



## Eastern Area Planning Committee

**Date:** Wednesday, 7 September 2022  
**Time:** 10.00 am  
**Venue:** The Allendale Centre, Hanham Road, Wimborne, Dorset, BH21 1AS

### Members (Quorum 6)

Mike Barron, Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Alex Brenton, Robin Cook, Mike Dyer, Barry Goringe, David Morgan, Julie Robinson, David Tooke, Bill Trite and John Worth

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

For more information about this agenda please contact Democratic Services Meeting Contact 01305 224175 - [david.northover@dorsetcouncil.gov.uk](mailto:david.northover@dorsetcouncil.gov.uk)

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

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### Agenda

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

- 3. MINUTES** 5 - 18
- To confirm the minutes of the meeting held on 20 July 2022.
- 4. PUBLIC PARTICIPATION** 19 - 22
- Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting.
- The deadline for notifying a request to speak is 8.30am on Monday 5 September 2022.**
- Please refer to Guide to Public Speaking at Planning Committee attached.
- 5. PLANNING APPLICATIONS**
- To consider the applications listed below for planning permission
- 6. P/FUL/2022/03143 - CHANGE OF USE FROM AGRICULTURAL TO 8 NO. SELF-STORAGE (B8 STORAGE ONLY) UNITS AT WALSTON POULTRY FARM LTD, GAUNTS COMMON, BH21 4JR** 23 - 44
- 7. P/FUL/2022/01864 - KIMMERIDGE CAR PARK, KIMMERIDGE BAY** 45 - 62
- 8. P/FUL/2021/05633 - SEVER LAND AND ERECT A DETACHED 3 BEDROOM CHALET BUNGALOW WITH ASSOCIATED VEHICULAR ACCESS AND PARKING AT OLD OAKS, VERWOOD** 63 - 82
- 9. P/FUL/2021/05535 - CHANGE OF USE OF VERGE TO FORM PART OF RESIDENTIAL CURTILAGE. ERECT DETACHED CARPORT AND VEHICULAR ACCESS BETWEEN CARPORT AND ADOPTED HIGHWAY AT OLD OAKS, VERWOOD** 83 - 98
- 10. URGENT ITEMS**
- To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972
- The reason for the urgency shall be recorded in the minutes.
- 11. EXEMPT BUSINESS**
- To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended)

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

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## EASTERN AREA PLANNING COMMITTEE

### MINUTES OF MEETING HELD ON WEDNESDAY 20 JULY 2022

**Present:** Cllrs Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Alex Brenton, Robin Cook, David Tooke and John Worth

**Apologies:** Cllrs Mike Barron, Mike Dyer, Barry Goringe, David Morgan, Julie Robinson and Bill Trite

**Also present:** Cllr David Walsh – Portfolio Holder for Planning  
Simon Crosby, Applicant's architects – minute 275  
Giles Moir, agent – minute 277  
Clive Bailey, neighbour – minute 279

**Officers present (for all or part of the meeting):** Mike Garrity (Head of Planning), Kim Cowell (Development Management Area Manager East), Naomi Shinkins (Lead Project Officer), Huw Williams (Lead Project Officer – Corporate Projects), Elizabeth Adams (Development Management Team Leader), Claire Hicks (Planning Officer), Lara Altree (Senior Lawyer – Regulatory), Hayley Caves (Member Development & Support Officer) and David Northover (Democratic Services Officer).

#### 270. **Apologies**

Apologies for absence were received from Councillors Barron, Dyer, Goringe, Morgan, Robinson and Trite.

#### 271. **Declarations of Interest**

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

#### 272. **Minutes**

The minutes of the meeting held on 6 April 2022 were confirmed and signed.

#### 273. **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.

#### 274. **Planning Applications**

275. **P/VOC/2022/03461 - Demolition of existing three storey plus plant room building and erection of new three storey plus plant room building for Dorset Police Force Headquarters with associated parking without compliance with/variation of condition 10 of planning permission P/FUL/2021/04422 - The development shall be constructed to a minimum BREEAM standard rating of 'Very Good' instead of 'Excellent' - Force Headquarters, Dorset Innovation Park Access Road, Winfrith Newburgh, Dorset, DT2 8DZ.**

The Committee considered application P/VOC/2022/03461 for the demolition of an existing three storey plus plant room building and erection of new three storey plus plant room building for Dorset Police Force Headquarters with associated parking without compliance with/variation of condition 10 of planning permission P/FUL/2021/04422 - The development shall be constructed to a minimum BREEAM standard rating of 'Very Good' instead of 'Excellent' - Force Headquarters, Dorset Innovation Park Access Road, Winfrith Newburgh, Dorset, DT2 8DZ.

Officers explained BREEAM stood for 'Building Research Establishment Environmental Assessment Methodology' and comprised a science-based suite of validation and certification systems for a sustainable built environment. The assessment methodology took account of a range of factors that were measured against pre-determined targets that reward performance which delivered social, economic or environmental benefit.

With the aid of a visual presentation, and taking account the detail in the report, officers provided context for the reason why the variation was deemed necessary: in that it was now evident to the applicant from their assessments made that the practicalities of achieving the necessary credits meant that achieving an excellent status was not now necessarily readily achievable, without significant additional investment which would not prove value for money. No change was proposed to the architectural or landscape design proposals previously considered in the determination of application P/FUL/2021/04422; with energy, waste and ecology considerations all still being able to be delivered in the development.

However, BREEAM 'Very Good' was still a high sustainability rating well above that likely to be achieved by the existing building. Information submitted in support of the application identified several site constraints limiting the number of achievable and available credits for the proposed development and further indicated that the uplift required to achieve a rating of 'Excellent' would, if achievable, have an obvious and clear impact on other force initiatives.

Indeed, replacement of the existing building would better suit the operational requirements of Dorset Police, would perform to higher level of sustainability and would be the benefit of the local economy.

Plans and photographs provided an illustration of the location, orientation, dimensions – form, bulk, size and mass - and appearance of the development; how the demolition and replacement would be achieved; why

the variation was necessary; access and highway considerations; environmental and biodiversity considerations and obligations; drainage and water management considerations, the means of landscaping and screening and its setting within that part of the Dorset heathland in the vicinity of Wool.

Officers showed the development's relationship with other adjacent development and how the buildings were designed to achieve optimum efficiency and effectiveness for the purposes it served. The characteristics and topography of the site was shown and its relationship with the highway network. Views into the site and around it was shown, which provided a satisfactory understanding of all that was necessary.

In summary, the officer's assessment considered the acceptability of the proposed variation: confirming it was the case that some credits were unobtainable. Achievement of any BREEAM rating was purposefully challenging and the predetermined targets had been raised over time so as to push performance beyond best practice, drive innovation, create positive impact and showcase success. This formed the basis of the recommendation being made and that - following the satisfactory conclusion of a habitats regulations assessment undertaken in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended) and the execution of a planning obligation securing payment of financial compensation in accordance with the certified Biodiversity Plan submitted in support of planning application P/FUL/2021/04422 - permission should be granted.

Simon Crosby, of the architects, considered the building would still deliver all that was necessary to a very high standard, describing what sustainable features would be built in, but stressed that it had become apparent that the opportunity was just not there to achieve the excellent status envisaged given the credits unavailable to them. He assured members that very good was still a high standard.

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

Some important points raised were and which they considered still required clarification were :-

- what was the differentiation between the status of "excellent" and "very good" and what this would mean for the standard of the building
- why this reduction in standard had not been envisaged
- what would it take to achieve "excellent"
- how environmental and ecological considerations would be taken in account.
- what assessments had been made in coming to the recommendation now being considered

Officers addressed the questions raised – and what clarification was needed - providing what they considered to be satisfactory answers, which the Committee understood to be, and saw, as generally acceptable. Officers confirmed that condition 4 could be amended in the terms the Committee had

asked for. They also confirmed an Informative could satisfactorily cover the issue of cladding.

Wool Parish Council raised no objection to the variation, but remained concerned that the appearance of the building could potentially lead to bird strikes. However, the appearance had already received permission.

From debate, the Committee understood the reasoning for why the standard was being modified as it was and considered this to be acceptable – in the circumstances, whilst it was incumbent on the Committee to ensure the best possible standard was still achieved. Members understood that there was no opportunity for this to be readily realised.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having taken into account the officer's report and presentation; the written representations; and what they had heard at the meeting, in being proposed by Councillor Shane Bartlett and seconded by Councillor Robin Cook, on being put to the vote, the Committee agreed – unanimously, to grant permission, subject to the conditions set out in the report.

### **Resolved**

That following the satisfactory conclusion of a habitats regulations assessment undertaken in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended) and the execution of a planning obligation securing payment of financial compensation in accordance with the certified Biodiversity Plan submitted in support of planning application P/FUL/2021/04422, the Head of Planning be given delegated authority to grant planning permission subject to the conditions set out in paragraph 16.1 of the report or conditions to similar effect.

<u>Reasons</u>	<u>for</u>	<u>Decision</u>
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- |    |   |  |
|----|---|--|
| 1) | Planning permission has previously been granted for the proposed replacement police force headquarters building but that permission is subject to a requirement that the replacement building shall be constructed to a minimum BREEAM standard rating of 'Excellent'. The replacement headquarters building is expected to achieve a BREEAM rating of 'Very Good' rather than a rating of 'Excellent' as favoured in Policy D of the Adopted Purbeck Local Plan for a nondomestic building of this size. |  |
| 2) | BREEAM 'Very Good' is a high sustainability rating well above that likely to be achieved by the existing building. Information submitted in support of the application identifies several site constraints limiting the number of achievable and available credits for the proposed development and further indicates that the uplift required to achieve a rating of 'Excellent' would, if achievable, have an obvious and clear impact on other force initiatives.                                      |  |
| 3) | Replacement of the existing building would better suit the operational  |  |

requirements of Dorset Police, would perform to higher level of sustainability and would be the benefit of the local economy. The architectural and landscapedesign proposals would:

- (i) enhance the character and appearance of the locality;
- (ii) provide for safe and convenient access;
- (iii) make appropriate provision for the conservation of heritage assets; and
- (iv) would contribute to biodiversity enhancement,

and use of the proposed development by Dorset Police would be to the benefit of communities across Dorset.

4) Having regard to the particular circumstances of the application site, the details of the development proposal and taking account of the public benefits that would accrue from the proposed development, it is considered that construction to a minimum BREEAM rating of 'Very Good' rather than 'Excellent' has been justified adequately in accordance with policy requirements.

5) Consideration of the potential for adverse effect on European sites is ongoing. On account of the location and nature of the proposed development, planning permission cannot be granted without the satisfactory completion of a habitats regulations assessment under The Conservation of Habitats and Species Regulations 2017 (as amended).

6) Subject to the satisfactory completion of a habitats regulations assessment, a planning obligation to secure mitigatory payment in accordance with an approved Biodiversity Plan and with the imposition of planning conditions necessary to secure an adequate level of compliance with the development plan, it is considered that the application proposal is in accordance with the development plan and that there are no economic, environmental or social considerations either warranting or necessitating determination of the application other than in accordance with development plan.

276. **P/VOC/2022/01598 - Vary condition 2, 3, 4, 6, 9 and 19 of PA 3/21/1556/FUL (Redevelopment of Wimborne Market to continuing care community comprising of 67 age restricted apartments, 26 age restricted bungalows, 6 age restricted chalet bungalows, one wellness centre, 9 open market houses, parking , highway improvements and pedestrian link (description amended 24.09.2021 as agreed to include dwelling numbers)) to allow for: amend incorrect plans - include phasing plan - rewording of pre-commencement conditions to refer to phasing - WIMBORNE MARKET, STATION TERRACE, WIMBORNE MINSTER**

The Committee considered application P/VOC/2022/01598; to vary condition 2, 3, 4, 6, 9 and 19 of PA 3/21/1556/FUL (Redevelopment of Wimborne Market to continuing care community comprising of 67 age restricted apartments, 26 age restricted bungalows, 6 age restricted chalet bungalows, one wellness centre, 9 open market houses, parking , highway improvements and pedestrian link (description amended 24.09.2021 as agreed to include dwelling numbers)) to allow for: amend incorrect plans - include phasing plan - rewording of pre-commencement conditions to refer to phasing at Wimborne Market, Station Terrace, Wimborne Minster.

With the aid of a visual presentation, and taking account the detail in the report, officers provided context of what the main proposals, principles and planning issues of the development were. The planning history of the site was detailed too.

Officers provided an illustrative summary of the location and appearance of the development and what it would entail in terms of its characteristics; access and highway considerations; environmental considerations; drainage and water management considerations and its setting within that part of Wimborne Minster and the wider landscape. Viability, flooding, heathland mitigation and affordable housing issues were all given particular consideration. Views into the site and around it was shown, which provided a satisfactory understanding of all that was necessary. What contributions were to be secured through Section 106 legal agreement were also detailed.

The proposal was to vary conditions:-

- 2 (approved plans plans),
- 3 (access construction),
- 4 (turning and parking),
- 6 (biodiversity mitigation),
- 9 (landscaping),
- 19 (acoustic fence).

The reasoning for why this had been assessed to be necessary was explained: in how it was to be delivered - to only provide for the development to be built and occupied in phases, which did not materially change the approved design of the scheme.

The assessment had considered the acceptability of the proposal in relation to the Development Plan, taken as a whole, and all other material considerations, with all of the foregoing factors being considered in relation to the social, economic, and environmental benefits to be provided by the proposal. It is considered the proposed is acceptable in relation to material planning considerations.

Wimborne Minster Town Council had objected to the application considering that the original requirements made were for a reason and should remain valid. They saw no reason why this should not be the case. However, they recognised that DC planning officers were best placed to judge this.

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

- what access arrangements had been made and what guarantees were in place in use of the industrial estate access given the limitations of Granville Road and Station Road within a densely built residential area
- the reasoning for how the construction was to be phased and the sequencing of this, including the timescales involved

- how the current building regulations - and those proposed for 2025 - would be factored in and what assessment had been made of how this scheme aligned with what was to be enacted.

Officers addressed the questions raised – and provided what clarification was needed - providing what they considered to be satisfactory answers, which the Committee understood to be, and saw, as generally acceptable. Confirmation was given that there would have to be compliance with a construction management plan; HSE guidance; and design and construction regulations - all of which officers were confident would satisfy those concerns raised.

One of the two Local Ward members, Councillor Shane Bartlett, had reservations how access to the site by construction traffic would work in practice, given the limitations of the road network. He considered there should be more assessment of the logistics of how this might be achieved given the access and routing constraints around that part of Wimborne. He provided his own thoughts on how this might be best achieved and, particularly, that Granville Road should only be used in the final phasing. Other members had concerns about the phasing aspect of the development and the practicalities of this being achieved satisfactorily.

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

From debate, the Committee considered the permission granted in respect of PA 3/21/1556/FUL to still be acceptable, but that the application needed more assessment as to how the construction management plan – which was yet to be finalised – would provide for access for construction traffic and how the development’s phasing and sequencing would be achieved in practical terms and that these matters should be addressed before they were able to reach a decision. On that basis in being proposed by Councillor Toni Coombs and seconded by Councillor Shane Bartlett, on being put to the vote, the Committee agreed, unanimously, to defer further consideration of the application until those matters were addressed.

### **Resolved**

That application P/VOC/2022/01598 be deferred so as more assessment as to how the construction management plan would provide for access for construction traffic and how the development’s phasing and sequencing could be achieved in practical terms.

### **Reason for decision**

To ensure the development could be delivered successfully.

277. **3/21/1471/FUL - Demolish existing flats and dwelling and erect 12, 3 bedroom, houses arranged as 6 pairs of semi-detached properties, together with associated parking and access - 442 Ringwood Road,**

## **Ferndown, Dorset, BH22 9AY**

The Committee considered application 3/21/1471/FUL for the demolition of existing flats and dwelling and the erection of 12 x 3 bedroom houses, arranged as 6 pairs of semi-detached properties, together with associated parking and access at 442 Ringwood Road, Ferndown, Dorset, BH22 9AY

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

Plans and photographs provided an illustration of the location, orientation, dimensions and appearance of the development and of the individual properties, with examples being given of how typical properties would be designed, along with their ground floor plans; the materials to be used; access and highway considerations; environmental considerations; drainage and water management considerations, the means of landscaping and its setting within that part of Ferndown.

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

How a Section 106 agreement would be enacted and what this entailed was explained to members: in that the construction was not necessarily required to commence until 2025, but this could be brought forward to within 18 months so as to demonstrate the commitment to build out, therefore not requiring a viability assessment. Officers explained the implications of these options. The applicant's viability appraisal was that the proposal could not support any affordable housing or other financial contributions, apart from CIL. This was the view of the District Valuer Service too, whose option of an earlier start to the scheme had been accepted by the applicant; this being reflected in condition 1. However, the Dorset Council Housing Officer still raised an objection to the lack of affordable housing on that basis.

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

Giles Moir, agent, considered the application would make a positive contribution to the housing stock in Ferndown, having taken into account local issues raised and addressed these as best the applicant might. He hoped there would not be a need to enter into a S106 - for a viability study - and that work could progress at the earliest opportunity.

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

Formal consultation had seen Ferndown Town Council object to the scheme on the grounds of overdevelopment and access issues.

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

Some important points raised were and which they considered still required clarification were:-

- what the options were as a consequence of Condition 1 being reduced from 3 years to 18 months and what this entailed in practice
- on that basis, what proportion of the overall scheme would need to be built to avoid a viability assessment
- how the District Valuer's assessment and calculations had been made
- how the buildings would be orientated so as to ensure sufficient privacy
- what the access arrangements were for waste collection and the assessment made of this being able to be achieved satisfactory
- what was the prospect of having a communal bin area
- what prospect there was for an affordable housing element in the scheme
- was sufficient parking available and could on street parking be regulated so as to ensure waste collection vehicles could readily manoeuvre
- drainage and tree issues

Officers addressed the questions raised – and what clarification was needed - providing what they considered to be satisfactory answers, which the Committee understood to be, and saw, as generally acceptable. In particular they confirmed that the proportion of build to be achieved so as to not trigger a S106 would be assessed and determined by the Council's legal section. The management of on-street parking could be accounted for in the Management Plan and enacted by the management company.

From debate, the majority of the Committee considered the proposal to be acceptable - understanding the fundamental issue of housing land supply, the need for accommodation of this sort and in making the best use of the land available. However, some uncertainty remained over :-

- the enactment of a S106 agreement,
- traffic management and on-street parking and
- waste collection logistics and how bins could be best stored.

On that basis it was agreed that these issues should be delegated to officers – after consultation with the Chairman - with a view to them needing to be finalised and formalised so as to complement any permission and fulfil the necessary obligations. Officer's view was that the on-street parking management element could be best addressed by an Informative Note.

