



# Northern Area Planning Committee

**Date:** Tuesday, 16 May 2023  
**Time:** 12.00 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 11<sup>th</sup> April.
- 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. Please refer to the Guide to Public Speaking at Planning Committee.  
[GuidanceforSpeakingatPlanningCommittee.doc.pdf](https://www.dorsetcouncil.gov.uk/media/1000000/GuidanceforSpeakingatPlanningCommittee.doc.pdf)  
 [\(dorsetcouncil.gov.uk\)](https://www.dorsetcouncil.gov.uk).
- The deadline for notifying a request to speak is 8.30am on Friday 12<sup>th</sup> May.
- 5. PLANNING APPLICATIONS**
- To consider the applications listed below for planning permission.
- 6. P/VOC/2022/05646- FROGMORE LANE, SIXPENNY HANDLEY** 13 - 26
- Residential development comprising 7 new dwellings with ancillary car parking. (As amended 25/02/21 by Flood Risk Assessment and Surface Water Strategy and revisions to Plot 1). (Variation of Condition Nos. 2 and 10 of Planning Permission No. P/VOC/2022/02389 to substitute approved plans for a revised layout, and revised house and garage types and designs).
- 7. P/FUL/2022/06898- ENTERPRISE PARK, PIDDLIHINTON** 27 - 48
- Demolish units 36,40 & 45 and erect 3 no. blocks of industrial units (9-22) for B2, B8 & E class use.
- 8. P/FUL/2022/07038- OLD POST OFFICE HOUSE CHURCH ROAD BRADFORD ABBAS DORSET DT9 6RF** 49 - 64
- Change of use of part of building (former Post Office) from mixed use to residential accommodation.
- 9. P/FUL/2022/07513- FROG LANE FARM, MOTCOMBE** 65 - 80
- Retain the change of use of existing agricultural building to allow the cutting and preparation of building stone, including the siting of a steel container & generator.
- 10. P/2022/00536- LAND AT LOWER BLANDFORD ROAD, SHAFTESBURY DORSET** 81 - 110
- Erection of up to 7 dwellings with associated highway and drainage

infrastructure and landscaping (outline application to determine access only).

**11. 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.

**12. 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 11 APRIL 2023

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

**Present remotely:** Cllrs

**Apologies:** Cllrs Tim Cook and Emma Parker

**Also present:**

**Also present remotely:**

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

Hannah Smith (Planning Area Manager), Lara Altree (Senior Lawyer - Regulatory), Steve Savage (Transport Development Manager), Megan Rochester (Democratic Services Officer), Steven Banks (Planning Officer), Jim Bennett and Jane Green

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

160. **Apologies**

Apologies for absence were received from Cllrs Emma Parker and Tim Cook.

161. **Declarations of Interest**

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

162. **Minutes**

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

163. **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.

164. **Planning Applications**

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

165. **P/RES/2022/06180- Common Mead Lane, Gillingham**

The Case Officer gave an update as follows:

- Dorset Council Highway Engineer was satisfied that amended plans had addressed concerns.
- The applicant wanted it made known that 5 units within the scheme would be fully wheelchair accessible. Also, that they were prepared to undertake further tree planting in the northern field.
- Additional condition proposed to remove permitted development rights for the insertion of new first floor windows in the northern gables of Plots 1 and 7, in the interests of adjoining amenity.
- A typo in the report related to the wildlife corridor, which should have read 7m in width, rather than 9m.

With the aid of a visual presentation, The Case Officer showed members aerial photographs and a map of the site. In addition to this, details were also provided regarding site access, changes in design of dwellings, as well as the proposed location and design of affordable housing units. Members were informed that additional planting had been reconsidered by the Applicant and that more plantations would be on site. The Case Officer's presentation also provided artist impressions of the street scene elevations and provided members with further information regarding the SUDS basin and the management of it. Further details about wildlife corridors and distribution of house types across the site were discussed. The officer's recommendation was to grant.

#### **Public Participation**

The agent spoke in favour of the application. Mr Cross informed members that a lot of work had gone into the development and assured them that the development would be completed to a high standard. He discussed the inclusion of affordable housing on the site as well as the benefits of the public open space. Mr Cross had worked with Gillingham Town Council and local primary schools to discuss the educational purposes of biodiversity which would be created from the public open space. He asked officers to accept and approve the officer's recommendation.

Mr Briggs spoke in objection of the development. He believed that it was a sensitive site and residents did not deem it acceptable. He felt that the site didn't meet the character of the area and were concerned about road width for emergency vehicle use. Mr Briggs was pleased about the inclusion of wildlife corridors but did not feel it was good enough. He urged members to refuse the application. However, he made note that if members did grant, residents would hope that further conditions could be added, especially regarding working hours and wildlife corridor maintenance.

#### **Members questions and comments**

- Members asked for points of clarification on tree planting conditions set out in the officer's report.
- Clarification regarding allocated parking for affordable housing and whether the road was sufficient for on street parking and passing of emergency and refuse vehicles.

- Members questioned as to whether there had been any negotiations with Gillingham Town Council regarding allotments on North facing field.
- Condition the inclusion of accessibility in affordable housing for disabled residents. Prior to any development above slab level, a scheme indicating the location of 5 wheelchair accessible dwellings (to include at least one of the affordable units) shall be submitted to and agreed by the Local Planning Authority. The agreed scheme shall be implemented before the development is brought into use.
- Members had hoped for more use of renewables and needed points of clarification regarding Low carbon gas boilers.
- Members requested an amendment to Landscaping condition 6. The hard, soft and Masterplan landscaping works detailed on approved drawings must be carried out in full during the first planting season (November to March) following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The soft landscaping shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 10 years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- Members felt that the applicant had done a reasonable job and that it was a good use of materials and design. They also believed that the setting on the conservation area had been mitigated the best that it could.
- Members were pleased with the inclusion of bird boxes.
- Boundary treatment of wildlife area.
- Condition for sustainable development and water efficiency. Therefore, the development hereby permitted shall not be occupied until a water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency.
- Condition to protect amenity and the character of the area. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no additional windows or other openings permitted by Class A of Schedule 2 Part 1 of the 2015 Order shall be inserted at first floor level in the northeast elevations of Plots 1 and 7 hereby approved.

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, a motion to **approve the officer's recommendation to approve planning permission as recommended**, was proposed by Cllr Jon Andrews, and

seconded by Cllr Carole Jones. Subject to the amended conditions 6 and 7. As well as the added conditions of water efficiency, protection of the character of the area and accessibility for disabled people.

**Decision: To grant subject to conditions.**

166. **P/OUT/2022/04243- Wessex Park Homes Okeford Fitzpaine**

With the aid of a visual presentation, The Case Officer showed members aerial photographs and a map of the site. Members were shown the location of the site and were informed that it was near the AONB but was not within it. The Case Officer showed members an illustration layout plan as well as various photographs of the site, including existing structures and views from the eastern and southwestern boundary. The recommendation was to grant subject to conditions outlined in the officer's report and the completion of section 106 agreement.

**Public Participation**

The agent addressed the committee and informed members that the site was redundant, and no other interest had been expressed. Mr Bennett discussed the local need for housing and believed that the scheme was well designed and would meet the housing needs. He did not feel as though the site would diminish Okeford Fitzpaine or Shillingstone, but integrated buildings would enhance the character of the area. Mr Bennett discussed the scale of the existing site as well as footpath links to the neighbouring villages. He also believed that there would be a reduction on vehicle movements. The agent commended the officers report asked members to support.

**Members questions and comments**

- Clarification regarding prior approval of building conversions from industrial use to residential units.
- Clarification regarding local boundaries and if neighbourhood plans comply.
- Members were pleased to see the use of a redundant brown field site and welcomed the inclusion of 40% affordable housing in an already established village.
- Concerns regarding contaminated land and residents becoming isolated.
- Clarification regarding footpath links from the site to the centre of Okeford Fitzpaine.
- Mitigation for wastewater.
- Members noted that the site was outside the village settlement boundary and would create a loss of industrial land.
- Clarification regarding housing teams supporting the scheme.

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, a motion to **approve the officer's recommendation to approve planning permission as recommended**, was proposed by Cllr Ridout, and seconded by Cllr Jones subject to conditions.

**Decision: To grant subject to conditions**



167. **P/FUL/2022/05382- Unit 48 Enterprise Park, Piddlehinton**

With the aid of a visual presentation, The Case Officer showed members aerial photographs and a map of the site. Details regarding the site being near the AONB but not within it as well as Rights of Way were also discussed. The presentation also included photographs of the existing building, site, and proposed floor plans for the extension. The recommendation was to grant.

**Public Participation**

Mr Summers spoke in favour of the proposal. He informed members that the proposed extension would allow for further employment and would make the workplace more efficient for a local business. He informed members that a lot of consideration had gone into the extension plans to ensure they would fit in with other dwellings. The applicant also discussed the installation of solar panels if granted as well as controlled deliveries and collections to support the local villages requests. Mr Summers assured members that the site would only be used during normal working hours and no chemicals were on site. He hoped members would support the officer's recommendation.

Mr Ebdon spoke on behalf of the Parish Council. He informed members that the Enterprise Park was the main employment for Piddle Valley and the Parish Council supported the economic benefits. However, Mr Ebdon could not support the application as he believed it was contrary to policy 10 of the neighbourhood plan and the proposed scale of the extension would be detrimental to the visual immunity and therefore would impact the character of the area. Concerns were also raised regarding an increase in traffic, particularly larger vehicles. Mr Ebdon believed that the site would be better suited for smaller businesses. He hoped members would refuse this application.

**Members questions and comments**

- Clarification regarding job creation on the site as well as whether the proposed extension would be the tallest building on site.
- Condition to mitigate light pollution. Prior to the commencement of any development above foundation level, details of a lighting scheme shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the lighting scheme shall be installed, operated, and maintained in accordance with the approved scheme and there shall be no further lighting of the development, other than in accordance with the approved scheme.
- Condition per minable surfaces to reduce water runoff. Drainage condition for surface water. Prior to the commencement of any development hereby approved, details of the surface water drainage work shall have been submitted to and approved in writing by the Local Planning Authority and the approved drainage scheme shall have been completed before the occupation of the development.
- Members were pleased to support a growing business.

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, a motion to **approve the officer's recommendation to approve planning permission as recommended**, was proposed by Cllr Les Fry, and seconded by Cllr Carole Jones, subject to the added conditions of lighting and drainage.

**Decision: To grant subject to conditions.**

168. **P/FUL/2022/07272- 3 Stevens Close, Blandford Forum**

With the aid of a visual presentation, The Case Officer showed members aerial photographs and a map of the site. Details regarding the site being near the AONB but not within it as well as Rights of Way were also discussed. The presentation also included photographs of the existing building, site, and proposed floor plans for the extension. The recommendation was to grant.

**Public Participation**

Mr Summers spoke in favour of the proposal. He informed members that the proposed extension would allow for further employment and would make the workplace more efficient for a local business. He informed members that a lot of consideration had gone into the extension plans to ensure they would fit in with other dwellings. The applicant also discussed the installation of solar panels if granted as well as controlled deliveries and collections to support the local villages requests. Mr Summers assured members that the site would only be used during normal working hours and no chemicals were on site. He hoped members would support the officer's recommendation.

Mr Ebdon spoke on behalf of the Parish Council. He informed members that the Enterprise Park was the main employment for Piddle Valley and the Parish Council supported the economic benefits. However, Mr Ebdon could not support the application as he believed it was contrary to policy 10 of the neighbourhood plan and the proposed scale of the extension would be detrimental to the visual immunity and therefore would impact the character of the area. Concerns were also raised regarding an increase in traffic, particularly larger vehicles. Mr Ebdon believed that the site would be better suited for smaller businesses. He hoped members would refuse this application.

**Members questions and comments**

- Clarification regarding job creation on the site as well as whether the proposed extension would be the tallest building on site.
- Condition to mitigate light pollution. Prior to the commencement of any development above foundation level, details of a lighting scheme shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the lighting scheme shall be installed, operated, and maintained in accordance with the approved scheme and there shall be no further lighting of the development, other than in accordance with the approved scheme.
- Condition per minable surfaces to reduce water runoff. Drainage condition for surface water. Prior to the commencement of any development hereby approved, details of the surface water drainage work shall have been submitted to and approved in writing by the Local Planning Authority and

the approved drainage scheme shall have been completed before the occupation of the development.

- Members were pleased to support a growing business.

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, a motion to **approve the officer's recommendation to approve planning permission as recommended, was** proposed by Cllr Les Fry, and seconded by Cllr Carole Jones, subject to the added conditions of lighting and drainage.

**Decision: To grant subject to conditions.**

169. **Urgent items**

There were no urgent items.

170. **Exempt Business**

There was no exempt business

**Update Sheet**

**Duration of meeting:** 2.00 - 4.12 pm

**Chairman**

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# Agenda Item 6

<b>Application Number:</b>	P/VOC/2022/05646		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Frogmore Lane Sixpenny Handley Dorset SP5 5NY		
<b>Proposal:</b>	Residential development comprising 7 new dwellings with ancillary car parking. (As amended 25/02/21 by Flood Risk Assessment and Surface Water Strategy and revisions to Plot 1). (Variation of Condition Nos. 2 and 10 of Planning Permission No. P/VOC/2022/02389 to substitute approved plans for a revised layout, and revised house and garage types and designs).		
<b>Applicant name:</b>	Nord Homes		
<b>Case Officer:</b>	Emily Elgie		
<b>Ward Member(s):</b>	Cllr Brown		
<b>Publicity expiry date:</b>	21 October 2022	<b>Officer site visit date:</b>	
<b>Decision due date:</b>	8 November 2022	<b>Ext(s) of time:</b>	17 March 2023

**1.0** Committee referral as the officer recommendation is contrary to the Parish Council's comments.

**2.0 Summary of recommendation:**

Grant, subject to conditions

**3.0 Reason for the recommendation:**

Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.

The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact and there would not be any significant harm to the landscape character of the AONB or on neighbouring residential amenity. The development can manage its own water run-off and would not increase the risk of flooding elsewhere. The development proposals accord with the development plan

and there are no material considerations which would warrant refusal of this application.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	The principle was established under the previous planning applications, namely 3/20/1328/FUL.
Flooding	The development can attenuate its own floodwater and not exceed pre-development levels. There would be no increase in the risk of flooding elsewhere.
Access and parking	Parking provision meets the standards and the access onto Red Lane is considered safe.
Impact on landscape and design	The design of the dwellings and proposed materials are appropriate for the area. Where visible, it would be seen against the adjacent existing development and would not harm the character of the Area of Outstanding Natural Beauty.
Impact on neighbour amenity	The layout is considered to be acceptable and not be overbearing or overshadowing on adjacent dwellings. The bungalows would not give rise to undue overlooking.
Biodiversity	A biodiversity mitigation plan has been agreed by the natural environment team.

#### 5.0 Description of Site

The application site is located to the south of the village of Sixpenny Handley and comprises a paddock of land on the edge of the village. The site is within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB) and is located at a lower level to the rest of the village.

#### 6.0 Description of Development

The application proposes the erection of seven bungalows in a cul-de-sac formation off a new access to be formed on Red Lane. This S.73 application seeks to vary the original grant of consent with a revised layout and revised house and garage designs. The original scheme granted two storey dwellings and a different layout to this current proposal.

#### 7.0 Relevant Planning History

Application Ref.	Description	Decision	Decision Date

P/NMA/2022/93774	Non material amendment against planning application P/VOC/2022/02389 to allow Condition No. 2 drawing numbers to be corrected.	Granted	22/06/2022
P/VOC/2022/02389	Residential development comprising 7 new dwellings with ancillary car parking. (As amended 25/02/21 by Flood Risk Assessment and Surface Water Strategy and revisions to Plot 1). (Variation of Condition No. 2 against planning permission 3/20/1328/FUL to allow substitution of plans to include an office over garage to houses 1, 4 and 7).	Granted	17/06/2022
3/20/1328/FUL	Residential development comprising 7 new dwellings with ancillary car parking. (As amended 25/02/21 by Flood Risk Assessment and Surface Water Strategy and revisions to Plot 1).	Granted	11/02/2022
3/19/2047/FUL	Residential development comprising 9 new dwellings with ancillary car parking and drainage improvement works.	Withdrawn	06/08/2020

## 8.0 List of Constraints

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

Type: Grade 3

Location: Sixpenny Handley, Policy: CHASE8(SP), LN2

Risk: High Risk of Foul Sewer Inundation

Groundwater Source Protection Zones

## 9.0 Consultations

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

### **Consultees**

**1. DC - Highways**

No objection

**2. DC - Dorset Waste Team**

No comments received

**3. W - Cranborne Chase Ward**

No comments received

**4. P - Sixpenny Handley & Pentridge Parish Council**

Objection:

- Significant variation to original plans in layout and property type
- Change to bungalows – increase in impermeable surfaces
- Reduces sight lines for two houses in Paddock Close
- Frogmore Lane predisposed to flooding – previous development avoided flood lines

**5. DC - Building Control North Team**

No comments received

### **Representations received**

<b>Total - Objections</b>	<b>Total - No Objections</b>	<b>Total - Comments</b>
7	0	0

- Substantial departure from original plans in proposing bungalows
- Flooding and drainage
- Garage now close to culvert
- Changes to layout

## **10.0 Duties**



s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

## **11.0 Relevant Policies**

### Christchurch and East Dorset Part 1 Core Strategy (2014)

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

- Policy KS1 – Presumption in favour of sustainable development
- Policy KS2 – Settlement hierarchy
- Policy KS12 – Parking provision
- Policy ME1 – Safeguarding biodiversity and geodiversity
- Policy ME3 – Sustainable development standards for new development
- Policy ME6 – Flood management, mitigation, and defence
- Policy HE2 – Design of new development
- Policy HE3 – Landscape quality
- Policy LN1 – The site and type of new dwellings
- Policy LN2 – Design, layout and density of new housing development

### **Material Considerations**

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

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole or specific policies in the NPPF indicate development should be refused.

Relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

- Section 5 ‘Delivering a sufficient supply of homes’ outlines the government’s objective in respect of land supply with subsection ‘Rural housing’ at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 11 ‘Making effective use of land’
- Section 12 ‘Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:
  - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
  - It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
  - Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 ‘Meeting the challenges of climate change, flooding and coastal change’
- Section 15 ‘Conserving and Enhancing the Natural Environment’ - In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

### **Other material considerations**

National Planning Practice Guidance

The Bournemouth, Poole and Dorset Residential Car Parking Study Residential Car Parking Provision, Local Guidance for Dorset (May 2011)

Cranborne Chase and West Wiltshire Downs AONB Management Plan 2019-2024

## **12.0 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.

### **13.0 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.

No specific impacts have been identified in this case, the properties would have level access and the single storey nature of the dwellings would provide for accessible ground floor living. This is an improvement over the originally granted consent which comprised of two storey dwellings.

### **14.0 Planning Assessment**

#### *Principle of development*

The principle of development was established under the original planning application, 3/20/1328/FUL. Recent case law (*Armstrong v Secretary of State for Levelling Up, Housing and Communities and Cornwall Council*) has detailed that significant changes can be made in a Section 73 application providing that the description of development remains the same. This applies here. As the principle of developing the site for residential purposes has been established, the main considerations in this case relate to the revised layout, scale, and the appearance of the proposed dwellings.

#### *Flooding*

A winterbourne stream runs southwards through the site with natural attenuation ponds, a larger pond is found on the opposite side of Back Lane. The area suffers from surface water flooding leading to regular flooding of Back Lane to a height of about 600mm above the road. The land rises to the north-east and as such there is a higher plateau of land within the site set above the area that floods.

Paragraph 167 of the NPPF requires local planning authorities to ensure that flood risk is not increased elsewhere. Policy ME6 of the Local Plan requires post-development surface water run-off must not exceed pre-development levels. The application is accompanied by a site-specific flood risk assessment and drainage strategy.

A detailed flood risk assessment (FRA) and detailed drainage strategy has been submitted to accompany the application.

The proposed houses re sited in the northern part of the field and are therefore situated within floodzone 1. The access for the development is also to the north-east of the site onto Red Lane, providing a safe egress for future residents if the surrounding land to the west and south flooded.

The FRA recognises that the western part of the site is shown to be at risk of surface water flooding from the ditch/ordinary watercourse which flows along the west of the site down to the south. To mitigate this, it is proposed to re-align the ditch so it flows along the western boundary before sweeping to the south and tying back into the existing ditch to the south-west. A watercourse would also be created along the northern and part of the north-eastern boundary, along the back of plots 4 and 6, to tie to the realigned watercourse and provide flood defence for the affected plots. The watercourses will not reduce the current capacity post development and an appropriate culvert is shown where the pedestrian access onto Frogmore Lane is.

