



# Northern Area Planning Committee

**Date:** Tuesday, 24 January 2023  
**Time:** 2.00 pm  
**Venue:** Stour Hall - The Exchange, Old Market Hill, Sturminster Newton, DT10 1FH

**Members (Quorum: 6)**

Sherry Jespersen (Chairman), Mary Penfold (Vice-Chairman), Jon Andrews, Tim Cook, Les Fry, 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](mailto: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
<b>1. APOLOGIES</b>	
To receive any apologies for absence.	
<b>2. DECLARATIONS OF INTEREST</b>	
To disclose any pecuniary, other registerable or non-registerable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.	
If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	

**3. MINUTES** 5 - 12

To confirm the minutes of the meeting held on Tuesday 25<sup>th</sup> October 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 20<sup>th</sup> January 2023.

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

**5. PLANNING APPLICATIONS**

To consider the applications listed below for planning permission.

**6. P/FUL/2022/00788 - LAND AT E 390615 N 109030 HYDE FARM SALISBURY ROAD PIMPERNE** 13 - 36

Install eight rapid electric vehicle charging stations. Form new access road, entrance and road to access charging stations. Form eight EV charging bays, along with associated equipment.

**7. P/FUL/2021/01338 - LAND AT FORMER ATS EUROMASTER NEW ROAD SHAFTESBURY DORSET** 37 - 66

Erect 24 No. dwellings, form vehicular access, car parking and landscaping.

**8. PHOU202202773- STONEHOUSE, WYKE ROAD, GILLINGHAM, DORSET, SP8 4NW** 67 - 76

Erect extension

**9. P/FUL/2022/06067- MANOR PARK CHURCH OF ENGLAND FIRST SCHOOL MELLSTOCK AVENUE DORCHESTER DORSET DT1 2BH** 77 - 82

Siting of a converted container classroom on the existing playground for the use of the pre-school.

**10. 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.

**11. 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 25 OCTOBER 2022**

**Present:** Cllrs 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

**Apologies:** Cllrs

**Also present:**

**Officers present (for all or part of the meeting):**

Robert Lennis (Area Lead (Major Projects) Eastern), Philip Crowther (Legal Business Partner - Regulatory), Mike Garrity (Head of Planning), Steve Savage (Transport Development Manager), Megan Rochester (Democratic Services Officer), Joshua Kennedy (Apprentice Democratic Services Officer), Emma Ralphs (Planning Officer), Simon Sharp (Senior Planning Officer) and Elaine Tibble (Senior Democratic Services Officer)

**125. Apologies**

There were no apologies for absence received.

**126. Declarations of Interest**

Cllr Carole Jones declared her interest as a trustee to Hall and Woodhouse. It was agreed that she was allowed to take part in the discussion and vote.

**127. Minutes**

The minutes of the meeting held on Tuesday 30<sup>th</sup> August were agreed and signed.

**128. 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.

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**129. Planning Applications**

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

130. **P/PRES/2022/03207, Land off Haywards Lane, Child Okeford**

The Case Officer, Robert Lennis, presented to members the erection of 26no. dwellings. Members were informed that outline planning permission had already been approved by this Planning Committee and this scheme was a resubmission of the reserved matters details following a refusal earlier in the year. Members were shown the location of the site and reminded that the context of the site was relatively unconstrained as the conservation area was some way off; the scheduled ancient monuments associated with Hambledon Hill and Hod Hill also some way off. He also noted the local landscape and views from afar and that no listed buildings would be affected.

The Case Officer provided members with details of the new layout and landscaping plan of the site and noted how the previous reason for refusal had been addressed particularly about the layout. Mr Lennis noted the affordable housing integration and comments from a Planning Inspector on the matter. He showed members the proposed elevations of the dwellings and gave details of potential impact to the neighbouring amenities. The recommendation was to grant planning permission.

Steve Savage, the Council's Transport Development Liaison Officer, informed members of the number of parking spaces allocated to each dwelling, as well as the parking layout generally. Members were also informed that each property had cycle parking in the garages and sheds. He also discussed accessibility to each dwelling regarding refuse collection. Highways did not identify any grounds for refusal and therefore supported the application.

### **Public Participation**

Members of the public and the Parish Council spoke in objection of the planning application. Concerns were raised regarding the character of the village, neighbour amenities, and the loss of hedgerows which ruin wildlife carriageways. They also informed members that there were no pavements to the centre of the village, therefore there was no safe access to local amenities from the site. Concerns were also raised regarding the increase in traffic which would have been created directly outside the school which would have caused a dangerous road for parents and children to walk on as well as those accessing the site. An increase in pollution was also discussed. The Parish Council informed members that Child Okeford was already contributing the Dorset Council's five-year housing land supply and asked members to ensure the development was suitable for the village as there was a lack of engagement between applicant and residence of Child Okeford.

The agent spoke for the application. Members were given details regarding the site recognising the local need for affordable housing and details were provided regarding the design of the affordable housing units which would have allowed mitigation with other dwellings. The agent also informed members that considerations had been made regarding car parking and had been moved to benefit the site. Members were informed that previous reasons

for refusal had been considered and addressed. The agent hoped that the members would grant planning permission.

### **Members questions and comments**

- Maintenance of hedging
- Proposed tree species on site
- Amending condition 5 subject to landscaping condition for tree species to the rear of neighbouring close to be no greater than 15 metres.
- Confirmation on there no longer being a brick wall entrance
- Location of refuse bins on the site.
- Is the attenuation base already existing on the site.
- Square footage of housing sizes.
- Number of parking spaces per housing.
- Site access and visibility.
- Consider the location of some dwellings to make it more acceptable for neighbouring residents.
- Members praised the redesign of the application and the considerations that had been made to improve the application.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, in being proposed by Cllr Pothecry and seconded by Cllr Penfold subject to conditions.

**Decision: To approve planning permission subject to modification of condition 5 and the other conditions set out in the Officer Report.**

131. **P/FUL/2022/01086, Land at Tarrant Valley Interiors, The Old Chicken Sheds at Stubhampton**

Simon Sharp. Planning Officer, presented to members the application to 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. Members were shown the location of the site as well as aerial photographs and details regarding listed buildings in the area. Members were assured that there was no harm identified to these buildings. The Case Officer provided members with details of the proposed floorplan of the site as well as details of the outdoor seating for retail use as well as charging points. Site access and the proposed elevations for car parking were also discussed. The recommendation was to grant planning permission subject to conditions in the report.

Steve Savage, Head of Highways, informed members that the site would include 26 car parking spaces, including two disabled parking spaces and some fast and slow charging points. Members were informed that parking met the standards and there would be few needed for staff. He also discussed the reduction in speed limit; therefore, the road would be subject to 30mph.

Highways also informed members that the proposal would generate more traffic, but the proposal wouldn't have a severe impact and there would be low traffic movement. Highways did not identify any grounds for refusal and therefore supported the application.

## **Public Participation**

Members of the public spoke in objection to the planning committee. Concerns were raised regarding the site being in an unsuitable location and therefore it would create an increase in road traffic on an unsuitable and dangerous road. The public also discussed the impact that the development would have on the AONB. They also raised their concerns on the impacts of protected species in the area. The Parish Council discussed the lack of need of the development in the area, they praised the use of renewable energy but strongly believed it would be ideal in a different location as the local people didn't want or need it. Members of the Public also informed members that the site would increase light pollution, consideration would need to be made regarding opening hours. They urged the committee to refuse the recommendation to approve planning permission.

The agent spoke for the application. He informed members as to how the applicant had supported the climate emergency through the introduction of charging points. He assured members that the proposed building would have been a similar size to the original and the additional size would have been for the use of charging points. The agent confirmed that there would be no competition to the local farm shop.

## **Members questions and comments**

- Confirmation regarding biodiversity plan being approved.
- Risk of site flooding.
- Amount of charge people would receive from slow charging points.
- Pedestrian access to the site and visibility. Members raised their concerns regarding an increase in pedestrian movement on the road.
- Concerns regarding environmental impacts on the area and view from footpaths.
- Number of hours and timings of access to the charging points.
- Consideration of rapid chargers.
- Lighting restrictions on site.
- Members discussed the importance of encouraging small businesses, especially those making improvements to the environment.
- Members praised the good screening but had concerns regarding glazing and asked the planning officer for details about anti-glare glazing.
- Opening hours and use of the outside seating area was discussed. Members considered conditioning for winter opening hours due to light pollution. Some members didn't believe that conditions would be sufficient.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, in being proposed by Cllr Pothecry and seconded by Cllr Andrews.

**Decision:** To overturn the proposal and refuse the planning application for the following reasons:

1. The development is within an unsustainable location where a need has not been demonstrated for the mixed use proposed. The proposal is therefore contrary to policies 2 and 20 of the North Dorset Local Plan 2016.
2. The extent of glazing proposed, the associated external lighting and the hours of operation will result in a significant and harmful level of adverse impact to the dark skies and landscape qualities of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, contrary to policy 24 of the North Dorset Local Plan 2016.

Cllr Jones and Cllr Pothecry proposed that the meeting would carry over 3 hours.

**132. P/OUT/2021/05444, Land North Of Old Pound Court Bourton Dorset**

The Case Officer presented to members the Erection of 3 dwellings, new vehicular and pedestrian access & associated parking. Members were shown the location of the site as well as aerial photographs and views from neighbouring properties. The proposed elevations of the dwellings were also presented. Members were provided with details of the AONB, they were informed that the site was near but not within it and the proposed site didn't cause any harm to it. The recommendation was to grant planning permission.

**Public Participation**

Members of the public and the Parish Council spoke in objection of the planning application. They raised their concerns regarding the development being outside the settlement boundary and the damage it would have caused to the AONB. Neighbours to the proposed site were concerned about privacy as a well-used area in their garden would've been completely overlooked due to the plans of the roof height being metres higher than their home. The Parish Council didn't see any environmental, social, or economic benefits of the development and didn't believe that it met the need of the village. The public reminded members to refer to the neighbouring plan as it reflected the setting and heritage of the village, they believed that this development would have been detrimental to the area. Particularly ruining views from listed buildings. They urged the committee to refuse the planning application.

The agent spoke on behalf of the applicant. She shed light on the council's position to provide housing on suitable land for developments and gave details of the size of the development. She believed that the site was an appropriate size and would be an asset to the village. The agent asked the members to support the recommendation to approve planning permission.

**Members questions and comments**

- Further development in the area

- Confirmation on ridge height of the proposed dwellings.
- Impact on AONB and nearby listed buildings
- Risk of flooding
- Visual harm of the development to the area.
- Impacts on the amenities of the existing dwellings.
- Members raised their concerns regarding the proposed site being outside of the settlement boundary. Officers were commended for reducing the number of dwellings, however, members believed that the development was not needed in the area. Members discussed the importance of following local neighbourhood plans, therefore didn't approve of a development being outside the settlement boundary.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, in being proposed by Cllr Ridout and seconded by Cllr Pothecry.

**Decision: To overturn the proposal and refuse the planning application 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 was 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.

**133. P/FUL/2022/04510, St Osmunds Church Of England Middle School, Barnes Way**

Simon Sharp, Planning Officer, presented to members the application to 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. Members were shown the location of the site and the entrance. Simon Sharp, Planning Officer provided members with details of the existing windows and the proposed replacement windows. Recommendation was to approve.

**Public Participation**

There was no public participation.

**Members questions and comments**

- Members discussed the importance of helping the school conserve energy by the replacement of the units. They noted the need that the school had and were happy to offer their support.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, in being proposed by Cllr Jones and seconded by Cllr Fry.

**Decision: To grant planning permission.**

134. **P/FUL/2022/02962, Harbourvale School**

Simon Sharp, Planning Officer, presented to members the application 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). Members were provided with details of the location of the site as well as details of the proposed fencing.

**Public Participation**

Roger Marsh spoke in favour of the application. He informed members that the pupils within the school were disadvantaged and needed security. He discussed the funding which had been provided to the school which contributed to outdoor equipment and a sensory garden. Mr Marsh discussed the importance of this fence to help keep children safe and to prevent vandalism of the school.

**Members questions and comments**

- Members took note of the funding which had been given to the school and thanked those who supported the school. Members believed that the fencing was an important addition to the school.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, in being proposed by Cllr Andrews and seconded by Cllr Pothecry.

**Decision: To grant permission.**

135. **P/HOU/2022/04717, 2A Mill Lane Charminster**

The Case Officer presented to members the application to Erect first floor extension over existing garage, new dormer windows and associated works. Members were shown aerial photographs of the site. Details of the proposed site plan was also provided. The Case Officer also provided details of a nearby listed building which the site caused no harm too. Members were shown details of the proposed design of the elevations. Recommendation was to grant planning permission.

**Public Participation**

There was no public participation.

## **Members questions and comments**

- Screening between windows and neighbouring properties.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, in being proposed by Cllr Fry and seconded by Cllr Jones.

**Decision: To grant planning permission.**

### 136. **Urgent items**

There were no urgent items.

### 137. **Exempt Business**

There were not exempt items.

**Duration of meeting:** 10.00 am - 3.42 pm

**Chairman**

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# Agenda Item 6

<b>Application Number:</b>	P/FUL/2022/00788		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Land at E 390615 N 109030 Hyde Farm Salisbury Road Pimperne		
<b>Proposal:</b>	Install eight rapid electric vehicle charging stations. Form new access road, entrance and road to access charging stations. Form eight EV charging bays, along with associated equipment.		
<b>Applicant name:</b>	InstaVolt Ltd		
<b>Case Officer:</b>	Simon Sharp		
<b>Ward Member(s):</b>	Cllr Jespersen		
<b>Publicity expiry date:</b>	16 January 2023	<b>Officer site visit date:</b>	Various – most recently 11 <sup>th</sup> November 2022
<b>Decision due date:</b>	31 January 2023	<b>Ext(s) of time:</b>	31 January 2023

## **1.0 Reason for referral to Committee**

- 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, is sustainable. There is a degree of conflict with some aspects of both the North Dorset Local Plan Part 1 (2016) and the Pimperne Neighbourhood Plan First Review (2022) and accordance with others. The NPPF is a material consideration as is national government strategy on EV infrastructure. When considered against the development plan as a whole the benefits of the development are considered to outweigh the adverse impacts which are not considered, with the appropriate mitigation secured by conditions, to be significant.
- 3.2 The electric charge point network with its associated rapid charging infrastructure will be critical to meeting future demand, encouraging uptake of EVs as well as addressing concerns regarding charge point availability, reliability and ease of use. The Local Plan recognises the need for more sustainable forms of development that are adequately served by infrastructure (including transport solutions). The Local Plan and the Neighbourhood Plan also recognise the need to address the causes and effects of climate change.

3.3 Overall, this is a sustainable development.

#### 4.0 **Key planning issues**

Issue	Conclusion
Principle of development	Both development plan documents (the Local Plan and Neighbourhood Plan First Review) are silent on EV charging infrastructure, but there is a clear need for such developments, there is a lack of rapid chargers in the locality and this location is on the primary road network. There is accordance with the wider principles of combatting climate change in the development plan and national planning policy.
Economic benefits	There are economic benefits to the rural economy from providing the needed EV charging infrastructure.
Design, impact on landscape and heritage assets.	There will be harm to the AONB's landscape character and setting of the lynchets.
Impact on amenity	No residential amenity issues subject to the imposition of conditions.
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 on the east side of the A354 Salisbury to Blandford Forum (and then Dorchester/Weymouth) road. It is within the parish of Pimperne. It extends to approximately 700m<sup>2</sup> and is part of a larger parcel of land in agricultural use, albeit not grazed at any time when the case officer visited. This larger area of land is dissected by an existing metalled access to the Archway Nursery and Pre-School, located to the north of the site. The site slopes gradually upwards from the A354's level and then more steeply eastward.
- 5.2 The site's road frontage boundary is marked by a field species hedge of approximately 1.7m in height. The other boundaries of the site are unmarked but the larger parcel of land's boundaries is also marked by hedges.
- 5.3 The A354 is two lanes wide, subject to a 30mph speed limit and flanked by segregated footways. There are no lighting columns. Beyond the road are four dwellings with windows serving habitable rooms facing the site: No. 2 and 3, Collingwood Close are bungalows, as is 13, Willow Park, whilst No. 14 Willow Park is a dormer bungalow. The latter are within 2m of the A354's footway. A further dwelling lies to the south of the site.