Having had the opportunity to discuss the merits of the application and an

understanding of all this entailed; having taken into account the officer's report and presentation; the written representations; and what they had heard at the meeting, in being proposed by Councillor Shane Bartlett and seconded by Councillor Robin Cook, on being put to the vote, the Committee agreed - by 3:1, with one abstention by Councillor Alex Brenton - to grant permission, subject to the conditions and informative set out in the officer's report and the in the need for a S106, traffic management arrangements and waste collection and storage being readily pursued by the means set out above.

### **Resolved**

That application 3/21/1471/FUL be granted permission subject to the conditions set out in the officer's report and in taking into consideration what need there was for a S106 agreement, traffic management arrangements and waste collection and storage being readily pursued by the means set out above.

### **Reasons for Decision**

- The location is considered to be sustainable, and the proposal is acceptable in its scale, design, materials and visual impact.
- The proposal has an appropriate layout and design and would not have an adverse impact on the character and appearance of the area or the landscape
- There is not considered to be any significant harm to neighbouring residential amenity and the occupants of the proposed dwellings would enjoy an acceptable standard of amenity.
- The proposal would not have an adverse impact on road safety and the access proposed and on-site parking provision are acceptable
- The proposal would provide appropriate mitigation for its impact on biodiversity and biodiversity enhancement would be provided
- Other issues raised by consultees have been assessed and there are not any which would warrant refusal of the application.

#### **278. 3/20/1725/LB - Replacement of four windows - PAMPHILL VC CE FIRST SCHOOL, PAMPHILL, WIMBORNE, BH21 4EE**

The Committee considered application 3/20/1725/LB for the replacement of four windows at Pamphill First School, Pamphill Wimborne, BH21 4EE with the application being considered as the Council's Assets and Property section was the applicant.

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

Plans and photographs provided an illustration of the location, dimensions and appearance of the school and its windows; how these would be replaced and by what means - given that the building was Grade II listed; the materials to be used; environmental, sustainability and built heritage considerations -

given the status of the building - and that it was within the Pamphill Conservation Area.

The characteristics and topography of the school site was shown and views into the site and around it, which provided a satisfactory understanding of all that was necessary.

Officers explained there was a need for the replacement windows as those currently there were in a poor state of repair – having become unfit for purpose - and did not meet sustainability standards which might be expected.

In summary, the officer's assessment considered the acceptability of the proposal which would not result in any harm to the designated Heritage Asset and this formed the basis of the recommendation being made.

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

- what the windows would be constructed of; what the quality of the materials to be used were and of what composition and; where these would be located on the building
- that local craftsman and firms might be engaged, if at all practical and possible within the terms of any contract or tender exercise

Officers addressed the questions raised – and what clarification was needed - providing what they considered to be satisfactory answers – in being confident that each one could be addressed by the provisions of the application - which the Committee understood to be, and saw, as generally acceptable.

From debate, the Committee considered the proposal to be acceptable - understanding the need for new windows to maintain the fabric of the building and which were in keeping with their surroundings.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having taken into account the officer's report and presentation; and what they had heard at the meeting, in being proposed by Councillor Shane Bartlett and seconded by Councillor Robin Cook, on being put to the vote, the Committee agreed - unanimously - to grant permission, subject to the conditions set out in the officer's report.

Resolved

**That application 3/20/1725/LB be granted permission, subject to the conditions set out in the officer's report.**

<u>Reason</u>	<u>for</u>	<u>Decision</u>
The proposal would not harm the character, appearance and historic interest of the designated heritage asset that it affected being the Grade II listed building and there were no material considerations which would warrant refusal of this application.		

279. **P/HOU/2022/01307 - Square off front of property, erect rear extension, with addition of new first floor accommodation to converted roof space with new dormer to side elevation. - 54 Sandy Lane, Upton, Poole, BH16 5LX**

The Committee considered application P/HOU/2022/01307 to square off front of property, erect rear extension, with addition of new first floor accommodation to converted roof space with new dormer to side elevation at 54 Sandy Lane, Upton, Poole, BH16 5LX

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

Plans and photographs provided an illustration of what was being proposed and how it would be achieved, showing the development's relationship with other adjacent residential development and what this entailed. It was pointed out that, the architecture and design of dwellings in the area varied considerably so this proposal would not be seen to be out of keeping. The characteristics and topography of the site was shown and views from the property and around it was shown, which provided a satisfactory understanding of all that was necessary.

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

One member of the public – a neighbour - had objected on the grounds that the rear gable end window would overlook their property to the rear of the site, causing a loss of privacy. Moreover, it was claimed that work had already started on the extension.

Clive Bailey – who was the neighbour who owned No 28 – explained that despite the offer to obscure glaze one of the windows, a much similar view could be had from the adjacent one, given the orientation of the room. On that basis, privacy would still be compromised by virtue of overlooking. He was of the view that the issue had not been adequately addressed and asked for the application to be refused.

Formal consultation had seen **Lytchett Minster and Upton Town Council object to the application - in supporting the** neighbour's objection on overlooking. **This view was shared by Lytchett Matravers and Upton Ward Councillors Bill Pipe and Alex Brenton.**

Having heard what was said, officers responded to some of the pertinent issues raised, being confident that each one could be addressed by the provisions of the application. Whilst the application was being progressed, in response to concerns raised, the applicant had agreed that the western element of the rear first floor window could be obscure glazed to reduce the

potential for overlooking. On that basis, officers considered the application to be reasonable.

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

Some important points raised were and which they considered still required clarification were :-

- what opportunity was there to obscure glaze both windows and was this a practical option. This option was put by Councillor Worth as a solution
- what the distances were between neighbouring properties
- what alternative options were there to modify the proposal so overlooking was not an issue.

Officers addressed the questions raised – and what clarification was needed - providing what they considered to be satisfactory answers, which the Committee understood to be, and saw, as generally acceptable. In particular the suggestion that both windows could be obscure glazed was considered to be an unreasonable condition, as it would result in poor amenity for future occupants. Officers confirmed that, should the application be refused, the applicant still had some means of achieving first floor accommodation as permitted development.

From debate, the Committee considered that given it would be unreasonable to ask for both rear facing windows to be obscured, they had little option other than to consider the application to be unacceptable – on the grounds of overlooking and compromise of privacy and which could not be readily overcome. On that basis, Members considered they could not support the application as it stood.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having taken into account the officer's report and presentation; the written representations; and what they had heard at the meeting, in being proposed by Councillor John Worth and seconded by Councillor David Tooke, on being put to the vote, the Committee agreed – unanimously - to refuse permission, based on the loss of privacy from overlooking, which could not readily be addressed.

#### Resolved

That application P/HOU/2022/01307 be refused.

#### Reason for Decision

On the grounds of the loss of privacy from overlooking.

## 280. **Urgent items**

There were no urgent items for consideration.

**Duration of meeting:** 10.00 am - 2.20 pm

**Chairman**

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## **A Guide to Public Speaking at Planning Committee**

All members of the public are welcome to attend formal meetings of Planning Committees to listen to the debate and the decisions being taken.

If you have written to the Council during the consultation period about an application that is to be considered by the committee, any relevant planning or rights of way issues raised in your letter will be appraised by the case officer and summarised within the committee report. You will also receive a letter informing you of the committee date and inviting you to attend the meeting.

The agenda for the meeting is normally published five working days before the committee date and is available to view on the council's website at <https://moderngov.dorsetcouncil.gov.uk/mgListCommittees.aspx?bcr=1> or via the Modern.gov app which is free to download.

You can also track progress of a planning application by visiting the council's website at <https://www.dorsetcouncil.gov.uk/planning-buildings-land/planning/planning-application-search-and-comment.aspx>. Alternatively you can contact a member of the Democratic Services Team on 01305 251010 or email [david.northover@dorsetcouncil.gov.uk](mailto:david.northover@dorsetcouncil.gov.uk) for Eastern Area Planning Committee, [megan.r.rochester@dorsetcouncil.gov.uk](mailto:megan.r.rochester@dorsetcouncil.gov.uk) for Northern Area Planning Committee [denise.hunt@dorsetcouncil.gov.uk](mailto:denise.hunt@dorsetcouncil.gov.uk) for Western and Southern Area Planning Committee and [elaine.tibble@dorsetcouncil.gov.uk](mailto:elaine.tibble@dorsetcouncil.gov.uk) for Strategic Planning Committee. They will be able to advise you on whether an application will be considered by a committee meeting.

Formal meetings are open to the press and the public and during the meeting you may come and go as you wish. Please keep disruption to a minimum to allow the business to be conducted smoothly. Members of the press and public will normally only be asked to leave the meeting if confidential/exempt items are to be considered by the committee.

Members of the committee and the public have access to individual representation letters received in respect of planning applications and rights of way matters in advance of the meeting. It is important to note that any comments received from the public cannot be treated as confidential.

### **How do I register to speak?**

Planning committee meetings are held in public but they are not a public meeting; as a result you need to register to speak as below.

The first three members of the public, including any community or amenity group, who register to speak, for and against the application, including the applicant or their representative (maximum six in total) will be invited to address the committee. If the applicant or their representative registers to speak, then only the first two members of the public who wish to speak for the application may address the Committee. MPs need to register in the same way and will count as one of the six speakers.

If you wish to address the committee at the planning meeting it is essential that you contact the Democratic Services Team on 01305 251010 or email addresses set out above before 8.30am at least two clear working days before the meeting. If you do not register to speak, you will not normally be invited to address the committee. When contacting the Democratic Services Team you should advise which application you wish to speak on, whether you are objecting or supporting the application and provide your name and contact details.

### **The Member who chairs Planning Committee**

Ultimately the Chairman of the Planning Committee retains the power to determine how best to conduct a meeting. The processes identified below are therefore always subject to the discretion of the Chairman.

### **What will happen at the meeting and how long can I speak for?**

The Chairman will invite those who have registered to speak to address the committee. Each speaker will have up to **three** minutes each to address the committee.

When addressing the committee members of the public should:

- keep observations brief and relevant;
- speak slowly and clearly;
- for rights of way matters, limit views to those relevant to the legal tests under consideration;
- for planning matters limit views to relevant planning issues such as:
  - the impact of the development on the character of the area;
  - external design, appearance and layout;
  - impact of the development on neighbouring properties;
  - highway safety;
  - planning policy and government guidance.
- avoid referring to issues such as safety, maintenance and suitability for rights of way definitive map modification matters, as they cannot be taken into account;
- avoid referring to matters, which are not relevant to planning considerations, such as:
  - trade objections from potential competitors;

- personal comments about the applicant;
  - the developer's motives;
  - moral arguments;
  - matters covered by other areas of law;
  - boundary disputes or other private property rights (including restrictive covenants).
- remember you are making a statement in public: please be sure that what you say is not slanderous, defamatory or abusive in any way.

### **Can I provide handouts or use visual aids?**

No. Letters and photographs, or any other items must not be distributed at the meeting. These must be provided with your written representations during the consultation period in order to allow time to assess the validity, or otherwise, of the points being raised. To ensure fairness to all parties, everyone needs to have the opportunity to consider any such information in advance to ensure that any decision is reasonably taken and to avoid potential challenge.

### **What happens at the Committee?**

After formal business such as declarations of interest and signing of minutes the meeting moves on to planning applications.

- The planning / rights of way officer will present the application including any updates.
- The Chairman will invite those who have registered to speak to address the committee and each speaker is allocated a maximum of three minutes.
- The applicant or their representative will be allowed up to three minutes speaking time in total between them both.
- The order of speaking will normally be: individual members of the public and groups; the applicant or their representative and then; parish/town council representative. Any such group or council will normally be given one three minute slot each for any representations to be made on its behalf.
- If one or more of the relevant Dorset Council Ward Members wishes to address the committee, they will each be allowed three minutes to do so.
- Neither the objectors or supporters will normally be questioned. However, the Chairman may ask questions to clarify a point of fact in very exceptional circumstances.
- Public participation then ends and the committee will enter into the decision making phase. During this part of the meeting only members of the

committee and officers may take part.

- The Chairman of the Committee has discretion over how this protocol will be applied and has absolute discretion over who can speak at the meeting.

You should not lobby members of the committee or officers immediately prior to or during the committee meeting. Members of the public should also be aware that members of the committee are not able to come to a view about a proposal in advance of the meeting because if they do so it may invalidate their ability to vote on a proposal. Equally any communication with members of the committee during the meeting is to be avoided as this affects their ability to concentrate on the matters being presented at that time.

You should note that the council has various rules and protocols relating to the live recording of meetings.

### **What happens after the Committee?**

The minutes, which are the formal record of the meeting, will be published after the meeting and available to view in electronic and paper format, as a matter of public record, for a minimum of six years following the date of the meeting. Please note that if you attend a committee meeting and make oral representations to the committee, your name, together with a summary of your comments will be included in the minutes of the meeting.

# Agenda Item 6

Eastern Planning Committee

7 September 2022

<b>Application Number:</b>	P/FUL/2022/03143		
<b>Webpage:</b>	<a href="https://www.dorsetcouncil.gov.uk/planning-application/P/FUL/2022/03143">Planning application: P/FUL/2022/03143 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>		
<b>Site address:</b>	Walston Poultry Farm Ltd Gaunts Common Dorset BH21 4JR		
<b>Proposal:</b>	Change of use from agricultural to 8 no. self-storage (B8 storage only) units.		
<b>Applicant name:</b>	Walston Poultry Farm Ltd		
<b>Case Officer:</b>	Elizabeth Adams		
<b>Ward Member(s):</b>	Cllr Cook		
<b>Publicity expiry date:</b>	24 June 2022	<b>Officer site visit date:</b>	Visited for previous application.
<b>Decision due date:</b>	13 July 2022	<b>Ext(s) of time:</b>	8 September 2022

**1.0** The application has been referred to committee by the nominated officer having gone through the Council's Scheme of Delegation Process.

**2.0 Summary of recommendation:**

GRANT subject to conditions

**3.0 Reason for the recommendation:**

- Para 14 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The reuse of existing buildings is considered to be sustainable and no harm to the Green Belt is anticipated.
- The impact of the proposal on the amenity of neighbouring residents and the village can be made acceptable by the imposition of planning conditions.
- It is not considered that the proposal will result in any severe impact on the highway network.
- There are no material considerations which would warrant refusal of this application

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable on balance
Scale, design, impact on character and appearance	Acceptable as reusing buildings
Impact on highway safety	Acceptable in light of baseline unfettered agricultural use and limited number of self-storage units
Impact on amenity	Acceptable subject to condition limiting hours of operation and external lighting
Impact on heritage assets	No harm
Impact on biodiversity	Benefit from loss of poultry use

#### 5.0 Description of Site

- 5.01 The site comprises approx. 1ha of land east of the C24 highway which runs through the linear village of Gaunts Common. The site is currently in use as a poultry farm and there are four long, single storey sheds/barns on the land with a total internal floor area of approximately 2,860m<sup>2</sup>.
- 5.02 The site is accessed along a single width track approx. 60m in length. For its first 15m (approx.) this runs immediately adjacent to the residential dwelling known as 'Little Thatch'. Thereafter it runs the depth of the gardens of that property and 'The Olde Oak'. The latter is in the ownership of the applicant, together with 'The Bungalow', another residential property which is positioned near the rear of the site.
- 5.03 The site lies on the edge but outside of the village envelope, more than 350m north of the Gaunts Common Special Character Area and within the Green Belt. Gaunts Common has a rural character and the built form comprises predominantly single and two storey housing facing onto the highway in a verdant setting. The road, which has verges but no pavement, contributes to the rural character.
- 5.04 The site is on a hillside. The land on which the barns are sited is lower than the entrance and the site benefits from tree and hedge screening but it is evident in views from houses on higher land to the south and east. To the east, ancient woodland forms part of the Holt and West Moors Heaths Site of Special Scientific Interest (SSSI).

#### 6.0 Description of Development

It is proposed to change of use of the buildings on the site from agricultural to provide 8 no. self-storage (B8 storage only) units.

All measurements approximate	Length	Ridge Height	Floor area
Barn A	62m	3.8m	700m <sup>2</sup>
Barn B	62m	3.8m	700m <sup>2</sup>
Barn D	51m	4.1m	697m <sup>2</sup>

7 September 2022

Barn E	51m	4m	697m <sup>2</sup>
Total			2,794m <sup>2</sup>

Parking for customers will be provided on an informal basis on existing hardstanding between the barns and a rectangle of hardsurfacing to the north of the site will provide opportunities for turning for any larger vehicles.

The submitted plans indicate that each of the four poultry barns will be divided into two so each storage unit will have a floor area of approximately 350sqm.

## 7.0 Relevant Planning History

Application	Description	Decision	Date
03/444774/HST	Erection Of Bungalow	Granted	01/11/1973
3/21/0935	Change of use from agricultural to B8 (storage or distribution)	Refused	14/03/2022
<p>Summary of reasons for refusal:</p> <ul style="list-style-type: none"> <li>• Unsustainable location for storage or distribution use of the scale proposed</li> <li>• Anticipated more intensive use resulting in noise and vehicle movements harmful to the character and tranquillity of the countryside</li> <li>• Harm to neighbouring amenity from increased vehicle trips along the access</li> </ul>			

## 8.0 List of Constraints

Grade II Listed Building – Little Thatch (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990

Adjacent to ancient woodland, Sub-Type Ancient & Semi-Natural Woodland

Adjacent to Holt and West Moors Heaths SSSI

Within the Green Belt

Dorset Heathland 5 km zone

Two protected trees TPO Ref: HT/35, Group Ref: T1 & T2 lie on the southern boundary alongside the access.

## 9.0 Consultations

Eastern Planning Committee

7 September 2022

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

### **Consultees**

#### **Natural England**

No comments received

#### **Dorset Council Highways** (received 15 July 2022)

- Currently no restrictions on the agricultural use of the site
- the removal of movements associated with the existing agricultural use will be a general highway benefit.
- Individual storage units are typically accessed by cars and light vans so the use by HGVs is anticipated to reduce.
- Trip generation identified by the Transport Assessment are higher than expected for the proposed use.
- The residual cumulative impacts would not be 'severe' when consideration is given to paragraphs 110 and 111 of the NPPF (July 2021).
- A condition to secure the manoeuvring, parking and loading areas is recommended.

#### **Dorset Council Conservation Officers** (received 27 May 2022)

- The proposals do not include any notable changes to the footprint or external envelopes of the buildings so, though the site is in relatively close proximity to Grade II-listed Little Thatch, it is not considered that the proposals have the potential to affect the significance of this or any other heritage assets.

#### **Dorset Council Tree Team** (received 22 June 2022)

- No objection subject to condition if operational development is to take place on site.

