as it exists today i.e. with grassland occupying the areas where the units were once sited.
- 18.42 The landscape, though, is not without late C20th and C21st interventions which are prominent and visible from receptors including those along Public Footpath E20/5. These include the large, modern agricultural building to the northwest of the site which is as close to footpath E20/5 and much closer to the public footpath E20/9, adjacent to Valley Road on the valley floor. There is also a modern residential building to the north of the site setback from Bussey Stool Road on an elevated position and clearly visible from footpath E20/5.
- 18.43 The existing building on the site is a rather incongruous feature within the landscape. Whilst those familiar with the locality will have attuned their experience of the landscape to that which includes the existing building, nevertheless, it is still noticeable as a discordant feature and will be particularly so for visitors experiencing this part of the AONB for the first time. It is also harmful to the setting of the Conservation Area and that of the two listed buildings.
- 18.44 The proposal results in the welcome demolition of the existing building and its replacement with two buildings. Nevertheless, the Council's Conservation Officer, the AONB Officer and the CPRE all object citing, in their opinions, the determinative levels of harm that will result to the landscape and the designated heritage assets arising from the proposed replacement development.
- 18.45 The case officer disagrees with their conclusions. There will undoubtedly be a change to the landscape but with the use of conditions (as explained below), the impact can be positive rather than harmful. In considering the impact, the following matters were noted and assessed.
- 18.46 The layout results in an area of open seating between Valley Road and the larger of the two proposed buildings: -
- a) The Council's Conservation Officer advises in her comments that the acceptable location for the outside seating area would be between the two proposed buildings (and enclosed by walls or other structures of a traditional agrarian design linking these buildings). The location as proposed would undoubtedly be visible from public footpath E20/5 on the higher ground to the south but would be less so from Valley Road and from within the conservation area due to the lower level of the road and the dense, existing boundary hedge which is to be retained.
 - b) Tables, chairs and parasols that are moved inside every evening are not development, but it is fully acknowledged that their presence associated with the use of the area increases its impact on the sensitivity of the landscape,

the setting of the conservation area and the two listed buildings. A degree of noise emanating from people conversing at tables can also change the character of the area and the experience of passers-by on Valley Road.

- c) Use is less likely in inclement weather but could still occur within every week of the year. Given the applicant's proposed opening hours, there would be an expectation that this area would be lit giving rise to considerations of light pollution and impact to the dark skies that are so valued in the AONB and are part of the character and, therefore, the significance of the conservation area and setting of the listed buildings.
- d) In this context, it is the case officer's opinion that the principle of the external seating area between the main building and Valley Road is acceptable but the extent of the area, the hours of its use and its lighting needs to be controlled by condition. There would be unacceptable harm to the landscape as experienced from footpath E20/5 if there were extended periods of use after sunset or before sunrise, or if the area extended to more than 70m² and wider than that which would benefit from having the backdrop of the proposed larger building. A condition is suggested to control the use of the external area for the EV hub uses to a that now annotated for such use in the revised proposed site plan. This is not only for landscape and heritage reasons but also to respond to matters of residential amenity explained later in this report. The conditions are necessary and reasonable and do not change the development from that applied for.

18.47 The siting of the larger of the two buildings closer to Valley Road than the existing building's position.

- a) Third party representations have expressed concerns about the larger of the two buildings being proposed closer to Valley Road than the existing building, the suggestion being that the building will be overly prominent and too dominant when experienced from Valley Road, from within the conservation area and when one is experiencing the setting of Yew Tree Cottage and Riverside Cottage.
- b) Buildings close to Valley Road are not uncommon. Indeed, they are part of the prevailing character. The proposed building will also be partly screened by the boundary hedge, the retention of which can be secured by condition. It is acknowledged that the building is not overly traditional agrarian in its character and appearance. Nevertheless, the height is modest (4.9m from ground level to the ridge of the gabled roof, 2.9m to the eaves and 2.3m to the eaves of the proposed veranda). The building is also to be clad in timber and a condition can be used to ensure it naturally silvers rather than an inappropriately incongruous and artificial stain being applied. Timber cladding is not without precedent in the Tarrant Valley, Tarrant Hinton Village Hall being an example. The relatively shallow pitched roof, clad with slate, near to the roadside is also not without precedent in the area, indeed, there are examples within Tarrant Gunville.

18.48 The lack enclosure of the parking area between the two proposed buildings on its north-western (Bussey Stool Road) and south-eastern sides: -

- a) The Council's Conservation Officer considers that the layout should have referenced an inward-looking farmstead, typically characterised by a rectangular crew yard enclosed by buildings or high walls on all sides.
- b) The layout goes some way to achieving this objective, albeit the space between the two buildings is exposed on its northwestern and southeastern sides. This lack of enclosure on these two sides is not, however, considered to be determinative. The experience of the development from the southeast is rather limited. There is a field immediately beyond the boundary with no public receptors and the view from Valley Road is screened by the hedge. A view will be afforded through the access gap to the northwest from Bussey Road, but the impact of the parking is rather limited by the enclosure of most of the bays under the roof of the smaller of the two buildings, not unlike a cartshed. From footpath E20/9 this external space will be screened by the proposed larger of the two buildings.
- c) The space will be visible from the footpath E20/5 due to the latter's elevated alignment. The divergence of the layout away from a traditional farmstead will be apparent here but the two gabled buildings facing each other does have some characteristics and the appearance of such traditional forms. The perspective afforded by the elevation and distance to the site also will provide the illusion of the two buildings being closer together when viewed from the footpath's receptors.

18.49 The location of a number of ancillary elements, such as storage, outside of the two proposed buildings and the space between them.

- a) A number of representations highlighted the lack of correlation between the original proposed landscaping and site plans. The representations also highlighted the perceived unsightliness of such ancillary structures.
- b) It is inevitable that the uses proposed will have storage requirements. It is also reasonable to require that such storage is limited in scale and carefully sited given the sensitivity of the landscape and prominence of the site when viewed from sensitive receptors.
- c) The revised plans now correlate and appropriately provide a bin corral adjacent to the boundary hedge alongside Bussey Stool Road. This corral consists of close boarded fencing that is to a height higher than the standard commercial bins. It also affords 360° screening from ground level within the site and from Bussey Stool Road and Valley Road; the hedges on these road sides provide sufficiently a dense mesh of branches to provide year round screening. The storage will be visible from the elevated footpath E20/5 but only the tops of each bin will be visible. Given the distance from these receptors, the relatively minor scale of this storage compared with the other proposed buildings on site and the soft landscaping proposed in the vicinity, it

is considered that the level of landscape harm arising from the storage will be negligible as will be the visual impact.

- d) Nevertheless, a condition is considered necessary limiting the outside storage to within this corral.

18.50 The location is between two parts of the Stubhampton Conservation Area and in proximity to two Listed Buildings.

- a) There is no doubt that, although the site is not within the conservation area and does not contain any other designated heritage assets, it is within the setting of the abovementioned assets.

- b) The conservation area is one of six areas within the Tarrant Valley encompassing much of this valley and its villages. One Conservation Area Appraisal covers all six areas, not for efficiency but rather because there is a clearly identifiable overall character and appearance, albeit with distinct variations as one travels along the valley. The Conservation Area Appraisal notes that the overall significance is derived from:-

- i. The open rural landscape setting.
- ii. The clustering of villages to the floor and lower slopes of Tarrant Valley
- iii. The River Tarrant and its important historic and contemporary role in the character of the villages (particularly the small historic brick and stone bridges across the river)
- iv. The consistent vernacular palette of materials throughout the valley – particularly the use of cob and straw thatch.
- v. The long views to and settings of churches, other important buildings and structures
- vi. The fine restored stone churches seen within their village setting.
- vii. A large number of mature trees (particularly surrounding the churches) framing and forming the backdrop to historic buildings throughout.
- viii. Historic boundary walls of cob, flint and brick and combinations of these materials which survive throughout the valley.
- ix. The narrow section of lanes with built form set right on the roadside or slightly set back creating dynamic and constantly changing townscape.

- c) Characteristics i., ii, iii, iv. v. and ix. are certainly evident around the site albeit, as advised previously in this assessment, the character is rather diluted by some modern and, in cases, incongruous interventions which probably explains why the majority of this specific area falls outside of the designation. Indeed, as with the wider landscape setting, the current building on site rather detracts from the setting of the conservation area and its removal will result in an enhancement.

- d) The new buildings proposed are unashamedly modern and, as has been identified in some of the representations, there is more glass than would be expected from agrarian buildings of the same scale. Nevertheless, they are simple in form and the lack of elaborative detail and the use of the timber cladding results in a design that is modest, respectful of the setting, and does

actually reference the plain agrarian structures found in the landscape, much more so than the existing building. Indeed, the plain gabled forms, devoid of decoration and with simple “punched” openings is redolent of traditional barn ranges, including those of brick and flint.

- e) The proposed layout has already been discussed with regards to wider landscape setting and visual impact. For the same reasons, it is suggested that the alignment of the two proposed buildings, the semi-enclosure of the parking, the control over outside uses and storage, and the proposed soft landscaping (including the boundary hedge retention) will ensure that the character and appearance of the conservation area is preserved. The impact during night (given that dark skies is part of the character) is considered separately in paragraph 18.50 below.
- f) Turning to the setting of the two listed buildings, these cottages are very much part of the character of the conservation area. They are both vernacular cottages their significance not only derived from their architectural and historical qualities described in the listing, but also from their setting along the lane on the valley floor in countryside predominantly but not exclusively in agricultural use. They are intrinsically a valued part of that series of experiences of typical Tarrant Valley vernacular architecture as one traverses the valley in either direction. Given the C20th interventions within the landscape, including the building within the application site, they are a visual reminder of the historic forms that prevailed in the valley before changes occurred. The existence of non-vernacular forms within the landscape provides the ability for further changes to occur within the listed building’s setting without harm. Indeed, the proposed loss of the existing building within the site and the careful design and siting of the proposed buildings, the control of outdoor uses and storage and the retention of the hedge along Valley Road, will ensure the setting will be preserved (no harm).

18.51 The location within an area of dark skies and the potential for harmful light pollution:

- a) The case officer visited the site environs after sunset and noted the lack of light pollution in the area. Some of the buildings in the vicinity had external lighting but in all instances they did not result in sky glow or spill beyond confined areas immediately around the light fixtures.
- b) The proposed opening hours, nature of the proposed uses (specifically the retail element) and the extent of the site area including the parking give rise to the probability that a number of external lights will be desired. In certain winter months there could potentially be periods when the lights are illuminated for 6 hours and more. For health and safety reasons it is reasonable that the site would need external lighting when the parking and external seating are in place and when there are deliveries or waste and recycling is being taken to and from the bin storage area.
- c) It is also acknowledged that the lighting could not only give rise to unacceptable levels of light pollution affecting the dark skies, but also have

an adverse impact on the residential amenity of those dwellings within 200m of the site on the opposite side of Valley Road.

- d) It is in this context that it is necessary for a lighting scheme to be agreed that complies with the AONB's guidance and, in addition, for opening hours, the times that the outdoor seating can be used and delivery times to be controlled. It is suggested that times can be specified to prevent determinative impacts to the dark skies and residential amenity whilst also providing an extent of hours that does not affect the viability of the uses. Such conditions would also respond to the fact that the current use is not restricted by any planning conditions relating to operating hours, but nor do the current occupiers benefit from external lighting.

Residential amenity

18.52 The preceding paragraph detailed why some conditions are necessary due to light pollution affecting nearby dwellings. The same conditions are also considered necessary due to potential noise and disturbance impacts arising from both the construction and operational phases of the development.

18.53 It has already been cited in this report that part of the prevailing character of the Tarrant Valley is historic dwellings adjoining road edges. Many of these are listed, including two of the closest to the site and still have single glazing on windows next to the road. Most also line Valley Road which is the route that connects the site to the A354 and, in comparison to Bussey Stool Road, the most likely way that motorists will get to and from it.

