



Eastern Area Planning Committee

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

Membership: (Quorum 3)

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

Cabinet Lead Members (6) (are not members of the Cabinet but are appointed to work alongside Portfolio Holders)

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

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

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

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Agenda

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1. APOLOGIES

To receive any apologies for absence

2. DECLARATIONS OF INTEREST

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** 3 - 10
- To confirm the minutes of the meeting held on 2 November 2022.
4. **PUBLIC PARTICIPATION** 11 - 14
- Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the [Guide to Public Speaking at Planning Committee](#).
5. **PLANNING APPLICATIONS**
- To consider the applications listed below for planning permission
6. **P/OUT/2021/04873 - OUTLINE APPLICATION FOR ACCESS AND LAYOUT TO DEMOLISH A PAIR OF SEMI-DETACHED BUNGALOWS AND REPLACE WITH 5 X 3 BEDROOM DWELLINGHOUSES 97 HIGH STREET, STURMINSTER MARSHALL** 15 - 32
7. **P/FUL/2022/02394 -REMOVAL OF EXISTING CANOPY, SUPPLY AND FIT OF NEW CANOPY, FUEL DISPENSERS AND ISLANDS, AND NEW OFFSET FILLERS. HOLTON HEATH GARAGE, WAREHAM** 33 - 52
8. **URGENT ITEMS**
- To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972
- The reason for the urgency shall be recorded in the minutes.



EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 2 NOVEMBER 2022

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

Apologies: Cllrs Julie Robinson

Also present: Cllr Andrew Parry – minute 304

Officers present (for all or part of the meeting): Kim Cowell, Peter Walters, Ursula Fay, Steve Savage, Alistair Trendell, Graham Cox, Lara Atree, David Northover, Megan Rochester, Josh Kennedy

Public Speakers

Rob Elliott, resident – minute 304
Simon Packer, agent – minute 304

299. **Apologies**

An apology for absence was received from Councillor Julie Robinson.

300. **Declarations of Interest**

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

301. **Minutes**

The minutes of the meeting held on 5 October 2022 were confirmed and signed.

302. **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.

303. **Planning Applications**

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

304. **P/RES/2022/03505 Reserved Matters submission comprising layout, scale, appearance and landscaping pursuant to condition 1 of outline**

permission ref. 3/17/3609/OUT for Phase 1 comprising 238 dwellings (Use Class C3) with public open space, SANG, allotments and landscaping. Vehicular access off Christchurch Road and New Road as approved in the outline planning permission. Land East of New Road, West Parley

The Committee considered planning application P/RES/2022/03505 for a Reserved Matters submission comprising layout, scale, appearance and landscaping pursuant to condition 1 of outline permission ref. 3/17/3609/OUT for Phase 1 comprising 238 dwellings (Use Class C3) with public open space, SANG, allotments and landscaping, as well as vehicular access off Christchurch Road and New Road - as approved in the outline planning permission - at land East of New Road, West Parley.

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

Officers provided an illustrative summary of the location and appearance of the development and what it would entail in terms of its characteristics – appearance, dimensions, elevations and density of the overall development as well as individual property types; its construction phasing; access and highway considerations; environmental considerations; the SANG and other open space provision including the play area and allotments; landscaping and screening; refuse management; construction management; drainage and water management considerations and its setting within that part of West Parley and the wider landscape. Viability, flooding, heathland mitigation and affordable housing issues, the Green Belt; Rights of way; and the proximity to Bournemouth International Airport were all given particular consideration. The Committees attention was drawn to what energy efficiency and environmental considerations were being proposed for the development: by means of photovoltaic solar panel provision, as necessary. Confirmation that Wessex Water had raised no objection to the application was also given, considering that the amended plans were acceptable to it. Mention was also made of a correction to the plans for Condition 1.

Officers showed the development's relationship with other adjacent residential development, with the characteristics, topography and elevations of the site being shown. Views into the site and around it was shown, which provided a satisfactory understanding of all that was necessary to assess the application.

The planning history of the site was outlined, reference being made to the provisions of the Outline permission granted in 2021. What provisions the S106 agreement would cover was also detailed. Mention was made that having received representations to the original planning submission, the applicant had addressed what it was able so that the application might meet

with acceptance. What assessment had been made in the officers coming to their recommendation were drawn to the attention of the Committee.

West Parley Parish Council had objected to the application on the grounds that there was little information about the future of the SANG, its parking and the planned management of the land the height of some of dwellings would be out of keeping; and the scale of the development was still a significant concern and is over the acceptable size.

The Local Ward member, Cllr Andrew Parry, whilst accepting the principle of the development considered that consideration should be given to the views of the Parish Council and the concerns they had raised as well as compromising the Green Belt, the appearance of the development – particularly the height of some dwellings - which was not in keeping with the characteristics of the village and did not meet the aspirations of the residents with whom he had engaged.

Rob Elliott, resident, expressed concern at the ability for Wessex Water to accommodate the practical needs of the development in terms of surface water and drainage and the capacity that was needed to achieve this.

Simon Packer, agent, considered that that development would be beneficial in contributing to meeting housing needs -including affordable housing - and the application had been developed and managed within the provisions and terms of the Outline Permission, taking into consideration the views of residents and officers.

Having heard what was said, officers responded to some of the pertinent issues raised, being confident that each one could be addressed by the provisions of the application. The committee was reminded that as this application was for Reserved Matters – layout, scale, appearance and landscaping – these were the only considerations members could take into account. All other issues had already been determined and agreed.

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:-

- how the appearance of the development would complement – or otherwise - the characteristics of West Parley
- what provision there would be for the delivery of PV panels and how dwellings would be identified for these
- what drainage, sewerage and ground water provision there would be and what part SUDS would play in this and how this was seen as acceptable to Wessex Water in the responsibility they had
- how the management of the development would account for the proximity to the airport and the implications of this
- what responsibilities any management and maintenance company would have in how the development was controlled
- what affordable housing there would be and where this would be situated i.e. pepper potted

- where the third, and above, storeyed properties would be and was there scope for these being situated away from New Road and more central to the site
- what provision the SANG would have and how this was to be managed
- what the play area entailed
- parking arrangements, charging facilities and arrangements – or otherwise – for the adoption of the estate roads
- how waste collection would be managed
- how the Design Code, MasterPlan and Management Plan were being interpreted and applied

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.

From debate, the Committee considered that the reserved matters application accurately reflected and built upon the Outline Permission approval and that the housing, including affordable housing, would make a significant contribution towards meeting local housing needs. It was accepted that the design and layout proposed was the result of an iterative design process and would provide an attractive landscape led development with good standards of amenity for future occupants. The resulting impacts on the amenity of neighbouring properties would be acceptable in planning terms.

Whilst reservations remained on where the multiple storeyed housing would sit and how water management would be controlled, in having regard to the representations of objection and support and the advice of the various consulted parties, it was considered that on balance the benefits of the scheme significantly outweighed the impacts. i.e. the proposal represented sustainable development.

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 John Worth, on being put to the vote, the Committee agreed – by 6:4 - to grant permission subject to the conditions set out in the officer's report, to include the Update provided by officers on Condition 1.

Resolved

That planning application P/RES/2022/03505 be granted permission, subject to the conditions set out in the officer's report, to include the update provided by officers on Condition 1.

Reasons for Decision

- The site benefits from an outline consent which has established the principle of sustainable development in accordance with Para 14 of the National Planning Policy Framework (NPPF)
- The proposal is acceptable in its design and general visual impact.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application

305. **P/HOU/2022/03314 - Modifications to existing porch and erect first floor infill extension above porch at 66 High Street, Langton Matravers, Dorset, BH19 3HB**

The Committee considered application P/HOU/2022/03314 for modifications to existing porch and erect first floor infill extension above porch at 66 High Street, Langton Matravers, Dorset.

With the aid of a visual presentation, and taking account the detail in the report, officers showed what the main proposals, principles and planning issues of the development were. The presentation focused on not only what the development entailed and its detailed design, but what effect it would have on residential amenity and the character the area, taking into account the policies against which this application was being assessed.