#### **Holt Parish Council** (received 6 June 2022)

Objection

- Economic
- The enterprise is not appropriate for the rural parish and site constraints
- Inappropriate commercial activity due to HGV movements, increased traffic, noise and local disruption to neighbouring residents, wider village and surrounding area

7 September 2022

- Lack of suitable infrastructure and highways to support the use
- Social
  - Detrimental to social wellbeing
  - Risk and dangers to residents including children waiting for the school bus and walking on the highway and to other road users
  - Noise and disturbance to residents adjacent to the narrow entrance
  - Concern about proposed hours
- Environmental
  - Need to protect vulnerable rural characteristics (Green Belt and SSSI)
  - Additional costs, pressures and potential danger to rural roads
- Apparent inaccuracies in the application
  - Traffic movements bear little relation to the lived experience of residents
  - No good links to the wider strategic highway network
  - Inconsistencies- site redundant but in continuing use.

**Hinton Parish Council** (received 8 June 2022)

The application is outside our Parish Council area. However, members are concerned about traffic management in Gaunts area, large vehicles in narrow country lands, potential increases in traffic on country roads.

**Ward Member - Stour And Allen Vale Ward- Cllr Cook** (received 23 May 2022)

If granted this application could have a considerable negative effect on the village, therefore I request if officer recommendation is to grant then it be heard by committee.

**Representations received**

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

Objections received related to the following (in order of frequency):

- The proposals do not differ materially from the previously refused application

7 September 2022

- Highway danger- inappropriate roads, no pedestrian provision, school bus route with no formal stops, access is inappropriate for large vehicles, trip rates anticipated to increase compared to existing
- Impact on amenity- noise and disturbance for residents especially those adjoining the access.
- Inappropriate development harmful to the character of the area- not a sustainable location for intensity of use proposed
- Light pollution
- Harm to wildlife
- Potential contamination- air and water pollution
- Harm to listed building from use of and need to update access
- Lack of local need or economic benefit for locality
- Harm to Green Belt

## **10.0 Relevant Policies**

### **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.

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 includes a general duty 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.

### **Development Plan policies**

#### **Adopted Christchurch and East Dorset Local Plan:**

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

- KS1 - Presumption in favour of sustainable development
- KS2- Settlement hierarchy
- KS3 - Green Belt
- KS11 - Transport and Development
- KS12- Parking Provision
- HE1- Valuing and Conserving our Historic Environment
- HE2 - Design of new development
- HE3 - Landscape Quality

7 September 2022

- ME1- Safeguarding biodiversity and geodiversity
- ME2- Dorset Heathlands
- ME6- Flood Management, Mitigation and Defence
- PC4- The Rural Economy

### **Other Material Considerations**

Supplementary Planning Documents/Guidance- Dorset Heathland SPD  
National Planning Policy Framework:

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.

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 6 'Building a strong, competitive economy', paragraphs 84 and 85 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- 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

7 September 2022

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 13 'Protecting Green Belt land' - new development is inappropriate within the Green Belt unless it meets one of the exceptions within paragraphs 149-150 or very special circumstances outweigh harm to the Green Belt resulting from inappropriateness and any other harm.
- 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). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 178). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment' - When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

National Planning Practice Guidance

## **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**

7 September 2022

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

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

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

The proposed self-storage use of the site is not judged to result in any disadvantage to persons with protected characteristics.

### 13.0 Financial benefits

What	Amount / value
Non Material Considerations	
Business rates	Rating assessment to be undertaken by Valuation Office Agency. No estimate available.

### 14.0 Climate Implications

The proposal will result in a reduction of ammonia and nitrogen discharge and vehicle trips associated with the poultry farming. Vehicular trips to the self-storage units utilising vehicles reliant on fossil fuels are anticipated.

### 15.0 Planning Assessment

15.1 The proposal follows refusal of planning permission for an unspecified storage or distribution use of the buildings. The reasons for refusal read:

1. The application site is an unsustainable location for a storage or distribution use of the scale proposed, which is inconsistent with the accessibility of the rural location contrary to policy KS2 Settlement Hierarchy and KS11 Transport and Development of the Christchurch and East Dorset Local Plan Part 1 Core Strategy.
2. Due to the scale of the proposal and without information about the number and nature of future users or any way to reasonable way to control trip rates, the proposal is likely to result in a significantly more intensive use than the existing single holding poultry farm use. The noise and vehicle movements generated will

7 September 2022

result in harm to the character and tranquillity of the countryside and this harm is judged to outweigh the benefits of the scheme, contrary to policies HE3 Landscape Quality and policy PC4 The Rural Economy of the Christchurch and East Dorset Local Plan Part 1 Core Strategy and paragraph 174 of the National Planning Policy Framework.

3. Notwithstanding the opportunity to control the hours of operation, the proposal is anticipated to result in harm to neighbouring amenity from increased vehicular trip rates associated with multiple storage units along the narrow access in close proximity to The Olde Oak and Little Thatch contrary to policy HE2 Design of New Development of the Christchurch and East Dorset Local Plan Part 1 Core Strategy and paragraph 130 of the National Planning Policy Framework.

15.2 The current application seeks to overcome these reasons. The main planning issues for this application are:

- Whether the development is acceptable in principle
- Impacts on highways and the character of the area
- Impact on the Green Belt
- Impact on residential amenity
- Impacts on biodiversity

These and other issues will be considered below.

#### The principle of development

- 15.3 Paragraph 152 of the National Planning Policy Framework requires that the planning system should support the transition to a low carbon future. This includes shaping places in ways that contribute to radical reductions in greenhouse gas emissions and also encouraging the reuse of existing resources, including the conversion of existing buildings.
- 15.4 The current application seeks to reuse existing chicken sheds for self-storage purposes (Use Class B8- storage only). The supporting statement explains that the poultry industry has undergone significant change as a result of regulation, the impact of avian flu and the progressive shift in the consumer market towards free range. The sheds are unsuitable for free range farming and the applicant seeks to diversify. The buildings are permanent and capable of re-use.
- 15.5 The local plan settlement policy KS2 defines Hinton Martell/Gaunts Common as a village where '*only limited development will be allowed that supports the role of the settlement as a provider of services to its home community*', but policy PC4 encourages appropriate economic development in the rural area where it is located in or on the edge of existing settlements where employment, housing, services and other facilities can be provided close together. Policy requirements are set out for

7 September 2022

proposals for the conversion and re-use of existing buildings in the countryside for economic development. These include that the development shall not have a materially greater impact on the Green Belt and where benefits outweigh harm in relation to impact on the (inter alia) countryside, landscapes and wildlife, local economic and social needs, settlement patterns and accessibility and appropriate parking provision which would not adversely impact on the setting of the building in the open countryside. These issues are considered further below.

- 15.6 Local objection is predominantly based on the scale of the development and perceived inaccessibility of the site for a use which is associated with potentially significant trip rates. NPPF Paragraph 105 seeks to focus significant development to locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. This aim is reflected in Local Plan Transport and Development policy KS11 which requires development to be in accessible locations. However, it is acknowledged within the Framework that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
- 15.7 In this case the site is remote from public transport and there are limited opportunities for non-vehicular modes of travel so the proposed use has the potential to be associated with significant trip rates. The site lies approx. 5km from any urban area and all routes to the site require travel along non-classified roads without pavements for at least 3km; the previous application was refused on the basis that the site was not an appropriate location for a large storage/distribution facility and conflicted with the aims of policies KS2 'Settlement Hierarchy' and KS11 'Transport and Development'.
- 15.8 The supporting statement claims that the proposal for 8 self-storage units is appropriately located to serve the local rural area in which there is a lack of such facilities. Objectors claim that the lack of facilities reflects the low population and limited local need and suggest that affordability would be critical to the popularity of such a facility so it could reasonably be assumed that future users could travel significant distances. They have also raised concerns about the marketability of such large self-storage units; reference has been made to the 2022 Self Storage Annual Report produced by the UK Self Storage Association where a survey of customers identified that the most popular size of unit for domestic and commercial self-storage was 1-5sqm and only 1% of the 1226 respondents (27% of which were business customers) occupied units larger than 46sqm (p85).
- 15.9 Officers are unable to take account of potential for future pressures to provide more, smaller units should permission be granted and must instead consider the application that is before the Council.
- 15.10 The proposal is to provide 8 storage units for self-service purposes. At approx. 350sqm each the units would be large; the storage of equipment and vehicles is

7 September 2022

therefore anticipated similar to the use of units at Little Owls Farm, Petersham Lane, prior to their demolition (3/16/0284/CLU). Commercial or private self-storage use could take place, for example builders' machinery storage or domestic storage between house moves.

- 15.11 The previous reasons for refusal judged that the location for an unspecified number of storage units was unsustainable but it is recognised that the indicators of sustainability are complicated and finely balanced. Although industrial estates are preferred locations for storage and distribution uses, Officers are satisfied that the proposed re-use of existing buildings for 8 self-storage units could, in principle, be acceptable in this location provided that the requirements of policy PC4 'The Rural Economy' are met. These include that 'the benefits outweigh the harm in terms of (inter alia): 1. The potential impact on countryside, landscape and wildlife...4. Settlement patterns and the level of accessibility to service centres, markets and housing...5. The building is suitable for reuse without major rebuilding...any necessary car parking provision should also not have an adverse impact on the setting of the building in the open countryside'. Additional requirements of policy PC4 include that the development should be consistent in scale and environmental impact with their rural location, should not harm amenity and enjoyment of the countryside through noise and traffic generation and should minimise additional trips on the highway network.

Impact on highways and the character of the area

- 15.12 Gaunts Common has a rural character and the southern part of the village is designated as a Special Character Area (SCA) on account of the high proportion of traditional, vernacular housing on the slope of a small valley. The application site lies more than 350m to the north of the SCA and is not discernible from the public highway as it is accessed via a track between dwellings. The topography and woodland to the east provides a sense of enclosure.
- 15.13 Concerns have been raised by objectors that the proposed storage use would be associated with noise, light and traffic which would be harmful to the character of the area. It is considered that limiting the use solely to self-storage within the existing buildings and restricting hours of operation would reduce the potential for demonstrable harm from noise when compared to the existing lawful agricultural use. External lighting could also be controlled by condition.
- 15.14 In response to the Council's previous reasons for refusal the application is accompanied by a Transport Note by Bellamy Roberts which seeks to demonstrate that the likely trip rates arising from the proposed use would represent a reduction compared to the potential trip rates achievable under the current lawful agricultural use.

- 15.15 Officers do not agree that a fallback referred to in the transport note, in which up to 500sqm of storage is achieved under permitted development rights can be relied upon, as all four buildings on site exceed 500sqm and no prior approval has been granted. The transport note does, however, provide data which was missing from the previous application in relation to anticipated trip rates at peak times of day:

**Table 2: Summary of Trip Rate and Traffic Generation**

Time Period	Trip Rate (per 100m <sup>2</sup> )			Traffic Generation (2,900m <sup>2</sup> )		
	Arrivals	Departures	Two-way	Arrivals	Departures	Two-way
<b>100% Self-Storage (2,900m<sup>2</sup>)</b>						
<b>Morning Peak</b> 0800-0900	0.084	0.067	0.151	2	2	4
<b>Evening Peak</b> 1700-1800	0.050	0.117	0.167	2	3	5

- 15.16 When a full day of trips is considered, based on the figures provided in the report at Appendix 2 the number of movements would be considerable at approximately 90 per day. Officers recognise, however, that the figures can only be illustrative as they were derived from three self-storage operations on industrial sites on the edge of town with different characteristics to the current proposal. All three sites offer much smaller storage facilities so would be anticipated to have a much larger number of customers; the site in Cumbria offers storage from 2.5sqm to 18.5sqm, the Selby site offers 1-28sqm and in Ipswich you can hire storage from 2-15+sqm. The Council's Highway Team has confirmed that the information used is the best information that can be obtained using TRICS but it is anticipated that with only 8 units available, the trip rates would be significantly lower than those suggested by Appendix 2 of the transport note and Table 2 (above) would be worst case scenario at peak times.
- 15.17 The applicant has submitted that the existing trip rate associated with the poultry use is approximately 7 trips per day to the barns, 50% of which are HGV/tractor trailer combinations. Whilst local objectors have referred to low current traffic levels it is recognised that access to the agricultural site is unfettered and significantly greater trip rates could currently take place without the need for planning permission.
- 15.18 Subject to conditions limiting the number of units to 8 as described by the proposal (preventing sub-letting of the units) and limiting the use to self-storage within the buildings only, it would be difficult to maintain refusal on the grounds of impact on the character of the area as the likelihood of high trip rates is significantly reduced from the previous proposal which failed to specify units numbers or the type of B8 use which can include storage and distribution operations.
- 15.19 It is recognised that the agricultural use of the site can be associated with large and slow moving vehicles such as tractors and HGVs. A change of use has the potential to improve this situation by changing the nature of vehicles using local roads and the

7 September 2022

site access but as the self-storage units could be used for domestic or commercial purposes, there remains a high likelihood that HGVs could continue to use the site on occasion.

- 15.20 It is recognised that the lack of pedestrian refuge means that pedestrians using the local highways, including those walking to school or waiting to catch buses, will experience the effects of any additional traffic movements but highway safety would not automatically be compromised by the proposal.
- 15.21 The Council's highway team has considered the site access and internal layout as well as the potential to impact the safe and effective operation of the local highways network. They have raised no objection to the proposals on the basis that the unfettered agricultural baseline prevents them from objecting to a use which would not demonstrably worsen the situation and could result in lower trip rates.
- 15.22 Objectors have questioned the adequacy of the existing access to serve the site. The owner of the land on the opposite side of the highway has reported requests to move his vehicle from his land to facilitate access. Objections have included reports of damage to the verge opposite and the adjacent property, Little Thatch, by vehicles using the access but it is necessary to assume that road users to operate with due care and attention and a number of bollards now prevent over-running of the verge.
- 15.23 It is understood that the site entrance is already used by Class 1 articulated HGVs with no evidence of any recorded highway incidents in the vicinity between 1999-2020. On the basis of this pre-existing use the Council's highway team are satisfied that the proposal would not result in harm to users of the highway. A condition has been requested to secure parking and turning areas for those using the storage facilities. Existing hardsurfacing areas have been identified for parking.
- 15.24 Subject to conditions limiting operating hours and external lighting it is judged that the revised proposal which identifies a limited number of self-storage units is now sufficiently well defined as to overcome the previous reasons for refusal relating to noise arising from vehicular movements.

#### Impact on the Green Belt

- 15.25 Concerns have been raised about the impact on the Green Belt. New development is inappropriate in the Green Belt unless it meets one of the exceptions set out in paragraphs 149 and 150 of the National Planning Policy Framework. The proposed reuse of existing buildings falls under exception 150 (d) 'the reuse of existing buildings that are of permanent and substantial construction'. The material change of use of the land can benefit from exception 150(e) provided that the proposal preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

- 15.26 The site currently has an open character with the exception of the four low roofed poultry buildings and the smaller structure, but ancillary agricultural machinery and vehicles could be stored in the open. Conditions to prevent external storage and parking by customers overnight (condition 7) would mitigate any potential harm from parking during operating hours. It is not judged that the proposal would have a harmful impact on Green Belt openness, nor would it conflict with the five purposes of the Green Belt, set out in NPPF para 138; the development is not judged to result in encroachment into the countryside as it would be contained within the existing buildings and utilise existing hardstanding and the existing site access.

Impact on residential amenity

- 15.27 Concerns have been raised by nearby residents regarding the overall disturbance from noise, light and pollution arising from the proposed storage use on the site. The most vulnerable dwellings are Little Thatch and The Olde Oak (the latter in the applicant's ownership) which are sited either side of the narrow access serving the application site.
- 15.28 The site benefits from an existing unrestricted agricultural use, albeit on a small scale with the aforementioned chicken sheds. Such a use has no restrictions on scale, timing or frequency of vehicle movements or hours of operation within the site itself and this provides the baseline against which to assess the proposal.
- 15.29 As the proposed use of the site for self-storage in 8 units is of a different character to the existing poultry use, introducing access by multiple customers, it is judged reasonable and necessary to restrict the business hours of the new site, thereby controlling the hours of use of the access track (other than trips associated with the bungalow) and potential for disturbance which are currently unrestricted for the farming operation. Additionally, it is anticipated that the change of use of the units from agricultural to storage units would be associated with some improvements to nearby residential amenity through the reduction in farm odour and noise.
- 15.30 With the imposition of conditions to prevent the subdivision of the self-storage units (condition 6), restrict external lighting (condition 9) and to control opening hours (condition 8) it is judged that the proposal has overcome the previous concerns relating to the impacts on the occupants of Little Thatch and The Olde Oak. It was previously assessed that the impacts on the amenity of other residents including those whose gardens back onto the site and front onto the highway where traffic would disperse, was unlikely to be significant and demonstrably harmful in contrast to the agricultural use of the site subject to the imposition of planning conditions.

Impact on heritage assets

- 15.31 Little Thatch, sited immediately adjacent to the access track serving the application site, is a Grade II listed building. The impact of the proposals on the significance of the designated heritage asset have been considered in accordance with chapter 16

7 September 2022

of the NPPF. The change of use of the Walston Farm site will not result in any notable changes to the footprints or external envelopes of the buildings. Trees within the curtilage of Little Thatch provide screening between the dwelling and the site, while parking and turning associated with the proposed use will take place on existing hardsurfacing on land located away from the dwelling, closer to the centre of the site. Notwithstanding the close proximity of the application site access to the listed building, as the access will be unaltered and traffic associated with the proposed use will replace agricultural traffic, it is not considered that the proposals will harm the setting and significance of Little Thatch which will continue to be viewed in the context of the unchanged streetscene. Other listed buildings to the north are at least 200m away separated by intervening woodland so their setting will also be preserved.

- 15.32 Concerns have been raised by the occupants of Little Thatch, that their property will be put at greater risk from the proposed storage use of the site. Reference has been made to previous incidents where damage has arisen when large vehicles have used the access and it is claimed that this has happened with sufficient regularity to affect their insurance policy.
- 15.33 In considering the proposal before the Council, officers are required to judge the proposal on the basis that those using the access would drive with due caution. The Council's highways team are satisfied that the access can accommodate large vehicles and on this basis, as the access is pre-existing and there is a lawful unfettered use by agricultural vehicles, its continued use for vehicles associated with storage could not reasonably be objected to on heritage grounds; no harm to the fabric of the heritage asset is anticipated and the proposal is judged to preserve the significance of the listed building as required by statute, NPPF chapter 16 and policy HE1 of the Local Plan.

#### Impacts on biodiversity

- 15.34 In terms of the neighbouring SSSI, Holt Wood, the National Trust has previously expressed support for the change of use from – and cessation of – the poultry enterprise due to the associated reduction in ammonia and nitrogen emissions and the positive impact this will have on the neighbouring woodland. The SSSI woodland is currently in unfavourable declining condition – in the western part of the wood this has been linked to the atmospheric ammonia from the poultry units.
- 15.35 The application is supported by a biodiversity plan which identified that the bungalow beyond the application site but within the ownership of the applicant was used as a summer bat roost and identified the need for:
- A sympathetic lighting scheme to avoid harm to bats

7 September 2022

- The provision of bat boxes, bird boxes and four new trees to provide biodiversity enhancement.