## **6.0 Description of Development**

- 6.1 This is a full application for the erection of a public electric vehicle charging station. This will consist of eight 120kw rapid charges each offering an 80% charge in circa 20 minutes.
- 6.2 In addition to the chargers the station consists of metalled charging bays, the associated vehicular manoeuvring and accessway, a combined feeder pillar/meter box and a substation. The substation is proposed at the southern end of the site. This is essentially a box with a 2.8m by 2.8m footprint and a roof approximately 2.3m above ground level. The feeder pillar/meter box would extend to 550mm in width by 2.6m in length and 1.8m in height and would lie between the substation and the charging bays.
- 6.3 The charging station would be illuminated and open to the public 24 hours per day, 7 days per week (albeit the illumination is activated for only when the chargers are in use). No employees would be based on site, albeit it would be remotely monitored, serviced periodically and there would be remote assistance for customers.
- 6.4 No other ancillary or primary uses are proposed i.e. no shop or café is proposed, nor covered waiting area. The existing access from the A354 to the Archway Nursery and Pre-School would be used.
- 6.5 Additional documents were submitted during the processing of the application: -
  - a) Landscape and Visual Appraisal (LVA)
  - b) Archaeology Assessment
  - c) Noise Survey and Report
  - d) Lighting Strategy
  - e) Drainage Strategy.
  - f) Landscaping plan (amended to respond to the Council's Senior Landscaping Architect's comments).

## **7.0 Relevant Planning History**

- 7.1 There is no relevant planning history.

## **8.0 Constraints**

- 8.1 There are lynchets (ancient field terraces) visible immediately to the east of the site.
- 8.2 The site lies within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB) and an Internal Dark Sky Reserve (IDSR).
- 8.3 All of the site is within the JBA mapped area of groundwaters being within 0.025 and 0.5m of the surface with consequent risk of groundwater flooding.
- 8.4 The site is in flood zone 1 (lowest probability of fluvial flooding) and is also zoned as low risk of pluvial (surface water) flooding, albeit the A354 adjacent to the site's frontage is in flood zones 2 (medium probability) and 3 (high) for fluvial (river) flooding and at medium and high risk of pluvial (surface water) flooding.

## **9.0 Consultations**

### **9.1 Pimperne Parish Council**

Object: -

- a) This area is of historical value, the site on the A354 goes against our sites allocated for development in the 'made' Pimperne Neighbourhood Plan First Review.
- b) The already hazardous access road will create more problems on this site.
- c) This area is part of the AONB and as part of the dark skies initiative there should not be any form of lighting introduced here.
- d) We accept that there should be more charging points made but this is completely the wrong area for this to be introduced into a rural village.
- e) The belief is that this will create noise and light pollution in addition to traffic problems.
- f) The landscape plan shows how elevated the proposed development is and would be visible from the road and an intrusion to the view as well as the gabion wall which would not be in keeping with the surrounding land.
- g) We strongly object and fully support the comments made by the Cranborne Chase AONB.

### **9.2 Cranborne Chase and West Wilshire Downs AONB Officer**

Object

- a) There would be quite a lot of basic industrial structures on site, excluding any signage. The applicant has not applied the AONB's guidance on colour in the landscape to mitigate the effects of this proposal.
- b) The application presumes that there is adequate power supply to the site and that there would be no operations to achieve that which would impact on the local landscape or the character of the area. Without precise information that seems to be too big a presumption to make.
- c) I note from the specification for the charging unit that the unit makes noise, and that the level anticipated is 65dB. This is quite a significant noise level and as I also read that there would be no time restrictions on the operation of the site, that indicates this could be a 24 hour operation along with the generation of that level of noise.
- d) Whilst this might appear, at a time when everyone is conscious of the need to reduce carbon emissions, to be a laudable project it does conflict with the Neighbourhood Plan and, equally worryingly, appears to be a new service station on a greenfield site. Clearly that conflicts with the purposes of AONB designation, namely conserving and enhancing natural beauty
- e) The AONB Partnership does, therefore, have severe reservations about the proposal and strongly advises that the application should be refused.

### 9.3 Dorset CPRE

Object: -

- a) Conflict with Neighbourhood Plan (outside of settlement limits in the countryside) - The plan to install eight electric vehicle charging stations is not considered appropriate in the countryside nor is there an overriding need for it to be located in the countryside.
- b) Archaeology - When considering where housing could be located (and this should apply also to non-housing developments), the main reasons given in the Neighbourhood Plan in rejecting the land south of Hyde Farm site as a potential housing option included the potential archaeological interest (Iron Age lynchets).
- c) Dark skies - The proposed development site is within the Cranborne Chase AONB. This is one of the darkest parts of the south of England. This aspect has been considered in the preparation of the Neighbourhood Plan and guidance on lighting is set out in the Plan's Policy LC: Landscape Character, section e) which states that "Street lighting and flood lights should be avoided as generally inappropriate, having due regard to the significance of the expanse of dark night skies for the AONB. Where these cannot be avoided, they should be designed in accordance with the guidance set out in the Cranborne AONB Position Statement Number 1 on Light Pollution and Fact Sheet 7 - Good External Lighting". The application should demonstrate more clearly that this site will adhere to this guidance.
- d) Noise – The specification for the charging unit shows that the level of noise emanating from the unit is likely to be 65dB. It is not clear for how long this unit will operate throughout the day and night and as such could pose to be at an unacceptable level. According to WHO, long-term average exposure to levels above 55 dB can trigger elevated blood pressure and heart attacks.
- e) Appearance - In all possibility, a canopy for the site would probably need to be installed to give some protection to users from adverse weather when using the charging stations. This would give the appearance of being like a filling station and as such is incompatible with Pimperne's Neighbourhood Plan which requires that there is no further development on the eastern side of the A354.

### 9.4 Natural England

The development lies within the Cranborne Chase AONB. You should therefore consider seeking advice of the AONB Team in accordance with your agreed protocol. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

Natural England hold no further comment on the proposal.

## 9.5 DC Highways

No objection subject to conditions.

## 9.6 DC Senior Landscape Architect

- a) With regard to the proposed lighting scheme's impact on the International Dark Sky Reserve; and the DC Archaeologist with regard to the impact of the scheme on the adjacent historic assets I consider that the submitted AVRs and planting proposals (subject to the revisions proposed below) evidence that the proposed development could, subject to amendments:
- i. Conserve the landscape and scenic beauty of the AONB (NPPF 176)
  - ii. Be visually attractive as a result of good layout and landscaping (NPPF 130 b))
  - iii. Be sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation and change (NPPF 130 c))
  - iv. Take opportunities to incorporate trees (NPPF 131)
  - v. mitigate its adverse landscape and visual impacts (NDLP Policy 4)
  - vi. incorporate important landscape features into the landscape scheme (NDLP Policy 4)
  - vii. use existing tree cover, hedgerows and new landscaping to minimise any remaining adverse impacts to an acceptable level (PNP Policy LC b))
  - viii. Incorporate suitable landscaping to avoid creating a hard and visually prominent edge (PNP LC f))
- b) The amendments were:-
- i. To provide an additional 2No. Maples trees (*Acer Campestre*) and 1No. Oak tree (*Quercus robur*)
  - ii. To adjust the position of trees so that they are centrally placed between the proposed lighting columns to minimise conflicts and the need for canopy reduction as the trees grow to maturity
  - iii. To provide a grade separated connection to the existing footpath on the east side of A354 Salisbury Road to aid safe pedestrian access to and from the proposed facility and avoid conflicts with cars accessing the site and the adjacent nursery
  - iv. To extend the proposed hedgerow along the eastern boundary of the site to aid containment and reduce its visual impact on those accessing the nursery site.
- c) These suggested amendments have now been made except for a grade separated connection to the existing footpath.

## 9.7 DC Planning Policy

- a) It is not in itself a 'renewable energy scheme', as there is no renewable energy generation proposed. Therefore, in the context of policy 20 of the Local Plan, consideration will need to be given as to whether it has been demonstrated that there is an 'overriding need' for the proposed development's location in the countryside. Such a justification could include a sequential assessment of potential sites, assessment of current EV facilities and EV facilities in the pipeline, and some market research to show that such a facility will be used.
- b) 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.

**9.8 DC Archaeology**

- a) It is good to see that the archaeological assessment report has been amended following the site meeting. I confirm that I agree that, if consent were granted, there would be no need for mitigation for impact on below-ground archaeology. This is referred to in paragraph 6.1.3 of the November version of the assessment report.
- b) However, I am still concerned about the visual impact of the scheme, including the proposed trees, on the large lynchet upslope from the site of the proposed development. In my view, the lynchet is quite an imposing sight when viewed from the adjacent road and pavement, and I would expect that the proposed trees in particular would interrupt this view.

**9.9 DC Environmental Protection**

No objection. Please apply the reporting of unexpected contamination to any permission which may be granted.

**10.0 Other representations received**

Total - Objections	Total - No Objections	Total - Comments
22	0	0

10.1 Objections were received on the following grounds: -

**No need**

- a) There is no need for this development in this countryside location.

**Highway safety**

- b) Will further endanger pedestrians and traffic on already busy road junction and traffic to nursery school.

### **Landscape character, heritage, visual impact and wildlife**

- c) This development is out of character with a small rural village. It will be next to agricultural barns and a former farm house now a nursery. There is a distinctive group of older and primarily cob and thatched properties and is completely out of context with the look of the village.
- d) Development will inflict irreversible damage on wildlife and landscape in an area of outstanding natural beauty.

### **Dark Skies**

- e) There will be significant light intrusion in this International Dark Sky Reserve and therefore should be refused.

### **Archaeology**

- f) The site proposed is on a historical and sensitive site where there are Medieval Iron Strip Lynchets, requiring an archaeological survey.

### **Lack of supporting infrastructure**

- g) There is little or no local infrastructure to support this application in the way of toilets, rest facilities etc. while drivers wait for their vehicles to charge.

### **Net adverse impact on environment and climate change**

- h) The environmental damage that will be caused by destruction of countryside and the artificial light and noise pollution goes against the reason for installing charging stations and a greener planet.

## **11.0 Environmental Impact Assessment**

- 11.1 The site is within a “sensitive area” as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The development does not fall within Schedule 1 of these Regulations and neither is it one of the listed Energy developments in Schedule 2 (3). However, it could be considered to be an Urban Development Project under Schedule 2 (10) as it does involve the formation of a car park.
- 11.2 There are no thresholds for Schedule 2 development within “sensitive areas”. Therefore, the proposal was screened but it was concluded that it was not EIA development.

## **12.0 Relevant development plan policies**

### **12.1 Saved Policies of the District Wide Local Plan (2003)**

The site is outside of the saved settlement limits,

### **12.2 Adopted North Dorset Local Plan Part 1 (2016)**

The site is in the countryside and within an AONB. 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 3 – Climate Change
- 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

### **12.3 Pimperne Neighbourhood Plan First Review (2022)**

The site is in the countryside, outside of Pimperne's settlement limits in the Plan. The following policies are considered relevant: -

- Policy LC – Landscape Character
- Policy LDC – Locally Distinct Character.

## **13.0 Other material considerations**

### **13.1 National Planning Policy Framework (2021)**

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

### **13.2 Cranborne Chase AONB Management Plan 2019 – 2024**

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

### **13.3 Cranborne Chase AONB Landscape Character Assessment 2003**

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

### **13.4 Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty Position Statement Number 1 Light Pollution**

The Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty derives much of its beauty from its qualities of tranquillity, remoteness and cultural heritage. Light pollution has the potential to erode and destroy that tranquillity and sense of remoteness. It is, therefore, considered appropriate that all artificial external lighting within its borders, or within the setting of the AONB, should be muted, screened, and the minimum required. Complementary to this position statement and taken as a material consideration too is the Cranborne Chase Area of Outstanding Natural Beauty Fact Sheet & Good Practice Notes 7 – External Lighting.

### **13.5 Taking charge: the electric vehicle infrastructure strategy (2022)**

This is the Government's national strategy for the provision of EV charging infrastructure.

## **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:-

- 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.

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 intended to only be used by motorists. However, this obviously includes use by older people and/or the disabled. The layout and charging bays appear to be accessible for all i.e. the bays are 3m in width and metalled, and the charging holsters are accessible from, say, a wheelchair. However, the centre of the visual display panel is 1.5m above ground level. Part M of the Building Regulations requires “controls that need close vision” to be 1.2m to 1.4m above floor level. Whilst the Building Regulations are unlikely to apply to these installations, the height of the displays is noted and this matter has been considered in the overall assessment.

**16.0 Financial benefits**

What	Amount / value
Material Considerations	
Employment during construction	Support construction sector.
Employment during operational phase	Employment in the remote monitoring and customer assistance areas is unlikely to increase as a result of this single development. Negligible benefits.

**17.0 Climate Implications**

17.1 There will be embedded energy costs derived from the development phase.

17.2 Electric vehicles are considered to contribute to combatting climate change when assessed against their internal combustion engine equivalents. A local charging network decreases the need for travel to more distant charging stations.

**18.0 Planning Assessment**

**Introduction**

18.1 The development is considered to be a sui generis use falling outside of the classes defined within the Town and Country Planning (Use Classes) Order 1987. It is not a “Major” development for the purposes of assessment of proposals within the AONB.

**Principle**

18.2 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

18.3 Figure 8.5 includes a list of policies and development types. These include policy 3 – Climate Change and “renewable energy schemes”. Policy 3 is not limited to renewable energy schemes; it is much wider in scope and advises that “development proposals within the District (North Dorset) should seek to reduce greenhouse gas emissions including through appropriately sited renewable and low carbon energy developments.” It is silent on EV charging stations, but it is suggested that this is solely because such developments were not being proposed at the time of the Plan’s adoption.

18.4 Nevertheless, figure 8.5 is explicit in limiting the types of development to “renewable energy schemes” and an EV charging station cannot be considered to be such a development. There is, as a result, a degree of discordance with the development plan as the Neighbourhood Plan is also silent on such proposals for public charging (the policies only refer to charging points for new dwellings).

18.5 The EV Charging Station element would fill a regional ‘gap’ in charging infrastructure. Pimperne currently has no rapid chargers and Blandford Forum currently only has four rapid chargers according to Zap Map. There are rapid charging stations in Salisbury and Poole/Bournemouth, but it is clear that there is a lack of such facilities in the Blandford area especially close to the A354 and A350 corridors. The latest data for the Blandford to Salisbury stretch of the A354 indicates that it carries over 9,000 vehicles per day.

18.6 Government figures evidence that EV ownership is on an upward trajectory with many forecasters predicting exponential growth over the next two decades. 2021 saw the biggest annual increase in number of registrations, with more than 395,000 battery-electric cars registered, showing a growth of 92% on 2020. The data for 2022 has not yet been released but, as of the end of November 2022 there were more than 620,000 battery-electric cars.

18.7 The Committee on Climate Change has recommended that the market for EVs be 100% by 2035 at the latest to meet the new 2050 net zero target. In November 2020, the Government announced a ban on the sale of new petrol and diesel cars from 2030, ten years earlier than previously required. As EVs replace combustion engine vehicles as the main transportation solution for mass transit, a significant barrier to be addressed is the provision of a viable EV charging network including new EV charging infrastructure at appropriate sustainable locations along the national and regional highway network.

18.8 The increase in EV range and the use of home and workplace/destination chargers will temper the need for en-route charging stations. Nevertheless, it is estimated that the UK will need a minimum of 300,000 public charge points when the sale of new conventionally fuelled cars and vans is prohibited in 2030. As of April 2022, there were 32,000 (11% of that required). The government advises that the need could be up to 700,000 public charge points if people’s travel habits change, but 300,000 is a robust minimum requirement.