18.54 Whilst not severe, the traffic generated by the proposal (customers, employees, deliveries, waste collection) is highly likely to be noticeable by residents of the dwellings that abut Valley Road. During daytime hours, the case officer noted that traffic along Valley Road already includes delivery vans, tractors and waste collection vehicles. However, the character changes in the early evening, especially after school runs have been completed and when many people working elsewhere have returned home from their workplace. The noise levels are noticeably quieter and the traffic lighter. Customers, delivery vehicles and employees travelling to and from the site's retail uses would therefore be noticeable to a degree that the noise and disturbance arising from these movements would be unacceptable. The case officer considers that this watershed occurs around 7pm on a weekday. This necessitates a condition restricting evening opening and delivery hours.

18.55 Similarly, the use and extent of the outdoor seating area needs to be controlled given its location between the larger of the two buildings and the Valley Road boundary.

18.56 The demolition and construction phase are also likely to result in residential amenity impacts that need to be controlled. These could include dust and noise from the demolition and construction activities within the site as well as movement of plant and machinery both off and on site. A condition is necessary.

Biodiversity

- 18.57 A biodiversity plan has been approved by the Council's Natural Environment Team (NET). This includes both mitigation and biodiversity net gain measures. Mitigation includes the retention and protection with temporary fence during demolition and construction works of the existing boundary hedges (with the exception of the lengths required to be removed for the widened vehicular access off Bussey Stool Road and the new pedestrian access from Valley Road).
- 18.58 A bee/insect "hotel" is also being proposed as part of the net gain and this is depicted on the revised site layout and landscaping plans.
- 18.59 Mitigation measures also include control of external lighting. The details of this lighting, as explained in the "dark skies" sub-section of this assessment, can be secured by condition.

Flood risk and Drainage

- 18.60 The site is within flood zone 1, land at the least probability of fluvial flooding. It is also recorded as being at low risk of surface water flooding. The development therefore passes the Sequential Test.
- 18.61 It is noted that there is a medium risk of surface water flooding on Bussey Stool Road and a high risk on sections of Valley Road adjacent to the site. This is because the roads are lower than the surrounding land. The proposal significantly increases the extent of impermeable surfaces across the site. As a consequence, there is the probability that, in the absence of on-site attenuation, the development could increase runoff onto both Valley Road and Bussey Stool Road and exacerbate the existing surface water flooding incidents.
- 18.62 The submission particulars reveal the proposed use of soakaways for surface water drainage and a package treatment plant for foul water. Both are acceptable in principle but detail is lacking. Examination of the proposed site plan reveals that there is space to accommodate any on site attenuation that may be required, including an allowance for climate change, and, in this context, it is reasonable and appropriate to leave the approval of the details of both surface and foul water drainage to a condition.

19.0 Balance and Conclusion

- 19.1 This is a development proposal that will result in landscape change. It will have a visual impact and increase vehicular flows along Valley Road and Bussey Stool Road. It would also, in the absence of restrictive conditions in relation to retail opening hours, use of the outdoor seating area, external storage and delivery times, result in unacceptable impacts to the dark skies character of the area and residential amenity. Furthermore, without limits on the retail floorspace, the proposal could have adverse impacts on the viability and vitality of Blandford Forum town centre. A lack of compliance with the measures detailed in the Biodiversity Plan would result in unacceptable adverse impacts to biodiversity.

19.2 However, with the appropriate conditions in place, the above-mentioned impacts would be appropriately mitigated, and as such, this is a development plan compliant proposal.

20.0 Recommendation

20.1 Grant permission subject to the following conditions.

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

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

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

- Revised landscaping plan – received 30th June 2022.
- Revised Proposed Site Plan 21147.04 F – received 30th June 2022.
- Revised Visibility Splay Plan ED/SS203/Vis01 – received 13th April 2022.
- Proposed Southern Bin Store and Substation Plan 21147.08 A– received 10th March 2022
- Proposed Northern Bin Store – 21147.07 A - received
- Hub Building – Proposed Floor Plan, Elevations and Site Sections 21147.05 B received 10th March 2022.
- Covered parking – Proposed Floor Plan, Elevations and Site Sections 21147.06 B received 10th March 2022.
- Location Plan 21147/01 B received 18th February 2022.

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

3. Prior to the commencement of development details of a surface water and foul drainage scheme for the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to the completion of the development and thereafter retained for the development's lifetime.

Reason: The use of a package treatment plant for foul drainage and soakaways for the surface water are acceptable in principle, but insufficient detail has been provided with the application to ensure that there is no increases in flooding and water pollution off and on the site, allowing for climate change.

4. Prior to commencement of development, a detailed external lighting scheme which accords with the principles of the Cranborne Chase and West Wiltshire Downs AONB Good Practice Note 7a (Feb 2022), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-

- a) The positioning and specification of each light.
- b) The times of illumination which shall be limited to the hours:-
 - i. 08:00 to 19:00 Mondays to Fridays (excluding Bank and Public Holidays);
 - ii. 08:00 to 17:00 Saturdays
 - iii. 09:00 to 17:00 Sundays, Bank and Public Holidays

There shall be no lighting for the development other than in accordance with the approved scheme.

Reason: In the interests of biodiversity, residential amenity, to minimise light pollution and recognise the site's location within the dark skies of the Cranborne Chase and West Wiltshire Downs AONB.

- 5. The internal floorspace for the uses hereby permitted falling within Class E (a-c) of the amended Town and Country Planning (Use Classes) Order 1987 shall be limited to no more than 280m² (GIA).

Reason: In the interests of the viability and vitality of Blandford Forum town centre, the residential amenity of nearby occupiers and highway safety.

- 6. The external area for the uses hereby permitted falling within Class E (a-c) of the amended Town and Country Planning (Use Classes) Order 1987 shall be limited to that annotated as the Outdoor Seating Area on approved drawing 21147.04 F and to the hours of:-

- i. 08:00 to 19:00 Mondays to Fridays (excluding Bank and Public Holidays);
- ii. 08:00 to 17:00 Saturdays
- iii. 09:00 to 17:00 Sundays, Bank and Public Holidays

Reason: To safeguard the character and amenity of the area and living conditions of surrounding residential properties.

- 7. The uses hereby approved falling within Class E (a-c) of the amended Town and Country Planning (Use Classes) Order 1987 shall not be open for customers outside of the hours:-

- i. 08:00 to 19:00 Mondays to Fridays (excluding Bank and Public Holidays);
- ii. 08:00 to 17:00 Saturdays
- iii. 09:00 to 17:00 Sundays, Bank and Public Holidays

Reason: To safeguard the character and amenity of the area and living conditions of surrounding residential properties.

8. No deliveries shall be taken at or despatched from the site for the uses hereby approved falling within Class E (a-c) of the amended Town and Country Planning (Use Classes) Order 1987 outside the hours of: -

- i. 08:00 to 19:00 Mondays to Fridays (excluding Bank and Public Holidays);
- ii. 08:00 to 17:00 Saturdays
- iii. 09:00 to 17:00 Sundays, Bank and Public Holidays

Reason: To safeguard the character and amenity of the area and living conditions of surrounding residential properties.

9. The development hereby approved shall include, at any one time a minimum of 170m² (GIA) floorspace falling with Class E (g) (iii) of the amended Town and Country Planning (Use Classes) Order 1987.

Reason: The retention of this employment floorspace is necessary to make the development acceptable in this countryside location given the proposed loss of the existing building.

10. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 18th February 2022 (ref DBAP21531NH) must be strictly adhered to during the carrying out of the development. The development hereby approved must not be first brought into use unless and until:

- a) the mitigation, compensation and enhancement/net gain measures detailed in the approved biodiversity plan have been completed in full, unless any modifications to the approved Biodiversity Plan as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority, and
- b) evidence of compliance in accordance with section J of the approved Biodiversity Plan/the LEMP has been supplied to the Local Planning Authority.

Thereafter the approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

11. Before the first use of uses hereby approved falling within Class E (a-c) of the amended Town and Country Planning (Use Classes) Order 1987, the first 10.00 metres of the vehicle access as detailed on the approved site plan 21147.04 F – received 30th June 2022, measured from the rear edge of the

highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority. The said surface shall thereafter be retained for the lifetime of the Class E (a-c) use of the site.

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

12. Before the first use of uses hereby approved falling within Class E (a-c) of the amended Town and Country Planning (Use Classes) Order 1987, the areas shown on Drawing Number 21147.04 F – received 30th June 2022 for the manoeuvring, parking, loading and unloading of vehicles shall have been surfaced, marked out and made available for these purposes. Thereafter, these areas must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

13. Before the first use of uses hereby approved falling within Class E (a-c) of the amended Town and Country Planning (Use Classes) Order 1987, the visibility splay areas as shown on the approved Revised Proposed Site Plan 21147.04 F – received 30th June 2022 and Revised Visibility Splay Plan ED/SS203/Vis01 – received 13th April 2022 must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. Notwithstanding the provisions of the Town and Country Planning General Development Order 2015, or any Order revoking or re-enacting that Order, the visibility splay areas shall thereafter be maintained and kept free from all obstruction above this height.

Reason: In the interests of highway safety.

14. Prior to the commencement of any development hereby approved, including demolition, all existing trees and hedges to be retained as shown on approved plan Revised Landscaping Plan (received 30th June 2022), shall be fully safeguarded in accordance with BS 5837:2005 (Trees in relation to construction - recommendations) or any other Standard that may be in force at the time that development commences and these safeguarding measures shall be retained for the duration of construction works and building operations. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s).

Reason: To ensure that trees and hedges to be retained are adequately protected from damage to health and stability throughout the construction period and in the interests of amenity.

15. The soft landscaping works detailed on approved Revised Landscaping Plan (received 30th June 2022) must be carried out in full during the first planting season (November to March) following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The soft landscaping shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 15 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the satisfactory landscaping of the site given the AONB setting and enhance the biodiversity, visual amenity and character of the area.

16. Prior to development other than demolition, details of all external facing materials for the walls, roofs and rainwater goods shall have been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development given the AONB setting and visibility from sensitive public receptors.

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

Reason: In the interests of the residential amenity of occupier of homes on Valley Road.

18. No waste shall be stored for collection other than within the bin areas marked on the Revised Proposed Site Plan received 30th June 2022.

Reason: To protect the character and amenity of the area given the AONB setting and prominence when viewed from sensitive public receptors.

19. Prior to the first use of the uses falling with Class E (a-c) of the Town & Country Planning (Use Classes) Order 1987 (as amended) hereby approved, the cycle parking facilities shown on the revised Proposed Site Plan received 30th June 2022 shall be constructed and made available. Thereafter, these

shall be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure provision of adequate cycle parking to support sustainable transport; in the interests of highway safety and residential amenity.

Informatives

- 1) The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

- 2) In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.
The council works with applicants/agents in a positive and proactive manner by:
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

Agenda Item 8

Application Number:	P/OUT/2021/05444		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Land North of Old Pound Court Bourton Dorset		
Proposal:	Erection of 3 dwellings, new vehicular and pedestrian access & associated parking (outline application to determine access, layout & scale only)		
Applicant name:	Hall & Woodhouse Ltd		
Case Officer:	Simon Sharp		
Ward Member(s):	Cllr Pothecary, Cllr Ridout, Cllr Walsh		
Publicity expiry date:	13 September 2022	Officer site visit date:	Various, most recently Tuesday 27 th September 2022
Decision due date:	23 September 2022	Ext(s) of time:	23 September 2022

1.0 Reason application is going to committee

1.1 At the request of ward members.

2.0 Summary of recommendation:

2.1 Grant permission subject to conditions.

3.0 Reason for the recommendation:

3.1 The latest Housing Land Supply position statement (March 2022 version of the April 2021 position) sets out that the supply has risen to 5.17 years. However, the latest Housing Delivery Test for North Dorset, published January 2022, is 69% against the NPPF threshold of 75%. In the absence of reasons for refusing permission in the protective policies of the NPPF (footnote 7 to NPPF paragraph 11), the tilted balance is therefore still engaged, meaning that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

3.2 The Neighbourhood Plan became part of the development plan more than 2 years ago and, therefore, this Policy must be, in the context of the above, regarded as out of date.