Plans and photographs showed the appearance of the development and its dimensions; the materials to be used – including zinc clad roofing and the use of cedar; its setting within that part of Langton Matravers and the development's relationship with other adjacent residential development and their characteristics, the application being within Langton Matravers Conservation Area and the Dorset AONB. Views into and around the site were shown as well as the characteristics of the village and adjacent area.

In summary, the officer's assessment considered that the proposed porch adaptations would preserve the setting of the Conservation Area and the setting of the Grade II listed building and would be barely visible within local views and there were no wider views within the AONB which were likely to be adversely impacted by the development. In this respect the development is considered therefore to be acceptable in accordance with the relevant policies and on that basis it was being recommended that the application be approved.

Formal consultation had seen objections from Langton Matravers Parish Council and initially from, the local Ward member, Cllr Cherry Brooks, both concerned about the slow erosion of the diamond pattern windows which are unique to the village, with the alternatives being proposed seeming to detract from the outside appearance. Since however Cllr Brooks considered the issues she had raised appeared to have been dealt with by the applicant and the Conservation Officer, so she was now satisfied.

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

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

- what visibility there would be of the alterations and clarification of the Conservation Officer's views,
- what alternative materials could be used in the construction

- would the new windows be double glazed.

Officers addressed the questions raised – and what clarification was needed - providing what they considered to be satisfactory answers.

From debate the Committee largely agreed with the officer's recommendation, considering the alterations to be a practical enhancement which – given that it would not be readily visible and did not adversely impact amenity, would not compromise neither the Conservation Area, nor the AONB,

On that basis and having had the opportunity to discuss the merits of the application and an understanding of this; 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 Mike Dyer and seconded by Councillor Shane Bartlett, in being put to the vote it was agreed – by 9:1 - that the application should be approved.

Resolved

That planning application P/HOU/2022/03314 be granted permission subject to the conditions and informative note in the officer's report.

Reasons for Decision

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

4.0 Key planning issues

306. P/TRC/2022/06201 Tree works application at The Old Vicarage, West Street, Bere Regis

The Committee considered application P/TRC/2022/06201 for tree works at The Old Vicarage, West Street, Bere Regis. The Committee were being asked to consider this application as it related to a Dorset Councillor.

With the aid of a visual presentation, and taking account the detail in the report, officers showed what the main proposals, principles and planning issues of the development were, what effect it would have on residential amenity and the character the area, and took into account the policies against which this application was being assessed.

Plans and photographs showed the appearance of the trees and their relationship with The Old Vicarage and the neighbouring residential properties and amenity, showing the characteristics of the area.

The application was for tree works to reduce the height - to 8 feet - of an overgrown hedgerow of eight Cypress trees, so as to be able to bring the trees back to a manageable size for the benefit of the applicant. Whilst the trees were not covered by a Tree Preservation Order, they had a degree of protection as they lay within the Bere Regis Conservation Area. The works proposed were intended to reinstate the hedgeline, by reducing them to an easily manageable height. The loss, in terms of amenity, would be negligible, and there would be no harm to the character and setting of the area.

In summary, the officer's assessment considered that the proposed works were reasonable and acceptable in planning terms, and, on that basis, it was being recommended that the application be approved.

Having had the opportunity to discuss the merits of the application and an understanding of this; having taken into account the officer's report and presentation; in being proposed by Councillor David Morgan and seconded by Councillor Bill Trite, in being put to the vote it was agreed – unanimously - that the application should be approved.

Resolved

That application P/TRC/2022/06201 be approved, with no objection being raised.

Reason for Decision

To provide the means to manage the hedgerow.

307. Urgent items

There were no urgent items for consideration.

308. Exempt Business

There was no exempt business.

Duration of meeting: 10.00 am - 1.15 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 for Eastern Area Planning Committee, megan.r.rochester@dorsetcouncil.gov.uk for Northern Area Planning Committee denise.hunt@dorsetcouncil.gov.uk for Western and Southern Area Planning Committee and 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.

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Application Number:	P/OUT/2021/04873		
Webpage:	Planning application: P/OUT/2021/04873 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	97 High Street Sturminster Marshall Wimborne BH21 4AT		
Proposal:	Outline application for Access and Layout to demolish a pair of semi detached bungalows and replace with 5 x 3 bedroom dwellinghouses		
Applicant name:	Mrs Julie Terry		
Case Officer:	Gavin Forrest		
Ward Member(s):	Cllr Cook		
Publicity expiry date:	25 February 2022	Officer site visit date:	2 February 2022
Decision due date:	4 March 2022	Ext(s) of time:	4 March 2022

1.0 The application has been referred to committee by the Nominated Officer.

2.0 Summary of recommendation:

Either

- A. GRANT subject to conditions and the completion of a satisfactory planning obligation or
- B. REFUSE if a satisfactory planning obligation is not provided.

(see section 17 for more details)

3.0 Reason for the recommendation: as set out in paras 6.1 at end of the report.

- 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 location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- The proposals are not considered to result in harm to the heritage assets Holly Cottage (grade II listed) and 105 High Street (grade II listed), which lie in proximity
- The proposals are considered to be able to achieve a safe and sustainable means of access and egress and will not have a detrimental impact on the highway safety of the surrounding road and pedestrian network.
- The proposals are not considered to have a detrimental impact on the visual or residential amenity currently afforded to the existing properties in the immediate locale.

4.0 Key planning issues

Issue	Conclusion
Principle of development	The proposals are not considered to depart from the relevant National or Local Plan policies or Supplementary Planning Guidance
Scale, design, impact on character and appearance	Acceptable. The proposal is considered to be in an appropriate scale and the layout would have an acceptable impact on the character of the immediate area in accordance with Local Plan policies HE2 and HE3.
Impact on amenity	Acceptable
Impact on landscape and heritage assets	Acceptable
Economic benefits	Acceptable
Access and Parking	Acceptable, subject to conditions
Effect on Biodiversity	Acceptable, subject to conditions and a planning obligation to secure compensation for loss of grassland.
Drainage	Acceptable, subject to conditions

5.0 Description of Site

- 5.1 The application site currently hosts of a pair of 1950s semi-detached bungalows occupying a long plot, approx. 75 metres deep. The existing dwellings are set back from the street by approximately 15m and span the majority of the width of the plot.
- 5.2 The existing and surrounding locale is predominantly residential in nature and within the site there are no major land deviations.
- 5.3 Directly to the north of the site are two Grade II Listed thatched cottages- Holly Cottage, also known as 101 High Street (adjacent to the site) and further north 105 High Street (formerly known as 15 High Street).
- 5.4 The site is flanked by neighbouring dwellings; Holly Cottage lies to the north and 95 High Street, a chalet style property to the south. To the rear the site backs onto the gardens of 10 and 11 Churchill Close.
- 5.5 The existing High Street has retained an overall character and appearance of ad hoc development where buildings have developed on a largely individual basis, creating a mixture of styles and forms, broadly reflective of the time in which they were built.
- 5.6 There is a significant amount of development behind the main street frontage including some estate style development with formal access/road systems.

6.0 Description of Development

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- 6.1 5 dwellings are proposed to replace the two existing properties; two semi-detached two storey dwellings at the front and a staggered terrace of three two storey dwellings at depth.
- 6.2 The proposal is in outline with details of the access and layout only. The appearance, scale and landscaping are reserved matters.
- 6.3 Compared to the previous application that was the refused, the current proposal has repositioned the access so that it is alongside the northern boundary rather than between the two front properties. This has moved the front properties away from the boundary with Holly Cottage and the layout shows a landscaping strip between the northern unit and the access road.
- 6.4 The rear terraced dwellings are shown sited 9-13m from the rear site boundary thereby maintaining approx. 38m building to building separation distance with the properties on Churchill Close to the rear. There is no significant change in land levels over the site.
- 6.5 As part of the assessment of this application, consideration and understanding of the previous decisions need to be addressed, which is set out in the officer's assessment, at section 15 of this report.