- 18.9 In light of the above, the electric charge point network with its associated charging infrastructure will be critical to meeting future demand, encouraging uptake of EVs as well as addressing concerns regarding charge point availability, reliability and ease of use.
- 18.10 Whilst policy 3 of the Local Plan is silent on EV charging infrastructure, the introductory chapter setting out the vision for North Dorset does state that, by 2031, the district will “have more sustainable forms of development that are adequately served by infrastructure (including transport solutions)...” The Local Plan also recognises that the need to address the causes and effects of climate change is a district-wide issue and that one of the challenges to address this would be to develop a more sustainable transport network.
- 18.11 This objective has consistency with the NPPF, paragraph 152, the leading statement of section 15, stating “the planning system should support the transition to a low carbon future in a changing climate.....It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience.....and support renewable and low carbon energy and associated infrastructure.” This is a material consideration afforded significant weight in the overall balance.
- 18.12 In this regard, the application site is situated along the A354 which is part of the Primary Route Network of England which “...designates roads between places of traffic importance across the UK, with the aim of providing easily identifiable routes to access the whole of the country.” Furthermore, research shows that unless charging facilities are provided in rural areas, rural communities will be left behind on EVs.
- 18.13 In terms of location, the Charging Station would be sited along a well-used and important main road, providing an accessible location for EV drivers using this route.
- 18.14 Such out of town locations provide accessibility for those people using the primary routes, especially in cases such as Blandford Forum where they bypass the town and current public charge points are limited to destinations such as superstores, hotels or community hospitals (as is the case with Blandford Forum). Indeed, the case officer noted that on random weekday and weekend occasions, there was only a maximum of 1 rapid charger available at any one time (the others being in need of maintenance or being used).
- 18.15 The A354 to the northeast and southwest of Blandford Forum is within the Cranborne Chase and West Wiltshire, and Dorset AONBs respectively so most alternative sites, if they were available, would be in a sensitive area. No such sites have been made available and, in addition to another site southwest of Blandford Forum on the A354 (also in an AONB) the development proposed is the only dedicated charging station that has been proposed in Dorset between Dorchester and the County boundary with Wiltshire. Therefore, with the need demonstrated for rapid charging along this main route, it is difficult to locate the site outside of these designations. The exception is on the bypass, accessed off one of the existing roundabouts but no such land is available at this current time.

18.16 In summary, the need is not one recognised by policy 20 of the Local Plan nor by the Neighbourhood Plan but is recognised in the Local Plan's objectives and the NPPF. This specific countryside location on the A354 within 2km of the junction with the A350, is acceptable in principle subject to balance of benefits not being outweighed by adverse impacts when considered against the development plan's development management policies.

### **Public Benefits**

18.17 The benefits of providing rapid chargers in this location have already been documented in this report. It is noted that, unlike some of the smaller facilities based at supermarkets in town centres, the EV Charging Station would have the capacity to charge up to 8 EVs at any one time, including at up to 120Kw. All charging points would be rapid and configured for use by any type of modern, light-duty EV and they would not be restricted to one EV manufacturer.

18.18 EV charging infrastructure is inextricably linked to people's ability to drive EVs; a lack of accessible rapid charging points is a barrier to EV ownership. EVs with the UK's clean electricity mix today, is estimated to produce only a third of the greenhouse gas emissions of an equivalent petrol car on a lifecycle basis. Emissions savings compared to petrol could rise even further, to 76% by 2030 and 81% by 2050, through improvements in grid decarbonisation, battery technology, manufacturing, and end-of-life processing.

18.19 The facility would therefore provide a significant benefit in terms of meeting the Council's ambitious vision of improving sustainable transport infrastructure in the district and even wider county area.

### **Landscape, visual impact and heritage**

18.20 Great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The conservation and enhancement of wildlife and cultural heritage are important considerations in the AONB. It is a Valued Landscape.

18.21 Policy 4 of the Local Plan states: "Where significant impact is likely to arise as a result of a development proposal, developers will be required to clearly demonstrate that the impact on the landscape has been mitigated and that important landscape features have been incorporated into the development scheme"

18.22 Policy LC of the Neighbourhood Plan First Review advises that all new development within the plan area must demonstrate that account has been taken of the relevant AONB Management Plan policies and must not detract from the special qualities of the Cranborne Chase and Dorset AONBs unless it is clearly in the public interest to permit the development.

18.23 The site, as with all of Pimperne, falls within the Southern Downland Belt (area 2B) as defined in the AONB's Landscape Character Assessment. The Assessment describes the area as essentially a large scale landscape of broad rolling hills mainly

under arable production with woodland occurring on steeper slopes and the settlements confined to the valleys. Pimperne is one such settlement, confined to the valley with broad sweeping downland around and within the village.

18.24 The site is important to the character of the village as it part of an undeveloped and prominent area of downland that extends to the main throughfare (the A354). This clearly provides an understanding of the settlement's downland context and undoubtedly contributes much to the overall character. The inclusion of the surfaced vehicular access to the children's nursery and pre-school does not diminish this character as it is similar if not identical to a main farm access in appearance, a point reinforced by the agricultural building located at the top of the slope. The nursery and pre-school are confined to the former farmstead and house and therefore have negligible adverse impact on the landscape character.

18.25 This landscape is sensitive to change. The sensitivity is compounded by the existence of the lynchets within the wider parcel of land within which the site is located, albeit the area in the vicinity of the site is rather dominated by the A354, its traffic, and the modern agricultural building is also prominent on the hillside. The sensitivity to change is therefore considered "moderate". Members will note that the Council's Archaeologist has advised of there being no direct, physical impact on this asset (following verification of the applicant's archaeologist's investigations). Nevertheless, the setting of the lynchets is an important characteristic of this part of the AONB, a point made by the Council's Archaeologist and the AONB officer.

18.26 The AONB Management Plan objectives relevant to this application are:

- a) To monitor development along the A354 to ensure planting and built form are both sympathetic and complementary to landscape character.
- b) To conserve the integrity of archaeological features and promote cultural value perhaps through interpretation for visitors. The latter is important due to the existence of the lynchets.

Criterion f of policy LC of the Neighbourhood Plan First Review also advises that, where development is appropriate on the edge of a settlement, it should incorporate suitable landscaping to avoid creating a hard and visually prominent edge. This responds to the AONB Management Plan's objectives.

18.27 Criterion e) of policy LC of the Neighbourhood Plan First Review advises that street lighting and flood lights should be avoided as generally inappropriate, having due regard to the significance of the expanse of dark night skies for the AONB. Where these cannot be avoided, they should be designed in accordance with the guidance set out in the Cranborne AONB Position Statement Number 1 on Light Pollution and Good Practice Note 7 - Good External Lighting and International Dark Sky Reserve criteria.

18.28 The development proposed, with its metalled charging bays, substation, feeder pillar/meter box, branded charging points and lighting will undoubtedly result in irrevocable and harmful change to this landscape. The introduction of such

incongruous and alien features to a currently undeveloped site in agricultural use cannot result in anything other than such harm.

18.29 A number of factors contribute to this harm:-

- a) The utilitarian and incongruous installations which, with their boxy shape and gloss white and red finish, will be unlike any others found in the part of the village (there is no petrol filling station or, indeed, any other modern, branded structures visible along the A354). For example, the Excelsior/Damory coach and bus depot at the southern end of the village is commercial in appearance but largely screened from view by a hedge. Pimperne Garage, towards the northern end of the village, is small and, although its used car display is prominent, it is devoid of permanent structures of incongruous appearance. It is also within an existing developed frontage.
- b) The lighting which, by the very nature of the use, will need to be on when vehicles are being charged, irrespective of the time of day or night. There is no street lighting in this location. The case officer observed that some of the dwellings have external lights but these are off for most times in the evening and night time. The site is within the International Dark Skies Reserve (IDSR).
- c) The change in the setting of the lynchets. The use of lynchets on the upper slopes would have been complemented by the farming of the lower slopes (the lynchets not being necessary on these shallower gradients next to the valley floor). In other words, as they are today, the lynchets are legible and can be interpreted as part of a larger area of farmed land. This context will be partly lost as a result of the proposal

18.30 Nevertheless, the case officer considers that, with the landscaping and lighting strategy proposed, the landscape harm is not determinative when balanced against the benefits afforded by the development. Members will also note that the Council's Senior Landscaping Architect's suggestions have all been incorporated into the proposal with the exception of the grade segregated footway.

18.31 The site is screened to a large extent by the existing hedge. Whilst views are afforded of the upper slopes, including the lynchets, the area immediately behind the hedge which the site occupies, is largely out of view. This is due to the height of the hedge and its dense mesh of branches (this density effectively screening views through it, even in winter). The proposal includes lifting the land levels on the western side and excavating into the bank on the eastern side. The net result of these proposed engineering works is that the charging point apparatus will rise to a height of 1200mm above the top of the hedge at points approximately 3.5m back from the site side of this hedge.

18.32 The proximity of the hedge to the footway on the eastern side of the road (the site side) means that views of this apparatus will not be afforded from receptors along the footway's alignment where it is alongside the site. Similarly, passengers in Blandford Forum bound vehicles will not be afforded views into the site when passing alongside. The last views afforded to these passengers into the site will be as the vehicle passes the entrance and the view will be fleeting, even at the 30mph

speed limit. Pedestrians on the footway will have a longer time to view the site as they walk across the entrance but, again, this is transitory in nature.

- 18.33 There will be views of the chargers and cars in the bays when further north on the east side footway and on the southbound lane of the A354 in the vicinity of the southbound bus stop. However, the proposed landscaping which includes the planting of common oak and field maple trees, will soften and largely screen the cars and the chargers (despite the latter's gloss white and red finish).
- 18.34 The lynchets are prominent from these specific receptors; the downs form a backdrop as one drops towards the site from the vicinity of the bus stop. The lower area of land within which the proposed developed is to be located is currently screened by the roadside hedge. However, the engineering works proposed to provide a level plinth would result, in the absence of the proposed landscaping, in the cars at the charging bays and the apparatus being clearly visible. This would be harmful to the setting of the lynchets. The introduction of the landscaping provides appropriate screening but, it is acknowledged, this does change the openness of the hillside. There will be a distinct change in the landscape character from top to bottom whereas it is a single homogenous grassland parcel of land at the moment.
- 18.35 However, such planting is not out of character with the landscape and setting of other lynchets within the AONB. Indeed, trees on slopes is part of the character within this downland area identified in the AONB's Landscape Character Assessment. The case officer therefore disagrees with the comments of some of the consultees insofar as he considers that there is no harm to the lynchets, the setting of which will be preserved despite the changes proposed.
- 18.36 Passengers in northbound (Salisbury bound) vehicles on the A354 will start to be afforded views of the development as they pass the former Farquharson Arms public house. Near identical views will be afforded from receptors along the west side footway and from the dwellings nearest the site on Willow Park and Collingwood Close. The case officer has walked this footway and also driven northbound along the road at various times of the day and year. What is apparent is that the context of the A354 is always apparent and rather dominant in the landscape. The existing modern agricultural building further up the slope, adjacent to the pre-school and nursery's access, is also prominent and fails to assimilate into the landscape. These baseline conditions and the proposed landscaping result in the proposal's daytime impact from the receptors as being appropriately mitigated and not significant.
- 18.37 There will clearly be views of the development when one descends the slope when heading towards the A354 from the Archway Nursery and Pre-School. This is not a public view as such but one that is experienced daily by many drivers and passengers as children are taken and collected from this business. There is always the back drop of the village from this vantage point as well as the A354 visible through the access gap and the impact is tempered as a result.
- 18.38 The case officer noted that a view of the site is also afforded from the village's conservation area on Church Road and next to Fairfield House (a Grade II listed house dating from the very early C19th), the significance of which is largely derived from its architecture. The development therefore has the potential to harm the

significance of these designated heritage assets. However, the view is between C20th housing, along a part of Church Road that was widened and altered in the C20th and across the A354. In the field of vision from these receptors, it occupies a fraction of the view. With the proposed planting the setting of the conservation area and Fairfield House will be preserved (no harm).

18.39 There are no other public receptors within the area which would afford views of the site, intervening topography, buildings and vegetation ensuring this is the case.

18.40 The impact from receptors when night falls will be more pronounced as the illumination from the lighting and from car lights will be apparent; there is a large possibility that occupants of charging cars will remain inside during the charge and turn on the internal lights of their cars (the case officer has witnessed this regularly occurring at other charging stations).

18.41 The landscape is sensitive to change at night-time. This is an International Dark Skies Reserve (IDSR) and the dark skies are in an integral and important quality of the AONB's landscape character. It is also noted that there are no street lights in the vicinity of the site, nor are there permanent external lights to nearby dwellings (some have sensor activated lighting).

18.42 The AONB's Position Statement Number 1 Light Pollution advises that no external lights should be erected or installed in, or within the setting of, the AONB unless:

- a) They can be shown to be essential for security or safety, and the minimum necessary to achieve it;
- b) They are directed downwards and designed or shielded to prevent upward, sideways, and outward spillage;
- c) They give a light whose colour and intensity are appropriate for the wider setting;
- d) They do not highlight a structure or feature that would have an adverse visual impact on the surrounding landscape; and
- e) They utilize the most energy- and pollution-efficient equipment that is reasonably available.

18.43 In this context, the applicant has submitted a lighting strategy. It identifies the site as being within Environmental Zone E2 (Sparsely inhabited rural areas, village or relatively dark outer suburban locations) due to existing skyglow from Blandford Forum permeating the skies (reflected in the CPRE's sky glow mapping). However, given the proximity to E1 (Naturally intrinsically dark National Parks, AONBs and other Dark Sky Reserves) this has been robustly used for the baseline for the lighting strategy.

18.44 The case officer considers this the correct approach, albeit they too noticed Blandford Forum's skyglow permeating the darkness and that, between 5pm and 8pm on winter evenings, there is still a steady flow of traffic on the A354 and the headlights from these vehicles is a rather dominant landscape characteristic in the and around the site.

- 18.45 It is logical to assume, and there is evidence from the case officer's own experience, that usage of the site will be closely related to traffic flows on the road. As such, as traffic flows drop later in the evening and into the night (as they do on the A354), the patronage of the chargers will fall significantly as well. Indeed, it is opined that the decrease in use will be more marked than the decrease in traffic flows on the A354 as it will be more local traffic, less likely to use the chargers than those travellers in the daytime on longer journeys.
- 18.46 The lighting strategy submitted responds appropriately to the context. Lighting is considered essential for this use, not least for safety reasons. Lighting will be controlled so that it is only provided when required. This will be achieved by using Passive Infra-red Motion Sensors combined with wireless controls. This will allow for lighting to be activated by the presence of people and vehicles while ensuring it is only activated during the hours of darkness.
- 18.47 The lighting will be the minimum level required within British Standards for the tasks being performed within the site by proposing luminaires that have a 0% ULOR (Upward Light Output) i.e the light spill is downwards and outwards not upwards, by specifying a Correlated Colour Temperature of 2700K and by specifying luminaire back lighting shields for all proposed luminaires. The extent of the light spill and has been calculated as not extending further westwards than the A354, further northwards than the access, further eastwards than the retaining wall on the east side of the site and further south than the proposed sub-station. The strategy will require more detail, but this can be the subject of a condition.
- 18.48 Overall, the development is going to result in noticeable change with consequent harm to the landscape character and adverse visual impact. The proposed landscaping will mitigate much of this impact, but it will, even if Heavy Standard trees were planted, take time. Therefore, in the first 5-10 years or so the impact will be moderate given the sensitivity of this landscape to change. With the number, spacing and species of trees proposed (common oak and field maple) and use of a minimum of heavy stock, as well as the appropriate management, the landscaping will reduce the landscape and visual impact to low. The strategy is that the crowns of each tree will spread to provide continuous frontage cover to a height of approximately 3.5m above the charging bays level and 4.5m above the A354's footways. There will also be a noticeable change at night time but the impact can be appropriately mitigated by the implementation of a lighting scheme in accordance with the applicant's lighting strategy. The landscaping and lighting will, overall, ensure that the landscape harm is moderate initially and low when the trees are established.