3.3 There is landscape harm arising from this proposal. However, there are no significant and demonstrable adverse impacts that outweigh the, albeit modest benefits arising from the supply of the 3 dwellings proposed.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable when applying the tilted balance.
Scale, design, impact on character and appearance	The layout plan satisfactorily demonstrates that 3 dwellings can be accommodated on the site with the required access, parking, soft landscaping and room for sustainable drainage, reflecting the prevailing character and resulting in change but limited harm to the landscape.
Impact on amenity	The layout and scale details demonstrate that reserved matters of appearance could be submitted demonstrating no significant residential amenity impacts.
Impact on landscape or heritage assets	No harm. The setting of the Church and other listed buildings will be preserved.
Economic benefits	There will be benefits derived from the construction phase as well as the supply of homes and Council Tax receipts.
Access and Parking	No highway safety issues arising,
EIA (if relevant)	The proposal is neither Schedule 1 nor Schedule 2 development; it is not EIA development.
Habitat Regulations	The site is within the River Stour catchment with no current issues in terms of nutrient levels. The site is not within the impact risk zones for this scale of development.

5.0 Description of Site

- 5.1 The site sits beyond but abuts the northern edge of the main built-up area of Bourton. It is accessed off the stub end of Old Pound Court (an adopted highway). It is currently used as two parcels of pasture separated by a field species hedge.
- 5.3 The northern boundary is not marked as the fields continue rising up the hillside towards the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. The eastern boundary is, alongside the first part of the access, marked by a hedge to an existing dwelling's garden. This then becomes a field boundary hedge. Beyond the access, the site narrows slightly and the eastern boundary then follows an existing post and wire fence. The southern boundary is

shared with the gardens of existing dwellings on New Road, Red Lion Yard and Old Pound Court.

6.0 Description of Development

- 6.1 Members will note that this an outline application but layout, scale and access are not reserved for subsequent approval.
- 6.2 The proposed layout plan shows three detached dwellings all with detached double garages, with front elevations facing north over the proposed access (the latter adjoining the northern boundary of the site). Each dwelling's private rear garden would fill the gap between the buildings and the southern boundary. Soft landscaping is proposed within the site.
- 6.3 The scale of the development is three dwellings, all two storeys in height.
- 6.4 There is a single pedestrian and vehicular access proposed which is in the same location as the exiting field access off Old Pound Court. The access then curves around to the west so that it is effectively parallel with New Road. No segregated footways are proposed, so pedestrians would share the carriageway with vehicles.

7.0 Relevant Planning History

- 7.1 Application 2/2020/00197/OUT - Develop land by the erection of 9 No. dwellings and form vehicular and pedestrian access and parking spaces. (Outline application to determine access, layout and scale) was refused on 5th March 2021 for the following reasons: -

“The location of the proposed development would extend beyond the existing built form into the undeveloped landscape, impacting important views across the existing undeveloped paddocks and towards the Grade II listed Church tower to the detriment of the landscape quality of the area, the setting of the Cranborne Chase and West Wiltshire AONB and the setting of the listed Church. Accordingly, the proposal is considered to be contrary to sections 12, 15 and 16 of the National Planning Policy Framework, policies 4, 5 and 24 of the North Dorset Local Plan and policies 1, 2, 3 and 10 of the Bourton Neighbourhood Plan.”

- 7.2 This site included all of the current application site but extended further northwards.
- 7.3 The current application was amended during its processing. It was originally for 7 dwellings and extended further north than area now under consideration, albeit it was smaller than that proposed by the refused application, 2/2020/00197/OUT.

8.0 List of Constraints

- 8.1 Part of the site is identified as being within the Environment Agency's 1 in 1000 year Risk of Surface Water Flooding area. It is in flood zone 1 with regards to fluvial flooding (lowest probability) and the zone of less than 25% risk of groundwater flooding (lowest category). Notwithstanding these records, the case officer did note that the ground appeared to remain sodden in places within the site, throughout the year and has considered the proposal in this context.

- 8.2 The Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB) extends to within approximately 1km of the site.
- 8.3 The site is within the setting of St. George's Church tower. The Church is grade II listed and the tower, along with the site, are seen in the panoramas viewed from receptors along the public rights of way to the northeast and northwest. Some elevated visual receptors along public rights of way in the parish also afford view of the site and other listed buildings in the same panorama. This will be explored further in the Assessment section of this report.

9.0 Consultations

9.1 Bourton Parish Council

Object to the principle of the proposed development

- a) The application site is outside Bourton's defined settlement boundary. Bourton's Adopted Neighbourhood Plan established the framework for change in the village until 2031; it did not allocate this site for development since it is situated within rising open countryside above the settlement. Any development on this site would constitute serious harm to the setting of the village which would outweigh any benefit to Dorset's Housing Land Supply.
- b) Since Bourton's Neighbourhood Plan was independently examined in 2017, the number of additional dwellings in Bourton which are under construction, or have been built since then amounts to at least 60, representing an increase of 17% to Bourton's previous number of dwellings. The application for development at the Sandways Site (P/FUL/2021/04282) which is currently awaiting determination by Dorset Council, would increase this number further as this scheme is for thirty dwellings. The Sandways application is supported by Bourton Parish Council since it includes a purpose-built village hall, constructed as part of the overall scheme, together with other community benefits such as 10% of the dwellings to be designated Affordable Housing. The developer will also provide the community with a sizeable recreation ground, an adjacent wildlife area and will make a significant contribution to the provision of education. Taken together, these elements will make a most positive contribution to community well-being, a contribution entirely lacking within the Land North of Old Pound Court application.
- c) Paragraph 8 of the NPPF 2021 sets out the three dimensions to sustainable development identified in the NPPF: economic, social and environmental objections. Taking each of these in turn, in relation to the Land North of Old Pound Court application:
- i. Economic. The long-term economic benefits of this development would be negligible and would not compensate for the visual harm caused to the landscape.
 - ii. Social. The proposed development would not make any contribution to the sustainability of the village; it is simply reiterating the unsustainable, unplanned nature of the previous development applications for this site. The applicant has failed to provide any evidence to demonstrate any

notable benefits that the development might deliver in terms of meeting local needs or improving local services and facilities. Furthermore, the site is not proposing any affordable homes for local people and, in view of the size of the three proposed executive dwellings, would fail to meet local needs for housing.

- iii. Environmental. The proposed development would result in significant harm to the intrinsic character and beauty of the countryside. This level of harm would greatly outweigh any perceived benefits.

9.2 DC - Highways

No objection subject to conditions.

9.3 DC - Conservation Officers

The proposals will result in no harm to the significance of designated heritage assets and so neither paragraph 201 nor 202 are considered to be engaged.

9.4 DC Trees

Comments: -

- a) The majority of trees identified within the report are off site with only 5 trees present within the application area (T9 Elder, T15 Field Maple, T16 Ash and T17 Ash).
- b) In principle, the layout has been designed to minimise direct and indirect impact on the existing tree features, providing adequate protective measures are implemented in accordance with the submitted Tree Protection Plan.
- c) The Arboricultural Method Statement is heads of terms only and therefore a detailed Methodology should be sought by way of a pre-commencement condition. This should detail sufficient site monitoring and Arboricultural supervision to ensure measures are carried out in accordance with the approved statement and protection plan.
- d) I did note however that the root protection area for T7 appears to incur into the driveway of Unit 1 within the June 2022 proposed block / site plan whereas within the Arboricultural documentation it does not, and I would seek clarity on this. (This can be addressed within a full and final Arboricultural Method Statement). New Tree and Hedge planting is indicated on the proposed site plan.
- e) Full details of this along with its initial aftercare should also be secured by way of condition (unless the Landscape Architects determine this information should be attained up front). I also have no objections to the minimal removal of hedging shown within the block / site plan

9.4 DC Landscaping

No objections. The revised scheme includes amendments previously suggested to make the scheme acceptable.

9.5 DC Lead Local Flood Authority (LLFA)

No objection subject to an acceptable surface water drainage scheme to be secured by condition.

9.6 Cranborne Chase and West Wiltshire Downs AONB

Object: -

- a) The amended application does not seem to overcome some fundamental issues.
 - i. The proposal is outside the settlement boundary.
 - ii. The acknowledged need for housing in and around this AONB is for affordable dwellings, not the large houses being proposed.
 - iii. The community has committed a huge amount of effort in preparing a Neighbourhood Plan, and this AONB Partnership is strongly of the view that such community plans should be respected where they clearly relate, as this proposal does, to local issues of a local scale.
- b) The AONB Partnership recommends that the planning authority gives full weight to the Parish Response. They know and understand the area.
- c) I take this opportunity to remind you that any development in this edge of AONB situation should comply with International Dark Sky Reserve criteria. That means any external lighting should comply with Environmental Zone 1 of the lighting zones established by the Institute of Lighting Professionals in 2011 and updated in 2021. This AONB's Dark Sky Advisor is happy to review proposals. It is, of course, important that any installed lighting does comply with the approved specification.

9.7 North Dorset CPRE

Object: -

- a) Contrary to Neighbourhood Plan - The application site lies outside Bourton's settlement boundary. Bourton's Neighbourhood Plan was 'made' by NDDC in 2018. This site was not allocated for development on the basis that it is to the north of the settlement, on the slope up to the high ground wherein lies the boundary of the Cranborne Chase and West Wiltshire AONB.

- b) Precedent - If this application was to be approved, it would encourage developers to apply for further housing developments along the escarpment and towards the AONB. It is only by adhering to the settlement boundary to the north of the village that this can be resisted.
- c) AONB harm - The views to and from the AONB are extremely important. There can be no justification for the immense harm that would be caused to the scenic beauty of this landscape, should this application be approved by Dorset Council.
- d) Setting - The site is part of the rural landscape and is valued for its tranquility and wide views. This development would seriously degrade important views from the numerous well-used public rights-of-way towards the grade II listed St George's Church and listed cottages at Woolcotts Lane.
- e) Local needs already met - This application does not reflect local needs since it is for three large detached market houses and does not, therefore meet the test for being considered an "exception site." There is no shortage of newly-built market housing in Bourton, hence claims that this application is meeting local needs are unsustainable.
- f) Planned growth - Growth is not being obstructed by the local community, hence 60 dwellings have either been built, are in the process of being constructed, or have recently received planning consent - all occurring within the last 5 years. This growth to Bourton's housing stock is taking place inside the settlement boundary, hence there can be no justification for accepting the principle of development outside the SB on the grounds of 'maintaining the vitality of Bourton as a rural community'.
- g) Wildlife & Habitats - The escarpment slope to the north of Bourton and adjacent AONB support many protected species. Any development of this site will cause harm that cannot be mitigated.

9.8 DC - Dorset Waste Partnership

Need to see a detailed tracking plan to ensure refuse collection vehicle access is acceptable and any turning heads are suitable and sufficient.