7.0 Relevant Planning History

3/20/1100/OUT-Decision: Refused and appeal dismissed- Appeal decision Date: 26/05/2021
Demolish a pair of semi detached bungalows and replace with 5 x 3 bedroom dwellinghouses

8.0 List of Constraints

Grade: II Listed Building: HOLLY COTTAGE List Entry: 1154792.0; - Distance: 12.22
Settlement Boundary; Sturminster Marshall - Distance: 0
Risk of Surface Water Flooding during a 1 in 100 event – this affects the highway and the proposed landscaping at the front of the site only
Risk of Surface Water Flooding during a 1 in 1000 event – this affects part of the site to the rear of the existing properties but the low risk would not necessitate a sequential test
Areas Susceptible to Groundwater Flooding; Clearwater; >= 75%; - Distance: 0
Wessex Water Risk: Medium Risk of Foul Sewer Inundation
Groundwater Source Protection Zones, The total area needed to support the abstraction or discharge from the protected groundwater source
RAMSAR: Dorset Heathlands (UK11021); - Distance: 4386.57
SSSI (5km buffer): Corfe Mullen Pastures ; - Distance: 4386.57

9.0 Consultations

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

Consultees

1. **Sturminster Marshall PC** (received 07/01/2022)
 - Does not fit with character of the area- architectural style, scale, visual impact, relationship to nearby properties
 - Harm to neighbouring Listed Building due to design
 - Insufficient soft landscaping
 - Proposal will exacerbate parking problems
 - Neighbourhood plan evidence work shows need for bungalows so loss of two would be harmful
2. **DC - Highways** (received 15/12/2021)
 - No objection subject to conditions to secure: Vehicle access construction, Turning and parking construction
3. **DC - Building Control East Team** (received 02/12/2021)
 - Fire service vehicular access restricted therefore houses will require sprinkler systems. Alternatively re-design head of access road to provide suitable turning circle.
4. **DC Conservation Officer** (received 11/02/2022)
 - Holly Cottage (grade II listed) and 105 High Street (grade II listed) lie in proximity but no harm has been identified to these assets' significance.
5. **Dorset Wildlife Trust** (received 17/12/2022)
 - Consider that insufficient ecological information has been provided on which to assess the impacts of the development upon biodiversity.
(officer note: Biodiversity plan subsequently provided, certified 27/09/2022)
6. **Ward Member** (received 03/12/2021)
 - Cllr Cook 'I am concerned about overdevelopment of the site and of the adverse impact on the adjacent listed properties. If the officer recommendation is at odds with the parish council opinion then I request the item be determined by the Eastern Area Planning Committee.'

Commented [EA1]: Need signed BP

Representations received

The application was advertised by site notices.

2 letters of objection raised the following concerns:

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- Design issues- overdevelopment, scale and visual impact not compatible with the area
- Impact on neighbouring amenity- loss of privacy including to private gardens, loss of light, noise pollution
- Lack of change since appeal decision
- Impact on house values

2 letters of support noted the following:

- Current bungalows are inefficient use of land and outdated- rooms too small and gardens too large
- Will provide smaller, more affordable family homes.
- Sufficient parking
- Utilises large gardens to increase much needed housing stock rather than use greenfield land. Need for 2 and 3 bedroom family homes identified in Neighbourhood Plan documentation.

One other communication providing comments:

Request that further reserved matters should be considered by the Planning Committee. Tall dark rooflines & elevations to be avoided.

Total - Objections	Total - No Objections	Total - Comments
3	2	5

10.0 Relevant Policies

Development Plan

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
- 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
- ME6- Flood Management, Mitigation and Defence

Other Material Considerations

Emerging Local Plans:

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

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

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

Neighbourhood Plans

Sturminster Marshall Neighbourhood Plan- In preparation – very limited weight applied to decision making

Supplementary Planning Document/Guidance:

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

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 78-79 reflecting the requirement for development in rural areas.
- Section 11 'Making effective use of land'

- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 173). 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).

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

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- 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. It is noted that the proposal will replace single storey dwellings with two storey which may be less suitable for those with mobility issues but overall, in the opinion of the Local Planning Authority, the proposed residential development will have a neutral impact on those with protected characteristics.

13.0 Financial benefits

Given the size and scale of the proposals within this Planning Application, there are not considered to be any financial benefits or implication associated with the proposals.

14.0 Environmental Implications

There are not considered to be any environmental implications raised as a result of this Planning Application.

15.0 Planning Assessment

15.1 The main planning considerations are:

- The principle of development
- The impact on the character of the area
- Impact on heritage assets
- Impact on amenity
- Impact on highway safety
- Impact on biodiversity

These and other issues are considered below.

The principle of development

15.2 The application site lies within the urban area where development is acceptable in accordance with policy KS2. Policy LN2 requires that development should maximise the density of development to a level which is acceptable for the locality. This is considered below.

Impact on the character of the area

15.3 As the proposal is in outline with appearance and scale as reserved matters, consideration is limited to whether the layout would be acceptable within the site’s context nevertheless it is helpful to consider the previous reason for refusal and the Inspector’s comments on this.

- 15.4 The previous reason for refusal read:
'The proposal due to its excessive quantum and uncharacteristic layout and design fails to respond to the prevailing grain and character of the existing street and would be harmful to the local distinctiveness of Sturminster Marshall. The proposal fails to take the opportunities available for improving the character and quality of the area and the way it functions and is incompatible with its surroundings. For these reasons the proposal is contrary to paragraphs 127 and 130 of the National Planning Policy Framework 2019 and Policy HE2 of the Christchurch and East Dorset Local Plan 2014.'
- 15.5 At appeal the Inspector noted that there were a wide variety of dwellings within the settlement of Sturminster Marshall. Whilst there have been changes to the overall form and appearance over the years, the *'High Street has retained an overall character and appearance of ad hoc development where buildings have developed on a largely individual basis, creating a rich tapestry of styles and forms, broadly reflective of the time in which they were built'* (para 5).
- 15.6 The Inspector recognised that there is a significant amount of development behind the main street frontage including some estate style development with formal access/road systems but noted that the plots fronting the High Street appropriately responded to the prevailing character of street scene with a degree of informality and individuality. Although the existing pair of dwellings on the site had a symmetrical layout these were of small scale whereas the proposed dwellings would have a stronger presence. The Inspector was concerned that *'the formal symmetrical arrangement would be strikingly apparent and would detract significantly from the character and appearance of the area'* contrary to policy HE2.
- 15.7 In response to these comments the revised proposal has a pair of semi-detached dwellings at the front of the plot, set behind the building line of the existing bungalows. Again, the layout suggests a symmetry, but this in itself would not be objectionable provided the design provides differentiation which can be secured via a Reserved Matters application.
- 15.8 The vehicular access to the terrace of three properties at the rear will run along the northern boundary following the route of existing hard surfacing leading to a garage. Whilst the parking area in front of the dwellings will introduce a relatively formal arrangement it is anticipated that this can be appropriate softened by landscaping details, again to be agreed at Reserved Matters stage. The parish council has raised concerns about insufficient soft landscaping opportunities, but the layout identifies sufficient space to maintain boundary hedging and the space to the front of the site is large enough to accommodate meaningful planting.
- 15.9 The Inspector did not comment on the quantum of development, appearing satisfied that five dwellings might be accommodated if they were appropriately designed. With the access now positioned to the north of the site and the principal elevations of the terrace gently staggered, the formality of the layout and prominence of the development at depth within the street scene will be reduced to an acceptable degree so as to accord with policy LN2.

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- 15.10 The set back of the dwellings, approx. 17m from the highway, and their positioning on the southern part of the plot will also achieve sufficient separation with Holly Cottage to the north that views of the flank wall of that property and trees within the garden which contribute to the street scene will be maintained despite the introduction of two storey development.
- 15.11 Overall, the revised access and layout are judged to accord with policy HE2 and overcome the previous reason for refusal no. 1.