The drainage strategy demonstrates that the proposed development would attenuate any floodwater within the site using sustainable drainage systems and would release it at a rate lower than the current field does (5l/s across the site), thereby not exceeding pre-development levels. As such, it is not considered the proposal would result in an increase in the risk of flooding elsewhere.

The development is shown to be appropriately flood resilient and residual risk is safely managed. It thereby accords with the relevant policies.

#### Impact on highways

As already mentioned, vehicular access would be on to Red Lane and the boundary here would be altered to provide suitable visibility splays. A pedestrian access would be provided onto Frogmore Lane providing a linkage towards the village. There is sufficient off-road parking for each dwelling that meets the residential parking standards. The highways officer has considered the proposal and raises no objection to the scheme on highway safety grounds. Conditions from the original application would be reimposed.

#### Impact on visual amenity and AONB landscape

Section 15 of the NPPF requires that planning decisions should contribute to and enhance the local environment by protecting valued landscapes. Great weight

should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty. The scale and extent of development within the AONB should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The proposed dwellings are hipped-roof bungalows. The materials vary across the dwellings but are from a mix of brick, brick and flint, and clay tiles for the roofs. These materials provide interest and appeal and are appropriate for the character of the area and the wider AONB landscape. Whilst bungalows are not a feature nearby to the site, with surrounding properties a mix of 1¾ and 2 storeys, they would not appear out of character nor unduly overbearing or bulky.

When viewed from the south/south-east, there would be a line of mature trees within the site that would obscure some of the development. The site is also bounded by a mature hedge that is shown to be reinforced by the vehicular entrance to the site. Nevertheless, where visible, and particularly during the winter months when the leaves have dropped, the proposal would be seen against the backdrop of the existing built development of Sixpenny Handley and would not appear as an incongruous feature.

It is therefore considered that the proposal does would not result in harm to the character of the area or to the AONB landscape, complying with the relevant policies in the Local Plan and AONB management plan.

#### Impact on neighbour amenity

Much of the development is sited away from neighbouring properties however plots 4 and 6 abut the boundaries of 14, 25, and 27 Paddock Close. The dwelling for plot 4 would be sited a minimum of 7.8m from the boundary and given that a bungalow is being proposed, this is considered to be a satisfactory distance so as not to be overbearing on or overshadowing of the properties to the north. As such there would not be a detrimental impact on neighbour amenity.

In terms of overlooking, it is not considered that the scheme would give rise to any loss of privacy given the single storey nature of the development. It is not considered that there would be additional noise or disturbance to the neighbouring properties above typical levels for a residential area and therefore no concerns are raised on this ground.

#### Biodiversity

A biodiversity mitigation plan has been submitted and agreed by the Natural Environment Team. The biodiversity mitigation and enhancements shall be secured via the reimposition of the condition on the original application.

## **15.0 Conclusion**

The location is considered to be sustainable and the proposal is acceptable in its design, layout and general visual impact and there would not be any significant harm to neighbouring residential amenity. The development can manage its own water run-off and would not increase the risk of flooding elsewhere. The application complies with the relevant national and local policies and there are no material considerations which would warrant refusal of this application.

**16.0 Recommendation Grant, subject to the following conditions:**

1. The development to which this permission relates must be begun not later than the 11 February 2025.

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:

9627/110 A Proposed Garages  
9627/109 A Indicative Site Scene  
9627/100 A Site, Block & Location Plan  
9627/104 B Unit 3 Proposed Floor Plans & Elevations  
9627/105 B Unit 4 Proposed Floor Plans & Elevations  
9627/106 B Unit 5 Proposed Floor Plans & Elevations  
9627/107 B Unit 6 Proposed Floor Plans & Elevations  
9627/108 B Unit 7 Proposed Floor Plans & Elevations  
9627/102 B Unit 1 Proposed Floor Plans & Elevations  
9627/103 B Unit 2 Proposed Floor Plans & Elevations  
C2391\_P2\_100 P2 Proposed Drainage Strategy  
C2391\_P2\_200 P2 Proposed Contributing Area  
C2391\_P2\_300 P2 Exceedance Flow Routes

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

3. There shall be no surface water connections into the foul sewer network.

Reason: To prevent the increase of the risk of sewer flooding and pollution.

4. The surface water management scheme shall be implemented in accordance with the details contained within section 5 of the Storm and Foul Water Drainage Report Technical Note prepared by Cgs Civils dated 03.01.2023.

Reason: To prevent the increased risk of flooding and to protect water quality.

5. The surface water sustainable drainage scheme shall be implemented in accordance with the Storm and Foul Water Drainage Report Technical Note prepared by cgs civils dated 03.01.2023, the Surface Water Attenuation 5.0l\_s (2.5l/s each) dated 20.02.2023, and approved drawings C2391\_P2\_100, C2391\_P2\_200, and C2391\_P2\_300.

Reason: To prevent the increased risk of flooding and ensure the long term maintenance and retention of the drainage system.

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

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

7. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 17199.36 must be constructed, unless otherwise agreed in writing by the Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site.

8. Before the development is occupied or utilised the cycle parking facilities shown on Drawing Number 17199.36 must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

9. There must be no gates hung so as to form obstruction to the vehicular access serving the site.

Reason: To ensure the free and easy movement of vehicles through the access and to prevent any likely interruption to the free flow of traffic on the adjacent public highway.

10. Before the development hereby approved is occupied or utilised the visibility splay areas as shown on Drawing Number 17199.36 must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

11. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 5 November 2021 must be implemented in accordance with any specified timetable and completed in full prior to the

substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the local planning authority, the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

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

12. Prior to development above damp proof course level, details and samples of all external facing materials for the wall(s) and roof(s) (including a sample panel of the flint) 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.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no alteration(s) of the dwellinghouse hereby approved, permitted by Class C of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To protect amenity and the character, including the dark skies, of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty.

#### **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.

2. An ordinary watercourse crosses your site. If you intend to obstruct the flow in the watercourse (permanently or temporarily and including culverting) you will require prior Land Drainage Consent from Dorset Council as the Lead Local



Flood Authority. You are advised to contact the Flood Risk Management team by email at: [floodriskmanagement@dorsetcc.gov.uk](mailto:floodriskmanagement@dorsetcc.gov.uk) to discuss requirements.

3. 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.
4. As the new road layout does not meet with the Highway Authority's road adoption standards or is not offered for public adoption under Section 38 of the Highways Act 1980, it will remain private and its maintenance will remain the responsibility of the developer, residents or housing company.
5. The applicant is reminded of their responsibility to submit evidence of compliance with the Biodiversity Plan to Dorset Natural Environment Team in order to comply fully with requirements of condition 11.
6. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.

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# Agenda Item 7

<b>Reference No:</b> P/FUL/2022/06898			
<b>Proposal:</b> Demolish units 36,40 & 45 and erect 3 no. blocks of industrial units (9-22) for B2, B8 & E class use			
<b>Address:</b> Units 36,40 & 45 Enterprise Park Piddlehinton Dorset DT2 7UA			
<b>Recommendation:</b>			
<b>Case Officer:</b> Jim Bennett			
<b>Ward Members:</b> Cllr Haynes			
<b>CIL Liable:</b> N			
<b>Fee Paid:</b>	£11088.00		
<b>Publicity expiry date:</b>	22 January 2023	<b>Officer site visit date:</b>	20/12/2023
<b>Decision due date:</b>	16 March 2023	<b>Ext(s) of time:</b>	17/05/2023
<b>Where Scheme of Delegation consultation required under constitution:</b>			
<b>SoD Constitutional trigger:</b>	Parish Council objection		

**1.0** The application is reported to Committee as Piddlehinton Parish Council have objected to the proposal on grounds that it is not small scale, visual impact, no justification for additional units and harmful traffic impacts.

**2.0 Summary of recommendation:**

GRANT subject to conditions

**3.0 Reason for the recommendation:** as set out in Section 17 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 proposed development is considered acceptable in principle
- The proposal is acceptable in its design and general visual impact, following amendment and subject to landscape condition
- There is not considered to be any significant harm to neighbouring residential amenity
- The proposed employment units would provide job opportunities and assist the local economy.

- There are no other material considerations which would warrant refusal of this application.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	The benefits of providing additional and modern work space at this allocated employment site, through provision of smaller-scale units within three buildings are considered to outweigh the harm resulting from its location outside of any main town or village.
Impact on the character of the area and landscape	The proposal is acceptable in terms of layout, design and scale. Impact on AONB setting would be neutral, given the existing development on-site, form and scale of proposal and opportunities to introduce landscaping.
Impact on residential amenity	The proposal would not lead to adverse impacts on the residential amenity of surrounding neighbours.
Impact on highway safety	The proposed development would provide adequate parking to support the proposed use, together with suitable turning space, and access from/onto the business park road. No objections are raised by the Highway Authority
Impact on ecology	The application is accompanied by a satisfactory Biodiversity Mitigation and Enhancement Plan to safeguard species, and subject to a condition requiring its implementation, is acceptable.
Heritage Impacts	On balance are considered to be acceptable
Impact on flood risk	The conceptual arrangement proposed is acceptable and subject to conditions, the proposed development would not have an unacceptable impact on flood risk.
Economic benefits	Additional employment at an allocated site, through the provision of smaller-scale units.

#### 5.0 Description of Site

The site is part of the former parade ground at Piddlehinton Camp, is outside of any defined development boundary, although is located a short distance from Piddlehinton village. It is allocated for employment development. The wider site is known as The Enterprise Park and is currently in use for employment and commercial purposes, which has developed from a unique set of circumstances and is now a key employment site. Whilst some larger units can be found on the site, these are interspersed with the smaller converted army buildings.

The site is situated within the Cerne and Piddle Valleys and Chalk Downland landscape character area, and within a ground water source protection area. The boundary of the Dorset Area of Outstanding Natural Beauty (AONB) is located approximately 1km to the north. Part of the proposal site occupies rising land, visible

from the opposite side of the Piddle Valley to the south west. The Park is accessed directly from the B3143 to the south west, which runs parallel to the site.

Tight restrictions formerly applied to the site, with previous planning policies restricting additional employment space, recognising its sensitive position on the hillside, but providing premises suitable for businesses who only required small premises. Government pressure for employment land saw a modest relaxation in policy since the 2006 Local Plan, and a number of larger units were permitted on the site. Since then, the Piddlehinton Neighbourhood Plan has come into force, which duly recognises the need to balance the employment need and sensitivities of the site, noting the visibility of some of the larger units on the upper slopes of the valley.

The site is currently occupied by 3 no. single storey, former military buildings, open grassed areas and car parking within the Enterprise Park.

## **6.0 Description of Development**

It is proposed to replace 3 no. single storey industrial buildings totalling 333 sq.m in area, areas of grass and car parking with 3 no. larger buildings totalling 1,673 sq.m in area (amended to 1,516 sq.m). The new buildings would be used for B2, B8 and Class E uses, which entail general industry, storage distribution and a flexible range of commercial uses.

The submitted floorplans suggest the new buildings would be single storey, although they would be 7m in height and high level windows suggest mezzanine floors could be installed. Units 15 to 21 would be located at a higher elevation to the north east of the site, with Units 9 to 14 at a lower elevation to the south west, behind existing Units 50A and 50B. The proposed buildings would be typical of modern portal framed, steel clad industrial buildings and reflect the appearance of Units 52a to 52h which have recently been completed within the Enterprise Park at a lower elevation to the west. The materials are proposed to be buff brick to the lower part of the walls, with olive green cladding to the upper walls and goosewing grey roofs. Window frames would be anthracite grey as would the large roller doors on each unit.

## **7.0 Relevant Planning History**

Historically the site was used for military purposes, but has been used as an employment site for small to medium sized businesses more recently. The relevant planning history is as follows:

WD/D/20/003173 – Decision: GRA – Decision Date: 29/06/2021 - Erection of 8 No. industrial units (Use Class E(g)(iii)) and parking.

1/D/13/000618 - Decision: GRA - Decision Date: 02/08/2013 - Approval of reserved matters following outline planning permission 1/D/11/000164 - Erect building for use classes B1 & B8 (light industrial/storage & distribution)

WD/D/16/002401 - Decision: GRA - Decision Date: 05/01/2017 - Demolish existing unit & erect new industrial unit

1/E/94/000408 - Decision: GRA - Decision Date: 05/10/1994 - Permanent consent for the retention of existing industrial and storage units

1/E/04/000829 - Decision: GRA - Decision Date: 02/03/2005 - Relief of conditions 2, 3 and 5 of P.A. 1/E/2000/0004 to enable buildings to be used for class B1, B2, and B8 uses, the replacement of the roofs and a phased landscaping scheme.

1/E/04/000828 - Decision: GRA - Decision Date: 25/11/2004 - Erect an industrial unit for use classes B1 and B8

1/E/05/000302 - Decision: INV - Decision Date: 01/01/1900 - Construct alternative new vehicular access to Units 15-22

1/E/07/000972 - Decision: GRA - Decision Date: 20/07/2007 - Overclad existing walls and re-clad existing roofs of units

1/D/08/000632 - Decision: REF - Decision Date: 04/08/2008 - Erect extension and clad existing building. Form enlarged parking area

1/D/08/001359 - Decision: REF - Decision Date: 22/09/2008 - Change of use of building from Use Class B1/B2/B8 to Use Class D1 (Nursery). Form parking and turning area & bin store. Use adjacent land as grass playground

1/D/08/001941 - Decision: GRA - Decision Date: 15/12/2009 - Erect extension and clad existing building, additional parking and erect retaining wall to existing vehicular access

1/D/11/000164 - Decision: REF - Decision Date: 16/06/2011 - Erect building for use classes B1 & B8 (light industrial/storage & distribution) (outline)

## **8.0 List of Constraints**

Setting of Area of Outstanding Natural Beauty

Poole Harbour Catchment Area

Landscape Character Area

Ground water Source Protection Zone

SSSI Impact risk zone

Outside settlement boundary (countryside)

## **9.0 Consultations**

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

**Wessex Water** – no objections, but give informatives

**Dorset and Wiltshire Fire and Rescue Service** – No objection, but give informatives.

**Dorset Council (DC) Flood Risk Management Team** – The site falls within Flood Zone 1 (low risk of fluvial flooding) in accordance with the Environment Agency’s indicative mapping and is not shown to be at (theoretical) risk of surface water flooding. Infiltration methodologies may be viable at this location subject to adequate assessment of ground conditions and fluctuations in ground water levels. A surface water drainage management and maintenance plan and soakaway calculations provide the necessary detail to show that a viable surface water management scheme can be delivered for this development. No objection, subject to conditions and informatives.

**DC Highway Authority** – No objection, subject to access, geometric highway layout, turning and parking areas conditions.

**Natural Environment Team** – An updated Biodiversity Plan, report and metric output has been provided and certificate issued.

**DC Growth and Economic Regeneration** – Support the application as it is important for local jobs

**DC Building Regulations** – no objections

**DC Policy** – Proposed E use class, if unrestricted, could allow development contrary to policy ECON2. A condition restricting E class uses to those falling within the E(g) sub category should be considered to align with ECON2 and previous B1 use class. Alternatively the applicant would need to demonstrate that any E class uses falling outside of the previous B1 classification would satisfy criterion II. and III. of ECON2.

**DC Urban Design** – No comments

**DC Senior Landscape Architect** – No comments

**Puddletown Area Parish Council** – No objections

**Piddlehinton Parish Council** - Object for the following reasons:

Whilst the Piddle Valley Neighbourhood Plan (PVNP) Policy 10 seeks to support economic development at the site through the provision of small-scale units, the proposed scale of the new buildings is considerably larger than the existing buildings, contrary to Policy 10 and negatively impacting the character of the WW2 camp.

Units 21 and 22 are proposed immediately next to Unit 20. Combined these units will be longer than any other development on the Enterprise Park. Due to their elevated position these units would be clearly visible from public ROWs on the west of the valley.

There are already numerous vacant units, including 8 units (52 A- H) approved 2022. No business plan or evidence has been provided to justify the demand for additional units.

The increase in parking spaces from 50 to 55 will exacerbate local concerns with traffic volume. Coupled with the fact that the types of business expected to use the units is currently unknown the impact on local traffic may be even greater which is unacceptable.

Should the application be approved conditions are requested on external lighting, consistent with recent approved planning on the Enterprise Park and PVNP Policy 13.

### **Representations received**

No representations have been received.

### **10. Relevant Policies**

#### **Adopted West Dorset and Weymouth & Portland Local Plan:**

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

INT1 – Presumption in favour of sustainable development  
ENV1 – Landscape, seascape and sites of geological interest  
ENV2 – Wildlife and Habitats  
ENV4 – Heritage Assets  
ENV5 – Flood risk  
ENV9 – Pollution and contaminated land  
ENV10 – The Landscape and Townscape Setting  
ENV12 – The design and positioning of buildings  
ENV15 - Efficient and appropriate use of land  
ENV16 – Amenity  
SUS2 – Distribution of Development  
ECON1 – Provision of employment  
ECON2 – Protection of key employment sites  
COM7 - Creating a safe and efficient transport network  
COM9 - Parking standards in new development

#### **Piddle Valley Neighbourhood Plan (2018)**

Policy 3 – Improving wildlife areas  
Policy 5 - Reducing flood risk and sewage inundation  
Policy 6 – Road safety concerns  
Policy 7 – Outside the development boundaries  
Policy 10 – Enterprise Park  
Policy 12 – The character and design of new development  
Policy 13 – External lighting

#### **Emerging Local Plans:**

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

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



- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

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

### **Supplementary Planning Document/Guidance**

National Character Areas (NCA) Profile: 134 Dorset Downs and Cranbourne Chase (NE494)

West Dorset Landscape Character Assessment 2009 – Open Chalk Downland West Dorset, Weymouth and Portland Strategic Landscape and Heritage Study Stage 2 Assessment 2018

Dorset Council Local Plan Options Consultation document - published on 18 January 2021 (with the public consultation concluding on 15 March 2021)

### **Other Material Considerations**

#### National Planning Policy Framework (2021)

1. Introduction
2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
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

#### **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.

Measures have been taken to meet the needs of people with certain protected characteristics through provision of parking bays for each unit, level access to each unit and appropriate WC facilities, in addition to the requirements of Part M of the Building Regulations. Bus stops are situ 200m to the south east of the main site entrance on the B3143.

### **13.0 Financial benefits**

The proposed small employment units would provide job opportunities, assist the local economy, the aims of the key employment site and may attract additional businesses to the area, in addition to an increase in local business rates and employment generated by the construction process.

### **14.0 Climate Implications**

Dorset Council has declared a climate emergency and in recognition of this, the applicant has submitted a Sustainability Statement which sets out the environmental factors taken into account in the design of the building, having regard to climate change.

The applicant explains that the new units have been designed to improve upon minimum insulation standards required by Building Regulations. 10% of the roof area will be rooflights, reducing the need for artificial light. The artificial lighting will be via LED lighting.

One electric vehicle charging point will be provided for each unit. There is also provision of 10 cycle spaces for each block of units.

Where appropriate, the materials from the demolition of the three units will be crushed and used as hardcore on the new development. The Contractor operates a waste management plan that separates materials for recycling.

The units will each be fitted with a disabled WC facility that will use a ‘low flush’ WC.

Each unit will be fitted with a 6kW PV system. Heating, when installed, will be via air source heat pumps.

### **15.0 Planning Assessment**

The main issues of this proposal are considered to be:

- Principle of proposed development
- Employment and Economic Benefits
- Impact on rural character and landscape
- Access and highway safety
- Residential amenity
- Flood risk and drainage
- Impact on ecology
- Heritage Impacts

#### Principle of proposed development

Development at Piddlehinton Enterprise Park has evolved as a result of a special set of circumstances in relation to its history and previous uses. This location, outside of any defined development boundary, might otherwise be considered unsuitable for new employment, for reasons of sustainability and owing to the sensitivities of the site. In order to allow the most efficient and effective use of previously developed land, redevelopment/ re-use of the vacant buildings was allowed. Today Piddlehinton Camp is identified in the adopted Local Plan as a key employment site. “Key employment sites” are the larger employment sites that contribute significantly to the employment land supply for B class uses. These are safeguarded for B class uses and other employment uses which would achieve economic enhancement without detriment to the site or wider area.