9.9 Other Representations received

Total - Objections	Total - No Objections	Total - Comments
46 addresses in relation to the amended proposal (3 dwellings). 83 objections in total.	0	0

Objections on the grounds of: -

Principle

- a) The revised proposals for a development of three large houses would not meet any identified local need.
- b) It is outside of the Neighbourhood Plan's settlement limits. Similar applications that have had proposals for development outside of the village boundary have been refused on the grounds that they are outside the settlement boundary. There is no cause for exception for this proposed development.
- c) Accept that Dorset is under pressure to respond to the nation's housing shortage, but other consented sites in Bourton, Gillingham etc. already do this. The number of additional homes in Bourton, both completed and now under construction, since 2011 has already been well documented and represents a growth of approximately 19%. The 2021 census, however, tells us that Dorset's population size has increased by 4.0% over the same period. Bourton, it seems, has continued to more than meet the challenge of providing additional homes in North Dorset without resorting to development in the Countryside.
- d) The economic long term reasons are negligible
- e) There is no contribution to the sustainability of the village. Bourton's school, Doctors etc will not be able to cope with ongoing development we are a beautiful small village.
- f) It is important for the local community to have confidence in the planning process. This amended application is the third attempt by this landowner to leverage development value from the fields they own by way of an incursion into the Countryside.

Landscaping and Visual Impact

- g) The scale, mass and siting of the proposed houses would result in the appearance of a near solid wall of housing completely out of sympathy to its edge of settlement location.
- h) No vehicular accesses extend beyond current settlement limit and this land is one of tranquillity and peacefulness.
- i) Adversely impact upon the character of the area and that of the AONB.
- j) The proposed houses are totally out of character in comparison to the other houses in the area. The proposal for three large (152m²) detached two storey dwellings, each with parking for four vehicles, retains the same negative impacts as the proposals previously submitted and refused.
- k) The amended proposal does not respond to Dorset Council's Landscape Officer's advice which was to move properties 3-4 metres forward towards the settlement boundary; plots 1 & 2 are now approximately 5m further away than they were originally with one increasing in size from 122m² over 1½ stories to a 2-storey dwelling that is now 152m². All three houses in this proposal are 152m² 2 storey properties.

Public rights of way

- l) There is a heavily used public footpath which goes north/south between the main road adjacent to The Hollies on the Main Road and the top of the escarpment; this development will dominate the beautiful views towards the west.
- m) The walk down from the ridge along N57/9&10 has fabulous views across the vale and into the village. The proposed development will stick out like a sore thumb.
- n) The photos commissioned by the applicant, which were taken in summer, when trees and hedgerows were in full leaf, artificially covering the detrimental impact the development would have for the rest of the year on the views from the footpaths.

Setting of heritage assets

- o) The revised landscape proposals may partially mitigate the adverse visual impact but will also impede important views towards St. George's Church and beyond.
- p) In addition, the visual impact south towards the Church (a listed building), the cottages on Woolcotts Lane and the Old Red Lion (another listed building) from the public footpath which runs along to top of the escarpment will be considerable.
- q) The increased traffic during and post construction would put increased pressure on infrastructure in the area and may cause damage to other listed buildings in the area including the Old Red Lion at the entrance to Old Pound Court.

Residential amenity

- r) The attempt to squeeze three large dwellings into a small space next to existing dwellings and their gardens will result in a significant loss of privacy.
- s) The proposed houses will be overbearing to the existing adjacent properties. For example: the close proximity of the proposed 2 storey unit 02 to the existing 1½ Page 5 of 7 storey property 3 Red Lion Yard at about 18m makes the relative heights critical. Using the applicant's own data (including 36A Site Section), the finished floor level of unit 02 is 130m. Unit 02 has a ridge height 11m above FFL. The ridge height of 3 Red Lion Yard is 136.05m, some 5m lower than that of unit 02.

Loss of productive agricultural land

- t) The land has been used for grazing sheep. We must object to the loss of productive agricultural land needed for the nation's sustainable food supply. Brownfield land within the settlement limits should be used.

Biodiversity

- u) The area to the north of Main Road and OPC supports a wide variety of wildlife including protected species, badger, dormouse, bats and wild birds such as the Tawny Owl which is on the Amber list. Rabbits (population falling dramatically) are a keystone species – they act as landscape managers and

many other species rely on them. The applicant's Biodiversity Plan surprisingly makes no mention of badgers or other species which are active in the area and zone of influence, many of which are only active from dusk until dawn.

- v) The loss of habitat and removal of trees and hedgerows and its effect on conservation. The existing 30m of hedgerow planned for removal is not "poached" but is in good condition (see Appendix photo 8). The applicant's assessment and Biodiversity plan fails to provide sufficient information regarding the environmental impact consequences of development.
- w) Note some token gesture in the BAP for the development this is not enough to fully compensate for the damage that will be done to the area initially. There is nothing to state that future owners of the property must keep the bird boxes/new trees and hedges/hedgehog provision and as such there will be a negative impact on biodiversity.
- x) Open areas of grassland and paddocks surrounded by woodland as such surrounds this plot, are therefore vital to sustain the co-existence of species within the food chain.
- y) Grassland and grazed areas support a crucial array of insect species – it is noted a large area of the paddock contains clovers; these are essential not only for the health of the soil, but also help to support a wide variety of bee species, including short-tongued varieties which may struggle to find suitable feeding material. The red clover also acts as soil stabilisation.

Drainage and flooding

- z) There are a number of water springs in the site which is the subject of this proposed development. Not only will this proposed development impinge of the water flows but the inevitable additional hardstanding that will result of this development will cause an increased risk from flooding lower down the valley.
- aa) A recent development within the village of 6 dwellings has increased waterflow resulting in floods both within the development and surrounding properties. The builders encountered huge problems in dealing with disturbed water levels in the fields. This must be considered as the water has to go somewhere.
- bb) There is only one existing ditch that is relevant to the site and it is the one that marks the settlement boundary. Except where it runs under the applicants' access road, the ditch flows through private properties. For about 45m to the east of the site the watercourse goes through a 300mm diameter culvert and at times of heavy rainfall this is almost fully charged. Increasing the surface water input to the ditch is likely to cause back up and local flooding.
- cc) The applicant's drainage strategy is incoherent. On the one hand, the proposal shows the northern half of the field will remain "paddock"; on the other hand, elsewhere it is said this area "may be sculpted to provide a seasonal swale and collection pond for surface water run-off, with controlled release into the existing watercourse" and "The development will also form some ditches / swales bounding the plot to convey/attenuate excess flows, if required."

Climate change

dd) The building of new properties is carbon intensive and as such there will be a negative impact to the environment by building these properties which may further compound issues such as biodiversity and drainage in the area in the future.

Highway safety

ee) The development will result in more vehicles using the access and junction with New Road increasing the probability of accidents, especially given the proximity of the primary school.

ff) If the development proceeds, the construction work will cause traffic and disruption to New Road which is not a wide road and any large vehicles accessing the site will inevitably cause traffic problems and will be dangerous especially as the school and bus stop are nearby.

Overall balance

gg) The applicant has seemingly attempted to overcome the basis for the original and comprehensive round of objections by reducing the number of houses to 3, yet vastly increasing the size of each dwelling. The re-plan addresses none of the original concerns.

hh) The demonstrable impacts considerably outweigh any benefits derived from the three dwellings and the application is contrary to North Dorset Local Plan Part 1 (2011-2031) policies 1, 2, 7, 20 and 24, Bourton Neighbourhood Plan policies 1, 2 and 3 and the provisions of the National Planning Policy Framework.

Administrative matters

ii) The scale and nature of the changes are such the LPA, acting in the public interest, should have insisted that a new application should have been submitted, as a result many residents of Bourton are simply unaware of the nature and extent of the variations currently being considered.

Application inaccuracies

jj) This amended application is muddled and in part, factually incorrect. Inaccurate content contained in the original application was rectified by several local residents who previously submitted objections. It is a concern that no action has been taken by the applicant to revise their documents for this scheme.

kk) It could now be argued that the applicant is deliberately misleading the Case Officer to justify their proposal for building in a valued landscape by suggesting that the landscape has already been developed with “detracting elements” resulting from their false assertions regarding incorporation of fields with ornamental hedges into rear gardens of Old Pound Court.

Other

- ll) Is this application a 'developer's trick' - with the objective of getting planning approved and then applying for amendments to add in more dwellings later?

10.0 Heritage duties

10.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

11.0 Development Plan policies

Saved Policies of the District Wide Local Plan (2003)

11.1 The site is outside of the saved settlement limits,

North Dorset Local Plan Part 1 2011-2031

11.2 In the context of the site's location outside of the saved settlement limits, the following policies are considered relevant:-

- 1 – Presumption in Favour of Sustainable Development
- 2 – Core Spatial Strategy
- 4 – The Natural Environment
- 5 – The Historic Environment
- 6 – Housing Distribution
- 7 – Delivering Homes
- 20 – The Countryside
- 23 – Parking
- 24 – Design Policy
- 25 – Amenity

Bourton Dorset Neighbourhood Plan 2016-2031 (made 2018)

11.3 The site is outside of the settlement limit (as depicted in Map 3 of the Plan).

11.4 It is also affected by two "important views", or rather a series of views from public footpath N57/8 which are depicted on Map 2 and a view up the slope from Old Pound Court. These are derived from the Village Design Statement (VDS) which is a material consideration (see below).

11.5 The following Neighbourhood Plan policies are considered relevant:-

- 1: Landscape Setting
- 2: Settlement Pattern and Character.

- 3: Building Design and Form.
- 4: Traffic and Parking
- 6: Biodiversity
- 8: Mitigating and Adapting to Climate Change.

12.0 Other material considerations

Dorset Council Local Plan

12.1 The Dorset Council Local Plan Options Consultation took place between 18 January and 15 March 2021. The Plan remains at a very early stage in the process towards adoption. Negligible weight is afforded to it as a material consideration at this time.

National Planning Policy Framework (2021)

12.2 Noting the following sections :-

- 1. Introduction
- 2. Achieving sustainable development
- 3. Plan-making
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting Sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the built environment.

Housing Delivery Test and Housing Supply

12.3 The latest Housing Delivery Test (HDT) for North Dorset, published January 2022, is 69%. The current housing land supply position is 5.17 years (version 2 of April 2021 position published March 2022).

Bourton Village Design Statement

12.4 The Bourton Village Design Statement was adopted by North Dorset District Council as a Supplementary Planning Document on 30 September 2011.

12.5 The Statement notes that:-

- a) “with the contrasting topography of steep slopes and flat Vale, it is not surprising that the parish enjoys varied and far-reaching views which are particularly treasured by the local community. These key views give the village its rural character” (para. 3.2);

- b) “The village is very proud of the views which it affords both outwards, from the limestone ridge (Chaffey Moor to Kites Nest) across the Blackmoor Vale and inwards, looking north across the A303 and at the entry to the village at both ends of the main road. There is a strong feeling in the village that such views should be protected and/or enhanced.” (para. 3.13).

12.6 Photograph 13 of the VDS shows part of the site looking northwards.

Strategic Landscape and Heritage Study for North Dorset Area

12.7 Assessment of land surrounding the larger villages, prepared by LUC for Dorset Council in October 2019.

13.0 Human rights

13.1 Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

14.0 Public Sector Equalities Duty

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

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

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

14.3 Having had regard to the requirements of the Public Sector Equalities Duty, it is considered that the proposed layout provides opportunities for those members of the

community with protected characteristics, specifically those with mobility difficulties (disabled) to not be disadvantaged. Of note is the layout and footprints will permit the ability for dwellings to be developed with accessible floorplans and gardens.

15.0 Financial benefits

What	Amount / value
Material Considerations	
Employment during construction	Support construction sector.
Spend in the local economy	Spend from future residents of the development
Non Material Considerations	
Contributions to Council Tax	As per appropriate charging bands

16.0 Climate Implications

16.1 There will inevitably be trips to and from the site by vehicles with internal combustion engines. Although the proportion of the trips by internal combustion engine powered vehicles will diminish over time, their use to access the site must still be considered as part of its carbon footprint.

16.2 Notwithstanding the fact that the orientation of the dwellings proposed will allow opportunities for domestic photo-voltaic installations and that they could be insulated to a standard above Building Regulations and use installations such as air source heat pumps, it is assumed there will be a reliance on the grid for energy (the energy generation for which is still reliant, for now, on non-renewable sources).