15.36 The Dorset Natural Environment Team have granted a certificate of approval of the proposal biodiversity plan. A condition (no. 3) can secure the biodiversity mitigation/enhancements.

#### Other issues

15.37 The supporting document envisages that the number of employees will be broadly commensurate with the existing agricultural use. Two residential properties adjacent to the site are within the applicant's ownership; it is understood that the bungalow on the site is currently occupied by a person involved with the farming operation.

#### Balancing judgement

15.38 It is judged that the benefits associated with the reuse of existing buildings for economic purposes, the reduction in ammonia and nitrogen emissions in close proximity to the SSSI, the removal of slow-moving farm traffic from the highways and the ability to control future use by the imposition of conditions weighs in favour of the application. It is recognised that the location of the application site is sub-optimal in terms of access to main transport routes. The proposal will also introduce new trips on the highway network and the site access in close proximity to residential properties, but in the light of the baseline of unfettered agricultural traffic movements and the limited number of storage units proposed, the likely increase in traffic is no longer judged to represent harm that would outweigh the benefits.

### **16.0 Conclusion**

For the above reasons it is judged that the reuse of the buildings can be reasonably controlled by condition so as to overcome the previous reasons for refusal and that, on balance, the application accords with Local Plan and national planning policies when considered as a whole.

### **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:  
21135.01 P5 The location plan

7 September 2022

- 20-1203a Building A- floor plans and elevations
- 20-1203b Building B- floor plans and elevations
- 20-1203c Building C- floor plans and elevations
- 20-1203c Building D- floor plans and elevations
- 20-1203d Building E- floor plans and elevations

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

3. The development hereby approved must not be first brought into use unless and until:
  - i) the enhancement/net gain measures detailed in the approved biodiversity plan certificated by the Dorset Council Natural Environment Team on 07 February 2022 have been completed in full, unless any modifications to the approved Biodiversity Plan or LEMP as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority, and
  - ii) evidence of compliance in accordance with section J of the approved Biodiversity Plan/the LEMP has been supplied to the Local Planning Authority. Thereafter the approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details.

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

4. Prior to the first use of the site the access, parking and turning areas shown on Drawing no. 21135.01 P4 shall be made available and shall thereafter be maintained and kept available for the purposes specified.

Reason: To ensure that highway safety is not adversely impacted

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent re-enactment thereof, with or without modification, the use of the buildings shall be limited to self-storage only and for no other purpose whatsoever.

Reason: To control the nature of the use in the interests of the character of the area and neighbouring amenity and to protect the openness of the Green Belt

6. There shall be a maximum of 8 self-storage units operating from the site on any occasion. There shall be no sub-letting of any unit.

Reason: In the interests of the amenity of local residents and the rural character of the area.

7. The storage use hereby approved shall be limited to internal storage only. No storage shall take place outside of the buildings on the site nor shall any customer's vehicle be parked in the open on the site outside of operating hours.

Reason: To protect the openness of the Green Belt.

8. There shall be no access to the self-storage units by members of the public or by customers and no deliveries to them except between the following hours:  
Monday to Friday 08:00-18:00  
Saturday 09:00-17:00  
Sundays and bank holidays 10:00-15:00

Reason: To protect the character of the area and neighbouring amenity.

9. There shall be no external lighting of the site unless details are first submitted to and approved in writing by the Local Planning Authority. Any lighting shall thereafter be installed and maintained in accordance with the approved details.

Reason: In the interests of the amenity of the area and to protect biodiversity

**Background Documents:**

For full details of all papers submitted with this application please refer to the relevant Public Access pages on the Council's website.

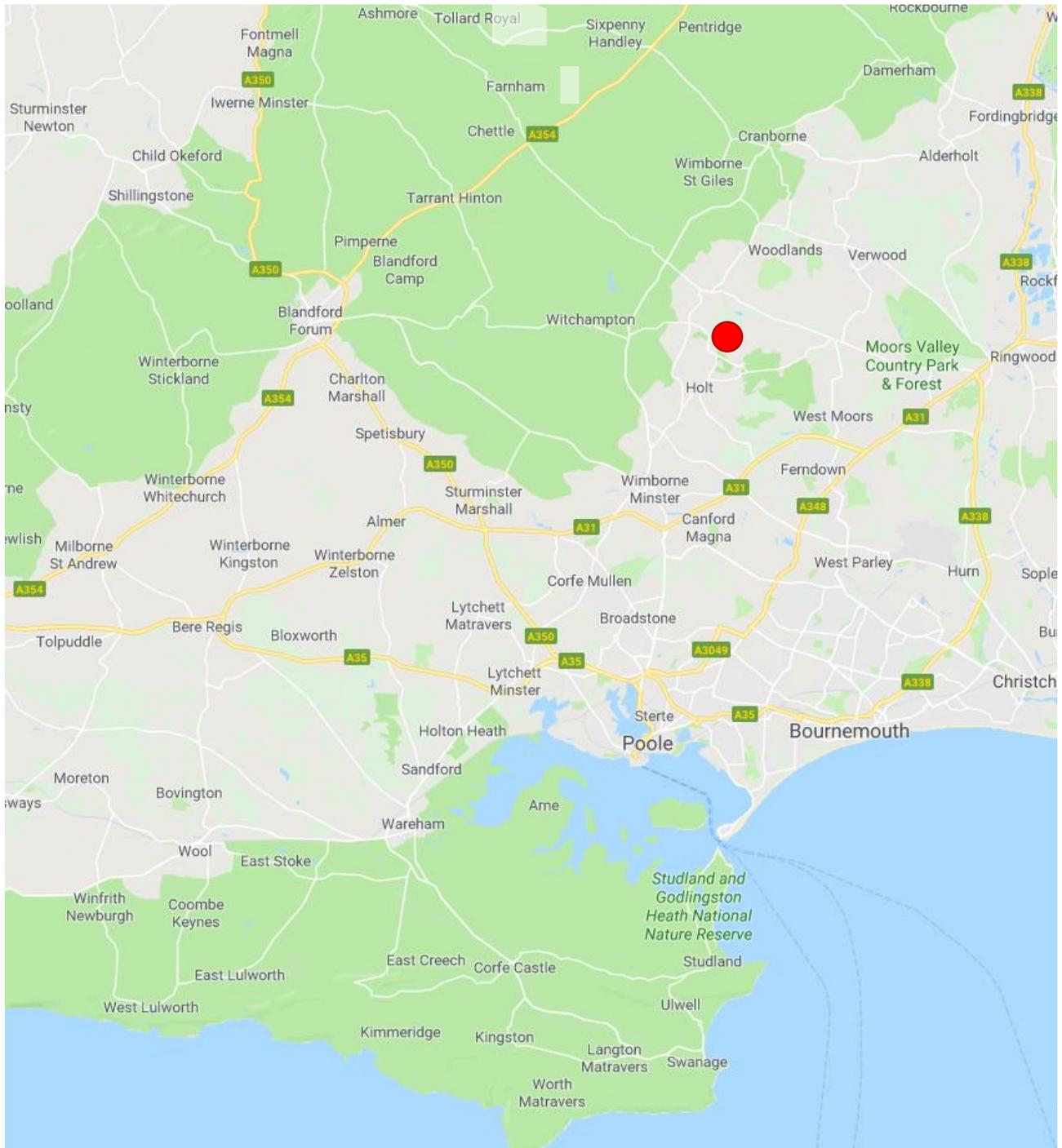
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● Approximate Site Location

Application reference: P/FUL/2022/03143

Site address: Walston Poultry Farm Ltd Gaunts Common Dorset BH21 4JR

Proposal: Change of use from agricultural to 8 no. self-storage (B8 storage only) units.



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# Agenda Item 7

Eastern Area Planning Committee

7 September 2022

<b>Application Number:</b>	P/FUL/2022/01864		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Kimmeridge Bay Car Park Kimmeridge Wareham BH20 5PE		
<b>Proposal:</b>	Seasonal change of use for parking of catering vehicles, providing a dining area and siting of associated temporary structures		
<b>Applicant name:</b>	Clavell Restaurant		
<b>Case Officer:</b>	Peter Walters		
<b>Ward Member(s):</b>	Cllr Brooks		
<b>Publicity expiry date:</b>	30 June 2022	<b>Officer site visit date:</b>	20 April 2022
<b>Decision due date:</b>	24 June 2022	<b>Ext(s) of time:</b>	None agreed

**1.0** The application has been referred to committee by the nominated officer having gone through the Council's Scheme of Delegation Process.

**2.0 Summary of recommendation:**

REFUSE for the following reason(s):

- The proposal has a harmful impact on the landscape character of the area

**3.0 Reason for the recommendation:** as set out in paragraph 16 at end

The proposal is considered contrary to the Local Development Plan because it will result in harm to the character of the area by virtue of developing a piece of land that is otherwise characterised by its isolation and openness.

**4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	Acceptable in principle subject to other considerations
Scale, design, impact on character and appearance	Harmful
Impact on AONB	The proposal would contribute to the economic growth within the AONB but the benefit is outweighed by harm to the landscape and scenic beauty.

Impact on setting of World Heritage Site	Acceptable
Impact on heritage assets	Acceptable
Impact on amenity	Acceptable – subject to a condition
Access and Parking	Acceptable
Economic benefits	Seasonal employment
Public Rights of Way (PROW)	Acceptable – no PROWs are obstructed by the proposal
Biodiversity	Acceptable – no protected species on site

## 5.0 Description of Site

- 5.1 The application site is a parcel of land forming part of the Kimmeridge Bay car park that has a site area of 1.4 hectares. The site constitutes the north western part of the existing car park and is mostly laid to grass with the exception of the south western part which is formed of the hard surfaced access road around the boundary of the car park and comprises approximately 500 square metres. The site is level, on a plateau above Kimmeridge Bay. At present there is no boundary treatment on the site.
- 5.2 To the west of the site, approximately 45m from the site boundary, are Gaulter Cottages, which are Grade II listed buildings. To the south of the site is the shoreline. Approximately 450m to the south and elevated on the cliff, on the other side of the bay, is Clavell Tower, a Grade II listed building. The coastline to the south east forms a Scheduled Ancient Monument, due to the historic industrial works that have taken place on site. To the south east is White House, a residential property, and a further car park and toilets are located beyond this property. To the north east is the main village of Kimmeridge, approximately 680m away. The site is accessed by a private road that leads from the village to the car park.
- 5.3 The site is situated within the Dorset Area of Outstanding Natural Beauty (AONB). In addition, it is within the Purbeck Heritage Coast and is adjacent to the Jurassic Coast UNESCO World Heritage Site.

## 6.0 Description of Development

- 6.1 The applicant is seeking planning permission to change the use of the land to allow seasonal parking of four 6.7m x 2.1m catering vehicles (clad in wood, with a maximum height of 3.5m) and to provide a dining area, partly under a canopy (formed by a 12m x 15m stretch tent with a maximum height of 4m). The proposal also includes the provision of portable toilets, bins and bin store, and the installation of a planted boundary along with post and rope barriers. The seating would provide for 100 customers.
- 6.2 The applicant intends for the proposed development to function in the same manner as a restaurant, whereby customers arrive at the host desk, and are given a table to sit at. The applicant is not proposing that takeaways would form part of the provision.
- 6.3 The applicant is applying for seasonal change of use, to allow the siting of the vehicles and associated infrastructure from mid April to mid September. The

application form does not identify opening hours but supporting documentation suggests that the intention would be for the proposed restaurant to be open for booking customers in the evening as well as walk-in customers during the day.

## 7.0 Relevant Planning History

6/1989/0072 – Lay hardcore over existing car parking areas and new trackway - Granted

## 8.0 List of Constraints

- Within the Purbeck Heritage Coast
- Near Grade II listed buildings (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)
- Adjacent to UNESCO World Heritage Site
- Within the Dorset AONB (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)
- DERC - Wildlife species: insect - beetle (Coleoptera) noted in the area;
- Within a Minerals and Waste Safeguarding Area
- The following Public Rights of Way are adjacent of within the site area:  
RoW: Footpath SE15/5;  
RoW: Footpath SE15/7;  
RoW: Footpath SE15/6;

## 9.0 Consultations

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

### Consultees

**Natural England** (received 3 May 2022)

- Advise consulting AONB Team on proposal

**Historic England** (received 25 May 2022)

- Advise consulting Conservation Officers on proposal

**Jurassic Coast Trust** (received 30 May 2022)

- No objections
- Understanding and experiential setting of World Heritage Site not harmfully impacted by the proposal.

**Dorset AONB Team** (received 30 May 2022)

- No overriding objection to the principle of development
- Refer to Landscape Architect for comments on impact on landscape
- Fencing and landscaping would not conserve coastal character
- 5 month season results in a meaningful alteration to character of the site
- Evening use difficult to support
- Concerns about the displacement of parking
- Advise a time limited consent to fully assess impact.

**Dorset Council Landscape Architect** (received 7 June 2022)

- Object to the proposals due to reduced tranquillity and formalisation of the area.
- Fails to maintain character of undeveloped coast and fails to protect valued landscape, contrary to paragraph 174 of the NPPF.

**Dorset Council Highways** (received 20 April 2022)

- No objection

**Dorset Council Natural Environment Team** (received 5 May 2022)

- No objections subject to conditions

**Dorset Council Minerals & Waste Policy** (received 12 April 2022)

- No objections subject to access to nearby oil well being maintained.

**Dorset Council Conservation Officers** (received 22 June 2022)

- Proposal not considered to be harmful to setting of heritage assets subject to the proposals being temporary.

**Dorset Council Licensing** (received 1 April 2022)

- If the applicant wishes to sell alcohol or provide regulated entertainment they would need to apply for a premises licence.

**Kimmeridge Parish Council** (received 22 April 2022)

- No objections to proposal – recommend approval

Comments from chairman received 4 July in response to Landscape Architect's consultation response raise the following points:

- Parish Council was unanimous in support having considered impact on landscape.
- Consider that sense of tranquillity has been eroded by the existing car park which is busy for much of the summer.
- Café would not detract from an already busy landscape
- Would not detract from appearance of Gaulter Cottages which have extensions on the eastern elevation and are separated by scrub growth
- Alum Works Scheduled Ancient Monument would not be affected by the proposed development
- Setting of Clavell Tower – no more materially intrusive than other man made items in the area
- Do not consider that the coast is undeveloped for the purposes of the NPPF
- Proposal makes a neutral contribution to landscape character and biodiversity but would improve the sustainability of this rural settlement.
- Materials chosen for their colours – might be considered a point of interest and would sit within landscape
- Parts of site have at various times had hedgerow boundaries

**Representations received**

No representations were received from third parties during the public consultation period which was advertised by site notices.

**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.

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 includes a general duty 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.

### **Relevant Development Plan Policies**

#### Purbeck Local Plan Part 1:

Policy CO: Countryside

Policy D: Design

Policy LHH: Landscape, Historic Environment and Heritage

Policy BIO: Biodiversity and Geodiversity

Policy DH: Dorset Heaths International Designations

Policy CE: Coastal Erosion

Policy IAT: Improving Accessibility and Transport

Policy E: Employment

### **Other material considerations**

#### Emerging Purbeck Local Plan

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

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) the degree of consistency of the relevant policies in the emerging plan to 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.

The *Purbeck Local Plan (2018-2034) Submission January 2019* ('the Submitted Draft Purbeck Local Plan') was submitted for examination in January 2019. At the point of assessing this application, examination of the Submitted Draft Purbeck Local Plan is ongoing, hearing sessions and consultation on *Proposed Main Modifications* and

additional consultation on *Further Proposed Main Modifications* having been undertaken and a further public hearing session held on 19 July 2022. Updates on the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, Dorset Council and other interested parties) are published on Dorset Council website ([www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news](http://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news)).

Having regard to the plan's progress through the examination and Dorset Council's position following consultation on the Proposed Main Modifications and the Further Proposed Main Modifications, at this stage only limited weight should be given to the Emerging Draft Purbeck Local Plan.

In the preparation of this report, account has been taken of the following draft policies of the Emerging Draft Purbeck Local Plan, but these policies should be accorded little weight in the determination of the application

Policy E1: Landscape

Policy E7: Conservation of protected sites

Policy E8: Dorset heathlands

E10: Biodiversity and geodiversity

Policy E12: Design

Policy I2: Improving accessibility and transport

#### National Planning Policy Framework

Chapter 4: Decision making

Chapter 12: Achieving well-designed places

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Chapter 15: Conserving and enhancing the natural environment – particularly paragraph 174

Chapter 16: Conserving and enhancing the historic environment

- Purbeck District Design Guide Supplementary Planning Document adopted January 2014.
- Dorset Area of Outstanding Natural Beauty Management Plan
- The Dorset Heathlands Planning Framework 2020-2025 adopted March 2020
- Purbeck Strategic Flood Risk Assessment 2018

- Dorset Biodiversity Appraisal and Mitigation Plan.
- National Character Profile 136: South Purbeck – prepared by Natural England
- National Planning Practice Guidance

## 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.

- Temporary paving will be placed to facilitate wheelchairs and buggies.

## 13.0 Financial benefits

What	Amount / value
Material Considerations	
Part time employment	15 jobs

## 14.0 Climate Implications

- 14.1 The proposed development could encourage additional trips to this otherwise isolated location but will also reduce the amount of parking provision available during the summer months.

## 15.0 Planning Assessment

- 15.01 Officers have screened the development and concluded that it does not fall within the parameters of Schedule 1 or Schedule 2 of the Environmental Impact Assessment Regulations 2017 and therefore no Environmental Statement has been required.

The main considerations are:

- The principle of development
- Scale, design, impact on character and appearance
- The impact on the Area of Outstanding Natural Beauty (AONB)
- Impact on setting of World Heritage Site
- Impact on heritage assets
- Impact on amenity
- Access and Parking

These and other considerations are set out below.

### Principle of development

- 15.02 The site is situated in the open countryside. Policy CO: Countryside of the Purbeck Local Plan Part 1 states (inter alia) that development will be permitted outside of settlement boundaries where it does not have a significant adverse impact either individually or cumulatively on the environment, visually, ecologically, or from traffic movements, where:
- "...it is a new sensitive small-scale employment or tourism use ideally well related to a settlement or a complex of buildings..."

- 15.03 The factors raised in Policy CO will be considered in greater detail in the report, as they need to be met for the principle of development to be considered acceptable.