Use of this site for employment purposes is established through its current use and its allocation as a key employment site by Policy ECON2, also acknowledged by Policy 10 of the Piddle Valley Neighbourhood Plan (PVNP). The principle of the proposed development is therefore considered to be acceptable, subject to the material planning considerations set out in the following sections.

#### Employment and Economic Benefits

Policy ECON1 of the West Dorset, Weymouth and Portland Local Plan seeks to support the intensification of existing business premises. Policy ECON2 identifies the Enterprise Park at Piddlehinton as a key employment site, offering support for economic growth, subject to having no adverse impact on surrounding land uses. The PVNP forms part of the development plan and sits alongside the Local Plan and decisions must be made in accordance with its policies. Policy 10 of the PVNP seeks to support economic development at the Enterprise Park, in accordance with the Local Plan, but through the provision of small scale units and where it takes local character and the historic value of the Second World War camp into account. Overall the proposal would provide modern employment premises, offering support for economic growth, in accordance with Policies ECON1, ECON 2 and 10.

The proposal is supported by the Council’s Growth and Economic Regeneration Section, who point out that the industrial unit type continues to be the most popular of all employment space types in the Dorchester and West Dorset area. There is an acute shortage of industrial/light industrial units to let in the Dorchester catchment

area and that has been the position for some years. Those landlords who renovate space or add to an existing industrial park/small business park eg, Enterprise Park or Rampisham Industrial Park have become fully let in a very short space of time.

Notwithstanding the appropriateness of the uses proposed for these units under Classes B2, B8 and E, Class E use, if unrestricted, could allow development contrary to policy ECON2. Class E(g) includes administrative offices, research and development and light industrial processes, all previously encompassed by Class B1 and considered appropriate here. However Class E also includes retail, food and drink, financial and professional services, leisure, medical facilities and creche services to visiting members of the public, which would not be considered acceptable in this location. A condition is therefore proposed restricting E class uses to those falling within the E(g) sub category to align with ECON2 and previous B1 use class.

### Impact on rural character and landscape

The site falls within the Chalk Valley and Downland landscape character area. Much of the Enterprise Park sits on an elevated hill slope, with land falling to the chalk river valley floor, which runs parallel with the B3143, before climbing up the adjacent valley hillslope where mid range views towards the Enterprise Park are provided by the network of public footpaths rising up the valley slope. The site is thus quite sensitive in its landscape setting, with the designated Area of Outstanding Natural Beauty (AONB) approximately 1km away to the north west.

Policies ENV1 and ENV10 of the Local Plan, and Policy 10 of the PVNP seek to safeguard the landscape quality of the area. Policy ENV1 states that opportunities should be taken to secure visual enhancements and that appropriate measures will be required to moderate the adverse effects of development on the landscape and seascape. Policy ENV10 relates to landscape setting and states that development should only be permitted where it provides sufficient hard and soft landscaping to successfully integrate with the character of the site and its surrounding area. Policy ENV15 encourages development to optimise the potential of the site and make efficient use of land, subject to the limitations inherent in the site and impact on local character. Policy 10 of the Neighbourhood Plan seeks to support economic development at the Enterprise Park, but through the provision of small scale units and where it takes local character and the historic value of the Second World War camp into account. NPPF paragraph 176 states that 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 these issues. Within the setting of AONB's development should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The development would be seen within wider rural surrounding countryside, especially when viewed from across the Piddle Valley to the west, a point noted in Piddlehinton Parish Council's objection to the proposal. The Parish Council note that the proposed scale of the new buildings is considerably larger than the existing buildings to be replaced.

It is accepted that due to the site's elevated nature, landscape impact is a critical issue, particularly Units 15-22 which are at a more elevated level. Units 9-14 would

be less prominent in the landscape being sited directly behind Units 50A and 50B, at a lower elevation and with the benefit of existing tree screening to the south. In light of the potential landscape impacts a Landscape and Visual Impact Assessment (LVIA) has been provided.

The Parish Council point out that what is proposed would not be 'small scale' contrary to Policy 10. There is no prescribed definition of 'small scale', only reference to the character and historic value of the Second World War camp buildings present on the site, which are relatively small in scale. The proposed buildings do not reflect the character and scale of the WWII camp buildings referred to in Policy 10. However, a key driver of that policy relates to the landscape impact and whether the proposal would be acceptable depends on the impacts of the development, particularly in terms of its visual and landscape impact.

While the proposed buildings are larger than the buildings they seek to replace, it must be acknowledged that this is a key employment site and a balance between supporting employment and the visual impact of the buildings needs to be struck, in line with the supporting text of Policy 10, which states a key aim 'is to balance the economic benefits against the wider impact on the character of the valley over time'.

It was initially proposed to replace 3 no. single storey industrial buildings totalling 333 sq.m in area, with 3 no. larger buildings totalling 1,673 sq.m in area; a significant increase in floorspace. Revised plans have been received reducing the floorspace of the proposed development to 1,516 sq.m and introducing a larger gap between Units 20 and 21, following the Parish Council's comment. However, the units themselves will remain relatively small, Units 13 and 14 being the largest at 145 sq.m in area, only a modest increase from the 111 sq.m of the existing units. Nevertheless the cumulative increase in floor area and scale of the buildings will result in larger buildings on the site.

The site forms part of a wider industrial site with very much larger industrial buildings visible on the upper slopes, which do cause a degree of visual harm. The proposed buildings are certainly smaller in scale than these existing buildings and have been designed to integrate with the landscape. The elevations include full external material specification, including buff coloured bricks at ground floor level, Olive Green coloured cladding at upper floor level and Goosewing Grey profiled steel roof cladding. This reflects the character and appearance of more modern buildings on the site, particularly Units 1-8 to the north west. Although the application proposes more units across three buildings, their height, materials and form would be commensurate with existing buildings to the east, and the footprints would be similar to modern buildings further to the west. However, the applicant was requested to reduce the footprint and scale of the units on the upper slopes to enhance landscaping arrangements, a better parking arrangement and a less harmful impact upon the wider landscape. The amended plans received have facilitated a reduction in scale of built form and improved the parking layout and introduced greater opportunities for landscaping.

The revised landscaping arrangements moderate the visual impact of the development through the introduction of heavy native tree standards and good quality landscaping in accordance with Policies ENV1 and ENV10. Commitment

towards on site tree planting is acknowledged by both the submitted LVIA and Ecological Assessment. The planting of heavy, native tree standards to the front and sides of the new building blocks will greatly assist in breaking up the form of development within wider views of the site, particularly as this portion of the Enterprise Park is largely devoid of any meaningful tree planting.

The submitted LVIA concludes that the proposal would represent a very minor change to the existing pattern of development within the business park and the degree of effect on the wider character area is considered to be slight and falling to no change across the wider landscape and low on the immediate landscape surrounding the site. Overall Officers concur with this conclusion as the revised siting, scale, materials and design of the buildings, coupled with appropriate landscaping would not overpower the site and surrounding landscape.

In light of the above landscape considerations, whilst the scale of the proposed buildings are larger than the former WWII huts, the impact of the proposed buildings on landscape character is not considered to be significant, and the design and form is not considered to be out of character with the employment site. Given the separation distance between the AONB and the application site, the scale of development proposed and having regard to the appropriately designed and landscaped development, it is not considered that the proposal would have a significant impact upon the setting of the AONB or wider landscape character.

#### Access and highway safety

Policy 6 of the PVNP seeks to ensure new development is both safe and accessible. The proposal would utilise the existing main access point to the Enterprise Park, off the B3143 to the south. The location cannot be described as sustainable, as it is not directly linked to any settlement. However the site has evolved into an important and key employment site serving the locality, which is material to consideration.

The Council's published non-residential parking guidance advise that employment use of the type sought should provide one car parking space per 30 sq.m of floorspace. The proposal provides 52 car parking spaces, an overprovision of 2 spaces, which meets the adopted parking standards. The Standards require 1 HGV space for every 250 sq.m of floorspace and plans have been provided showing provision for 12 panel vans and 2 HGV spaces, which is deemed to be acceptable. Cycle parking requirements are 1 space per 125 sq.m of floorspace and 20 cycle parking spaces would be provided, which is an appropriate level of provision. It is therefore considered that adequate parking would be provided to support the proposed use. However, as the proposed parking provision is close to what would be considered acceptable for the level of floorspace proposed, it is considered that it would be reasonable and necessary to limit the floorspace to that applied for (no mezzanines), which in turn relates back to the smaller scale nature of premises referred to by Policy 10.

The Parish are concerned that the proposal will exacerbate local concerns with traffic volume, particularly as the types of business expected to use the units is currently unknown. It must be accepted that the form of development and resultant intensification of commercial use of the site would result in some changes to patterns

of travel. However, the County Highway Authority has raised no objection, subject to conditions requiring provision of appropriate visibility splays and parking/turning space within the site. The proposed development is considered to provide suitable parking, turning space, and ingress and egress from/onto the business park road. The restriction on provision of mezzanine floors will further assist in this regard.

In light of all the above considerations, any harm caused to the safe operation of the highway network would be negligible and outweighed by the economic benefits of the scheme.

### Residential amenity

Policy ENV16 requires proposals for development to be designed to minimize its impact on the amenity and quiet enjoyment of both existing residents and future residents within the development and close to it. Consideration therefore needs to be given to the impact of the larger replacement units, in terms of changes to the character of the employment site, potential impacts on traffic movements and the level of activity at the units having regard to the residential amenity of neighbouring occupiers, particularly considering the B2 general industrial use sought.

The nearest residential properties are Rose Cottage some 90m to the south of the site and the permanent residential gypsy site some 135m to the south west, both on the opposite side of the access road to the Enterprise Park.

Given the separation between the site and these properties and the established commercial use of the application site, it is not considered that the development would have any unacceptable impact on residential amenity in terms of privacy, light loss, overbearing impact, loss of outlook, noise and disturbance in accordance with Policy ENV16. No objections have been received to the proposal.

### Flood risk and drainage

The site falls within Flood Zone 1 (low risk of fluvial flooding) in accordance with the Environment Agency's indicative mapping and is not shown to be at (theoretical) risk of surface water flooding by relevant mapping.

BGS data indicates that the site is underlain by a sedimentary Bedrock of the Newhaven Chalk Formation, with no recorded superficial overburden. Therefore, the adoption of infiltration methodologies may be viable at this location.

All major development proposals are to be supported by a site-specific drainage strategy in accordance with the recommendations of the revised National Planning Policy Framework (July 2021 -NPPF), relevant technical guidance and best practice. Accordingly, the management of surface water runoff must demonstrate that the proposed development is not to be placed at risk and that no off-site worsening is to result. To this end, the requisite information has been supplied and the Flood Risk Management Team note that the applicant has followed the SuDS hierarchy and is proposing to manage surface water by infiltration within soakaways, that infiltration rate data provided indicates that soakaways will be viable at this location and that shared surface water management assets such as the soakaways will be maintained by a maintenance company. A viable surface water management scheme can

therefore be delivered for this development and the Flood Risk Team raise no objection, subject to conditions and informatives, to ensure an appropriate drainage system is delivered and maintained.

New development or the intensification of existing uses should be planned to avoid risk of flooding. In this instance the risk of flooding has been minimised by steering development towards the areas of lowest risk and by ensuring the development will not generate flooding through surface water run off and/or exacerbate flooding elsewhere in accordance with Policy ENV5.

### Heritage Impacts

The value of the former WW2 camp as a heritage asset has been raised by the Parish Council's comments and it is acknowledged that the camp may be considered a non-designated heritage asset. Policy ENV4 requires the impact of development on a non-designated heritage asset and its setting to be assessed against the significance of the asset. The site plan suggests that huts forming part of the camp have been replaced in the past. The current proposal will see the removal of three huts, with eleven retained to the core of the site, as well as the main WW2 building on site (now the Bowling Club). Overall, it is considered that harm to the asset will be low, due to the retention of the majority of buildings and that it may be justified when weighed against the public and economic benefits of the proposal, particularly considering the site's designated status as a Key Employment Site. Where harm can be justified, appropriate provision will be required to capture and record features, followed by analysis and where appropriate making findings publicly available. In this respect a condition is recommended requiring an interpretation panel to be erected on the site to acknowledge and interpret the history of the former military camp.

### Impact on ecology

Policy ENV2 of the Local Plan advises that opportunities to incorporate and enhance biodiversity in and around developments will be encouraged. Development of major sites should take opportunities to help connect and improve the wider ecological networks.

An Ecological Impact Assessment has been provided, which identifies potential adverse impacts on protected species, with suitable mitigation measures recommended. A Biodiversity Plan has been submitted, as required by the Dorset Biodiversity Appraisal Protocol (DBAP). The Biodiversity Plan has been certified by the Natural Environment Team, is consistent with the revised landscaping plans and is considered acceptable in order to safeguard protected species.

It has been demonstrated that the proposed development would not harm protected species and result in a measurable net gain in biodiversity, in accordance with Policy ENV2 and Chapter 15 of the NPPF.

### Other Matters



The Parish Council note that there are already vacant units on the site and that no business plan or evidence has been provided to justify the demand for additional units. The Design and Access Statement advises that potential users for small units on the business park have been identified, hence the proposal is for 14 small units ranging from 88m<sup>2</sup> to 145m<sup>2</sup>, which will provide for modern employment needs. It is also understood that there is a desire from some existing tenants to expand into larger, more modern units, but to stay in situ at the Enterprise Park, hence the requirement for the 2 no. 145 sq.m units.

The Parish Council request a condition on external lighting, consistent with recently approved planning on the Enterprise Park and Piddle Valley Neighbourhood Plan Policy 13. Policy 13 seeks to ensure external lighting is only permitted where the benefits outweigh the harm and given the landscape sensitivities discussed above, this could be a concern. The application is silent on its external lighting requirements, a condition is therefore recommended requiring details of external lighting to be submitted, should it be deemed necessary and considering its potential landscape, amenity and biodiversity impacts.

## **16.0 Planning balance**

The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to this: economic, social, and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. These roles should not be undertaken in isolation, being mutually dependent.

There would be economic benefits derived from the proposed development during construction and later with job opportunities and opportunities for local businesses, services, facilities and Business Rates. Significant weight is therefore given to the overall economic benefits of the proposal. Social benefits would also be derived from the increase in the supply of local jobs.

The proposal would make efficient use of land, respect local rural character and secure appropriate infrastructure. The development will provide structural landscaping to assist with its visual integration into the landscape and to enhance biodiversity. It is therefore considered that the quantum of development proposed would be appropriate in this location and would not conflict with local and national policies in terms of character and density. It has been demonstrated that the proposed development would not increase flood risk within and around the site, or harm to protected species and would result in measurable net gains for biodiversity. The resultant traffic levels would be within the capacity of the highway network and it is considered that the proposal has demonstrated overarching environmental benefits.

While the site cannot be considered to be sustainably located and the scale of buildings on the site will undoubtedly increase, the adverse impacts and policy contraventions of the proposal are limited and are not considered to significantly and demonstrably outweigh the benefits identified above. Accordingly, the proposal benefits from the presumption in favour of sustainable development in the NPPF or

in LP Policy 1, material considerations indicating that planning permission should be granted for the development.

## **Conclusions**

The proposed additional employment buildings would be located on a key employment site where new employment uses are generally supported. Despite the location of the employment site outside of the nearest settlement, the benefits to the economy are considered to outweigh the impacts of additional travel to the site.

The proposed development has been scaled back from the initial submission and its scale, design and landscaping are considered to be acceptable and would safeguard the setting of the AONB and visual amenity of the area, in accordance with the National Planning Policy Framework and policies of the Development Plan. The proposed development is acceptable in terms of highway safety, flood risk, protected species, and is not considered to have a significant impact on the residential amenity of the area.

The applicant was requested to agree to the pre-commencement conditions on 18<sup>th</sup> April 2023. Members will be updated on their response.

**Recommendation:** Approve subject to the following conditions:

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

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

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

4564 61 Proposed floor plans Units 9-14

4564 62 A Proposed elevations Units 9-14

4564 63 B Proposed floor plan and elevations units 21-22

4564 64 A Proposed floor plans Units 15-20

4564 65 B Proposed elevations Units 15-20

4564 67 Contextual elevations Units 9-14

4564 55 C Proposed block and location plans

4564 68 C Contextual elevations Units 15- 22 1 of 2

4564 66 G Proposed Site Plan Units 9 to 22-.pdf

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

3. Prior to commencement of work on the site, a lighting strategy which reflects the need to avoid harm to protected species and to minimise light spill, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved lighting strategy and there shall be no lighting of the site other than in accordance with the approved strategy.

Reason: In the interests of biodiversity and the character of the area

4. Before the development hereby approved is occupied or utilised the turning and parking for vehicles and cycles shown on drawing number 4564 66F - Full Site Plan must have been constructed in accordance with the approved plan. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

5. No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented in accordance with the submitted details before the development is completed.

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

6. No development shall take place until details of maintenance & management of both the surface water sustainable drainage scheme and any receiving system have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

7. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 21st March 2023 must be implemented in accordance with any specified timetable and completed in full (including photographic evidence of compliance being submitted to the Local Planning Authority in accordance with section J of the Biodiversity Plan) prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

Reason: In the interests of safeguarding protected species, compensate and enhance/provide net gain for impacts on biodiversity.

8. The external materials to be used for the walls and roofs (being Olive Green and Goosewing Grey profile sheeting and buff brick) shall be as specified in the materials section of the submitted planning application form.

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

9. Prior to the commencement of any development hereby approved, above damp course level, full details of hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

Planting scheme including the position, species, type, number and spacing of heavy tree standards and all other planting  
Proposed finished levels or contours,  
Means of enclosure,  
Car parking layout and vehicular and pedestrian access and circulation areas,  
Hard surfacing materials,  
Minor artefacts and structures (eg; bin stores, cycle stands, lighting and signage).

The development shall be carried out in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and maintenance of existing and/or new landscape features.

10. All hard and soft landscape works shall be carried out in accordance with the landscaping plans approved under condition number 9. No part of the development shall be occupied until work has been completed in accordance with the approved details. Any trees or plants that within a period of five years after planting are removed, die, or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced as soon as it is reasonably practical with others of species, size and number as originally approved.

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

11. The buildings hereby approved shall be used for no other purpose other than those purposes in Classes B2, B8 and E(g) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: The Council considers an unrestricted Class E use would not be compatible with the principles of sustainable development and provision of Policy ECON2.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no mezzanine floors shall be installed within the buildings hereby approved, unless the prior written approval of the Local Planning Authority is forthcoming.

Reason: In the interests of highway safety and to protect the character of the area.

13. The development hereby approved shall not be first occupied or brought into use until a scheme to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development shall first have been submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully installed prior to first occupation or use of the development and retained there after.

Reason: To promote the use of more sustainable transport modes

14. Prior to any development above slab level, full details of the location, materials, appearance and content of an interpretation panel in relation to a record of the history of the former World War II camp shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the interpretation panel shall be installed in accordance with the agreed details prior to first use of the development.

Reason: In order to acknowledge and interpret the history of the former military camp in accordance with Policy ENV4 of the West Dorset and Weymouth & Portland Local Plan.

#### **Informative Notes:**

1. Dorset Council's Flood Risk Management Team advise that in order to satisfy the requirements of the drainage conditions, further details of a finalised surface water drainage scheme will need to be submitted. In particular the following information will need to be included with a future submission:

- Ground investigation results detailing an assessment of ground conditions to not only demonstrate that infiltration is possible but to include an assessment of the suitability of the bedrock for soakaway features (eg. analysis of likelihood of the presence of dissolution features within the chalk that could cause ground stability issues)

- Results of groundwater monitoring to demonstrate that the proposed soakaways will not be compromised when groundwater levels are high. Applicant should provide evidence to show that the base of any proposed soakaway will be at least 1m from the groundwater level throughout the year.

- Results of 3 sets of soakaway tests carried out to the standards set in BRE Digest 365 showing that the test were carried out at the depth and location of the proposed soakaway feature.

- Section 1.4 of the applicant's Surface Water Drainage Management and Maintenance Plan explains that the site has incorporated a modular crate soakaway to manage the requirement to accommodate the 1 in 100 year storm event plus 40% CCF however climate change allowances have been updated and the finalised design should allow for 1 in 100 year storm plus 45% climate change.

2. Dorset & Wiltshire Fire and Rescue Service offer the following informatives:

#### Building Regulation Matters

In the event the planning permission is granted for this development, the development would need to be designed and built to meet current Building Regulations requirements. The Authority raises the profile of these future requirements through this early opportunity and requests the comments made under B5 of Approved Document B, The Building Regulations 2010 be made available to the applicant/planning agent as appropriate. The assessment of this development proposal in respect of Building Control matters will be made during formal consultation, however early recommendations are identified on the attached schedules and relate to the following areas:

- Recommendations identified under B5 of Approved Document B relating to The Building Regulations 2010
- Recommendations to improve safety and reduce property loss in the event of fire

#### Access and Facilities for the Fire Service

Consideration is to be given to ensure access to the site, for the purpose of fire fighting, is adequate for the size and nature of the development.