Impact on heritage assets

- 15.12 Directly to the north of the site are two Grade II Listed thatched cottages- Holly Cottage a.k.a. 101 High Street (adjacent to the site) and further north 105 High Street (formerly known as 15 High Street).
- 15.13 There is a statutory requirement for decision makers to ensure that the setting of the listed buildings is preserved or enhanced. Policy HE1 also requires the significance of heritage assets to be protected and enhanced while Chapter 16 of the NPPF provides details of how decision making should be undertaken to conserve and enhance the historic environment.
- 15.14 Reason for refusal 2 of decision 3/20/1100/OUT read:
'The proposal due to its excessive quantum, uncharacteristic layout and design and proximity to the two Listed Buildings to the north of the site will lead to "less than substantial harm" to the setting of those Listed Buildings. No public benefit has been identified that outweighs the harm to these heritage assets. The proposal is therefore contrary to paragraphs 194 and 196 of the National Planning Policy Framework 2019 and Policy HE1 of the Christchurch and East Dorset Local Plan 2014.'
- 15.15 At appeal the Inspector judged that the setting of the listed buildings was '*generally derived from their position in the varied, informal townscape that has evolved over the lifetime of the listed buildings*' and that the position of the proposed dwellings would not vie for attention in the streetscape so would not result in harm.
- 15.16 The Council's Conservation Officer has confirmed that the Inspector's findings remain pertinent for the current proposal. The main contributory elements of the setting of both listed buildings that could be affected by the proposal are the visual experience from the High Street and the group value.
- 15.17 In relation to Holly Cottage, the layout identifies that the front dwellings will sit in the approximate location of the existing bungalows and the rear terrace is set well into the plot so, subject to reserved matters being acceptable, the proposals are not anticipated to detract or distract from the key aspects of the asset's setting.
- 15.18 For 105 High Street, which is sited further from the application site, the visual experience and group value will also be preserved.
- 15.19 No harm has been identified to either property on the basis of the proposed positioning and distances achieved between the development site and listed

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buildings so neither paragraph 201 nor 202 of the NPPF are considered to be engaged. The previous reason for refusal is no longer valid.

Impact on amenity

- 15.20 The site is flanked by neighbouring dwellings; Holly Cottage lies to the north and 95 High Street, a chalet style property to the south. To the rear the site backs onto the gardens of 10 and 11 Churchill Close.
- 15.21 Reason for refusal no. 3 of 3/20/1100/OUT read:
'The proposal, due to the scale and proximity of the proposed detached dwelling on the northern side of the site to Holly Cottage will have a harmfully overbearing impact on, and cause significant loss of light to, the rear garden of Holly Cottage, harming its amenity, contrary to Policy HE2 and paragraph 127 of the NPPF.'
- 15.22 The Inspector did not agree with this assessment, noting that there was a high boundary hedge along the southern boundary separating Holly Cottage from the site which already limited outlook while the distances between the properties were sufficient to avoid any significant loss of light and the development would not appear harmfully overbearing.
- 15.23 The current proposal has moved the front properties away from the boundary with Holly Cottage, further reducing the impact on that property. The use of the access along the northern boundary to serve the three rear dwellings could introduce additional noise but this could be mitigated by landscaping- ideally by the retention of the existing hedge or by its replacement which would be resolved at Reserved Matters stage. Amended plans have been received to increase the width of the landscaping strip adjacent to the boundary with Holly Cottage by 0.25m to assist in retaining planting.
- 15.24 Concerns have been raised by third parties about loss of privacy to neighbouring gardens and loss of light. The rear terraced dwellings are shown sited 9-13m from the rear site boundary (currently demarcated by high fencing) thereby maintaining approx. 38m building to building separation distance. There is no significant change in land levels over the site. The Inspector already judged that there would be no significant loss of light for Holly Cottage from the rear terrace and the impact will be less for properties to the south and west. It is recognised that direct and oblique overlooking of neighbouring gardens may be introduced from new first floor windows but there would appear to be sufficient options for appropriate window positioning which will be considered fully at the Reserved Matters stage.

Impact on highway safety

- 15.25 The existing highway access is to be revised to provide a single access to the north of the site. The Highways Authority is satisfied with the proposed visibility splays and has no objection subject to conditions to secure the access and internal arrangements including parking spaces.
- 15.26 The parking provision on the scheme exceeds the Dorset Council parking standard recommendation of 1 unallocated and 1 visitor parking space by providing 3 visitor spaces on site. This is welcomed in this location to avoid any significant increase in

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pressure on parking on the local highway. The proposal is found to accord with policies KS11 and KS12.

Impact on biodiversity

- 15.27 The application site lies within 5km but beyond 400m of Dorset Heathland which is designated as a Site of Special Scientific Interest and as a European wildlife site. The proposal for a net increase of three residential units, 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.
- 15.28 The appropriate assessment (separate document to this report) has concluded that the likely significant effects arising from the proposal on the Heathland are wholly consistent those identified in the Dorset Heathlands Planning Framework SPD and 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.
- 15.29 With the mitigation secured the development will not result in an adverse effect on the integrity of the designated site so in accordance with the Habitats Regulations 2017 planning permission can be granted in this regard; the application accords with policy ME2.
- 15.30 In relation to onsite effects, it is a requirement of all development to enhance the natural environment, as stated in the NPPF (2019 as amended), paragraphs 8, 170 and 175. The application was accompanied by a negative bat survey but a Biodiversity Plan has since been received which identifies:
- Construction measures to minimise the likely effects on biodiversity
 - one of the houses will provide a new loft space suitable for brown long-eared bats
 - a compensation payment of £3988.94 will be secured in relation to loss of grassland
 - 3 Bat bricks, 3 sparrow terrace bird bricks, hedgehog holes in fences, 10 bee bricks, at least one apple tree and additional hedgerow planting
- 15.31 With these proposals secured by condition and the funding secured by s106 obligation, the proposal is acceptable in accordance with policy ME1.

Other issues

- 15.32 The site access would not be suitable for service by the Council's Waste Team but bin stores and a collection point on the front of the site have been identified.

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- 15.33 Part of the site is at risk from flooding in 1 in 1000 events. Although this does not preclude development it is necessary to impose a condition securing a surface water drainage scheme.
- 15.34 Objectors have referred to impacts on house prices but this is not a material planning consideration.

16.0 Conclusion

The proposals have overcome previous reasons for refusal. For the above reasons the layout and access are judged to be acceptable in relation national and local planning policies and so accord with the development plan with no material considerations suggesting that the development is unacceptable.

17.0 Recommendation

A) Grant, subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:

Contributions required for Biodiversity enhancement and gains

And subject to the following conditions:

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

Reason: To ensure the satisfactory development of the site.

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

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

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

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

4. The development hereby permitted shall be carried out in accordance with the following approved plans:
tbd-127 OU-02 Location Plan
tbd-127 OU-04 Proposed Site plan

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

5. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 27/09/2022 must be completed in full (including photographic evidence of compliance being submitted to the Local Planning Authority in accordance with section J of the Biodiversity Plan) prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. Thereafter the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

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

6. Before any ground works start on site a detailed surface water drainage scheme for dealing with surface water drainage from the development must be submitted to and approved in writing by the Council. This must include:
 - the results of an assessment into the potential for disposing of surface water by means of a sustainable drainage system (SuDS)
 - details of a management and maintenance plan for the drainage schemeThe appropriate design standard for the surface water drainage scheme must be the 1 in 100 year return period rainfall event with a 40% allowance for climate change.
The approved drainage scheme must be implemented before the first occupation of the building/any of the buildings and thereafter maintained and managed in accordance with the agreed management plan.

Reason: These details are required to be agreed before ground works start in order to ensure that consideration is given to installing an appropriate drainage scheme to alleviate the possible risk of flooding to the site and elsewhere for the lifetime of the development.

7. Before the development hereby approved is first occupied the first 5m of the vehicular access, measured from the rear edge of the highway (excluding the vehicle crossing- see Informative Note below) must be laid out, constructed, and surfaced, to a specification which shall have been submitted to, and agreed in writing by, the Local Planning Authority.

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

8. Before the development hereby approved is occupied or utilised the turning and parking areas shown on Drawing Number 0U-04 must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for parking and turning.

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

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B) Refuse permission for the reasons set out below if the agreement is not completed by 7 March 2023 or such extended time as agreed by the Head of Planning.

1. The proposed development fails to appropriately mitigate or compensate for the loss of biodiversity on the site contrary to policy ME1 of the Christchurch and East Dorset Local Plan and paragraphs 174 and 180 of the National Planning Policy Framework.

Informative Notes:

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

2. 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.