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

- 15.04 The proposed change of use will alter the appearance of the site during its period of operation (mid-April to mid-September). The site is in a highly sensitive area, given the exposed nature of the location. At present the site forms part of the car park, which is informal in nature, being largely grassed, allowing cars to park where they wish. The proposed development would formalise the use of the site and change its appearance for a period of five months of the year. As such, for a significant amount of the year, the character of the site would be fundamentally altered.
- 15.05 Paragraph 174 of the NPPF states:

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)...

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;"

15.06 This being the case, it is appropriate to consider whether the proposal protects and enhances what is considered to be a valued landscape and also whether it maintains the character of a stretch of coastline that is largely undeveloped. The proposal must also comply with the Purbeck Local Plan Part 1, particularly Policy CO, which states that development is permissible if it does not have a significant adverse impact on the environment, visually, ecologically, or from traffic movements. The proposal also needs to comply with Policy D: Design, by positively integrating with its surroundings.

15.07 The site is identified in Natural England's National Character Area Profile (NCAP) as an area of tranquillity, this is acknowledged in the Landscape and Visual Impact Assessment (LVIA) submitted by the applicant in support of the application. The NCAP also noted that the area is almost entirely free of 20<sup>th</sup> Century clutter. The NCAP identifies opportunities for the further enhancement of the area, this includes:

"managing the coastal strip and hinterland to ensure that new or existing developments neither impact upon the setting or visual coherence of the coast nor pose a future threat to continued unimpeded natural processes."

15.08 SEO2 of the NCA deals with the protection, management and enhancement of the diverse but coherent landscape character and tranquillity of this rural NCA through a number of methods including:

"- Avoiding development that detracts from the character, natural beauty and tranquillity of the NCA...."

15.09 SEO4 of the NCA Profile refers to heritage assets – and advises "maintaining the principally rural setting in which these assets are found and within which most of them have their best context".

15.10 The applicant states that in response to the sensitive nature of the site, the development has been designed to be as minimally visually intrusive as possible. To achieve this, the food vehicles will be timber clad. The canopy tent will be coloured beige, as the applicant considers that this would help it to integrate more successfully into the landscape. Officers consider that the cladding of the food vehicles could assist in integrating them more successfully into the landscape, however, as these are temporary structures and the planning permission is to change the use of the land, officers have concerns about the ability to control this element of the proposal.

15.11 The beige canopy is considered by officers not to integrate well into the area. Prominent views of the canopy will be available from the south east, by Clavell Tower, the south east, along the South West Coast Path, and along the access road

that approaches the car park from the north and east. The canopy would be prominent against the scrub that is immediately to the west when viewed from the south east and it would equally be prominent against farmland to the north when viewed from the south west. When viewed from the access road, the canopy would be prominent against the skyline and seascape given its maximum height of 4m. It is acknowledged that this is offset to a degree when viewed from the access road as the height of the road is greater than the height of the canopy. Nonetheless, it is still considered that this will introduce a new element that will harmfully impact on the local character by introducing a large manmade structure, albeit constructed of canvas, into the open area.

- 15.12 The applicant notes that the car park is often well used with cars parking on the application site that alter the character of the area. The visual impacts of the lawful use are acknowledged, however, the majority of vehicles are only present through the day and not overnight. The numbers of cars parking in the car park also vary significantly depending on the day (weekends and school holidays typically being busier). The case officer visited the site on 20<sup>th</sup> April (near the beginning of the proposed period of use) and the Landscape Architect visited in May. In both instances, the site was not fully occupied by cars. The case officer visited in the afternoon and by the end of the visit the number of vehicles on site had reduced. However, the proposed development would result on the site being permanently in use between mid April and mid September, with existing vehicular parking consolidated into the remaining parking area, which would materially alter the character of the area for a significant period of the year.
- 15.13 In addition to this, the applicant is proposing to introduce hedgerow and tree planting on the northern and eastern peripheries. This change would be permanent and would enclose an area that is characterised as being open. The applicant has subsequently submitted amended plans removing the proposed eastern hedgerow, however, concerns remain in relation to the northern hedgerow.
- 15.14 Officers also note that the site area identified by the location plan covers a larger area than that which is shown to be utilised as set out on the site layout plan. As the application is to change the use of the land, the applicant would be able to place the vehicles, canopy and benches anywhere within the application site. This could further exacerbate the visual impact of the proposal.
- 15.15 Policy D of the Purbeck Local Plan Part 1 requires development to positively integrate with its surroundings. For the reasons outlined above, it is considered that the proposal would fail to achieve this. Policy LHH: Landscape, Historic Environment and Heritage of the Purbeck Local Plan Part 1 requires proposals to conserve the appearance, setting, character, interest, integrity, health and vitality of landscape (including trees and hedgerows) assets. As outlined above, it is considered that the proposal fails to achieve this.
- 15.16 In addition, the proposal is considered to fail to protect and enhance valued landscapes and erodes the character of the undeveloped coast to a greater degree

than is already experienced by the siting of the car park on this site. Officers consider therefore that the proposal is contrary to paragraph 174 of the NPPF.

#### Impact on AONB

- 15.17 The site is situated within the Dorset AONB. The site is within the Corfe Valley Landscape Character Area, a clay valley. The character area is defined as having a settled rural character with coastal influences. The landscape condition is defined in the AONB Management Plan as good and this condition is considered to be stable.
- 15.18 The AONB Management Team have provided feedback on the scheme. They have no overriding objection to the principle of limited seasonal activity. One of the aims of the management plan is to sustainably encourage economic growth. They do, however, consider that the use of the land for this purpose for five months of the year represents a meaningful alteration to the site, as outlined in the assessment above.
- 15.19 A number of concerns have been raised by the AONB Management team regarding the proposal. The landscaping and enclosure of the site is not considered to conserve the open coastal character. They note that although the site has been used for similar schemes in the past, utilising permitted development for a temporary change of use for 28 days of the year, the number of structures that are proposed exceeds that which has previously been trialled and the number of units will add to the visual impact. They have significant concerns regarding the use of the land in the evening and some concerns regarding the displacement of parking spaces. In addition, if the application were to be supported, they would wish to see further details in relation to the scale and appearance of the tent and the other structures. Officers consider that the evening use of the site, introducing lighting and increasing the intensity of additional recreational activity, would reduce the tranquillity that is characteristic of the area and forms part of the special quality of the AONB. Hours of operation might be controlled by condition, but the structures would remain throughout the season of use.
- 15.20 In light of the concerns raised, the AONB Management Team advocate a temporary planning permission to allow further assessment of the impacts of the scheme before a permanent decision is made. While officers note this suggestion, given the impacts of the proposal upon the landscape, it is considered that the proposal in its current form cannot be supported and is contrary to Policy LHH: Landscape, Historic Environment and Heritage of the Purbeck Local Plan Part 1.

#### Impact on setting of World Heritage Site

- 15.21 The site is adjacent to the Jurassic Coast UNESCO World Heritage Site, approximately 10m from the site at its closest point. Kimmeridge Bay is an important locality in the context of the geological history that is exposed. The Jurassic Coast Trust have been consulted and they have concluded that the ability to appreciate the stratigraphy and structure that surrounds the site will not be impacted by the

proposal. Further, the area is significant for its palaeontological record, however, these again are not considered to be harmfully impacted by the proposals.

- 15.22 The area is considered to be important for ongoing scientific investigation and educational use, and for understanding the role in the history of science. The public rights of way that cross the site will not be impeded by the proposals and therefore the development is not considered to impact on the ability for continuing investigation.
- 15.23 In relation to the experiential setting of the World Heritage Site (WHS), it is important to manage the area to protect the Outstanding Universal Value of the area, this includes the sensory experience of the site. The Jurassic Coast Trust consider that the development will not have a significant impact on the experiential setting of the WHS. Taking all of the above into the account, the proposal is not considered to have a harmful impact on the setting of the World Heritage Site.

#### Impact on heritage assets

- 15.24 The site is situated within close proximity to heritage assets, notably the Grade II listed Gaulter Cottages to the west of the site, the Grade II listed Clavell Tower to the south and the Alum Works to the south which form a Scheduled Ancient Monument (SAM). The proposed development has the potential to affect the setting of these three designated heritage assets. There is a statutory duty to preserve or enhance the setting and historic interest of listing buildings, policy LHH requires that heritage assets are preserved and NPPF chapter 16 requires that great weight should be given to their conservation.
- 15.25 Gaulter Cottages, former coastguard cottages are the nearest of the heritage assets to the development site. The development will not impact on the cottages' spatial and functional relationship to the sea or the track down to it, which provides historical context to the cottages. At present, the cottages are in an isolated location and the installation of the development will result in a reduction in the perceived isolation of them.
- 15.26 The proposal will be partially visible from the Alum Works SAM. The Council's Conservation Officer considers that the introduction of planting proposed would reduce the impact, although, as stated above, the planting would alter the open character of the area which in itself is harmful. The views from Clavell Tower towards the car park will also be impacted by an increase in development and a loss of isolation.
- 15.27 Officers have identified that there will be a degree of impact resulting from the proposed development upon the setting of nearby designated heritage assets, but this will be limited within the wider landscape setting and due to the temporary nature of the development, so is not judged to represent harm. The proposal will preserve the significance of heritage assets as required by statute and policy so Officers have no objection to the proposal on these grounds.

Impact on neighbouring amenity

- 15.28 The site is rural but there are pockets of residential development in the area. The nearest residential properties are Gaulters Cottages which are approximately 45m from the boundary to the west. Given the distances between the properties and the application site officers are satisfied that there will not be any harmful overlooking and the proposal will not be overbearing on the neighbouring properties.
- 15.29 The applicant has indicated their intention that noise levels will be kept to a minimum. It is accepted that during the day, the existing car park generates a degree of noise from vehicular movements and noise associated with people accessing the beach, picnicking etc. Officers have been in discussion with colleagues from the Environmental Health Team regarding the potential impact of noise on nearby residents. It is noted the restaurant would be serviced by existing electricity points, negating the need for generators. Further, extraction units would not be required due to the open nature of the units allowing natural ventilation. The use of the restaurant in the evenings is likely to result in an increase in the background noise experienced. However, this could be limited by controlling the hours of operation and number of covers. It is also noted that the neighbouring Gaulter Cottages are situated on a lower ground level than the restaurant, and therefore any odour emanating from the development would be unlikely to impact the cottages. This being the case, the relationship with neighbouring residential properties is considered to be acceptable.

Access and Parking

- 15.30 The proposed site forms part of the car park providing access to Kimmeridge Bay. Granting of planning permission would result in the loss of part of the car park during the busiest months for visitors. Due to the informal nature of the parking the exact number of parking spaces that would be lost cannot be calculated. Officers have discussed the loss of parking provision with the applicant who has advised that the car park always has sufficient capacity, even during the peak tourist season.
- 15.31 The car park is privately owned and managed, therefore it is at the applicant's discretion to decide whether they wish to reduce the capacity of the car park in order to provide space for this development. Officers would not be likely to support a future application for the expansion of the car park or for the change of use of additional land for car parking arising from the loss of capacity as a result of the development.

Economic Benefits

- 15.32 The applicant has indicated in the application form that the proposed development would provide 15 part time employees. Policy E: Employment of the Purbeck Local Plan Part 1 states that small scale employment will be encouraged. As such, the provision of seasonal part time employment arising from the proposal is given some weight in favour of the application.

Public Rights of Way (PROW)

- 15.33 Two public rights of way run to the south and west of the site respectively. The proposed development will not encroach onto either of the public rights of way and will not obstruct them. In this respect the development is considered to be acceptable.

Biodiversity

- 15.34 The applicant has submitted a biodiversity survey for the proposal which indicates that there are no protected species present within the application site. The site is also considered to be unlikely to be suitable as a habitat for protected species due to the use of the site as a car park. The survey advises that if the application is to be supported, a condition relating to the use of external lighting should be included. The Council's Natural Environment Team concur with this and advise that other enhancements in the report should be the subject of planning conditions.

**16.0 Conclusion**

The proposal is considered to result in harm to the character of the Area of Outstanding Natural Beauty by virtue of developing a piece of land in a sensitive location that is otherwise characterised by its isolation and openness. The benefit arising from the creation of part-time seasonal employment is not judged sufficient to outweigh the harm.

**17.0 Recommendation:** Refuse for the following reasons.

**Reasons For Refusal:**

1. The proposal, by virtue of its scale and form would result in a harmful alteration to the character of the presently undeveloped landscape within the Dorset Area of Outstanding Natural Beauty due to a seasonal temporary loss of the open nature of the site and introduction of uncharacteristic planting. It is therefore contrary to Policies CO, LHH and D of the Purbeck Local Plan Part 1 and Paragraphs 174 and 176 of the National Planning Policy Framework.

**Informative Notes:**

1. The plans that were considered by the Council in making this decision are: 3180\_L\_LP\_0\_01, 3180\_L\_SL\_0\_02, 3180\_L\_ELE\_0\_01 rev C, 3180\_L\_SL\_0\_01 rev B, 3180\_L\_SL\_0\_01 rev C and 3181\_L\_SL\_02
2. National Planning Policy Framework  
In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on

7 September 2022

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 did not take the opportunity to enter into pre-application discussions.
- The applicant was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.

**Background Documents:**

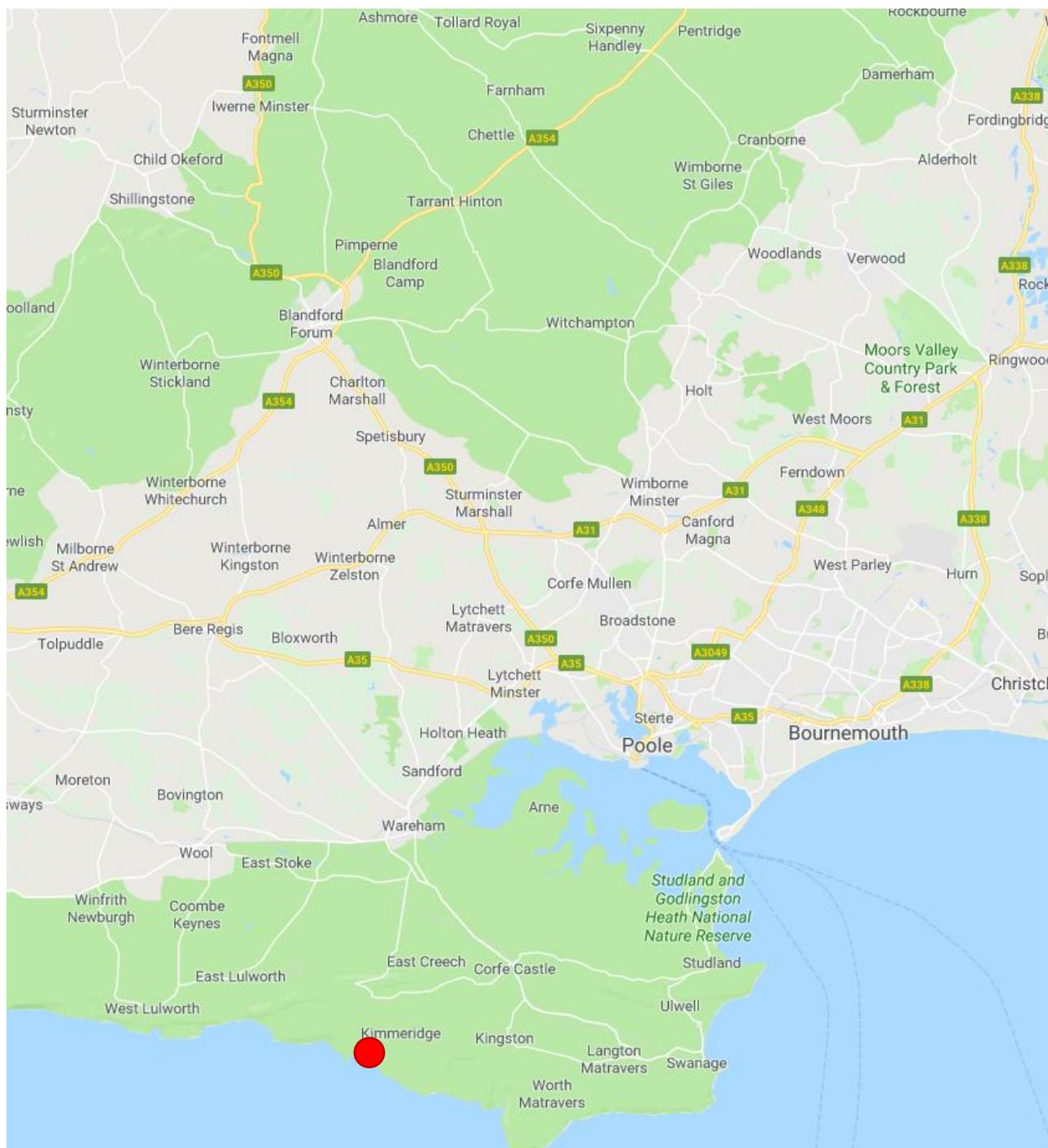
NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the Council's website.

● Approximate Site Location

Application reference: P/FUL/2022/01864

Site address: Kimmeridge Bay Car Park, Kimmeridge, Wareham, BH20 5PE

Proposal: Seasonal change of use for parking of catering vehicles, providing a dining area and siting of associated temporary structures



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<b>Application Number:</b>	P/FUL/2021/05633		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Land to the front and side of Old Oaks Eastworth Road Verwood BH31 7PJ		
<b>Proposal:</b>	Sever land and erect a detached 3 bedroom chalet bungalow with associated vehicular access and parking.		
<b>Applicant name:</b>	Flamant Construction Limited		
<b>Case Officer:</b>	Lucy Page		
<b>Ward Member(s):</b>	Cllr Coombs, Cllr Flower and Cllr Gibson		
<b>Publicity expiry date:</b>	28 March 2022	<b>Officer site visit date:</b>	12 April 2022
<b>Decision due date:</b>	12 July 2022	<b>Ext(s) of time:</b>	12 July 2022

- 1.0** The application has been referred to committee by the Service Manager for Development Management.
- 2.0 Summary of recommendation:**  
GRANT subject to conditions.
- 3.0 Reason for the recommendation:** as set out in para 16.1 at the end of the report
  - The development proposal would provide an additional dwelling in the built up area of an appropriate layout and design that would not have an adverse impact on the character and appearance of the area or the surrounding landscape.
  - The development would not result in any significant harm to neighbouring residential amenity and the occupants of the proposed dwellings would enjoy an acceptable standard of amenity in accordance with Policy HE2 of the Local Plan.
  - With the amendments secured the proposal would not have an adverse impact on road safety and would provide an acceptable level of on-site parking provision.
  - The proposal would provide appropriate mitigation for its impact on biodiversity and biodiversity enhancement would be secured.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable. The site is in the built up area of Verwood where the principle of development is acceptable.
Scale, design, impact on character and appearance	Acceptable. The proposal is considered to be an appropriate design and scale and would have an acceptable impact on the character and appearance of the immediate area in accordance with Local Plan policies HE2 and HE3.
Effect on trees	Acceptable, subject to conditions.
Impact on amenity	Acceptable.
Effect on biodiversity	Acceptable, subject to conditions.
Economic benefits	Acceptable.
Access and Parking	Acceptable.