### **Residential amenity**

- 18.49 The lighting proposed not only had the potential to impact on the visual amenity and landscape, but also the residential amenity of nearby occupiers, notably on Willow Park, Collingwood Close and Salisbury Road. These occupiers could also potentially be affected by noise and disturbance from emissions from the apparatus on site, cars manoeuvring (tyre noise, electric motor noise and internal combustion engine noise from plug-in hybrid vehicles) and customers of the site conversing outside of their vehicles.

18.50 Policy 25 of the Local Plan advises that, when external lighting is proposed, development will be permitted provided that: -

- a) The scheme is the minimum necessary to achieve its purpose; and
- b) Light scatter, spillage and glare are minimised through the control of light direction and intensity; and
- c) The quality and intensity of the light and the daytime appearance of any light fittings and cables would not have a detrimental impact on local amenity or the character of the surrounding area.

18.51 The Lighting Strategy proposed by the applicant (and detailed in the preceding sub-section of this report) sets out how the lighting will respond appropriately to the residential receptors. The light spill will not extend to the gardens or dwellings, nor will there be lighting pointed towards them. Headlight glare is calculated to be below the top of the frontage hedge, although a condition will be necessary to ensure that this hedge is not felled to below its current height.

18.52 Turning to noise and disturbance, the applicant has submitted a noise assessment. This included surveying daytime and night-time. British Standards (BS8233:2014) and World Health Organisation (WHO) guidance states that noise levels should not exceed 35 dB (LAeq(i6hr)) within living rooms during the daytime, and 30 dB LAeq(8hr) within night-time rooms. The measured data recorded a typical day time background sound level of 53 dB and the night-time background of 20 dB.

18.53 The proposed noise emissions were calculated from recording the use of the same cumulative specific sound level at the worst-case receptor and is projected to be 49 dB LAeq(ihour) with no correction or context factors applied.

18.54 In terms of corrections that need to be applied, the noise emitted is not considered to be tonal or impulsive but, whilst the intermittency is not distinguishable over residual noise during the daytime, it does have the potential to be so during the night. For context considerations it is noted that the internal noise levels experienced within a dwelling are not less than 15dB quieter than those outside, even allowing for a partially open window.

18.55 Having applied the corrections and context factors, it is noted that both daytime and night-time noise levels generated by the development at all the residential receptors will be lower than the maximums specified in the guidance.

18.56 The separation distances between the site and residential receptors and the intervening A354 ensures no loss of amenity by reason of overlooking. The proposed structures are small (a maximum of 2.3m in height) and the considerable distances to dwellings and their gardens ensure no overshadowing.

18.57 Overall, there is considered to be no significant loss of amenity to adjoining residents and certainly not to the extent that it is a determinative material consideration.

## **Access and Highway safety**

- 18.58 The vehicular access is proposed to be shared with the children's nursery and pre-school. It affords direct access onto the A354 within a 30mph zone. The nature of the use would mean that the site can be accessed 24 hours per day, 7 days per week.
- 18.59 The existing access is metalled and includes a splay at the point of access onto the A354 as well as the requisite dropped kerb.
- 18.60 The Highways Officer has advised that the proposed access arrangements are acceptable subject to conditions securing the implementation of the access, parking and manoeuvring areas before first use of any of the chargers and retention thereafter for the lifetime of the development.

## **Biodiversity**

- 18.61 The site, despite being greenfield, is species poor and comprises of semi-improved grassland. The existing frontage hedge will remain in-situ, albeit a condition is required to maintain its length and height for biodiversity reasons as well as for landscape and visual impact as well as residential amenity reasons.
- 18.62 The lighting strategy responds to the potential for bats to be using this area for foraging and commuting.
- 18.63 Net gain is secured through the planting of the new trees, again to be secured by condition.

## **Flood risk and drainage**

- 18.64 Members may recall from the Constraints section of this report that the site is in flood zone 1 (lowest probability of fluvial flooding) and is also zoned as low risk of pluvial (surface water) flooding, albeit the A354 adjacent to the site's frontage is in flood zones 2 (medium probability) and 3 (high) for fluvial flooding and at medium and high risk of pluvial (surface water flooding).
- 18.65 There is a need that, despite the development being above the road levels and clear of its associated risk of flooding, to ensure it does not increase the risk of flooding off site. There is potential for this to occur due to the increase in the extent of the impermeable areas within the site which are currently confined to the metalled access.
- 18.66 In response to this risk, the applicant has submitted a drainage plan that includes capture and attenuation of surface waters on site with discharge controlled at a rate and character as existing (with an acceptable allowance for climate change).

## **Contamination**

- 18.67 The Council's Environmental Protection Officer has advised that there could be contaminants within the soil due to past farming activities. The probabilities and extent of these are such that a pre-determination or pre-commencement investigation is not required. Nevertheless, a condition is required to trigger

assessment, reporting and mitigation in the event that contamination is found during the construction phase, especially given the engineering operations proposed to regrade the site.

### **Other matters**

- 18.68 The Dorset CPRE raise a concern that there will be a probability of covered waiting areas being desired/required and such structures will have further detrimental harm to the landscape's qualities and adverse visual impacts. It is true to state that many such facilities include covered areas and other facilities such as a coffee shop. These tend to be larger facilities and, with the smaller developments, such as that proposed here, it is not uncommon for the development to be devoid of any ancillary welfare/amenity/café structures. The development must be considered as per the submitted particulars.
- 18.69 The site lies adjacent to the A354 and there is potential for an appropriate power cable connection to be made to the substation without any effect on the archaeology or any landscape harm.

### **19.0 Conclusion**

- 19.1 This is a development that, on balance, is sustainable and, therefore, acceptable. There is a degree of conflict with some aspects of both the North Dorset Local Plan Part 1 (2016) and the Pimperne Neighbourhood Plan First Review (2022) and accordance with others. The NPPF is a material consideration as is national government strategy on EV infrastructure.
- 19.2 When considered against the development plan as a whole the benefits of the development are considered to outweigh the adverse impacts which are not considered, with the appropriate mitigation secured by conditions, to be significant. It is acknowledged that the benefits are tempered by the relatively small scale of the proposal (8 rapid chargers). Nevertheless, the development would contribute to a meaningful supply of such rapid chargers where there is currently a lack in the locality. The benefit is therefore still considered to be afforded significant and, in this case, determinative weight in the overall balance.
- 19.3 Were the chargers to fall into disuse, the benefits afforded by them towards combatting climate change would fall away. The development would then become unacceptable. It is therefore necessary that, should the use cease, the operational development associated with it should be removed and the site restored to its pre-development state as greenfield pasture. This needs to be secured by condition.

### **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:

- Location Plan 10458-0002\_02
- Block Plan 10456-0002\_03
- Softworks Plan Section 22084 – LHC – 00 -XX – DR – L – 0101 Rev P5
- Drainage Strategy Layout – 020.5725.501
- Gabion Basket Construction Detail – 020.5725.751a
- BYD 120kW Charger – 001\_19
- Feeder Pillar and COP Metering Box 001\_20
- Substation – TR7 001\_10

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

3. Prior to the first use of any of the EV chargers hereby permitted external lighting for the development shall be installed in accordance with details that shall have been previously submitted to and approved in writing by the local planning authority. The details shall be in accordance with the Lighting Strategy prepared by DFL dated 29/7/2022 (reference 2545-DFL-ELG-XX-PP-EO-13001). There shall be no other lighting other than that approved by the local planning authority. The lighting shall be retained for the lifetime of the development.

Reason: In the interests of highway safety, biodiversity, residential amenity and landscape and visual impact.

4. Prior to the first use of any of the EV chargers hereby approved, all hard and soft landscape works shall be carried out in accordance with the approved Softworks Plan and Section (drawing ref 22084 – LHC – 00 -XX – DR – L – 0101 Rev P5). The field maple and common oak trees that form part of this landscaping shall be planted as heavy stock size. Thereafter, the soft landscaping shall be maintained and managed in accordance with the management plan as required by condition 5.

Reason: In the interests of biodiversity, residential amenity and landscape and visual impact.

5. Prior to the first use of any of the EV chargers hereby approved a landscaping Management Plan for the management and maintenance of the landscaping detailed in the Softworks Plan and Section (drawing ref 22084 – LHC – 00 -XX – DR – L – 0101 Rev P5) shall be submitted to and approved in writing by the local planning authority. The said Management Plan shall be implemented for the lifetime of the development and it shall include an undertaking that any trees or plants that within these timescales, die, or become, in the opinion of the Local Planning Authority, seriously damaged or defective will be replaced within the next planting season with others of the same species, size and number as originally approved, the trees being planted as heavy stock.

Reason: In the interests of biodiversity, residential amenity and landscape and visual impact.

6. The hedge between the operational development hereby approved and Salisbury Road (A354) shall be maintained at a height of not less than 1.7m for the lifetime of the development.

Reason: In the interests of residential amenity and landscape and visual impact.

7. With the exception of the shared access to the Archway Nursery and Pre-School, all of the operational development hereby approved shall be removed entirely from the site and the land restored to its former condition as agricultural grassland within 6 months of the cessation of the use hereby approved, such a cessation being defined as the point of time at the end of a period of 6 months when none of the chargers have at any time been in use.

Reason: The development is only acceptable with the benefits afforded by the EV chargers given the landscape sensitivity of the site and its environs.

8. Prior to the first use of any of the EV chargers hereby approved the charging bays, manoeuvring and accessways shall be completed in accordance with Softworks Plan Section 22084 – LHC – 00 -XX – DR – L – 0101 Rev P5. The said areas shall be retained for the lifetime of the development.

Reason: In the interests of highway safety.

#### **Informative Notes:**

1. 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 7

<b>Application Number:</b>	P/FUL/2021/01338
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>
<b>Site address:</b>	Land At Former ATS Euromaster New Road Shaftesbury Dorset
<b>Proposal:</b>	Erect 24 No. dwellings, form vehicular access, car parking and landscaping
<b>Applicant name:</b>	Westcoast (Bristol) Limited
<b>Case Officer:</b>	Rob McDonald
<b>Ward Member(s):</b>	Cllr D Beer; Cllr T Cook

**1.0** The application is reported to the Northern Area Planning Committee for two reasons:

- a. A previous application for volumetrically similar development on the site (Reference: 2/2019/0680/FUL) was considered and refused by this Committee on 27 April 2021.

The Committee refused this previous application for the following reason:

*The proposal, by reason of the design having an excessive scale, employing inappropriate materials of construction, and employing an unacceptable appearance, and its prominent location at the entrance to the old town, would be harmful to the character and appearance of the Conservation Area, and the setting of several listed buildings, bringing with it less than substantial harm which would not be outweighed by public benefit. Therefore, the proposal would be contrary to North Dorset Local Plan Part 1 (2011-2031) policies 1, 2, 5, 7 and 24, emerging Shaftesbury Neighbourhood Plan policies SFDH1, SFDH2, SFDH3, SFDH4, SFDH6 and SFDH7 and the National Planning Policy Framework.*

The refusal was appealed and allowed by the Planning Inspectorate on 19 January 2022.

The current application proposes to reconfigure internal spaces within the building referred to as 'Block B' to accommodate an additional 6 units relative to the allowed scheme (totalling 24 units);

- b. The Town Council's representation that has been received contains a response that is contrary to the proposed decision by officers;

One of the Ward Members also requested the application be determined by committee, although no material planning reasons were given, only highlighting that the previous application was determined by committee. This representation was also received after the initial 21 day consultation period.

## 2.0 Summary of recommendation:

### Recommendation A:

**Grant** permission, subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Legal Services Manager to secure the following:

£24,000.00 for off-site destination play facilities and maintenance

and the following conditions (and their reasons) (see section 17 for full wording):

- Time Limit
- Plans
- Material specifications, including sample panels and detailing
- Soft and hard landscaping
- Archaeology
- Contamination
- Drainage
- Biodiversity Plan
- Vehicular access
- Highway crossing
- Turning and parking, including cycle parking
- Widened footway
- PD rights removal for means of enclosures

### Recommendation B:

**Refuse** permission for failing to secure the financial obligations detailed above if the agreement is not completed by 24 July 2023 or such extended time as agreed by the Head of Planning.

## 3.0 Reason for the recommendations:

- 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%. The tilted balance is therefore engaged, meaning that permission should be granted unless the restrictive policies with the NPPF provide a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.
- The location is considered to be very sustainable and the proposal is acceptable in its design and general visual impact.
- No harm would arise to the significance and settings of designated heritage assets as a result of the development. The scheme has the ability to even enhance the character and appearance of the Conservation Area.

- Financial contributions can be secured by legal agreement and work is ongoing with drafting this at the time of writing this report.
- Other matters such as drainage, amenity impact, highway safety and biodiversity are also acceptable.
- There are no adverse effects that would significantly and demonstrably outweigh the benefits and warrant refusal of this application.
- 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 because all the of tests are not met i.e. there are no allocations within the SNP to meet housing requirements.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	Very sustainable location within the settlement boundary of Shaftesbury. Previous permissions have already established acceptance of residential redevelopment of site. Tilted balance engaged by virtue of HDT.
Scale, design, impact on character and appearance	Overall design very similar to recently allowed scheme. Current application also acceptable in terms of design and would not be visually harmful within character of the area. Conditions can ensure material specifications and detailing is high quality and appropriate in local context.
Impact on designated heritage assets	No harm would arise to significance and setting of heritage assets. Development would conserve and even enhance. Thus, no clear footnote 7 reason to refuse application.
Impact on amenity	Previous concerns addressed during allowed scheme and as current development is so similar there are no outstanding concerns to address.
Economic benefits	£24,000 of financial contributions, secured by legal agreement, towards destination play facilities locally. Benefits also derived from construction phase. Additional population to spend locally. Council Tax receipts.
Access and Parking	Same arrangements as allowed scheme - remains acceptable.
Drainage	Same arrangements as allowed scheme - remains acceptable.
Biodiversity and ecology	Same arrangements as allowed scheme - remains acceptable.

## **5.0 Description of Site**

The site was occupied by ATS Euromaster and functioned as a vehicle maintenance garage. As per the previous 2019 application, the site has been cleared of all buildings and remains a vacant, unkempt site in the town centre.

The land is relatively level towards the front but drops away by around 6 metres at the rear (north), down towards the residential properties in Yeatmans Close, Enmore Green, located at the base of the slope. There are mature trees located outside of the confines of the site and fencing lines the north western boundary. New Road runs along the eastern boundary of the site and Kings Hill, a no through road, along the south western boundary. The sheltered housing, Abbeyfield House and the accommodation named Pepperell House, are located to the south of the site. A dental surgery is north of it. The site is directly opposite a town centre car park.

The site is located centrally in Shaftesbury. The Conservation Area boundary skirts around the south-east and south-west parts of the site, with a small part of the site to the south falling just within the designated area. The treed area on the north-west side of the site is designated as an Important Open or Wooded Space (IOWA). The site does not encroach into this designation.

The site is located within the setting of a number of listed buildings. These include the grade II listed buildings La Fleur De Lys and the Grosvenor Hotel to the north and Abbeyfield House, Kings Arms, and Ship Inn to the south.

## **6.0 Description of Development**

The proposed development for the current application is for the construction of 24 units, comprising a terrace row of 9 dwellings ('Block A') fronting on to New Road and 15 flats within 'Block B' towards the back of the site. There would be a parking area for 19 vehicles between the two respective building blocks, in addition to 16 spaces on the lower ground level of Block B.