3. The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted.
4. Informative: This permission is subject to a legal agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 dated ## ## relating to contributions towards biodiversity enhancement and gains

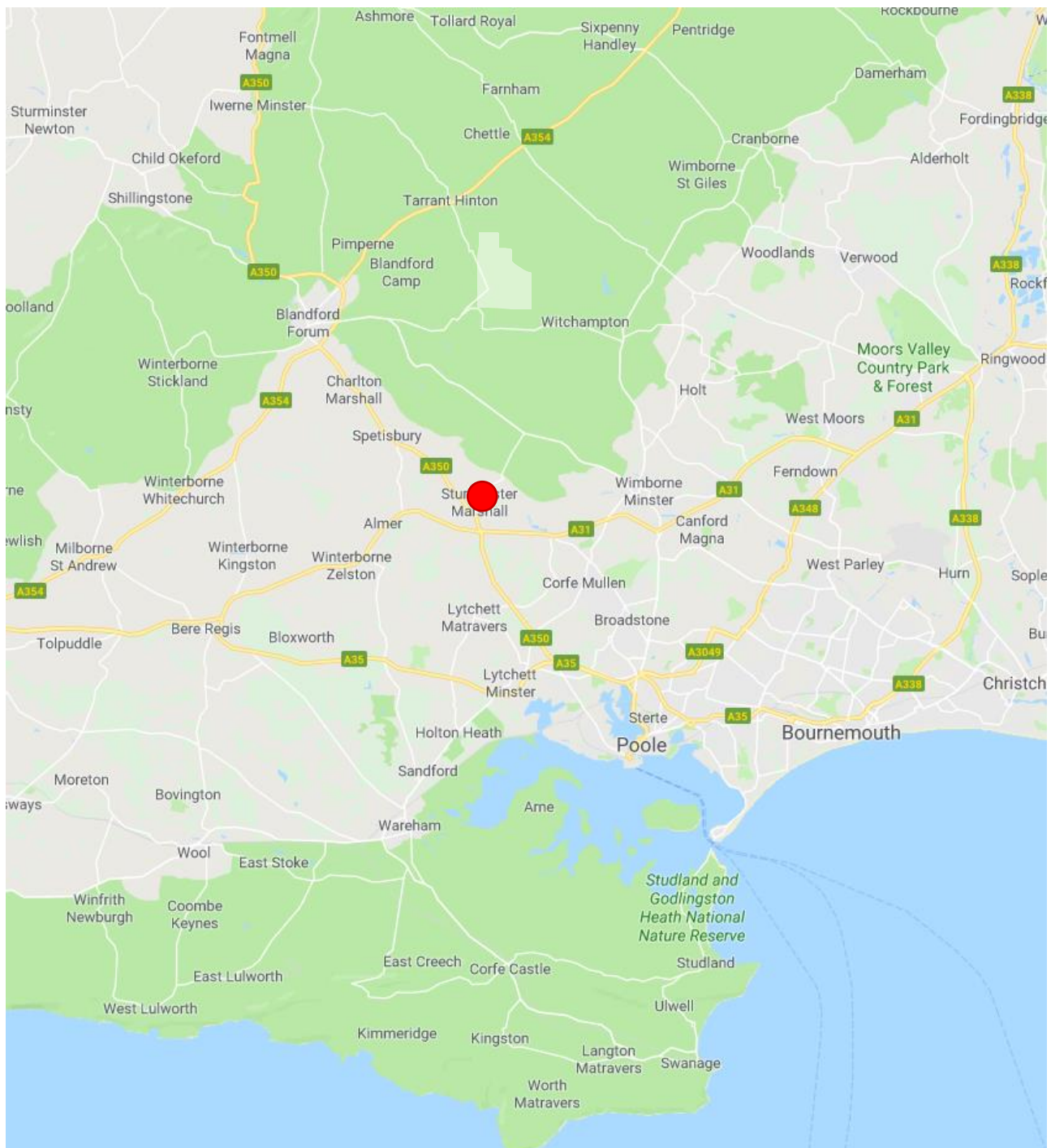
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● Approximate Site Location

Application reference: P/OUT/2021/04873

Site address: 97 High Street Sturminster Marshall Wimborne BH21 4AT

Proposal: Outline application for Access and Layout to demolish a pair of semi detached bungalows and replace with 5 x 3 bedroom dwellinghouses



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Agenda Item 7

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Application Number:	P/FUL/2022/02394		
Webpage:	Planning application: P/FUL/2022/02394 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Holton Heath Garage, Wareham Road, Holton Heath, Poole, BH16 6JW		
Proposal:	Removal of existing canopy, supply and fit of new canopy, fuel dispensers and islands, and new offset fillers.		
Applicant name:	Mr Sajikumar Muthiah		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Ezzard, Cllr Holloway		
Publicity expiry date:	27 September 2022	Officer site visit date:	06/10/22
Decision due date:	27 November 2022	Ext(s) of time:	09 December 2022

1.0 This application is reported to the Planning Committee as an area of land at the front of the application site, adjoining Wareham Road, is Council owned.

2.0 Summary of recommendation:

GRANT planning permission subject to conditions.

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

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- The proposal is compliant with the Purbeck Local Plan 2012 and the NPPF.
- The proposal forms development that is not inappropriate within the Green Belt and countryside.
- The proposal is acceptable in its scale, design, and visual impact on the character and appearance of the area.
- There is not considered to be any significant harm in respect of neighbouring residential amenity, highway safety, ground contamination or drainage/flood risk.
- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable in accordance with Policy LD and CO of the Purbeck Local Plan.
Impact on Green Belt	Acceptable.
Scale, design, impact on character and appearance of the area	Acceptable subject to conditions.
Impact on neighbouring amenity	No demonstrable harm to neighbouring amenity and privacy subject to conditions.
Highway safety and parking	Acceptable subject to conditions.
Flood risk / drainage	Acceptable subject to condition.
Ground contamination	Acceptable subject to condition and informative note.

5.0 Description of Site

- 5.1 The application site consists of 1169sqm (0.1169) ha of land associated with Holton Heath Garage / Petrol Station. The site is located on the A351 Wareham Road, to the north-east of Organford. The red line includes the existing shop building and yard to the rear, forecourt, canopy, and access and egress from Wareham Road. The petrol station is currently unused and Officers estimate that it has been in its current state for approx. 20 years.
- 5.2 A mixture of uses surrounds the site including Holton Heath Park (park homes) to the rear, residential dwellings to the north-east and south-west, and Admiralty Park on the opposite side of Wareham Road. The adjoining residential bungalow of 'The Firs' - located outside the site boundary but directly to the south-west of the shop building - is currently in a poor state of repair and uninhabited.
- 5.3 The site is located in the South-East Dorset Green Belt which washes over the entire area of Holton Heath / Organford. It is located outside a defined settlement boundary and within the countryside. The north-eastern access off Wareham Road also serves Holton Heath Park to the rear, with a tall block construction boundary wall separating the rear shop building yard from the adjacent park homes to the north. Limited boundary treatment remains with 'The Firs' to the south-west.

6.0 Description of Development

- 6.1 This application forms one of two that have been submitted for the application site and proposes the removal and replacement of the existing forecourt canopy, the installation of 4 new fuel dispensers and islands (fuelling 8 vehicles at any one time), and new offset fillers.
- 6.2 The second application for the site – P/FUL/2022/04531 – proposes the extension of the existing Class E retail unit. That application remains under consideration.

7.0 Relevant Planning History

Planning Application	Proposal	Decision	Comments
6/1977/0705	Temporary depot (office, cement store, bay & office in garage).	Granted	Temporary consent for the benefit of the applicant only ending 31/12/78 – conditioned.
6/1978/0778	Station building for temporary depot, use part of garage for office and store (renewal).	Withdrawn	
6/1979/0314	Use buildings for offices and stores	Refused	Reasons: Countryside location and not necessary for agriculture, horticulture, or forestry. Undesirable precedent for officer and business occupation in countryside. Traffic would impact on A351.
6/1979/0993	Use part as office and stores	Refused	As per 6/1979/0314.
6/1980/0354	Use part of garage premises as offices and stores	Refused	As per 6/1979/0314.
6/1982/0200	Erect building for M.O.T testing bay	Granted	
6/1989/0429	Erect M.O.T testing bay	Refused	Reason: Overdevelopment of site. Unacceptable intensification of commercial use and detrimental impact on nearby residential

			properties by noise and disturbance.
P/FUL/2022/04531	Extension and increase in height of existing single storey Class E retail unit.	To be determined by Planning Committee at a later date	

8.0 List of Constraints

- Medium pressure gas pipeline
- Areas Susceptible to Groundwater Flooding
- SSSI (400m buffer): Holton and Sandford Heaths
- SSSI (5km buffer): Poole Harbour
- Greenbelt
- Poole Harbour Nutrient Catchment Area
- Contaminated Land

9.0 Consultations

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

Consultees

1. Natural England

- No comments received.