#### 5.0 Description of Site

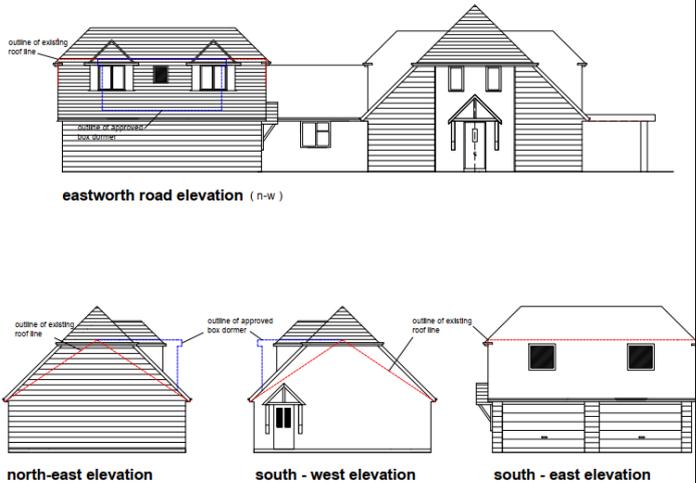
The application property comprises land to the front/side of an existing two-storey dwelling and garage known as Old Oaks located in the town of Verwood. The 496 sqm site is located on the corner of Eastworth Road and Edmondsham Road and currently comprises an area of open land between the highway and Old Oaks. There are two Oak Trees that are the subject of a Tree Preservation Order within this space; one just outside of the red line boundary and one within it that are visible in the street scene, and both are proposed to be retained. Both trees are within land controlled by the applicant.

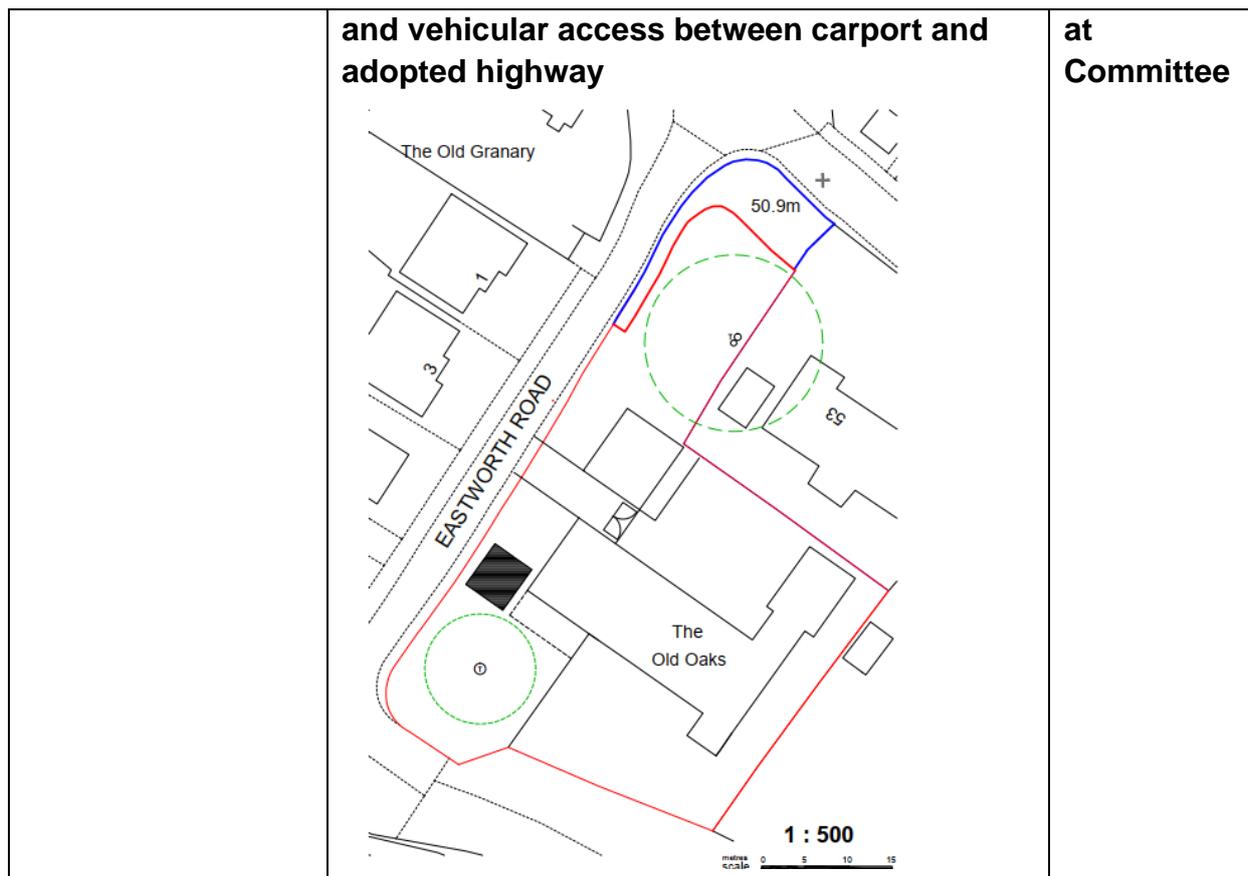
Following the construction of residential development on the western side of Eastworth Road (opposite the site), the surrounding area is now a more built up residential area comprising dwellings which vary in their style and age, including single storey, chalet and two storey properties. The site is located within the Verwood Urban Area as designated in the Christchurch and East Dorset Core Strategy (CS).

#### 6.0 Description of Development

The proposed development seeks to sever the land to the front and side of the dwelling known as Old Oaks and to erect a detached 3 bedroom chalet bungalow with associated vehicular access and parking. The proposal would extend the existing detached double garage serving Old Oaks, introducing an additional wing which would extend forward of the front elevation of the existing garage structure. Some of the existing open land to the front/side of the site would be enclosed by close boarded fencing with hedging in front to provide a private garden area.

## 7.0 Relevant Planning History

Application	Proposal	Decision
3/18/0631/HOU	Two storey side extension and alteration to roof	Granted 17/08/2018
3/19/0243/HOU	Proposed timber frame car port with office	Granted 20/03/2019
3/20/0940/HOU	<p>Alterations to the existing garage, raising the roof creating two dormers to the Eastworth Road Elevation</p> 	Granted 02/02/2021
P/FUL/2021/05010	<p>Sub-divide the existing building to change the use of annex to form 1no. self contained dwelling</p> 	Granted
P/FUL/2021/05535	Change of use of verge to form part of residential curtilage. Erect detached carport	Also being considered



## 8.0 List of Constraints

Within the Urban Area of Verwood

Two Tree Preservation Orders: Description: English Oak

Within 5km of SSSIs: Holt and West Moors Heaths; Bugden's Copse and Meadows, Moors River System & Verwood Heaths

## 9.0 Consultations

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

### Consultees

#### **Natural England**

- No objection subject to appropriate mitigation being secured.

**Dorset Council Highways (initial response received 11.01.2022)**

- Request for a detailed plan showing site access and including a detailed layout of the proposed turning and parking area for the site. Also a plan showing the exact site boundaries, showing the definition between the public highway and the land in the applicant's control.

**(comments following amended plans received 23.05.2022)**

- With regards to the amended plans submitted, DWG. No; 104/1221; as the applicant is proposing to take highway land from the junction with Edmondsham Road, can they confirm that the visibility splays from Eastworth Road onto Edmondsham Road will not be affected.
- The permeable paving that is shown on the submitted plans, this is not acceptable within the highway. The applicant would need to remove this and use a construction that is acceptable to Dorset Highways.

**Dorset Council Trees (East & Purbeck) (received 13.01.2022)**

The new dwelling will be dominated by the TPO trees but the internal layout has been designed to avoid undue pressure so no objection subject to conditions.

**Dorset Council Building Control (received 24.12.2021)**

- No building regulation issues to raise.

**Cllr Flower- Verwood Local Ward Member** (received 14/07/2022 as part of Scheme of Delegation process)

- There is an ongoing matter of a fence erected by the applicant on land which is designated as highway verge at the adjacent property in his ownership - The Old Oaks. The site location plan appears to be attempting to legitimise the incorrect position for the front fence, which has been moved forward by the houseowner. This matter is currently subject to enforcement action.
- The highway verge is a designated safe route to Trinity School so I have real concerns regarding the safety of the young people who use this route on an ongoing basis.
- I also note there are two mature trees in the proposed severance plot which, given their huge amenity value will surely benefit from TPO's. The existence of these two trees significantly reduces the amenity of the severance plot garden area. If approved the council can expect an application to remove one or both of these trees and for that reason alone I am of the opinion this application should be refused.

**(further comments received 18/08/2022)**

My big concern is not so much about the actual building being proposed, more the longer term pressure on the two mature oak trees, significantly

overshadowing and dominating the land which will become the garden. These tree are of significant amenity value.

### **Verwood Town Council**

- Objection – Contrary to Policy HE2 – Scale, Height, Visual Impact, Relationship to nearby properties including minimising general disturbance to amenities. Concerns regarding removal of trees and highways comments regarding the access to the property.

### **Representations received**

The application was advertised by Site Notice. No comments were received.

## **10.0 Relevant Policies**

### **Adopted Christchurch and East Dorset Local Plan:**

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

- KS1 - Presumption in favour of sustainable development
- KS2- Settlement hierarchy
- KS3 – Green Belt
- KS11 - Transport and Development
- KS12- Parking Provision
- LN1- Size and Types of New Dwellings
- LN2- Design, Layout and Density of New Housing Development
- HE1 – Valuing and Conserving our Historic Environment
- HE2 - Design of new development
- HE3 - Landscape Quality
- ME1- Safeguarding biodiversity and geodiversity
- ME2 - Dorset Heathlands

### **Other Material Considerations**

Dorset Heathlands Planning Framework SPD 2020-2025

National Planning Policy Framework:

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.

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 79-80 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' - Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

National Planning Practice Guidance.

## **11.0 Human rights**

Article 6 - Right to a fair trial.

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

The first protocol of Article 1 Protection of property.

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

## **12.0 Public Sector Equalities Duty**

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

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

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

The proposal would result in a new dwelling being provided within the settlement boundary of Verwood. In this regard the occupants would be able to access nearby facilities including shops, churches, doctors and leisure facilities and access public transport. The proposal is not judged to result in disadvantage to persons with protected characteristics.

### 13.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
CIL Contributions	£ 43,531.47
Estimated annual council tax benefit	£ 3231.38
New Homes Bonus	Approx. £1000

### 14.0 Climate Implications

The proposal provides housing within an existing settlement with access to local amenities and public transport links to larger settlements. The dwelling would be built to current Building Control standards, existing mature Oak trees would be retained and additional native planting would be secured. The dwelling would be serviced by suitable drainage to prevent surface water flooding.

### 15.0 Planning Assessment

15.1 The main considerations involved with this application are:

- Principle of development
- Scale, design and impact on the character of the area
- Impact on trees

- Highways and Parking
- Biodiversity including Dorset Heathlands
- Impact on amenity

#### Principle of Development

- 15.2 The site is located within the Verwood Urban Area as designated in the Christchurch and East Dorset Core Strategy (CS). The principle of the proposed development is acceptable subject to all other matters being acceptable and compliance with other relevant policies which are considered in this report.

#### Impact on the character and appearance of the area

- 15.3 The site sits on the corner of Eastworth Road and Edmondsham Road. The proposal would introduce a chalet style dwelling, similar in characteristics to the existing Old Oaks dwelling but with a lower roof ridge height of approximately 6.6 metres (compared to 7.5 metres for the main roof of Old Oaks). It is relevant that a new housing development is under construction on the opposite side of Eastworth Road which includes completed two storey dwellings immediately adjacent to the application site which have eroded the previous spaciousness of this part of the road.
- 15.4 A previous appeal decision for the detached garage building (which forms part of this current application) considered the effect of development on this land. It is pertinent that the Inspector considered, *“There are no extensive views to the appeal site when approaching from either direction due to the curve of Edmondsham Road to the south-east and mature trees to the north-west such that the site does not form a focal point. Although the proposed development would be clearly visible when in proximity it would be seen in the context of existing development and vegetation rather than isolated. This context would reduce its visual impact.”*
- 15.5 It is acknowledged that the current proposal to convert and extend the garage building to a dwelling would increase the amount of built form and extend it closer to the highway however amendments to the application have been made in the light of officer concerns to slightly reduce the size of the extension to the garage building which would extend approximately 4.8m towards Eastworth Road. Whilst this addition would reduce the space between existing built form and the carriageway it was noted during the site visit that beyond the site, residential properties are set closer to the highway and this built form can be seen when looking across the site from Edmondsham Road. The plot size for the new dwelling is commensurate with those provided for the new development opposite. It is considered that whilst a large addition to the existing building, the conversion and extension of the garage would sit appropriately in the context of the existing pattern of development and is acceptable in this regard.

- 15.6 The proposal also includes the extension of residential curtilage of the area of mown grass land between the garage building and Eastworth Road and Edmondsham Road. The initial proposal included all of the land up to Edmondsham Road however, as part of discussions between the agent, amended plans were received which reduce the extent of the residential curtilage proposed to enable part of the open character of this corner site to be retained. The plans now indicate that a distance of 7m would be retained between the fence line/hedged boundary of the garden area and the carriageway of Edmondsham Road and a distance of 2m between the fence line/hedging and the carriageway of Eastworth Road. This will retain a sense of the open character on this corner within the two streetscenes and would also ensure that one of the two large Oak trees and the existing street furniture remain visible as part of the open front boundary when travelling along Edmondsham Road. Following the amendments it is judged that the proposal would be compatible with its locality in accordance with policy HE2 subject to a condition to remove permitted development rights for outbuildings which could negatively harm the open character (no. 13).

#### The impact on trees

- 15.7 The site benefits from two large specimen Oak trees which benefit from the protection of a Tree Preservation Order and it is acknowledged that concern about the impact of development on these trees has been raised by a Ward Councillor as well as the Town Council. It is relevant that prior to the submission the landowner and tree officer discussed the limitations of the site and how any new building should be laid internally to minimise the Oak trees dominance on the scheme. It was also identified at that meeting that a disused foul drain existed running in front of the Oak (T2) nearest the building at a depth of some 1.5 – 2m. Effectively the presence of the drain has acted as a root barrier. The Tree Officer has confirmed that the proposed 'no dig screw auger construction' is the only acceptable build method due to its simplicity and no use of concrete, however it is noted that the building would still be dominated by the Oak (T2).
- 15.8 The trees' positioning within the site is such that their canopies, particularly T2 would shade/partially shade the majority of the rear/side garden area during the summer months however there is still a small proportion of the garden area which would remain free from this effect, sufficient that officers do not consider that refusal on grounds of future pressure on the trees would be warranted. In relation to the internal layout, the open plan nature of the dwelling and the use of fenestration is such that no habitable room would rely solely on light from the windows on the north elevation (closest to the trees). In order to control future extensions and windows which could result in unacceptable pressure on trees, as well as impacts on neighbouring amenity, condition 8 and 12 would remove these permitted development rights.

- 15.9 The application is supported by an Arboricultural Statement which confirms that the development could be accommodated without detriment to these protected trees (subject to condition) and the Tree Officer has confirmed their agreement with this approach. It is considered relevant that future occupants of the property would be aware the relationship of the site and these protected trees. The Tree Officer has confirmed that the submitted RNapc tree report has met the tree constraints and subject a pre commencement site meeting the scheme (condition no. 3), if undertaken correctly, will have little if any impact on the trees. Confirmation of foundation detail would be needed along with a detailed construction method statement and services plan. Conditions to this effect have been added.
- 15.10 It is considered on balance that whilst much of the external amenity space would be affected in some part by shade from the tree canopy, the dwelling and internal living space would not be significantly affected, and the protected trees could be successfully retained both during and following development. The development is acceptable in relation to its impact on trees and would accord with the aims of Policy HE2 of the Local Plan.

The effect on the highway and parking

- 15.11 As described earlier in the report, the initial proposal included all of the land up to Edmondsham Road however this has now been reduced to enable space between the fence line demarcating the new residential curtilage and the carriageway. The plans now indicate that a distance of 7m would be retained between the fence line/hedged boundary of the garden area and the carriageway of Edmondsham Road and a distance of 2m between the fence line/hedging and the carriageway of Eastworth Road. It is considered that these changes would address the concerns raised by Cllr Flower, as ward member, including visibility onto Edmondsham Road as the 7 metre setback of the hedgeline/fencing would enable visibility splays to be maintained and with a 2 metre set back along Eastworth Road (apart from immediately in front of the dwelling), pedestrians would still be able to use this land, (although it is relevant that there is a tarmacked footpath on the opposite side of Eastworth Road).
- 15.12 The existing garage building would continue to provide one integral parking space with additional parking to the front of the building. The existing dwelling at Old Oaks would continue to be able to utilise a large parking area to the rear/side of their dwelling which is accessed between the existing garage and the existing dwelling. It is considered that the development provides sufficient parking for the new development and the existing dwelling would also maintain a suitable level of parking and manoeuvring within their plot.
- 15.13 The Highways Officer has raised no objections to the plans with the exception of the proposed porous materials which do not meet highway standards and confirmation

that the development would not affect existing site lines. As confirmed previously in the report the proposal has since been amended to pull back the boundary so that there is a 7 metre distance between the carriageway and the hedge/fencing along Edmondsham Road and 2 metres from Eastworth Road. A condition (no. 6) has been added for details of the construction of the access to be submitted to and approved in writing by the LPA and the agent has agreed to this pre-commencement condition. It is considered that with this condition in place, the proposal would have an acceptable impact on the highway and would accord with Policies KS11 and KS12 of the Local Plan.

#### Biodiversity

- 15.14 With the exception of the Oak trees which are a positive biodiversity benefit on the site, there are few existing features within the site that encourage wildlife.
- 15.15 The application provides opportunities to incorporate features into the design which are beneficial to wildlife. Measures such as the incorporation of roosting opportunities for bats and the installation of bird nest boxes or bowls and a bee bricks within the design are appropriate and securing the implementation of such biodiversity enhancement measures would be in line with Local Plan policy and the National Planning Policy Framework (NPPF 2021). Condition 10 secures this.

#### Impacts on Dorset Heathlands

- 15.16 The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and a European wildlife site. The proposal for a net increase of one residential unit, in combination with other plans and projects and in the absence of avoidance and mitigation measures, is likely to have a significant effect on the site. It has therefore been necessary for the Council, as the appropriate authority, to undertake an appropriate assessment of the implications for the protected site, in view of the site's conservation objectives.