#### Water Supplies for Fire Fighting

Consideration should be given to the National Guidance Document on the Provision of Water for Fire Fighting and the specific advice of this Authority on the location of fire hydrants.

#### Fire Safety Legislation

Once constructed and put to use, commercial premises will be subject to the Regulatory Reform (Fire Safety) Order 2005. Further information can be found

on the Dorset & Wiltshire Fire & Rescue Service website, where published guides are available to download.

### Commercial Sprinkler Protection

The nature of the proposal gives reason for this Authority to strongly advise the consideration of an appropriate sprinkler system for these premises. There are ten good reasons to install automatic sprinkler systems:

- In the UK, there has never been a fire death in a building with sprinklers
- Installation cost is minimal in a new build (approximately 2-5%)
- Maintenance costs are low and sprinkler systems are designed to last in excess of 50 years
- Fire damage can be reduced by 90% compared to a similar, unprotected building. The chances of accidental discharge due to a manufacturing fault is 1 in 16,000,000 heads
- The likelihood of accidental damage causing a discharge is 1 in every 500,000 heads
- Installation of a sprinkler system may allow the relaxation of other passive fire safety measures
- Insurance costs may be significantly reduced
- Sprinklers will control a fire with significantly less water than full fire service intervention
- Greatly reduced business disruption due to a fire and improved recovery from it

### 3. Wessex Water offer the following informatives to the applicant

#### Foul drainage

Wessex Water can accept the domestic type foul flows only, which ultimately drain to the public foul sewer network. The use of an existing private sewer connection will require building control approval and approval from the current sewer owner. If non domestic or Trade Effluent flows are proposed to discharge into the public sewer please contact [trade.effluent@wessexwater.co.uk](mailto:trade.effluent@wessexwater.co.uk) to discuss.

#### Surface water drainage

Surface water must be disposed of via the SuDS Hierarchy which is subject to Building Regulations. There must be no surface water connections into the foul sewer network. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system. The planning authority will

need to be satisfied that soakaways will work here and arrangements are clear for any shared obligations. Soakaways will be subject to Building Regulations.

#### Water Supply

Wessex Water's records indicate the existing industrial estate is served by a private water supply. Connection to this existing system is by private agreement with the water pipe owner.



# Agenda Item 8

<b>Application Number:</b>	P/FUL/2022/07038		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Old Post Office House Church Road Bradford Abbas Dorset DT9 6RF		
<b>Proposal:</b>	Change of use of part of building (former Post Office) from mixed use to residential accommodation.		
<b>Applicant name:</b>	Mark Roach and Angela Mead		
<b>Case Officer:</b>	Cass Worman		
<b>Ward Member(s):</b>	Cllr Legg		
<b>Publicity expiry date:</b>	24 January 2023	<b>Officer site visit date:</b>	
<b>Decision due date:</b>	10 February 2023	<b>Ext(s) of time:</b>	

- 1.0** Scheme of Delegation consultation process triggered by:
- a) Ward Member (Cllr Legg) request application be considered by Planning Committee &
  - b) Officer recommendation is contrary to Parish Council objection

**2.0 Summary of recommendation:**

GRANT

**3.0 Reason for the recommendation:**

The business, since being vacated by the Post Office in 2012, has been struggling to maintain a stable, profitable and viable convenience store business.

The building was marketed as a mix use residential dwelling with shop by three estate agents during the period 2018 to July 2021. No purchasers were identified during this time who expressed an interest in purchasing the property and taking over the convenience store business.

The previous tenants who ran the village shop notified the community in December 2020 that no purchaser for the building had been found, and that they intended to close the shop in January 2021. The shop subsequently closed in April 2021.

Due to the size & layout constraints of the building, being a mix use residential / commercial building with shared facilities, an alternative community use of the building is difficult to achieve, and has not been forthcoming.

It has been satisfactorily demonstrated that a convenience store facility in the building is no longer commercial financially viable. It has been satisfactorily demonstrated that an alternative community or commercial use of the building is not financially nor commercially viable, nor has been forthcoming.

The local community have not identified the building as a community asset.

There are already other buildings within the village that offer community facilities: the village hall which hosts the Post Office on Tuesday afternoons & a pop up market on the third Saturday of each month, a pop up market runs from the pub car park on Tuesday afternoons, and the sports & recreational club also hosts community events.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	<p>LP Policy COM3 resists the loss of community facilities, &amp; requires demonstration that there is no local need for the facility or that such a facility is no longer likely to be viable, and that an alternative community use to meet local needs is not needed or likely to be viable.</p> <p>In this case, the site has been marketed for a significant period of time with professional agents, with no subsequent interest in terms of the commercial element of the site.</p> <p>Furthermore, the Council's Growth and Economic Regeneration Team agree with the applicant's viability findings, which conclude that the site is not commercially viable.</p>
Scale, design, impact on character and appearance of locality & Conservation Area	There are no alterations proposed to the exterior of the building, therefore no impact on the character & appearance of the Conservation Area nor setting of nearby listed buildings.
Impact on amenity	The change of use would have no impact on occupiers of neighbouring dwellings
Economic benefits	The proposal would result in the loss of part of a dwelling which was previously used as a village shop. There would likely be alternative premises in the village from which a community shop could operate.
Access and Parking	No impact

#### 5.0 Description of Site

The application building is a detached mix use building in the centre of the village. It is L shaped with a projecting double bay to the front. The shop front & postbox is located on the right hand bay, and the cottage entrance front door is situated on the left hand bay.

The shop & dwelling are interdependent, sharing services & facilities. The shop area is not physically nor functionally separate from the habitable spaces of the dwelling space, the shop can be access from the dwelling's hallway, and there is no separate WC or kitchenette which serves the shop unit. Electric & water services are combined.

In the past, the ground floor front room has been used as a tea room, and hairdresser and other ad hoc sales space.

The building is not listed, but is within the Bradford Abbas Conservation Area and identified as an important Local Building (record key = 2482)

## 6.0 Description of Development

Change of use of mix use building, to C3 residential dwelling.

## 7.0 Relevant Planning History

WD/D/17/002836 - Decision: REFUSED - Decision Date: 06/03/2018  
Change of use of the building from a mixed use dwelling (C3)/ (A1) to a residential dwelling (C3).

WD/D/20/000509 - Decision: GRA - Decision Date: 09/06/2020  
Replacement of 2 no. timber windows.

1/D/10/001316 - Decision: INVALID - Change of use of residential living area to enlarge shop

P/PDE/2021/00423 - Decision: RES - Decision Date: 05/01/2022  
Replacement Wall and UPVC window/door

P/PAP/2022/00323 - Decision: RES - Decision Date: 01/07/2022  
Change of Use for Old Post Office from Mixed Use (sui generis) to residential to accommodate kitchen

## 8.0 List of Constraints

Within setting of Grade II Listed Buildings, inc: WAR MEMORIAL List Entry: 1119368.0; - Distance: 18.84; TUDOR COTTAGE List Entry: 1119370.0; - Distance: 17.53

Application is within Bradford Abbas Conservation Area - Distance: 67.72

LP - SUS2; Defined Development Boundary; Bradford Abbas - Distance: 0

LP - ENV 9; Groundwater Source Protection Areas; LOWER MAGISTON - Distance: 0

NPLA - Type: Neighbourhood Area; Name: Bradford Abbas & Clifton Maybank; Status Designated 20/09/2022; - Distance: 0

DESI - Nutrient Catchment Area : Somerset Levels Hydrological Catchment (Phosphates) - Distance: 0

PROW - Right of Way: Footpath N6/3; - Distance: 10.31

EA - Risk of Surface Water Flooding Extent 1 in 100 - Distance: 0

EA - Risk of Surface Water Flooding Extent 1 in 1000 - Distance: 0

EA - Areas Susceptible to Groundwater Flooding; Clearwater; >= 25% <50%; - Distance: 0

DESI - Site of Special Scientific Interest (SSSI) impact risk zone; - Distance: 0

DESI - Scheduled Monument: Medieval standing cross 6m north west of the west

## 9.0 Consultations

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

### Consultees

**Sherborne Rural Ward Member Cllr Legg** – Request that application be considered by Planning Committee – applicants have not marketed the property themselves & loss of important community buildings is contrary to Local Plan Policy. There is no bus service in the village & loss of the shop may be contrary to aspirations in the forthcoming Neighbourhood Plan which is in preparation which would properly test the need and viability of a shop in the village.

**Bradford Abbas Parish Council** – Object. The change of use would preclude the option of the site as a location for a village shop. It has not been satisfactorily demonstrated that there is no local need for the facility, nor that it is unviable. There is concern from local residents over the lack of a village shop. There is no alternative community property to meet local need. The space being advertised as being available for the shop by the new owners is not suitable for a shop. The application would constitute the loss of an important community asset.

**DC - Highways** – No objection

**DC - Conservation Officers** – No objection

**DC - Growth and Economic Regeneration** – Asset is clearly not a financially viable proposition. Lack of further marketing following the applicants following purchase of the empty property in July 2021 is acceptable in this instance, as the outcome of a marketing exercise would have been very unlikely to be different from the outcome of the 2018-2021 marketing period by the three previous estate agents.

**Natural England** – No objection

### Representations received

Objectors to the scheme raise the following summarised points:

- It is important to retain a shop in this specific property as historically it has always been a shop
- The potential for a shop in this specific location should be protected
- The loss of this site will prevent the establishment of a village shop
- The location of the application building is best sited for a shop
- Loss of bus service means that a shop is needed in the village
- A shop needs to be provided for those without access to a car or the internet
- A shop is needed as a community asset
- The shop is relied upon for small, regular purchases
- Lack of shop will increase car journeys
- Shops in the surrounding areas are no comparable to a village shop, they are either supermarkets, garages or farm shops – none of which we want
- Impact on character of conservation area as less people walk to shop
- Contrary to Conservation Area Appraisal which states the building has “group value which represents social and historic continuity”
- The presented justification and financial projections have been manipulated to suit the applicants’ argument.
- Viability of the shop has been impacted by ill health and personal circumstances, and lack of vision, it is not just an economic problem
- The building has a tie which states it must be retained as commercial
- More of the building has historically been used for commercial purposes, including the front lounge (for tea room, hairdresser), the kitchen facilities, other rooms for storage associated with the shop and the WC.
- The offer to rent just one small area of the ground floor is not representative of what has been used as a shop in the past, and what is offered for rent has been eroded purposefully to detract potential interested parties.
- More should be done to assess the need for a village shop and included in the neighbourhood plan discussions
- The applicants’ benefitted from a discounted purchase price and stamp duty, this should not be ‘rewarded’ with granting of the application

Supporters of the scheme raise the following summarised points:

- The shop is unviable as demonstrated by numerous periods of lengthy closure
- Financial projections from convenience store operators demonstrate a shop would be unviable
- The Community Shop Steering Group is no longer active – this demonstrates the lack of support and viability of a community shop
- The offer of alternatives from the applicants (fitted out container) has not been reported to the local community

- Community needs are met via weekly pop-up post office & market, café, church, sports & social club and public house.
- There has been opportunity for the Parish Council and community to engage with the applicants to investigate options/alternative for provision of a community shop, but there is no interest
- The removal of the Post Office and associated income has adversely impacted viability
- There is huge competition from nearby discount stores e.g., Lidl
- The floor space is very limited, restricting both the range and volume of available lines
- The configuration of the space means it is difficult to change/adapt

Total - Objections	Total - No Objections	Total - Comments
29	2	1

## 10.0 Relevant Policies

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

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

- INT1- Presumption in favour of Sustainable Development
- COM3 – The retention of local community buildings and structures
- ENV1 – Landscape, seascape & sites of other geological interest
- ENV4 – Heritage assets
- ENV10 - The landscape and townscape setting
- ENV 12 – The design and positioning of buildings
- ENV 16 – Amenity
- SUS2 - Distribution of Development

### **Other material considerations**

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

1. Introduction
2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
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

## Bradford Abbas Conservation Area Appraisal (CAA) 2013

The application building is described in the CAA:

*Post Office and shop – shown on 1839 Tithe Map; the Post Office has been at these premises since 1851 if not before; originally a cottage, the current premises dates from 1889 (date stone); Tudor Revival; picturesque; well balanced appearance; L shaped with a projecting double bay facing Church Rd; the right hand bay has the shop entrance and projecting display window (C20?), protected by a tiled, hipped canopy; the left hand bay has the cottage entrance (original timber panelled door and ironmongery with bracketed clay plain tiled canopy) adjoining its internal corner; both bays ends in lucarnes with partial timber framing; and at the rear of the property is a full length cat- slide with a single dormer window. Constructed of local stone and clay plain tiles with decorative ridge tiles; overhanging eaves with barge boards; brick chimneys with dentilated top, the westerly one also stone where it projects at first floor level; brick banding; mainly multi-paned timber casement windows with Hamstone cills, brick reveals and segmental brick arches with tile weathering; and at the front a Hamstone, three light mullioned window with label and timber frames (from previous cottage?). By the shop entrance is a GR (type George V, c1934) post box. The former Post Office and shop have heritage significance and group value and represent social and historic continuity.*

Statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Statutory duty under section 72 Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

### **11.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

### **12.0 Public Sector Equalities Duty**

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

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

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

The shop space is currently empty. There is therefore no current provision for residents of the village without access to private transport or the internet to independently access grocery shopping within the village, other than the pop-up market which is held on Tuesday afternoons in the pub car park & pop-up market in the village hall on the third Saturday of each month. It is acknowledged that some residents with protected characteristics would be more reliant on a village shop than those without (e.g. older people).

Post Office services continue to be available weekly at the village hall on Tuesday afternoons: <https://www.postoffice.co.uk/branch-finder/1454714/bradford-abbas>

The provision of banking and postal services therefore remain unaffected by the application, and continue to be available to all residents of the village.

### **13.0 Financial implications**

- Loss of business rates
- Loss of employment opportunity
- Secure future of a building, identified as being a positive contributor to the character & appearance of the Conservation Area

### **14.0 Environmental implications**

- Loss of former community asset
- No physical impact on character or appearance of building & no impact on setting of Conservation Area.

### **15.0 Planning Assessment**

History of property (as understood by Officers)

- 2002 - 2009 Post Office operated in conjunction with a convenience store.
- 2009 Business sold, New tenant/Postmaster.
- 2012 Postmaster died
- 2012 Post Office licence withdrawn. Post Office and paper round taken up by an adjoining village shop.



- 2012 - 2013 period of closure following withdraw of Post Office services
- 2013 A cafe and convenience store opened by new tenant.
- 2014 Tenant requested break in lease due to financial problems, no replacement tenant was found
- 2016 - A "Use it or lose it!" campaign was run during the 4 months prior to closure by the Tenant.  
The cafe and convenience store however subsequently closed.
- November 2016 New Tenant opened a hairdressing salon & convenience store.
- September 2017 – Period of closure
- November 2017 – Planning application made Change of use of the building from a mixed use dwelling (C3)/ (A1) to a residential dwelling (C3) – Refused March 2018
- 2017 – 2020 Property and Retail space marketed for sale /rent with Chesters Harcourts and Jackson Stops and Staff, for £475,000 and £15,000pa respectively
- September 2020 Property marketed for sale a mix use residential & commercial by joint agents Chesters Harcourts & Humberts  
<https://www.chestersharcourt.com/properties-sold-let/>
- September 2019 – Jan 2020 Property marketed for sale a mix use residential & commercial by GTH <https://images1.loopnet.com/d2/VwAnzUf-zegzN732ioWQ6lrdEtXvSZ-BIScb3H9U8TM/document.pdf>
- 2018 – 2020 Shop & tearoom operated by previous Tenants
- Tearoom closed during pandemic
- During 1<sup>st</sup> lockdown shop well supported by local community.
- Sales reportedly declined again following 1<sup>st</sup> lockdown.  
Shop relied on volunteers to remain open.
- December 2020 – notice on parish website stating no buyer for property had been found, and shop would close in January 2021:  
<https://bradford-abbas.uk/document/01122020-1752>
- April 2021 – shop closed  
<https://www.bradford-abbas.uk/sites/default/files/2022-02/The%20Pennant%20April%202021.pdf>
- April 2021 – calls for members of Shop Steering Group in Village newsletter
- May 2021 – discussion at Parish Council meeting as to how to progress option of retaining a village shop
- July 2021 – applicants purchased property
- July 2021 – applicants attended parish council meeting to discuss joining shop steering group <https://bradford-abbas.uk/node/701>

- Jan 2022 & March 2022 minutes of parish council meeting confirmed shop steering group no longer active, and the last shop steering group meeting had taken place in July 2021 <https://bradford-abbas.uk/node/762>
- November 2022 – Neighbourhood Plan consultation identifies community desire for a village shop

### Consideration of objections regarding plans & application floorspace

A number of representations state that the application should be seeking a larger floor area than shown on the plans for the proposed change of use, as more of the property has been used in association with the commercial enterprise in the past.

It is understood that the ground floor living room to the left of the retail unit was opened as a tea shop by a previous occupier, and this space has been historically used a hairdresser also. As a mix use building, differing occupiers have used the space in different ways to suit the needs of the operator & diversifying the business to increase income potential.

The Council must assess the information presented to it; in this instance it is considered appropriate to consider the plans as submitted as it appears that the incidental use of other rooms of the property have been used differently by different occupiers over time - there is no clear planning history which delineates which room(s)/part of the floor space is classified as commercial & which are considered to be purely residential.

The assessment below will therefore take into consideration that the scheme incorporates the all-encompassing proposal to change the use of the whole building into solely residential, from a mix-use & flexible commercial/residential use

### **Principle of Development**

COM3 is the pertinent Local Plan Policy in this instance: THE RETENTION OF LOCAL COMMUNITY BUILDINGS AND STRUCTURES

*i) Planning permission for proposals, including change of use, which result in the loss of local community buildings or structures (including sites which were most recently used for this purpose where the use has ceased or the building has been demolished), will not be permitted unless:*

- *it can be demonstrated that there is no local need for the facility or that such a facility is no longer likely to be viable; and*
- *an appropriate alternative community use to meet local needs is not needed or likely to be viable.*

The pre-ambule for COM3 outlines that evidence *submitted should typically include:*

- *Details of how the property has been marketed, the length of time that the marketing was active and any changes during this period, and the asking price;*

- *Details of the level of interest generated and any offers received;*

### Marketing:

Following refusal of the previous change of use application in March 2018, the property was marketed by three estate agents between 2018 and June 2021.

Between 2018 and September 2022 these estate agents marketed the property as residential dwelling with shop.

In 2018 the property was marketed at £475,000 / £15,000 rental per annum (this rental price had not been increased from 2012, and Officer opinion is that this is an appropriate asking price – supporting information of the RPI assessment is accepted)

No purchaser was found between 2018 and September 2020.

In September 2020 the property was re-marked by Humberts and Chesters Harcourt as joint agents at a reduced price of £465,000. The property was offered for sale as a “residential development opportunity subject to planning” - Humberts have advised the applicants that two offers were received during September 2020 – December 2020 but did not result in a successful sale.

The applicants purchased the property in vacant possession in July 2021

Officers are satisfied that with this marketing, any persons interested in acquiring a mix use residential / commercial property would have known of the application building

Officers are also satisfied that all reasonable efforts by the vendor would have been made to secure a sale during the period the shop was still operational between 2018 & April 2021, Officers have no reason to believe the vendor was obstructive to sales during the marketing period.

In this instance it is accepted that further marketing following the applicants purchase of the empty property in July 2021 is acceptable, as the outcome would have been very unlikely to be different from the outcome of the 2018-2021 marketing by the three estate agents.

It is acknowledged that what is still ‘missing’ from the submission is detailed information of the marketing carried out during 2018 - 2021 (ie exactly how many people viewed the property, when, specified details of any offers received, & why subsequent negotiations were not successful) as this is not provided by the previous owner of the site to the applicants: However it has been demonstrated that the property was marketed by three estate agents during this time, and that in September 2020 agents and marketing approach changed with a drop in asking price. We have no reason to believe that the previous owner was obstructive to the sale of the property in any way.