2. Dorset Council - Environmental Services – Protection

- Verbal comments 09/11/22 – suggested contaminated land condition as per comments on associated application P/FUL/2022/04531 and informative note re. Petrol Vapour Recovery Permit. Noise – suggest hours of use to match co-op petrol station in Sandford which is positioned in more densely populated residential area with similar impacts on neighbouring amenity.

3. Dorset Council - Highways

- Comments received 30/05/22 - request Traffic Assessment to assess the implications of the additional traffic generated on the highway network including a swept path analysis and trip generation etc. Amended plan required with the red line extended from the proposed development access up to the highway boundary to show that they have control / right of legal passage.

- No objection received 21/09/22 - based on the understanding that the area shaded blue on the submitted drawing 2022/290/013b is included as part of the application for the proposal. Conditions required: Turning/manoeuvring and parking construction as submitted; Construction method statement to be submitted; Lighting and/or floodlighting; Cycle parking scheme to be submitted.

4. Dorset Council – Flood Risk / Drainage Engineer

- Verbal Comments 10/11/22 – Outside flood zone. No surface water flood risk and JBA modelling advises no ground water flood risk to site. Increased area of canopy. Require standard SUDS condition on decision to ensure surface water appropriately dealt with and no increased risk of flooding to site, surrounding area or highway.

5. Wareham St Martin Parish Council (received 25/04/22)

No objection but consider following need to be agreed:

- Hours of opening – residential properties nearby.
- Foul sewage – needs to be specified.
- Waste storage, trade effluents, hazardous substances must be factored in.
- Electric charging points should be considered.

5. Ward Members - Wareham

- No comments received.

Representations received

Total - Objections	Total - No Objections	Total - Comments
2	0	4

Comments

- Impact on safe access and egress to Holton Heath Residential Park due to shared access, additional traffic, and busy road.
- Garage hasn't been used for fuel for over 12 years. Use of garage and forecourt by HGV lorries will impact on safety at junction with Wareham Road and restrict right of access to residential park.
- Electric charging point should be required.

- Noise impacts - opening hours should be restricted – residents on park home site are contracted to keep noise levels low between 22:30 and 07:00.
- Fire safety / hazard issue of site and to neighbouring residents.
- Transport document is not a true record of traffic on A351. Public transport links are poor. Document dismisses shared access road with residential park.
- Support Parish Council comments.

10.0 Relevant Policies

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.

Development Plan

Purbeck Local Plan 2012:

Policy SD: Presumption in favour of sustainable development

Policy LD: General location of development

Policy NE: North East Purbeck

Policy CO: Countryside

Policy RFS: Retail Floor Space Supply

Policy RP: Retail Provision

Policy CF: Community facilities and services

Policy FR: Flood Risk

Policy D: Design

Policy IAT: Improving accessibility and transport

Neighbourhood Plan

None.

Material Considerations

National Planning Policy Framework (NPPF)

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 9: Promoting sustainable transport – requires potential impacts of development on transport networks to be addressed and opportunities for sustainable travel to be identified.
- Section 11 'Making effective use of land' – promotes the effective use of land in meeting the need for homes and other uses including as much use as possible of previously-developed or 'brownfield' 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 13 'Protecting Green Belt land' permits exceptional new development within the Green Belt where the fundamental aim of Green Belt policy of preventing urban sprawl and keeping land permanently open is maintained.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'.

Emerging Local Plans:

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

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

- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

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

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).

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 for the reasons set out above these policies should be accorded little weight in the determination of the application:

V2: Green Belt

Policy E4: Assessing flood risk

Policy E5: Sustainable drainage systems (SuDs)

Policy E12: Design

Policy EE3: Vibrant town and local centres

Policy I2: Improving accessibility and transport

Policy I7: Community facilities and services.

Supplementary Planning Documents/Guidance:

Purbeck District design guide supplementary planning document adopted January 2014.

Purbeck Strategic Flood Risk Assessment 2018

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.

It is considered that the proposal would not result in any disadvantage to persons with protected characteristics.

13.0 Financial benefits

What	Amount / value
Material Considerations	
Re-use of commercial premises	Additional local employment opportunities
Non-Material Considerations	
Full Business rates 2022/23	£4191

14.0 Environmental Implications

14.1 The proposed new and replacement structures will result in local environmental improvement by way of visual enhancement and provision of cycle parking.

15.0 Planning Assessment

15.1 The main planning considerations have been identified as:

- The principle of the development
- The impact of the development on the Green Belt
- Scale, layout, appearance, and impact on the character and appearance of the area
- Impact on neighbouring amenity
- Impact on highway safety and parking provision
- Flood risk and drainage
- Ground contamination

These and other considerations are set out below.

Principle of development

- 15.2 The application proposes development required to support the re-opening of Holton Heath Service Station for the purposes of commercial petrol sales and retail shop sales. This includes the removal of the existing canopy and replacement with a new taller and wider canopy to allow for fuelling lorries and deliveries to be made without damage and allowing easier access to the DERV pump. It is also proposed to increase the number of islands to four which will enable the fuelling of 8 vehicles at any one time (formerly two – fuelling 4 vehicles) in line with the larger canopy and re-positioning of the offset filler to the outer fuel pump location to allow for easier tanker access for fuel unloading. The agent has confirmed that the pumps are to be served by existing fuel tanks and the current application related to above surface works only.
- 15.3 Policy LD: General Location of Development of the Purbeck Local Plan 2012 (PLP) directs new development towards the most sustainable locations of the former Purbeck District Area, including the towns and villages with defined settlement boundaries. The application site is located outside a defined settlement boundary and is therefore classed as ‘countryside’ where development is permitted in exceptional circumstances. Policy CO: Countryside of the PLP advises that development in the countryside will be permitted where it does not have a significant adverse impact either individually, or cumulatively on the environment, visually, ecologically, or from traffic movements. Such development includes the reuse, alteration, replacement, or extension of rural buildings; an employment use that would intensify or expand an existing employment site; and a community facility where it is located close to existing settlements and in an accessible location.
- 15.4 Whilst the proposed structures form a mixture of replacement and new fittings, they do not form ‘rural buildings’ within their own right. However, the site has an established use as a commercial petrol station with associated shop, and Officers therefore consider that the structures proposed as part of the current application can be considered as ‘alteration, extension or replacement’ of rural structures within an existing developed site. The proposed alterations would also support small scale expansion of the petrol station use, with alterations that would not appear disproportionate in size to the existing and former structures at the site. The proposal will support associated employment opportunities and will also provide a community facility (petrol sales and small shop) in a rural, yet easily accessible location on one of the key highway routes serving the former Purbeck District area. For these reasons, Officers considered that the general principle of the proposed development in the countryside is acceptable in accordance with Policy CO of PLP1. This is subject to the consideration of all other key planning issues as set out in the sections below.