The appropriate assessment (separate document to this report) has concluded that an additional dwelling in this location would result in likely significant effects set out in the Dorset Heathlands Planning Framework SPD.

The mitigation measures set out in the Dorset Heathlands 2020-2025 SPD can prevent adverse impacts on the integrity of the site. The SPD strategy includes Heathland Infrastructure Projects (HIPs) and Strategic Access Management and Monitoring (SAMM). In relation to this development the Council will fund the HIP and SAMM provision via the Community Infrastructure Levy. The strategic approach to access management is necessary to ensure that displacement does not occur across boundaries. With the mitigation secured the development will not result in an adverse effect on the integrity of the designated site so in accordance with regulation 70 of the Habitats Regulations 2017 planning permission can be granted; the application accords with policy ME2.

### The Effect on Amenity

- 15.17 The dwelling would sit adjacent to the existing dwelling known as Old Oaks and the annex building, which has been recently been approved to become a separate dwelling (P/FUL/2021/05010). To the east of the site there is a single storey residential property known as 53 Edmondsham Road.
- 15.18 In relation to the impact on Old Oaks the development would increase the size and height of the existing garage building and introduce more windows. The plans indicate that there would be no windows at either ground or first floor level facing towards the front elevation of Old Oaks. Given the close relationship between these two properties it is considered necessary to restrict openings in this elevation to ensure that a suitable level of amenity is maintained.
- 15.19 On the rear elevation there are two roof lights at first floor level facing towards the rear garden of no.53, serving the stairwell and a bedroom en-suite. The stairwell rooflight is high level and would not enable views however given the proximity of the ensuite window to the boundary it is considered reasonable to condition that this is obscured glazed. There are also two roof lights serving a bedroom and dressing area that face over the parking area of Old Oaks and towards the single storey element of that dwelling. There is a distance of approximately 18 metres between these buildings and given that the view is over the parking area of Old Oaks it is not considered that it is necessary to condition that these windows are obscured glazed.
- 15.20 The additional wing of the building would sit adjacent to part of the side boundary with no.53. The roof ridge height at this point would be 6.6 metres however the eaves are low (2.27m) and the roof would pitch away from the boundary. The orientation of the building in relation to this neighbour is such that a limited amount of additional shadowing would be created over part of their garden during part of the afternoon however the majority of their private amenity space would remain unaffected.
- 15.21 With regards to plot sizes, the retained garden for Old Oaks and the proposed garden for the new dwelling provides sufficient space for outside amenity and is acceptable in this regard. It is considered necessary however to restrict any additional outbuildings by condition. Condition 13 secures this.

### **16.0 Conclusion**

The site is located within the Verwood Urban Area as designated in the Christchurch and East Dorset Core Strategy (CS) where the principle of residential development in this location is acceptable. It is considered that whilst a large addition to the existing building, the development would sit appropriately in the context of the existing pattern of development and is acceptable in this regard. The proposed retention of open land between the fence/hedging and the highway and confirmation

that protected trees could be successfully retained and maintained on the site will ensure a sense of the open and verdant character on this corner within the two streetscenes is continued, and following the amendments made it is considered that the proposal would be compatible with its locality, in accordance with policy HE2.

The Highways Officer has confirmed that subject to conditions, the development could be accommodated without detriment to highway safety. The development would also be acceptable in relation to amenity and with the biodiversity mitigation secured the development would accord with the aims of Policies ME1 and ME2 and the Dorset Heathlands SPD.

Subject to conditions, the development accords with Local Plan policies KS1, KS2, KS11, KS12, LN1, LN2, HE1, HE2, HE3, ME1 and M2 and the NPPF (2021) and is recommended for approval.

Written agreement to the pre-commencement conditions was received from the applicant on the 8 July 2022.

**17.0 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:  
100 0622 Site location and block plan  
101 1221 Ground and first floor plans  
102 1221 Proposed elevations (southwest, southeast, northeast)  
103 1221 Elevations (Eastworth Road and roof)  
104 0622 Site plan (including boundary treatment)

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

3. Prior to commencement of works (including site clearance and any other preparatory works) a pre-commencement site meeting between the Council's Tree Officer and the Arboricultural Consultant or Site Manager shall take place to confirm the protection specification for the affected protected trees. The protection of the trees shall be in accordance with the RNapc Tree Report Reference 233/AIA/1 dated 17 December 2021. The tree protection measures shall be erected in accordance with BS5837:2012 and shall be positioned as shown on the Tree Protection Plan ref RNapc Reference 233/AIA/1 dated 17 December 2021. This is to be erected before any equipment, materials or machinery are brought onto the site for the purposes of development (including demolition). The protection shall be retained until the development is completed and nothing shall be placed within the fencing,

nor shall any ground levels be altered, or excavations made without the written consent of the planning authority.

Reason: To comply with the arboricultural and landscape requirements and to ensure that trees and landscape amenity are not harmed or lost during any stage of this development.

4. Notwithstanding details already submitted with the application, no development shall commence on site until a construction method statement and the final foundation design for the proposed building have been submitted to and approved in writing by the Local Planning Authority. The building shall then be erected as per the approved documents.

Reason: To comply with the arboricultural and landscape requirements and to ensure that trees and landscape amenity are not harmed or lost during any stage of this development.

5. Prior to the commencement of works (including site clearance and any other preparatory works), a plan showing all service routes, including the position of any soakaways and ground source heat pumps, shall be submitted to and agreed in writing by the LPA. The development shall then be carried out in full accordance with the approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

6. Prior to commencement of development and notwithstanding the submitted plan drawing number 104/0622 showing permeable surfacing for the vehicular access and hardstanding, details of the materials to be used in the construction of the vehicular access and hardstanding and including visibility splays shall be submitted to and approved in writing by the LPA. The development shall be laid out, constructed and surfaced and thereafter retained and maintained in accordance with the approved details.

Reason: In the interests of highway safety.

Note: The use of permeable surfacing is unacceptable in relation to the highway crossover.

7. Prior to development above damp proof course level, details (including colour photographs) of all external facing materials for the walls and roof shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

8. 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 window(s) or other opening(s) permitted by Class A of Schedule 2 Part 1 of the 2015 Order shall be constructed in the southwest elevation of the building hereby approved.

Reason: To protect neighbouring amenity and the character of the area.

9. The roof light on the southeast elevation serving the bedroom en-suite at first floor level shall be fitted with at least Industry Standard level 3 privacy screening (or similar alternative) which shall be installed prior to the first occupation and shall be retained as such thereafter.

Reason: To protect amenity and privacy.

10. The development shall include 2 bat boxes, 2 bird boxes and 2 bee bricks which shall be installed prior to first occupation and these features shall thereafter be maintained and retained on the site.

Reason: To enhance biodiversity on the site.

Note: See informative 5 for details.

11. Prior to the commencement of any development hereby approved, above damp course level, a soft landscaping and planting scheme showing the mix of native species and spacing of the boundary hedging as shown on plan 104/0622 shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development. The scheme shall include provision for the maintenance and replacement as necessary of the hedgerow planting for a period of not less than 5 years.

Reason: In the interest of visual amenity.

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 enlargements or roof enlargement(s) or alteration(s) of the dwellinghouse hereby approved, permitted by Class A, Class B and Class C of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

Reason: To control additional development which could increase pressure on protected trees and to protect amenity and the character of the area.

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 garages, sheds or other outbuildings permitted by Class E of Schedule 2 Part 1 of the 2015 Order shall be erected or constructed.

Reason: To protect amenity and the character of the area.

**Informative Notes:**

1. Informative: National Planning Policy Framework Statement  
In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.  
The council works with applicants/agents in a positive and proactive manner by:
  - offering a pre-application advice service, and
  - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.  
In this case:
  - The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.
  - The applicant was provided with pre-application advice.
  - The application was acceptable as submitted and no further assistance was required.
2. Informative: This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.
3. Street Naming and Numbering  
The Council is responsible for street naming and numbering within our district. This helps to effectively locate property for example, to deliver post or in the case of access by the emergency services. You need to register the new or changed address by completing a form. You can find out more and download the form from our website [www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering](http://www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering)
4. The applicant(s) is (are) advised that the proposed development is situated in close proximity to the property boundary and "The Party Wall etc. Act 1996" is therefore likely to apply.
5. Net gain for biodiversity  
The net gain biodiversity measures required by condition 10 should accord with best practice guidance published on the Council's website [https://www.dorsetcouncil.gov.uk/w/species-and-habitat-advice-notes-and-guidancesheets?p\\_l\\_back\\_url=%2Fsearch%3Fq%3Dspecies%2Band%2Badv%2Bice%2Bsheets](https://www.dorsetcouncil.gov.uk/w/species-and-habitat-advice-notes-and-guidancesheets?p_l_back_url=%2Fsearch%3Fq%3Dspecies%2Band%2Badv%2Bice%2Bsheets)

**Background Documents:**

Eastern Planning Committee  
7 September 2022

Case Officer: Lucy Page

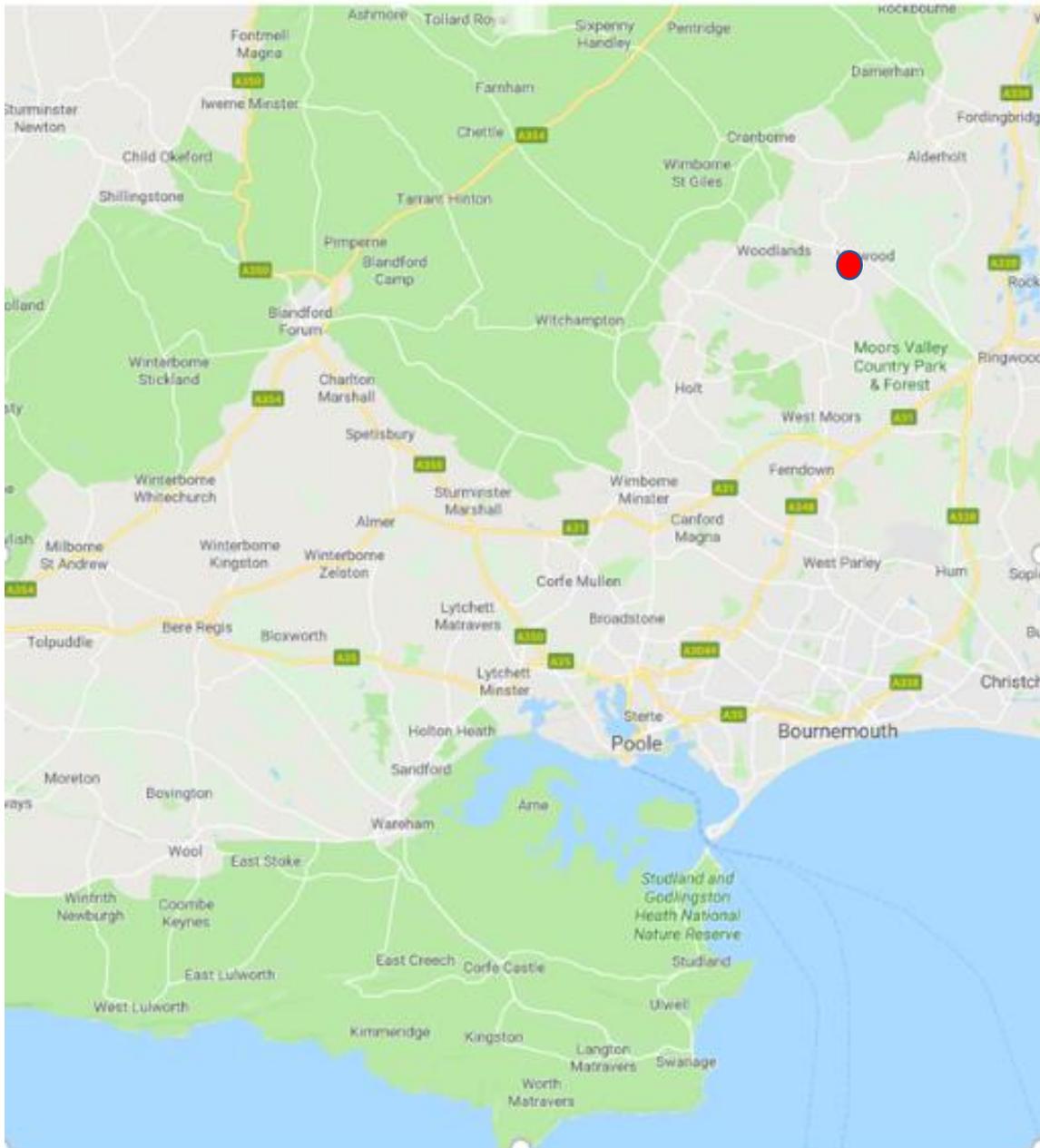
NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the Council's website.

● Approximate Site Location

Application reference P/FUL/2021/05633

Site address Old Oaks, Eastworth Road, Verwood, BH31 7PJ

Proposal: Sever land and erect a detached 3 bedroom chalet bungalow with associated vehicular access and parking.





<b>Application Number:</b>	P/FUL/2021/05535		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Land to the front and side of Old Oaks Eastworth Road Verwood BH31 7PJ		
<b>Proposal:</b>	Change of use of verge to form part of residential garden. Erect detached carport and vehicular access between carport and adopted highway.		
<b>Applicant name:</b>	Mr F De Kock		
<b>Case Officer:</b>	Lucy Page		
<b>Ward Member(s):</b>	Cllr Coombs, Cllr Flower and Cllr Gibson		
<b>Publicity expiry date:</b>	2 March 2022	<b>Officer site visit date:</b>	12 April 2022
<b>Decision due date:</b>	12 July 2022	<b>Ext(s) of time:</b>	12 July 2022

**1.0** The application has been referred to committee by the Service manager.

**2.0 Summary of recommendation:**

GRANT subject to conditions.

**3.0 Reason for the recommendation:** as set out in para 15.1 at end

- The development proposal with appropriate conditions requiring further details of landscape planting would ensure that the change of use of the verge and the erection of carport and highway access would not have an adverse impact on the character and appearance of the area or the surrounding landscape.
- The development would not result in any significant harm to neighbouring residential amenity in accordance with Policy HE2 of the Local Plan.
- With the amendments secured the proposal would not have an adverse impact on users of the highway network and would provide an acceptable level of on-site parking provision.
- The proposal could be implemented without detriment to protected trees and would accord with the aims of Policy of the Local Plan.

#### 4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable, the development is within the settlement boundary.
Scale, design, impact on character and appearance	With appropriate conditions to secure hard and soft landscaping the development, as amended, would have an acceptable impact on the street scene.
Impact on amenity	Acceptable, the proposal would ensure that amenity was acceptably maintained.
Impact on landscape and trees	The development could be successfully accommodated without detriment to the protected Oak trees.
Access and Parking	The development would not adversely impact on highway safety and would provide off street parking to serve an existing dwelling.

#### 5.0 Description of Site

The application property comprises of the dwelling and existing garden of Old Oaks. The proposal relates to an area of mown grass to the front/side of the existing chalet style dwelling with annex and garage known as Old Oaks located in the town of Verwood. The site to which this application relates is located on the corner of Eastworth Road and Edmondsham Road and currently comprises an area of open land between the highway and Old Oaks. There are two Oak Trees that are the subject of a Tree Preservation Order within this space; one just outside of the red line boundary and one within it that are visible in the street scene, and both are proposed to be retained. Both trees are within land controlled by the applicant.

The proposal also includes the provision of a detached carport and new access to the side of the existing annex serving Old Oaks.

Following the construction of residential development on the western side of Eastworth Road (opposite the site), the surrounding area is now a more built up residential area comprising dwellings which vary in their style and age, including single storey, chalet and two storey properties. The site is located within the Verwood Urban Area as designated in the Christchurch and East Dorset Core Strategy (CS).

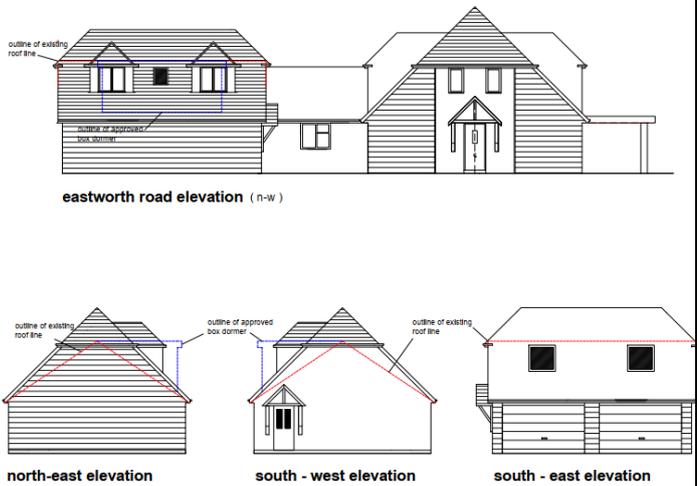
#### 6.0 Description of Development

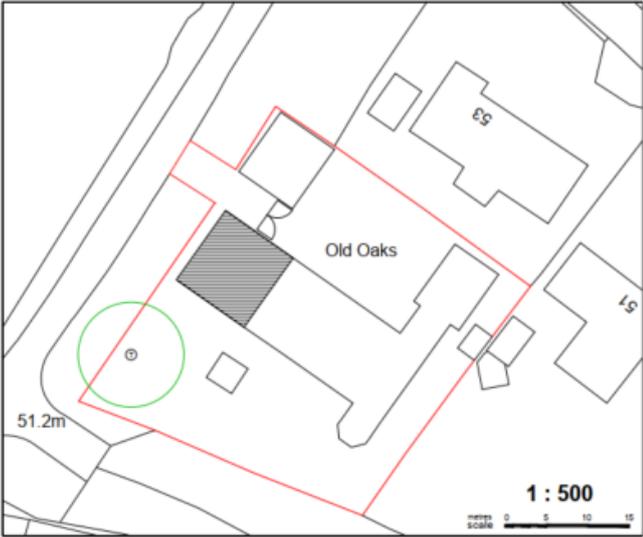
The proposed development seeks to change the use of verge to form part of residential curtilage and erect a detached carport and vehicular access between carport and adopted highway. The application comprises the extension of residential curtilage for the property known as Old Oaks on the area of mown grass land between the garage building and Eastworth Road and Edmondsham Road. The