16.3 There will be embedded energy costs derived from the construction phase (derived from the production and transport of the materials and the energy consumed during the build itself).

16.4 There will be a loss of greenfield land arising from the development.

17.0 Planning Assessment

Principle

17.1 The statutory basis for decision taking in planning is that determinations must be made in accordance with the development plan unless material considerations indicate otherwise. The provisions of the NPPF do not override the development plan's primacy and are material considerations.

17.2 In this context it is clear that the proposal conflicts in part with the Local Plan Part 1 insofar as the site falls outside of the saved settlement limits and is not development

that is supported by policy 20. It also conflicts with the Neighbourhood Plan, again because the site is outside of the saved settlement limits and the Plan seeks to restrict new build housing to within these limits.

17.3 However, notwithstanding that the housing supply position is now 5.17 years, there are clear consequences of the Government's 69% Housing Delivery Test Measurement for North Dorset. Under paragraph 11 of the NPPF, the basket of policies most relevant to the determination of the application (2, 6 and 20) are considered to be out of date. The consequences of this, are that the NPPF's tilted balance is engaged and planning permission should be granted unless:

- (i) specific policies in the framework indicate that development should be refused; or
- (ii) the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

17.4 Criterion (i) are the "footnote 7" reasons detailed in the NPPF and include, for example, less than substantial harm to the significance of heritage which is not outweighed by public benefits. In this none of those specified NPPF policies indicate that permission should be refused (as will be detailed later in this assessment in paragraphs 17.18, 17.32 and 17.33) so it is criterion (ii) and not (i) that is applicable here.

17.5 When assessing against criterion (ii), the sustainability of development is still informed by the Council's spatial strategy as set out in Local Plan Policy 2. It is considered consistent with the NPPF insofar as it seeks to direct development to sustainable locations to minimise the need to travel, create sustainable communities rather than commuter towns/villages and address the causes and effects of climate change.

17.6 Policy 6 of the Local Plan identifies Bourton as one of 18 larger villages in the Plan area. Whilst the majority of housing growth over the plan period is focused on the four main towns, it does envisage at least 825 dwellings within these larger villages and Stalbridge. The focus is on the meeting "local housing needs" (as explained in supporting paragraph 5.9) and the scale will "reflect cumulative local and essential rural needs and local viability considerations" (paragraph 5.11).

17.7 There are key points to note from this policy and its supporting text. Firstly, it does not provide a ceiling for the number of dwellings that should be accommodated in the 18 larger villages. It also does not place a quantum of development that will be appropriate for each settlement, or indeed, each development; the judgement is on a case by case basis. Therefore, in response to a number of the third party

representations received, there is no ceiling for Bourton's growth, the judgement is whether the scale of growth is commensurate to the village's offer of services and facilities and its size.

17.8 The third and, perhaps most fundamental point, is that the policy explicitly recognises that these settlements provide the level of sustainability to accommodate, growth. The Local Plan may have envisaged that this need would be identified at the "local level" (paragraph 5.27) via, for example, the neighbourhood planning process, local surveys and assessments to establish the functional need for occupational dwellings. However, the list of sources of evidence is not exhaustive and the fact that the Council needs to boost delivery at a North Dorset level must be afforded substantial weight with regards to this point. It demonstrates the need for the housing and, applying policy 6's distribution, Bourton is an appropriate location to meet some of this need.

17.9 Indeed, the site is considered to be in a sustainable location within an acceptable walking distance of the village's services and facilities, including the school and C of E Church. These services and facilities are accessible along segregated footways.

17.10 It is acknowledged that the development plan includes a made Neighbourhood Plan. However, in the context of paragraph 14 of the NPPF, it is noted that the Neighbourhood Plan was made more than two years ago'. Therefore, despite it containing housing policies and allocations, the North Dorset area having over 3 years housing supply (currently 5.17) and the housing delivery being at least 45% for the past 3 years, the presumption in paragraph 14 that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, is not engaged.

Scale of growth afforded by the development

17.11 The number of households recorded in 2011 was 362. It is acknowledged that there has been a supply of dwellings since 2011 (a matter already addressed in the report). 3 dwellings represents approximately 1% growth and is considered to be commensurate in scale to the size of the settlement and the services and facilities that it provides.

Housing tenure and type mix

17.12 The lack of affordable (as defined by the NPPF) dwellings is not a determinative issue; the quantum of development proposed falls below the Local Plan and NPPF thresholds.

17.13 The layout plan shows three dwelling types with large footprints to serve, it is assumed, large floorplans. Third party representations describe these as "executive

homes” that do not respond to local need. The Dorset need is not confined to small dwellings and the large dwellings proposed would provide accommodation for multigenerational families and/or those with a number of children. These types of dwellings are needed in the overall North Dorset mix. Furthermore, the surrounding area is not wholly characterised by such large dwellings, there is an existing mix and the new dwellings will contribute to the prevailing balanced and mixed community.

Landscape, visual impact and public right of ways

17.14 The case officer assessed the proposed development’s impact from a number of receptors. These included the following public rights of way:-

- a) N57/7 100m west of the site rising up the slope from Woolcott Lane. Views are afforded eastwards to the site before the path cuts through a hedge via a gate. It then strikes further northwards up the slope, the elevation enabling views back south-westwards over the hedge towards the site. This view is across one of the Neighbourhood Plan’s “Green Fingers”, albeit it is noted that the site does not fall within this designation.
- b) N57/8 160m north-west of the site. The first section of this path heads northwards from its intersection with N57/5 with views back to the site, before disappearing into woodland in a gully. No views are visible back to the site from this point onwards.
- c) N57/6 – This path strikes north-westwards away from an intersection with N57/7, near to the latter’s point where it crosses the hedge and meets N57/8. Views are afforded from N57/6 back to the site.
- d) N57/5 north-west of the site and on the higher ground affording long views back over the Vale.
- e) N57/9 175m east of the site. This strikes northwards from New Road and starts to rise up the slope before bearing eastwards. At this point it ceases to become a series of receptors affording a view of the site. However, N57/10 continues to strike northwards up the slope offering clear views south-westwards back towards the site and the Church’s tower.

17.15 It is noted that there is an additional, well used, path that avoids N57/7’s gate and continues southwards from the intersection of N57/6 and N57/7. It is assumed, from the case officer’s experience, that this alignment is used to connect to Woolcott Lane and avoid a boggy section at the foot of N57/7’s alignment. Receptors from this informal path were also considered but it was concluded that N57/7’s definitive alignment actually provides more intervisibility with the site and its environs.

17.16 The case officer also assessed the impact on the Important Views identified in the Neighbourhood Plan (those on top of the hill being from public right of way). Although assessed separately in the next sub-section below, the assessment also considered the experience of heritage assets within this landscape and the views

from these assets. Access to the roof of the Church Tower was not possible but, as it is recognised as a receptor from which people occasionally enjoy views of the landscape, photographs submitted from third parties were used for this particular part of the assessment.

17.17 A number of the representations also raise concerns about the impact of the proposal on the Cranborne Chase and West Wiltshire AONB. Such land is protected to conserve and enhance its natural beauty. Effects of development outside, but affecting its setting, need to be carefully considered. National policy guidance gives great weight to conserving the landscape and scenic beauty of Areas of Outstanding Natural Beauty.

17.18 It is noted from a desktop assessment and walks along public rights of way and adopted highways at the top of the hill that the boundary of the Area of Outstanding Natural Beauty is set back from the escarpment. Indeed, it is concluded that views of the site and its immediate environs cannot be experienced from the AONB. Similarly, the views from the foot of the hill, including from the site, do not afford sight into the AONB. Furthermore, due to intervening hedges and landform, there is no ability when between the site and the AONB to gain a panorama that includes both. As such, the proposal will have a neutral impact and preserve the setting of the AONB.

17.19 Notwithstanding this conclusion, it is clear that the land including in and around the site is a landscape of particular quality that is valued by many, albeit not one that would fall within the definition of a “valued landscape” (para 174 of the NPPF). It falls across the boundary between the Limestone Hills and Clay Vale character types at a county level, the former covering the lower ground to the southeast of the site including the existing built development. The Limestone Hills area covers the slopes rising away northwards from the site. Management priorities considered relevant to the proposed development include the maintenance and enhancement of boundaries and planting of new hedgerows.

17.20 Both the Bourton Village Design Statement and the Strategic Landscape and Heritage Study for North Dorset Area drill down further and are more specific to the site’s locality. The linearity of development along the former A303 (New Road etc.) is noted as is the undeveloped higher land, the affordance of long distance views southwards from this higher land, the prominence of the village in these views and, notably, the Church’s tower. The priorities of the Strategic Landscape and Heritage Study include: -

- a) Conservation of the distinctive linear settlement pattern of the village.
- b) Protection of views of key skyline features such as the Church’s tower.
- c) Protection of the wooded skyline character.
- d) Prohibiting adverse effect to ‘important views’ identified in the Bourton Neighbourhood Plan6

e) The importance of the open gaps in and around the village.

17.21 The documents and the priorities therein are material considerations afforded weight in the overall balance, but they also serve to inform the assessment against development plan policies, notably 1, Landscape Setting, 2: Settlement Pattern and Character and 3: Building Design and Form, of the Neighbourhood Plan, all of which are consistent with the NPPF.

17.22 The undeveloped nature of the slopes to the north of the village, their proximity to the village's residents, the network of public right of ways affording short and long views (including of designated heritage assets), results in this landscape having a medium to high sensitivity to change.

17.23 Development of the site will inevitably result in harmful change to this landscape and the magnitude of this change is influenced by the medium/high sensitivity to change, especially when experienced from the receptors along the public rights of way to the northwest and northeast of the site. These rights of way are heavily used and the case officer encountered walkers on all occasions that they were traversed, in the morning and afternoon, on weekdays and weekends and in inclement winter weather and on a clear day in mid-summer. This harm will result from both the construction and operational (occupied dwellings) phases of the development.

17.24 There is some dispute between the applicant's submission and the representations received from third parties about the status of small, enclosed parcels of land that lie to the north of the existing dwellings to the southeast of the site. The case officer considers that, in all but one instance, these are not garden extensions as inferred in the applicant's submission but are, in fact, small areas of land beyond their gardens. Their land use is not considered to be a determinative matter in terms of the landscape and visual impact of the development. However, what they do serve to achieve is a degree of screening of the site from receptors to the east on public footpath N57/9, near to the village on the lower slopes. Furthermore, as stated above, in one instance one of these parcels of land clearly has a visual appearance and apparent use as private domestic garden space.

17.25 It is also noted that the dwellings and their gardens to the east and east-northeast of the site project further northwards than the application site.

17.26 This context provides, in principle, an ability for the development to be visually contained (to a degree) within the pocket of land that projects southwards towards New Road. It is this pocket within which the revised proposal is largely accommodated, avoiding any meaningful intrusion onto to the higher ground which was of such concern with the refused proposal for 9 dwellings and the earlier, 7 dwellings, iteration of this application. The containment also preserves the prevailing linearity of the village form.