In terms of positioning and ground area, the buildings would match that of the extant allowed scheme for 18 units on site. The applicants indicate that there would be a marginal lifting of the eaves; the difference between the extant scheme and current proposal appears to be negligible from the drawings submitted. Ultimately, Block B would remain 2.5 storey in scale and nature. As per the extant scheme, a new access to Kings Hill would replace the existing access in New Road.

The main alteration would be internal reconfigurations within Block B to accommodate 6 additional flats. All of the flats would remain 2 bedroomed as per the extant scheme and, although smaller in size, each would meet the national space standards (contrary to comment from the Urban Design Officer on this point).

There would also be some minor changes to some materials on Block A relative to the extant allowed scheme as a means of trying to address some Member concerns with external appearance. The northeast flank elevation is now proposed to be constructed of reconstituted stone, instead of painted brickwork. The only other

changes would be from “stone” to reconstituted stone on the principal elevations for three of the dwellings in the terrace row; and a change from buff brick to red brick on the rear elevation of the middle portion of the terrace.

## 7.0 Relevant Planning History

2/2016/0629/FUL - Decision: GRA - Decision Date: 10/03/2017

Demolish existing ATS garage, erect 28 No. sheltered apartments for the elderly including communal facilities, access, car parking and landscaping.

2/2016/0804/DOC - Decision: DET - Decision Date: 06/07/2016

Discharge of Condition No. 3 - Materials (Samples for approval); following grant of Listed Building Consent No. 2/2015/1698.

2/2016/0805/DOC - Decision: DET - Decision Date: 06/07/2016

Discharge of Condition No. 3 - Materials (Samples for approval); following grant of Planning Permission No. 2/2015/1697.

2/2017/0732/DOC - Decision: DET - Decision Date: 18/09/2017

Discharge of Condition Nos. 4 - Arboricultural Method Statement; 7 - Foul Drainage; 8 - Surface Water Management Scheme; 9 - Surface Water Drainage; & 10 - Contaminated Land; following grant of Planning Permission No. 2/2016/0629/FUL.

2/2017/0982/NMA - Decision: WIT - Decision Date: 03/08/2017

Non-material amendment to Planning Permission No. 2/2016/0629/FUL for a revised building footprint, internal layout, elevations (including additional windows), and landscaping.

2/2017/0969/DOC - Decision: DET - Decision Date: 16/10/2017

Discharge of Condition Nos. 5 - Landscaping; 6 - Landscape Management Plan; 11 - Large Scale Details; 12 - Windows & Doors; and 14 - Materials; following grant of Planning Permission No. 2/2016/0629/FUL.

2/2017/1326/VARIA - Decision: GRA - Decision Date: 26/09/2018

Demolish existing ATS garage, erect 28 No. sheltered apartments for the elderly including communal facilities, access, car parking and landscaping. (Variation of Condition Nos. 2, 5, 6, 7, 8, 9 & 10 of Planning Permission No. 2/2016/0629/FUL for a revised building footprint, internal layout, elevations (including additional windows), and landscaping).

2/2019/0680/FUL - Decision: REF but allowed at appeal - Decision Date: 27/04/2021

Erect 18 No. dwellings, form vehicular access, car parking and landscaping.

## 8.0 List of Constraints

- Within settlement boundary

- Adjoins Shaftesbury Conservation Area
- Settings of listed buildings
- Adjoins TPO (TPO-615-2019)
- Adjoins IOWA
- Groundwater Source Protection Area
- Type of Charge: UNILATERAL UNDERTAKING Description: Unilateral Undertaking relating to the demolition of existing ATS garage, erection of 28 sheltered apartments for the elderly including community facilities, access, car parking and landscaping to Land at New Road, Shaftesbury, Dorset, SP7 8QH.: 2/2016/0629/FUL P/A.

## 9.0 Consultations

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

### Consultees

#### **Shaftesbury Town Council**

Objection and comments:

- Lack of affordable housing provision, contrary to Neighbourhood Plan policy SFHE2;
- No heads of terms for contributions provided;
- Strain on traffic management;
- No appropriate collection of refuse;
- No safe crossing point into town;
- Significant risk of flooding for lower land and retention of surface water;
- Limited garden provision;
- No LAP;
- Insufficient detail on materials;
- Need for archaeological survey;
- No provision for EV charging;

#### **Highway Authority**

No objection:

- With the quantum of development increased from that previously considered (2/2019/0680/FUL refers), the projected traffic generation in the AM and PM peaks has increased accordingly. That said, the predicted traffic impact upon the local highway network is negligible and certainly not a reason to object to the development proposal.

- The development itself is effectively the same as was previously accepted by the Highway Authority, in terms of on-site parking, layout and accessibility by Dorset Waste.
- Conditions recommended re. vehicular access construction, dropped kerb expunged, turning and parking, cycle parking, widened footway, construction method statement.

### **Lead Local Flood Authority**

No objection, subject to conditions:

- Applicant has submitted an acceptable Ground Investigation report, complete with BRE 365 tests. This confirms that infiltration is indeed possible throughout the site, contrary to the submission made in the former planning application, but consistent with our understanding of the ground in Shaftesbury. We therefore accept these more recent findings.
- The inability to drain this site by gravity to an infiltration system, results from a poor layout (from a drainage perspective), which does not consider the need to achieve a gravity discharge and seeks, instead to overcome this issue, by use of a pump. This increases the risk of drainage failure (due to pump failure), subsequent unmanaged discharge downslope towards property at Yeatman's Close and increased energy use due to the pump. The applicant has provided some argument as to why the layout cannot be changed without impacting negatively on other material planning considerations. In our view, however, these revised proposals should have been worked around this key consideration, rather than introducing unsustainable drainage solutions – as per planning guidance relating to SuDS.
- The applicant has clarified that the designed levels include 500mm of cover above the crate soakaways.
- The applicant will use waterproof concrete to offer protection from any Ground Water (GW) migration towards the basement parking area.
- Any water entering the basement parking will be pumped out towards the crate soakaway in the centre of the site. In the result of failure, water will escape through an overflow pipe.
- The Drainage Strategy provided is feasible and deliverable.
- Conditions recommended re. surface water drainage management scheme.

### **DC – Senior Conservation Officer**

Support subject to conditions.

- No harm to any of the designated heritage assets identified, including the setting of the Conservation Area.
- Conditions recommended re. windows and door details, materials and detailing, rainwater goods.

## **DC – Senior Urban Design Officer**

Unable to support

- Relatively high density;
- Some units fall short of national space standards;
- Not clear if apartments would have communal spaces – landscaping plan recommended;
- Block A massive is larger than the surrounding buildings and more in keeping with the architecture found in the town centre than the edge of the town, where the scale of development tends to reduce down and building facades are simple;
- Dormer windows not in keeping, increases dominance within the street scene;
- Chimney inclusion crowns the roofscape;
- Block A out of context with the strong building line that is apparent in the character of the immediate surroundings;
- Very hard landscaping;
- Rear boundary treatment of Block A should be stone or brick;
- Combination of red brick and clay tile is not appropriate and not found locally – should be stone and render and slate roofs, particularly on the frontage.

## **DC – Senior Landscape Officer**

- Support Urban Design comments;
- Overdevelopment of the site relative to its immediate context;
- The scale and mass of the proposed built form represents a dominating structure in the street scene that does not adequately or sensitively fit within the New Road street scene.
- There is inadequate information regarding the planting proposals or the hard works proposals for the scheme to be appropriately assessed.
- The extent of the proposed tree planting is limited and the species unidentified.
- The close proximity of the rear block to the existing boundary trees and the northern orientation of the building is such that the patios will be over shadowed the majority of the day and year.
- The parking layout has a visually hard appearance in contrast to the elevation shown on Site Sections/ Elevations dwg /307
- There are no SUDS proposals submitted yet the area of hard standing demonstrated is substantial and impermeable.

## **DC – Environmental Health**

Recommend condition for Construction Environment Management Plan (CEMP) in light of proximity of site to nearby residents.

## **Housing Enabling Team**

Seek the maximum provision of affordable housing – 30%.

## **County Archaeologist**

Concerns raised about tunnels on the site - the applicant commissioned an archaeological evaluation of the site.

## **CIL and Planning Agreements team**

With respect to possible planning obligations the 'DAS' para 7.12 - acknowledges a number of items for inclusion in any s106. This is welcomed. It should be noted that in addition NHS contributions will need to be included in accordance with the strategy implemented 3rd November 2020. It is recognised that the application is accompanied by a Viability Assessment. On the understanding that this is supported by an independent assessment it may be necessary to adapt these to compensate for any deficit.

## **DC – Dorset Waste Partnership**

Cannot see where bins are to be put out for collection or if we can access the site with a 26t Refuse Collection vehicle, if access is required we will require a vehicle tracking plan and guidance where bins are going to be collected from, but if access is limited we will need to discuss and agree collection points as per our guidelines, please clarify.

OFFICER NOTE: The applicant has highlighted comments made on the previous, allowed application whereby the Waste team confirmed that the arrangements for collecting refuse from the plots that front New Road are satisfactory. Written permission had also been obtained from the owner of the private access road (Kings Hill) for the refuse vehicle to drive along it and access the rear part of the site. A swept path analysis plan, provided with the previous application, has been resubmitted and indicates that suitably sized refuse vehicles would be able to enter and exit the rear parking area in a forward gear.

## **District Valuer**

- The proposed development is unable to support full planning policy required s106 contributions, including 30% affordable housing.
- Proposed scheme is able to support a reduced financial s106 contribution totalling £24,000.

## **Wessex Water**

- No known WW assets within site;
- Developers fund cost to connect to nearest sewer;
- Not accept foul flows from below ground level developments – flows must be pumped up to ground level prior to connection to the public foul sewer;
- No surface water runoff or land drainage will be accepted into the foul sewer directly or indirectly;
- No details of how the applicants propose to capture, store and discharge surface water runoff from the proposed development provided. Surface water

runoff will need to be managed in accordance with the SUDs hierarchy and NPPF.

### **Dorset Fire Service**

Development needs to be designed and built to meet Building Regulations.

### **Representations received**

None received.

## **10.0 Relevant Policies**

### **North Dorset Local Plan Part 1 (2011-2031):**

Policy 1 – Presumption in favour of Sustainable Development.

Policy 2 - Core Spatial Strategy

Policy 3 – Climate Change

Policy 4 - The Natural Environment

Policy 5 – The Historic Environment

Policy 6 - Housing Distribution

Policy 7 - Delivering Homes

Policy 8 - Affordable Housing

Policy 11 - The Economy

Policy 13 – Grey Infrastructure

Policy 14 - Social Infrastructure

Policy 15 – Green Infrastructure

Policy 18 - Shaftesbury

Policy 23 - Parking

Policy 24 - Design

Policy 25 – Amenity

### **Shaftesbury Neighbourhood Plan (2019 – 2031)**

Policy SFTC1 – Town Centre

Policy SFHE2 – New housing developments

Policy SFDH1 - Respecting Local Character

Policy SFDH2 - High Quality Designs

Policy SFDH3 - Scale, Positioning and Orientation of Buildings

Policy SFDH4 - Creating and attractive public realm

Policy SFDH5 - Accommodating Vehicles

Policy SFDH6 - Building Styles and Detailing

Policy SFDH7 - Building Materials

## **Material Considerations**

### **National Planning Policy Framework (2021):**

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
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

### **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.

Despite changes in levels across the site, the scheme has been designed to ensure that the majority of the units would benefit from a step-free access. Block B includes the addition of a lift to provide access from the basement level up to the upper floors of the building.

The site is also located close to the town centre of Shaftesbury and would be connected via existing footways and dropped kerbs along Bleke Street, providing acceptable equal opportunities for all in terms of access to local services and facilities.

People with protected characteristics are not likely to be affected or disadvantaged by this development.

### 13.0 Financial benefits

What	Amount / value
Material Considerations	
Employment during construction	Support construction sector
Spend in the local economy	Spend from future occupants of the development
S106 financial contribution	£24,000 towards off-site play facilities locally
Non Material Considerations	
Contributions to Council Tax	As per appropriate charging bands

### 14.0 Environmental Implications

In May 2019, Dorset Council declared a Climate Emergency and there is a heightened expectation that the planning department will secure reductions in the carbon footprint of developments.

There is no mention of renewable energy installation or even electric vehicle charging within the submitted documents. A condition requiring details of a scheme to install infrastructure within the parking areas to facilitate charging for plug-in and other ultra-low emission vehicles can be imposed.

The application is in a very sustainable location in terms of proximity to the town centre and the various services and facilities within Shaftesbury, lessening the reliance on private motor vehicles. However, with a lack of good public transport connections for wider travel options, it is also appreciated that there would also be inevitable trips to and from the site by vehicles with internal combustion engines in all likelihood. 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.

Notwithstanding the fact that the orientation of the buildings proposed could allow opportunities for domestic photo-voltaic installations and that the buildings could also 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).

The buildings would need to comply with Building Regulations, specifically Part L. The applicants state that the marginal lifting of the eaves for the current proposal has a material effect in terms of improved energy efficiency.

### 15.0 Planning Assessment

The main considerations for this application are considered to relate to:

- Location and principle of development;
- Affordable housing and other contributions;
- Design and impact on the character of the area;

- Setting of heritage assets;
- Drainage;
- Impact on neighbouring amenity;
- Highway and transport safety;
- Biodiversity and ecology.

## **Principle and Location of Development**

15.1 The site is located within the settlement boundary of Shaftesbury where the principle of residential development is generally acceptable. The former ATS building has been demolished and the site cleared for at least four years. The site is clearly in a very sustainable location, with the southern boundary of the site abutting the Neighbourhood Plan defined 'town centre' and, as the crow flies, the site lies less than 100m from the 'primary shopping area' and 'main shopping frontages' NP designations.

15.2 Prior to the clearance, the site was previously in an employment use. Policy 11 of the Local Plan seeks to retain such uses and to protect them from other forms of development. With this in mind, the development of this site for residential purposes would ordinarily conflict with Policy 11 as it would lead to a loss of an employment use. It is, however, a requirement to consider whether there are any material considerations that indicate that planning permission should be granted, despite the identified policy conflict.

15.3 In this sense, the site adjoins the Conservation Area and is also in close proximity to a number of listed buildings. Policy SFHE2 of the Shaftesbury Neighbourhood Plan indicates that, with regard to any future housing sites, sites should be small to medium in size (i.e. up to 1ha in size), delivered in a timely manner and integrated into an existing built up area. The 0.25ha B2 industrial garage site was not highly compatible with the surrounding uses in terms of its visual appearance and, thus, redevelopment of the site provides an appropriate opportunity to integrate new housing development into the existing built-up area and enhance the character of the area, including the settings of heritage assets.

15.4 In addition, there are already two extant permissions to redevelop the site for housing: one for a C3 use as sheltered housing (reference: 2/2016/0629/FUL); and another more recently allowed appeal for a very similar scheme to the current application but for 18 open market units (reference: 2/2019/0680/FUL). Both of these permissions have established the principle of residential redevelopment of this brownfield site and both are material fallback positions.

15.5 The principle of the development is therefore maintained as being acceptable.

15.6 The Council's current housing land supply and housing delivery test is also material in terms of the positive contribution the scheme would make towards these.

15.7 At the time of the committee refusal for the subsequently allowed appeal scheme for 18 units, the Council could only demonstrate a housing land supply of 3.3 years. This situation has improved significantly in the intervening period, to an extent that the Council's published supply figure for this area is a supply of 5.17

years. However, with a Housing Delivery Test figure of just 69%, paragraph 11 of the NPPF indicates that the policies which are the most important for determining the application should be considered out of date. Those policies are considered to be Policies 2, 6 and 18 of the Local Plan.

15.8 The consequence of this is that the 'tilted balance' in favour of sustainable development, held within paragraph 11 of the NPPF, is engaged and planning permission should be granted unless:

- (i) the application of Footnote 7 policies i.e. those that protect areas of assets of particular importance provides a clear reason for refusing the development;
- (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.