## Viability

In December 2020 still no purchasers had been found for the property, and the tenants announced they were to close the shop the following January 2021, an announcement in the village newsletter read:

*“... No buyer has been found and so, very sadly, due to the health of Wendy and myself and to the falling trade, which has meant we are actually funding the shop to open each day, the shop will be closing in January 2021...”*

The tenants subsequently closed the shop in April 2021, stating in their closing message to the village: ... *“So, this is a sad goodbye. Although we should perhaps have closed the shop a while ago and have been paying to keep it open for some time now, the upside is that we have met many amazing people who we will miss, and we are glad we have been able to keep it open during the lockdowns of the past year. .”* [<https://www.bradford-abbas.uk/term/document-type/pennant?page=1> - <https://www.bradford-abbas.uk/sites/default/files/2022-02/The%20Pennant%20April%202021.pdf> ]

Some representations have been critical of the previous tenants, stating that they did not put in the required effort to make the business a success, however notwithstanding this, there was ample time for a potential purchaser to make their own assessment of the property's income potential during the marketing period 2018-2021.

In addition to the apparent lack of viability of the previous village shop business model as demonstrated by the closure of the shop, the current owners of the building have undertaken their own analysis of what income could be generated from the property. A series of Gross Profit calculations have been undertaken using varying scenarios, and enquiries made to Nisa and Budgens. A financial projection has also been presented which presents alternative scenario as a commercial office space.

The Growth and Economic Regeneration Team have assessed the supporting information and agree that it has been satisfactorily demonstrated that the property is unable to present a financially viable proposition run as a commercial enterprise. They also clarify that the figures presented appear a reasonable forecast of potential return, and it is accepted that in the current climate of internet shopping, and working from home, that the viability of a small convenience store and uptake of office space in a village setting is very unlikely to be highly profitable.

## Community Engagement:

COM3 requires applicants to present details of what consultation/discussion there have been with local community groups / service providers on possible alternative community uses. COM3 also states than in considering proposals that would result in the loss of local community facilities, the council will take into account what other facilities and services are available locally.

It is understood that the 'Shop Steering Group' which was set up following its closure in April 2021 has not met since July 2021. The applicants attended the Parish Council meeting in July 2021 following their purchase of the property, and have outlined to Officers attempts they have made since the purchase to engage with the Parish Council, but no ways forward have come to light. The applicants have made efforts to make the former shop area available to interested parties, by placing 'to let' signs in the window of the property, but this has been criticised as being inadequate and unsuitable.

There are separate means for the community to register facilities as an asset of community value, this has not occurred in this case.

There are a number of shops & supermarkets in close proximity to Bradford Abbas, and a plethora of farm shops in the vicinity – however it is acknowledged that all of these would require private transport to access. The nearest shop is at Thornford 'Elwoods Stores', 2 miles away by road to the south, and to the north on the way into Sherborne, the Co-Op at Sherborne Road Petrol Station is 2.2 miles by road.

There are other existing Community Facilities in the village which appear suitable for the provision of a village shop; the village hall, public house, and sports & recreational club. The village hall already hosts the Post Office on a Tuesday afternoon, and a pop-up market is held on Tuesday afternoons in the pub car park and in the village hall on the third Saturday of each month.

#### Discussion of ongoing viability

The Parish Council, local Ward Member and local community object to the application, citing that the loss of the premises as an option for a shop, precludes the provision of a community shop, and that as the building has always been a shop historically, that it should remain as such.

The interdependency of the retail space with the living accommodation must be acknowledged if the existing space is considered suitable for provision of a community shop – no options to overcome this have been presented.

The intention to include the site as a protected community asset in a future Neighbourhood Plan is not relevant to the consideration of the current application under consideration (as there is no adopted Neighbourhood Plan Policy to this effect). The site is not identified in a Local Plan, and it not protected as a Registered Asset of Community Value.

#### Recent marketing

Taking into account the current condition, size & layout of the premises and the constraints this presents to any future operator, the lack of marketing by the current occupier between July 2021 & the present planning application is in this instance

understandable, and it is accepted that had a marketing exercise been undertaken, it is very very unlikely to have resulted in a different conclusion to the current situation, that no purchaser interested in continuing to run a village shop would be found; and therefore the lack of specific marketing by the current owners is in this instance considered to be acceptable.

### Discussion

If the change of use is allowed, it is acknowledged that this would preclude the option of continuing to operate a village shop from the application site.

It should be remembered that the shop & dwelling are interdependent, sharing services & facilities. The shop area is not physically nor functionally separate from the habitable spaces of the dwelling space, there is no separate WC or kitchenette which serves the shop unit. Electric & water services are currently combined.

As no options to overcome the layout constraints have been presented, it does seem very unlikely that the shop space could be successfully used for a community use going forward as no progress has been made since the closure of the shop in April 2021, the applicant's purchase of the property in July 2021, and the present day.

It must be acknowledged that if the application is refused, there are no specific controls available to the Council to dictate the specific retail or commercial operation which could/would operate from the premises.

### Impact on the character of the area & Impact on heritage assets

*Para 6.3.6 of COM3 states "Where proposals relate to the conversion of shops or other bespoke premises, the retention of elements which would allow a range of future uses, such as shop front features and separate upper floor access, should be considered where practicable."*

This is not applicable in this instance as there are no alterations proposed to the shop front.

There are no alterations proposed to the shop front, therefore there are no impacts on the visual characteristics of the building nor surrounding area. The Council's Conservation Officer has no objection to the proposals and there would be no resultant harm to the character & appearance of the Conservation Area.

### Impact on neighbouring amenity

Officers have no concerns that the proposed change of use would result in adverse impacts for occupiers of neighbouring dwelling

### Impact on access & parking

The proposed change of use proposes no alterations to existing arrangements. Dorset Council Highways have no objection to the proposals.

### Nutrient Neutrality

The property would continue to be occupied by one family unit, therefore there is no increased inputs into the catchment – the application is therefore not caught by the requirement to demonstrate Nutrient Neutrality.

## **16.0 Conclusion**

Officers have assessed the supporting information provided by the applicant, historic performance of retail enterprises on site, advice received from the Growth and Economic Regeneration Team, and taken into consideration engagement with the local community. Officers are satisfied that the property has been adequately marketed.

Officers are satisfied that on balance it has been satisfactorily demonstrated that a village shop facility is no longer likely to be viable at the application site.

Officers are satisfied that it has been appropriately demonstrated, taking into account the property layout that appropriate alternative community use to meet local needs has been investigated, but very unlikely to be viable from the application site.

## **17.0 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:

Location Plan & Drawing Plan - 10

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

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# Agenda Item 9

<b>Application Number:</b>	P/FUL/2022/07513		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Frog Lane Farm Frog Lane Motcombe SP7 9NY		
<b>Proposal:</b>	Retain the change of use of existing agricultural building to allow the cutting and preparation of building stone, including the siting of a steel container & generator		
<b>Applicant name:</b>	M B Crocker Ltd		
<b>Case Officer:</b>	Simon Sharp		
<b>Ward Member(s):</b>	Cllr Pothercary, Cllr Ridout and Cllr Walsh		
<b>Publicity expiry date:</b>	29 March 2023	<b>Officer site visit date:</b>	Various including 5 <sup>th</sup> January 26 <sup>th</sup> , January and 2 <sup>nd</sup> February
<b>Decision due date:</b>	19 <sup>th</sup> May 2023	<b>Ext(s) of time:</b>	19 <sup>th</sup> May 2023

## 1.0 Reason for referral to members

1.1 There is an outstanding objection from Motcombe Parish Council

## 2.0 Summary of recommendation

2.1 Grant permission subject to conditions, the latter relating to delivery and collection routes to and from the site and hours of working.

## 3.0 Reason for the recommendation

3.1 The development involves the reuse of an existing rural building to support economic development. In that respect it gains support for the principle of the use from policies 11, 20 and 29 of the North Dorset Local Plan Part 1 (2016).

3.2 Following the assessment of the noise report and further information supplied in relation to the highways impact, the development is considered to be acceptable.

## 4.0 Key planning issues

Issue	Conclusion
Principle of development	The development involves the reuse of an existing rural building to support economic development. In that respect it gains support for

	the principle of the use from policies 11, 20 and 29 of the North Dorset Local Plan Part 1 (2016).
Scale, design, impact on character and appearance	No visual or landscape impact from the stone cutting use contained within an existing building. The other ancillary structures are visually contained within the farmstead.  There is some adverse change to the tranquil character of the area experienced by walkers and cyclists using Frog Lane and the nearby public rights of way.
Impact on amenity	There is an impact in terms of noise as a result of the use, but the noise report evidences that this is not to the degree that it is determinative in the overall balance.
Impact on landscape or heritage assets	No landscape harm or harm to the significance of designated and non-designated heritage assets.
Economic benefits	There is direct employment (2 Full time equivalents) provided by the use .The cutting of local stone for use in local buildings also has economic sustainability benefits.
Access and Parking	The on-site arrangements and access are acceptable with no detriment to highway safety subject to conditions.
Environmental Impact Assessment (EIA) (if relevant)	No EIA is required for the development under the EIA Regulations 2020

## 5.0 **Description of Site**

- 5.1 The building in use is at the northern edge of the farmstead. It is rectangular in plan (26.25m x 14.7m) and is steel framed. The infill panels of the external envelope are pre-cast concrete up to 2m in height above ground level. Above this there is fibre cement cladding. The building rises to a height of 5.5m (eaves) and 7.5m (ridge) above ground level.
- 5.2 The ancillary generator and container are already on site and sit immediately to the east of the building. The container is rectangular in plan (6.1m x 2.4m) and 2.4m high. The generator is 2.4m x 1.2m in plan.
- 5.3 To the north is open pasture used for grazing livestock. There is an attenuation pond in the first field close to the site's boundary. Surface water from the site was observed draining to this pond. Beyond the first field is a broken hedge line adjacent to which (on its north side) is a public footpath (N69/2) that strikes north-eastwards over open countryside from Frog Lane. This footpath affords views southwards to the site. Another public footpath, N69(4), dissects this same landscape too, crossing N69/2 to the east of Frog Lane.

- 5.4 To the west is Frog Lane, a metalled, adopted highway of a single lane's width, popular with walkers and cyclists. It is infrequently used by motor vehicles but is used by vehicles accessing the application site. The rest of the buildings have an extant agricultural use and Frog Lane would be used to access this farmstead. Beyond this is open farmland with the rear of the main body of residential development fronting The Street, Motcombe clearly visible.
- 5.5 To the south is the rest of the farmstead, with an extant agricultural use. The farmhouse beyond the other farm buildings is tenanted but not in association with the farmland or the development under consideration. A Bridleway (N69/3) cuts eastwards through the farmstead immediately to the north of the farmhouse before striking east across open farmland.
- 5.6 To the east is a larger building with an extant agricultural use, beyond which the farmland rises up to higher ground. A dwelling is visible on this higher ground.

## **6.0 Description of Development**

- 6.1 The use, it is understood, commenced in 2022. It occupies one of the former farm buildings as described in section 5 above. It involves the cutting of Shaftesbury Greenstone, Portland Stone, Bath Stone, Purbeck Stone, Stalbridge Stone and Marnhull Stone.
- 6.2 The uncut stone is delivered to site, cut using a water cooled saw within the building and then collected for use in the construction industry (new buildings or restorations).
- 6.3 The business employs 2 full time employees who work 8am to 4pm Mondays to Fridays inclusive. The saw can be operational at any time during these periods as can the generator. The case officer observed that the building is open on its eastern side.
- 6.4 The following vehicular movements are associated with the use:-
- a) One articulated lorry (2 two-way movement) once a month associated with the delivery of stone to the site.
  - b) 8 tractor & trailer movements (16 two-way movement) per month to transport stone.
  - c) Collections by builder's vans 1-2 per week.
  - d) Staff movements – 2 cars per day (4 movements per day)
- 6.5 Members are advised that the application was amended following the officer's site visit and comments from the Parish Council. It was originally described as light industrial but was amended to a general industrial use.

## **7.0 Relevant Planning History**

- 7.1 There is no relevant planning history.

## **8.0 List of Constraints**

- 8.1 The ground upon which the container and the generator sit is recorded as being at 1 in 1000 year risk from surface water flooding. The building is outside of this risk zone.

## **9.0 Consultations**

### **Ward members**

- 9.1 Both Cllr Potheary and Cllr Ridout noted the comments made by third parties but did not express an opinion themselves. In light of the comments made by third parties, which include a number of material planning considerations, Cllr Potheary requested that the matter be referred to the Planning Committee in the event of an officer recommendation to grant.

### **Motcombe Parish Council**

- 9.2 The Parish Council object on the following grounds:-
- a) The village road infrastructure is not suitable for the operation involving large heavy transport. Any route through the village, from whichever direction, is totally unsuitable. In particular Frog Lane and Shorts Green Lane are too narrow with no provisions for pedestrians.
  - b) The document on transport movements recently submitted on behalf of the applicant quotes transport movements when Frog Farm was a dairy farm. This information is 25 years out of date as Frog Farm has not been a dairy farm since that time. Any vehicle movements from that time cannot realistically be compared to current ones where maximum permitted loads are substantially higher.
  - c) The tractors being used are far bigger than would be required for the current or previous agricultural operation. The movements associated with the stone cutting operation are in addition to the current agricultural use.
  - d) In the four months of this operation there has been substantial damage to the roadside verges, in particular in Frog Lane, where there is a deep groove immediately along one edge of the tarmac for a considerable length. Any normal vehicle getting a wheel into this would incur serious damage.
  - e) This is a very popular walking route for the villagers because of the views in all directions. The part of Shorts Green Lane leading to the Farm is designated as an Open Green Space in the Neighbourhood Plan.
  - f) During the noise survey the wind speed was 0 m/s i.e. there was no wind, so no assessment was made for the effect of different wind directions. No measurements were published for areas accessible to the public via the three adjacent rights of way.
  - g) No provision for the removal of waste has been mentioned in the application, which means one of two possibilities, either waste stone will be deposited on site spoiling the views or will be removed causing more transport movements. Neither of these solutions are acceptable.
  - h) It is believed that cutting operations have already taken place outside of the hours recommended by Environmental Protection.

### **DC Highways**

- 9.3 The transport note expands on both the historic and proposed use of the site. It confirms that large HGVs have visited the farm, negotiating the approach roads to do so without issue.

- 9.4 Allowing for this fact and the relatively low numbers of vehicle movements associated with the development proposal, the Highway Authority considers that residual cumulative impact of the development cannot be thought to be "severe" when consideration is given to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) - July 2021.
- 9.5 Hence, the Highway Authority raises no objection subject to a condition securing the retention of the parking and manoeuvring areas.

### DC Environmental Protection

- 9.6 The activity is inherently noisy. However, the Noise Impact Assessment (NIA) demonstrates that there is no meaningful increase in noise level at the nearest residential dwellings. The Proposed operating hours are 08:30 – 16:30hrs Monday – Friday. The NIA is based on this. Therefore, recommend a condition that the operating hours are the same as proposed.

### Other representations received

Total - Objections	Total - No Objections	Total - Comments
29	0	0

- 9.7 The objections can be summarised as follows: -

Highway safety: -

- a) It is not possible to bring a 16.5m articulated lorry to and from the site without compromising on road safety.
- b) Approaching from the north, a lorry would have to negotiate several miles of country lanes unsuitable for the purpose before making a tight turn from The Street onto Shorts Green Lane in the centre of the village. It would then have to negotiate approximately a kilometre of single-track road with houses on both sides for approximately half its length.
- c) To approach from the south, a lorry would have to come through a narrow, congested area by the primary school, an area that is on record as being of significant concern to the village already. It would then have to pass through a choke point on Bittles Green before making a tight left turn onto Frog Lane; it is doubtful that a lorry could make this turn in one attempt. It would then have to go approximately 500m up a single track road with no footway.
- d) Frog Lane is popular with pedestrians and riders and has no walkway.
- e) There has not been a swept path analysis submitted for vehicle access and vehicle egress.

- f) The verges along the route to the site are not suitable for HGVs and they are already heavily rutted in places. There are limited passing places along Frog Lane.

Residential amenity: -

- g) There will also be intrusive noise from the stone cutting.
- h) The increase in traffic will increase the level of noise in the village which will impact people working from home, children's concentration at school and the local wildlife.
- i) It would have quite an impact on mental health if people were working all day.

Character and landscape: -

- j) The development is inconsistent with the Motcombe Neighbourhood Plan. Frog Lane Avenue was designated a Local Green Space. The Plan states "The planted verges to either side of the northern section of Frog Lane are also proposed for designation. The oak trees to either side are owned and maintained by the owners of Frog Lane Farm, and form a distinctive avenue, and were donated to Motcombe. The lane is well used by walkers and provides extensive views out over the countryside to both the east and west, as well as a local wildlife corridor."
- k) MOT4 - Local Green Spaces. Policy MOT4 states that "The local green spaces listed in Table 2 and shown in the Policies Map will be given special protection. Development within these areas will only be supported where it would enhance the enjoyment of the space and not undermine its importance. Development adjoining these areas must respect their reason for designation and should not significantly detract from their enjoyment."

Waste and air pollution: -

- l) No provision for the removal of waste has been mentioned in the application, which means one of two possibilities, either waste stone will be deposited on site spoiling the views or will be removed causing more transport movements. Neither of these solutions are acceptable.
- m) No information has been about the treatment of dust/slurry created and its safe disposal.
- n) There is also the problem of air pollution and the impact it would have on grazing animals.

Flooding:-

- o) The development will increase the flooding risk in the village, which is already a huge problem where many residents have been forced to leave their homes due to flooding damage over the last 2-5 years.

Planning application after the development: -

- p) So far there has been a blatant disregard for Planning Procedures, in that it would have been well known that Planning Permission would be required, yet the operation was started anyway.

## **10.0 Duties**

10.1 s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise. This provides for the primacy of the development plan in decision making.

## **11.0 Development Plan policies**

### **North Dorset Local Plan (2003) saved policies**

11.1 The site is outside of settlement limits in the countryside.

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

11.2 The following policies are considered relevant: -

- 1 – Presumption in favour of sustainable development.
- 2 – Core spatial strategy
- 4 – The Natural Environment
- 5 – The Historic Environment
- 11 – The Economy
- 20 – The Countryside
- 23 – Parking
- 24 – Design
- 25 – Amenity
- 29 – The re-use of existing buildings in the countryside

### **Motcombe Neighbourhood Plan (2019)**

11.3 The site is outside of the settlement limits. Frog Lane's avenue of trees is designated as a Local Green Space (LGS3). Two local views identified by the Plan have the potential to be affected by the development. These are:-

- c) the view along Frog Lane's avenue of trees;
- d) the view looking east from Frog Lane (including footpaths N69/2 and N69/4) across the fields towards Kingsettle Wood;

The following policies are considered relevant: -

- MOT4 - Local Green Spaces
- MOT6 - Protecting and Enhancing Local Biodiversity
- MOT7 - Local views
- MOT8 - Dark Skies

MOT10 - Locational criteria for new development  
MOT15 - Meeting the area's employment needs.

## **12.0 Other material considerations**

### **Dorset Council Local Plan**

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

### **National Planning Policy Framework 2021**

12.2 Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

12.3 Other relevant NPPF sections include:

- 4. - Decision taking
- 6 - Building a strong, competitive economy,
- 14 - Meeting the challenges of climate change etc.
- 15 - Conserving and Enhancing the Natural Environment'-

## **13.0 Human Rights**

13.1 Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property. This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

## **14.0 Public Sector Equalities Duty**

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

- a) Removing or minimising disadvantages suffered by people due to their protected characteristics.



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

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

14.3 The Duty has been considered in the assessment of this application. No specific persons with protected characteristics would be directly impacted by the proposal.

### **15.0 Financial benefits**

What	Amount / value
Material Considerations	
Employment provision	2 Full time equivalent (FTE)
Non Material Considerations	
Business rates	As per charging bands

### **16.0 Climate Implications**

16.1 The trips to and from the site are all by vehicles with internal combustion engines. These include HGVs as well as tractors. These journeys are predominantly local; the stone for cutting is sourced locally and then, when cut, delivered locally too.

16.2 There are inevitably contributions to climate change from these movements, albeit the sourcing of stone from further afield would have more implications.

16.3 The cutting process itself is dependent on electricity and water. The case officer observed that the use of water for cooling was ever present in the cutting process.

### **17.0 Planning Assessment**

#### **Principle**

17.1 The development involves the reuse of an existing rural building to support economic development. In that respect it gains support for the principle of the use from policies 11, 20 and 29 of the North Dorset Local Plan Part 1 (2016).

## Residential amenity

17.2 There are two main considerations here; the noise from the cutting process, and that derived from the vehicular comings and goings associated with the use.