- 17.27 Third parties have also made about the scale and layout proposed, specifically in relation to the siting, extent of the footprint and height of the dwellings. It is contended by those third parties that the revised proposal has not responded to the Council's landscaping officer's original concerns insofar as two storey buildings are proposed at a contour level and latitude that results in them being more prominent and harmful within the landscape than the corresponding elements of the superseded scheme.
- 17.28 In response to those concerns, it is acknowledged that the dwellings will be two storeys in height, albeit the visuals included within the Design & Access Statement suggest designs that will include the first floor accommodated largely within the roof space. This will reduce the massing and prominence of the dwellings within the landscape. With a maximum height of 11m to the ridge, with the specified finished floor levels annotated on the proposed layout, the new dwellings will be no higher than 2m above the existing dwellings to the south and east.
- 17.29 "Appearance" is a reserved matter and this detail can be controlled at that stage. However, it is considered that the layout proposed provides the ability to achieve this acceptable visual impact.
- 17.30 The visual impact and landscape harm is also tempered by the following factors: -
- a) The existence of non-vernacular dwellings on Old Pound Court and New Road already prominent within panoramas viewed from receptors along the aforementioned public footpaths. The end dwelling next to the proposed vehicular access is particularly prominent in this regard.
 - b) The reduced extent of the site on the lowest contours of the fields with the backdrop of the dwellings cited in a) above.
 - c) The layout that will screen the proposed rear gardens (with their associated domestic paraphernalia) from view from the sensitive receptors. The front elevations will face these receptors set behind the soft landscaping, room for which is afforded by the layout between these dwellings and the northern boundary.
- 17.31 The construction phase will not have the benefit of this careful layout planning and construction plant and machinery, scaffolding etc. will all be prominent within the landscape for this time. The harm arising from this phase of the development is moderated by the temporary nature. Once complete and occupied the harm will remain, in the officer's opinion as moderate, as the development will be starkly new and the soft landscaping barely planted. However, in time (10-15 years or so) this landscaping will reduce the level of harm markedly.

Heritage assets

17.32 The elevated nature of the series of receptors along the public footpaths results in the site being within the wider setting of a number of listed buildings. These are: -

- a) The Church of St. George. This Gothic Revival building of the C19th remains a place of worship. Its use contributes greatly to its significance as does the Gothic architecture and setting on New Road within the built-up area. The tower is prominent within many panoramas and this setting is also important to the significance, particularly from the elevated ground to the north. The site is included within many of the views of the tower but, as the Council's Senior Conservation Officer observes, there is always the presence of the modern housing developments. The proposal will always be seen in this context, nestled against these modern dwellings. Similarly, the experience from the roof of the tower not only includes the hill side and older cottages but many newer dwellings. The addition of three further dwellings nestled against those existing will not materially change this experience. As such the setting of the Church will be preserved (no harm).
- b) The cluster of listed buildings on Woolcotts Lane. These are all grade II and their significance is derived from their vernacular architecture and local materials used, specifically the stone. Their setting so close to each other in this cluster along the lane with no planned layout (the experience walking along Woolcotts Lane is very much organic and historic) is also of significance as is their prominence in the views from receptors along the public footpaths to the northeast, north and northwest. However, as with the Church, this setting has materially changed over the past 30 years and, with sensitive detailing, at the "Appearance" and "Landscaping" reserved matters stages, the development will not harm the significance of these assets; their setting will be preserved.
- c) The former Red Lion Public House located immediately west of the junction of Old Pound Court and New Road. This building is, within the official listing, described as dating from c1830. Its significance is derived from its history (as a public house on what was once a main route to the west) and its architecture. Although now in residential use, its original use is still legible from its external elevations. The setting has changed markedly over the years, the village first being bypassed and then Old Pound Court and Red Lion Yard being developed. A reminder of the building's historical proximity to the countryside to the rear is provided by the view northwards up Old Pound Court to the undeveloped hillside. This is part of the setting that contributes to the building's significance. This land remains undeveloped (except for the access surface). From receptors along public footpaths N57/6 and N57/7 the roof of the Red Lion is visible but this view, with the newer dwellings in the foreground, contributes little to the significance of the asset. The setting of the Red Lion will be preserved (no harm).

Flooding and drainage

- 17.33 It is national planning policy to locate development in areas at lowest probability of flooding (the sequential test). The site is within flood zone 1 (lowest probability of fluvial flooding), low risk for surface water flooding and low risk of groundwater flooding as recorded by the Environment Agency. The proposal therefore passes the NPPF's sequential test.
- 17.34 It is also development plan and national policy to ensure that developments do not increase the risk of flooding off and on site (allowing for increases in rainfall events in the coming years as a result of climate change). Many representations raise this matter as one of concern and the case officer noted that many areas of the site remained sodden even during the summer (albeit prior to the prolonged dry period in July and August 2022).
- 17.35 The existence of this water is not surprising given the steepness of the ground further northwards and north-westwards and the fact that the field drain that follows the northern edge of the village appears to have been culverted in many places. The overland flow of water across part of the site is documented on the Environment Agency's maps.
- 17.36 The application form states that surface water will be drained via a sustainable drainage system, an existing watercourse and/or a pond. The submitted drainage strategy was prepared for when 9 dwellings were proposed and there are significant differences between its drainage strategy and the layout and extent of development now proposed. A pond is clearly not possible to accommodate within the site now.
- 17.37 Infiltration has been evidenced as being possible and this is at the top of the surface water drainage hierarchy along with water re-use (which is also possible on site). Such a solution could only work if integrated with a system for managing the overland flows, perhaps through a swale along the site's northern boundary. This is possible within the proposed layout and, given the low risk identified, it is considered reasonable that this is a matter that can be dealt with by condition rather than pre-determination. The principle of this approach has been agreed by the Council's Lead Local Flood Authority officer.

Biodiversity and tree protection

- 17.38 A number of representations have been received raising concerns that the site's biodiversity value will be irrevocably lost as a result of the development. A wide range of flora and fauna are cited within the representations.

17.39 The site is predominantly improved grassland but is dissected by a hedge of native field species. There are also hedges on three of the four boundaries interspersed with trees. A high level tree protection strategy has been submitted but, as the Council's Tree Officer advises, more detail will be required via a Arboricultural Method Statement. This can be secured by condition.

17.40 The site, its hedges and overhanging trees are undoubtedly a habitat for wildlife. There are ash, oak, field maple, elder and hawthorn species and even those with decay offer refuge for wildlife as was evident during the applicant's arboriculturist's inspections.

17.41 A Biodiversity Plan was approved by the Council's Natural Environment team, albeit for the larger scheme originally proposed. An approved Plan does not exist for the revised scheme for three dwellings but it is considered reasonable and appropriate that this can be submitted with the "Landscaping" reserved matter.

Residential amenity

17.42 The construction phase will undoubtedly result in increases in noise and disturbances in comparison to the current agricultural use of the site. This will include from machinery being used on site as well vehicles coming and going. The period will be temporary and for three dwellings and is therefore no likely to be more than a year in duration. As such this impact is not of the magnitude to withhold planning permission. Nevertheless, given the residential uses adjoining the site, it is reasonable to restrict the hours of construction and associated deliveries by condition. Indeed, it would be reasonable to require a detailed Construction Environmental Management Plan to be secured by condition.

17.43 The operational phase of the development is also likely to yield changes to the residential amenity experienced by those neighbouring the site.

17.44 The proposal will introduce dwellings which, at the closest point (plot 1), will be within 14m of the gable end of the nearest existing dwelling, Pound House, on Old Pound Court. As this is a secondary elevation, the separation distance is considered acceptable especially as the new dwelling will be to the north. There will be no overshadowing as a result of this specific relationship.

17.45 There is calculated to be some overshadowing of Pound House's rear garden, west facing rooms and conservatory, as plots 2 and 3 are proposed to the west-northwest and will rise up to 13m above the existing house's garden level. However, the minimum separation distance of 20m between plot 2's gable end and the rear elevation of Pound House and the fact that the outlook westwards from this existing

dwelling's garden will remain unobstructed by the development, will ensure that the impact is not significant.

17.46 Next to Pound House is No. 3, Red Lion Yard. This dwelling has most of its main private garden to its south (on the other side of the house to the site) but it does wrap around to the west and north. There are also windows at ground and first floor level directly facing the site. They serve habitable rooms. The distance between these windows and the boundary of the site is 6m. The depth of the proposed rear garden for plot 2 is 12m. This gives a total separation distance of 18m. Given plot 2 is to the north of No. 3 Red Lion Yard, this distance is considered acceptable with no significant overshadowing, even given a ridge height proposed of up to 11m. Overlooking between the two dwellings is clearly possible at this distance and the existing hedge and tree do not obstruct the line of sight to either ground or first floor windows. On balance, however, the separation distance will ensure no significant overlooking.

17.47 No. 3's Red Lion Yard's first floor window will overlook plot 2's rear garden too and the latter, given it is not overlooked by the road and faces south, is likely to be used regularly in summer months and warm winter days for private recreation. If this was an existing dwelling's garden affected, this could have been an issue afforded weight but, as it is for a proposed house, the weight afforded to this consideration is significantly reduced and not determinative.

17.48 To the west of No. 3, Red Lion Yard is Flowerpatch, a two storey house that fronts onto New Road. Its rear elevation faces the site and contains a number of ground and first floor windows serving habitable rooms. There is also a sun room projecting from the rear elevation.

17.49 As with No. 3, Red Lion Yard, the fact that the site is to the north of Flowerpatch's house and garden will ensure no overshadowing. Its rear garden lies between the house and the site. The depth of the rear garden from the sunroom to the boundary with the site is measured at 13m. The depth of plot 3's rear garden (plot 3 is behind Flowerpatch) is 17m. This distance is considered to ensure no significant loss of residential amenity to the occupiers of Flowerpatch.

17.50 Forge House on New Road will also share a boundary with plot 3. However, this will be short in length and the loss of residential amenity will be negligible at most.

17.51 No. 1 Old Pound Court lies directly to the east of the site, across the access road. It is orientated at an angle, its rear elevation facing northwest. At this angle the rear facing habitable rooms and garden will currently enjoy later afternoon and evening sun. The windows are also afforded a view up the hillside towards the AONB. The proposed siting of plot 1's garage and the main house will affect the light levels into

No. 1 Old Pound Court but, due to the angle and distance, not significantly so. There will be no direct overlooking.

Highway safety

17.52 Some third party representations raise concerns in relation to highway safety. There are undoubtedly going to be residual trips by vehicles to and from the new homes, despite the site's sustainable location. However, the trips are unlikely to represent a material increase above the existing trips, even on Old Pound Court. It is also noted that the junction onto New Road affords acceptable levels of visibility meeting the Highway Authority's standards.

17.53 The Highways Officer raises no objection subject to the implementation of the access, manoeuvring and parking arrangements shown on the proposed site layout plan.

Other matters

17.54 The granting of this development will not set a precedent for future developments. Each application is considered on its own merits against the development plan policies and material considerations that prevail at the time of determination. It is the officer's opinion that the land to the north of the site, within the applicant's current ownership, does not afford the same possibilities of development being assimilated into the landscape. This is because the land rises and is further away from the existing built-up envelope of the village; it would constitute an intrusive projection into the countryside whereas the proposal does not.

17.55 One of the third party representations states that a new application should have been submitted following the amendments i.e. these amendments should not have been entertained within the same application process as that for the seven dwellings originally proposed. There is nothing to stop the application being amended in this way during its course and the amendments were fully publicised by way of a new round of consultations and site notice display.

18.0 Planning Balance

18.1 The site is on the edge of Bourton and connected by footway to the settlement's services and facilities. It is within an acceptable walking distance of these and considered to be in a sustainable location. The development plan policies most important to the determination of the application must be considered out of date given the Housing Delivery Test position and the date that the Neighbourhood Plan was made. Their primacy is not affected but the weight afforded to them is reduced significantly. In contrast, the NPPF is afforded substantial weight as a material consideration.