15.9 The relevant 'Footnote 7' policies in this case are those that are related to designated heritage assets. However, as discussed later on in this report, officers do not consider that there is a clear reason under paragraph 11d(i) and Footnote 7 to refuse the development and, thus, it is the balancing exercise under (ii) that is applicable in this instance and is considered in more detail in the 'Planning Balance' subsection of this report.

15.10 Reverting back to the principle of the development and, in particular, the benefits of the scheme in this regard, the proposed development of 24 units would provide a modest contribution towards maintaining the Council's five-year housing land supply and, in terms of homes, a more appealing contribution than the extant scheme for 18 units. Permission and implementation of the scheme would also support the recovery of the Council's disappointing Housing Delivery Test figure. The fact that the Council needs to boost delivery at a North Dorset level must be afforded substantial weight.

15.11 The site is in a very sustainable, central location within Shaftesbury. Shaftesbury is one of the four main towns which, in accordance with the core spatial strategy, are the main focus for housing growth. Although out of date by virtue of the Housing Delivery Test figure, the sustainability of development is still informed by the Council's spatial strategy as set out in Policy 2 of the Local Plan. 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.

15.12 Thus, as also considered with the allowed scheme for 18 units, redevelopment of the site would fully accord with the spatial aims of the development plan in terms of the location of development.

15.13 The Shaftesbury Neighbourhood Plan (SNP), made on 22 June 2021, forms part of the development plan. However, in the context of paragraph 14 of the NPPF, the SNP does not contain any housing allocations to meet its identified housing requirement. Therefore, despite the SNP being made less than two years ago, 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.

### **Affordable housing and other contributions**

15.14 Policy 8 of the Local Plan sets out the Council's approach to the provision of affordable housing and seeks 30% affordable housing within the settlement boundary of Shaftesbury. A number of contributions would also normally be expected toward the provision of health and education, in accordance with Policies 13, 14 and 15 of the Local Plan.

15.15 Paragraph 58 of the NPPF states that: "Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available."

15.16 The NPPG also advises that "In plan making and decision making viability helps to strike a balance between the aspirations of developers and landowners, in terms of returns against risk, and the aims of the planning system to secure maximum benefits in the public interest through the granting of planning permission."

15.17 The applicant has completed and submitted a viability assessment. In response to this, the Valuation Office Agency (VOA) has been instructed to look at the viability of the scheme and to produce an independent assessment of the scheme's viability. The VOA has undertaken their own extensive research into sales values and development costs, including their own appraisal, based on their opinion of current values and costs.

15.18 As with the extant permission for 18 units, the conclusion for the new application is that the scheme cannot viably support any affordable housing contribution and with other required section 106 contributions, the proposed scheme would still indicate a deficit. In order to achieve a financial balance with no deficit or surplus, the other section 106 contributions would have to fall to total sum of £24,000.

15.19 Although similarly lacking affordable housing contributions, the allowed scheme for 18 units was at a time when a higher aggregate contribution sum of £125,206.70 could be acquired without affecting the viability of the scheme and this sum would have been portioned out towards the provision of play facilities (and their maintenance), informal outdoor space and education.

15.20 However, no legal agreement was submitted or completed during the course of the application, nor during the course of the subsequent appeal, with the appellants opining there to be no necessity to do so as the lack of legal agreement did not form a final reason for refusal on the decision notice. The Inspector, in allowing the appeal, did not require any such contribution and did not consider that the need for the contributions could be clearly demonstrated in this case.

15.21 With the current application, there have been ongoing negotiations between the applicant's viability consultant and the VOA, acting on behalf of the Council. The main disagreement between the two consultants related to Existing Use Value and Benchmark Land Value. Continuously rising build costs and values have also affected viability, even during the course of the application. The viability assessments and appraisals have now drawn to a close and the applicants have agreed to a final financial contribution sum of £24,000.

15.22 With only a modest amount available as a financial contribution it is unlikely that portioning this sum out for a number of obligations would be particularly beneficial to the local community. Instead, it would be more appropriate to contribute the sum towards a local project where it would be more useful as a whole figure.

15.23 In this regard, the Town Council have recently commissioned a Play Masterplan to address the inadequate play facilities in and around the town. Furthermore, the Town Council's Strategic Plan is due for review; it is expected that play park refurbishment, including new equipment, would be one of the key priorities within this Plan. On this basis, it would be appropriate to secure a legal agreement that would allocate the £24,000 financial contribution to be allocated towards destination play facilities and maintenance within Shaftesbury. Work has already commenced on the drafting of the legal agreement and it is realistic that it could be completed within 6 months from committee date.

15.24 Although the financial contribution that would be secured through the current application via legal agreement would be modest, it would support the local community and would be preferable in terms of public benefits relative to the extant scheme (which would have fewer homes provided and no financial contributions).

### **Design and impact on the character of the area**

15.25 The positioning of buildings, their footprint and the general design of the scheme would essentially replicate the design of the extant permission for 18 units (Ref: 2/2019/0680/FUL). The recent date of this allowed scheme, which is a material consideration as a fallback position, establishes it as a benchmark against which to measure the acceptability of the current application. This is in addition to the other fallback position of the far bulkier sheltered housing scheme, which remains extant by virtue of the demolition of the former garage building on site.

15.26 Although not clarified within the reason for refusal, the Member comments during Planning Committee meeting where the scheme for 18 units was refused seemed entirely focused on the design concerns with Block A of the development i.e. the terrace row at the front of the site, with no discussion on Block B.

15.27 The single reason for refusal, was stated as such:

*The proposal, by reason of the design having an excessive scale, employing inappropriate materials of construction, and employing an unacceptable appearance, and its prominent location at the entrance to the old town, would be harmful to the character and appearance of the Conservation Area, and the setting of several listed buildings, bringing with it less than substantial harm which would not be outweighed by public benefit. Therefore, the proposal would be contrary to North Dorset Local Plan Part 1 (2011-2031) policies 1, 2, 5, 7 and 24, emerging Shaftesbury Neighbourhood Plan policies SFDH1, SFDH2, SFDH3, SFDH4, SFDH6 and SFDH7 and the National Planning Policy Framework.*

15.28 The reason for refusal included components of 'design' which could be appraised individually, but also, holistically, formed an overall visual impact resulting from the proposed development. In this instance, the relevant components were identified as: scale; construction materials; and appearance.

15.29 At time of recommendation for the allowed scheme, officers did not object to the design of the development, considering the design would have brought enhancement to the character and appearance of the area in replacing the former garage site and creating a built frontage.

15.30 The scale and layout was also considered by officers to be appropriate to the location in bringing development close to the road and creating variety in the form with carrying roof heights, design detailing and form. External building materials were also revised to be considered acceptable and this included, as the plans labelled, some elements of 'stone'. However, Members of the Planning Committee ultimately did not agree that the design of Block A was of high enough quality in the context of its surroundings to be acceptable.

15.31 In allowing the appeal for 18 units, the Inspector recognised that "The frontage design would prioritise use of locally occurring materials and details" and "The frontage would be set reasonably close to the pavement, thus providing a good level of enclosure to the street, and some sense of continuity with the pattern towards the south. A direct and meaningful relationship would therefore exist between the design, the proposed accommodation and the context." The Inspector considered the scheme for 18 units would be more successful than the sheltered housing permission.

15.32 The Inspector also considered that "the site lies sufficiently close to the historic centre of the settlement, and the composition of the streetscene between is sufficiently varied that, given my findings above, Block A would be absorbed without adverse effect".

15.33 The Inspector recognised that crown roofs and dormer windows were not unknown features within the town, nor absent from the approved sheltered housing permission. Regarding materials and finishes, the Inspector was satisfied that, notwithstanding the details and labelling on the plans submitted, the specifications of these could be refined by condition. Overall, the Inspector considered that the extant appeal scheme would comply with policies 5, 7 and 24 of the Local Plan, as well as

policies SFDH1, SFDH3, SFDH6 and SFDH7 of the Shaftesbury Neighbourhood Plan.

15.34 With the current application, the elevation drawings submitted would suggest further minor changes to some materials on Block A relative to the extant permission for 18 units. The NE flank elevation, which would be most visible upon approach along New Road, would be constructed of 'stone', instead of painted brickwork. The only other changes would be a change from buff brick to red brick on the rear elevation of the middle portion of the terrace.

15.35 With regards to the use of 'stone', officers do have concerns with the ambiguity of this and whether it may result in a departure from the locally distinctive Greensand characterising much of the town. As such, notwithstanding the material labels given on the plans submitted, officers do consider it necessary to require more detailed material specifications for external construction materials by condition to ensure these would be locally appropriate and of sufficient high quality. As mentioned, the Inspector, in allowing the scheme for 18 units, also considered a similar condition be imposed to ensure the materials were appropriate and giving the LPA control over what type of 'stone', for example, could be used in the construction of Block A.

15.36 Taking into account officers' considerations and comments from both the previous applications and the current application, in addition to the appeal decision for the 18 unit scheme, it is considered that the current application is not objectionable in design terms. Some of the amendments to the palette of materials proposed are more acceptable but, as accepted with appeal decision, the whole selection of materials and finishes can be suitably refined by way of condition to ensure these are of appropriate quality and finish.

15.37 As per the interpretation of the allowed appeal for 18 units, the overall design of Block B remains acceptable.

15.38 As was the case with the scheme for 18 units, it is important to note that the extant permission for the sheltered housing scheme, in the form of one large block of flats, was substantially bigger than the allowed appeal and current application. Thus, precedence has already been set for a building or buildings of a similar height and site coverage. The amount of development now proposed would be the same as the scheme for 18 units, but less in terms of building volume than the sheltered housing permission. Although further increasing the number of units on the site by 6 (to total 24), the proposal remains neither too dense nor overdevelopment by comparison with that already approved and the surroundings (where the old town densities are generally higher than the suburbs and outskirts of the town).

15.39 As such, the proposed development would have an acceptable visual appearance and not harm to character of the area and its townscape surroundings. Accordingly, officers are satisfied that the current scheme complies with policies 5, 7 and 24 of the Local Plan and policies SFDH1, SFDH3, SFDH6 and SFDH7 of the Shaftesbury Neighbourhood Plan.

## Setting of heritage assets

15.40 In addition to the site's prominent location at the entrance of the old town, the reason for refusal on the previous application also identified effect upon the setting of the Conservation Area and the setting of several listed buildings. The reason stopped short of identifying which listed buildings in particular would have been negatively affected, but it could be surmised from the Senior Conservation Officer's comments as being those within the immediately vicinity: Avishays (Grade II) and The King's Arms Public House (Grade II).

15.41 Despite no objections raised from the Senior Conservation Officer or the case officer at the time of the previous application for 18 units, Members determined that the design of the development would have brought less than substantial harm to the character and appearance of the Conservation Area and less than substantial harm to the setting of the listed buildings.

15.42 However, in allowing the appeal for application 2/2019/0680/FUL, the Inspector did not agree that less than substantial harm would be caused to the character or appearance of the Conservation Area as a result of the development. Instead, the Inspector considered that "the character and appearance of the Conservation Area would be preserved if not enhanced, and that the setting of the Conservation Area would additionally be conserved."

15.43 Once again, the Senior Conservation Officer supports the current application and has identified no harm arising to either the setting of the Conservation Area, nor the settings of listed buildings in the vicinity.

15.44 At present, the vacant site is not a contributory element to the setting of the Conservation Area. The introduction of a terrace row comparable in scale to those on the northwest side of Bleke Street and in a comparable palette of materials would not be an alien introduction to the borders of the Conservation Area. However, as also considered by the Inspector in allowing the scheme for 18 units on site, careful consideration would be required for the material specification, including fenestrations, to ensure a high quality of design and complementary visual aesthetic and avoidance of homogeneity. The positioning of the car park between the Blocks would prevent parked cars from intruding into the streetscape.

15.45 The grade II listed Kings Arms public house forms part of a historic streetscape on the east side of Bleke Street, with the visual experience of the public house in this context contributing to its significance. Though slightly greater in scale than the 2-storey public house, the falling topography, along with the rounded corner, hipped roof and stepped rooflines, would assist in reducing the visual impact of Block A when viewed from Bleke Street. The view of the Kings Arms would change as a result of the proposal, but the introduction of buildings opposite the public house would not be considered detrimental to identified elements of its setting; there is no special connection between the current openness of the site and the understanding/appreciation of the asset.

15.46 The grade II listed Ashvays similar forms part of the historic Bleke Street streetscape. The Inspector for allowed scheme of 18 units recognised that

differences between Ashvays and Kings Arms “underline broader variations in the character of the streetscene between the site and the historic centre of the settlement.” The scale of Block A is comparable to the scale of this listed building in terms of ridge height and generally reflects the tendency for larger buildings on the north west side of Bleke Street. As with the Kings Arms, the current openness of the site is not a contributory factor to the appreciation and understanding of Avishays. The new block would read as a continuation of the streetscape established by Avishays.

15.47 The application site therefore makes no obvious contribution to the significance of either listed building. Instead, it detracts from the visual and spatial quality of their settings. As such, the development would preserve the settings of both listed buildings.

15.48 For the reasons above, officers consider that, with the imposition of conditions to control the material specifications, the proposed development would preserve and even enhance the character and appearance of the Conservation Area, as well as conserve the settings of the Conservation Area and aforementioned listed buildings.

15.49 In their covering letter for the current application, the applicants claim that an archaeological assessment was not required as part of the sheltered housing application or the allowed appeal scheme. However, the applicants did indeed provide an archaeological evaluation (dated June 2020). The findings considered the site’s proximity to the Saxon core of Shaftesbury, consisting of the Burgh and the Abbey, both established in the late 9th century. The possibility of further features elsewhere on site is considered to be high, as well as anecdotal evidence of a tunnel.

15.50 The applicants also assert that there are no conditions attached to the extant approval in respect of archaeological assessments and therefore no justification for such an assessment as part of the current application. However, in allowing the appeal, the Inspector agreed with the Council’s recommended imposition of such a condition (which had also been recommended at the time of the committee report), stating that “preliminary investigation of the site indicated the high possibility of further features of archaeological interest elsewhere on the site.” Nonetheless, no archaeological information has been provided as part of the current application.

15.51 With no further clarity on this matter, officers consider it necessary to impose the same condition required by the extant allowed appeal scheme to ensure that any archaeological interest on and around the application site can be safeguarded and recorded.

## **Drainage**

15.52 Relative to the extant scheme for 18 units no changes are proposed to the drainage scheme on site under the current application.

15.53 The previous application recognised that the latest drainage design represented an improvement from the sheltered housing scheme, insofar as it would not seek to discharge into the foul sewer. However, the newer drainage design does

not have enough space in the lower half of the site for a crate soakaway, due to basement parking and so has been met with the same disappointment from the Lead Local Flood Authority (LLFA).

15.54 As with the extant scheme of 18 units, rainwater harvesting could be used, which may offset some of the energy use required by the pump, by reducing potable water requirements. Equally, the drainage scheme proposed offers no multifunctional benefit contrary to sustainable planning policy. Rain gardens could be used to provide some additional amenity and biodiversity benefit, but none have been offered.

15.55 Notwithstanding the comments raised by the LLFA, the drainage strategy presented remains feasible and deliverable and not objectionable.

### **Impact on neighbouring amenity**

15.56 As noted, aside from some of the materials, the scheme is almost identical to the extant scheme for 18 units in terms of overall design. Amendments were made to the design of the development during the course of this previous application to overcome concerns raised with regard to overlooking, overshadowing and overbearingness. Whilst there would be a greater occupancy than the extant scheme for fewer units, officers remain of the view that the proposed development would not give rise to any significantly adverse impacts on neighbouring amenity.

### **Highway and transport safety**

15.57 The access into the site and parking arrangements on site would be the same as that already allowed as part of the scheme for 18 units. The main vehicular site access would continue to be from a new access point in Kings Hill. There would continue to be a total of 36 parking spaces comprising 19 surface parking spaces and 16 spaces in the basement of Block B.

15.58 It is material that the occupancy on site would be greater and the effect of this on the highway network and parking provision should be considered.