17.3 The cutting process is, as the Council's Environmental Health Officer describes, "inherently noisy". This is not just the case inside the building but also outside; the noise emissions are such that the case officer had difficulty conversing with the applicant when standing next to the open east end of the building (they had to move about 10m away from the building to be heard and to hear).

17.4 The case officer also noted that, in addition to the open eastern end of the building, there were other opening and holes within the external envelope. This is acknowledged in the applicant's Noise Impact Assessment.

17.5 The Noise Impact Assessment recorded the following noise levels within the building and near to it:-

<b>From the cutting process</b>	
<b>Location</b>	<b>Noise (dB)</b>
Inside the building	94
10m from west end of building	62
3m from north side of building	77
95m from east side of building	49
45m at a 45° from the east side of the building	58
<b>From the generator</b>	
<b>Location</b>	<b>Noise (dB)</b>
2m west	76
10m east	67

17.6 The Assessment assessed the impact of both the generator and the cutting process itself on five sensitive receptors. These are all dwellings:-

- A. The last dwelling on Frog Lane (Woodpeckers) (approx. 350m north-northwest near to where Frog Lane becomes Shorts Green Lane)
- B. Kingsettle Farmhouse (approx. 750m east on the higher ground).
- C. The next dwelling south of Frog Lane Farm on the west side of Frog Lane (approx. 200m south).
- D. Dwellings on The Street to the north of Motcombe Memorial Hall (approx. 450m west)
- E. Frog Lane Farmhouse (approx. 65m south)

17.7 Points were used adjacent to these homes; point 1 being adjacent to dwelling A, point 2, being adjacent to dwelling B and so on. Adjustments were also made for

tonality, intermittency and impulsivity in accordance with British Standard BS4142 (2014 (amended 2019)). Tonality is the psycho-acoustic character of the sound where the tone of the noise emission is identifiable over background noise. Impulsivity is sharp changes in volume.

- 17.8 The Assessment found that the stone cutting/preparation equipment did not contain impulsive elements and was not considered tonal. It's dominant noise emissions however were noted to be within the higher frequencies. Generator noise emissions were characterised by a low frequency rumble. Activity/generator noise emission from the development at Positions 1 and 2 were just audible. At Positions 2 and 3 the noise emissions were inaudible. At Position 5 the noise emissions were audible at a low level; they were however not considered to be intrusive. The main general environmental noise source consisted of road traffic on the local roads, and in the case of Position 4 notably from the A350. The dominant noise leakage from the barn was noted to be from the gaps in the construction, notably the gap between the fibre cement sheets and block walls.
- 17.9 The Assessment noted that commonly occurring background noise level at Positions 1 – 4 was between LA90 36 – 37dB, with the former taken as a robust baseline position for dwellings A to E. LA90 is a measurement of the average level over a 90 min period.
- 17.10 The Assessment concluded that the noise levels at Dwellings A – D are below the representative background noise level, which according to BS4142 indicate a low noise impact. At Dwelling E the Rating Level is 1dB above the representative background noise level but this is imperceptible, and the difference would need to be at least 5dB to indicate an 'adverse' impact.
- 17.11 The Council's Environmental Health Officer is noted to conclude that this is a robust assessment and raises no objection.
- 17.12 A number of comments, including from the Parish Council, note that the assessment was confined to the impact on dwellings and not the experience from public rights of way or adopted highways such as Frog Lane.
- 17.13 The case officer noted from his site visits that the use, specifically the cutting process, could be heard from Frog Lane, from Public Footpath N69/1 at points both east and west of Frog Lane, from Bridleway N69/2 in the vicinity of the Farm and from Public Footpath N/69/4 close to its intersection with N69/1. These site visits were undertaken when there was both a light easterly wind (the Met Office had forecast it to be circa 5 mph) and a stronger south-westerly (around 15mph) on dry days.
- 17.14 The points along these public rights of ways and highways are considered to be sensitive receptors given their use (the case officer passed walkers on all of his site visits on these routes). The noise was distinctly more noticeable and higher than the background noise from these receptors. However, members are advised that the Noise Impact Assessment being limited to the impact on the dwellings has been endorsed by the Council's Environmental Officer and is considered robust. The case officer has considered the impact of the noise on the character of the area when

experienced from the public rights of way and Frog Lane as a separate consideration later in this report.

- 17.15 Comments from third parties also raise the concern that the assessment was undertaken when there wasn't any wind to carry the noise, the inference being that windy conditions would carry the noise more; a south-westerly carrying the noise towards Kingsettle Farmhouse and easterlies and south-easterlies taking it to the main body of the village. Again, members are advised that the Council's Environmental Health Officer considers that the applicant's Assessment is robust.
- 17.16 Their conclusions are based on specific operating times, acknowledging that the assessment was based on these times and that the background noise levels will fall during the evenings, nights and weekends. Therefore, as a consequence, there is likely to be a greater difference in the background noise levels and those experienced when the cutting process takes place (with the generator on). As such, a condition is necessary to restrict the use to weekday daytimes.
- 17.17 Turning to noise and disturbance from vehicles, it must be emphasised that the baseline, extant use of the building is for agriculture. In this context, a building of this size could generate farm traffic not materially different to the tractor and light vehicle (the cars of employees) to the stone cutting use.
- 17.18 The HGV trips are, in the case officer's opinion, a variance to an agricultural use of the building, even accepting that there could be bulk feed delivered by HGV or livestock.
- 17.19 However, the movements as evidenced in the Transport Note are not considered to result in a material adverse impact on residential amenity given their infrequency. This conclusion acknowledges that routes would pass close to existing dwellings.
- 17.20 There are no other relevant residential amenity considerations e.g. overshadowing or overlooking, given that the development involves the use of an existing building screened from the Farmhouse by other existing buildings.

### **Highway safety**

- 17.21 The applicant's stated traffic movements associated with the use are detailed in paragraph 6.4 of this report. Some third party representations suggest that the trip rates are higher but no evidence is provided of this nor has the case officer witnessed movements on and off site during his unannounced visits to the area which would suggest that there are higher trip rates than stated.
- 17.22 A Note was prepared on behalf of the applicant in response to the Highway Authority's interim response. Members will note the comments of the Authority summarised in paragraphs 9.3 to 9.5 of this report; they raise no objection following receipt and assessment of the Note.
- 17.23 The following route is used, and is proposed to continue to be used by HGVs to access the site:-

B3081 – Motcombe Turnpike – Church Road – Bittles Green – Frog Lane

This is because, as third parties state, approaching or leaving the site via the Hollow to Shaftesbury is inappropriate due that route's restrictions. Likewise, heading north from the site onto Shorts Green Lane and into the heart of the northern part of the village is also not reflective of the destinations and sources of vehicular trips from the Shaftesbury and Marnhull directions.

- 17.24 A number of third parties advise that that the route used is also not appropriate. This is because of its restricted width in places; the lack of segregated footways; conflict with pedestrians, cyclists, horse-riders, pets and wildlife; the turns that need to be made e.g into Frog Lane from Bittles Green; and the fact that the route passes the village primary school.
- 17.25 The Transport Note does assume the cessation of all of Frog Lane Farm's agricultural activities whereas, of course, most of the buildings at the farmstead still have an extant agricultural use and could still be used in the future. Nevertheless, the case officer's observations of movements to and from the site corroborate the Note's conclusions that there isn't and will not be a significant increase in movements from the site than if the building was to remain in its previous agricultural use.
- 17.26 One articulated lorry (2 two-way movement) once a month associated with the delivery of stone to the site and 8 tractor & trailer movements (16 two-way movement) are not significant. As per the Highway Authority's comments, allowing for this fact and the relatively low numbers of vehicle movements associated with the development proposal, the Highway Authority considers that residual cumulative impact of the development cannot be thought to be "severe" when consideration is given to paragraphs 110 and 111 of the National Planning Policy Framework (NPPF) - July 2021.
- 17.27 Such a conclusion is reached acknowledging the route passes the primary school on Church Road.
- 17.28 The case officer noted that the geometry of the mini-roundabout at the intersection of Church Road, The Street and Bittles Green would not impede the occasional safe passage of HGVs travelling to and from the site. The intersection of Frog Lane and Bittles Green results in a relatively tight turn having to be negotiated and the case officer noted that large vehicle tyre tracks were evident on the bell mouth to the field access opposite, suggesting its use by HGVs as they sweep into and out of Frog Lane. However, the width of metalled carriageway, geometry of the junction and visibility afforded means that its use by the low levels of traffic associated with the use is safe.

### **Character and appearance**

- 17.29 These considerations are limited to the change in character brought about by the use rather than operational development. This is because the cutting process utilises an existing building and the container and generator are considered to have minimal landscape and visual impact given their modest scale and visual containment within

the existing complex of buildings. They are visible from the public rights of way to the north but only in the context of much larger modern structures i.e the two much larger buildings to their immediate east and west.

- 17.30 Turning to the use, the character of the area has changed as a result of the development. Frog Lane is clearly used by walkers, cyclists and horseriders and, when the stone cutting is not in progress, there is a distinct rural tranquillity to the experience in contrast to, say, the traffic and activities within the village's main built-up envelope. The case officer fully acknowledges that Frog Lane, including the avenue of trees and fields that flank it, are not only a visual experience but an aural one too and locals and visitors alike will seek out the Frog Lane area for this tranquillity.
- 17.31 There is background noise perceptible when one lingers at points on Frog Lane and the public rights of way, but it is distant and not intrusive. When the cutting commences the experience changes particularly when one is close to the site on Frog Lane within the avenue of trees recognised as the Local Green Space and referenced in policies MOT4 (local green space) and MOT7 (view c) of the local views) of the Neighbourhood Plan. The noise is also clearly heard when one is tracking eastwards along footpath N69/2 from Frog Lane to the intersection with footpath N69/4 and beyond to a point where one starts climbing onto higher ground.
- 17.31 Undoubtedly the experience of the landscape changes when the development is in use. The change in the aural experience affects one's visual enjoyment of the landscape, this not being a Valued Landscape falling within the NPPF's definition, but nevertheless a landscape of value recognised in the Neighbourhood Plan's designations.
- 17.32 Indeed, there is harm arising from the change in the aural experience of this landscape as a result of this development and a degree of discordance with policies MOT4 and MOT7 of the Neighbourhood Plan.
- 17.33 This is a very finely balanced matter and one that the case officer has considered for a significant period of time. On balance it is advised that the level of harm is not of the significance to be determinative, but it is recognised that the way each person experiences the landscape is different as is the value that they will place on it. As such members may conclude differently to the case officer and afford greater or less weight to the impact in their balancing exercise.

### **Flood and drainage**

- 17.34 The site is at low risk of fluvial, pluvial and groundwater flooding. The generator and container are structures mounted on areas of existing hardstanding with no increases in impermeable area on the site as a result.
- 17.35 Water is used for cooling purposes in the cutting process and this water drains to the existing pond to the north of the site. The case officer noted that there was a constant flow of this water in a gully in the hardstanding. The pond includes an area of high and medium risk of surface water flooding, as does some of the field within which it is situated.

17.36 The case officer visited the site during and following a period of heavy rainfall and noted that there was no overtopping of the pond following a number of hours of stone cutting. It is not considered to be a determinative issue but, nevertheless, given the recorded constraint on this adjoining land, it is reasonable and necessary for evidence to be submitted that the existing arrangements function without increasing flooding on this adjoining land and, if not, that attenuation can be provided to ensure that it doesn't.

### **Air pollution and biodiversity impact**

17.37 There is no evidence before the local planning authority to indicate that there are significant levels of air pollution as result of the development causing adverse impacts to human health or wildlife. Of note is that there was no airborne dust or stone particle emissions evident outside of the building when the cutting process is taking place. The case officer observed that the cooling water also has the effect of suppressing such emissions.

### **Process**

17.38 It is unfortunate that the development proceeded the application for planning permission. However, it is not illegal; no formal enforcement action has been pursued by the Council. The case officer understands from the applicant that they were unaware of the need to apply for permission and there is no evidence before us to suggest otherwise. The application must be considered on its own merits against development plan policies in the first instance as with any other application. The only difference here is that one is able to experience the effects of the development for real rather than having to calculate what they may be.

### **Other matters**

17.39 The Parish Council and other third parties raise an issue about waste from the site, such as stone. The case officer notes that this does not appear to be an issue – on unannounced visits, there was no evidence of stone or other waste on site. There was discolouration of the water runoff but this drainage can be dealt with through the drainage condition.

## **18.0 Conclusion**

18.1 As detailed in paragraph 17.32, there is a degree of discordance with neighbourhood plan policies due to the harmful impact of the development on the aural experience of the landscape from sensitive receptors along public rights of way and on Frog Lane. The sensitivity of these receptors is recognised in the Neighbourhood Plan polices, specifically MOT4 and MOT7.

18.2 In other respects there is accordance with development plan policies subject to the imposition of conditions in relation to HGV routes, the hours of operation and surface water drainage.

18.3 There are also benefits arising from the employment provision, albeit very modest given only 2 full-time employees are employed, and the use's contribution to the use

of local building stone for developments in the local area. There are sustainability benefits in keeping this part of the process local although, again, this benefit is relatively small.

- 18.4 The case officer finds that this is finely balanced matter. However, the harm it is not considered determinative and, when balanced against the benefits and the accordance with policy considerations such as highway safety and residential amenity, it is recommended that permission be granted subject to conditions.

## **19.0 Recommendation**

19.1 Grant planning permission subject to the following conditions.

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
  - IP/MBC/01 Location plan
  - IP/MBC/02 Proposed site plan
  - IP/MBC/03 Proposed floor plans & elevations

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

2. No powered machinery for the stone cutting use hereby approved, nor the generator hereby approved shall be operated outside of the hours 08:30 – 16:30hrs Monday – Friday (excluding Bank and Public Holidays).

Reason: In the interests of residential amenity.

3. The areas shown on Drawing Number IP/MBC/02 for the manoeuvring, parking, loading and unloading of vehicles must be maintained, kept free from obstruction and available for the purposes specified.

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

4. Deliveries to and collections from the site for the use hereby approved shall be via Church Road, Bittles Green and the part of Frog Lane from the site southwards only, unless there are road closures in place affecting this route.

Reason: In the interests of highway safety.

5. Within 3 months of the date of this permission details of a surface water drainage scheme shall be submitted to the local planning authority. The scheme shall be implemented in full within 3 months from the approval in writing by the local planning authority of this scheme and retained thereafter for the remaining lifetime of the development.

Reason: To ensure no increase in the risk of flooding.



<b>Application Number:</b>	P/OUT/2022/00536		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Land at Lower Blandford Road, Shaftesbury Dorset		
<b>Proposal:</b>	Erection of upto 7 dwellings with associated highway and drainage infrastructure and landscaping (outline application to determine access only)		
<b>Applicant name:</b>	Mr M Nublat and Mrs A M Andrew		
<b>Case Officer:</b>	Simon Sharp		
<b>Ward Member(s):</b>	Cllr Somper		
<b>Publicity expiry date:</b>	5 April 2023	<b>Officer site visit date:</b>	Various including 5 <sup>th</sup> January 2023 and 2 <sup>nd</sup> February 2023
<b>Decision due date:</b>	19 May 2023	<b>Ext(s) of time:</b>	19 May 2023

## **1.0 Reason for referral to members**

- 1.1 Both Shaftesbury Town Council and Melbury Abbas and Cann Parish Council are objecting to the application.

## **2.0 Summary of recommendation**

- 2.1 Grant permission subject to conditions.

## **3.0 Reason for the recommendation**

- 3.1 The application demonstrates through the indicative layout that 7 dwellings can be accommodated within the site with acceptable access, public open space and drainage arrangements whilst also responding to the existence of the Tree Preservation Order and public right of way. The retention of the majority of the trees on site means that there is an appropriate response to the Neighbourhood Plan designation and policy SFG11 of that Plan.
- 3.2 The weight afforded to the 2003 Local Plan Important Open or Wooded Area (IOWA) designation is significantly tempered by the fact that the policy is now 20 years old' and was adopted on the basis that a review would happen and never did. The resultant weight afforded to the policy is limited and the conflict with it is not determinative as a result.

- 3.3 Furthermore, the latest Housing Land Supply position statement (published April 2023) sets out that the supply has fallen to 4.87 years. The latest Housing Delivery Test for North Dorset, published January 2022, is 69%: In the absence of any footnote 7 (of the NPPF) reasons for refusing permission, the tilted balance is therefore engaged, meaning that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 3.4 With mitigation secured by conditions, none of the adverse impacts are considered singularly or cumulatively to be significant and demonstrable. The benefits afforded by the proposal during both the construction phase (temporary construction jobs) and the operational phase (homes supplied to meet North Dorset’s housing need) are modest but, nonetheless, outweigh the adverse impacts.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable.
Scale, design, impact on character and appearance	Layout, scale, appearance and landscaping are reserved for subsequent approval. However, the indicative plans demonstrate that up to 7 dwellings can be accommodated on the site with the necessary accessways, parking and manoeuvring areas, drainage, tree retention and new soft landscaping without significant and demonstrable adverse impacts.
Impact on amenity	The indicative layout plan demonstrate that 7 dwellings can be accommodated within the site with separation distances to prevent significant losses of residential amenity.
Economic benefits	There will be benefits derived from the construction phase as well as the supply of homes.
Access and parking	No determinative highway safety issues.
Environmental Impact Assessment (EIA) (if relevant)	The proposal is neither Schedule 1 nor Schedule 2 development for the purposes of the EIA Regulations 2020 ; No EIA is required.
Habitat Regulations	The site is within the River Stour catchment with no current issues in terms of nutrient

	levels. The site is not within the impact risk zones for this scale of development.
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**5.0 Description of Site**

- 5.1 The site is on the eastern side of the A350 to the south of the Royal Chase (A roundabout (A30/A350 intersection)). The A350 is devoid of segregated footways on the site’s frontage and is subject to a 40mph speed limit. There is no street lighting.
- 5.2 The site extends to 0.76ha in area and straddles the administrative boundary of Shaftesbury Town Council (the northern part of the site) and Melbury Abbas & Cann Parish Council (the southern part of the site). It is open rough grassland within the centre ringed by trees and bushes.
- 5.2 To the south is existing ribbon, residential development. To the east is a deep, steeply sided valley, Boynes Hollow, beyond which is suburban residential development. To the north is a small area of greenfield land beyond which is a housing site and the Royal Chase roundabout. To the west is the A350 and then residential areas of Shaftesbury.

**6.0 Description of Development**

- 6.1 The application is in outline with only access to be considered at this stage. An indicative plan has been submitted, revised during the processing of the application, which now shows 7 dwellings within the site, all detached. The revised description of the development, now for determination, is for up to 7 dwellings.
- 6.2 There is a single vehicular access proposed. This is from the A350. The indicative layout shows the definitive line of the public footpath retained through the site, this footpath providing two additional pedestrian access points.

**7.0 Relevant Planning History**

- 7.1 There is no relevant history for the site.

**8.0 List of Constraints**

- 8.1 A Public Right of Way (Public Footpath N1/9) dissects the site from west to east.
- 8.2 The site is covered by an Area Tree Preservation Order (2022/0006). This covers all the broadleaf trees within the site.
- 8.2 The site is at low risk of fluvial (river), pluvial (surface) and groundwater flooding.
- 8.3 The site is within a Mineral Safeguarding Area.

## **9.0 Consultations**

### **DC Ward Members**

9.1 Councillor Cook (Shaftesbury Ward): -

- a) Can this please be brought to the Northern Area Planning Committee so that the town council's objections can be fully debated and tested.

9.2 Councillor Somper (Beacon Ward) objects for the following reasons: -

- a) Urban sprawl - this site sits in the rural Beacon Ward and this green space acts as a clear gap between the ward (Beacon Ward) and Shaftesbury Town providing a clear divide.
- b) Over Development - too many units for this small site.
- c) Removal of hedging to create an entrance and exit from the development.
- d) Dangerous entrance/exit on to a very busy A road. Question the data from the speed survey that was taken from 10.20-10.50am clearly missing the very busy school run and rush hour traffic.
- e) I'd also add that I cannot see from the amended drawings that the issues raised by Dorset Waste Partnership have been addressed.

### **Shaftesbury Town Council**

9.3 Object for the following reasons: -

- a) The Town Council objects to this development on the same grounds as for the previous submissions and refers to the objections provided in February 2022 and January 2023.
- b) North Dorset now successfully has a 5-year land supply (officer's note - the comment predates the April 2023 update), even prior to this Shaftesbury had reached its 20-year housing target and therefore there is no further housing need in Shaftesbury. Shaftesbury has two large housing developments coming to fruition, one that is halfway through being built and another yet to break ground.
- c) The Council doesn't consider that one can determine an outline planning application for access without also considering the appropriateness of the proposed development.