- 18.2 The tilted balance is therefore still engaged, meaning that permission should be granted unless there is a clear reason for refusal from one of the protective policies of the NPPF (footnote 7 to NPPF paragraph 11) or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits assessed against the NPPF policies as a whole. None of the NPPF's specified protective policies give a clear reason for refusal. The benefits of the scheme would be 3 market dwellings contributing to the housing supply, in a location on the edge of the defined settlement boundary. Related economic benefits would be from employment created during construction phase (supporting local jobs in the construction sector) and would bring about added value in the local area through associated spending and economic activity from the residents of the dwellings – this would support the local economy and long-term economic growth in the area, with new residents spending on goods and services. The benefits, albeit modest in scale, are afforded significant weight due to the North Dorset housing delivery position.
- 18.3 The application is made in outline but the submission particulars, including the layout plan, demonstrate that 3 dwellings can be accommodated on site without significant adverse impacts. In this regard, whilst there will be demonstrable moderate landscape harm and a degree of adverse residential amenity impacts arising from the development, these adverse impacts are neither individually or cumulatively, significant. They do not outweigh the benefits.

19.0 Conclusions

- 19.1 The benefits of the development are not considered to significantly or demonstrably be outweighed by adverse impacts.

20.0 Recommendation

- 20.1 Grant permission subject to conditions.

1. No part of the development hereby approved shall commence until details of all reserved matters (appearance and landscaping) have been submitted to and approved in writing by the Local Planning Authority.

The application for the landscaping reserved matters shall incorporate measures identified in an Arboricultural Method Statement and Biodiversity Plan both of which shall accompany the application.

Reason: To ensure the satisfactory development of the site by providing an appropriate balance between the natural and built environment within the development and biodiversity net gain.

2. An application for approval of any 'reserved matter' must be made not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

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

- 17117.22 A Location Plan
- 17117 36 A Site Section and Sketch View
- 17117 32A Site/Block Plan

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

5. Prior to commencement of development hereby approved a Construction Traffic Management Plan and programme of works shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include

- a) Delivery hours.
- b) Hours of construction (which shall exclude weekends and public/bank holidays and anytime between 18.00 and 07.00).
- c) Contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities).

The development shall thereafter be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of the residential amenity of adjoining occupiers.

6. No development shall commence until details have been submitted to and approved in writing by the local planning authority of a scheme for surface water drainage for the development. The scheme shall include a timetable for its implementation relative to the development's construction. The development shall be implemented in accordance with the approved scheme.

Reason: To ensure that the risk of flooding within and off the site does not increase as a result of the development, factoring in increases in rainwater events as a result of climate change.

7. Before any of the dwellings hereby approved are first occupied, the access, geometric highway layout, turning and parking areas shown on Drawing Number 17117.32A must be completed and surfaced with materials the details of which shall have been previously submitted to and approved in writing by the local planning authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: In the interests of highway safety.

8. Before any of the dwellings hereby approved are first occupied the first 10.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

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

Informatives

1. As the new road layout does not meet with the Highway Authority's road adoption standards or is not offered for public adoption under Section 38 of the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.
2. The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.
3. The applicant is advised that, notwithstanding this consent, before commencement of any works Dorset Council Waste Services should be consulted to confirm and agree that the proposed recycling and waste collection facilities accord with the "guidance notes for residential developments" document (<https://www.dorsetcouncil.gov.uk/bins-recycling-and-litter/documents/guidance-for-developers-a4-booklet-may-2020.pdf>). Dorset Council Waste Services can be contacted by telephone at 01305 225474.
4. In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.
The council works with applicants/agents in a positive and proactive manner by:
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.In this case:
 - The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

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Agenda Item 9

Application Number:	P/FUL/2022/04510		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	St Osmunds Church Of England Middle School Barnes Way Dorchester DT1 2DZ		
Proposal:	Remove 8no. timber-framed single glazed high level window units and replace with powder-coated aluminium double-glazed units. Replace timber door with powder-coated door.		
Applicant name:	R Golledge		
Case Officer:	Annabel Cox		
Ward Member(s):	Cllr Jones and Cllr Rennie		
Publicity expiry date:	11 October 2022	Officer site visit date:	NA
Decision due date:	20 October 2022	Ext(s) of time:	NA

1.0 This case is being referred to committee due to being on Dorset Council Land

2.0 Summary of recommendation:

GRANT subject to conditions.

3.0 Reason for the recommendation:

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

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development is acceptable and complies with the relevant policies of the Local Plan, Neighbourhood plan and NPPF.

Scale, design, impact on character and appearance	The proposed development would not have an adverse impact on the visual amenities of the site or locality.
Impact on amenity	The proposed development would not have a significant adverse impact on the living conditions of occupiers of residential properties.

5.0 Description of Site

St Osmund's CE Middle School is located to the north and east of the southern section of Barnes Way, in the south east part of Dorchester. The grounds comprise of a cluster of buildings to the south west corner of the site, tennis courts to the north of the main buildings and a sports field to the east part of the site.

The existing windows concerned in this application are at high level, single glazed and timber.

6.0 Description of Development

Replace existing high-level windows with powder-coated aluminium double-glazed units. Replace a timber door with a powder-coated door.

7.0 Relevant Planning History

P/CLE/2022/02788 Certificate of Lawfulness to confirm that the replacement fencing around site boundary is permitted development – Granted 14/06/2022

WD/D/20/002427 Replace existing boundary in wire with associated access gates and widening of footpaths- Granted 24/03/2021

8.0 List of Constraints

Right of Way: Footpath S2/44;

Medium pressure gas pipeline 25m or less from Medium Pressure Pipelines (75mbar - 2 bar);

Risk of Surface Water Flooding Extent 1 in 30

Risk of Surface Water Flooding Extent 1 in 100

Risk of Surface Water Flooding Extent 1 in 1000

Areas Susceptible to Groundwater Flooding; Clearwater; $\geq 50\% < 75\%$;

Site of Special Scientific Interest (SSSI) impact risk zone;

Poole Harbour Catchment Area

9.0 Consultations

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

Consultees

1. P - Dorchester Town Council – No objection

2. W - Dorchester East Ward- No response

Representations received

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

10.0 Relevant Policies

Development Plan

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

As far as this application is concerned the following policies are considered to be relevant.

- INT1- Presumption in favour of Sustainable Development
- ENV1 – Landscape, seascape & sites of other geological interest
- ENV2 – Wildlife & Habitats
- ENV 9- Pollution and Contaminated Land
- ENV10 - The landscape and townscape setting
- ENV 12 – The design and positioning of buildings
- ENV 16 – Amenity
- SUS 2- Distribution of development

Material Considerations

National Planning Policy Framework

The relevant chapters of the NPPF include:

Part 2- Achieving sustainable development.

Part 4- 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.

Part 12- Achieving well-designed places.

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.

In the case of this application, the planning authority has taken into consideration the requirement of the Public Sector Equalities Duty and has not identified concerns with this application, and it is considered the proposed development does not adversely impact persons of protected characteristics.

13.0 Planning Assessment

Principle of development

The proposed windows are of modern design and will not have an adverse impact to the visual appearance of the site. The principle of development is acceptable and complies with the relevant policies of the Local Plan, Neighbourhood plan and NPPF.

Design

The existing windows are of no particular architectural interest and are not located within a prominent position. The proposed windows and door will provide a visual enhancement whilst also improving the thermal efficiency of the building. The proposed development would not have an adverse impact on the visual amenities of the site or locality.

Amenity

No new window/door openings are proposed. The proposed change of windows/door shall not result in any additional levels of overlooking. Furthermore, there is significant distance between the site and any residential dwellings. The proposed development would not have a significant adverse impact on the living conditions of occupiers of residential properties.

14.0 Conclusion

The proposed development complies with the policies of the adopted Local Plan and the relevant sections of the National Planning Policy Framework as already listed.

15.0 Recommendation Grant, subject to conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
220488-0500 P1 Site Location Plan
220488-0501 P1 Proposed replacement roof plan 1 of 2
220488-0502 P1 Proposed replacement roof plan 2 of 2
220488-0503 P1 Existing & Proposed fenestration elevations

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

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

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

Informative Notes:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
- The application was acceptable as submitted and no further assistance was required.

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Agenda Item 10

Application Number:	P/FUL/2022/02962		
Webpage:	https://planning.dorsetcouncil.gov.uk/		
Site address:	Harbour Vale School Simons Road Sherborne Dorset DT9 4DN		
Proposal:	Install a 3m high twin mesh fence and 1 x No. gate. The fence line will sit inside of the existing fence (iron fencing on top of a brick wall which will remain in situ).		
Applicant name:	SAST		
Case Officer:	Annabel Cox		
Ward Member(s):	Cllr Andrews		
Publicity expiry date:	6 July 2022	Officer site visit date:	
Decision due date:	4 August 2022	Ext(s) of time:	

1.0 This application is called to committee due the site being Dorset Council Owned land.

2.0 Summary of recommendation:

Grant, subject to conditions

3.0 Reason for the recommendation:

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

4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle of development is acceptable and complies with relevant policies.

Scale, design, impact on character and appearance	The proposed fence has a visual impact, being significantly higher than the existing boundary wall and fencing. However, the proposal is not considered detrimental to the site or locality and the public benefit outweighs these impacts. In addition to this, the boundary wall and fence will be retained to preserve the existing features and will therefore be read as a secondary measure to provide security.
Impact on amenity	The proposed fencing does not have a significant impact on neighbouring residential amenity.
Road Safety	It is considered that the proposal will not compromise road safety subject to the attached conditions.

5.0 Description of Site

The application site concerned in this application is located in the northern part of Sherborne, where Simons Roads meets Harbour Way. The locality is primarily residential with Sherborne Primary School being to the north east of the site. The site does not lie within a Conservation Area or AONB but is within Sherborne development boundary.

Harbourvale School is a newly formed school, playing an important educational role for children ages 11-16 years. The existing site comprises of an attractive brick-built building under a slate roof with UPVC double glazed large windows, formerly a primary school building. The building is thought to date back to the 1910's to cater for the growing demand of the town. The building has been altered over time and evolved to cater for the educational needs to the local population. The site benefits from an outside area for recreation and the existing boundary is a low-level brick-built wall and black metal railing.

6.0 Description of Development

This application seeks to erect a 2.33m black fence along the boundary of the site facing Harbour Way and Simons Road. A pedestrian gate will be included along Simons Road. To the north of the site, the existing timber fencing will be removed and replaced with green mesh fencing 1.93m. A further internal mesh fence (black) is proposed (1.93m high), separating the outside areas.

7.0 Relevant Planning History

WD/D/20/000376- Erect single storey reception and classroom building, new entrance gate and renovation works to the existing building including new rooflight-
Granted

1/N/88/000422 Erect extension and make alterations- Granted

8.0 List of Constraints

Somerset Levels Hydrological Catchment (Phosphates)

Risk of Surface Water Flooding Extent 1 in 1000

Areas Susceptible to Groundwater Flooding; Clearwater; < 25%;

Areas Susceptible to Groundwater Flooding; Clearwater and Superficial Deposits Flooding; < 25%;

Site of Special Scientific Interest (SSSI) impact risk zone;

9.0 Consultations

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

Consultees

1. **DC - Highways – No objection subject to conditions.**
2. **Sherborne Town Council- No response**
3. **Sherborne East Ward Member - No response**

Representations received

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

10.0 Relevant Policies

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

As far as this application is concerned the following policies are considered to be relevant.

- INT1- Presumption in favour of Sustainable Development
- ENV1 – Landscape, seascape & sites of other geological interest
- ENV 9- Pollution and Contaminated Land
- ENV10 - The landscape and townscape setting
- ENV 12 – The design and positioning of buildings
- ENV 16 – Amenity
- SUS 2- Distribution of development

National Planning Policy Framework

The relevant chapters of the NPPF include:

Part 2- Achieving sustainable development.

Part 4- 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.

Part 12- Achieving well-designed places.

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.

This school provides specialist provision to students that cannot attend mainstream provision, and may have protected characteristics. The provision of the fence would ensure that safeguarding arrangements at the school are sound, and that the safety of the students is maintained. For these reasons, if the fence was not provided, this would have a negative impact on persons with protected characteristics.