15.59 With the quantum of development increased from the allowed scheme, the projected traffic generation in the AM and PM peaks would increase accordingly. However, the Highway Authority consider that the predicted traffic impact upon the local highway network would be negligible and certainly not a reason to object to the development proposal.

15.60 Bearing in mind the sustainable, town centre location of the site, the number of units to parking spaces ratio is remains acceptable. The layout is otherwise the same and accessibility for Dorset Waste Partnership collecting refuse has previously been shown to be acceptable and there is nothing to indicate a deviation from this stance.

15.61 Highway related conditions have been recommended once again and can be imposed accordingly.

## **Biodiversity and ecology**

15.62 The applicants have provided the same ecology assessment and Biodiversity Plan (BP) (with valid Certificate of Approval) as submitted for the allowed appeal scheme, claiming that no further mitigation or enhancement would be required as the scheme is almost identical.

15.63 However, whilst the development is volumetrically similar, the number of units has materially increased and, as such, the amount of enhancement would need to be slightly increased accordingly. However, as the degree of enhancements is likely to be minor, officers are satisfied that, on this occasion, the submission of an updated BP can be secured by way of condition.

## **Other matters still relevant**

15.64 As with the extant open market housing scheme, there would be visual benefits brought to residents and the wider locality by the inclusion of street trees along the road frontage to the south west. The proposed tree planting in this scheme looks to be placed in areas laid predominately to hard standing; which will fail to thrive if not planted appropriately i.e. engineered planting pits with irrigation. Many are unlikely to provide a wider contribution to public amenity, due to their positioning within the site behind terraced housing. Tree species choice will need to pay attention to overall shape and spread, particularly, if being placed near to car parking spaces and access points. A detailed landscaping scheme should be conditioned.

15.65 Contamination is likely given historic land use. A condition would be needed to address any found contamination.

15.66 A degree of disturbance during construction and disruption to services is likely with a site in an urban location although access would be available from New Road during the duration and normally large schemes are well managed to avoid disruption to neighbours.

15.67 There would be sufficient local infrastructure to service the proposed development including sewerage, water, electricity and refuse collection.

## **Planning balance**

15.68 At the time of this application the Council's published five-year housing land supply is 5.17 years. Subsequently, there have been two appeals where inspectors have found the supply to be less than 5 years. The appeal decisions are a snapshot in time, but this does highlight the need to ensure that the progress that has been made to the supply situation is sustained. The Housing Delivery Test is just 69% and the delivery of housing has been substantially below the housing requirement over the previous three years. Accordingly, paragraph 11 and footnote 8 of the NPPF indicates that the relevant housing policies of the development plan should be considered out of date in this situation. For this case, those policies are considered to be Policies 2, 6 and 18 of the Local Plan.

15.69 Both Policy 1 of the Local Plan and paragraph 11(d) of the NPPF state that where the relevant policies are out of date, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

15.70 The relevant 'Footnote 7' policies in this case are those that are related to designated heritage assets. However, as discussed in this report, officers do not consider harm would arise to designated heritage assets as a result of the proposed development and, therefore, there is no clear reason under paragraph 11d(i) and Footnote 7 to refuse the development. As such, it is the requirement to consider if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits that is applicable in this instance.

15.71 The scheme would not provide any affordable housing. However, this is also the case for the extant scheme for 18 units. The applicants have provided a viability assessment, which has been scrutinised by the DOA, which indicates that the development would similarly not be viable if affordable housing was provided.

15.72 There would be a policy conflict arising from the loss of a former employment site, which are protected from other forms of development under Policy 11 of the Local Plan. However, it is also recognised that the location of the site for industrial uses was not compatible in the context of its surroundings, being largely residential in nature. The site also abuts the Conservation Area and sits within the settings of listed buildings; the former garage use of the site or any future industrial use on site would not preserve or enhance the significance of these designated heritage assets. Redevelopment of the site therefore provides an opportunity to integrate new housing development into the existing built-up area and enhance the character of the area and officers consider that the proposed development would achieve this.

15.73 There are many benefits and relevant material considerations that weigh in favour of supporting the current application. The site is located within a very sustainable, town centre location within the settlement boundary of Shaftesbury, lessening any reliance on unsustainable patterns of wider travel. The development would be aligned with the district core spatial strategy.

15.74 The proposed development of 24 units would provide a worthwhile contribution towards maintaining the Council's five-year housing land supply, with implementation of an approved scheme also supporting the recovery of the Council's low Housing Delivery Test figure. The fact that the Council needs to boost delivery at a North Dorset level must be afforded substantial weight in the planning balance.

15.75 It is also material that there are already two extant fallback permissions to redevelop the site for housing, either of which could be implemented at this stage. Both permissions have established the principle of residential redevelopment of the site. In terms of number of homes to be provided, the current application provides a more appealing contribution than the most recent extant scheme for 18 units and would therefore provide a greater benefit in this regard.

15.76 The permission for 18 units could not justify financial contributions, whereas the current application would secure £24,000 towards destination play facilities within Shaftesbury, providing meaningful social and health benefits.

15.77 Subject to necessary conditions, the proposed development would have an acceptable visual appearance and not harm to character of the area and its townscape surroundings.

15.78 With an acceptable design, the proposed development would also result in no harm to the settings of the Conservation Area and nearby listed buildings. As such, the significance of these designated heritage assets would be preserved. The proposed development even has the additional potential benefit, subject to suitable material specifications, of enhancing the character and appearance of the Conservation Area.

15.79 Additional benefits include a feasible and deliverable drainage strategy, an acceptable impact on neighbouring amenity, acceptable impact upon the highway network and the security of biodiversity mitigation and enhancements can be secured by condition.

15.80 With the above points in mind, officers consider that the adverse impact of a lack of affordable housing provision and the loss of a former employment site would not significantly and demonstrably outweigh the substantial benefits of the proposed development. Substantial weight is also given to the fact that there are two extant fallback positions that could also be implemented on site and both of these, in their own right, would be less beneficial and desirable than the current scheme subject to this application.

15.81 In the context of paragraph 14 of the NPPF, the SNP does not contain any housing allocations to meet its identified housing requirement. Therefore, despite the SNP being made less than two years ago, 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.

## **16.0 Conclusion**

16.1 Officers consider that there are no substantial, clear or compelling reasons to refuse the application. By virtue of the most important development plan policies for determining the application being out-of-date, the tilted balance under paragraph 11 of the NPPF is engaged. There are no adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole in this instance. The proposal would represent sustainable development in accordance with Policy 1 of the Local Plan and the NPPF as a whole.

16.2 The application complies with Policies 1, 2, 3, 4, 5, 6, 7, 8, 13, 14, 15, 18, 23, 24 and 25 of the adopted North Dorset Local Plan 2016 and policies SFTC1,

SFHE2, SFDH1, SFDH2, SFDH3, SFDH4, SFDH5, SFDH6, SFDH7 and is therefore recommended for approval.

## 17.0 Recommendation

### Recommendation A:

**Grant** permission, subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Legal Services Manager to secure the following:

£24,000.00 for off-site destination play facilities and maintenance

and the following conditions (and their reasons):

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 strictly and only in accordance with the approved drawings and details forming the approved application:

P9117/300B Location Plan & Site Plan  
P9117/301 Block A Floor Plan  
P9117/302A Block A Elevations  
P9117/303 Block B Floor Plans 1 of 2  
P9117/304 Block B Floor Plans 2 of 2  
P9117/305B Block B Roof Plan  
P9117/306A Block B Elevations  
P9117/307A Site Sections/Elevations  
19009-BT1 Tree Protection Plan  
5237 202 Swept Path Analysis

Reason: For the avoidance of doubt and to clarify the permission.

3. Notwithstanding the material details shown on the approved plans, construction of Blocks A and B as hereby permitted shall not take place above damp proof course level until:

in relation to Blocks A and B:

(a) details of all materials and finishes to be used externally, including sample panels measuring 1 metre x 2 metres; and

in relation to Block A only:

- (b) design and construction details including drawings at a scale of not less than 1:5, of doors, windows, canopies, eaves, verges, dormers, chimneys, plinths, sills, arches and lintels; and
- (c) details of the location of all flues, vents and meter boxes;

have been submitted to/constructed and approved in writing by the Local Planning Authority. Construction of Blocks A and B shall then be carried out in accordance with the approved details, as applicable, and the sample panels shall remain on site for the duration of construction works.

Reason: To ensure details are of a high quality and to preserve and enhance the significance and setting of designated heritage assets.

4. Construction of Blocks A and B as hereby permitted shall not take place above damp proof course level until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- (a) all planting (including positions and/or density, species and planting size);
- (b) all hard surfacing materials;
- (c) all boundary treatments; and
- (d) a timetable for implementation.

The approved scheme shall then be implemented in accordance with the approved timetable. Any trees or plants which within a period of 5 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.

Reason: To ensure the provision of appropriate landscape design.

5. Prior to any form of excavation of the site or commencement of any development hereby approved, a written scheme that details a programme of investigative archaeological work shall be submitted to, and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To safeguard and/or record the archaeological interest on and around the site.

6. In the event that any contamination not previously identified is found at any time whilst implementing the development hereby approved it must be immediately reported in writing to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall then be carried out before the development, or the relevant part of it, is resumed or continued.

Reason: To safeguard the living conditions of future and neighbouring occupiers and to protect the water environment and other sensitive receptors.

7. The development hereby permitted shall be implemented and thereafter managed in accordance with the Drainage Strategy Rev B for Former ATS Euromaster New Road Shaftesbury, with all drainage works completed prior to the first occupation of the approved dwellings.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

8. Prior to commencement of the development hereby approved an updated Biodiversity Plan must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the Biodiversity Plan must be implemented in full in accordance with the specified timescales in the Plan.

Reason: To mitigate and enhance biodiversity and ecology, including protected species.

9. Prior to the first occupation of the dwellings hereby permitted 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. The development shall be carried in accordance with the approved details.

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.

10. Prior to the first occupation of the dwellings hereby permitted the existing highway vehicular crossing along New Road shall be expunged and reinstated to provide a 2.00m wide footway, to a specification which must be submitted to and approved in writing by the Planning Authority. The development shall be carried in accordance with the approved details.

Reason: To ensure the proper and appropriate reinstatement of the adjacent highway.

11. Prior to the first occupation of the dwellings hereby permitted the parking and turning space, including cycle parking facilities shown on the approved plans shall be provided and made available for parking and turning. They shall thereafter be retained and kept available for these purposes at all times.

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

12. Prior to the first occupation of the dwellings hereby permitted, the widened footway along the northern side of Kings Hill shown on the approved plans shall be

constructed in accordance with a specification that has first been submitted to and approved in writing by the Local Planning Authority.

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

13. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no fences, walls, gates or other means of enclosure permitted by Class A of Schedule 2 Part 2 of the 2015 Order shall be erected around the curtilage of any dwelling that forms part of Block A hereby permitted.

Reason: To enable the Local Planning Authority to retain control over the development of the site.

**INFORMATIVE NOTE:** Dorset Highways 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](mailto: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.

**INFORMATIVE:** Crime prevention

It is recommended that the security of the development meets the standards laid out in the Secured By Design Homes 2019 guide which can be found at [www.securedbydesign.com](http://www.securedbydesign.com) This is the Police guidance on crime prevention in new developments and will assist with the sustainability of the development.

It is recommended that all rear access gates that lead to dwellings i.e. plots 1-9 are key lockable from both sides. Burglaries most commonly occur at the rear of the premises where access is not restricted i.e. unlocked gates.

It is recommended that criminal opportunity for the underground car park is minimised and that day to day access and emergency exit do not undermine the security of the residential flats above.

**INFORMATIVE:** This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 relating to a contribution to destination play facilities.

**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.

Recommendation B:

**Refuse** permission for failing to secure the financial obligations detailed above if the agreement is not completed by 24 July 2023 or such extended time as agreed by the Head of Planning.

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# Agenda Item 8

<b>Application Number:</b>	P/HOU/2022/02773		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Stonehouse, Wyke Road, Gillingham, Dorset, SP8 4NW		
<b>Proposal:</b>	Erect extension		
<b>Applicant name:</b>	Mrs Stephanie Pollard		
<b>Case Officer:</b>	Colin Tebb		
<b>Ward Member(s):</b>	Cllrs Pothecary, Walsh and Ridout		
<b>Publicity expiry date:</b>	26 October 2022	<b>Officer site visit date:</b>	
<b>Decision due date:</b>	22 <sup>nd</sup> November 2022	<b>Ext(s) of time:</b>	2 <sup>nd</sup> December 2022

## 1.0 Reason application is going to committee

1.1 Town Council objection, and Member call-in.

## 2.0 Summary of recommendation:

2.1 GRANT permission subject to conditions outlined at the end of this report.

## 3.0 Reason for the recommendation:

- The site falls within the settlement boundary of Gillingham, where new residential development and extensions may be permitted;
- Following the receipt of amended plans, which are of a subordinate design and better reflect the materials of the existing property;
- The proposal would not conflict with the recently Adopted Gillingham Neighbourhood Plan;
- 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 property falls within the settlement of Gillingham, and this application (as amended)

	seeks a subordinate extension, in accordance with planning policy.
Scale, design, impact on character and appearance	Amended plans were requested, and consequently the extension would now be set down – subordinate to the existing house, located to the rear of the property and also now in matching materials.
Impact on amenity	The extension would be set back within the recess of this L-Shape property.
Impact on landscape or heritage assets	Although this building is within a Conservation Area, it is considered that the proposed development will not cause harm to the significance of the designated and non – designated heritage assets.
Economic benefits	Employment opportunities whilst development being undertaken, and residents continuing to contribute to the local economy.
Access and Parking	Adequate turning and parking provision is provided.
EIA (if relevant)	NA

## 5.0 Description of Site

- 5.1 The Stone House is located within Wyke, a residential area on the western side of Gillingham, and it fronts Wyke Road – the B3081 when exiting Gillingham, just beyond (west) are a few more residential dwellings, beyond which is open countryside. Either side of the Stone House are further detached properties, with a newer house to the west set further back than The Stone House, and the property immediately to the east with a large side garden between it and The Stone House.
- 5.2 The Stone House also has a driveway separating it from the property to the east, leading to a parking area to the rear. In addition, the property has a rear two storey wing, creating an L-Shape property.

## 6.0 Description of Development

- 6.1 A two storey extension is being sought within the recessed area to the rear of the property, alongside the two storey rear ‘wing’ and therefore positioned within the recessed area of the main house, and largely screened from Wyke Road. Original plans included a much more contemporary design flat roof extension also with horizontal vertical boarding to the walls, and large glazed apertures. The Applicant clarified that the extension is mainly being sought; *“to allow our youngest daughter to have a decent sized room for her approaching teenage years.”* and therefore provide a degree of independence with a separate entrance.

6.2 Amended plans now propose a more traditional pitched slate roof and stone walls to the extension now, to reflect and match the existing property. The more contemporary apertures are still proposed, but on a slightly smaller scale.

## **7.0 Relevant Planning History**

7.1 2/1990/0997 - Decision: GRA - Decision Date: 01/02/1991

Form room in roof space

P/HOU/2021/01721 - Decision: WIT - Decision Date: 10/12/2021

Loft Conversion with Front and Rear Dormers.