Impact of the development on the Green Belt

- 15.5 The South-East Dorset Green Belt washes over the application site and surrounding areas. The National Planning Policy Framework (NPPF) (Section 13) set out key objectives in relation to the protection of Green Belt from new development. Paragraph 137 advises that ‘*The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of*

Green Belts are their openness and their permanence. Paragraph 147 of the NPPF advises that *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'* The NPPF continues to note that the construction of new buildings within the Green Belt should be regarded as inappropriate unless they form an exception as listed in paragraphs 149 and 150. In respect of the application site, criterion (c), (d) and (g) of paragraph 149 are considered relevant as listed below:

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building

d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

- 15.6 As noted in the section above, Officers consider that the structures proposed as part of the current application can be considered as 'alteration, extension or replacement' of rural structures within an existing developed brownfield site within the Green Belt. The proposed alterations to the forecourt including four new canopy support columns, 4 new islands and associated fuel dispensers and other associated furniture are not considered to result in a greater impact – visually or spatially – on the Green Belt in this location than that experienced when the site was formerly in full commercial use.
- 15.7 It is acknowledged that changes are proposed to the size and height of the forecourt canopy. The existing canopy measures approx. 16.2m wide and 8.6m deep (139sqm) and is in a poor state of repair. The submitted Planning Statement advises that due to its low height (approx. 4m to underside and 4.6m to upper side), it was often struck by lorries and other larger vehicles using the forecourt. As such, the proposed replacement canopy has an increased underside height of 5m and upper side height of approx. 5.9m (as submitted in amended plans). In addition, to provide shelter to the two additional islands and petrol pumps, the replacement canopy is square in shape and measures 14.1m wide x 14.1m deep (198sqm).
- 15.8 The proposed changes to the canopy have been carefully considered by officers. Despite the increase in size and height, it is considered that the new canopy would not result in a structure of disproportionate addition over and above the existing, to an extent that would harmfully impact on the openness and permanence of the Green Belt in this location. The openness of the forecourt below the canopy, combined with the low mass of the structure, would not cause substantial harm in terms of spatial or visual impacts given the existing developed / brownfield nature of the site, the constrained built surrounds of residential development, and a lack of wider visual impact. For the above reasons, officers are satisfied that the proposals form an exception to inappropriate development within the Green Belt. As such, the proposal is considered to accord with the key objectives of Section 13 of the NPPF.

Scale, layout, appearance, and impact on the character and appearance of the area

- 15.9 The area surrounding Holton Heath Garage is largely residential in character with adjacent properties to the south-west, north-west and north-east consisting of bungalows and / or chalet bungalows with detached houses beyond. Also located to the north-east of the site is a vehicle dealers' forecourt and vehicle repairs and MOT Centre. On the opposite side of Wareham Road is the site of the former Royal Naval cordite factory – a Scheduled Monument – which is screened from the application site and Wareham Road by extensive mature trees and vegetation. The overall character and appearance of the area to the western side of Wareham Road, and directly surrounding the application, is suburban in nature.
- 15.10 The key impact on the character and appearance of the area will result from the proposed increase in canopy height of approx. 1m above the existing canopy height, and approx. 2.3m above the flat roof of the shop building (existing canopy height approx. 0.7m above shop roof). On request of officers, the proposed canopy has already been reduced in height by 0.25m to reduce visual impact. However, it is acknowledged that further reductions in height would have implications for the size of vehicle able to use the premises and, particularly in the case of HGVs and petrol tankers, would increase the risk of canopy collisions as formerly experienced with the lower canopy. Given that the overall mass of the canopy is low, and its dominance limited due to the open sided nature, Officers consider that on balance the required canopy height and size would not result in a significant adverse impact on the character and appearance of the area that would be sufficient enough to constitute a reason for refusal.
- 15.11 In terms of the other proposed development, this includes the provision of four new canopy support columns, four petrol pump islands and fuel dispensers, and a new offset filler for the unloading of fuel. The smaller scale structures are as expected within the forecourt of a petrol station and would not harmfully impact on the wider character and appearance of the area.
- 15.12 Notwithstanding the above, the NPPF (Section 12) and Policy D of the PLP expect new proposals to positively integrate with their surroundings and add to the overall quality of the area. Whilst the proposal will result in a visual improvement to the site, officers consider that additional enhancement can be secured to improve the overall quality of the area in the form of improved and new hard and soft landscaping including, new and improved boundary treatments, suitable waste storage / bin storage provision and a planting scheme. Such enhancements can be agreed by way of a condition (Condition 3) on the decision. In addition, few details are provided of the materials and external finishes of the proposed structures. Those provided include purpose-built metal canopy and new concrete islands. Again, it is considered suitable to require full details to be submitted to the Council for approval before first use on site. This can also be dealt with by way of condition (Condition 4).
- 15.13 In summary, the proposal is considered to accord with the NPPF and Policy D of PLP1 subject to conditions as detailed above.

Impact on neighbouring amenity

- 15.14 The site is surrounded by residential development and concerns have been raised by local residents regarding potential noise and disturbance depending on opening hours. The Council's Environmental Protection Team have been consulted on the proposal and have advised that the intensification of the petrol station use associated with additional pump provision could harmfully impact on neighbouring amenity. However, given that the premises currently benefit from limited constraints, and taking into account the siting on the busy Wareham Road, Officers consider that the site is already subject of an element of uncontrolled background noise and disturbance to neighbouring amenity. This is likely to reduce into the evening when disturbances associated with the intensified petrol station use may become more apparent to neighbouring residential occupiers. As such, it is considered reasonable to apply conditions to the decision restricting the hours of use of the premises by the public and for all deliveries to between 6am and 11pm (Conditions 7 and 8). The same hours of use are conditioned on the planning consent (6/2017/0237) for the Co-op Petrol Station and associated shop in Sandford which is sited in a higher density residential area, and for this reason the hours are also considered appropriate to protect residential amenity surrounding the application site.
- 15.15 In terms of the structures, these would be well screened from existing properties to the north-east, north-west and south-west apart from the unoccupied bungalow of 'The Firs'. Boundary treatments with this property are absent or in a poor state of repair and the bungalow is afforded limited screening or privacy as a result. Subject to suitable screening, it is considered that impacts on the neighbouring amenity of this property would not be demonstrably worse than the previous use of the site. The requirement for suitable boundary treatments with neighbouring residential properties can therefore be included as part of the wider hard and soft landscaping condition (Condition 3) to be included on the decision. In addition, it is considered reasonable to include a condition on the approval to control external lighting with the aim of ensuring that it is appropriate in relation to neighbouring residential uses (Condition 9).
- 15.16 In summary, the proposal is considered to accord with Policy D of PLP1 subject to conditions on the decision.

Impact on highway safety

- 15.17 The site is currently served by two access and exit points onto Wareham Road – one to the north-east and the other to the south-west. The north-east access is shared with owners / occupiers of properties on the park home site to the rear. Several neighbour concerns have been raised over the impact of additional traffic movements associated with the proposal on the existing users of the shared access.
- 15.18 The Council's Highway Engineer has been consulted on the proposal and initially deferred comment whilst awaiting submission of a requested Traffic Assessment in order to assess the implications of the additional traffic generated on the highway network including a swept path analysis and trip generation. A Transport Statement was submitted in June 2022. The Assessment concludes that:

- the site is situated within proximity of existing public transport provision and a footway network which will benefit future staff/visitors.
- There are no outstanding highway safety issues on the surrounding local highway network, which the proposed development site would be expected to exacerbate.

15.19 Traffic generation associated with the extant site operations have been identified alongside the net traffic forecasts for the network peak hours, site peak hours and daily operational hours and that despite the net increase in traffic generated by the development proposals, it can be concluded that the development traffic will be composed of trips which are either 'Pass-by' / 'Diverted' trips.

15.20 Pay at Pump and extendable pump hoses will reduce transaction time and improve throughput with minimal queueing.

15.21 A vehicle tracking exercise identified no constraints associated with the ingress/egress of vehicle movements to all fuel dispensers.

15.22 The conclusions of the Assessment have been fully considered by the Council's Highway Engineer. Following submission of an amended site plan which extends the red line of the application site from the proposed development access up to the highway boundary, thereby denoting right of legal passage, the Engineer has no objection to the proposal. This is subject to conditions in relation to the provision of turning/manoeuvring and parking construction as submitted (Condition 10); provision of a Construction Method Statement prior to the commencement of development (Condition 5) and the direction of lighting away from the highway (Condition 9). The Engineer has also requested a condition requiring the provision of a cycle parking scheme for approval however this is considered unreasonable for the proposed filling station structures. On this basis, the proposal is considered to be acceptable in accordance with Policy IAT of the Purbeck Local Plan 2012.

Flood risk and drainage

15.23 The application site is located in Environment Agency Flood Zone 1 and is not subject to surface water flood risk. However, constraints mapping identifies that the site is located in an area susceptible to groundwater flooding. The Council's Drainage Engineer has been consulted on the proposal and has confirmed that available modelling indicates no ground water flood risk to site. However, due to the increased area of the canopy, a sustainable drainage condition (Condition 6) is required on the decision to ensure that the proposed structures would not worsen flood risk to the site, surrounding area, or highway. On this basis, the proposal is therefore considered to be acceptable in accordance with Policy FR: Flood Risk of the Purbeck Local Plan.