- d) Looking at the development, there is insufficient parking for the houses and visitors. The committee has concerns about dimension of the visibility splay which they believe should be 5mx70m in a 40mph zone.
- e) There would also need to be an Arboricultural Method Statement to show how the development could be realised whilst taking care of the trees on this site that have been given protected status by Dorset Council.
- f) The harm caused by loss of amenity and wildlife habitat far out ways any possible benefit to the town.

### **Melbury Abbas and Cann Parish Council**

9.4 Object for the following reasons: -

- a) It is quite a steep path up from the road so the housing, even with the reduced numbers, will dominate the landscape.
- b) The proposed footpath to Brinscombe Lane / Old Blandford Road from the proposed crossing place is unsafe for pedestrians. There is no pavement and resident's cars are parked down one side of the Old Blandford Road leaving no safe space for pedestrians – most of which will likely be children heading to and from school when the road is at its busiest.
- c) As this site is within easy walking distance of Shaftesbury via both Salisbury Street and Christies Lane, there is insufficient provision for pedestrian safety with two junctions in close proximity on a downhill stretch of road where traffic tends to accelerate having come off the Royal Chase Roundabout. Pedestrian safety has received little to no consideration.
- d) There are houses being built between the pub and this site. Overdevelopment of the area. Being on high ground there will be considerable additional water run off with the building of more properties. The land below this suffers enough from this problem.
- e) There are at least 1206 new or proposed properties in Shaftesbury – the Eastern development 850?, Redrow 143+ the additional houses this side of the roundabout, Persimmon 135 + 55, Enmore Green 23 - with a severe lack of amenities and local employment.

### **DC Highways**

9.5 No objection subject to conditions.

### **DC Rights of Way**

- 9.6 I have no objection to the proposed development, as shown in the plans accompanying the application. However, if the public are unlikely to be able to exercise their public rights on the above path, i.e. throughout the duration of the development the full width of the public footpath cannot remain open and available to the public with no materials or vehicles stored on the route, then a Temporary Path Closure Order must be obtained.
- 9.7 As the footpath crosses the development, it should be maintained as 2m in width, any stiles should be changed to gates to the current British Standard (BS5709:2018) where necessary and, consideration should be given to the surfacing and / or ongoing maintenance of the right of way through the site once complete.

### **DC Landscaping**

- 9.8 These comments were made in response to the original application for 13 units: -
- a) I would agree with paragraphs 8.30 of the submitted planning, design and access statement (Salmon Planning Company Ref: PL.4072 dated January 2022) that “...*the character of the application site and its immediate surroundings are heavily influenced by the broad width of the A350, including the grassy verges, the housing immediately to the south and west and the deep tree belt to the east*” and that “*these physical features provide a strong framework that visually enclose the application site which is perceived as a small, isolated pocket within and on the edge of the urban fabric of Shaftesbury. the application site is detached from the wider rural landscape by the adjacent physical features and has the sense of being part of the town, more so than being part of or within the countryside*”.
  - b) I would agree that as stated in paragraph 8.32 “...*the application site is not visible in views from within the area of the AONB which lays to the east and south east... because of the deep belt of tree planting in Boyne Hollow and the existing housing on the Higher Blandford Road*”.
  - c) I would agree that as stated in paragraph 8.33 that while the site is visible from Melbury Hill “...*the small size of the application site means that it is barely discernible with the naked eye... and once located, it is seen in the context of other houses, including the group of dwellings in the foreground to the south..*” and “...*when traveling north on the A350... the substantial group of houses to the south of the application site create an urban edge to the town well in advance of the application site itself*”.
  - d) While I would also agree with the summation in paragraph 8.39 “...*that the development proposed would change the character of the application site from an undeveloped field to having a more built up residential appearance. However this residential development would be seen immediately adjacent to,*

*and in the context of, other existing housing to the south and west. In this regard the development would not appear isolated or piecemeal, rather it would form a logical extension of the existing built form of the town. The site is not prominent or particularly in the landscape and its development would not materially harm the setting of Shaftesbury and the impart southern slopes on the approach to the town”, this is provided that the development would not have a detrimental impact on the existing trees and hedgerows on its boundaries.*

- e) So, while I have no in principle landscape objection to the development of the site, I consider that information on the trees and woodland on its boundaries and the potential impact of the proposed development on these trees needs to be submitted (information subsequently submitted).

### **DC Trees**

#### 9.9 Comments: -

- a) The site is protected by an area Tree Preservation Order reference TPO/2022/00536.
- b) The reduction in the number of units is of course an improvement as it provides greater separation from the dwellings to the numerous trees on site. I note that the proposal now retains T11 a good quality English Oak which has the potential for substantial longevity in the setting and this is, of course welcome.
- c) I also note that the site is very “light” on parking spaces, with approx. 2x spaces per unit. This does not allow for visitors or the fact that many family homes have 2 or more cars. The road is particularly busy and there is a footpath that bisects the site and there is a turning for Brinscombe Lane slightly further to the south on the other side of the road.
- d) Whilst I appreciate that this application is outline in nature and to determine access only, subject to planning consent full Arboricultural information will be required to support the final design of the development. This should include a Tree Survey, Arboricultural Impacts Assessment, Tree Protection Plan and Arboricultural Method Statement with detailed site supervision by the Consultant Arboriculturist.

### **North Dorset CPRE**

#### 9.10 Object: -

- a) North Dorset CPRE are becoming increasingly concerned about indiscriminate distribution of developments around local communities with little apparent attention to the associated requirements for supporting services of all kinds.

- b) At present in the parishes of Cann & Melbury Abbas and Shaftesbury there are nine active projects, with at least outline approval in place and several under construction, all located within a one mile radius of the town centre. These developments will place intolerable additional pressure on already overstretched local facilities including, for example, transport, employment opportunities, health services and education, together with utility services, water supplies and sewage disposal.
- c) Access from the A350 is awkward, particularly the proposed pedestrian crossing. Between sunrise and midmorning during the winter months, the low sun shines directly along the road toward the Royal Chase roundabout. Southbound drivers are faced with severe glare which would make the unprotected crossing and its users extremely difficult to see. This issue becomes even worse when the roads are wet.
- d) We understand that there is a main sewer which runs along the eastern edge of the property that is prone to overflow at various times.

### **Shaftesbury Tree Group**

9.11 Object - It appears perverse that tree planting details are now included in the application when a rigid building layout with extensive hard-surfaced parking is depicted, being described as 'illustrative', when the Application relates to access only. The tree planting appears as a token gesture when more fundamental, unaddressed, aspects of the Application apply.

### **DC Natural Environment Team (NET)**

9.12 A Biodiversity Plan has been approved. This was based on a previous iteration of the indicative layout for more development.

### **Natural England**

9.13 No objection.

### **DC Environmental Health**

9.14 Comment as follows: -

- a) Due to proximity of dwellings to the A350 road, a noise report should be submitted to the local planning authority assessing the background noise levels and its impact upon the proposed dwellings. Appropriate mitigation should be suggested to protect the dwellings.



- b) Due to the proximity of the site to existing dwellings, a Construction Environment Management Plan (CEMP) or equivalent method statement should be submitted to the local planning authority. This shall assess the impact of likely noise, vibration, dust and other pollution, and suggest mitigation and control strategies to protect nearby residents.

### **Dorset Waste Partnership**

- 9.15 Can see no way of collecting these bins safely as per our guidance for developers. There needs to be a suitable way of entering the site, collecting the bins with a suitable turning area and then able to exit the site safely.

### **Wessex Water**

- 9.16 In relation to surface water, the Flood Risk Assessment (incorporating Sustainable Drainage System) Document ref J-13378, submitted with the application, the applicant has advised that percolation tests undertaken on site showed good infiltration rates and therefore it is deemed suitable to utilise discreet soakaways to capture, store and discharge surface water runoff from the development. These soakaways are shown on the Conceptual Suds Layout Drawing, ref: J13378- NUK-SWD-XX-DR-D-3001-XX-P01 Rev P01 dated 15/10/20 included within this document. This will need the approval of the Lead Local Flood Authority.
- 9.17 For foul water drainage, Wessex Water will accommodate domestic type foul flows in the public foul sewer with connections made on a size for size basis, Developers fund the cost of connecting to the nearest 'size for size' sewer and Wessex Water will manage the sewer network to accommodate foul flows from granted development.

### **DC Minerals and Waste**

- 9.18 The Mineral Planning Authority accepts that the safeguarded mineral comprises only a small part of the site. In this case, on the site identified for this proposal, the mineral safeguarding requirement is waived and no objection will be raised to this proposal on mineral safeguarding grounds.
- 9.19 The proposal site is also within the 250m consultation buffer of a sewage treatment facility, south of the proposal site on the other side of the Lower Blandford Road. This is not expected to impact on the proposal, or vice versa, but is mentioned for information.

### **DC Building Control**

- 9.20 Consideration to be given to compliance with ADB B5 access for fire rescue service vehicles especially on a single access road. Radon gas levels are raised in this area, i would recommend a radon report.

## Other Representations received

9.21

<b>Total – Objections (includes objections to superseded plans)</b>	<b>Total - No Objections</b>	<b>Total – Comments (includes comments for superseded plans)</b>
75	0	7

9.22 Objections on the grounds of: -

### **Lack of Need**

- a) No proven need for more houses in Shaftesbury.
- b) With nearly 200 houses already approved barely half a mile away from this site, there is no need or logical justification for these houses.
- c) To quote the recent made Shaftesbury Neighbourhood Plan: " Shaftesbury already had enough housing for the foreseeable future without releasing further greenfield sites". There is already a substantial local housing supply and strong local opposition for market priced housing over and above what is currently planned.

### **Landscape character**

- d) Rejected by North Dorset DC following their call for sites as it was considered "too sensitive from a landscape and visual point of view for any mitigation to be effective."
- e) The proposed development will impact the character of this environmentally sensitive area and merge the boundary between Shaftesbury and Cann.
- f) The land is part of Shaftesbury's characterful green belt, adjoining species rich woodland and Boynes Hollow.
- g) The continued over-development of Shaftesbury at this location and on the periphery of the town is creating irrevocable urban sprawl.
- h) The Site is elevated above the A350 and with two storey houses, 9 metres high, the skyline will inevitably become the roofs of those houses.
- i) Because the site will need to be lit, there is likely to be considerable light pollution in the future.
- j) Shaftesbury is known for its rolling green fields, but we are fast running out of them. In the last few years many estates have mushroomed up to the East and North.

## **Biodiversity, natural environment and climate change**

- k) The natural light would be destroyed by homes being built.
- l) The wildlife would be destroyed too; glow worms, dormice and deer as well as bats are often seen in this very field.
- m) This is the only wildlife corridor for deer in the area.
- n) The climate emergency should prevent any felling of mature trees or established hedges to be replaced by young plants which will take years to be of environmental use.
- o) The amount of hard areas will cause high volumes of water run-off.
- p) No housing application should ever be approved if solar panels on the rooves are missing from the plan. Solar panels fitted at build point are much better than retro fitting them.

## **Highway safety**

- q) The access point will increase the danger for those crossing the road.
- r) The main access/ egress is directly onto the A350, close to the main roundabout and virtually adjacent to another side road leaving Shaftesbury. The A350 is one of the main arterial routes to and from Shaftesbury, the only official large vehicle route north and south and when the C13 is closed due to landslides, the only route north and south making it a very busy road at times. Adding this exit with potentially 26 cars (average 2 per household) moving in and out increases the potential for a fatality.
- s) The application assumes over 20 cars will be parked on the site. There is a risk of residents being involved in a serious accident when leaving or entering the potentially dangerous entrance.
- t) The proposed houses will be cut off by the fast road so people, especially, children cannot safely access school or town.
- u) Constant traffic queues approaching the roundabout and the large lorry's that now come up from Blandford creates a Dangerous route. (Many cars use our road as a Cut through to miss the traffic at the roundabout)

## **Health and wellbeing**

- v) It is situated on the A350 which is the main arterial route from the south coast to the M4. This would impact on the lives of anyone living on the site from the emissions point of view.

- w) People deserve green spaces but more importantly so does the natural wildlife of this area, there will be none left if you continue to open up green spaces that are so valuable to people's mental health and animal's well being.

#### **Impact on infrastructure**

- x) Overloaded local infrastructure created by current development.
- y) The local infrastructure of employment opportunities, roads, schools, medical centres and recreational facilities is already creaking.
- z) The 1h30 minute queues are not unheard of at the chemist.

#### **Drainage and flooding**

- aa) The development will exacerbate sewerage blockages and flooding.

#### **Amendments do not address objections.**

- bb) The small reduction in number of houses merely gives the houses a slightly bigger garden and does not affect our reasons.

### **10.0 Development Plan policies**

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

- 10.1 The site is inside of the saved settlement boundary. It is designated as one of the Important Open or Wooded Areas (IOWA). The following saved policy is considered relevant: -

Policy 1.9 Important Open or Wooded Areas (IOWA)

- 10.2 The accompanying text to policy 1.9 in the Local Plan advises at paragraph 1.55 that the Inspector at the Public Inquiry recommended a review of these areas and deletion of those areas which do not need to be completely protected from development, or alternatively, could be placed into the countryside area beyond the Settlement Boundaries. Furthermore, he recommended that the policy be strengthened to completely rule out development on any part of IOWA. The policy was duly strengthened and, in the adopted version, states that designated Important Open or Wooded Areas will be protected from development. However, at paragraph 1.56 of the Plan, it advises that the review recommended by the Inspector did not happen prior to adoption. It explains that

“a review of all the IOWAs, (and there are over 350 of them) prior to modification, will take time and delay the process of plan adoption. To delete sites, which were not subject to original objection, may then give rise to the need to reopen the Inquiry, to hear individual objections from landowners and

Parish Councils. In view of this, there will be a review of IOWAs as soon as possible after adoption.”

10.3 The post adoption review never happened. Consequently, given the lack of review and that 20 years have elapsed since the adoption, the weight afforded to this policy cannot be anything more than limited.

10.4 Furthermore, in relation to the extent of the site within Shaftesbury, the identification as an Important Treed Area designation (see paragraph 10.7 below) can be taken that a different development plan designation is now applicable.

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

10.5 The following policies are considered relevant;-

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

#### **Shaftesbury Neighbourhood Plan (2021)**

10.6 This Plan is relevant for the northern part of the site (the southern part falling within Melbury Abbas and Cann parish.

10.7 The site is within the settlement boundary. Map SFGI1 also places it within a Important Treed Area designation. The Slopes Policy Map SFGI2, designates the site as being within a “generally level area on higher ground (plateau edge)” that is “very sensitive to development”. Map SFDHZ places the site within the Cann (Area 6) Character Zone.

10.8 The following policies are considered relevant: -

- SFHE2 – Principles for small to medium housing sites.
- SFGI1 – Green Infrastructure
- SFGI3 – Comprehensive landscaping proposals
- SFGI4 – To protect our Dark Skies
- SFDH1 – Respecting local character
- SFDH2 – High quality designs
- SFDH3 - The scale, positioning and orientation of buildings
- SFDH4 – Creating an attractive public realm
- SFDH5 - Accommodating vehicles

- SFDH6 – Building styles and detailing
- SFDH7 – Building materials

## **11.0 Other material considerations**

### **Dorset Council Local Plan**

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

### **Melbury Abbas and Cann Neighbourhood Plan**

11.2 It designates the part of the site within the Melbury Abbas and Cann parish as a buffer zone (to prevent coalescence of Shaftesbury and the villages of Melbury Abbas and Cann). It also designates it as a Local Green Space (LGS3).

11.3 The following policies are relevant: -

- Policy 1a – Infill development.
- Policy 1b – Encouraging a sustainable population.
- Policy 1c – Promoting a broad mix of housing
- Policy 2a – Design
- Policy 2b – Landscape (Vistas and Views)
- Policy 2c – Biodiversity, trees and ecosystems
- Policy 4a – Sustainable transport
- Policy 4d – Energy and lighting
- Policy 4e – Local Green Space

11.4 The local consultation (Regulation 14) to the Draft plan was completed in May 2022. The Plan has yet to be submitted for formal examination in advance of a referendum. It can therefore be afforded only very limited weight as a material consideration.

### **Appeal decision**

11.5 The development of 6 dwellings on land to the north of the site was allowed on appeal in 2019 (appeal reference APP/N1215/W/19/3227414). There is limited relevance of this development to the current application because the appeal site is not constrained by the TPO, the Local Plan and the Neighbourhood Plan designations.

11.6 As such the weight afforded to this appeal is very limited as a material consideration.

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

11.7 Noting the following sections :-

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

11.8 The NPPF is a material consideration and paragraph 11 d) is of specific relevance in this instance and has implications on the weight afforded to the development plan's policies which are most important for determining the application. This is of relevance in the context of the Housing Delivery Test position (see below).

### **Housing Delivery Test and Housing Supply**

11.9 The latest Housing Delivery Test (HDT) for North Dorset, published January 2022, is 69%. The current published housing land supply position is 4.87 years (published April 2023).

### **12.0 Human rights**

12.1 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.

### **13.0 Public Sector Equalities Duty**

13.1 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.

13.2 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.

13.3 Access to and from the site for children attending school and the elderly and disabled accessing the town centre and the medical surgery have specifically been considered, noting the need to cross the A350 at an uncontrolled crossing. The route is, as will be explained in the assessment, safe. It could be better in terms of lighting, segregation from vehicles and surfacing but, notwithstanding the duties to consider under the Public Sector Equalities Duty, it is not reasonable or necessary for it to be improved as a result of this development.

#### 14.0 Financial benefits

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

#### 15.0 Climate Implications

15.1 There will inevitably be trips to and from the site by vehicles with internal combustion engines. Although the proportion of the trips by internal combustion engine powered vehicles will diminish over time as the predicted use of battery electric vehicles (BEVs) increases, their use to access the site must still be considered as part of its carbon footprint. BEVs also have a carbon footprint of their own.

15.3 Tree replanting but will result in no net loss of trees assuming the indicative landscaping is followed at the reserved matters stage.

15.4 Third party representations have been received stating that the development should not be allowed unless solar panels (PV cells) are guaranteed to be installed. Appearance and layout are reserved matters but the proposed indicative orientation of the dwellings will allow opportunities for domestic photo-voltaic installations. The



dwellings could also be insulated to a standard above Building Regulations and use installations such as air source heat pumps. Nevertheless, 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).

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

## **16.0 Planning Assessment**

### **Principle**

- 16.1 The statutory basis for decision taking in planning is that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.
- 16.2 In this context, whilst the site falls inside the settlement boundary in both the 2003 Local Plan and the 2021 Neighbourhood Plan, there is a discordance with policy 1.9 of the former. To recall, this states that Designated Important Open or Wooded Areas will be protected from development. Developing 7 dwellings within the site would conflict with this policy as the designation applies to all of the site, not just where there are trees located. It also does not include any criteria as to how development may accord with the policy; it is inflexibly worded.
- 16.3 However, the weight afforded to this policy is significantly tempered by the fact that its adoption was predicated on a review of IOWA sites occurring following the Plan being adopted. Members are referred to paragraphs 10.2 to 10.4 of the report where it is explained that the Local Plan Inspector assumed that an early review would happen given that it was considered that there were too many such designations with insufficient filtering, assessment and responses to objections.
- 16.4 The 2016 Local Plan Part 1 expected the review to be part of Part 2 but the latter was not pursued as Local Government Reorganisation occurred instead. The weight afforded to the 2003 Local Plan designation must therefore be limited and not determinative.
- 16.5 Instead of the Local Plan's review, the development plan designation is now found within the Neighbourhood Plan, policy SFG11 being applicable. However, this policy does not prevent development in the way that policy 1.9 of the 2003 Local Plan would if the latter was afforded determinative weight. Instead, it provides criteria against which developments are assessed. As will be evidenced in this report, the revised proposal is considered to be an appropriate response to the policy that accords with the criteria.