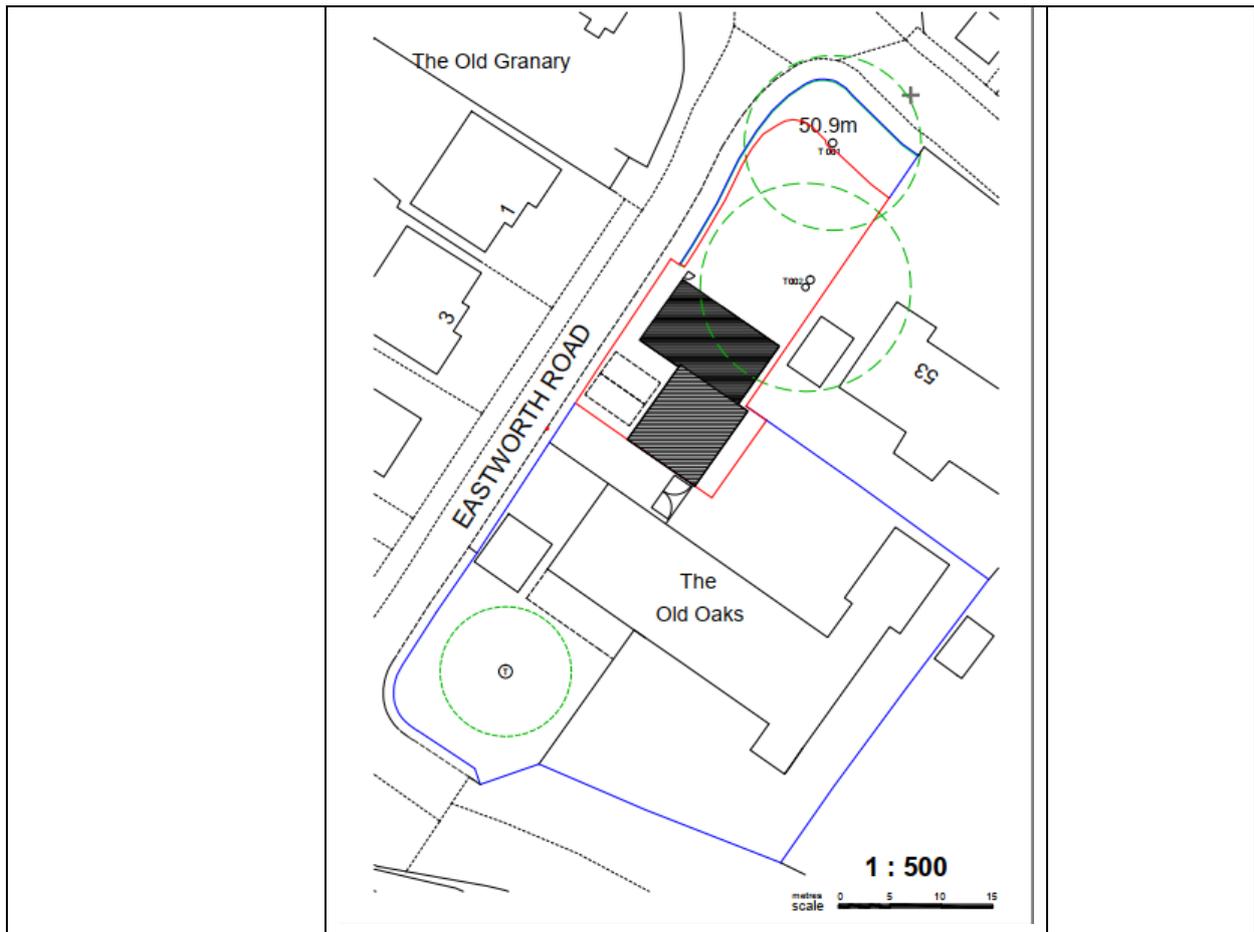
initial proposal included all of the land up to Edmondsham Road however as part of discussions between the agent and case officer, amended plans were received reducing the amount of land proposed to be included to enable part of the open character of this corner site to be retained.

During the course of this application permission has been granted for the annexe and land on which the car port would be positioned to be used as a separate dwelling (P/FUL/2021/05010) but this does not materially affect the considerations of this application.

## 7.0 Relevant Planning History

Application	Proposal	Decision
3/18/0631/HOU	Two storey side extension and alteration to roof	Granted 17/08/2018
3/19/0243/HOU	Proposed timber frame car port with office	Granted 20/03/2019
3/20/0940/HOU	Alterations to the existing garage, raising the roof creating two dormers to the Eastworth Road Elevation  	Granted 02/02/2021
P/FUL/2021/05010	Sub-divide the existing building to change the use of annexe to form 1no. self contained dwelling	Granted

	 <p><b>side elevation</b> (south - west)</p> <p><b>front elevation</b> (north - west)</p>	
<p>3/19/1382/CONDR</p>	 <p><b>block plan</b></p> <p>The block plan above (from application 3/19/1382/CONDR courtesy of B81 Architecture) shows land previously accepted as forming the residential curtilage of Old Oaks.</p>	<p>Granted</p>
<p><b>P/FUL/2021/05633</b></p>	<p><b>Sever land and erect a detached 3 bedroom chalet bungalow with associated vehicular access and parking.</b></p>	<p><b>Also being considered at Committee</b></p>



## 8.0 List of Constraints

Within the Urban Area of Verwood

Two Tree Preservation Orders: Description: English Oak

Within 5km of SSSI's: Holt and West Moors Heaths, Bugden's Copse and Meadows, Moors River System & Verwood Heaths;

## 9.0 Consultations

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

### Consultees

#### **DC - Highways**

No objection subject to conditions.

#### **DC - Trees (East & Purbeck)**

No objection subject to conditions.

**Cllr Flower- Verwood Ward Member (initial comments received)**

- I wish to raise an objection to this proposed stopping up of highway at this location as set out on the attached location diagram:
- Negative Impact of visibility onto Edmondsham Road, which itself is a narrow highway with constrained visibility and the significant amount of traffic volume, increasing by the day with the impact of the new housing development in this location
- Impact on the access to other properties which use Eastworth Road currently, the new property under construction and the impact on the safe use by pedestrians. This is a designated safe route to Trinity First School and is a huge concern which cannot be mitigated if this proposal is granted
- Concerns about the proposals impacting on the width of the access road for emergency services

**(follow up comments received confirming formal withdrawal of objection to this application)**

- My objection was the loss of the safe route to school. However, having recently visited the location I note that a formal footpath has now been installed as a result of the nearby Pennyfarthing housing development.
- Whilst not condoning the erection of the fence to the current position without permission I am now content that the adjacent footpath adequately deals with my concerns regarding the safe route to school so I formally withdraw my objection to this particular application.

**Verwood Town Council**

Objection – fully support the issues raised by Dorset Councillors.

**Representations received**

Total - Objections	Total - Support	Total - Comments
None	Two letters of representation: <ul style="list-style-type: none"> <li>• The change of use of verge and construction of carport would further improve the recent development in this area</li> <li>• Improve the character of the area</li> </ul>	

## 10.0 Relevant Policies

### Adopted Christchurch and East Dorset Local Plan:

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

- KS1 - Presumption in favour of sustainable development
- KS2- Settlement hierarchy
- KS3 - Green Belt
- KS11 - Transport and Development
- KS12- Parking Provision
- HE1- Valuing and Conserving our Historic Environment
- HE2 - Design of new development
- HE3 - Landscape Quality
- ME1- Safeguarding biodiversity and geodiversity

### Other Material Considerations

National Planning Policy Framework:

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.

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 79-80 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' - Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

## National Planning Practice Guidance

### 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.

### 13.0 Climate Implications

The proposal would result in limited built form with the addition of a timber carport. Existing trees would be retained and new native hedging would be introduced which would represent a benefit to the existing situation.

### 14.0 Planning Assessment

14.1 The main considerations are:

- The impact on the streetscene and character of the area
- Impacts on highway safety

- Impacts on protected trees

#### Impact on the street scene and character of surrounding area

- 14.2 The proposal comprises the extension of residential curtilage for the property known as Old Oaks on the area of mown grass land between the garage building and Eastworth Road and Edmondsham Road. The initial proposal included all of the land up to Edmondsham Road however as part of discussions between the agent and case officer, amended plans were received reducing the amount of land proposed to be included to enable part of the open character of this corner site to be retained. The red line boundary submitted with the application indicates this with the blue line showing land owned by the applicant but not forming part of the planning application.
- 14.3 The plans now indicate that a distance of 7m would be retained between the fence line/hedged boundary of the garden area and the carriageway of Edmondsham Road and a distance of 2m between the fence line/hedging and the carriageway of Eastworth Road. In relation to the impact on the street scene and character of the area this was important to retain a sense of the open character on this corner with two roads and would also ensure that one of the two large Oak trees and the existing street furniture remain fully visible as part of the open front boundary when travelling along Edmondsham Road. Condition 7 restricts the erection of garages, sheds or other outbuildings being erected within this area; without planning permission first being obtained and Condition 4 requires details of the boundary treatment to be agreed prior to installation. Both conditions are considered necessary to ensure that this area retains its character.
- 14.4 The proposed car port would be positioned forward of the Old Oaks between the dwelling and Eastworth Road but it would be set back from the junction of Edmondsham Road by 54.7m and with the carriageway of Eastworth Road by 2.7m. Although the structure would be approximately 4.65m tall it would remain subordinate to the scale of the dwelling and would not appear visually incongruous within its setting. Subject to being constructed with appropriate materials, the carport is judged to accord with policy HE2.

#### Impact on the highway

- 14.5 As described above, the initial proposal included all of the land up to Edmondsham Road however this has now been reduced to enable space between the fence line demarcating the new residential curtilage and the carriageway. The plans now indicate that a distance of 7m would be retained between the fence line/hedged boundary of the garden area and the carriageway of Edmondsham Road and a distance of 2m between the fence line/hedging and the carriageway of Eastworth Road. It is noted that concerns were originally raised by a Local Ward Member about the reduction to the width of the access road for emergency services,

supported by the town council, however the development does not adversely impact on the existing dimensions of the access.

- 14.6 There is also a section of the site immediately adjacent to the front elevation of the Old Oaks dwelling and up to the proposed carport that would be hard surfaced and a vehicle cross over provided. It is considered that these changes would address previous concerns regarding visibility onto Edmondsham Road as the 7 metre setback of the hedgeline/fencing would enable visibility splays to be maintained and with a 2 metre set back along Eastworth Road (apart from immediately in front of the dwelling), pedestrians would still be able to use this land, (although it is also relevant that there is a tarmacked footpath on the opposite side of Eastworth Road).
- 14.7 It is anticipated that the new carport would serve the annexe (which has permission to be used as a separate dwelling). The existing garage building would continue to provide integral parking space with additional parking to the front of the building. The dwelling at Old Oaks would continue to be able to utilise a large parking area to the rear/side of their dwelling which is accessed between the existing garage and the existing dwelling. It is considered that the development provides sufficient off-street parking for any new development which may be approved under application 2021/05633 and the existing dwelling would also maintain a suitable level of parking and manoeuvring within their plot. The Highways Officer has raised no objections to the plans, with the exception of the proposed porous materials which do not meet highway standards and subject to confirmation that the development would not affect existing site lines. A condition (no. 3) has been added for details of the construction of the access to be submitted to and approved in writing by the LPA and the agent has agreed to this pre-commencement condition. It is considered that with this condition in place, the proposal would have an acceptable impact on the highway and would accord with Policies KS11 and KS12 of the Local Plan.

#### The effect on protected trees

- 14.8 The Tree Officer and applicant were involved in discussions prior to the submission of the application. The Tree Officer has confirmed that subject to condition (conditions 5 and 6), the development could be successfully accommodated without detriment to the protected Oak trees.

### **15.0 Conclusion**

The application, as amended, has successfully addressed concerns raised in relation to both the impact on the street scene and highway matters and it is now considered that subject to the conditions set out below, that the development accords with Local Plan policies HE2, KS1, KS11, KS12, ME2 and LN1 and the NPPF (2021).

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

Written agreement to the pre-commencement conditions was received from the applicant on 20 June 2022.

**Condition(s)**

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:

Car port elevations 101/1221

Site Location and Block Plan 100/0622

RNapc report ref 233.1/AIA/1

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

3. Prior to commencement of development and notwithstanding the submitted plan drawing number 102/1221 showing permeable surfacing for the vehicular access and hardstanding, details of the materials to be used in the construction of the vehicular access and hardstanding and including parking and manoeuvring area, parking and visibility splays shall be submitted to and approved in writing by the Local Planning Authority. The development shall be laid out, constructed and surfaced and thereafter retained and maintained in accordance with the approved details.

Reason: In the interests of highway safety.

Note: The use of permeable surfacing is unacceptable in relation to the highway crossover.

4. Prior to the commencement of any development hereby approved, a landscaping scheme providing details of the garden enclosure, including a planting scheme showing the mix of native species, shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development, unless an alternative timescale has been first agreed in writing with the Local Planning Authority which shall then be followed. The hedgerow planting shall be maintained and replaced as necessary during the first 5 years following its planting.

Reason: In the interest of visual amenity.

5. Prior to commencement of works (including site clearance and any other preparatory works) a pre-commencement site meeting between the Council's Tree Officer and the Arboricultural Consultant or Site Manager shall take place to confirm the protection specification for the affected protected trees. The protection of the trees shall be in accordance with the RNapc Tree Report

Reference 233/AIA/1 dated 17 December 2021. The tree protection measures shall be erected in accordance with BS5837:2012 and shall be positioned as shown on the Tree Protection Plan ref RNapc Reference 233/AIA/1 dated 17 December 2021. This is to be erected before any equipment, materials or machinery are brought onto the site for the purposes of development (including demolition). The protection shall be retained until the development is completed and nothing shall be placed within the fencing, nor shall any ground levels be altered, or excavations made without the written consent of the planning authority.

Reason: To comply with the arboricultural and landscape requirements and to ensure that trees and landscape amenity are not harmed or lost during any stage of this development.

6. Prior to commencement of development or any preparatory works on site, samples of the cellular confinement system to be used to protect the tree roots from vehicular compaction including the samples of the cell infill aggregate, which shall be a 4-20mm clean angular granite or flint and not of a calcareous nature, shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

7. 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 garages, sheds or other outbuildings permitted by Class E of Schedule 2 Part 1 of the 2015 Order shall be erected or constructed in the extended garden area.

Reason: To protect amenity and the character of the area.

8. Any entrance gates erected shall be hung to open inwards and shall be set back a minimum distance of 4.5m from the carriageway.

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

9. The external materials for the carport shall match in type, colour and texture those used for the existing dwelling as set out in submitted application forms.

Reason: In the interest of visual amenity.

### **Informative(s)**

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. Informative: 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 County Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset Highways by telephone at Dorset Direct (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.
3. Extinguishment of highway rights  
The applicant is advised that that they must ascertain the extent of the existing highway in the immediate vicinity of the proposal and that any development that conflicts with the identified extent could lead to the need to formally extinguish the highway rights that exist upon it.

### **Background Documents:**

Case Officer: Lucy Page

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the Council's website.

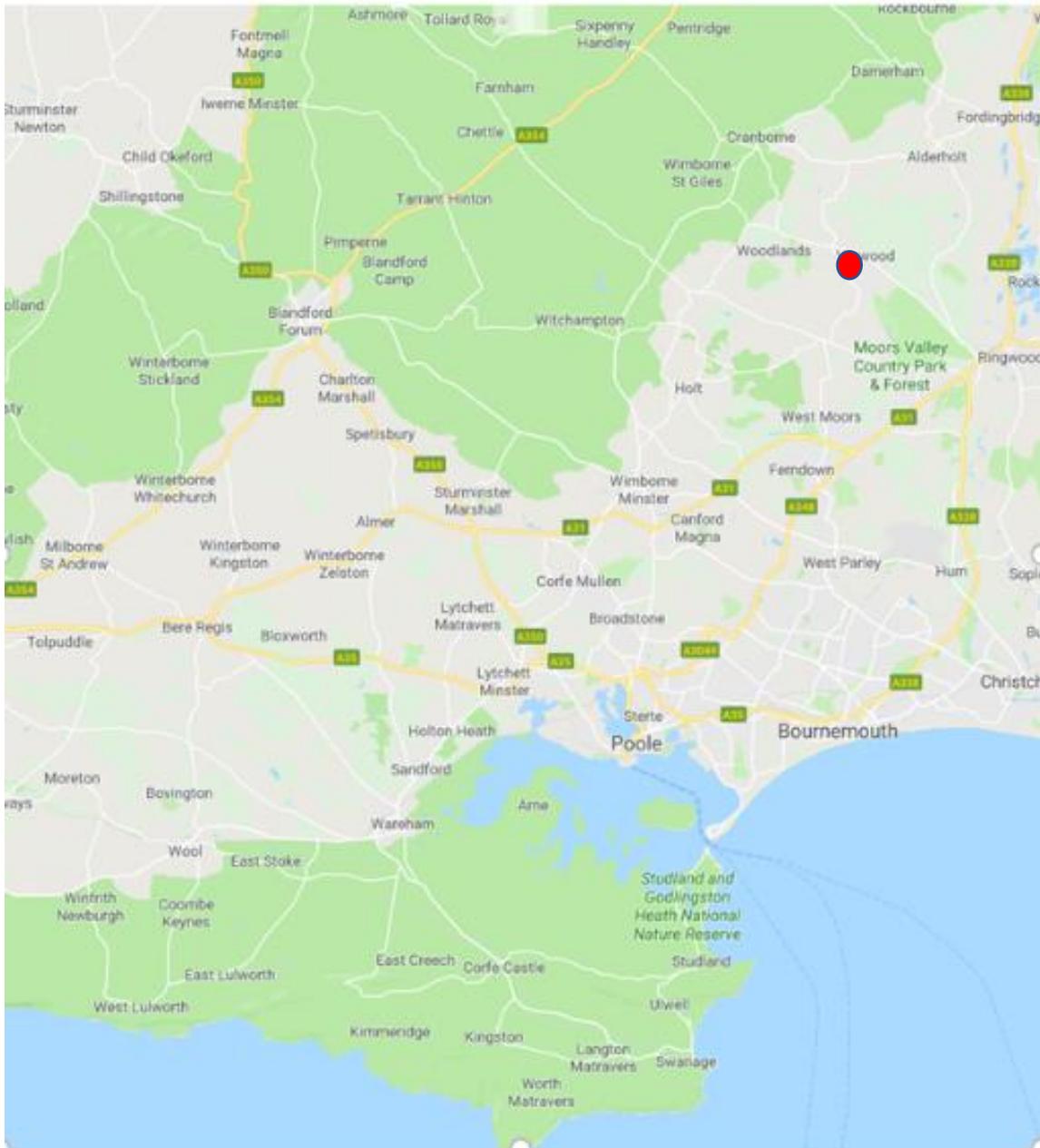
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● Approximate Site Location

Application reference P/FUL/2021/05535

Site address Old Oaks, Eastworth Road, Verwood, BH31 7PJ

Proposal: Change of use of verge to form part of residential curtilage. Erect detached carport and vehicular access between carport and adopted highway.



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