## **8.0 List of Constraints**

8.1 Grade: II Listed Building: BREWERY HOUSE AND FRONT FENCE List Entry: 1110308.0;

Wyke Conservation Area

North Dorset Local Plan Part 1 (2011-2031); Adopted; Settlement Boundary (inside); Policy 2, 17 & 21; Gillingham

North Dorset District-Wide Local Plan (1994-2011); Saved Policies; Area of Local Character; GH3;

Neighbourhood Plan - Made; Gillingham NP; Status Adopted 27/07/2018;

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

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

Within the Gillingham Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

## **9.0 Consultations**

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

### **Consultees**

#### **1. Gillingham Town Council- Object**

*“At the planning meeting on Monday 24<sup>th</sup> October 2022, Gillingham Town Council agreed and resolved to recommend refusal of amended Planning Application P/HOU/2022/02773 as the amended proposal does not address the previous objections submitted by Gillingham Town Council.*

*Stonehouse is situated within the Wyke Conservation Area and is locally listed as a non-designated heritage asset.*

*The design of the proposed extension does not improve or enhance the building and is out of character with Stonehouse; therefore, the application is contrary to*

*Policy 27 of the Gillingham Neighbourhood Plan and Policy 5 of the North Dorset Local Plan.”*

- 2. DC - Conservation Officers;** provided initial objection in respect of the original plans, and then following a formal re-consultation commented further, including the following comments:

*“Whilst the design has been changed and the use of masonry cladding is more sympathetic with the non-designated heritage asset and surrounding conservation area, the pitch roof lantern is incongruous with the style of the existing building. This would have a detrimental impact on the character of the non-designated heritage asset. The extension would be visible from the main road and as it does not function well with either the building or the surrounding, the proposal would have a detrimental impact on the character of the conservation area...*

*...Considering the previous and above comments, the proposal would lead to harm to the significance of the non-designated heritage asset and to the character and distinctiveness of the conservation area. This harm would be less than substantial; however, no overriding public benefit to justify this harm can be seen, as required under paragraph 202 of the NPPF, and therefore cannot be supported.”*

### **Representations received**

None

## **10.0 Relevant Policies: Adopted North Dorset Local Plan:**

10.1 The following policies are considered to be relevant to this proposal:

- Policy 1 - Presumption in Favour of Sustainable Development
- Policy 4 - The Natural Environment
- Policy 5 - The Historic Environment
- Policy 20 - The Countryside
- Policy 23 - Parking
- Policy 24 - Design
- Policy 25 - Amenity
- Policy 28 - Existing Dwellings in the Countryside

**Neighbourhood Plan - Made; Gillingham NP;** Status made 27/07/2018;

Policy 27. Protection of locally important heritage assets:

Support will be given wherever practicable to the protection and enhancement of the locally listed buildings and other local heritage assets shown in Figures 13.2 to 13.12 and set out in the associated tables below. Where historic/locally important buildings and features are within the same site as a development proposal, their repair (if needed) and retention should be secured.

## Material Planning Considerations

The National Planning Policy Framework 2021

### 11.0 Human rights

11.1 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.

### 12.0 Public Sector Equalities Duty

12.1 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.

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

The proposed extension would provide an accessible entrance to the dwelling. The proposal is not considered to directly impact on persons with protected characteristics.

### 13.0 Financial benefits

What	Amount / value
Material Considerations	
Proposed two storey extension	Continued contribution of occupants to local businesses & services
	Support local construction sector
Non Material Considerations	
Increased Council Tax Contributions	As per local charging rate

### 14.0 Environmental Implications

14.1 Clearly, in creating this new residential extension, it must meet current and emerging Building Regulations standards, which continue to be upgraded to require new developments to meet more onerous sustainable standards and techniques.

## **15.0 Planning Assessment**

### **Principle of development**

15.1 The site falls within the settlement boundary of Gillingham, where new development, including extensions may be permitted. The extended dwelling is located in a sustainable location, on the outskirts of Gillingham and therefore relatively close to retail, employment, leisure and other uses. This is entirely in accordance with the broader NPPF objectives, and the more local Adopted North Dorset Local Plan Part 1, as well as the recently made Gillingham Neighbourhood Plan.

### **Scale, Design, Impact on Character and Appearance**

15.2 Whilst recognising the Town Council's comments, and those of the Conservation Officer, it is considered that the amended plans would better reflect the style and materials of the original property. This would be achieved by using more traditional stone walls to correspond to the existing house, and a matching pitched slate roof now, which would be subordinate – lower than the main ridge of the property, with matching angle of pitch too. This compares favourably to the vertical timber cladding and flat roof extension originally proposed.

15.3 On the question of design, the Gillingham Neighbourhood Plan, July 2018 states:

*“New development should be of a high design quality and respect the qualities and character of nearby buildings and the area (and key buildings) in which it is situated. In general new development should not exceed the height or massing of existing buildings in the immediate locality, with local variation where possible relating to the building's role and function.*

*Any new development should provide a positive face onto (and primary entrances visible from) the road (or both roads in the case of corner plots), in a style in keeping with the character of the local area. Blank elevations facing the street or public realm are to be avoided.”*

15.4 In this case, the extension is to the rear of the property. It would be barely visible from the public realm – and consequently, will have little or no impact upon the broader Gillingham Conservation Area. The Town Council and the Conservation Officer have maintained their concerns in relation to the impact of the amended proposals on the non-designated heritage asset and the broader conservation area. The judgement required in this case is whether the proposed development will cause harm to the

significance of non-designated and designated heritage assets. If there is harm to designated assets, then significant weight must be afforded and there should be public benefits that outweighs the harm. Public interest is only engaged where there is harm to a designated heritage asset. For a non-designated heritage asset - the house itself, the decision maker must balance the scale of harm or loss against the significance of the heritage asset - see para 203 NPPF.

- 15.5 Officers consider, for the reasons highlighted above, that the proposals, as amended and in particular its impact upon the quality of the designated heritage asset – Conservation Area, would result in no harm. The extension has been fundamentally altered with a corresponding pitched slate roof (with the same angle of pitch), and now importantly matching stonework.
- 15.6 The only real contemporary element that remains are the full height – narrow apertures, which would not make the extension appear as a distinctly different design to the ‘host’ dwelling. Officers consider that the modest extension would not harm the significance of the host asset, which is identified as locally listed in the Gillingham Neighbourhood Plan, and is a non-designated heritage asset.
- 15.7 To ensure satisfactory details, it is recommended that a condition be imposed requiring a sample panel of stone-work be built on site, and a requirement for the approval of the slate and window frames.

The proposal is considered to be in accordance with the objectives of local plan policy 5, and also the Gillingham Neighbourhood Plan, policy 27, as set out above. This is because the proposal would be subordinate to the main ridge, and largely screened from the public street frontage. The proposal would also use matching stonework and slate roof, and as such, it would not appear as a discordant feature in the street scene, or harm the character of the non-designated asset.

#### Impact on amenity

- 15.8 The Stone House is set well away from the existing properties either side, and therefore there is a good degree of spaciousness around and between the dwellings. Indeed, the extension would be completely screened from the property to the west, and also some considerable distance from the property to the east too, with a driveway/parking area serving The Stone House, and a fence and beyond this the side garden of the neighbouring property, which is in the region of 7 metres wide. The newer close of dwellings in Milford Court are also some distance away and would not be adversely affected by this proposal either.
- 15.9 Therefore, there would an acceptable inter-relationship between the extension and the various built forms in the area, without either overbearing or overlooking neighbour’s

gardens. This is reflected in the lack of objections. The proposal would comply with policy 25 of the local plan.

Highways and parking:

15.10 There would be no adverse impact upon highway or pedestrian safety, with the existing parking and turning area remaining for use, which would enable vehicles to enter and leave in a forward gear.

Other matters:

15.11 A biodiversity certificate of approval has been issued. A condition is recommended below requiring compliance with the Biodiversity Plan.

## **16.0 Balance and Conclusion**

16.1 The comments from Gillingham Town Council and the Conservation Officer are acknowledged, however, the proposed amendments which have been made would better reflect the style (subordinate – matching angle of pitched roof) and materials (stone and slate) of The Stone House, by comparison to the original flat roof, timber boarded design.

16.2 The extension is located to the rear of the property, within a recessed area of the dwelling. It would largely be screened from public views, and would not cause harm to the wider Gillingham Conservation Area – a designated heritage asset. Furthermore, the modest extension would not harm the significance of the host asset, which is non-designated.

16.3 As such, in its amended form, it is considered the proposal would not conflict with the objectives of the North Dorset Local Plan, Part 1, as well as the made Gillingham Neighbourhood Plan. The scheme is now of an acceptable overall scale, height, depth and would use sympathetic materials and detailing, which would not detract from the street-scene.

16.4 The proposal would not result in any adverse impact upon highway safety. There would be no harm to neighbouring residential amenity.

**Recommendation:** Grant 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:

Combined A1 Drawing Revision C, dated 9th October 2022.

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

3. Prior to development above damp proof course level, details and samples of all external facing materials for the wall(s) and roof(s) 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. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan or Landscape Ecological Management Plan (LEMP) certified by the Dorset Council Natural Environment Team on 5th September 2022 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:

i) the mitigation, compensation and enhancement/net gain measures detailed in the approved biodiversity plan or LEMP have been completed in full, unless any modifications to the approved Biodiversity Plan or LEMP 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  
ii) 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.

5. Prior to development above damp proof course level, a sample panel of the proposed external facing material(s) measuring at least 1 metre by 2 metres, demonstrating the proposed coursing, mortar mix and pointing detail, shall be erected on site, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with details of the sample panel as have been agreed and the sample panel shall remain on site until the external walls have been constructed to eaves height.

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

6. Prior to the installation of joinery, detailed drawings (at a scale of 1:5, 1:10 or 1:20 as appropriate) showing the design, materials, external finish and construction specifications of all external windows and doors shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be completed in accordance with the approved details.

Reason: To safeguard the character of the locality and in the interests of the appearance of the development.

**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, once amended plans were received, and no further assistance was required.

# Agenda Item 9

<b>Application Number:</b>	P/FUL/2022/06067		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk">https://planning.dorsetcouncil.gov.uk</a>		
<b>Site address:</b>	Manor Park Church Of England First School Mellstock Avenue Dorchester Dorset DT1 2BH		
<b>Proposal:</b>	Siting of a converted container classroom on the existing playground for the use of the pre-school.		
<b>Applicant name:</b>	Mrs Claire Warne		
<b>Case Officer:</b>	Emma Ralphs		
<b>Ward Member(s):</b>	Cllr Jones and Cllr Rennie		
<b>Publicity expiry date:</b>	20 December 2022	<b>Officer site visit date:</b>	29.11.2022
<b>Decision due date:</b>	5 January 2023	<b>Ext(s) of time:</b>	-

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

**2.0 Summary of recommendation:**

Grant

**3.0 Reason for the recommendation:** as set out in paras 14 at end

- 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**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	The principle of development, to permanently site a converted container classroom within the school grounds is acceptable.  The building would be used in conjunction with the current pre-school facilities.

Scale, design, impact on character and appearance	Development would have a neutral impact upon the appearance of the school and of the wider area ; it would not stand out from the rest of the surrounding built form and its assimilation into the tree backdrop; not have a significant impact upon the appearance of the street scene but would provide extra educational facilities to support the pre-school.
Impact on amenity	Development would have a negligible impact upon the residential properties to the south of the site (Holbaek Close) considering the belt of trees screening the proposal from these residential properties.

## 5.0 Description of Site

Manor Park, Church of England First School is located on the western side of Mellstock Avenue, with the Pre-school being located south of the main first school. The grounds comprise of the Church of England School with a separate building for the Pre-school. The children's play area for the first school is between the first school and pre-school buildings. There is also a metal fence physically separating the children's play area.

The proposed siting of the converted container classroom will be on the existing hard surfacing for the pre-school, situated behind the existing building close to the southern boundary.

## 6.0 Description of Development

Proposed development consists of siting a c.60sqm converted container classroom (four shipping containers measuring in total c.9.8m by c.6.1m) on the existing playground. The building will include two W/C and a small kitchenette.

## 7.0 Relevant Planning History

None

## 8.0 List of Constraints

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

Groundwater Source Protection Zone

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. DC - Highways

No objections

**2. P - Dorchester Town Council**

No objections

**3. W - Dorchester East Ward**

No objections

**4. DC - Asset & Property- Abigail Brooks**

No comments received

**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).

- INT1 - Presumption in favour of Sustainable Development
- ENV1 - Landscape, seascape & sites of other geological interest
- ENV10 - The landscape and townscape setting
- ENV12 - The design and positioning of buildings
- ENV16 - Amenity
- SUS2 - Distribution of Development

**Other material considerations**

**National Planning Policy Framework**

The Relevant chapters of the NPPF include:

Part 2 – Achieving sustainable development

Part 4 – Paragraph 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 improve 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.

In the case of this application, the planning authority has taken into consideration the requirement of the Public Sector Equalities Duty. The development would specifically cater for younger individuals to provide additional educational facilities, having a positive impact on people with protected characteristics.

## **13.0 Financial benefits**

The proposed development would be able to accommodate more children requiring pre-school services, bringing in financial gains to the school and have the potential to hire more staff to assist in pre-school child care in the future.

## **14.0 Planning Assessment**

### Principle of development

The principle of development, to permanently site a converted container classroom within the school grounds is acceptable and it would not result in a loss of land used for educational purposes. The building would be used in conjunction with the current pre-school facilities to provide extra space for pre-school children on the waiting lists and would provide an increase in economic input for the school (Policy INT1). The building is to be situated on vacant playground of the pre-school, partially under the canopy of the trees along the southern boundary of the site.

### Scale, design, impact on character and appearance

The proposed scale of the development is acceptable considering it would be a single storey building, behind the existing bungalow. It would relate in scale to the existing storage unit close by (Policy ENV12). The development would have a

neutral impact upon the appearance of the school and of the wider area (Policy ENV1). The proposed converted container would not stand out from the rest of the surrounding built form due to its light grey colour (RAL7035) and its assimilation into the tree backdrop along the southern boundary (Policy ENV10). The proposal would not have a significant impact upon the appearance of the street scene but would provide extra educational facilities to support the pre-school, reflecting the purpose of which the building is required for (Policy ENV12).

The proposal would be situated above the hard surfacing and not require any foundations to be dug, other than to connect it to the existing service pipes (shared with the school). Additionally, the proposal would not give rise to any groundwater or surface water flood risk considering that the location is located on hard surfacing already being used as a children's play area (Policy ENV5).

The proposed colour is to be RAL7035 (light grey) with foam wall insulation and mineral wool floor and roof insulation, steel doors and double glazed windows. The proposed materials would be acceptable as the converted classroom would be insulated and have been designed in such a way to provide a suitable space to facilitate educational needs. As written on the specification sheet, the five windows will have roller shutters and insulated glass to further insulate the building.

#### Impact on amenity

The proposal would have a negligible impact upon the residential properties to the south of the site (Holbaek Close) considering the belt of trees screening the proposal from these residential properties (Policy ENV16). The building would not impact the residential amenity space of the properties on Holbaek Close (specifically no.38 and 39) due to the tree belt on the southern boundary, which would screen the converted classroom from sight. The tree belt also partially shades the rear garden of no. 39 therefore, the proposal would not substantially impact the level of light into the rear garden (policy ENV16).

The land is already being used for educational purposes for the pre-school and therefore, the proposal would not significantly increase the level of noise generated, Policy ENV16.

The planning officer has pointed out to the applicant that the converted container would still need to comply to building control requirement. Even though it is outside the planning remit, the applicant has confirmed, to their knowledge, that the proposed converted container classroom will comply to building control regulations.

## **15.0 Conclusion**

The proposed converted container classroom will not detract from the overall appearance of Manor Park CE First School as it will be situated behind the existing bungalow and blend in with the belt of trees along the southern boundary (Policy ENV10 and ENV12). The building would not likely give rise to any groundwater flooding risks as the land is already hard standing, retaining the existing surface water management of rainwater.

The proposal would have a negligible impact upon the residential properties at Holbaek Close and would not give rise to any overbearing impacts upon the residential gardens of no. 38 and 39 Holbaek Close (Policy ENV16).

**16.0 Recommendation:** Grant, 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:

9388705-002 Proposed floor plan  
2775 P02 Classroom proposed elevations and floor plans  
9388705-001 Proposed elevations and floor plans  
2775 P01 Location and Site Plan  
2775 P03 Block Plan (satellite image)  
Specification Sheet dated 30.08.2022

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

**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 applicant was provided with pre-application advice.
- The application was acceptable as submitted and no further assistance was required.