16.6 Furthermore, there are clear consequences of the housing supply being just 4.87 years and the Government's 69% Housing Delivery Test Measurement for North Dorset. Under paragraph 11 of the NPPF, the basket of policies most relevant to the determination of the application are considered to be out of date. The consequences of this, are that the NPPF's tilted balance is engaged and planning permission should be granted unless:

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

16.7 Criterion (i) are the "footnote 7" reasons detailed in the NPPF. These are:-

- a) Habitats sites, including Special Areas of Conservation (SACs), Special Protection Areas (SPAs), proposed SACs and SPAs and existing and proposed Ramsar sites, as well as Sites of Special Scientific Interest (SSSI). In this instance, there are no such sites affected (the site falls outside of the drainage catchments for both the Somerset Levels (Ramsar) and Poole Harbour (SAC)).
- b) Green Belt and/or Local Green Space designations – The site is some distance from the green belt. It is also not designated as Local Green Space in either the adopted Local Plan or the made Neighbourhood Plan. There is a draft designation for the lower part of the site to be a Local Green Space within the Melbury Abbas and Cann Neighbourhood Plan but, as already advised, this is a Plan that carries limited weight at this time and, as such the designation is not a reason for refusal.
- c) Area of Outstanding Natural Beauty – The site is not within either the Dorset or Cranborne Chase and West Wiltshire Downs AONBs. A development of the modest scale proposed, in this location, will not affect the setting of the AONBs. As states in the DC Landscaping comments, the site is visible from Melbury Hill/Melcuyr Beacon but as a distant feature surrounded by development.
- d) National Park – None affected.
- e) Irreplaceable habitats – None affected.
- f) Designated heritage assets such as conservation areas or listed buildings (and other heritage assets of archaeological interest) – None affected.

g) Areas at risk of flooding or coastal change – The site is at low risk of flooding from any source. The site therefore passes the sequential test in terms of flood risk. Development could have the potential to increase the risk of flooding off-site especially as land in the valley to the east is at medium and high risk of pluvial (surface) water flooding. However, the indicative layout plan evidences that there is clearly scope for providing attenuation on site to ensure any surface water runoff from the site is no greater than existing (including an allowance for climate change). The juxtaposition to Boynes Hollow has been considered in this conclusion. This is therefore not a reason for refusal.

16.8 In the absence of footnote 7 (of the NPPF) reasons for refusing permission it is criterion (ii) of paragraph 11 (d) of the NPPF and not (i) that is applicable here. The tilted balance is engaged.

16.9 In terms of this balancing exercise one must identify and weight any benefits and adverse impacts.

### **Benefits**

16.10 The new dwellings would secure benefits in the form of a small contribution to future housing provision and a social benefit, given the housing shortfall; there would be an economic investment both from their construction and subsequent occupation. These benefits are modest but still meaningful in the application of the tilted balance.

### **Important Treed Area designation, landscape and visual amenity**

16.11 The Neighbourhood Plan advises that, within The Important Treed Area, the treed character should be retained. It also states that, where the loss of trees is unavoidable, replacement planting will be sought in order to maintain the treed character of the local area.

16.12 This treed character is evident from the A350 and from the public right of way that traverses the site. From the A350 the experience as one approaches the Royal Chae roundabout is of a sylvan corridor, the effect enhanced by the road cutting between low landscaped banks, these banks characterised by an understorey of brambles, nettles and other plants that complement the crowns of the trees above. Despite this cutting being a man-made intervention from the second half of the C20th when the A350 was diverted away from suburbia to reach the Royal Chase roundabout, it is clearly now a baseline of visual and biodiversity value.

16.13 The public right of way offers a series of experiences. From west to east, one starts at the A350 with the view northwards described in paragraph 16.12 above. The value

of the experience is diluted of course by the traffic on the A350, but one is still drawn to the greenery in both winter and summer.

- 16.14 The footpath then cuts through the frontage trees and undergrowth, up the slope and into the open area of the site. Immediately, the aural intrusiveness of the A350 diminishes and at each step one takes across the clearing, a 180<sup>0</sup> rotation reveals the enclosure provided by the trees to the east and west, the two banks getting closer and closer to the north until they intersect. This naturally draws the eye along each tree belt to the point where they merge. The trees are important to the character as recognised in the Neighbourhood Plan policy, as is the setting provided by the clearing.
- 16.15 To the south the experience is less pronounced as the view terminates at the southern boundary with the existing residential, ribbon development beyond. Nevertheless, the greenfield nature of the site is dominant, and the trees are an important part of the overall character.
- 16.16 The public right of way then disappears into the east side tree belt and immediately drops down the steep side of Boynes Hollow to its floor. The consequences of this steep gradient are that you lose the experiences of the site very quickly; there is no opportunity provided to look back into it from the land beyond its eastern boundary after the first 2m or so. Indeed, such is the steepness of the descent that the walker is immediately concentrating on their footing and the view down the slope through the trees.
- 16.17 When one eventually emerges back up to the higher ground on the other side of Boynes Hollow, the views back west to the site are screened by trees (during winter and summer).
- 16.18 In this context there is clearly scope for development according with policy SFG11 if the development retains the experience of the green corridor along the A350 and the setting of the trees when one is within the site. Given the steep, treed deep valley to the east, the development would have negligible experience from receptors to this side of the site.
- 16.19 The proposal's response to the A350's green corridor is to locate a single vehicular access where there is the least loss of the tree belt in terms of quantity and quality of trees. The plans were amended during the processing of the application to arrive at this point. They now propose the loss of a young English oak (T1) which is 5m in height and with a crown radius that extends to 2.5m. Also proposed to be felled is a young pair of trees (another English oak and a wild cherry (G15) currently 5.5m in height and with a crown radius of 2m. A third cluster of three common ash would be a further casualty of the access being formed; they extend to about 11m in height with a crown radius of 3m. They are all considered to be C1 category trees (as per

the BS3857 categorisation), albeit the ash are showing early signs of dieback. The Council's Tree Officer considers that the recording and assessment of these trees by the applicant's specialist is accurate.

- 16.20 Members are reminded that, as access is to be considered at this stage, this part of the layout is to be considered now and the consent for the trees to be felled will be confirmed if planning permission is granted.
- 16.21 It is considered that the loss of the trees, whilst unfortunate, does not materially impact on the green corridor's character and visual qualities. This is because of the proposed retention of all of the remaining frontage trees, albeit with a reduction in width of the crown spread of groups G8 and G9 further south along the frontage.
- 16.22 There will of course be a break in the line of trees along the frontage and, therefore, a break in this wildlife corridor; a crossing of the new access road will be necessary and this metalled, cleared width extends to 8m. This will sever the mycorrhizal network; the connections individual trees make via their roots to transfer water, carbon, nitrogen, and other nutrients and minerals. This is an undoubted negative impact of the proposal although members are reminded that there is an approved Biodiversity Plan accompanying this application which robustly evidences appropriate mitigation and net gain. Replacement tree planting is part of this plan to accord with the second criterion of policy SFGI1 of the Neighbourhood Plan.
- 16.23 The revised response to the treed setting of the site's clearing is to propose a low density of development. The change is much more marked; one cannot develop a undeveloped green space, enclosed on three sides by trees and traversed by a well trodden public footpath, without harm to the landscape and visual impact. Previous iterations of the proposal with a much higher quantum of development, developed space and a rather poor layout, failed to respond to the context with highly harmful impacts as a result.
- 16.24 The revised indicative plan now shows homes to be set in a single ribbon set behind the retained frontage with gaps between dwellings permitting views to the rear tree belt. The northern end of the site is also shown undeveloped with the shared access driveway permitting unobstructed views up to this treed view stop from anywhere along its alignment, including from where the public footpath crosses it. The public footpath is shown to be at the centre of a green sward across the site, this time affording views of some of the eastern and western tree belts.
- 16.25 The latest indicative layout plan is far from perfect, but members are reminded that layout is not for determination; the plan seeks to demonstrate and convince one that a layout and scale of development is possible with landscaping that will retain the treed character of the site and therefore accord with the first criterion of policy SFGI1 of the Neighbourhood Plan. The current plan does, in this context, evidence the

amount of undeveloped space that can be left with 7 dwellings proposed, the lack of direct impact on most of the protected trees and the views that can be afforded between the low density of buildings to retain the treed character.

16.26 Policy SFHE2 of the Plan advises that new developments should be integrated into an existing built-up area. This area on the fringe (and beyond) Shaftesbury includes pockets of undeveloped land (such as the site), areas of low density suburbia, and higher density residential development. Notably, there is development to the west of the site (immediately west of the A350), to the north of the site (the appeal site), to the south, and beyond the valley to the east. In this context, it is considered that the site's development would accord with policy SFHE2.

16.27 The Shaftesbury Neighbourhood Plan also advises that development on the plateau edge (as shown on map SFG12 and including the site) should not adversely affect the generally undeveloped character of the slopes and should respect the highly sensitive nature of the plateau edge. It should not negatively impact on views from higher and lower ground.

16.28 The site is visually contained by the tree belts on its western (A350) and eastern boundaries. Most of the trees are deciduous and views will be afforded through them from the A350 and the site's development will be apparent. However, even in winter, the proximity of the trees to each other and the fact that there are younger trees with lower crowns as well as higher specimens, means that there is a new constant mesh of branches that will filter and dilute the impact of the development. The density is also now proposed to be low.

16.29 Overall, as detailed in the DC Landscaping officer's review of the applicant's landscape visual impact assessment, the harm of the development is considered to be low and not determinative.

16.30 A number of early comments were received in relation to the lack of arboricultural information. This was submitted with the more recent iterations of the indicative layout plan and it evidences how a 7 dwelling scheme can retain the trees with no direct impact on them and no fears for future calls for felling i.e. the dwellings would be at sufficient distances from the trees to preclude calls from future occupiers for them to be removed.

16.31 There will inevitably be some light pollution arising from the development; the site is devoid of any lighting at the moment as is the A350 along its frontage. The case officer noted, during a visit after nightfall, that a torch was necessary to navigate around the site safely. Boynes Hollow to the east was also very dark.

16.32 However, there was sky glow evident above and the residential areas further east and to the west have street lighting. The Royal Chase roundabout to the north is also

lit. On balance, it is considered that lighting could be provided that is discreet and no more than necessary to safely light pedestrian routes through the site in public areas to minimise light pollution. It is expected that such details would accompany the layout and/or landscaping reserved matters.

16.33 The Cann character area's character and appearance will be preserved.

### **Sustainability of location**

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

16.35 Policy 6 of the Local Plan identifies Shaftesbury as one of the four main towns in the Plan area. The site is in the saved settlement boundary for the town, including the area in the Melbury Abbas and Cann parish. The majority of housing growth over the plan period is to be focused on the four main towns, they are the top of the hierarchy in the Council's housing strategy.

16.36 With regards to the site's specific location in relation to Shaftesbury's services and facilities, it is noted that the town centre is 0.6 miles away via Lower Blandford Road, the Abbey View Medical Centre 0.5 miles and Shaftesbury School 0.33 miles. For the route to be safe and accessible, a safe crossing of the A350 is required as well as a footway link to Lower Blandford Road to the south. These are both proposed and can be secured as a Grampian condition prior to first occupancy of any of the dwellings.

### **Scale of growth afforded by the development**

16.37 The number of dwellings in Shaftesbury recorded in the parish in 2011 was 3,493. It is acknowledged that there has been a significant supply of dwellings since 2011 but 7 dwellings represents less than 0.3% growth and is considered to be commensurate in scale to the size of the settlement and the services and facilities that it provides. There is no evidence to suggest that this development will cause unacceptable impacts to Shaftesbury's infrastructure.

### **Housing tenure and type mix**

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

16.39 The indicative layout plan shows only detached dwelling types. This would not be appropriate if layout was being considered at this stage; there is not an appropriate mix. The case officer did seek a plan showing a mix of dwelling types but this was not forthcoming, the applicant's agent pointing out that it was not necessary given that all matters except for access were reserved for subsequent approval. The case officer is satisfied that a mix of dwellings could be accommodated within the site. Indeed, a mix of detached, semi-detached and terraced dwellings is likely to occupy less space than the 7 detached dwellings shown on the indicative plan and still retain views through from tree belt to tree belt.

### **Highway safety**

16.40 Many of the representations received raise comments in relation to highway safety. These include: -

- a) the dangers of exiting and entering the site at the point of access proposed,
- b) the proposed use of an uncontrolled crossing of the busy A350.
- c) The lack of footway on the Lower Blandford Road (the old section)/Brinscombe Lane.

16.41 Considering these points in turn, the case officer notes that there is a wide verge to both the south and north of the proposed point of access. The A350 is also subject to a 40mph mandatory speed limit. Therefore, despite the fact that the proposed site access is on the inside of a curve, visibility splays for both directions can be provided to an acceptable standard. This has been evidenced in the submission, the Highways Authority raise no objection, and the provision of the splays prior to first use of the access and retention thereafter can be secured by condition.

16.42 The applicant is proposing dropped kerbs and a metalled footway from the site to the old section of Lower Blandford Road. There is no central refuge proposed or Zebra crossing or lights. However, the number of pedestrian trips associated with up to seven dwellings will be low and it would not be reasonable to require anything more than what is proposed to serve this minor development (the standard of crossing is commensurate in scale to the development). It is also noted that there is good visibility in both directions from the proposed pedestrian point (on its west and east sides). As an aside, this provision will improve the crossing point for the public right of way. The provision of the footway and dropped kerbs can be secured by condition.

16.43 It can be reasonably assumed that pedestrians will walk to the school, surgery and town centre via the old section of Lower Blandford Road rather than via the Royal Chase roundabout, especially following the provision of the footway. Once onto the old section of Lower Blandford Road, there is no footway until one gets north of the Hawkesdene Lane junction, outside of the school.



16.44 The case officer walked this stretch of highway on a number of occasions including after nightfall. There is street lighting but large stretches of the highway are in shadow due to the gaps between the lights and trees overhanging. Cars parked along the roadside also result in one walking into the middle of the road on a number of occasions. Consideration must also be given to the impact on children and the elderly. The access as described above, whilst not perfect, would provide sufficient access arrangements as the road is subject to relatively low number of vehicular trips and a footway provision is not necessary or reasonable for such few dwellings proposed.

16.45 In summary there are no determinative highway safety issues arising from the application.

### **Construction management considerations**

16.46 The construction phase will undoubtedly result in increases in noise and disturbances in comparison to the current greenfield use of the site. This will include from machinery being used on site as well as vehicles coming and going. The period will be temporary and for 7 dwellings and is therefore no likely to be more than a year in duration. As such this impact is not of the magnitude to withhold planning permission on residential amenity grounds in terms of noise and disturbance. There is also the context of the A350 next to the site. No construction management plan is therefore necessary for residential amenity purposes.

16.47 However, the ecological sensitivity of the site does mean that there needs to be responsible practices during the construction phrase. This is included to an extent in the approved Biodiversity Plan but it is considered both reasonable and necessary to secure an ecological construction management plan by condition.

### **Residential amenity**

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

16.49 The only dwelling that could be potentially affected by the development is Woodlands, the nearest of the existing ribbon of homes to the south of the site. This home has a secondary elevation facing the site; its principal façade faces west to the A350. Layout and scale are reserved for subsequent approval but the indicative plan demonstrates that a separation distance of over 13m can be achieved between plot 7 and this existing dwelling. Given that the site is to the north and Woodlands is already adjacent to the A350, it is considered that there will be no significant loss of residential amenity in terms of overshadowing, overlooking and/or noise and disturbance.

16.50 A detailed noise assessment considering the impact of noise from the A350 on future occupiers of the dwellings is not considered necessary or reasonable at this outline stage with layout, landscaping and appearance all reserved for subsequent approval. It is clear that the landscaping along the frontage and the glazing specification of windows on the west elevation of the dwellings can ensure an acceptable level of amenity.

### **Waste and recycling collections**

16.51 Members may note the concerns raised by the Dorset Waste Partnership. These concerns related to a superseded iteration of the submission but, comparing the geometry of the layouts, it would appear they would equally apply to the current drawing. However, members are advised that layout is a reserved matter and there is no evidence to suggest a suitable layout cannot be achieved at the detailed stage.

### **Procedural matters**

16.52 Some representations raise concerns that an outline application, with layout and landscaping reserved for subsequent approval, should not have been entertained by the Council. It is within the local planning authority's gift to require reserved matters to be determined at an outline stage. However, in this instance, officers considered there was sufficient information, including the provision of the indicative layout plan, to determine the application in outline form with all matters except for access reserved for subsequent approval.

## **17.0 Balance and conclusions**

17.1 The application demonstrates through the indicative layout that 7 dwellings can be accommodated within the site with acceptable access, public open space and drainage arrangements whilst also responding to the existence of the Tree Preservation Order and public right of way. The retention of the majority of the trees on site means that there is an appropriate response to the Neighbourhood Plan designation and policy SFG11 of that Plan.

17.2 The weight afforded to the 2003 Local Plan Important Open or Wooded Area (IOWA) designation is significantly tempered by the fact that the policy is now 20 years old' and was adopted on the basis that a review would happen and never did. The resultant weight afforded to the policy is limited and the conflict with it is not determinative as a result.

17.3 Furthermore, the latest Housing Land Supply position statement (sets out that the supply is 4.87 years and the Housing Delivery Test for North Dorset, published January 2022, is 69%: In the absence of any footnote 7 (of the NPPF) reasons for

refusing permission, the tilted balance is therefore still engaged, meaning that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

17.4 With conditions, none of the adverse impacts are considered singularly or cumulatively to be significant and demonstrable. The benefits afforded by the proposal during both the construction phase (temporary construction jobs) and the operational phase (homes supplied to meet North Dorset's housing need) are modest but, nonetheless, outweigh the adverse impacts.

## **18.0 Recommendation**

### **18.1 Grant permission subject to the following conditions.**

1. No part of the development hereby approved shall commence until details of all reserved matters (layout, scale, appearance and landscaping) have been submitted to and approved in writing by the Local Planning Authority.
  - a) The layout and landscaping reserved matters shall include full details of the proposed biodiversity mitigation measures which shall be in accordance with the measures set out in section F of the Biodiversity Plan dated 12<sup>th</sup> Jan 2022 prepared by Jonathan Crewe and approved by Dorset Council on 13<sup>th</sup> January 2022.
  - b) The layout and appearance reserved matters shall include the provision of cycle storage for each dwelling.
  - c) The appearance reserved matters shall include full details of the proposed biodiversity net gain measures in which shall be in accordance with the measures set out in section H of the Biodiversity Plan dated 12<sup>th</sup> Jan 2022 prepared by Jonathan Crewe and approved by Dorset Council on 13<sup>th</sup> January 2022.
  - d) The landscaping and reserved matters shall include a timetable for the implementation of the measures detailed in a) and c) above.
  
2. An application for approval of any 'reserved matter' must be made not later than the expiration of three years beginning with the date of this permission.

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

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

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

4. No part of the development hereby approved shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out,
- a) Measures for the controlling of movements of plant and machinery within the site during the construction phase.
  - b) The setting out and protection of exclusion zones within 5m of watercourses within and abutting the site and root protection areas of retained trees.
  - c) The hours when mechanised plant and machinery will be used on site and the specification for any lighting to be used during the construction phase.
  - d) Pollution spillage avoidance measures.

The development shall be carried out in full accordance with the approved CEMP at all times.

Reason: To secure the necessary biodiversity impact avoidance and mitigation measures.

5. Before any of the dwellings hereby approved are first occupied, the access including the visibility splay detailed on the approved plans 21156.05 K and 21156.01 K shall be completed. The said access and visibility splays shall be retained thereafter for the lifetime of the development with the visibility splays free of operational development and vegetation exceeding 0.6 metres above the relative level of the adjacent carriageway.

Reason: In the interests of highway safety.

6. Before any of the dwellings hereby approved are first occupied the first 15.00 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

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

7. Before any of the dwellings hereby approved are first occupied an uncontrolled crossing point on the A350 and a new 2m wide footway on the western side of this road, as shown on Dwg No PL4072/4C shall have been completed.

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.

## **Informatives**

1. The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at [dorsethighways@dorsetcouncil.gov.uk](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.
2. The applicant is advised that, notwithstanding this consent, before commencement of any works Dorset Council Waste Services should be consulted to confirm and agree that the proposed recycling and waste collection facilities accord with the "guidance notes for residential developments" document (<https://www.dorsetcouncil.gov.uk/bins-recycling-and-litter/documents/guidance-for-developers-a4-booklet-may-2020.pdf>). Dorset Council Waste Services can be contacted by telephone at 01305 225474.
3. The highway improvements referred to in the recommended condition 7 above must be carried out to the specification and satisfaction of the Highway Authority in consultation with the Local Planning Authority and it will be necessary to enter into an agreement, under Section 278 of the Highways Act 1980, with the Highway Authority, before any works commence on the site.
4. In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.  
The council works with applicants/agents in a positive and proactive manner by:
  - offering a pre-application advice service, and
  - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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