13.0 Planning Assessment

Principle of development

The proposed development seeks to erect 2.33m fencing along Harbour Way and Simons Road as well as the replacement of a timber fence and installation of an internal fence, to increase the security of the school. The proposed fencing is secondary, and the existing wall and black metal railings will be retained. The principle of development is acceptable and complies with relevant policies.

Design

The proposed fence has a visual impact, being significantly higher than the existing boundary wall and fencing. However, the proposal is not considered detrimental to the site or locality and the public benefit outweighs these impacts. In addition to this, the boundary wall and fence will be retained to preserve the existing features and will therefore be read as a secondary measure to provide security. The proposed

development would not have a significant adverse impact on the visual amenities of the site or locality.

Amenity

Due to the openness of the mesh fencing and distance between the site and neighbouring residential properties, the proposed development is not considered to result in any unreasonable loss of amenity. The proposed fencing does not have a significant impact on neighbouring residential amenity.

Road Safety

It is considered that the proposal will not compromise road safety subject to the attached conditions.

14.0 Conclusion

The proposed development complies with the policies of the adopted Local Plan and the relevant sections of the National Planning Policy Framework as already listed.

15.0 Recommendation: Grant, subject to the conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
101 Location and Site Plan
102 REV 3 Harbour Vale School Block Plan and Elevations

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

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

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

3. Any entrance gates must be hung so that the gates do not open over the adjacent public highway.

Reason: To ensure that any gates do not cause a safety hazard on the highway.

Informative Notes:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and

- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

-The application was acceptable as submitted and no further assistance was required.

2. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.

Application Number:	P/HOU/2022/04717
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	2A Mill Lane Charminster Dorchester DT2 9QP
Proposal:	Erect first floor extension over existing garage, new dormer windows and associated works
Applicant name:	Mr & Mrs Duke
Case Officer:	Emma Ralphs
Ward Member(s):	Cllr Taylor

The applicant is an employee of the Council.

2.0 Summary of recommendation:

Grant permission subject to conditions

3.0 Reason for the recommendation: as set out in paras 13 at end

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

4.0 Key planning issues

Issue	Conclusion
Principle of development	This is a householder application and the principle is considered to be acceptable.
Scale, design, impact on character and appearance	The extension is subservient to the original dwelling, using similar materials, and having no significant impact on the character and appearance of the area.
Impact on amenity	The proposal would not give rise to any overlooking or overbearing concerns.
Impact on landscape or heritage assets	There would be no landscape harm and no harm to the significance of two designated heritage assets (listed building and conservation area).
Access and Parking	There will still be parking on site commensurate in scale to the extended dwelling.

5.0 Description of Site

The site is situated on the northern side of Mill Lane, on the northern edges of Charminster. It is within the settlement boundary of Charminster. The character of the area consists mainly of detached properties varying between two storey dwellings, chalets and bungalows with a variety of building materials.

The detached dwelling is situated on lower ground than neighbouring properties to the south and east of the site, but it is situated higher than the Grade II listed building to the west called Yew House (The Yews, Mill Lane listing no. SY6810392766). The ground floor windows on the proposed dwelling are slightly higher than the first floor windows of Yew House.

Boundary treatment consists of a mix of wooden fencing, walls and hedgerows. A large quantity of vegetation delineates the plot with a tree situated on the boundary between Yew House and the proposed site.

6.0 Description of Development

The proposed development consists of a small extension to the north western corner of the existing building with a first floor extension situated above, set back from the principal elevation. The ground floor extension would include floor to ceiling folding doors and a new access point where the garage door is located currently. At first floor, dormer window is proposed on the front elevation with a large dormer along the rear of the original roofscape. A window on the first floor side elevation is also included (underneath the integrated bird box). The first floor window on the southeast elevation is proposed to be bricked up.

Internal alterations are proposed to convert the garage into a store and utility room as well as the reconfiguration of the playroom/kitchen/dining room. At first floor, alterations to the layout of the existing bedrooms, additional ensuite to bedroom one and the proposed ensuite bedroom 4.

7.0 Relevant Planning History

Planning application P/HOU/2021/02560

First Floor extension over existing garage, new dormer windows and associated works.

Granted 30th November 2021

8.0 List of Constraints

1. Within the Charminster Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
2. Within a SSSI impact risk zone; River Frome; Langford Meadow.

3. Landscape Chara; Chalk Valley and Downland; Cerne and Piddle Valleys and Chalk Downland
4. Adjacent to, but not attached to a Grade II listed building - Yew House. Grade II listed building (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
5. Right of Way- present along the eastern boundary at a slight distance from the curtilage of the property.
6. Wessex Water: High Risk of Foul Sewer Inundation
7. EA - Poole Harbour Catchment Area
8. EA - Groundwater Source Protection Zone

9.0 Consultations

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

Consultees

1. DC - Rights of Way Officer

No comments received

2. Ward ember - Charminster St Marys Ward

No comments received

3. Charminster Parish Council

Support application subject to adequate screening between the ground floor glazed area and neighbouring property.

Representations received

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

10.0 Duties

Section 66(1) of the Listed Buildings Act 1990 applies due to the proximity of Yew House – The local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72(1) of the same Act applies to the location within a designated conservation area - with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Section 38(6) of the Planning & Compulsory Purchase Act 2004 – sets out the development plan’s primacy in decision making (notwithstanding the duties contained within the Listed Buildings Act 1990).

11.0 Relevant Policies

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

- ENV 2- Poole Harbour Nutrient Catchment Area; Poole Harbour
- ENV 3- Land of Local Landscape Importance; Land north of Charminster
- ENV 4- Conservation Area; CHARMINSTER CONSERVATION AREA
- ENV 9- Groundwater Source Protection Areas; LOWER MAGISTON
- ENV10- The Landscape and Townscape Setting
- ENV12- The Design and Positioning of Buildings
- ENV16- Amenity
- SUS2; Defined Development Boundary; Charminster

Other material considerations

National Planning Policy Framework (NPPF 2021) especially:

- Paragraph 55- Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.
- Paragraph 130- Planning policies and decisions should ensure that developments:
 - a) Will function well and add to the overall quality of the area. Not just for the short term but over the lifetime of the development:
 - b) Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) Are sympathetic to local character and history, including the surrounding built environment and landscaping setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) Establish or maintain a strong sense of place, using the arrangement of street spaces, building types and materials to

- create attractive, welcoming and distinctive places to live, work and visit;
- e) Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) Create places that are safe, inclusive and accessible and which promotes health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- Paragraph 199- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight would be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Design and Sustainable Development Planning Guidelines (SPD) (Adopted 2009)

Cerne Abbas, Charminster, Sydling St Nicholas & Godmanstone Conservation Area Appraisal

‘there are particularly good trees, along the course of the river; ... west of Yes House and at the ford end of Mill Lane. There are a number of tree preservation orders (TPOs): the grounds of Yew House...’ Page 33.

11.0 Human rights

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

12.0 Public Sector Equalities Duty

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

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people

- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

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

Officers are not aware of any persons with protected characteristics that would be adversely impacted by this proposal.

13.0 Planning Assessment

Principle of development

This is a householder application, extending an existing dwelling within the settlement of Charminster. There is an extant permission already and this application reflects upon this approval (P/HOU/2021/02560).

Scale, design, impact on character and appearance

The proposal consists of a first floor extension to the chalet style dwelling, additional two dormers to the front roof scape and a large rear dormer with a slight increase at ground floor. The c.7sqm increase at ground floor remains in line with the external built form and provides a more modern element to the dwelling. The footprint of the building would slightly increase to allow for the roof form of the chalet dwelling, but would remain in keeping with the design of the existing dwelling. This alteration would be subservient to the existing dwelling and would retain the appearance of the detached dwelling, remaining in scale with the rest of the built form (Policy ENV12).

The proposal would be visible from the highway and affect the visual amenity of the street scene. However, the alterations would reflect the character of the principal elevation and would not significantly impact the design of the dwelling as a whole. The proposed palette of materials matches the existing with self-finish brick walls, brown concrete pantiles with windows and doors of powder coated aluminium. The choice of materials respects the existing dwelling and retains the character and appearance of the building, supporting policy ENV12.

This proposal differs to the existing with a singular long dormer to the rear of the property however, this would not affect the overall scale of the development and would comply with policy HOU6, not significantly extending the original dwelling’s size. The roof of the dormers will be standing seam zinc, reflecting upon the colour of the roofscape of the roof form and would illustrate its subservience to the main built form.

Impact on amenity

Even though the proposal would increase the size of the dwelling, this would not appear to be overbearing on the neighbouring property. This is due to the existing relationship, difference in topography and stepped approach for the principle elevation when compared to the neighbouring properties to the west.

Other than the proposed dormer on the front and the new window for bedroom four, the proposed new dormer windows will be facing north away from the neighbouring properties, respecting the neighbouring private amenity space. The dormer window for bedroom four would look over the street scene and would reflect the design of the dormer window for bedroom one, retaining the amenity relationship between the two properties, according with Policy ENV16. Considering that two windows are present on the existing north-west elevation, the new window at first floor (northwest) at a higher level would not give rise to any overlooking concerns above the existing, maintaining the existing neighbouring relationship.

Impact on landscape or heritage assets

The small additional built form would not significantly impact the landscape in the area as the proposal relates mainly to the existing built form. Special reference was made in regard to trees in the Conservation Appraisal. However, this made reference to the trees to the west of Yew House, not to the east which is where the site is located. Queries were raised about the tree on the shared boundary of Yew House but the proposed development would not significantly affect it. The agent has confirmed that an application will be submitted to remove this tree at a later point.

The two assets which the proposed development would impact are Charminster Conservation Area and the Grade II listed building - Yew House (The Yews).

The proposal would result in no harm and preserve the character and appearance of the Conservation Area by reason of its scale, design and choice in building material. The proposal will continue the pitched roof form for the chalet dwelling and would reflect the design and fenestration details of the existing built form (Policy ENV4). The proposal would improve the quality of the building as a whole whilst reflecting on the design features of the dwelling as no prominent building style can be followed.

The proposed development would result in no harm and preserve the setting of the Grade II Listed building (The Yews) given that the proposed development is situated higher than this heritage asset and is visually separated by a dwelling (the converted stables). The stables were already in different ownership and not subservient to the use of The Yews at the time of listing in 1987 so they are not curtilage listed. The proposed development remains slightly lower than the existing ridge height and would partially be visible to the listed building. However, this would not harm the

setting of the listed building as this relationship exists already, with the proposed dwelling at a higher topographic level, complying to policy ENV4 and paragraph 199 of the NPPF.

Access and Parking

The proposed development removes the single vehicular parking space and replaces this with a utility/store room. This however would not impact the vehicular parking provision on site because of the forecourt to the front of the property, providing off-road parking for the residents, complying to Policy ENV11.

14.0 Conclusion

After giving significant weight to the development plans, the proposal complies to the planning policies and the design of the developments reflects well with the existing building. Mitigation by the installation of a bird box has been included within the proposal therefore, the proposed development can be approved with no additional conditions required.

15.0 Recommendation

Grant, subject to conditions

Recommendation: Approve subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
GRN-3-01 Location/Block Plan
GRN-1-01/02/02/04/05 Existing Elevations/Floor Plans
GRN-3-01a/02b/03a/04b/05a Additional plans

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

Informative Notes:

1. The applicant is advised that for applications such as this, which involve works to the roof of the existing property where bats may be present, Natural England has advised that the development should not proceed unless and until it has been demonstrated that the works would not have an adverse impact on bats which are a protected species. In this regard, the applicant is advised to engage a suitably licenced and experience ecological consultant prior to works commencing. A list of consultants is available on the following website: <https://cieem.net/i-need/finding-a-consultant/>.

Further information about the law and bats may be found on the following website <https://www.gov.uk/guidance/bats-protection-surveys-and-licences>.

2. Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The application was acceptable as submitted and no further assistance was required.

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