Ground contamination

15.24 The proposal is not supported by a contamination report; however the former uses of the site may result in ground contamination issues arising. The Council's Environmental Health Officer (EHO) has been consulted on the proposal and has verbally raised no objection subject to the inclusion of an unexpected ground contamination condition on the decision (Condition 11). In addition, the EHO has

advised that due to the increase in the number of petrol pumps proposed, and potential change in site ownership, the new owners will be required to submit an application for a Vapour Control Permit from the Council. As the permit application will be dealt with under separate legislation, it is only considered necessary to include an informative note on the planning consent.

Other considerations

15.25 A number of other issues were raised in neighbour and Parish Council consultation responses, and each is addressed below.

Foul sewage – this will be dealt with through any associated Building Regulations application.

Waste storage, trade effluents, hazardous substances – this will be dealt with through other legislation e.g. required Environmental Health permits, fire safety requirements, Building Regulations etc. Waste storage provision is addressed in the 'impact on the character and appearance of the area' section above.

Electric charging points should be considered – whilst Officers encourage applicants to include such provision within their scheme, there is currently no adopted planning policy in place to require provision as part of a planning application.

16.0 Conclusion

16.1 For the above reasons, the proposal is considered to accord with the development plan and the NPPF. It is considered to form sustainable development for the purposes of NPPF paragraph 11 and approval is recommended subject to conditions.

17.0 Recommendation

GRANT subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 2022/290/014c, Block Plan 2022/290/013c, Proposed Site Plan – New canopy 2022/290/010a, Proposed North and South Elevations – New Canopy 2022/290/011a, Proposed East and West Elevations – New Canopy 2022/290/012a.

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

3. Prior to the commencement of any development hereby approved, full details of hard and soft landscape proposals shall be submitted to and approved in

writing by the Local Planning Authority. These details shall include: means of boundary enclosures/treatments, hard surfacing materials, minor artefacts and structures (e.g. furniture, signs, refuse and other storage units), proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc), and a soft landscaping and planting scheme. The development shall be carried out in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

4. Prior to the commencement of development, details and samples of all external facing materials and finishes shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall proceed in accordance with such materials and finishes as have been agreed.

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

5. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Planning Authority. The CMS must include:
 - the parking of vehicles of site operatives and visitors
 - loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - delivery, demolition and construction working hoursThe approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network.

6. Prior to the commencement of development a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction shall be submitted to and approved in writing by the Local Planning Authority. The surface water scheme shall be implemented in accordance with the approved details before the development is completed.

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

7. The premises shall only be used for the purposes hereby permitted between the hours of 6am and 11pm.

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

8. Deliveries shall only be taken at the site between the hours of 6am to 11pm.

Reason: To protect nearby residential accommodation from excessive noise at night-time.

9. No flood lighting or security lighting shall be installed until details of a scheme to control glare or stray lighting has been submitted to and approved in writing by the local planning authority. The scheme shall include timings of use of the artificial lights, shielding and angle of the head to reduce glare and light intrusion on land that it is not owned by the development as appropriate, and must be located and screened in such a manner that no illumination is directed towards the adjoining highway. Thereafter the lighting shall be installed, operated and maintained in accordance with the agreed details.

Reason: To protect visual amenities, avoid nuisance to adjoining properties and to ensure that drivers aren't dazzled or distracted by the light.

10. Before the development is utilised the turning/manoeuvring and parking shown on the submitted plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

11. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. Remediation shall be carried out in accordance with the approved scheme and on completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

Informative Notes:

1. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.
2. A Petrol Vapour Recovery Permit may be required for the use of the site. A Part B Application – Petrol Station can be made via the following link: <https://www.gov.uk/government/publications/application-for-an-environmental-permit-part-b1-standard-facilities-permit> - GOV.UK (www.gov.uk)

3. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.
4. The application relates to above surface works only and any changes / replacement / new fuel tanks will require separate consent.
5. 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:

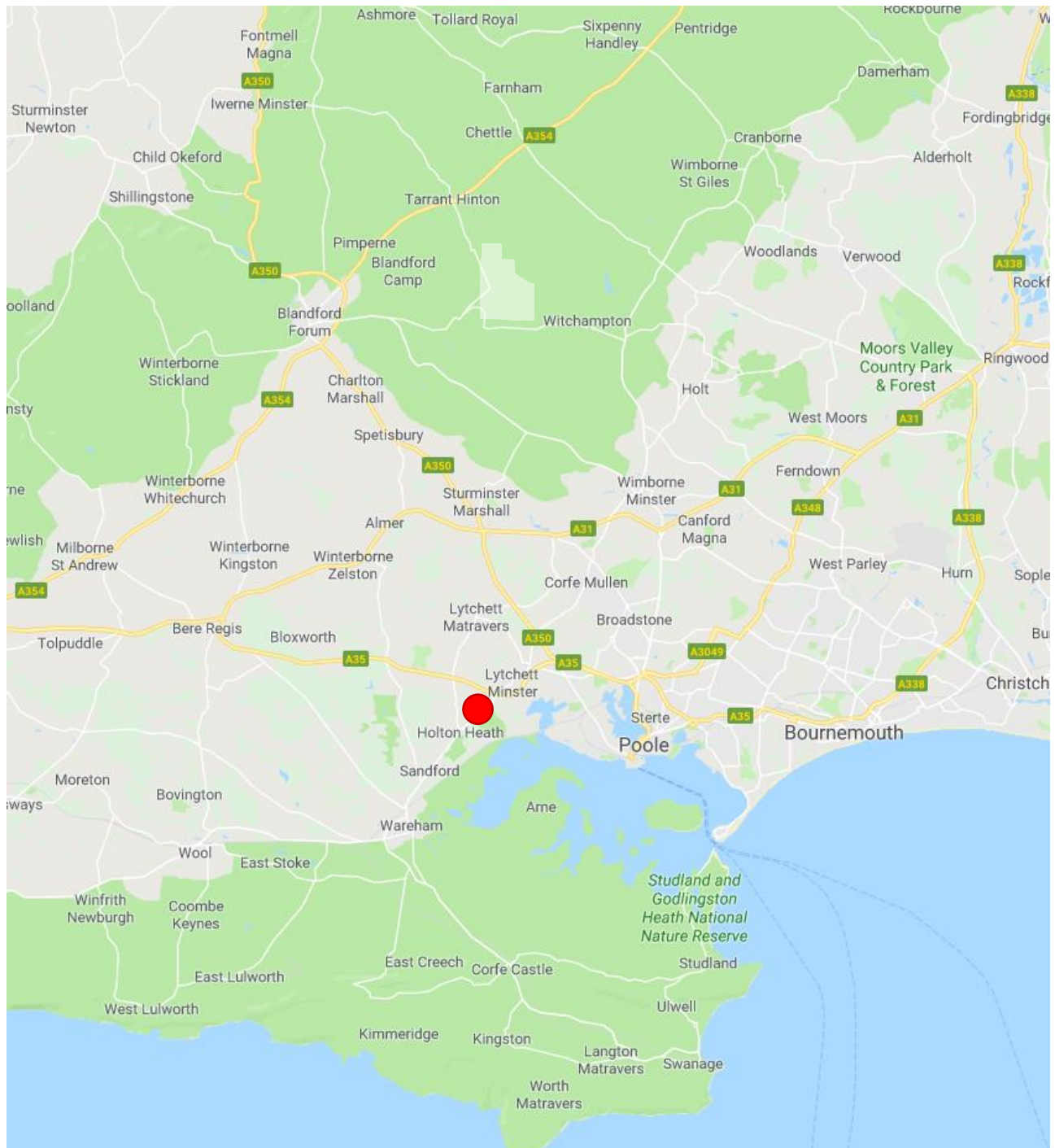
- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

● Approximate Site Location

Application reference: P/FUL/2022/02394

Site address: Holton Heath Garage, Wareham Road, Holton Heath, BH16 6JW

Proposal: Removal of existing canopy, supply and fit of new canopy, fuel dispensers and islands, and new offset fillers.



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